OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:

Starbucks Corporation, Case Nos. 19-CA-292276
19-CA-307871

Respondent,

and

Workers United Labor Union International, affiliated with Service Employees International Union,

Charging Party.

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_____

Place: Seattle, Washington

Dates: May 23, 2023

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of: STARBUCKS CORPORATION, Respondent, and WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION, Charging Party.	Case Nos. 19-CA-292276 19-CA-307871

The above-entitled matter came on for hearing, pursuant to notice, before **DICKIE MONTEMAYOR**, Administrative Law Judge, at the National Labor Relations Board, Region 19, Jackson Federal Building, 915 Second Avenue, 30th Floor, Room 3090, Seattle, Washington 98174-1078, on **Tuesday, May 23, 2023, 9:29 a.m.**

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3 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4 Sarah Pappin	31				

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1 **E X H I B I T S**

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1 **P R O C E E D I N G S**

2 JUDGE MONTEMAYOR: This is a formal hearing before the
3 National Labor Relations Board in the case of Starbucks
4 Corporation and Workers United Labor Union International
5 affiliated with Service Employees International Union, case
6 numbers are 19-CA-292276, 19-CA-307871. I am Judge Montemayor.
7 I'm the administrative law judge who is presiding. I am
8 assigned to the San Francisco division of judges. Any written
9 motions, position statements, or other communications during
10 the hearing should be addressed to that office. We'll begin by
11 having counsel set forth their appearances for the record,
12 starting with counsel for the General Counsel.
13 MS. DEVLEMING: Yes. Thank you, Your Honor. Elizabeth
14 DeVleming, counsel for the General Counsel.
15 MR. MCCASKEY: Morning, Your Honor. Daniel McCaskey,
16 counsel for the General Counsel.
17 MS. MULTHAUP: Marina Multhaup, counsel for the Charging
18 Party, Barnard Iglitzin & Lavitt.
19 MR. KAPLAN: Thomas Kaplan, counsel for the Charging
20 Party, Barnard Iglitzin & Lavitt.
21 JUDGE MONTEMAYOR: And for the Respondent?
22 MR. KIBBE: Michael Kibbe on behalf of Respondent.
23 MS. STROESCU: Nina Stroescu on behalf of Respondent.
24 JUDGE MONTEMAYOR: Thank you. Counsel for the General
25 Counsel has provided me with a copy of the formal papers. Do

1 you intend to introduce formal papers at this time?

2 MS. DEVLEMING: Yes, Your Honor. We offer into evidence

3 the formal papers, which are marked -- marked for

4 identification as GC Exhibit 1(a) through 1(b)(b), inclusive,

5 with Exhibit 1(b)(b) being an index and description of the

6 entire exhibit. This exhibit was also uploaded to the

7 SharePoint file last night, but paper copies have been

8 distributed to the parties this morning.

9 JUDGE MONTEMAYOR: Any objection to the formal papers,

10 which have been denominated as 1(a) through 1(b)(b)?

11 MR. KIBBE: No. Thank you.

12 JUDGE MONTEMAYOR: Those will be admitted.

13 **(General Counsel Exhibit Number 1(a) through 1(b)(b) Received**

14 **into Evidence)**

15 JUDGE MONTEMAYOR: We talked a little bit about

16 sequestration. I am entering a sequestration order in this

17 proceeding. Instead of reading it into the record, I will just

18 incorporate by reference the sequestration order that's found

19 in the judge's handbook under Section 1-300, at page 3, and

20 it's listed as the shortened version of the Greyhound order.

21 I'll remind counsel that it's their responsibility to make sure

22 that their witnesses comply with the sequestration rule. If

23 you have any questions, you want to see that, I have a copy of

24 it here, okay? All right.

25 MS. MULTHAUP: Your Honor, would this be a good time to

1 talk about party reps in the context of sequestration?
2 JUDGE MONTEMAYOR: Say that again. I'm sorry.
3 MS. MULTHAUP: Just that, would this be a good time to
4 talk about party representatives in the context of --
5 JUDGE MONTEMAYOR: Exactly. If you have -- if there are
6 party representatives, then they should be identified now.
7 MS. MULTHAUP: Okay. The Union has Sarah Pappin as a
8 representative for the -- for the Union.
9 JUDGE MONTEMAYOR: Good morning.
10 MS. PAPPIN: Good morning.
11 JUDGE MONTEMAYOR: And there are other folks who are
12 present? Any of those folks --
13 MS. MULTHAUP: Oh, this is Julie Phillips. She's a legal
14 intern with our law office. She's going to be observing today.
15 JUDGE MONTEMAYOR: Welcome.
16 MS. DEVLEMING: And in the back of the room, Your Honor,
17 we have a few of my colleagues from Region 19.
18 JUDGE MONTEMAYOR: Okay.
19 MR. KIBBE: The only thing I would point out is if Sarah
20 Pappin is a witness -- and I'm not sure if she is -- that
21 should she be excluded? I know before the opening statements,
22 but I'm not sure if she'd be excluded any for other purposes
23 we're going to be discussing before we get started today.
24 MS. DEVLEMING: The General Counsel's position is that she
25 is the party representative. So she's entitled to be present.

1 JUDGE MONTEMAYOR: Oh, she's a party representative, so
2 she's entitled to stick around.
3 MR. KIBBE: Is she -- well, Your Honor, is she a witness?
4 Because that's -- that's my question.
5 MS. DEVLEMING: Well, Respondent is not entitled to know
6 our witness list quite yet, but she is.
7 JUDGE MONTEMAYOR: Okay. So let's talk about any
8 preliminary matters. Now, prior to going on the record, there
9 were some questions or some issue raised regarding subpoenas in
10 the documents. Where -- where are we at in regards to that?
11 MS. DEVLEMING: Thank you, Your Honor. General Counsel
12 had about 20 -- 25 minutes to begin the process of reviewing
13 the production. It appears that the files were provided in
14 multiple formats, at least one of which is at least readable.
15 However, there are some many hundred, if not a thousand plus,
16 documents. And after 25 minutes of review, many of them are
17 well outside the temporal scope of the subpoena dated 2017,
18 2018, which is not what we requested. I haven't seen one
19 that's remotely responsive to any subpoena paragraph or that
20 could be arguably relevant to the case. So we certainly have a
21 concern about this document dump and Respondent's effort to,
22 you know, waste time by providing things that are not relevant
23 and that are well outside the scope of the subpoena.
24 JUDGE MONTEMAYOR: Now, my recollection is that the time
25 frame that you were interested in was the time period from --

1 MS. DEVLEMING: January 1, 2021, through --
2 JUDGE MONTEMAYOR: -- January 1, 2021.
3 MS. DEVLEMING: -- we have capped it at the date the
4 complaint -- the consolidated complaint issued, March 2023.
5 JUDGE MONTEMAYOR: 2023. Counsel, any response?
6 MR. KIBBE: Yeah, Your Honor. I'd encourage the General
7 Counsel's office to look through the thousands of pages that
8 they claim we produced and to see if there's any other relevant
9 information. Whether we produced other documents that we
10 believe was responsive is outside of the scope of the issue.
11 If they want to see what we produced, they need to look at it.
12 If they need more time to do that, they certainly have a right
13 to do that. But we complied with the subpoena as we understood
14 it.
15 MS. DEVLEMING: Your Honor, the General Counsel would
16 argue this is part and parcel of Respondent's now year-plus of
17 delay tactics in these cases. Obviously, a document dated 2017
18 could not, under any circumstance, be argued to be responsive
19 to a subpoena. There are request documents beginning January
20 2021. So that's just not, you know, a -- that's a very
21 disingenuous response to the concern.
22 JUDGE MONTEMAYOR: Okay. So now you've identified that as
23 an issue. So what -- what shall we do about it? What do you
24 propose is the solution?
25 MS. DEVLEMING: Well, ideally, Respondent would cure its

1 production and provide only documents dated from January 1,
2 2021, to the date of the complaint, only documents
3 substantively responsive to the subpoena request items. And if
4 we had that by tomorrow, we would be able to resume with this
5 witness and fill in any gaps we might need to do. Obviously,
6 that burdens and prejudices our case somewhat, but we can pull
7 it together. I don't think it would behoove any of the parties
8 to spend all day today for us to sift through a thousand
9 plus -- or, as counsel admitted, thousands plus documents --,
10 most of which, if not many of which, are not responsive to the
11 subpoena.
12 JUDGE MONTEMAYOR: Counsel. Is that acceptable? Is that
13 something that you're okay with?
14 MR. KIBBE: No, Your Honor. I -- I honestly have no idea
15 what 2017 documents she's referencing, to be honest with you.
16 She's saying one document out of a thousand apparently falls
17 outside of the scope. That doesn't mean it's not responsive.
18 I'd have to look at it to see what it is. But I can tell you
19 that Starbucks spent hours and days and months, even, to
20 collect the information that's been requested today. So yes, I
21 understand their position is they're frustrated. But believe
22 me, we did everything we could to respond to this subpoena as
23 we saw fit, and as you ordered.
24 JUDGE MONTEMAYOR: Okay. So why don't we do this? Why
25 don't we go off the record for just a second. It sounds

1 like --

2 (Off the record at 9:38 a.m.)

3 JUDGE MONTEMAYOR: Coming back on the record. The Union

4 wanted to interpose its position regarding subpoenaed

5 documents; is that correct?

6 MR. KAPLAN: Your Honor, we subpoenaed documents from --

7 from opposing counsel from Starbucks, and we received the

8 responsive privilege log that has several empty fields where

9 attorney work products and attorney-client privilege is

10 claimed. We can't see from who or to make these documents are.

11 There's -- there's really no information about the documents,

12 except for numbers identifying them and their claimed

13 privilege.

14 In other cases, it appears the documents are sent from

15 Starbucks, not from -- from Starbucks to Starbucks. And we

16 can't see any evidence in the "from" or "to" columns here that

17 there is any attorney that's a party to these communications.

18 So we really -- we received a privilege log that doesn't really

19 give us any way to understand what is -- what the privilege is

20 being claimed for or which communications in particular.

21 MR. KIBBE: Yeah. Our position is we fully complied with

22 the requirements of the privilege log.

23 MS. MULTHAUP: Your Honor, it's clear that a privilege

24 log, at the minimum, has to identify basic facts about the

25 document, for example, who it's from and who it's to. And some

1 do and some don't. And so Starbucks can't just say this is
2 attorney-client privilege, not giving any indication about if
3 there's even an attorney on the communication.
4 JUDGE MONTEMAYOR: Well, it's difficult for me, not having
5 the information in front of me, to understand fully what the
6 issue is. I don't have the document. I don't have the
7 privilege log in front of me. I don't know what Respondent's
8 position is. So I can't really make a decision on it. At this
9 point in time, it's another thing that I think you guys can
10 talk about. You know, if there's something missing and you
11 think so, if the -- if they agree, then maybe you can come up
12 with something. If not, then I'll have to address it.
13 But I can't address it without seeing what the privilege
14 log has in it. And you know, at some point in time, I have to
15 make a determination of whether that suffices or not. But at
16 this point in time, I -- we'll sort of put that on hold. We'll
17 let you have some discussions about that and see if you can
18 resolve it. Okay?
19 MR. KIBBE: Thank you.
20 JUDGE MONTEMAYOR: Again, we'll try to be efficient here.
21 And part of that efficiency effort is to try to help you all
22 see what you can resolve amongst yourselves. And if you're not
23 able to, then I'll resolve it. Okay?
24 MS. MULTHAUP: Thank you.
25 JUDGE MONTEMAYOR: All right. We'll go off the record.

1 (Off the record at 9:41 a.m.)

2 JUDGE MONTEMAYOR: We're going back on the record. We
3 were off the record to give the parties an opportunity to
4 discuss issues regarding subpoenas and documents and other
5 privilege-log issues that the parties were having some
6 difficulty with. So let's kind of recap here and see where
7 we're at in terms of those discussions. And we'll start, I
8 guess, with counsel for the General Counsel. Tell us where
9 General Counsel is at in terms of any of these issues.

10 MS. DEVLEMING: Thank you, Your Honor. Yeah,
11 unfortunately, the off-the-record discussions were not
12 productive. But I don't think we should delay the matter any
13 further. So thankfully, I have a very able co-counsel sorting
14 through the 3,000-plus documents provided. And if we need to
15 pull an all-nighter, we'll do that, too. I do want to pass it
16 over to Union counsel to talk about their subpoena, though.
17 Because in our case, we have an order from Your Honor that the
18 production must cover at least from January 1, 2021, to the
19 date of the complaint. It sounds like, though, we are unclear
20 what the production for the Union subpoena is.

21 MS. MULTHAUP: Thank you, Your Honor. If it's okay, we
22 have a question about the time frame. And then we also want to
23 bring up subpoenas that were served on the workers. But first,
24 the -- the Union served a subpoena asking for a five-year time
25 frame for comparator evidence. There was a unproductive meet-

1 and-confer, where we tried to compromise for three years. Then
2 Starbucks filed a petition to revoke, I believe, indicating
3 that they would produce comparator evidence for the past three
4 months. The Union received production, and we simply asked
5 Starbucks' counsel to clarify what time frame they produced the
6 comparator evidence for. And I -- we have not been able to get
7 an answer. So we just would like a factual answer.
8 JUDGE MONTEMAYOR: So the question is, you -- you
9 initially asked for five years, and then there was some
10 agreement to produce three years. Is that what you're saying?
11 MS. MULTHAUP: There was not agreement. We offered the
12 compromise of three, and they did not accept.
13 JUDGE MONTEMAYOR: Offered the compromise for three years.
14 Okay. And so there was some production, and they just want to
15 know what was produced, in terms of the time frame.
16 MR. KIBBE: I believe it's between January 1, 2020, to the
17 present.
18 MS. MULTHAUP: 2020, is that what you said?
19 MR. KIBBE: That's right.
20 MS. MULTHAUP: Okay. Thank you. Okay. And then we also
21 have -- we would also like to bring up the issue of workers --
22 subpoenas that were served on the workers by Starbucks.
23 JUDGE MONTEMAYOR: Let -- let me just --
24 MS. MULTHAUP: Sorry.
25 JUDGE MONTEMAYOR: -- interrupt you there. Before you get

1 to that --

2 MS. MULTHAUP: Yeah.

3 JUDGE MONTEMAYOR: -- there was some issue regarding the

4 privilege log. Were you able to iron that out? We you able to

5 talk about that?

6 MS. MULTHAUP: Thank you, Your Honor. Starbucks clarified

7 one question. And another question I have is, Starbucks

8 offered to put a question in to the powers that be. So we're

9 just --

10 MS. STROESCU: And I did to that, Your Honor.

11 MS. MULTHAUP: -- waiting on answer for that.

12 MS. STROESCU: So we are waiting for one additional

13 answer.

14 JUDGE MONTEMAYOR: And so you're still --

15 MS. STROESCU: Yeah.

16 JUDGE MONTEMAYOR: -- kind of working on that --

17 MS. STROESCU: Yes.

18 JUDGE MONTEMAYOR: -- issue? Okay.

19 MS. MULTHAUP: Thank you.

20 JUDGE MONTEMAYOR: All right.

21 MS. MULTHAUP: We might have follow-up questions after

22 that.

23 JUDGE MONTEMAYOR: Regarding the petition to revoke the

24 Union file?

25 MS. MULTHAUP: Yes.

1 JUDGE MONTEMAYOR: I just got that right now, like --
2 MS. MULTHAUP: Okay.
3 JUDGE MONTEMAYOR: -- ten minutes ago. I have -- really
4 haven't looked at it. I haven't seen any response from the
5 Respondent. I don't know if they've --
6 MR. KIBBE: We haven't drafted a response yet or submitted
7 one. We can if it would be helpful.
8 JUDGE MONTEMAYOR: Okay.
9 MR. KIBBE: We probably --
10 JUDGE MONTEMAYOR: Well, I don't know. I suppose we could
11 first hear about it, and then we'll see where we're at
12 regarding that. Okay. Let's -- now, we can kind of go into
13 that. But I just want to make clear for the record that I
14 haven't really seen it. I -- I just got the email, like,
15 literally, like, five minutes ago with -- with that in it, so.
16 Go ahead. Tell us about it.
17 MR. KAPLAN: Your Honor, for -- by way of summarizing the
18 essence of these subpoenas, we believe that five Starbucks'
19 workers received subpoenas from opposing counsel. These
20 subpoenas seek impermissible pre-trial discovery. And much
21 more importantly, they -- they impinge on protected Section 7
22 communications between Starbucks' workers and management,
23 independently violating Section 8(a)(1) of the Act. To the
24 extent that any responsive materials do exist -- and we've been
25 able to locate only two documents, and they would already be in

1 the Employer's possession. But we -- we would welcome a
2 decision by -- by Your Honor. With regard to these subpoenas,
3 we feel that they, by design, intrude on protected sections of
4 an activity by workers.
5 JUDGE MONTEMAYOR: Counsel?
6 MR. KIBBE: Your Honor, it's a unique argument I've heard
7 before in other areas. It's not anything that impinges upon
8 Section 7 rights. In fact, that's -- this is specifically
9 excluded in our subpoena. We say we do not want any
10 information or communication we've had with NLRB. What we
11 requested is, if there are recordings of any kind, written or
12 otherwise, of management communication between the worker and
13 management, that's what we're asking for. That's very
14 different than asking for communications between the NLRB and
15 the -- the worker, which we don't want. And we're trying to be
16 as explicit as possible. We're not interested in it.
17 JUDGE MONTEMAYOR: Okay. So Respondent's position is they
18 want zero -- anything -- they want anything regarding Section
19 7, but only communications between --
20 MR. KIBBE: Any note --
21 JUDGE MONTEMAYOR: -- what is it, manager or --
22 MR. KIBBE: Any note, recording of a management
23 communication of any kind. So this would be -- a good example,
24 would be a -- a worker just -- I don't know any of them by
25 name, but just a worker, in general, takes notes of a meeting

1 they have with the management at some point in time during the
2 relevant period. That's it.
3 JUDGE MONTEMAYOR: With that clarification is the -- does
4 that satisfy your objections? Is there some other issue?
5 They're saying they don't want any Section 7 information.
6 MR. KAPLAN: Your Honor, that -- that is an internally
7 inconsistent argument. The fact that these conversations with
8 management and the contents of those conversations are Union
9 activities, so any -- the -- you know, any documents which
10 memorialize conversations by employees with management are
11 protected documents in this case. Furthermore, only two of the
12 individuals who received subpoenas were actually named in the
13 complaint. So the other three, you know, these -- they're
14 not -- it's a -- a fishing expedition to find protected Section
15 7 activities by employees not even named in their complaint, to
16 discover whether or not they have had any conversations with
17 management, which would be protected 7 activities and the
18 contents of those conversations.
19 So while the -- you know --, there might be a wording in
20 the subpoena that says we specifically exclude protected
21 Section 7 activities, the subpoenas is directed specifically at
22 protected sections of activities and communications as a
23 background.
24 JUDGE MONTEMAYOR: I'll take that all under
25 consideration. I can't -- I haven't seen the subpoena. I

1 haven't really read the -- the petition to revoke. I sort of
2 skimmed it real quick. Counsel for the Respondent, they may
3 wish to file a -- a response, so that the record is complete
4 regarding their position. Seems like there's some big
5 disagreement here with you between whether or not information
6 sought relates to Section 7 activity. Obviously, I -- not
7 having seen the subpoena or having studied any of the issues
8 here, I -- I can't really rule on it. We'll sort of table that
9 until we get further information. Okay? Okay.
10 Anything else before we --
11 MS. DEVLEMING: Two more quick matters, Your Honor. The
12 first is that the parties reached a brief stipulation of facts
13 and one attached joint exhibit. Which the Joint Exhibit 2
14 attachment is an 80-page document, so rather than printing
15 multiple copies, I have one copy for the court reporter. I
16 could share my copy with you, if you'd like to look at it. It
17 is also uploaded to the SharePoint site.
18 JUDGE MONTEMAYOR: Okay.
19 MS. DEVLEMING: And counsel have all signed onto the three
20 page-stipulation of facts this morning. So I would offer Joint
21 Exhibit 1 and 2, Joint Exhibit 1, being the stipulation of
22 facts.
23 JUDGE MONTEMAYOR: And counsel for the Respondent, you've
24 reviewed that?
25 MR. KIBBE: Yes.

1 JUDGE MONTEMAYOR: Any objection to Joint Exhibit 1 and 2?
2 MR. KIBBE: No.
3 JUDGE MONTEMAYOR: 1 and 2 will be admitted.
4 **(Joint Exhibit Numbers 1 and 2 Received into Evidence)**
5 MS. DEVLEMING: Would you like to glance at them, Your
6 Honor, or should I just give them to Respondent? And then just
7 one other very quick matter, Your Honor. Unfortunately, in the
8 stipulation of facts, the parties were not able to reach a
9 stipulation as to some very basic threshold dates in the
10 related representation case proceeding in this matter. It's
11 case, 19-RC-289458, involving the store located at 425 Pike
12 Street here in Seattle, at issue in this case.
13 Also in the answer, it is not admitted nor denied the
14 dates of the petition and certification, for example. So I
15 would simply ask Your Honor to take judicial notice of the
16 dates of the petition filing, the tally of ballets, you know,
17 the count, date, and the certification of representative in
18 this matter. I can provide those dates if you'd like.
19 JUDGE MONTEMAYOR: Does Respondent have any position
20 regarding taking judicial notice of those facts?
21 MR. KIBBE: Probably don't have any objection, Your Honor.
22 I'd just like to see the documents, if there -- if there are
23 any that they'd like to submit.
24 MS. DEVLEMING: I wasn't going to put the documents in,
25 but I have them if you'd like to look at them. Certainly can

1 put the documents in, if you prefer.

2 MR. KIBBE: I have no objection to these being admitted

3 into evidence.

4 MS. DEVLEMING: So that's Joint Exhibit 3?

5 MR. KIBBE: Sure.

6 MS. DEVLEMING: Is that okay with the Union?

7 MS. MULTHAUP: No objection.

8 JUDGE MONTEMAYOR: Joint Exhibit 3, which consists of four

9 pages, first page, RC petition, second page, tally of ballots,

10 third page, certification of representative, and fourth is

11 titled "notice of bargaining obligation". So that -- that's

12 what I verify as showing Exhibit 3. That will be admitted.

13 **(Joint Exhibit Number 3 Received into Evidence)**

14 MS. DEVLEMING: That's all the administrative matters for

15 General Counsel. Thank you.

16 JUDGE MONTEMAYOR: Anything else before we call the first

17 witness -- well, do opening statements and then call the first

18 witness, anything else? Okay. Why don't we go ahead and

19 proceed to opening statements. Counsel for the General

20 Counsel, you'll be given the opportunity to go first.

21 MS. DEVLEMING: Thank you, Your Honor. My co-counsel,

22 Daniel McCaskey, is going to provide the opening statement.

23 MR. MCCASKEY: Morning, Your Honor. On January 25, 2022,

24 Starbucks' employees at the 5th and Pike store in Downtown

25 Seattle filed a petition seeking Union representation with the

1 Board. Respondent reacted immediately, with coordinated,
2 long-term tactics designed to thwart employees' organizing
3 efforts through unlawful threats, coercion, and a ramp up of
4 its enforcement of certain policies. This approach resulted in
5 multiple disciplines and the termination of one Union-
6 supporting employee.
7 Only two days after the petition was filed, Respondent
8 store manager told its employees that they had already lost
9 benefits since they had filed the petition, that voting to
10 unionize would result in the loss of further benefits, and that
11 bargaining a contract would take multiple years and could
12 result in a further loss of benefits. In the months that
13 followed, the Respondent store manager and then district
14 manager continued to rebuff employees' organizing efforts with
15 its unlawful threats, statements of futility, and solicitation
16 of grievances.
17 In addition, the store manager, for the first time, also
18 required its employees to review and sign off on certain of
19 Respondent's individual personnel policies. These included
20 Respondent's internal technology policy, attendance and
21 punctuality policy, social-media policy, and dress-code policy.
22 Further, between the filing of the petition and the conduct of
23 the election, employees at the 5th and Pike Store were also
24 required to attend mandatory individual meetings with the
25 district manager, in an effort to intimidate and coerce them

1 into voting against the Union.

2 On top of this, Respondent started more strictly enforcing
3 certain personnel policies by prohibiting employees from
4 engaging in protected activities using the store's iPads. Soon
5 thereafter, Respondent began disciplining employees over minor
6 time and attendance issues that had historically been -- that
7 had historically not resulted in discipline. Then, in around
8 mid-April, Respondent coached, and then disciplined, one of the
9 most outspoken Union supporters not only at the store, but
10 throughout the Pacific Northwest region, its eight-year
11 employee and shift supervisor, Sarah Pappin.

12 Respondent disciplined Ms. Pappin for cursing at work, in
13 the back of the store, away from the customers, even though
14 that behavior had been widely tolerated prior to the petition
15 being filed. The day after Ms. Pappin was issued her written
16 warning, the 5th and Pike employees went on their first strike.
17 In early June, on the final day of business before the
18 scheduled mail-ballot count, Respondent issued a final written
19 warning to Union supporter Tai Nelson Huang, and followed that
20 up later in the month with his discharge, four days after the
21 store employees went out on their second strike. Both Huang's
22 final written warning and discharge involved time and
23 attendance issues that had been historically tolerated by
24 Respondent at the store.

25 On June 14th, the Union was certified as the store

1 employees' representative, but that didn't slow down
2 Respondent. And Ms. Pappin was targeted for her activism about
3 a month later. In mid-July, Respondent issued a final written
4 warning to Ms. Pappin for having been late to work twice in two
5 months, despite its history of tolerating not only tardiness,
6 but an array of attendance and punctuality violations prior to
7 the petition being filed.
8 The employees then went out on their third strike the next
9 day. In mid-November, they went out on their fourth strike.
10 The very next day after the fourth strike, Respondent removed a
11 bulletin board from the store that was used by its unit
12 employees to communicate with one another, and threw away its
13 employees' personal items that had long been posted there.
14 Respondent admittedly took this action without notifying or
15 bargaining with the Union and its employee certified bargaining
16 representative.
17 In sum, consistent with its practice across the country,
18 Respondent engaged in a pattern of intimidation, showcasing its
19 anti-union animus at its 5th and Pike store location, targeting
20 those employees who supported the Union both during the
21 laboratory (phonetic throughout) period between the petition
22 filing and the election, and in the months thereafter. Your
23 Honor, counsel for the General Counsel urges you to hold the
24 Respondent accountable for the violations alleged. We are
25 ready to proceed. Thank you.

1 JUDGE MONTEMAYOR: For the Respondent?
2 MS. STROESCU: Good morning, Your Honor. My name is Nina
3 Stroescu, and along with my co-counsel, Michael Kibbe, we
4 represent Starbucks in this matter. The allegations in this
5 hearing take place, as General Counsel mentioned, at a store
6 called, shorthand, 5th and Pike store, but it's actually
7 located at 425 Pike Streak -- Pike Street --, excuse me. The
8 allegations start from January 26, 2022, and go through
9 November 17th, 2022, so roughly about 11 months of allegations.
10 Given the length of the allegations, there are different
11 supervising employees at the 5th and Pike store during this
12 time frame. And for clarification purposes throughout this
13 hearing, I would like to go over those names really quick.
14 From January 26, 2022, to August 6, 2022, Jeremiah Mackler, who
15 goes by "Jer", was the store manager at 5th and Pike. His
16 direct supervisor, also the district manager of the 5th and
17 Pike Store, was Amy Quesenberry, and Amy was the district
18 manager overseeing the store from January 2022 to the end of
19 June 2022. At the end of June 2022, a new district manager
20 overtook the district, the 5th and Pike store. His name was
21 Ryan Lassiter, and he continues to be the district manager
22 today.
23 At the store manager lev -- level, Jeremiah Mackler left
24 the store around August 2022. And there's since then two
25 predecessors, the first predecessor being Christy Ferguson, who

1 held the position of store manager from August 3rd, 2022 to
2 November 9th, 2022. Then, Jeremy Strickland took over as store
3 manager on November 7th, 2022, and he's the current store
4 manager today.
5 The evidence in this hearing will show that, despite the
6 allegations in the consolidated complaint, there are no
7 restrictions on partners -- which is also the name for
8 Starbucks' employees -- borrowing shifts from their home store,
9 the store that they are assigned, to another store. Borrowing
10 shifts allows partners to work additional hours, expand their
11 knowledge and experience. And they're given an opportunity to
12 work with other supervisors and partners in the Starbucks'
13 community.
14 Despite the claims in the consolidated complaint, the
15 evidence will show that no statements were made by Jeremiah
16 Mackler, the store manager, that partners could no longer
17 borrow shifts at other stores and partners from other stores
18 could no longer borrow shifts at the 5th and Pike store due to
19 the petition for representation. In fact, the evidence in this
20 hearing will show that partners were informed that the
21 borrowing process would not be affected by the organizing
22 activity and that borrow -- borrowing continued to happen
23 weekly despite the pending petition for representation.
24 The evidence in this hearing will show that Starbucks, by
25 and through Jeremiah Mackler, store manager, and Amy

1 Quesenberry, district manager, never interfered with employees'
2 rights guaranteed under the Act. The evidence will show that
3 any alleged statements made by Jeremiah Mackler or Amy
4 Quesenberry are not correctly stated in the consolidated
5 complaint.
6 The evidence will show that Jeremiah never stated that it
7 would be futile for the partners to select the union as their
8 bargaining representative. Jeremiah never stated to partners
9 that, if they unionized, they would not be able to directly
10 approach management with any problems. The evidence will show
11 that Jeremiah never told partners that, if they chose union
12 representation, they would be unable to participate directly in
13 the collective bargaining process.
14 The evidence will show that neither Jeremiah nor Amy
15 stated that, if partners go on strike, everyone has to go on
16 strike. In fact, the evidence will show that Jeremiah made a
17 point to let the partners at the 5th and Pike store know that,
18 if they did not want to strike, they could come to work.
19 The consolidated complaint alleges that Mr. Mackler --
20 Mackler more strictly enforced certain policies and procedures
21 and had partners review and sign off on these policies and
22 procedures. This is true. The evidence in the hearing will
23 show that Mr. Mackler had a practice of having partners review
24 and sign off on policies where he recognized that these
25 policies were not being properly followed.

1 This is a practice that Mr. Mackler utilized as a store
2 manager, during his tenure as a store manager, and a practice
3 that was followed when he was a partner working as a barista
4 for Starbucks. Additionally, Mr. Mackler enforced Starbucks'
5 policies as allowed and outlined in the Starbucks' partner
6 guide. This was required as part of his position.
7 The evidence in the hearing will show that Mr. Mackler
8 noticed that, during the COVID time frame, a lot of the
9 policies were not followed. Because most importantly, they
10 were following COVID guidelines and making sure that partners
11 felt safe and secure working shifts during COVID.
12 As we came out of COVID in 2022, Mr. Mackler noticed that
13 other policies, such as dress code, time and attendance,
14 cursing, were not being followed strictly because the focus had
15 been on the COVID policies. And so he decided to conduct what
16 he calls a level set to review with his team and go over the
17 policies so that everyone had a refresh. They reviewed the
18 policies. They signed off on them. Everyone understood what
19 these policies were and that they were going to continue to be
20 enforced just as they had been done pre-COVID.
21 Along with enforcing Starbucks' policies and procedures,
22 Mr. Mackler did issue warnings where appropriate, including
23 warnings to partners for time and attendance violations for
24 being late to shifts, or cursing, which is prohibited by
25 Starbucks' policy. The evidence will show that Mr. Mackler

1 separated an employee for continuous violations of the
2 Starbucks' time and attendance policies. And this is not the
3 only employee to be separated from Starbucks for a violation of
4 time and attendance policies.
5 Mr. Mackler only issued corrective action where
6 appropriate. The evidence will show that he did not do this to
7 discourage employees from engaging in union activities, or as a
8 coordinated tactic by Starbucks as alleged by General Counsel,
9 but simply because it was in his job duties and
10 responsibilities as required by the policies and procedures in
11 place.
12 Finally, the evidence in today's hearing will show that a
13 bulletin board from the 5th and Pike location was removed from
14 the manager's office. This evidence will show that district
15 manager Ryan Lassiter removed the bulletin board to provide a
16 coat rack to the Starbucks' partners at the 5th and Pike
17 location after the partners had expressed that a coat rack was
18 needed as they entered the rainy season. He simply did it to
19 provide a place that they could hang their coats and their
20 personal belongings while working, not for any other motive.
21 The evidence that you'll hear from General Counsel and
22 counsel for the Union throughout this hearing do not support
23 any violation of the National Labor Relations Act by Starbucks.
24 As such, at the end of this hearing, we request that Your Honor
25 dismiss the consolidated complaint in its entirety. Thank you.

1 JUDGE MONTEMAYOR: Thank you.

2 Why don't we take -- we go off the record? We'll take a

3 short --

4 (Off the record at 10:35 a.m.)

5 JUDGE MONTEMAYOR: We're going back on the record.

6 Counsel for the General Counsel, do you have a witness

7 you'd like to call?

8 MS. DEVLEMING: Yes. Thank you, Your Honor. General

9 Counsel calls Sarah Pappin.

10 JUDGE MONTEMAYOR: Please have a seat over here.

11 We'll begin by having you sworn, so please raise your

12 right hand.

13 Whereupon,

14 **SARAH PAPPIN**

15 having been duly sworn, was called as a witness herein and was

16 examined and testified as follows:

17 JUDGE MONTEMAYOR: Do you mind stating and spelling your

18 name for the record, please?

19 THE WITNESS: My name is Sarah Pappin, S-A-R-A-H,

20 P-A-P-P-I-N.

21 JUDGE MONTEMAYOR: You may begin, Counsel.

22 MS. DEVLEMING: Thank you, Your Honor.

23 **DIRECT EXAMINATION**

24 Q BY MS. DEVLEMING: Good morning, Ms. Pappin. May I call

25 you Sarah?

1 A Absolutely.
2 Q May I ask your pronouns?
3 A She/her.
4 Q Have you ever worked for Starbucks Corporation, the
5 Respondent in this case?
6 A I have.
7 Q When were you first hired at Starbucks?
8 A I was hired in the end of the year 2013.
9 Q At which store were you initially hired?
10 A 6th and Union.
11 Q Where do you work now?
12 A 5th and Pike.
13 Q How do 6th and Union, 5th and Pike compare to each other
14 geographically?
15 A They're essentially on opposite corners of the same block.
16 Q Does the 6th and Union location still exist?
17 A No, it is not. It was closed.
18 Q And did the 5th and Pike location exist when the 6th and
19 Union location did?
20 A No, 5th and Pike was opened to replace 6th and Union.
21 Q Do you know the store number of 5th and Pike?
22 A 60580.
23 Q How long would you say you've worked at 5th and Pike? I
24 know you've just explained kind of this convoluted history.
25 A Yeah, so 5th and Pike opened in September of 2020, and

1 I've worked there since then.
2 Q And how long have you --
3 MS. DEVLEMING: Scratch that.
4 Q BY MS. DEVLEMING: Have worked at any other stores during
5 your tenure -- tenure with Starbucks?
6 A In between 6th and Union closing in January of 2020 and
7 5th and Pike opening in September 2020, I worked at one, two,
8 three, four different stores.
9 Q And what's your current job title at 5th and Pike?
10 A Shift supervisor.
11 Q Is that the job title you held between about January 2022
12 and Janu -- or sorry, July 2022?
13 A Yes.
14 Q Do you work a particular shift?
15 A I do; I work opening shifts.
16 Q What are your hours?
17 A Usually, 4:30 a.m. to 1 p.m.
18 Q You start at 4:30. When do you sleep?
19 A Well, I sleep a little bit at night and a little bit in
20 the afternoon.
21 Q Were you --
22 A Naps are very important.
23 Q Did you work the opening shift during those same dates,
24 between about January and July 2022?
25 A I did, yeah.

1 Q In your own words, what are your job duties as a shift
2 supervisor?
3 A So a shift supervisor is the cash controller. So they're
4 in charge of making sure all the money in the store is secure
5 and accounted for. They deploy the baristas into different
6 positions throughout the store. So we guide what tasks are
7 being done, what positions are being filled. We do various --
8 I forgot what we do. We do ordering. We do ordering for,
9 like, supplies, food, different food pulls, just basic things
10 like that. And we work really closely with the manager, of
11 course, to understand what the goals for the store are and how
12 to achieve them day to day.
13 Q When you say "the manager", are you referring to the store
14 manager?
15 A Yes, the store manager.
16 Q Who's the store manager at 5th and Pike?
17 A Jeremy Strickland.
18 Q Do you to remember, approximately, when Jeremy Strickland
19 came on as the store manager?
20 A I believe it was in November of 2022.
21 Q And who was the store manager before Jeremy Strickland.
22 A Before Jeremy Strickland, there was Christy -- I forget
23 Christy's last name. And we also had -- there were two store
24 managers for a period of time, so it was Christy and Stephen
25 Button.

1 Q And I think our record reflects that the store manager at
2 the time was Christy Ferguson. Does that name ring a bell?
3 A Yes.
4 Q And I know these spellings are pretty straightforward so
5 far, but just in case, can we spell Jeremy's name and Christy's
6 name?
7 A Yes. Jeremy Strickland, J-E-R-E-M-Y -- E-Y? Starbucks'
8 barista can't spell names. I know that.
9 Q And his last name?
10 A Strickland, S-T-R-I-C-K-L-A-N-D.
11 Q And Christy's spelling?
12 A C-H-R-I-S-T-Y, Ferguson, F-E-R-G-U-S-O-N.
13 MS. DEVLEMING: I'll just note for the record that Joint
14 Exhibit 1 has some of these names in it as well.
15 Q BY MS. DEVLEMING: And who was the store manager at 5th
16 and Pike before Christy and Stephen?
17 A Jer Mackler.
18 Q When did Jer Mackler become the store manager?
19 A In the fall of 2021. I believe it's either late August or
20 early September.
21 Q And do you remember approximately when he left the store?
22 A July or August of 2022. I believe it was August.
23 Q Does your store currently have an assistant store manager?
24 A We do not currently have one.
25 Q Has it -- has it recently had an assistant store manager?

1 A Yes, we had Maribeth Findley was our assistant store
2 manager from summer of 2021 until about three months ago.
3 Q In 2021, so a year and a half?
4 A Oh, since the summer of 2022. I apologize.
5 Q And do you know the spelling of Maribeth's name?
6 A M-A-R-I F-I-N-D-L-E-Y. Sorry, M-A-R-I-B-E-T-H, Maribeth,
7 Findley, F-I-N-D-L-E-Y.
8 Q Does she sometimes also go by Mari?
9 A She does.
10 Q Before Mari Findley came on, between about January 2022
11 and when she began, did 5th and Pike have an assistant store
12 manager?
13 A We did, under the store manager prior to Jer. So in 2021,
14 we had various assistant store managers.
15 Q But not between January 2022 and when Mari came on?
16 A Correct.
17 Q And who is 5th and Pike's current district manager?
18 A The current district manager is Ryan -- I apologize. I
19 swear I'm normally better with names. Ryan.
20 Q Okay. The record, I think, in -- Joint Exhibit 1 reflects
21 the last name Lassiter. Does that ring a bell?
22 A That's correct, yes.
23 Q Do you know how to spell Ryan's full name?
24 A R-Y-A-N, Lassiter, L-A-S-S-I-T-E-R.
25 Q And what is a district manager at Starbucks?

1 A So a district manager manages a district of stores, which
2 is usually about ten different Starbucks' locations that are
3 close to each other geographically. And the district manager
4 is essentially the store managers' boss. He -- they function
5 as a middleman that helps filter information from upper
6 management to the store level, provide guidance to store
7 managers when they need to, like escalate something if they
8 don't know the answer to something, help set goals for the
9 store.
10 Q And do you remember approximately when Ryan Lassiter came
11 on as the 5th and Pike store's district manager?
12 A June or July of 2022.
13 Q Who was the district manager for 5th and Pike before that
14 point?
15 A Amy Quesenberry.
16 Q And do you know how to spell Amy's name?
17 A Shockingly, I'm good at this one. A-M-Y, Q-U-E-S -- I
18 jinxed myself. If I can write it out, I can do it. I just,
19 like, can't --
20 Q I'll save you the trouble. I think Joint Exhibit 1 again
21 reflects the spelling of the name Q-U-E-S-E-N-B-E-R-R-Y?
22 A Thank you.
23 Q And just for the record, you pronounce that with kind of a
24 K sound. Is that your understanding of the pronunciation of
25 her name?

1 A It is.
2 Q When did --
3 JUDGE MONTEMAYOR: I'm sorry. Was she the district
4 manager?
5 THE WITNESS: She was the district manager, yes.
6 Q BY MS. DEVLEMING: And when did Ms. Quesenberry come on as
7 the district manager for 5th and Pike?
8 A I don't recall exactly when. I believe it was in, like,
9 the fall of 2021.
10 Q And she was district manager between about January 2022
11 and when she left, as you just testified?
12 A Correct.
13 Q As a shift supervisor at 5th and Pike, are you currently
14 represented by the Charging Party union, Workers United?
15 A I am.
16 Q Do you hold any type of leadership roles with the union as
17 of today?
18 A I don't hold a formal role within the union. I'm not
19 staff, for example. I do have an informal role that we refer
20 to as a worker organizer. So it's just a worker who helps with
21 the organizing, helping with, you know, other workers,
22 disseminating information, anything that really needs done.
23 Q And is that -- as a worker organizer, do you specifically
24 work with your coworkers at 5th and Pike, or is it beyond 5th
25 and Pike?

1 A Definitely with my coworkers at 5th and Pike, but also
2 much beyond with them. I work with Starbucks' workers around
3 the city and the state, Pacific Northwest, and even throughout
4 the nation.
5 Q Are you a member of any union committees?
6 A I am.
7 Q Which committees?
8 A I am a member of the external comms committee, the
9 national contract action team -- locally, the Seattle
10 organizing committee, 5th and Pike's organizing committee.
11 Those are the ones I can think of off the top of my head.
12 Q What does the external comms committee do?
13 A External comms does press, all sort of, like, media
14 requests. We handle putting out press releases, planning,
15 like, press conferences. We do social media stuff. We respond
16 to press requests, and yeah.
17 Q Have you personally been quoted in the press with respect
18 to the 5th and Pike store?
19 A I have.
20 Q And another committee you named, the contract action
21 committee, what does that committee do?
22 A That committee works with the bargaining committee to plan
23 actions around bargaining.
24 Q Are you on the bargaining committee?
25 A Yes and no. I am a liaison from the NCAT to the NBC, so I

1 sit in their meetings, but I'm not a formal committee member.
2 I don't have voting rights.
3 Q And the NCAT would stand for national contract action
4 team?
5 A Uh-huh.
6 Q And the other acronym you just gave?
7 A NBC is the national bargaining committee.
8 Q When did you first take on your first leadership role, one
9 of these things you've described?
10 A Pretty rapidly after starting to organize at my store. My
11 store, we coordinated with another store to file on the same
12 day. And that just became sort of, like, city organizing and
13 then Pacific Northwest organizing.
14 Q Which other store was that?
15 A Westlake drive-through.
16 Q So did you become involved in a leadership role before or
17 after the January 25th petition was filed for 5th and Pike?
18 A It's a pretty muddy timeline, somewhere in January.
19 Q Are you paid by the union in any of the roles you've just
20 described?
21 A No.
22 Q Were you involved in -- I think you already alluded to
23 being somewhat involved in the filing of the 5th and Pike
24 petition. Can you expound on that?
25 A Yes, so I worked with our staff organizer and our legal

1 team. I got -- I collected union cards once they had been
2 signed and provided them to the NLRB.
3 Q Was management aware at that time where you were
4 collecting signatures and submitting the petition?
5 A Not as far as I'm aware.
6 Q At some point, did your store manager become aware?
7 A I believe so.
8 Q Why do you believe that?
9 MR. KIBBE: Objection. Calls for speculation.
10 Q BY MS. DEVLEMING: Did you discuss with the store manager
11 the fact that a petition had been filed?
12 A I did.
13 Q Okay. Tell us about -- when did you first discuss the
14 petition with your store manager?
15 A The day after we filed, so January 26th.
16 Q And remind us, who was the store manager at that time?
17 A Jer Mackler.
18 Q Where were you when you discussed the petition with Jer?
19 A We were in the back of house.
20 Q At the store?
21 A At the store.
22 Q Was anyone else around?
23 A There was another shift supervisor, Alice Vala.
24 Q And how do you spell Alice's name?
25 A A-L-I-C-E, V-A-L-A.

1 Q And what did you -- how did the conversation begin?
2 A We had worked most of a shift together at that point, Jer
3 and I had, and I knew that he knew that we had filed a petition
4 at that point. But he hadn't -- he hadn't, like, said anything
5 about it other than just being, like, a little bit off and
6 defensive all day. And so when Alice came in, Alice and I and
7 Jer were in the back, and I took an opportunity to just be
8 like, if you want to talk about it, we can, if you have any
9 questions, we're happy to answer them, just let us know.
10 Q And did Jer respond?
11 A He did. He said that he just -- that -- essentially, that
12 there was a lot to figure out with -- like, what -- what all
13 that meant, the filing. And he was just sort of -- he
14 expressed confusion about why it was happening and just
15 basically said that there are a lot of things that he needed to
16 find out more information on and used specifically the example
17 of we had partners who were supposed to borrow at our store
18 that week. And he said that he had to figure out how that was
19 going to work because partners couldn't borrow at our store
20 anymore.
21 MR. KIBBE: Your Honor, I'm going to object on the basis
22 of hearsay.
23 MS. DEVLEMING: It's an admission of a party opponent.
24 It's the store manager.
25 JUDGE MONTEMAYOR: Objection is overruled.

1 Q BY MS. DEVLEMING: Tell us what borrowing means when you
2 use that term?
3 A So everybody has a home store, which is their store that
4 they work at every day, but we also have the freedom to pick up
5 shifts at other stores, and we call that borrowing.
6 Q So is it borrowing -- I think you just made this clear,
7 but for me, it's confusing. When you pick up a shift at a
8 different store other than 5th and Pike, that is called
9 borrowing?
10 A Correct, yeah.
11 Q So someone coming to 5th and Pike, you're borrowing them
12 to 5th and Pike. That's kind of the opposite?
13 A We would refer to it the same way, as borrowing, yeah.
14 Like, so if a partner from another store was working a shift at
15 my store, I would refer to them as a borrowed partner.
16 Q You are -- but they are borrowing at your store versus
17 being borrowed from another shore, or would you use those --
18 A Yeah, we would use both, yeah.
19 Q Did you ever follow up with Jer? Jer said he needed to
20 confirm -- that he was confused and needed to follow up about
21 things. Did you ever follow up with him about that subject of
22 borrowing?
23 A Yes. So when he first said that people couldn't borrow at
24 our store, I told him that he should get further clarification
25 on that. Because I was pretty confident that that was not the

1 case, and so I basically told him, you should talk to your boss
2 about that and make sure that that's true. Later in the week,
3 he was talking about -- again about partners not being able to
4 borrow at our store after the petition. And so I told him
5 again, like, have you, like, followed up on this, because
6 that's not accurate, people can still borrow.
7 Q Let's circle back. So you said he was talking about this?
8 A Uh-huh.
9 Q This was later in the week?
10 A Uh-huh.
11 Q Where was -- where were you located?
12 A In the back of house.
13 Q And what -- was this a one-on-one conversation with Jer?
14 A As far as I recall.
15 Q And what exactly do you remember him saying?
16 MR. KIBBE: Objection. Hearsay.
17 MS. DEVLEMING: It's an admission of a party opponent.
18 JUDGE MONTEMAYOR: Objection is overruled.
19 THE WITNESS: He was just reiterating the same thing, that
20 he basically needed to figure out how he was -- these shifts
21 that were supposed to be covered by a partner were going to be
22 covered if they -- if the borrowed partner wasn't able to work
23 them because of the petition.
24 Q BY MS. DEVLEMING: Before we get too far afield, you being
25 quoted in the press about 5th and Pike; were you quoted about

1 the subject of the petition?
2 MR. KIBBE: Relevance.
3 MS. DEVLEMING: It goes to show the witness's union
4 activities and the Employer's knowledge of --
5 JUDGE MONTEMAYOR: Objection is overruled.
6 THE WITNESS: I was. I was quoted in an article from Vice
7 that came out on April -- sorry, January 25th, the day that we
8 filed. So yeah, I was quoted in that one. I've also been
9 quoted in several others since then.
10 MS. DEVLEMING: Okay. Permission to approach the witness?
11 JUDGE MONTEMAYOR: Sure.
12 MS. DEVLEMING: Your Honor, I have handed the witness
13 what's been marked for identification as General Counsel
14 Exhibit 3. And forgive me, 2 will be coming in a minute.
15 Q BY MS. DEVLEMING: Sarah, can you take a minute to look
16 through this document, and once you have done so, just look up
17 at me? Do you recognize this document?
18 A I do.
19 Q What is it? It's an article by Vice, by Lauren Gurley,
20 talking about the -- the petition by my store and the other
21 Seattle store.
22 Q Okay, and this is dated January 25th. Is this the article
23 you were just referring to, the Vice article?
24 A It is.
25 MS. DEVLEMING: Your Honor, I would offer General Counsel

1 Exhibit 3.

2 JUDGE MONTEMAYOR: Any objection to 3?

3 MR. KIBBE: Yes. Hearsay, foundation, and relevance.

4 JUDGE MONTEMAYOR: Response?

5 MS. DEVLEMING: The witness is quoted in the article. The
6 relevance goes, again, to her union activity, the Employer's
7 knowledge of said activity. Foundation, she was a source for
8 the article that's published in Vice.com, Tech by Vice,
9 Motherboard.

10 I guess, ultimately, I'm offering the article for the fact
11 that Ms. Pappin was quoted in the news on January 25th, 2022,
12 to the date of the potential filing, as being involved in the
13 petition filing. So if we could reach a stipulation as to that
14 effect, or that's all I need to offer it for.

15 MR. KIBBE: Well, Your Honor, if I may, she already
16 testified that she was quoted in the news, in the Vice article.
17 This is an article that she said -- hey, that was a quote, got
18 it -- that she didn't write the article. And I have no idea if
19 this is a true and correct article or not because nobody from
20 Vice is here to tell me it is.

21 JUDGE MONTEMAYOR: Well, I mean, I'll inquire, are you
22 offering the article to establish the truth of what's said in
23 the article?

24 MS. DEVLEMING: I am offering the article as evidence that
25 Ms. Pappin was quoted in -- in the news -- in -- in this case,

1 in Vice -- on January 25th about the subject of the petition.
2 JUDGE MONTEMAYOR: And that the -- is the assertion that
3 that quote is accurate?
4 MS. DEVLEMING: I can certainly ask the witness. That
5 would be my --
6 JUDGE MONTEMAYOR: All right. Lay the foundation
7 regarding that quote.
8 MS. DEVLEMING: -- yeah, offer of proof.
9 Q BY MS. DEVLEMING: So looking at the top of page 3, Ms.
10 Pappin, I see your name there?
11 A Uh-huh.
12 Q And it looks like that at least this one quote is the
13 first and second paragraph. Do you remember giving that quote
14 to a Vice reporter?
15 A I do.
16 Q Let me just skim through it here. And then on the very
17 last page -- sorry, I should have Bate's numbered these, 1, 2,
18 3. Page 6 of General Counsel's 3, the middle paragraph, I see
19 your name again. Do you remember giving that quote to the Vice
20 reporter?
21 A I do.
22 MS. DEVLEMING: Again, Your Honor, I would offer it for
23 the limited purpose of the fact that Ms. Pappin was quoted in a
24 news source on January 24, 2022 about her involvement in the
25 filing of the 5th and Pike petition.

1 JUDGE MONTEMAYOR: General Counsel's 3 will be admitted.
2 **(General Counsel Exhibit Number 3 Received into Evidence)**
3 MS. DEVLEMING: Your Honor, I've now presented the witness
4 with what's been marked identification as General Counsel
5 Exhibit 2.
6 Q BY MS. DEVLEMING: Sarah, can you take a minute to look at
7 this document? Do you recognize this document?
8 A I do.
9 Q What is this?
10 A This is a Tweet from the Starbucks Workers United account
11 announcing the petition that my store and Westlake drive thru
12 had put for a Union election. And attached is the letter that
13 we wrote to Kevin Johnson, then CEO, explaining why we were
14 filing a petition to unionize.
15 Q So on page 1, toward the middle of the page, at the bottom
16 of the Tweet, I see a date, January 25th. Do you remember
17 seeing this Tweet on the Workers United page on about January
18 25th, 2022?
19 A I do.
20 Q And then pages 2 and 3, is it my understanding that this
21 is -- well, I guess looking back at page 1, there's kind of a
22 blurry thing in the middle with a Starbucks Workers United
23 green logo in the top left. Is that the next few pages
24 blown -- kind of blown up on the next two pages?
25 A Correct.

1 Q And this is the letter to Mr. Johnson that you referred
2 to?
3 A Correct.
4 Q Looking at page 3 of the exhibit, the second page of the
5 letter, I see your name there listed first under 5th and Pike.
6 Did you choose to sign off on this letter?
7 A I did choose to sign off on this letter, yes.
8 MS. DEVLEMING: Your Honor, I would offer General Counsel
9 Exhibit 2?
10 JUDGE MONTEMAYOR: Any objection to 2?
11 MR. KIBBE: Yes. Hearsay, foundation, relevance with at
12 least with respect to the references to 1200 Westlake Avenue.
13 MS. DEVLEMING: Yeah, I'm not offering it for 1200 West
14 Avenue. I'm again, simply offering it for the fact that Ms.
15 Pappin is named first in a letter to the CEO, which was
16 published on the Union's Twitter page on January 25th, 2022,
17 about the petition filed for 5th and Pike on that date.
18 JUDGE MONTEMAYOR: General Counsel's 2 will be admitted.
19 **(General Counsel Exhibit Number 2 Received into Evidence)**
20 Q BY MS. DEVLEMING: Did you have any other press
21 engagements about the petition in the immediate -- immediate
22 aftermath?
23 A Yes. So on the morning of the 25th, there was a press
24 conference that we did at Starbucks' headquarters. And then in
25 the evening of January 25th, there was a rally that I spoke at,

1 at a local park.

2 MS. DEVLEMING: Your Honor, I have presented the witness

3 with -- which -- with what has been marked for identification

4 as GC-4.

5 Q BY MS. DEVLEMING: Sarah, do you recognize this document?

6 A I do.

7 Q What is this?

8 A This is a photo of me that was taken at the rally, in the

9 evening that I mentioned, when I was speaking.

10 Q On what date?

11 A On January 25th.

12 Q Where was this rally located?

13 A It was located at Cal Anderson Park in Capitol Hill.

14 Q Is that a neighborhood in Seattle?

15 A It is.

16 Q How many people were at the rally?

17 MR. KIBBE: Relevance.

18 MS. DEVLEMING: Your Honor, it goes to show the knowledge.

19 The prevalence of her presence in terms of talking about the

20 petition.

21 JUDGE MONTEMAYOR: I'll allow the question.

22 THE WITNESS: I would estimate there's a couple hundred

23 people, in person, and news cameras.

24 Q BY MS. DEVLEMING: Do you remember which news sources were

25 there?

1 MR. KIBBE: Relevance.

2 MS. DEVLEMING: Again, it goes to show the prevalence and

3 the knowledge.

4 JUDGE MONTEMAYOR: I'll allow the question.

5 THE WITNESS: I remember talking to a local Fox News

6 camera. I don't specifically remember which other news

7 agencies there were.

8 MS. DEVLEMING: Your Honor, I offer General Counsel 4.

9 JUDGE MONTEMAYOR: Any objection to 4?

10 MR. KIBBE: Yes. A lack of foundation, in particular, and

11 relevance. I -- I don't even know what this is, or where it's

12 from, to be honest with you.

13 JUDGE MONTEMAYOR: Counsel?

14 MS. DEVLEMING: Well, Your Honor, I'm offering it as a

15 picture, a demonstrative exhibit, showing that Sarah Pappin

16 spoke at a press conference that she just testified about on

17 January 25th, at Cal Anderson Park.

18 JUDGE MONTEMAYOR: 4 will be admitted.

19 **(General Counsel Exhibit Number 4 Received into Evidence)**

20 Q BY MS. DEVLEMING: Okay, Sarah. And I'm sorry to jump

21 around, but we were talking about this subject of borrowing,

22 and how it can come back again later in the week.

23 A Um-hum.

24 Q At any point did that subject come up in a group setting?

25 A Yes. There was a meeting awhile after those

1 conversations, where borrowing had come up. And Jer had, once
2 again, said that -- I believe this is when he said that if we
3 unionized, that -- like, if we voted to unionize, that
4 that -- we could lose the ability to borrow.
5 Q Okay. And we'll go into a little more detail about what
6 Jer said in a minute. But what kind of meeting was this?
7 A This was a shift supervisor meeting.
8 Q Do you remember who all was present for the meeting?
9 A It was most of our supervisor team, but I believe not all
10 of it. We had a large supervisor team at that time. I
11 remember, specifically, Alica Vala was there, Cori Green, and
12 Micah Lakes.
13 Q I think we got Alica's spelling. Cori, how do you spell
14 Cori's first name?
15 A C-O-R-I.
16 Q And the last name is just like the color?
17 A Correct.
18 Q And then Micah Lakes, how you spell his name?
19 A M-I-C-A-H, L-A-K-E-S.
20 Q And I'm sorry if I -- if I'm misrepresenting pronouns. I
21 should have used a they. And where was this being located?
22 A This was located at 5th and Pike.
23 Q Okay. And to the best of your recollection about when,
24 with respect to the filing of the petition, was the meeting?
25 A I remember sometime after -- I think it was pretty close

1 afterwards.
2 Q And when you say pretty close, a month, a couple of days?
3 A A week, or less.
4 Q Okay. And so tell me what you remember about that meeting
5 in terms of the subject of borrowing coming up?
6 A I remember -- so I -- actually, now that I'm thinking
7 about it, yes, it was pretty close after we petitioned.
8 Because we were, once again, just offering Jer an opportunity
9 to ask any questions, or if there's anything that he wanted to
10 talk about of the petition. And he brought up the borrowing
11 thing.
12 Yeah, it was just a typical, like, shift supervisor
13 meeting. We -- at that time, we'd typically have them once a
14 month-ish. But they're just, like, an hour-long meeting, where
15 we talk about things happening in the store. And of course,
16 the petition having happened so recently, that was the biggest
17 thing happening in the store.
18 Q And so you testified that Jer had earlier indicated he
19 needed to, kind of, ask some questions, follow-up about
20 subjects, including the borrowing subject. What specifically,
21 do you remember him saying at this meeting about borrowing?
22 MR. KIBBE: Hearsay.
23 MS. DEVLEMING: Admission of the party-opponent.
24 JUDGE MONTEMAYOR: The objection is overruled.
25 THE WITNESS: That he believed that we wouldn't be able to

1 borrow if we -- or that we wouldn't be able to do borrowing, in
2 general. Like, have partners borrowing, or us borrow out if we
3 unionized.
4 Q BY MS. DEVLEMING: How long did this meeting last?
5 A They're usually an hour long.
6 Q How much of the hour-long meeting was spent discussing the
7 petition?
8 A I would say maybe, like, two thirds. Like, more than
9 half.
10 Q Okay, so about 40 minutes. So did you discuss the subject
11 of borrowing that whole time?
12 A No. We talked about a lot of things that had been going
13 on.
14 Q Do you remember what else Jer -- what else did you discuss
15 of -- in pertaining to the petition?
16 A We had noticed that Jer seemed to be taking the filing a
17 little personally, just in the way that his demeanor overall
18 was much less interactive with the team. And so we, like, were
19 taking the opportunity to make sure he knew, like, this wasn't
20 about him, specifically. It wasn't "you're a bad manager, and
21 so we're organizing", but you know, talking about the sort of,
22 like, systemic issues that we were dealing with within the
23 company that were causing us. So it was kind of assuring him,
24 personally, a little bit, and then also, kind of talking about
25 the bigger issues that we had.

1 Q Did Jer mention contract bargaining?
2 A I don't recall if he mentioned contract bargaining at that
3 meeting.
4 Q Did he mention benefits?
5 A He -- I think there's a general -- to the best of my
6 recollection, he talked sort of generally and vaguely that he
7 just -- there was a lot of I just don't understand kind of
8 phrasing. Like, I don't understand, you know, why you would
9 want to go through a process that, you know, could take a long
10 time. That it, you know, you could lose some of your benefits.
11 I just don't understand, basically, why this is happening.
12 Q Did he clarify what meant about by a process, or what he
13 meant by a long time?
14 A I don't recall if -- at that meeting, if he was explicit
15 about contract negotiations.
16 Q Was there another meeting where he was?
17 A There was another meeting that I had with him, and another
18 store manager, where we talked very explicitly about contract
19 negotiations.
20 Q Okay. What was the tone of this shift supervisor meeting
21 held soon after the petition was filed?
22 A It was --
23 MR. KIBBE: Improper opinion. Calls for speculation,
24 tone. How's she supposed to --
25 MS. DEVLEMING: Witness -- I'm only asking the witness for

1 a sense of what the tone of the meeting was.
2 JUDGE MONTEMAYOR: I'll allow the question.
3 THE WITNESS: It was -- it was a little awkward at first.
4 Like, Jer kind of had been avoiding talking about the Union.
5 And like, I said, it seemed like his feelings were kind of
6 hurt. So we -- there was some just assuring it -- it -- it
7 felt a lot like we were trying to appease. And he was just,
8 sort of, frustrated and upset.
9 Q BY MS. DEVLEMING: Let's shift a little bit. So prior to
10 the filing of the petition, and I won't repeat the date every
11 time I'm referring to the January 21st, 2022, 5th and Pike
12 petition, did your district manager meet directly with you or
13 other 5th and Pike partners on a regular basis?
14 A Not on a regular basis.
15 Q When you say that on an infrequent basis?
16 A Occasionally, if a partner had a concern that they wanted
17 to talk about above the store manager level, or there's a
18 period between the transitions between -- when we had our --
19 the store manager before Jer, and then Jer coming in was
20 like -- like a month-long process. And so there were times
21 where Amy was sort of our point of contact.
22 Q And that's Amy Quesenberry, the district manager?
23 A Correct.
24 Q And a regular, you know, excluding that month transition
25 period, how frequently before the petition was filed would the

1 district manager meet one on one, or meet with individual
2 employees about issues?
3 A Very, very, occasionally, and only if it was requested by
4 the store partner.
5 Q So not on any regular, concurrent --
6 A No.
7 Q -- basis?
8 A Not at all.
9 Q Did Amy visit the store on a regular basis before the
10 petition was filed?
11 A Yes.
12 Q Did that increase after the petition was filed?
13 A Somewhat. Our district is, you know, right downtown. And
14 so it's not -- it's pretty common for the district managers to
15 use our stores. It's -- the -- the lobby is there, kind of,
16 like, office for the day. It -- I didn't perceive a big
17 increase in her coming in after the petition.
18 Q When was the first time you can recall her visiting the
19 store after the petition -- petition was filed, roughly?
20 A It was, I believe, within a couple of days after the
21 petition.
22 Q Okay. And did you talk to Amy that day about the
23 petition?
24 A I don't -- I don't recall if I talked to her about the
25 petition in that time.

1 Q Was there -- did it ever occur that you spoke with Amy
2 about the petition or the Union?
3 A Not that I recall right now.
4 Q So is it your testimony that you don't recall ever
5 speaking to the district manager about the subject of the
6 petition?
7 A I -- I'm sure that we did speak about it. I am having
8 trouble recalling any specific conversation, like, a specific
9 instance.
10 Q Okay. Is there something that would refresh your
11 recollection?
12 A I've given an affidavit where I've spoken about these
13 conversations.
14 MS. DEVLEMING: Permission to approach, Your Honor?
15 JUDGE MONTEMAYOR: Yes, you may.
16 MS. DEVLEMING: And actually, I'll speak here into my
17 microphone before I do. I'm going to approach the witness with
18 an affidavit, and ask her to identify it, and go from there.
19 And maybe I'll speak into your microphone.
20 Q BY MS. DEVLEMING: Okay. Sarah, do you -- I guess I
21 should show them first.
22 MS. DEVLEMING: I'm going to show her just a sentence.
23 JUDGE MONTEMAYOR: Okay.
24 MS. DEVLEMING: Okay.
25 Q BY MS. DEVLEMING: Sarah, I'm presenting you with a

1 document. Do you recognize this before you look at it closely?
2 A I do recognize it.
3 Q Okay. I'm going to -- do you see your signature here on
4 the final page of the document?
5 A I do.
6 Q And it's dated April 6th, 2022?
7 A Correct.
8 Q Is this an affidavit you provided during the
9 investigation?
10 A It is.
11 Q I'm going to direct your attention to page 3, line 19 to
12 20. Nothing else.
13 A Um-hum.
14 Q If you can just read that two lines to yourself.
15 A On February 9th --
16 Q No, no. To yourself, sorry.
17 A Sorry.
18 Q Great. Okay, thank you. Does that refresh your
19 recollection?
20 A It does.
21 Q Okay. Have you ever spoken with Amy Quesenberry about the
22 petition?
23 A I have.
24 Q And do you now recall when that might have happened?
25 A Yes. In early February, we all had meetings scheduled to

1 talk, one-on-one, with our store manager about the benefits
2 that Starbucks offers. Amy ended up sitting in on all of those
3 meetings. And during the meeting that I had with Amy and Jer,
4 we spoke about the petition.
5 Q Okay. And where was this meeting held?
6 A At 5th and Pike.
7 Q Okay. And it was -- was it -- do I understand it was just
8 you, and Amy, and Jer, or anyone else?
9 A No.
10 Q Just the three of you?
11 A Correct.
12 Q What kind of meeting is this?
13 A It was to review the various benefits that Starbucks
14 provides.
15 Q Had Starbucks held these types of ben -- benefits
16 conversations with employees before the petition?
17 A Not that I've ever experienced.
18 Q Was this the type of meeting that, historically, Amy
19 Quesenberry would have attended?
20 A No.
21 Q And how did the meeting begin?
22 A It began with Jer and Amy, basically, showing me a
23 document that explained all of the different Starbucks'
24 benefits, and kind of reviewing, point-by-point, each of the
25 different benefits.

1 Q And I believe that's been a subject of a different case,
2 so I'm going to move you on quickly.
3 A Um-hum.
4 Q Did you testify, at some point, it came to the subject of
5 the 5th and Pike petition?
6 A Yes.
7 Q And who spoke first about that subject?
8 A I don't recall who brought it up.
9 Q Okay. What do you remember about what was brought up
10 about that?
11 A I -- I recall -- sorry, this has been a year. I recall
12 discussing there were some things, like, I had requested a
13 raise, and I wanted to talk to them about that. And we
14 discussed that because of the petition, I couldn't receive --
15 like, I couldn't request a raise like I normally could.
16 That's -- that's what I recall.
17 Q Okay. And just kind of as a side point, was there a
18 pre-election hearing held in the representation case in this
19 matter?
20 A There was.
21 Q Did you testify at that hearing?
22 A I did.
23 MS. DEVLEMING: Your Honor, I'd ask that you just take
24 administrative notice of the date of the pre-election hearing,
25 February 18th, 2022.

1 MR. KIBBE: I don't object to that.
2 JUDGE MONTEMAYOR: So noted for the record, we'll take
3 administrative notice of that.
4 MS. DEVLEMING: Thank you, Your Honor.
5 Q BY MS. DEVLEMING: Sarah, after February of 2022, did you
6 have any more conversations with management about the petition?
7 A Yes, several times.
8 Q Do you remember when the next one was, approximately?
9 A They -- they were relatively frequent during that time
10 period, so I apologize if my memory's a little bit -- it's all,
11 kind of, muddled together.
12 Q Did you discuss the Union further with the Jer Mackler?
13 A I did.
14 Q To the best of your memory, was this months after the
15 petition was filed, weeks?
16 A Weeks. I mean, and all throughout that time period.
17 Q Okay. Do you remember any specific conversations with
18 Jer, that we haven't already spoken about, about the petition?
19 A It was something that was talked about frequently. So
20 trying to recall specifically, is difficult. I --
21 Q Well, how about this. You referred earlier that there had
22 been a time when Jer had been more explicit about timing of
23 contract bargaining. Do you remember when that conversation
24 happened?
25 A Yes.

1 MR. KIBBE: Misstates prior testimony. Otherwise, I don't
2 object.
3 MS. DEVLEMING: The record will reflect. I think that was
4 just a summary of her prior testimony. Vaguer than her
5 specific testimony, but --
6 JUDGE MONTEMAYOR: Objection is overruled.
7 THE WITNESS: Yes, there was a meeting that I had with Jer
8 and another store manager who was temporarily assigned to our
9 store. That's Eddie Heitger. E-D-D-I-E, H-E-I-T-G-E-R. It
10 was just a private meeting between the three of us, and I --
11 Jer and I, previous to this meeting, had had a couple of
12 relatively contentious conversations. Some of them were Union
13 related. Some of them were just about how things in the store
14 were operating at that time.
15 But in particular, there had been an instance where our
16 hours had been cut really badly, and people were really
17 stressed out about it. And I had given it to him as an
18 example, of like, this is the kind of thing that is an example
19 of a systemic issue that we have, you know, that we would like
20 to see fixed.
21 And that conversation then devolved into a longer
22 conversation about scheduling and, you know, how things worked.
23 And it was a pretty contentious conversation, so then we had
24 this meeting with him and Eddie.
25 Q BY MS. DEVLEMING: Before we dive into the meeting, where

1 was the meeting held between the three of you?
2 A At 5th and Pike.
3 Q And do you remember, roughly, with respect to the filing
4 of the petition, roughly when this meeting was?
5 A I believe it was in March.
6 Q March 2022?
7 A Yes.
8 Q Okay. Now, tell me about the meeting. How did this
9 meeting begin?
10 A So we started with talking about, sort of, more of
11 these -- like our previous conversations that Eddie wanted to
12 kind of, like, mediate this discussion, and come to a place
13 where we were both more at ease with each other. And so we
14 talked again about, like, you know, this is -- these are
15 things, like, cutting hours -- our hours are things that
16 significantly impact our livelihoods. And so people are going
17 to be upset when that happens. And you know, that that's a
18 good example of, like, the kind of protection that we're
19 seeking by unionizing.
20 And Jer started talking about then, like, I just don't
21 understand. And in particular, I remember he said something to
22 the effect of, I just don't understand why you would want to go
23 through this process that can take years and, you know, you
24 might not even get anything out of it in the end.
25 Q Did Jer say -- say anything else about the petition?

1 A Not about the petition, but about bargaining.
2 Q What did Jer say about bargaining?
3 A I -- well, when he said that it -- it will take years or
4 whatever, I said that that's largely on the company side. And
5 you know, we don't want it to take years, and we're happy to,
6 you know, bargain quickly. And he said that that wasn't
7 something that, you know, would be, like, up to us, and that
8 we, as workers, wouldn't have, like, a say in the contract.
9 That it would be something that the Union just, like, bargained
10 for us, and we would just have to accept with no input. And I
11 told him that that's not how it worked, and he said that that
12 is how it works. And I said no, it's not. And then we moved
13 the conversation along.
14 Q Did the subject of borrowing come up, again?
15 A I believe borrowing is the thing that prompted us to talk
16 about, like, contract negotiation in general, because he was
17 very firmly of the opinion that if we -- that a contract that
18 we put in place would make it so that we couldn't borrow. And
19 I told him that, you know, borrowing is something we as
20 employees like to do.
21 So there wasn't any reason why we were going to bargain a
22 contract that made that, you know, not possible. And you know,
23 that borrowing something that the company also benefits from,
24 so that there's no reason that I could understand why the
25 company would negotiate that out. So I don't -- I didn't see

1 any reason to say that we wouldn't be able to borrow once we
2 negotiated a contract, because I don't -- I just don't see that
3 happening.
4 Q And how did Jer respond to that, if at all?
5 A That's when he said that I -- we wouldn't get a say in how
6 the contract was bargained, and that we wouldn't have any
7 influence on if borrowing was in there or not.
8 Q Okay. Let's transition a bit. If you can remember back
9 when you were hired, nine or so years ago now, in 2013 -- or I
10 guess, almost ten years ago. Were you provided with copies of
11 any written workplace rules, or an employee handbook?
12 A I was given a copy of the partner guide.
13 Q What is the partner guide?
14 A The partner guide is like a -- it's like a manual that you
15 read when you first start, and it just talks about all the,
16 sort of, procedural and compliance kind of things. Different
17 policies, basically.
18 Q Were you required to sign on to the partner guide when you
19 were hired?
20 A As far as -- as best as I can recall, it was nine years
21 ago, there's like a -- a front page that you, like, sign. And
22 then it, like, tears out, and then you keep the -- the rest of
23 it.
24 Q Did you have to sign any individual policy?
25 A No, not that I recall.

1 Q Were you walked through the policies in detail with a
2 manager, or someone at Starbucks?
3 A No. No, the manager just gives you the -- the guide, and
4 says here. Read this and give it back to me when you're done.
5 Q About how long is the partner guide, or was the one that
6 you read in 2013?
7 A I -- I remember it took me about an hour to read. I would
8 estimate that its somewhere between 50 and 100 pages.
9 Q Are you aware, sitting here today, whether Starbucks
10 maintains a social media policy, a written social media policy?
11 A Today -- yes, today I am.
12 Q When did you become aware of that?
13 A During the course of that -- like, during the time period
14 that we've discussed. During --probably, approximately
15 February and March of 2022.
16 Q Okay. I will talk about that in a minute. But other
17 policies, are you aware, sitting here today, whether Starbucks
18 maintains an internal technology policy?
19 A Yes, sitting here today.
20 Q And when did you first learn of the existence of such a
21 policy?
22 A At the same time as the social media, in February of 2022.
23 Q What about a dress code policy, or a time and attendance
24 policy?
25 A Those I were -- was aware of, were policies that exist.

1 Q And what about a solicitation policy?
2 A I learned about that at about the same time.
3 Q For the first time?
4 A Yes.
5 Q And when you say at the same time?
6 A As the -- the social media and internal technology
7 policies in February of 2022.
8 Q So let's talk now about how you learned about, at least,
9 those three policies for the first time in about February 2022.
10 A Um-hum.
11 Q How did that come about?
12 A Jer had a one-on-one conversation with me, where he had
13 those policies. It was my understanding that there had been a
14 supervisor meeting previously that I had missed, due to illness
15 or vacation, where he had discussed these with the rest of the
16 supervisor team. So he basically, had just done like a make-up
17 meeting with me to review these policies.
18 Q And just to make sure the record's clear, when you refer
19 to supervisors or supervisor meetings, you're referring to
20 shift supervisors like yourself?
21 A Correct.
22 Q Who are statutory employees covered by the Act?
23 A Correct.
24 Q And sor -- sorry, I interrupted. So this was a one on one
25 since you miss the shift supervisor meeting?

1 A Correct. Yeah, he had asked me to, like, at the end of my
2 shift, just meet with him quickly before I left for the day.
3 Q And where was this meeting held?
4 A At 5th and Pike.
5 Q And what happened during that meeting?
6 A He basically explained that he'd been over these policies
7 with the other supervisors, and he wanted to make sure we went
8 over them as well. And gave me copies of each of the policies
9 from the -- not the partner guide, but from the partner
10 resource manual.
11 Q What is the partner resource manual?
12 A The partner resource manual is a -- it's a manual that has
13 all of Starbucks' policies in it, explained at, like, a higher
14 level. It's only accessible to, like, store manager and above.
15 Like, I don't have access to it, unless the store manager
16 provides me access. It just kind of goes more in-depth with
17 each of the policies.
18 Q Were you shown the partner resource manual when you were
19 hired?
20 A No.
21 Q Have you been shown it at any point since?
22 A Not that I recall outside of the meeting that we're
23 talking about.
24 Q And which policies was it that you were shown from the
25 partner resource manual at this meeting?

1 A I recall it being these social media, internal
2 technologies, time and attendance, and dress code.
3 Q And in terms of just length of pages, how did these
4 particular policies pulled from the partner resource manual
5 compare, at least as to the dress code and time and attendance
6 policies you were aware of, to what's included in the partner
7 guide?
8 A It kind of varied on each of them. But like, I mean, they
9 were several pages more, in most cases.
10 Q Had you ever seen these versions of these policies before?
11 A Not to my recollection.
12 Q Have you ever previously been required to sign off on
13 these policies?
14 A No.
15 Q And so Jer showed you the policies. Did he require you to
16 sign off on them?
17 A Yes. He asked me to read them and then sign them and then
18 give them back.
19 Q Did you ask for -- to take copies with you?
20 A I did. Because of the timing of the meeting, where we
21 were meeting at the end of my shift, Seattle City law is that
22 if you -- if your shift is changed by more than 15 minutes,
23 they have to pay you an hour of what's called predictability
24 pay. So knowing that we basically only have, like, that 15
25 minutes before I would need to clock off, I knew I wouldn't

1 have time to read them necessarily super thoroughly, for like,
2 retention. And so I asked if I could keep a copy, since these
3 were going to be policies that as a shift supervisor, I was
4 being asked to also help enforce, that if I was confused about
5 them later, I could, like, refer back and make sure I was
6 actually following the policy correctly.
7 Q And how did Jer respond?
8 A He said that I could not keep any copies of it, since it
9 was from a document that I didn't have access to, and that if I
10 had questions in the future, I should just ask him.
11 Q And when you said you would be expected to enforce these
12 policies, have other baristas, --partners comply with them,
13 did Jer tell you that?
14 A Yes.
15 Q At this --
16 A It was --
17 Q -- meeting?
18 A Yes, explicitly. And also, it's a general understanding
19 that that is just my job.
20 Q Did Jer explain specifically why he was showing you these,
21 having you sign off on them?
22 A He said that those were policies that he just needed to
23 make sure that we understood and could enforce and, like, be
24 accountable for.
25 Q Did he mention anything about COVID or policies that have

1 fallen through the wayside during COVID?
2 A I don't recall him mentioning COVID at that meeting.
3 Q Did he mention COVID in the context of these policies at
4 some point?
5 A Not that I recall.
6 Q During this conversation with Jer that day, did you
7 discuss the implications of the time and attendance policy, the
8 additional details provided, and what that might mean?
9 A I did. I was concerned and so I asked for clarification,
10 because as an opener. It's relatively common that openers have
11 more time and attendance, like, issues, in terms of being a
12 little bit late, or people, like, oversleep. 4:30 is a really
13 early time to start your day. And so like, it's pretty normal
14 that, like, people oversleep. Or a lot of our workers take,
15 like, Lyft to work to get there in the morning. And sometimes,
16 there's issues with, like, if you can't find a driver, and
17 like, there's just a lot of things that are kind of out of your
18 control.
19 And so I wanted to just, like, express that concern to him
20 of like, you know, this can kind of disproportionately affect,
21 you know, myself and like, the rest of my team as -- of opener.
22 Just, you know, make sure that -- there's always kind of been,
23 like, a grace around opening, because it's -- it's well
24 understood that that's -- you know, you're making a sacrifice
25 of getting up at 3:30 a.m. every day. Like, we can be a little

1 understanding about what that all entails. So I just wanted to
2 see if that was, like, still going to be the case. And he said
3 that that was absolutely still the case.
4 Q And you mentioned people taking a rideshare to work as an
5 opener. Why would you take a rideshare to work?
6 MS. KIBBE: Relevance.
7 MS. DEVLEMING: The relevance -- well, I'll ask a -- I can
8 strike that and ask a different question that goes straight to
9 the relevance.
10 Q BY MS. DEVLEMING: Does public transportation exist at 3
11 a.m.?
12 A In some places, but not most.
13 Q What about the internal technology policy? Did you speak
14 specifically about the implications of that policy?
15 A Yes. I was just kind of wondering why he was having me
16 read that one. Like, a lot of them kind of made sense. It's
17 like, dress code, time and attendance. Like, I get that this
18 is part of my job to enforce, you know, dress code. But I was
19 really confused why I would be reading the internal technology.
20 It's kind of a random policy. And so he said it was because of
21 how we were using store iPads.
22 Q What did he say about the use of the store's iPads?
23 A So we have -- all stores have multiple iPads, and we use
24 them for -- there's a bunch of different, like, apps on them
25 that help us do our job. They're things like batch guidance,

1 which tells us how much coffee to brew at a time. It's how we
2 clock in and out for our shifts. It's, you know, a tool that
3 the supervisors used to do, like, inventory stuff. It's
4 just -- you know?
5 And a thing that we, like a lot of stores, do is you take
6 a picture of something with the iPad and then set it as the
7 background. And usually, it's like, people being silly, like,
8 a selfie, or like, if somebody makes a really big mess, or just
9 like, whatever we as a store kind of find entertaining.
10 Including recently, we had been taking photos of like, a --
11 there was, like -- when mobile orders come through that has the
12 name printed on it. And some people have been mob -- mobile
13 ordering with the name like Union Strong on it. And so we've
14 taken a picture of one of those and set it as the background on
15 an iPad.
16 Q Okay. And circling back, though, to this particular
17 meeting about the policies, what did Jer say about the use of
18 the iPads?
19 A So he said, essentially, that -- what I recall is that he
20 tied it into the solicitation policy, which he had also had me
21 read. And it basically said that anything Union-related within
22 the store would fall under the solicitation policy. And then
23 because it's violating the solicitation policy, then the
24 internal, like, technology policy would also be violated,
25 because you're not using it as -- for like, an approved-store

1 use or whatever.
2 Q Did you guys discuss the Union Strong mobile order picture
3 on the iPad, specifically?
4 A Yeah, he provided that as an example.
5 Q And what did he say about that example?
6 A Basically that -- similar to what I just stated, that it
7 was a vio -- like, it was considered solicitation; and
8 therefore, it was a violation of the internal technology
9 policies. And so we couldn't take pictures of anything that
10 said union, essentially.
11 Q Okay. And you talked about the expectation that you would
12 then go enforce these policies. Did you actually take steps to
13 do that?
14 A Yeah. I mean, it's my -- it's my job to enforce the
15 policies as the store manager lays out. So I did do that.
16 Q Were the non-shift supervisors in the store required to
17 sign off on these policies?
18 A So after all of the supervisors had read and signed off
19 in, like, these meetings, Jer had us -- where like, every week,
20 there would be one of the policies that he would have us give
21 to every barista at the start of their shift and have them read
22 it and sign off and give it back to him. So it was like, one
23 week was the time and attendance policy, and the next week was
24 dress code, and the next week was solicitation or whatever.
25 Q Did you track who you had spoken to and who had signed

1 off?
2 A Yeah, he -- so he printed copies of each for each person
3 and wrote their name at the top. And so we had a binder where
4 all of these copies were so that you could just see, like,
5 so-and-so's copy is still in here. So that means they haven't
6 signed off yet.
7 Q And it was your job, to make sure people --
8 A Yes, that's part of the -- the check in, which is a thing
9 that supervisors do as part of their job, where every barista
10 who starts, the supervisor who's running the floor will do a
11 check in with them, where they give them any communications
12 that are relevant like that, or like, a weekly update. Talk to
13 them about, like, what's going on that day, if we're out of
14 product, if it's busy, like, you know, if there's call outs.
15 So as part of the check in, we were expected to give them these
16 documents, have them sign off, take it back, and give it to
17 Jer.
18 Q Did you provide copies of the policies to any of your
19 baristas?
20 A The ones that were provided to me by Jer, I did.
21 Q That -- could they take copies with them?
22 A No. They had to do the same thing where they just read
23 them, signed them, and then gave them back. They weren't
24 allowed to keep copies.
25 Q Okay. At any point throughout your eight years or so of

1 employment before the petition, had management followed up
2 about the internal technology policy, even verbally?
3 A Not that I recall, no.
4 Q Did Starbucks ever train you on this policy, or even, for
5 example, mention, don't use the iPads this way before what you
6 just testified about?
7 A No.
8 Q To your knowledge, before this meeting, had Starbucks
9 invoked -- during your time at the store, had Starbucks invoked
10 the internal technology policy or the solicitation policy to
11 justify discipline of any employee over use of the iPad?
12 A No. It was pretty -- like I said, it -- I had asked him,
13 why am I reading this? Because it was such an unusual policy
14 to have us read and enforce.
15 Q And you talked about the kinds of silly things and selfies
16 that you used the iPads for. Just to make sure our record is
17 thorough, what kinds of specific things would be posted on the
18 iPad screen?
19 A So selfies is probably the number one. Then things that
20 are funny, like a wild customer order. You know, sometimes,
21 people with the mobile app just get way too crazy with the
22 customizations. Yeah, it's a pretty broad range of things,
23 because it's really just, like, whatever we think would be an
24 entertaining background.
25 Q Had you ever been told to take down those things from the

1 iPod -- Pad background before February, 2022?
2 A No.
3 Q Did you ever notice that those things had been abruptly
4 taken down from the iPod without explanation before February of
5 2022?
6 A Not that I noticed.
7 Q Did employees ever get in trouble for posting those kinds
8 of things as the iPad background?
9 A No.
10 Q Was management aware of your use of the iPads in that way?
11 A Yes.
12 Q How?
13 A Well, like I said, we use them for a lot of stuff all
14 throughout the day. So it would be pretty hard for a manager
15 to not notice that we were setting the backgrounds to different
16 pictures and things like that. Like, you know, the first thing
17 you're supposed to do at Starbucks -- even as a manager, when
18 you don't clock in -- but like, the first thing you're supposed
19 to do at the start of your shift is like, a health check, and
20 that is on the iPad. So there --
21 Q Do the managers do health checks?
22 A Yes.
23 Q Do they --
24 A They're required to. Sorry.
25 Q Do they otherwise use the iPads?

1 A Yeah, they still -- they use the iPads for -- I mean, it's
2 things like, you can control the store music on there. You do,
3 like, inventory stuff on there. There's an app that's, like,
4 store resources that has, like, beverage recipes, like siren's
5 eye. Siren's eye is a word that we use for, like, basically
6 merchandising schematics. So you know, you would look at it to
7 see, like, how do I set up the pastry case if -- with this
8 promo? There's a lot of things that we use it for.
9 Q Did management ever partake in the selfies?
10 A Yeah.
11 Q And these are the selfies that might be posted to the iPad
12 background?
13 A Yes.
14 Q Did management ever say anything one way or another, like,
15 supportive or -- or not supportive of employee's use of the
16 iPads?
17 A I don't recall there ever being discussion of it before
18 February 2022.
19 Q And what about the time and attendance policy? At any
20 point between your hire date and the petition being filed, had
21 management followed up to show you the policy, walk you through
22 it, have you sign off on it?
23 A Never, like, actually, like, go through the policy and
24 like, read, like, how it's worded or anything like that. Like,
25 I mean, it's just -- it's handled like any sort of workplace

1 normally handles time and attendance, which is that there's,
2 like, an understanding of like, do your best to not be late.
3 Let us know if you're going to be late. Let us know if you
4 can't make your shift. And like, that's about it. It wasn't,
5 like, an explicit, read the policy word-for-word.
6 Q Have you ever gotten a corrective action or a discipline
7 for time and attendance issues during those eight years between
8 your hire and the date of the petition being filed?
9 A I have never had a corrective action for time and
10 attendance before the petition was filed in 2022.
11 Q Have you ever been disciplined for anything before the
12 petition was filed?
13 A I have -- was written up one time in --, I don't recall
14 the exact year, 2016 or 2017, maybe -- for kind of -- it's a
15 long story that I will explain, but I -- it's not necessarily
16 the best use of the Court's time, but it's up to you.
17 Q Just, is there in general -- like, a summation of what it
18 was about?
19 A The district manager, at that time, was very obsessive
20 about how clean our floors were. And so there had been a time
21 where he had come in, and there was, he felt, an unacceptable
22 amount of like, crumbs on the floor in one area. And so he had
23 my manager write me up for that.
24 Q Other than that one 2016/2017 write-up, have you ever been
25 written up before the petition was filed?

1 A No.
2 Q Had Respondent ever given you any formal training as a
3 shift supervisor on how to enforce the time and attendance
4 policy?
5 A Nothing formal, no.
6 Q When you say that, had there been informal training?
7 A There's like, a general understanding of like, you know,
8 as the person who's running the floor, I should be
9 knowledgeable about what time people are supposed to start
10 their shifts, if they're not starting their shifts on time, if
11 they don't show up to their shift, and then reporting that to
12 management as relevant.
13 Q Have you ever been involved in disciplining an employee
14 for a time and attendance issue before the petition was filed?
15 A Not that I recall.
16 Q Would you be involved in that as a shift supervisor? Or
17 what would -- what would your involvement be, if any?
18 A The only involvement would be just, like, documenting
19 instances where people were late in -- we have a big book
20 that's called the daily records book, and it has a page for
21 every day. And so I would be expected to write so-and-so was
22 late in the book, so that the store manager could reference
23 that documentation.
24 Q And to your knowledge, had those notations in the daily
25 records book that you had made ever resulted in discipline of

1 an -- an employee before the petition was filed?
2 A I would have to imagine so, at some point.
3 Q Do you remember any examples?
4 A I don't remember -- 5th and Pike, like, hadn't had, like,
5 really any corrective action that I was aware of, including
6 time and attendance, before the petition was filed, like, from
7 the time that it first opened in September, 2020. So
8 everything -- all corrective action that's before the petition
9 filed would be, like, back at, like, 6th and Union, and that's
10 honestly just a little farther back than my memory is clear on.
11 Q Okay. So between 2020 and the petition filing, you don't
12 recall any --
13 A Um-hum.
14 Q -- discipline?
15 A To the best of my knowledge, there is not any corrective
16 action that took place at 5th and Pike from when it opened
17 before --up until the petition was filed on January 25th, 2022.
18 Q What about with -- so with respect to tardiness -- or you
19 talked about openers being late to work. How would that
20 normally, before the petition was filed, be handled by
21 management?
22 A It -- like I said, there was a lot of grace around it. So
23 if -- if it's a couple of times, it's not, like, a big deal.
24 If there's, like, a reason for it, then that's pretty much well
25 understood. Like, if it's like, I couldn't find a Lyft driver,

1 or I overslept, or there was, like, a weird traffic accident.
2 Because sometimes, another thing that happens is there's
3 construction, because that's the time of day, you know, that's
4 convenient for them to be doing construction. So sometimes,
5 I'll be driving in, and it's like, I-5 is closed, and I didn't
6 know that. So now, I'm going to be 15 minutes late, because
7 I've got to go around -- yeah, sorry.
8 Q And I-5 is the freeway here?
9 A Correct.
10 Q Okay.
11 A Yes. So if there was a reason for it, it really wasn't a
12 big deal. If it became habitual, like, you know, more than --
13 I -- I don't know. I know there's, like, a percentage that
14 they use. I don't know what it is, but basically, like, if
15 it's happening habitually, you know, like, really frequently,
16 then that would be -- the manager would have, like, a
17 conversation, usually, with that person that's like, hey, like,
18 what's -- what's going on? Like, why is this happening so --
19 so often? Like, is there issues that you're having that we can
20 help you solve? Like, maybe 4:30 is not a good time for you to
21 start. Maybe you just shouldn't be an opener. Or like, you
22 know, maybe always waiting until, you know, five minutes before
23 you need to be here to call a Lyft -- I mean, you should try
24 calling it earlier. So it's -- you just kind of --, like, have
25 a troubleshooting conversation.

1 Q What about oversleeping and then not being able to make it
2 to your shift that day? How would that historically, before
3 the petition, be handled?
4 A It would be -- I don't want to say it wouldn't be a big
5 deal, because obviously, missing your shift is always very
6 inconvenient for the store. But it would be generally regarded
7 as like, an understandable thing that happens. People
8 oversleep when you're supposed to be up that early. It just --
9 it just happens.
10 Q Before the petition, had that ever happened? Had someone
11 overslept and not been able to come in?
12 A Yes. I don't remember specific instances outside of
13 that it's -- you know, it's hard to explain sometimes, when
14 something's normal enough that it's hard to think of a specific
15 instance that it happens.
16 Q So when you say normal enough, how often would that
17 happen?
18 A It would kind of depend on who the, like, opening crew at
19 that time was. Some people struggle with opening more than
20 others. Or if you're newer to it, it can take a while for
21 your, like, sleep cycle to adjust. But depending on the
22 people, like, that could happen anywhere from, like, once a
23 month to more or less.
24 Q And is it your kind of general recollection that that did
25 happen roughly, maybe on average, once a month, even before the

1 petition was filed?
2 A Yeah.
3 MS. KIBBE: Un-huh.
4 MS. DEVLEMING: It was kind of a summary of her testimony.
5 JUDGE MONTEMAYOR: I'm going to allow the question.
6 MS. DEVLEMING: Sorry?
7 JUDGE MONTEMAYOR: Objection is overruled.
8 MS. DEVLEMING: Okay. Sorry, lost my train of thought.
9 Could we go off the record, just for --
10 JUDGE MONTEMAYOR: Yes.
11 MS. DEVLEMING: -- a few minutes? Thank you, Your Honor.
12 (Off the record at 11:54 a.m.)
13 JUDGE MONTEMAYOR: Continuing with the direct examination
14 of the witness.
15 Counsel, you may continue.
16 MS. DEVLEMING: Thank you, Your Honor.
17 **RESUMED DIRECT EXAMINATION**
18 Q BY MS. DEVLEMING: Sarah, as we broke for our brief break
19 there, we were talking about the historic, kind of, leeway
20 given to openers.
21 A Um-hum.
22 Q What about for people who started not at 4:30 a.m., but at
23 6 a.m.?
24 A It would be, like, a sort of similar understanding, with
25 like, a little less grace, you know? It kind of like, trickles

1 throughout the morning, right?
2 Q Okay. And before the petition was filed, did 5th and Pike
3 partners ever no-call/no-show entirely, as in, not show up/not
4 answer the phone?
5 A I mean, it certainly has happened. I don't remember at
6 5th and Pike before the petition, like, a specific instance of
7 that happening. But it is common. Like, not common, common.
8 But it happens.
9 Q When it's happened at other stores, has that resulted in
10 discipline?
11 MS. KIBBE: Calls for speculation.
12 JUDGE MONTEMAYOR: I'll sustain the objection.
13 THE WITNESS: I can't answer that.
14 Q BY MS. DEVLEMING: You can't answer it. What would have
15 been your practice, if that had happened?
16 A If somebody, like, no-call/no-showed, and like, just never
17 showed up for the shift, we never got a hold of them, it would
18 be what we've talked about previously. I would note in the
19 book that so-and-so no-call/no-showed, and then we would do our
20 best to continue trying to, like, get in touch with that
21 person, follow up to see what happened, or talk to them about
22 it the next time they worked in the store.
23 Q Before the petition was filed, had the 5th and Pike store
24 ever held an all-store meeting?
25 A Yes.

1 Q How many?
2 A There's one that I recall, specifically.
3 Q And when was that meeting held?
4 A That was in October or November of 2021.
5 Q Did you attend that meeting?
6 A I did not.
7 Q Why not?
8 A It was in the evening. I believe it started at like 6 or
9 something like that. And that's outside of my availability as
10 an opener. I can't be doing stuff at that time of day.
11 Q Did you have something else scheduled?
12 A I believe with that meeting, my sister-in-law was, like,
13 coming into -- I don't have anything, like, explicitly
14 scheduled. It was just --
15 Q Did you get in trouble for missing that meeting?
16 A No.
17 Q Did anyone else miss that meeting, if you remember?
18 A I don't remember about that meeting.
19 Q Are you aware of anyone else getting in trouble for
20 missing that November 2021 meeting?
21 A No. And while that was the only meeting that I recall
22 happening at 5th and Pike prior to the election, like, there --
23 all-store meetings do happen, like -- prior to COVID would
24 happen one to two times a year. And it wasn't uncommon for
25 people to miss that meeting, particularly, like, openers, where

1 that's really late for them.
2 Q And would people get written up for that?
3 A No.
4 Q I'm sorry, just jumping back to, kind of, tardiness. I
5 think you talked about --
6 A Yeah.
7 Q -- if it became a routine issue --
8 A Yeah.
9 Q -- people would be spoken to about it. What about if
10 someone was tardy twice within the span of two or three months?
11 A I don't think anybody would even notice.
12 Q Would that result in discipline before the petition was
13 filed?
14 A No, I've never seen that happen before.
15 Q Since your start -- transitioning back to the iPads, since
16 the petition was filed, has management's treatment of the iPads
17 changed?
18 A In the way that we talked about, where they are -- there
19 are now -- a rule around what we are and aren't allowed to put
20 on the iPads.
21 Q Since the petition -- or since these meetings, has anyone
22 attempted to post anything about the Union on the iPads?
23 A Not to my recollection. I think it was just the one that
24 was before that prompted the conversation -- or that policy
25 set.

1 MS. DEVLEMING: All right, Your Honor, I've given the
2 witness what's been marked for identification as GC-5.
3 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
4 A I do.
5 Q What is this?
6 A This is a photo of one of our store iPads with the picture
7 of a Union Strong mobile order label.
8 Q And I see a date at the top, Friday, January 28th. Do you
9 know what year that was?
10 A That would have been 2022.
11 Q Do you know what -- is this picture still up on the store
12 iPad?
13 A No.
14 Q Do you know what happened to it?
15 A It was removed, I assume, by management.
16 Q Why do you assume that?
17 A Based on then having the conversation with Jer about
18 internal technology policies.
19 Q Did you see management remove it?
20 A No.
21 Q Did you -- do you know who posted this?
22 A I know Micah, Micah Lakes, posted it. To the best of my
23 recoll -- recollection, is that Micah put it on the iPad, and
24 then it was gone the next day. And I'm not aware of who took
25 it off.

1 Q Who took this picture?
2 A I'm reasonably sure it was Micah.
3 Q But you've seen this iPad with this background?
4 A Yes.
5 Q On about January 28th?
6 A Correct.
7 MS. DEVLEMING: Your Honor, I offer GC-5.
8 JUDGE MONTEMAYOR: Any objection to 5?
9 MS. KIBBE: Yeah, it lacks foundation. Reasonably sure?
10 MS. DEVLEMING: It's a demonstrative exhibit showing what
11 was up on the iPad as of January 25th.
12 JUDGE MONTEMAYOR: 5 will be admitted.
13 **(General Counsel Exhibit Number 5 Received into Evidence)**
14 Q BY MS. DEVLEMING: Did you continue to be in touch with
15 press outlets in the months after the petition was filed?
16 A I was, yes.
17 MS. DEVLEMING: I have presented the witness with what's
18 been marked for identification as GC-6.
19 Q BY MS. DEVLEMING: It's a fairly lengthy exhibit, Sarah.
20 Can you take a minute to look through that and look up at me
21 when you're ready? Do you recognize this document, Sarah?
22 A I do.
23 Q What is this?
24 A This is an article from the Seattle Times about the union
25 election at the Broadway and Denny store in Seattle.

1 Q Looking at page 1, there's a picture with three
2 individuals. Do you know who these people are?
3 A Yes. And as listed in the notation underneath it, it is
4 Sydney Durkin, Rachel Ybarra, and myself, from left to right.
5 Q And then on page 3 of the five-page document, I see your
6 name toward the bottom in, like, the third or fourth to last
7 paragraph. Do you recall giving this statement to The Seattle
8 Times?
9 A I do.
10 Q And this is a dated March 22nd, 2022. Is that about when
11 you remember this being in the Seattle Times?
12 A Yes.
13 MS. DEVLEMING: Your Honor, I would move for the admission
14 of GC-6.
15 JUDGE MONTEMAYOR: Any objection to 6?
16 MS. KIBBE: Yes. Relevance, completely different store,
17 lacks foundation, and hearsay.
18 MS. DEVLEMING: I'm offering it to show that Ms. Pappin
19 was quoted and pictured in Seattle Times, a foremost newspaper
20 here in the Seattle area, article about her union activities on
21 March 22nd, 2022.
22 JUDGE MONTEMAYOR: 6 will be admitted.
23 **(General Counsel Exhibit Number 6 Received into Evidence)**
24 Q BY MS. DEVLEMING: Okay. So I want to jump now to the
25 week of April 4th to April 8th, 2022. Starting with Monday,

1 April 4th. Did you work at 5th and Pike that day?
2 A I did.
3 Q Does that work day stand out in your brain?
4 A It does.
5 Q Why is that?
6 A There were several things that happened that day,
7 including that, for the majority of the time that 5th and Pike
8 has been -- had been open up to that point, was during the
9 pandemic. Our store is really close to the convention center,
10 and so pre-pandemic, knowing from working at, you know, a store
11 that's right by as well, I know how much conventions impact the
12 store and how much we get, like, really busy during
13 conventions. And during this --, like, spring of 2022 was the
14 first time that we were kind of exiting the pandemic.
15 Conventions were starting back up.
16 But we didn't, at 5th and Pike, have a lot of historical
17 data for that. And so I had been doing my best to work with my
18 manager to try to make sure we had good staffing for the
19 convention that was that week. And my manager decided not to
20 follow my, like, staffing recommendations to staff up. And so
21 that day was an incredibly stressful and busy day, and just,
22 you know, constant long line, people just running around as
23 best as we could. And it was also -- the day April 4th is my
24 birthday, and so I was looking forward to leaving.
25 And so at the end of my shift, when I was supposed to be

1 off, I clocked out in front of house, I walked to the back of
2 house, where my stuff was, my bag and coat, and Jer was in the
3 back. And he asked me if I had already clocked off, and I said
4 that I had. And I asked him why. And he said, well, I wanted
5 to talk to you about how today went, because I'm thinking about
6 adding, you know, some more coverage to the rest of the week,
7 since it was a lot busier than we had anticipated. And I said,
8 that would be great, because today fucking sucked, and then I
9 left.
10 Q Before we dive back into that conversation, did anything
11 else happen in Starbucks' world on April 4th, 2022?
12 A Yeah, it was the day that Howard Schultz came back, like,
13 fully as CEO. He had, like, a big, like, town hall, with like,
14 Seattle -- in the Seattle area with Seattle partners that was
15 then broadcasted live to -- like, all partners could tune in
16 and watch. So that was the other reason I was anxious to get
17 home, was because I wanted to be home to -- to watch it.
18 MS. DEVLEMING: And Your Honor, at this point, I will
19 either offer an exhibit simply showing a single statement from
20 Howard Schultz's town hall, or I would ask Your Honor to take
21 administrative notice of the many records involving that town
22 hall and/or the news coverage of the town hall, at which -- at
23 which Mr. Schultz claimed that Starbucks and other companies
24 were being, quote, assaulted by the threat of unionization.
25 MS. KIBBE: What's the relevance to this case? I'm

1 just -- I'm not following.

2 JUDGE MONTEMAYOR: Well --

3 MS. DEVLEMING: Animus.

4 JUDGE MONTEMAYOR: A couple of things. Do you have a

5 document?

6 MS. DEVLEMING: I can. I actually don't -- I don't think

7 I made copies, but I can certainly go make them quickly.

8 JUDGE MONTEMAYOR: No, I think, just so that it's clear

9 for the record, I think we need the document.

10 MS. DEVLEMING: Okay.

11 JUDGE MONTEMAYOR: Asking me to take notice of a document

12 I haven't seen is a problem.

13 MS. DEVLEMING: We'll circle back after lunch break. I'll

14 have copies.

15 JUDGE MONTEMAYOR: Okay. And then we can address that issue.

16 Respondent can (indiscernible).

17 Q BY MS. DEVLEMING: Okay. So back to the end of your

18 workday on April 4th.

19 A Um-hum.

20 Q You mentioned that Jer asked you about your day. You

21 responded, it fucking sucked?

22 A Yeah.

23 Q What was the tone when you said that?

24 A It was pretty lighthearted. It was just, like, yeah, that

25 would be great.

1 Q How did Jer respond?
2 A He just sort of shrugged, and like, agreed in a nonverbal
3 way.
4 Q Did he say anything about your swearing?
5 A No.
6 Q Were there any customers around during this interaction
7 between you and Jer?
8 A No, we were in the back of house.
9 Q Were any other partners around?
10 A I don't recall, specifically. It's certainly possible
11 either way.
12 Q And maybe we should breakdown the back of the house. What
13 does that mean?
14 A So the back of the house is the part of the store that is
15 not the lobby that has, like, public access. It's where we
16 keep, you know, back stock of inventory, milk fridges,
17 dishwashing. It's also where there's, like, a little, like,
18 office and breakroom. Which is where -- you know, it's a
19 breakroom, so it's where we take a breaks and our bags and
20 coats and stuff live. And then there's a desk where the back
21 of house computer is, and people work there.
22 Q When you say there is an office and breakroom, are those
23 two separate rooms, or is that one room?
24 A It's one room.
25 Q Is there a separate store manager office?

1 A No.
2 Q Did anything else happen that day?
3 A April 4th, there was also an outspoken Starbucks' worker
4 and -- and Union supporter in Phoenix, --I believe Phoenix,
5 but in Arizona --, who was fired that day.
6 Q And do you remember that person's name?
7 A Laila Dalton.
8 MS. KIBBE: Relevance. Why are we talking about an
9 Arizona store?
10 MS. DEVLEMING: It goes to animus and timing, April 4th.
11 JUDGE MONTEMAYOR: Okay, I will allow the question.
12 Q BY MS. DEVLEMING: What was the name?
13 A Layla Dalton.
14 Q Can you spell that for the record?
15 A L-A-I-L-A, D-A-L-T-O-N.
16 Q Do you remember if you worked at 5th and Pike on Tuesday,
17 April 5th or Wednesday, April 6th?
18 A I don't have specific recollections of those days, but my
19 normal schedule is Monday through Friday, so I assume I would
20 have.
21 Q Were you scheduled to work on Thursday, April 7th?
22 A I was.
23 Q Do you remember what time you were scheduled to start on
24 April 7th?
25 A I was scheduled to start at 4:30 a.m., like I am every

1 Monday through Friday.
2 Q Did you end up starting at 4:30 a.m. that day?
3 A No.
4 Q Why not?
5 A At approximately 3:30 or 4, when I was getting up for
6 work, I saw that I received a text message from one of my
7 coworkers who was also supposed to open that day. That's
8 Joshua Nagy, J-O-S-H-U-A, N-A-G-Y. And he sent me a text
9 message that didn't really make sense to me, because he was
10 saying, you know, I -- I'm not going to come in for this shift,
11 because it's, like, going to be so short. And, you know, like,
12 I need to be off at night, and you know, I'm not going to come
13 in for like, 15 minutes.
14 And I was really confused. And so I asked him to clarify,
15 and he said that Jer had spoken with him the night before and
16 explained that because -- I believe it was because we were,
17 like, short staffed in, like, the early part of the day, that
18 Jer had decided that instead of starting at 4:30 and opening at
19 5 like we normally do, that we were going to start at 9 and
20 open at 9:30.
21 Q Had Jer called you the night before?
22 A I looked at my call log and saw that I had a missed call
23 from him. That was that, I believe, 10:30, 11:00 the previous
24 night.
25 Q Why didn't you answer his call?

1 A I was asleep.
2 Q What did you do next after learning this from Josh?
3 A I attempted to call Jer. I had called him several times
4 and sent him a text to see if I could get clarification on what
5 I was supposed to -- to do because, certainly, I was not going
6 to go downtown at 4:30 a.m. if I didn't need to. But I also --
7 until I hear it from a store manager, I'm not going to assume
8 that I shouldn't be there at the start of my shift, you know?
9 Q And actually, before you go on, let me stop you.
10 A Yes.
11 Q Did you -- when Jer called the night before at 10:30, 11
12 p.m., did he leave a voicemail?
13 A No.
14 Q Had he sent you a text message?
15 A No.
16 MS. DEVLEMING: Your Honor, I have presented the witness
17 with two documents, labeled for identification as GC Exhibits 7
18 and 8.
19 Q BY MS. DEVLEMING: Sarah, let's look at 7 first. Do you
20 recognize this document?
21 A I do.
22 Q What is this?
23 A This is a screenshot of my voicemail screen.
24 Q At the top, it says 4:16. Do you know what that refers
25 to?

1 A It was 4:16 a.m. at the time that I took the screenshot.
2 Q Do you know what date you took this screenshot?
3 A I'm reasonably sure that it was the morning that I -- that
4 we're talking about, which I believe is April 8th.
5 Q Why did you take the screenshot that morning?
6 A To demonstrate that -- just to save for myself that I had
7 not gotten a voicemail from Jer.
8 MS. DEVLEMING: Your Honor, I would offer General Counsel
9 Exhibit 7.
10 JUDGE MONTEMAYOR: Any objection to 7?
11 MS. KIBBE: No.
12 JUDGE MONTEMAYOR: 7 will be admitted.
13 **(General Counsel Exhibit Number 7 Received into Evidence)**
14 Q BY MS. DEVLEMING: And we'll get to 8 in just a quick
15 second, but what did you do next?
16 A So then, I texted two other people that I knew were also
17 supposed to work that morning to just see if they knew anything
18 more. I was still just trying to get clarification from
19 anybody on what was going on, basically.
20 Q Did you attempt to get in touch with Jer?
21 A I -- yes. I called him and sent him a text.
22 Q Okay. So let's look now at what's been marked for
23 identification as GC Exhibit 8. Sarah, do you recognize this
24 document?
25 A I do.

1 Q What is this?
2 A This is a screenshot of my call log.
3 Q And it says 8:41 in the top left. What does that refer
4 to?
5 A It was 8:41 a.m. when I took the screenshot.
6 Q Do you remember what date?
7 A It was Thursday, April 8th.
8 MS. DEVLEMING: I think Thursday was April 7th of 2022,
9 just for the record.
10 Q BY MS. DEVLEMING: Okay. And so in the middle there, it
11 says Jer in red, yesterday. What does that reflect?
12 A That reflects that I missed a phone call the previous
13 night.
14 Q And then right above that, and then two lines above that,
15 there are two indications that say Jer, and in parentheses the
16 number 2. One says 4:04, and the other says 4:13 a.m. What do
17 those reflect?
18 A Those are calls that I attempted to make to Jer to speak
19 to him.
20 Q Is this two calls at 4:04 and two calls at 4:13.
21 A Yes. I -- frequently, when I call people in the morning,
22 I will call them two times in a row, if they don't answer,
23 because I know, like, iPhone users frequently have, like, do
24 not disturb on. And if you -- so it'll block the first call,
25 but if you call again immediately, it'll send the second one

1 through. So it's just a -- it's just a habit to call twice.
2 MS. DEVLEMING: Your Honor, I offer GC-8.
3 MS. KIBBE: No objection.
4 JUDGE MONTEMAYOR: 8 will be admitted.
5 **(General Counsel Exhibit Number 8 Received into Evidence)**
6 Q BY MS. DEVLEMING: Did you text Jer?
7 A I did.
8 MS. DEVLEMING: Your Honor, I have put what has been
9 marked for identification as GC-9 and 10 in front of the
10 witness.
11 Q BY MS. DEVLEMING: Sarah, first looking at General Counsel
12 9, do you recognize this document?
13 A I do.
14 Q What is this?
15 A It's a screenshot of my text message exchanges between Jer
16 and myself.
17 Q And zeroing in on the text at the bottom, it says today,
18 4:15 a.m. Do you know what day today is?
19 A It would have been that Thursday that we're discussing.
20 Q Okay. And then at the top left, it says 4:15. Is that
21 also 4:15 a.m. on April 7th?
22 A That's correct.
23 Q And this -- who did you send this -- sorry. In green, is
24 that you texting?
25 A Yes, the green is me.

1 Q And who was the recipient of this text message?
2 A Jer.
3 MS. DEVLEMING: Your Honor, I offer GC-9.
4 MS. KIBBE: No objection.
5 JUDGE MONTEMAYOR: 9 will be admitted.
6 **(General Counsel Exhibit Number 9 Received into Evidence)**
7 Q BY MS. DEVLEMING: Okay. And then GC-10, Sarah. Do you
8 recognize this document?
9 A I do.
10 Q What is this?
11 A This is a screenshot of a text message exchange between
12 myself and District Manager Amy Quesenberry.
13 Q And this -- in the top left, it says 8:41. What does that
14 refer to?
15 A 8:41 a.m. being the time that I took the screenshot.
16 Q And what date?
17 A The Thursday, April 7th, I believe.
18 Q And then the 1(253), is that Amy's phone number?
19 A It is.
20 Q And then the main text here is what we're zeroing in on.
21 It says today, 4:43 a.m. Just a clarification, a couple of
22 lines down, it refers to a Josh. Is that Josh Nagy?
23 A Correct.
24 Q And then it was refers to an Andy. Who is Andy?
25 A Andy, Andy Walker, A-N-D-Y, W-A-L-K-E-R, is another shift

1 supervisor at 5th and Pike who was also scheduled to work that
2 morning.
3 MS. DEVLEMING: Your Honor, I offer GC Exhibit 10.
4 JUDGE MONTEMAYOR: Any objection to 10?
5 MS. KIBBE: No, I'm sorry.
6 JUDGE MONTEMAYOR: 10 will be admitted.
7 **(General Counsel Exhibit Number 10 Received into Evidence)**
8 Q BY MS. DEVLEMING: Why did you send that text to Amy?
9 A I hadn't heard back from Jer, and I was anxious about
10 having not heard from a member of management about if I was --
11 when I was supposed to start my shift that day. I wanted to
12 hear it from a manager, rather than just from coworkers.
13 Q Did Amy respond to your text?
14 A She called me immediately after I sent the text.
15 Q Did Jer respond to your text?
16 A No, he never did.
17 Q Did he respond to your calls?
18 A No, he never did.
19 Q Amy called you. What did Amy say?
20 A Amy, essentially, reiterated what -- the understanding
21 that I had gotten from talking to Josh and Andy, which was that
22 because we were going to be so short-staffed in the morning,
23 that Jer had decided to just open late. And that I should show
24 up for work at 9 a.m.
25 Q Did you discuss with Amy that you hadn't gotten

1 notification of that the night before?
2 A I did. I -- it was in the body of the text, as well. But
3 I did discuss with her on the phone, as well, that Jer had not
4 told me what time I was supposed to be at work, and so I wanted
5 to know.
6 Q Do you remember how Amy responded to that?
7 A I believe that she just told me what time I was supposed
8 to be at work.
9 Q Did you go to work that morning?
10 A I did.
11 Q What time?
12 A I started my shift at 9 a.m.
13 Q Is at the time of the store opening?
14 A (No verbal response)
15 Q Before the petition was filed, had the store postponed its
16 opening time before?
17 A It had happened on occasion, especially during the
18 pandemic, and people go out on isolations and things. If it
19 was too short-staffed to start on time, we would delay the
20 opening.
21 Q Had it ever been postponed by -- is it 4 hours? Was
22 the -- what time was the score -- store scheduled to open, if
23 you would start at 4:30?
24 A At 5 a.m.
25 Q So had it ever been postponed by 4 hours like this?

1 A I believe it would have been postponed, actually, in this
2 case by 5 hours because, I think, we started at 9, but we
3 didn't open until 10.
4 Q Okay.
5 A But that was a very long period. Like, normally, it's
6 like, a couple of hours to get, you know, somebody else in.
7 But that was notably late.
8 Q Do you remember a time that the store had been -- the
9 opening time had been postponed by that many hours, five?
10 A Not that I can recall.
11 MS. KIBBE: Your Honor, I'm going to have to make an
12 objection on relevance. I'm not sure that this is a charge
13 that we're aware of, if there's some relevance as to the rest
14 of the claims to be made. We're talking about shifting hours.
15 I don't remember seeing that in the charge.
16 MS. DEVLEMING: Well, the allegation is about the notice,
17 the lack of notice of the change to the time. And that -- the
18 lengthy change to the hours kind of shows the --
19 JUDGE MONTEMAYOR: So which paragraph --
20 MS. DEVLEMING: -- opportunity to provide the --
21 JUDGE MONTEMAYOR: Which paragraph in the complaint is
22 that related to?
23 MS. DEVLEMING: Sorry? The allegation in the complaint
24 that it relates to is that Ms. Pappin was not provided notice
25 of a very lengthy change to the shift hour. The opening hour.

1 JUDGE MONTEMAYOR: Which --
2 MS. KIBBE: Which paragraph is that? I'm sorry.
3 MS. DEVLEMING: Paragraph 11.
4 JUDGE MONTEMAYOR: Continue.
5 Q BY MS. DEVLEMING: Okay. So Jer didn't respond to your
6 text or your phone calls. Did you ever have the opportunity to
7 discuss the lack of notice with Jer?
8 A So the next day, when we worked together, I believe, it
9 was towards the end of my shift. We were both in back of
10 house, and I brought up to him, like, why didn't you leave me a
11 voicemail or send me a text to let me know what was going on?
12 Q And before we go too much further, when the store had
13 previously changed the opening time, even if it wasn't by 5
14 hours, have you been notified --
15 A Yes.
16 Q -- as an opener?
17 A Yeah. Typically, the -- the procedure would be to like,
18 overcommunicate. So you would get, like, a text and a
19 voicemail, because they would want to make sure that you got it
20 communicated. And so that's what I've always experienced
21 before. That's what, you know, Josh and Andy had both
22 experienced in this occasion, is that they had both gotten,
23 like, a text and a voicemail from Jer.
24 Q Okay. And I interrupted you. We were diving into talking
25 about when you did get the opportunity to talk to Jer about

1 this situation.
2 A Yes. So I asked him why he hadn't told me what was going
3 on, and he said that he had tried to call me. And I said,
4 well, it was, like, 10:30. You know I'm asleep at that time,
5 so like, why didn't you sent me a text and leave me a voicemail
6 like you did for other people? And he said that, basically, he
7 should have left a voicemail, and he thought he sent a text.
8 Q Did you receive a text?
9 A No.
10 Q Did Jer show you his text to you?
11 A No. I was actually intending to push the issue a little
12 bit, but he at that point changed the subject of the
13 conversation.
14 Q And to be clear, I think -- I think you might have already
15 said it, but just in case, this is the next day, April 8th?
16 A Correct.
17 Q What do you mean when you say he changed the subject of
18 the conversation?
19 A He said that we really needed to talk about what happened
20 on Monday.
21 Q Did he go into what he meant by that?
22 A Yeah, I asked him what he meant by that. And he said that
23 essentially, like, I had been in a weird mood the whole day,
24 and that I hadn't, like, checked him in properly. And -- and
25 we kind of talked about how that day had gone a little bit.

1 And I was like, yeah, it was really busy when you started. And
2 we talked about, like, it's normal to, like, check in baristas
3 when they start their shift, but it's pretty common that you
4 don't always check in at the store manager, especially if it's
5 busy, because they want to just get going into whatever
6 position, and they usually know all of the information already
7 that you would be communicating to a barista.
8 Q And what does that term mean, check in?
9 A Yes. So I think we talked about it briefly previously,
10 but yeah. So check in is at the start of every barista's
11 shift, I'm supposed to check them into the store by doing
12 their, like, health check with them and making sure they're
13 healthy to work, making sure that they've read any, like,
14 relevant communications, communicating to them, like, anything
15 that's going on that day that they need to be aware of. If
16 we're out of anything, if we're, like, busy. And basically,
17 just setting goals for the day.
18 Q And you -- you said -- well, on April 4th, had you checked
19 in Jer Mackler, the store manager?
20 A I don't believe I did.
21 Q Why not?
22 A It was really busy when he started. And like, there
23 was -- I believe there was, like, three of us working, and
24 there was a pretty big line. So I'm pretty sure he just, like,
25 hopped directly into starting to help with warming food.

1 Q Had that happen before that you didn't have time for a
2 check-in because the store was busy?
3 A Yeah, it happens, like, relatively frequently, especially
4 when people start during, like, the busy part of the day.
5 Peak.
6 Q And with the store manager, specifically, one of those
7 times, you didn't have time to check the store manager in. Had
8 you been coached over your failure to do so?
9 A No.
10 Q Okay. What did you discuss next with Jer on April 8th?
11 A We discussed that, and yes, I explained it was busy. That
12 was pretty much all I remember from the day. And then he said
13 something to the effect of and you really can't be swearing,
14 like we've talked about. And I was confused by this, because
15 I didn't know what he was talking about. And I asked him, and
16 he said, but you can't swear. Like, we've talked about this
17 before. And I was like, when? Because I have no recollection
18 prior to this conversation of ever, in my entire Starbucks'
19 career, being coached about cursing or swearing.
20 Q Did Jer say specifically what -- what swearing or what the
21 incident was he was concerned about?
22 A He referred to when I was leaving work that day, and I
23 said that the day had fucking sucked.
24 Q Did you respond to Jer when he claimed you'd been coached
25 about this before?

1 A Yes. I asked him to provide examples of when I've been
2 coached about it, because I have no memory of ever talking
3 about it with him. The examples that he provided are times
4 where -- because it's very -- can I just, like, backstory a
5 little bit? Sure? Okay.
6 It's very common in the service industry, like, a lot of
7 places that you swear, you know, with your coworkers. Like,
8 there's, like, general decorum. Like, you don't swear in front
9 of customers. You don't swear at each other. But if you're,
10 like, in the back of house, and you're, like, just blowing off
11 steam with each other about, like, how the day went and how
12 crazy it was, like, it's really common that you're swearing.
13 That's what I've always experienced prior to this conversation.
14 So when I asked him to provide examples, he said, well,
15 there's times where, like, we've been having a conversation,
16 and like, you'll, like, admit that you're swearing too much.
17 And I'll say, like -- and what he's referencing is that as a
18 person who does swear in my personal life, and it's just sort
19 of a habit, there will be times when I'm having a conversation,
20 and I realize, like, man, I'm -- I need to, like, calm down.
21 Like, too many words out of my mouth have been swear words.
22 And I'll be like, sorry. Like, that's just -- it's not a work
23 thing. It's just a personal habit of mine to try to, like,
24 reset myself in those moments.
25 But they weren't coaching conversations. They were never

1 conversations where he said, yes, I agree. You're swearing too
2 much, and you need to not be swearing at all, in fact, or even
3 really acknowledged it, beyond just -- like, if I'd be like,
4 sorry, I'm swearing too much, he'd just be like -- he'd just
5 kind of, like, shrug, and like, whatever. Or like, it's fine.
6 Like, that kind of reaction. It was never in any way, shape,
7 or form, like, indicated as what I would describe as coaching.
8 Q Did Jer tell you when those occasions he was citing to
9 were?
10 A No, he just sort of referenced that they had happened
11 previously.
12 Q Do you remember when those things happened? Were they
13 before or after the petition, or both?
14 A I think probably both. Honestly, like I said, it's --
15 it's normal to be swearing in the back of house, and it's
16 normal for me to go, sorry, I'm swearing too much. So it's
17 probable that those happened anywhere in any of those time
18 frames.
19 Q Had Jer ever told you before not to swear at work?
20 A I cannot recall ever being told by Jer, or any manager, to
21 not swear at work.
22 Q Were you on the clock when this incident happened on April
23 4th, when you said the day had fucking sucked?
24 A No, I had already clocked off.
25 Q How did your April 8th conversation with Jer about that

1 end?
2 A He told me that he was, essentially, in -- looking at,
3 like, what the next steps for that was. And I took that to
4 mean that he was talking with Partner Resources, which is
5 the -- Starbucks' term for human resources. And seeing,
6 like --, investigating corrective action, essentially.
7 Q Did other -- before the petition was filed, did your
8 coworkers swear at work?
9 A Yes.
10 Q Did managers swear at work?
11 A Yes.
12 Q Are you aware if anyone was ever written up for that?
13 A No. I mean, assuming you're following -- like I said,
14 there's general decorum. You don't swear in front of
15 customers, and you don't swear at each other. Like, I've never
16 seen anybody, following that, get written up.
17 Q Had management ever instructed you, you can swear in the
18 back, but not in front of customers, or?
19 A To an extent. There's a store that I worked at -- we
20 talked about in between 6th and Union, and 5th and Pike, I
21 worked at a number of different drive-throughs. There was one
22 store that I worked at, the Ballard Box, where it's a
23 drive-through only store, so there's not a lobby. And so
24 partners have a tendency to treat the entire store as back of
25 house. And so people will swear. But sometimes, you're too

1 close to the window. And so their manager had set a standard
2 of like, you can swear past this point in the store, but not on
3 this side of the line.
4 Q Have you ever witnessed Jer cussing at work?
5 A Yes.
6 Q Do you remember what he said or a specific example?
7 A I mean, like I said, it's -- it's normal to swear, so I
8 don't have a specific example or specific language or specific
9 times that that happened. It was just -- it's a normal way
10 that we communicate with each other.
11 Q Do you know if Jer was written up for that?
12 A Not to my knowledge.
13 MS. DEVLEMING: And Your Honor, we're kind of in the
14 middle of a saga, but if this is a good time to break, that's
15 fine by me, or I can keep going. It's 12:42.
16 MS. KIBBE: Doesn't bother me.
17 MS. DEVLEMING: Keep going?
18 MR. KIBBE: Keep going, either way.
19 MS. DEVLEMING: Are you thinking lunch or keep going a
20 little while longer? It's 12:42.
21 JUDGE MONTEMAYOR: How -- how far do you -- how much you
22 got, would you expect?
23 MS. DEVLEMING: This witness is going to be -- no,
24 actually we're about three-quarters of the way through her
25 direct --

1 JUDGE MONTEMAYOR: Two-thirds?
2 MS. DEVLEMING: -- but this kind of topic I'm just having
3 more pages until then, so not quite at a breaking point.
4 JUDGE MONTEMAYOR: I am going to, kind of, trust your
5 judgment because it sounds like you're at a place where you can
6 break.
7 MS. DEVLEMING: That's fine by me.
8 JUDGE MONTEMAYOR: And it's 12:43. So it's probably a
9 good place to sort of break here. Let's go off the record.
10 (Off the record at 12:43 p.m.)
11 JUDGE MONTEMAYOR: We're back on the record here. We had
12 just a short discussion between -- on scheduling You know,
13 we're going to break for lunch, we'll return at 1:30, and --
14 and I will advise the witness please, you're still on the stand
15 here, you're still testifying, don't discuss your testimony
16 with anyone.
17 Okay. We'll be off the record and we'll see you then.
18 (Off the record at 12:44 p.m.)
19 JUDGE MONTEMAYOR: We're coming back on the record here.
20 We're continuing with the direct examination of the witness.
21 You may continue, counsel.
22 MS. DEVLEMING: Thank you, Your Honor.
23 **RESUMED DIRECT EXAMINATION**
24 Q BY MS. DEVLEMING: Sarah, when we left off, we were
25 talking about the April 8th coaching conversation about your

1 swearing on April 4th; do you remember?
2 A I do.
3 Q When you were at work? Did you ever, in fact, receive
4 written discipline over the April 4th incident?
5 A I did on, I believe, April 14th, Jer presented me with a
6 copy of a corrective written -- written corrective action.
7 Q How did you -- how did that happen? How did he present it
8 to you?
9 A He asked to speak with me. We met one-on-one, and he gave
10 me the document and confirmed that it was -- this is what he
11 had been -- he had sought further guidance, and been directed
12 to give me a written warning.
13 Q Did he say who he had sought further guidance from?
14 A I don't recall if he said explicitly.
15 Q Was anyone else around for that conversation?
16 A No.
17 Q Where did you have that conversation?
18 A At 5th & Pike.
19 Q Was the store open?
20 A Yes.
21 Q Where -- where in the store was the conversation held?
22 A I don't recall if it was in the back of house or in the
23 conference room. Something as a general note, is that 5th &
24 Pike has an unusual layout where we have a small conference
25 room that's part of our store. I'm not used to seeing a

1 conference room in a Starbucks, so if I refer to the conference
2 room, that is a part of the store. It is -- part of it we
3 would consider the lobby because it's front of house and
4 customer accessible. But it is -- it does have doors that
5 close, so it is a private space.
6 Q Did Jer say who had made the decision to issue the -- you
7 this write-up?
8 A I don't recall if he said it explicitly.
9 Q And how did you respond to being presented with the write-
10 up?
11 A I told him because of you know, knowing that we were in a
12 Union election that there was an ongoing petition that I wanted
13 to talk to our Union legal representatives before signing it,
14 and that I would talk to them, and then the next time I worked,
15 take the appropriate action.
16 Q And you previously testified about how swearing had been
17 historically common -- normal at the store. Did you discuss
18 that with Jer during the discipline conversation?
19 A Yes. I asked him why I was, specifically, receiving
20 corrective action when it's common, and other workers swear as
21 well.
22 Q Did Jer respond to that?
23 A He, basically, just said, you know, I can't discuss
24 anybody else's corrective action with you.
25 MS. DEVLEMING: Your Honor, I've handed the witness what's

1 been marked for identification as General Counsel Exhibit 11,
2 you'll see on the top right corner of this exhibit.
3 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
4 A I do.
5 Q What is it?
6 A This is a copy of the corrective action form that I was
7 given and signed.
8 Q This says in the top right after date created, it says
9 4/9/22. What do you take from that?
10 A On a corrective action form, date created is the day that
11 the store manager started the document. So sometimes if
12 there's an investigation of whatever the corrective action is,
13 the document will have a date that's earlier than the partner
14 sees it, and that just means that that was the first day that,
15 most likely, that they contacted partner relations or spoke to
16 a district manager and started creating the corrective action.
17 Q But I think you testified, you were presented with this
18 for the first time on the 14th of April?
19 A That's correct.
20 Q And then at the bottom, it looks like you signed on April
21 18th. Is this your signature where it says your name?
22 A It is, yeah.
23 Q And then the notations in the very middle, whose notations
24 are those under partner's statement?
25 A Those are mine.

1 Q And just in case, your handwriting is pretty clear, better
2 than mine, but so the record is clear, can you read your
3 comments here aloud?
4 A Yes.
5 "I have never been coached on swearing in back of
6 house before by Jer, or any other manager, in the
7 eight years I've worked here. Most managers,
8 including Jer, swear in back of house, and when it
9 has come up before, I've always been told it was fine
10 as long as you don't swear in front of customers.
11 When I asked Jer when he has coached me before, the
12 example he provided does not at all match my memory
13 of any conversation we've had."
14 Q. And when did you write those comments in that section?
15 A It would have been the day that I signed it, which, as
16 noted on the document, is April 18th.
17 MS. DEVLEMING: Your Honor, I offer General Counsel
18 Exhibit 11.
19 JUDGE MONTEMAYOR: Any objection to 11?
20 MR. KIBBE: No objection.
21 JUDGE MONTEMAYOR: 11 will be admitted.
22 **(General Counsel Exhibit Number 11 Received into Evidence)**
23 Q BY MS. DEVLEMING: Sarah, during your eight years of
24 employment with Starbucks through April 14th, 2022, have you --
25 have you ever been written up for swearing?

1 A No.

2 MS. DEVLEMING: Your Honor, I have presented the witness

3 with what's been marked as GC Exhibit 12.

4 Q BY MS. DEVLEMING: Sarah, take a minute to read through

5 this. Look up at me once you've done so. Do you recognize

6 this document?

7 A I do.

8 Q What is it?

9 A This is the strike notice that we provided to Jer and Amy

10 on April 15th, to let them know that we were going to be

11 participating in a strike for the next three days.

12 Q And when you say for the next three days, starting on

13 April 15th?

14 A Correct.

15 Q Were you involved in presenting this to Jer or Amy?

16 A Yes. The morning of April 15th, shortly before 4:30, I

17 sent a copy of this to Jer and Amy, both by text and email.

18 MS. DEVLEMING: Your Honor, I'd offer GC Exhibit 12.

19 JUDGE MONTEMAYOR: Any objection to 12?

20 MR. KIBBE: Relevance.

21 JUDGE MONTEMAYOR: What's relevant?

22 MS. DEVLEMING: Union activity, strike activity, and

23 timing. This is one day after the discipline.

24 JUDGE MONTEMAYOR: 12 will be admitted.

25 **(General Counsel Exhibit Number 12 Received into Evidence)**

1 Q BY MS. DEVLEMING: Since the petition was filed, has the
2 store held all-store meetings?
3 A Yes.
4 Q One, more than one?
5 A We've had two.
6 Q When was the first all-store meeting held after the
7 petition was filed?
8 A It was in May of 2022.
9 Q Were you able to attend that meeting?
10 A I was able to attend that meeting.
11 Q Did any other partners not make it to that meeting?
12 A There were several partners that didn't make it to that
13 meeting.
14 Q Who do you remember not making it to the meeting?
15 A I remember Nelson Huang, Josh Nagy, and I believe, Hope
16 Kim.
17 Q Can you please spell Nelson's full name for the record?
18 A N-E-L-S-O-N. And Huang is, I believe, H-U-A-N-G.
19 Q We talked about Josh Nagy, or the spelling anyway. Who
20 was the third?
21 A Hope Kim. H-O-P-E, K-I-M.
22 Q Why could those three not make it to the meeting?
23 A My understanding is that Josh had -- well, Josh was out
24 that week with a family emergency. My recollection is that he
25 wasn't even in town on the day of the meeting. And Hope, I

1 believe, had class.
2 Q What about Nelson?
3 A Nelson had his normal shift. He worked multiple jobs, and
4 so he worked at Starbucks in the morning, and then, in the
5 afternoon and evening, worked at another business.
6 Q How do you know that?
7 A From general conversations with Nelson. Also from -- as a
8 supervisor one of your duties is to think about the schedule
9 for the day. So for example, if somebody in the morning calls
10 out and says, hey, I'm sick I'm not going to be at my afternoon
11 shift, one of my responsibilities would be to check with our
12 partners to see if somebody could cover that shift.
13 So it's pretty common for me to ask people like, hey, I
14 know you leave at noon, do you want to extend and stay until
15 like 4 to cover the shift instead? And so I know from
16 discussing both with Nelson and with Jer, that Nelson has an
17 availability where he can't work in the afternoons.
18 Q When you discussed that with Jer, what was Jer's -- what
19 did he share with you how he knew that?
20 A He would know that from, all partners write availability
21 sheet, which they submit to the store manager, and the store
22 manager approves. And that says I'm available to -- at these
23 hours on these days.
24 Q What time was this May, 2022 store meeting?
25 A I believe it was at 6 p.m.

1 Q Is that within your normal availability?
2 A No.
3 Q So how was it that you made it to the meeting?
4 A I made an exception.
5 Q Why would you make an exception?
6 A We had just gotten our -- our ballots for our election,
7 and I wanted to see my coworkers.
8 Q Did management communicate to you anything about the
9 meeting, or whether attendance was required?
10 A On the schedule, like the week we scheduled, it has
11 everyone's schedule for the week where it says store meeting,
12 it said mandatory store meeting.
13 Q Had previous notifications of store meetings said they
14 were mandatory?
15 A Yeah. The previous one that we've talked about that
16 happened in November/October the previous year also said that
17 it was mandatory.
18 Q Did Josh Nagy get in trouble for missing the missing?
19 A No.
20 MR. KIBBE: Calls for speculation.
21 Q BY MS. DEVLEMING: If you know, as a shift supervisor, did
22 Josh Nagy get disciplined for missing the meeting?
23 A I do know, and he did not.
24 Q Do you know if Hope Kim got written up for missing the
25 meeting, as a shift supervisor?

1 MR. KIBBE: Same objection.
2 MS. DEVLEMING: Same response.
3 JUDGE MONTEMAYOR: The objection calls for speculation?
4 MR. KIBBE: Yes.
5 JUDGE MONTEMAYOR: Don't think so. Lay a foundation here.
6 Q BY MS. DEVLEMING: As a shift supervisor, would you know
7 if someone was written up for missing a mandatory store
8 meeting?
9 A Yes. And additionally, I would know, as the store's like
10 Union representative, if there was a disciplinary in
11 conversation, they would have asked for me to be there.
12 Q And did that happen?
13 A When Nelson was written up, he asked for me to be there.
14 Q But in Hope Kim's case, did that happen?
15 A No. And she was not written up.
16 JUDGE MONTEMAYOR: So the question is, did you know
17 specifically?
18 THE WITNESS: That she was written up, or not written up?
19 JUDGE MONTEMAYOR: Yes.
20 THE WITNESS: Yes. She was not written up.
21 Q BY MS. DEVLEMING: Do you know why Nelson Huang didn't
22 make it to the meeting?
23 A He was working at his other job.
24 MS. DEVLEMING: I've handed the witness what's been marked
25 as GC Exhibit 13.

1 Q BY MS. DEVLEMING: Sarah, can you take a minute to read
2 through, or at least glance at that document and let me know
3 when you're ready. Do you recognize this document?
4 A I do.
5 Q What is it?
6 A This is a strike notice that we provided to management on
7 Saturday, June 25th, that we would be participating in a
8 one-day strike.
9 Q Did you participate in the strike on June 25th?
10 A I did.
11 Q Did Nelson Huang work during the strike?
12 A No. Nelson had requested that weekend off.
13 MS. DEVLEMING: Your Honor, I'd offer GC Exhibit 13.
14 JUDGE MONTEMAYOR: Any objection to 13?
15 MR. KIBBE: Relevance.
16 JUDGE MONTEMAYOR: What's the relevance, counsel?
17 MS. DEVLEMING: Timing, Union activity.
18 MR. KIBBE: What timing? This I don't understand. It's
19 June 25th.
20 MS. DEVLEMING: Nelson was fired four days later.
21 JUDGE MONTEMAYOR: General Counsel 13 will be admitted.
22 **(General Counsel Exhibit Number 13 Received into Evidence)**
23 MS. DEVLEMING: I have handed the witness what's been
24 marked for identification as GC Exhibit 14. The top right
25 corner you'll see that designation.

1 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
2 A I do.
3 Q What is it?
4 A It is a corrective action form, a final written warning
5 given to me for time and attendance.
6 Q And this one looks like it's dated in the top right
7 corner, July 6, 2022 is the date created?
8 A Correct.
9 Q Is that the date you received this?
10 A No. I received this on -- I believe it's on the second
11 page, the date that I signed and dated it, which is July 13th.
12 Q And is it your understanding that July 6th would have been
13 the date that this was kind of initiated as you testified
14 earlier?
15 A Correct.
16 Q And it looks like there's two occasions listed in the
17 statement of situation. A 5/20 incident and a 6/28 incident.
18 What happened -- well, let's start with the 5/20 incident.
19 What's your recollection of what happened on May 20th?
20 A I had overslept. At some time a little after 4:30, Jer
21 called me and asked if I was going to work, and I said yeah,
22 I -- I overslept, and then I got to work as soon as I could.
23 Q Do you remember approximately when, or how much time it
24 took you past 4:30 to get there?
25 A Less than an hour, I believe.

1 Q And in the moment on the 20th, when you talked to Jer, did
2 he -- how did he respond to your tardiness?
3 A He didn't really say anything about it.
4 Q Did he mention that discipline might issue?
5 A No.
6 Q And how about the June 28th situation, what do you recall
7 happening on June 28th?
8 A A similar thing, I had overslept. He called me shortly
9 after 4:30, and asked if I was working, and I said I overslept,
10 and then got to work as soon as I could.
11 Q Do you remember how soon after 4:30 you got to work on
12 June 28th?
13 A I believe that was also less than an hour.
14 Q This less than an hour, was that outside of your norm --
15 or I guess, we'll talk about you first. Was that outside of
16 the norm in terms of the times you've been -- overslept had to
17 be late to work?
18 A I think that's pretty normal. I mean, it -- for most
19 people, it just depends on how long it takes you to get into
20 work.
21 Q And with the -- with respect to the June 28th incident,
22 how did Jer respond that day when you were running late?
23 A I don't recall him saying anything about it that day.
24 Q Did he tell you that discipline was likely to issue?
25 A No.

1 Q Historically, when you've been late to work before the
2 petition was filed, did you ever have conversations with
3 management about that one way or another?
4 A The only time I've had a conversation with management
5 about it before it was like several years ago, so there was a
6 time where I think I was late because of like oversleeping, or
7 something similar, but I want to say like three times within
8 the span of a couple of months. And I brought it up to my
9 manager and was like, I'm sorry. There was a lot going on in
10 my life at that time, and I said that and they -- my manager,
11 at that time, said it's not a big deal, it happens. Just don't
12 let it keep going.
13 Q Which manager was that?
14 A That would be Taylor Pringle.
15 Q And what was -- was Taylor the store manager at 5th and
16 Pike?
17 A He was store manager at 5th and Pike from when it opened
18 in September, 2020, to when Jer took over the store in, I
19 believe, September, 2021.
20 Q So this conversation would have happened at some point
21 during Taylor's tenure?
22 A Correct.
23 Q Can you spell Taylor's name for the record?
24 A T-A-Y-L-O-R. Pringle, P-R-I-N-G-L-E.
25 Q Did you get disciplined over that situation?

1 A No.
2 Q Is Jer Mackler, himself, ever late to work?
3 A Yeah. In the same sort of time period that I was late
4 twice he, himself, was late about the same amount of time. It
5 was also that he had overslept, and I, as the supervisor on
6 duty, was the one who called him and said, hey, are you coming
7 to work? And he said yeah, I overslept. And then made it
8 there as quick as he could.
9 Q Do you remember how quickly he got to work on those
10 occasions?
11 A As far as I remember it was about the same amount of time,
12 like a half an hour to an hour.
13 JUDGE MONTEMAYOR: Counsel, before we go on, you didn't
14 offer 14. Did you intend to?
15 MS. DEVLEMING: Oh, I sure did, Your Honor. I would offer
16 General Counsel Exhibit 14.
17 JUDGE MONTEMAYOR: Any objection to 14?
18 MR. KIBBE: No objection.
19 MS. DEVLEMING: Thank you.
20 JUDGE MONTEMAYOR: 14 will be admitted.
21 **(General Counsel Exhibit Number 14 Received into Evidence)**
22 MS. DEVLEMING: Your Honor, I have presented the witness
23 with what has been marked for identification as General Counsel
24 Exhibits 15(a) and 15(b).
25 Q BY MS. DEVLEMING: Sarah, do you recognize these

1 documents?
2 A I do.
3 Q Let's look at 15(a) first. Well, what is this?
4 A So this is a picture of a daily records book which we
5 talked about briefly. This is a good example of what it looks
6 like. It is a big -- like a spiralbound book that we keep that
7 has a page for every day, and we write things that happen of
8 note in it. This is where like we talked about I would
9 normally keep track of if somebody was late, this is where I
10 would notate it.
11 Q And this is -- this 15(a) is dated Friday of March 18th,
12 2022. So would the notations here apply to that date?
13 A Yes.
14 Q And looking in the top left box where it says staffing and
15 scheduling, I see two notations about Jer. Do you know who
16 made the first notation?
17 A The first one is Jer's handwriting.
18 Q And what does that mean, coverage 7:15?
19 A Coverage versus noncoverage is how time is allocated.
20 Coverage is time that you spend on the floor like actively
21 doing things that generate profit, like serving customers
22 making food and beverage. Noncoverage is time that you are at
23 work during work activities, but it's not like production
24 related. So like for managers like that will often be like
25 their admin time, where they'll do things like payroll, or

1 for -- you know, for baristas it could be doing things like,
2 doing a prom -- like a promotion set or something like that.
3 Q So here, did Jer have noncoverage time before 7:15, or do
4 we --
5 A Correct. Yeah.
6 Q Okay. And below, the notation in black, whose
7 handwriting -- who is that?
8 A That's my handwriting.
9 Q And what did you -- what does that mean?
10 A So it says Jer one hour late. So I was notating that Jer
11 was an hour late that day.
12 Q What time was he scheduled to be there?
13 A My recollection was that he was supposed to be there at
14 some time like 6. He normally started his shifts around 6, so
15 I would guess that that was about correct.
16 Q Okay. And before I offer them, we'll talk about 15(b)
17 real quick. What is this?
18 A This is another picture of a daily records book. This one
19 is dated Tuesday, May 17th. And it has a note in the staffing
20 and scheduling box that says Jer 30 minutes late.
21 Q So whose notes are those?
22 A That's my note.
23 Q And that would have been -- he would have been 30 minutes
24 late on May 17th?
25 A Correct.

1 MS. DEVLEMING: Your Honor, I offer General Counsel
2 Exhibit 15(a) and 15(b).
3 JUDGE MONTEMAYOR: Any objection to 15(a) or (b)?
4 MR. KIBBE: No objection.
5 JUDGE MONTEMAYOR: 15(a) and 15(b) will be admitted.
6 **(General Counsel Exhibit Number 15(a) and (15(b) Received into**
7 **Evidence)**
8 Q BY MS. DEVLEMING: Did you ever talk to Jer about these
9 tardies?
10 A Yes. The first one, it happened we had recently -- we
11 previously talked about we -- the supervisors read all of these
12 policies, including the time and attendance policy. And then
13 in later weeks the baristas each week had to read one of the
14 policies per week, and then sign off on it. We had just
15 recently, I believe, maybe in the week before, had to have the
16 baristas read and sign off on the time and attendance policy.
17 And so I had a conversation with Jer about how like that looks
18 to our team if like they're being told that they're going to
19 get -- you know, they have -- there's this high standard of
20 like time and attendance that we're now enforcing, and then at
21 the same time you, as the manager, are 30 minutes late.
22 Q And so 30 minutes late, are you referring to --
23 A One hour late.
24 Q -- the May 17th incident did this conversation happen
25 after, or the June --

1 A The March --
2 Q Oh, I'm sorry, March 18th.
3 A March 18th, which was an hour late.
4 Q Okay. How soon after the March 18th hour late did you
5 think -- do you think you had this conversation with Jer?
6 A We had that conversation the same day.
7 Q And how did Jer respond to your concern?
8 A He agreed that it didn't look very good, and I asked him,
9 honestly, out of my own personal curiosity how -- like, is
10 there accountability for managers, because they don't have to
11 like punch in and out. So for an hourly partner you would know
12 that they were late, there would be a record of it, because
13 their time punch would be however many minutes late that day.
14 But since store managers are salaried, they don't have to punch
15 in and out, so there's not like a record. So I asked him like
16 do you guys -- do you also get in trouble for being late? And
17 he said that, basically, the expectation is that they are
18 supposed to self-report to their boss, and that their boss
19 would determine if there was supposed to be disciplinary
20 action.
21 Q Did you ask if Jer had self-reported?
22 A I asked if he planned to and he said yes.
23 Q Do you know if that ended up happening?
24 A I don't know for sure if that ended up happening. This
25 was a Friday which would have been the end of my workweek, so I

1 wouldn't have had an opportunity to follow up until the
2 following Monday, which I probably -- just didn't occur to me
3 at that point.
4 Q Do you know if Jer ever received written discipline over
5 those tardies?
6 A I'm not aware of any discipline that he ever received.
7 MS. DEVLEMING: I have handed the witness what's been
8 marked as General Counsel Exhibit 16.
9 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
10 A I do.
11 Q What is this?
12 A This is a email that I received from Sy Coleman, who is a
13 recruiter for Starbucks, confirming an -- an interview that we
14 had scheduled for the Heritage Market.
15 Q Just very briefly, what is the Heritage Market?
16 A The Heritage Market is a district that contains three
17 stores that are 1st and Pike, Pike Place, and 1st and
18 University, that the company has put an emphasis on the
19 heritage of. Working in that district works differently than a
20 typical district where you have a home store. And it also like
21 you work for the district and that district is my
22 understanding. It also comes with a high rate of pay.
23 Q So this document refers to an appointment, and I think in
24 the subject it says from interview. Had you applied to a job
25 in the Heritage district?

1 A I had, yes.
2 Q When have you applied?
3 A The previous Friday. My backwards math is -- okay, so
4 that would have been the July 1st.
5 MS. DEVLEMING: Your Honor, I offer General Counsel
6 Exhibit 16.
7 JUDGE MONTEMAYOR: Any objection to 16?
8 MR. KIBBE: Other than relevance. I'm not really sure how
9 it's relevant to the case.
10 JUDGE MONTEMAYOR: What's the relevance, counsel?
11 MS. DEVLEMING: It's timing. And we'll explore that a
12 little further, here, but I'm only really offering it for the
13 timing, that on Janu -- July 5th, she was invited to a Heritage
14 District interview. The relevance will become clear.
15 JUDGE MONTEMAYOR: I will admit it, but you need to tie it
16 in to the relevance, counsel.
17 **(General Counsel Exhibit Number 16 Received into Evidence)**
18 MS. DEVLEMING: Yeah, absolutely.
19 Q BY MS. DEVLEMING: Did you end up having that interview
20 with Sy Coleman -- sorry, Sy Coleman's name, I believe, is
21 spelled in the exhibit. D --id you end up having the interview
22 with Mr. Coleman on January -- I'm sorry, is that a mister or a
23 miss?
24 A Mister.
25 Q Mr. Coleman on July 5th?

1 A I did.
2 Q What was the result of the interview?
3 A It went well. It was basically a screening interview to
4 go to the next step of the interview process, so it went well.
5 He was excited to set up the next interview, which is with the
6 store manager and district store manage -- district manager of
7 Heritage District, to -- yeah, it's the second step of the
8 interview.
9 Q Did you have that second-step interview?
10 A I did.
11 Q Do you remember when that was?
12 A That was one week later, so I believe that would be the --
13 I -- I think it was the 13th.
14 Q And did you end up being hired into the Heritage District?
15 A I'm sorry -- it was the 12th, not the 13th. I did my math
16 wrong. No, I was not hired.
17 Q How did you learn you had not been hired?
18 A Later, after the second interview, I think maybe a week
19 later, I don't remember the exact time period, Sy called me and
20 said that I had not been selected.
21 MS. DEVLEMING: I've presented the witness with what's
22 been marked for identification as GC Exhibit 17.
23 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
24 A Yes.
25 Q What is this?

1 A It's a screenshot of my voicemail log with the
2 transcription, from a voicemail left on July 19th.
3 Q And on the top left, it says, 3:02, do you know what date
4 that was?
5 A It would have been the day of the screenshot, I would
6 assume.
7 Q Do you remember when you screenshotted this?
8 A Actually, it probably would have been at least the next
9 day, because the screenshot shows that the call was at -- the
10 voice mail is from 5:23, and this was at 3:02 p.m. So it would
11 have been some time briefly after that.
12 Q And in the transcription it says -- there's a name,
13 Michael Lynn, lender. Who -- who is that?
14 A That is the iPhone's very bad attempt to transcribe Sy
15 Coleman's name. "Sy Coleman, recruiter" I believe is what that
16 says -- supposed to say.
17 Q And I'll table this for a minute until I can tie in the
18 relevance a little better. Sarah, how does the Heritage
19 District inter --
20 JUDGE MONTEMAYOR: The exhibit, counsel. Are you offering
21 17?
22 MS. DEVLEMING: I was going to wait a minute to tie in the
23 relevance a little bit --
24 JUDGE MONTEMAYOR: Okay.
25 MS. DEVLEMING: -- more strongly before I do that.

1 JUDGE MONTEMAYOR: Okay. All right. I'm just trying to
2 follow along.
3 MS. DEVLEMING: Thank you. I've got it. I won't forget,
4 hopefully. Remind me.
5 Q BY MS. DEVLEMING: Sarah, how does the timing of the
6 Heritage District interview process relate to your -- the
7 timing of your final written warning, if at all?
8 A Yeah --
9 MR. KIBBE: It calls for her opinion.
10 MS. DEVLEMING: I don't -- I don't know if there's an
11 opinion in that. It's timing. It's how is it connected in
12 time.
13 MR. KIBBE: Well, that's her opinion as to how it's
14 connected in time. It's not a fact.
15 JUDGE MONTEMAYOR: I will sustain the objection. Rephrase
16 the question, counsel.
17 Q BY MS. DEVLEMING: What was your understanding about
18 whether having written discipline on your record would impact
19 your ability to transfer into the Heritage District, or any
20 other district?
21 A You're not allowed to transfer if you have a written --
22 corrective written action within the previous six months.
23 MS. DEVLEMING: And Your Honor, now I'd offer GC Exhibit
24 17 for timing purposes, to show that, as testified, on July
25 19th.--

1 JUDGE MONTEMAYOR: Any objection to 17?
2 MR. KIBBE: Yes. Foundation as to the text inside the
3 screenshot. And also relevance as to the charge. I don't
4 remember seeing anything related to it. But we'd be happy to
5 be pointed to a paragraph.
6 MS. DEVLEMING: Again, the timing is that she was
7 disciplined in order to preclude her transfer.
8 JUDGE MONTEMAYOR: What about the foundation?
9 MS. DEVLEMING: Well, she testified that this is a
10 transcription from her voicemail box that she took a screenshot
11 of, and that the transcription is slightly incorrect, as
12 iPhones do, and clarified the name and who it was -- who was
13 calling.
14 JUDGE MONTEMAYOR: 17 will be admitted.
15 **(General Counsel Exhibit Number 17 Received into Evidence)**
16 Q BY MS. DEVLEMING: But Sarah, you already -- before -- at
17 the time you received the final written warning, July 13th --
18 13th? I don't want to muddle the record. July 13th, you had
19 already received one write-up, right, in April, before?
20 A That's correct.
21 Q The -- would that discipline have kept you from
22 transferring to the Heritage District?
23 A It would have. On the same day that I applied to the
24 Heritage District, I opened an internal appeal through partner
25 resources to investigate my -- the previous written warning for

1 swearing, and see -- I was trying to appeal that. Because I
2 felt that -- you know, it says in the written warning that I've
3 been coached before, and I had not been coached before. So I
4 wanted them to just get rid of the corrective action -- like,
5 the written corrective action, and acknowledge, you know, the
6 verbal. Like, that was fine. But -- so essentially, I was
7 hoping to appeal that corrective action with the intention that
8 if it was appealed and removed from my record that -- then it
9 would not preclude me from transferring.
10 Q Was it remove -- was -- did -- was your appeal successful?
11 A I -- so it was not successful. And I -- just for
12 reference, the first day that I got confirmation that partner
13 resources was investigating, the appeal was July 5th, so the
14 day before the final written warning was created.
15 MS. DEVLEMING: I have presented the witness with what's
16 been marked for identification as General Counsel Exhibit 18.
17 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
18 A I do.
19 Q What is it?
20 A This is a strike notice that we sent to management to
21 inform them that we would be participating a -- in a -- I don't
22 remember how many -- off the top of my head how many days this
23 was, but in a strike. Looks like the 14th through the 17th, so
24 four days.
25 Q Of July?

1 A Of July.

2 MS. DEVLEMING: Your Honor, I offer the General Counsel

3 Exhibit 18.

4 JUDGE MONTEMAYOR: Is there an objection?

5 MR. KIBBE: I'm -- I'm not sure how this is relevant, but

6 I've said that a bunch of times. I'll still make the

7 objection.

8 MS. DEVLEMING: The relevance is the timing, one day after

9 the final written warning.

10 JUDGE MONTEMAYOR: 18 is admitted.

11 **(General Counsel Exhibit Number 18 Received into Evidence)**

12 MS. DEVLEMING: And Your Honor, here might be -- I'm at

13 the end of my questions, but there are various things that I

14 already know I might want -- or do want to use, that came

15 through the production. And we're also -- four different

16 people have been sifting through the 3,000-page production, so

17 it might be a good time to go off the record and talk about

18 where to go from here. I, at a minimum, am going to ask for

19 leave to recall this witness, once we've had an opportunity to

20 spend the many hours required to sift through the 3,000 pages,

21 much of which is nonresponsive.

22 I also -- as we noted before, there's this issue of the

23 town hall meeting held by brand new, interim CEO Howard

24 Schultz, on April 4th. I do have the full video pulled and

25 ready if we want to watch it together. It's 50 minutes long.

1 I can -- I have the timestamp where the statement-in-question
2 is made. That is all I want notice taken of.
3 So there are easier ways to do this. I can have -- give
4 you the case cite, and it's a joint exhibit from a previous
5 case out of Region 21, that you can pull. And I could give you
6 the timestamp of where it appears in the video. Or we could
7 reach a stipulation as to the statement made in that video,
8 which is matter -- matter of public record and administrative
9 record. Or I'm, again, prepared and happy, just need to figure
10 out the technology, to play the video for us all.
11 JUDGE MONTEMAYOR: Okay. But we'll talk about that -- we
12 can talk about that off the record for a minute, here. But
13 you're -- you're done with your questioning?
14 MS. DEVLEMING: Again, there are a few documents that I
15 think we may have just received. I'd love a few minutes to
16 look at them.
17 JUDGE MONTEMAYOR: Okay.
18 MS. DEVLEMING: They were from the production, but my
19 wonderful colleagues have made copies. I'd love to look at
20 them briefly before I ask questions from them.
21 JUDGE MONTEMAYOR: Okay. Well --
22 MS. DEVLEMING: And then I do ask leave to re-call the
23 witness, if necessary --
24 JUDGE MONTEMAYOR: Sure. But --
25 MS. DEVLEMING: -- from the 3,000 other documents.

1 JUDGE MONTEMAYOR: Because my next question is, is the
2 Union going to have questions for the witness?
3 MS. MULTHAUP: Not at this time.
4 JUDGE MONTEMAYOR: Okay. I'm just trying to get --
5 MS. DEVLEMING: Yeah.
6 JUDGE MONTEMAYOR: -- to see where we're at, here.
7 MS. DEVLEMING: Of course.
8 JUDGE MONTEMAYOR: So we'll take some time. You can
9 review that. I don't know if the proposal is out there that
10 you would maybe consider some stipulation about the Howard
11 Schultz thing.
12 But we'll go off the record. We will talk about that.
13 And then we'll return in a while. Okay.
14 (Off the record at 2:18 p.m.)
15 JUDGE MONTEMAYOR: Okay. We're going to go back on the
16 record.
17 Off the record, counsel for the General Counsel took some
18 time to review some of the documents that were produced
19 pursuant to the subpoena. And had an opportunity to review it,
20 counsel?
21 MS. DEVLEMING: Well, no, Your Honor. There are 3,000
22 documents. They are very hard to even open. So despite that
23 four or five people behind me have been sifting through them,
24 in -- in total, we're still not through the documents.
25 JUDGE MONTEMAYOR: Okay.

1 MS. DEVLEMING: I would like to look at them myself to
2 determine if there are things that need to be covered.
3 JUDGE MONTEMAYOR: But they're the same documents that
4 you --
5 MS. DEVLEMING: There's a couple little things I can do
6 now, and then we should have a conversation about where to go
7 from here.
8 JUDGE MONTEMAYOR: Okay. Okay. Well, I'll -- I'll let
9 you go on.
10 MS. DEVLEMING: Thank you.
11 **RESUMED DIRECT EXAMINATION**
12 Q BY MS. DEVLEMING: Okay. So the first is, we -- Sarah,
13 early on in your testimony this morning, we talked about a town
14 hall meeting held by the incoming interim CEO, Howard Schultz,
15 on April 4th, 2022. Do you remember that?
16 A I do.
17 MS. DEVLEMING: And at this point, we have the video. We
18 will upload it to SharePoint. To disseminate it amongst us
19 today, we can walk around with the laptop, rather than messing
20 with this cool screen behind us, but we will do that. I'll
21 show it to the witness and see if she identifies it.
22 JUDGE MONTEMAYOR: Okay.
23 MS. DEVLEMING: I'm just showing her this video. This is
24 going to be marked as General Counsel Exhibit 19.
25 Q BY MS. DEVLEMING: Sarah, do you recognize this video?

1 And I can kind of start it, but I don't want to lose my spot.
2 Here, I'll start it from there.
3 (Video played at 3:05 p.m., ending at 3:05 p.m.)
4 Q BY MS. DEVLEMING: The audio, for now, is not important.
5 Do you recognize the video?
6 A I do.
7 Q What is this?
8 A This is a town hall that Howard Schultz took part in on
9 April 4th.
10 Q Did you attend the town hall?
11 A Not in person.
12 Q Did you review this video?
13 A I watched it live, remotely.
14 Q On April 4th?
15 A Correct.
16 Q From where did you watch it?
17 A On my cell phone, at -- on my cell phone.
18 Q Okay. Did -- were employees asked to watch the video?
19 A It was encouraged. You didn't have to do it, obviously,
20 like, in your personal time. Starbucks would never tell us to
21 work off the clock. But it was a link that was available that
22 you were able to watch.
23 Q When you say that, where was the link available?
24 A I don't recall specifically where I got the link from. I
25 believe there was a link into it in, potentially, the weekly

1 update for that week.
2 Q Did you speak with Jer Mackler about the town hall?
3 A I don't recall specifically discussing it with him.
4 Q Do you recall discussing it with any manager?
5 A Not that I can remember.
6 Q Okay.
7 MS. DEVLEMING: We have a -- I'll play -- well, I don't
8 know how to handle this. We have a transcript of the
9 one-minute of the video in question. I suppose I can -- well,
10 I'll leave that with you.
11 THE WITNESS: Do you mind -- I, on further thought, have
12 recalled something that might --
13 Q BY MS. DEVLEMING: Okay.
14 A -- is pretty serious. After this was -- after it went
15 live, that week, there was a sign that was posted by our
16 schedules that said to have -- like, that every partner should
17 stay an hour late on their shift or start an hour early on
18 their shift to watch this video. I mean, to sign off that you
19 had watched it.
20 Q Okay.
21 MS. DEVLEMING: I'm going to play the -- I've presented
22 the witness, now, also with a document marked for
23 identification as GC Exhibit 20.
24 I'm going to play the witness the portion of the video in
25 GC 19, between timestamp 43 minutes, 19 seconds, and 44

1 minutes, 34 seconds. And I wish our volume was louder, but I
2 offer, for the record, that that is the portion of the video I
3 am playing.
4 (Video played at 3:07 p.m., ending at 3:09 p.m.)
5 MS. DEVLEMING: And I'm going to stop the video there --
6 oops, I thought I did -- at the 44 minutes, 34 or 35 second
7 mark.
8 Q BY MS. DEVLEMING: Sarah, were you following along with
9 what's shown in General Counsel Exhibit 20 as you listened to
10 the video?
11 A I was.
12 Q And is that a verbatim transcript of what was said during
13 the town hall meeting?
14 A It was.
15 MS. DEVLEMING: Your Honor, General Counsel offers General
16 Counsel Exhibits 19 and 20.
17 JUDGE MONTEMAYOR: Any objection to 19 or 20?
18 MR. KIBBE: Yeah, I'll start with 20, Your Honor. With
19 respect to 20, I mean, it lacks foundation in the fact that
20 this -- I heard the same thing everybody else did, but I don't
21 know who wrote this. I don't know whether it's correct or not.
22 It sounded like it was, but I can't say for sure. It's
23 certainly hearsay, and I still haven't heard how it's relevant
24 beyond what we already talked about off the record.
25 And with respect to 19, I understand it to be the full

1 video. I would just renew the objections that I've made, I
2 think, off the record, which would be relevance, and
3 foundation, and hearsay.
4 MS. DEVLEMING: Okay. Well, point-by-point --: hearsay,
5 admission of party-opponent, CEO of the company;
6 Relevance, timing. April 4th he comes back to the company
7 and the disciplines with Sarah happen to begin;
8 The transcription, I can offer, for the record, was
9 drafted at Your Honor's requested by my co-counsel, Daniel
10 McCaskey. And you can track, again, for the record, the
11 Starbucks' video, provided in General Counsel's 19, has its own
12 Starbucks' transcription. And this is verbatim from the
13 Starbucks' transcription ticker running at the bottom of the
14 video.
15 JUDGE MONTEMAYOR: Okay. Just so that it's clear for the
16 record, 19 is the complete transcript of the -- I mean, the
17 complete video?
18 MS. DEVLEMING: 19 is the complete video. It's about 50
19 minutes long.
20 JUDGE MONTEMAYOR: 19 -- 19 and 20 will be admitted.
21 **(General Counsel Exhibit Numbers 19 and 20 Received into**
22 **Evidence)**
23 MS. DEVLEMING: Okay. Your Honor, here's where it gets
24 interesting, because the subpoena issue is a huge issue. There
25 is a ton of stuff to sift through. Despite hours of sifting, I

1 have --

2 JUDGE MONTEMAYOR: Well, let me -- let me just ask you

3 this question; is this on the record, or we're going to go off

4 the record?

5 MS. DEVLEMING: It's up to Your Honor. I would --

6 JUDGE MONTEMAYOR: Okay. Well, let's go off the record

7 just for a moment, then. I don't want to clutter up the record

8 with a lot of depth about a subpoena.

9 MS. DEVLEMING: Yeah.

10 (Off the record at 3:11 p.m.)

11 JUDGE MONTEMAYOR: We had an off-the-record discussion

12 that there are still some outstanding subpoena issues. Counsel

13 for the General Counsel at least expressed some concern

14 regarding some documents that were produced, including an

15 intention to potentially call -- call the custodian of records

16 of Respondent to try to address those issues.

17 I have determined that the best course of action is to

18 recess for the day, give counsel for the General Counsel an

19 opportunity to further review the documents that have been

20 produced. We'll reconvene tomorrow at 9 a.m. And then we'll

21 take up the issue of whether or not the custodian of records is

22 needed, and whether or not the parties have, in the interim,

23 resolved any issues regarding the subpoena.

24 Any questions about that?

25 MS. DEVLEMING: What about -- I have one administrative

1 thing to flag. We do have an interpreter scheduled for our one
2 Vietnamese-speaking witness tomorrow. We have her all day,
3 through -- all day. But just -- we need to make sure that that
4 happens, at some point, tomorrow, even if we need to go out of
5 order.
6 JUDGE MONTEMAYOR: Okay.
7 MR. KIBBE: That's fine.
8 JUDGE MONTEMAYOR: And that's something that we all --
9 MS. DEVLEMING: Okay.
10 JUDGE MONTEMAYOR: -- we all knew about. And --
11 MS. DEVLEMING: Yeah, we'll -- we'll work with that.
12 JUDGE MONTEMAYOR: Okay. So you're -- you haven't been
13 excused. You're still testifying, so the admonition that you
14 were given is still in effect.
15 Okay. We'll see -- we're going to go off the record.
16 We'll see you tomorrow.
17 **(Whereupon, the hearing in the above-entitled matter was**
18 **recessed at 3:21 p.m. until Wednesday, May 24, 2023 at 9:00**
19 **a.m.)**
20
21
22
23
24
25

1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Case Numbers
4 19-CA-292276, 19-CA-307871, Starbucks Corporation and Workers
5 United Labor Union International, affiliated with Service
6 Employees International Union, held at the Jackson Federal
7 Building, 915 Second Avenue, 30th Floor, Room 3090, Seattle,
8 Washington 98174-1078, on May 23, 2023, at 9:29 a.m. was held
9 according to the record, and that this is the original,
10 complete, and true and accurate transcript that has been
11 compared to the reporting or recording, accomplished at the
12 hearing, that the exhibit files have been checked for
13 completeness and no exhibits received in evidence or in the
14 rejected exhibit files are missing.
15
16
17
18 BRUCE CARLSON
19 Official Reporter
20
21
22
23
24
25

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:

Starbucks Corporation, Case Nos. 19-CA-292276
19-CA-307871

Employer,

and

Workers United Labor Union
International, affiliated with
Service Employees International
Union,

Charging Party.

_____

_____

Place: Seattle, Washington

Dates: May 24, 2023

Pages: 151 through 401

Volume: 2

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(602) 263-0885

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of: STARBUCKS CORPORATION, Respondent, and WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION, Charging Party.	Case Nos. 19-CA-292276 19-CA-307871

The above-entitled matter came on for hearing, pursuant to notice, before **DICKIE MONTEMAYOR**, Administrative Law Judge, at the National Labor Relations Board, Region 19, Jackson Federal Building, 915 Second Avenue, 30th Floor, Room 3090, Seattle, Washington 98174-1078, on **Wednesday, May 24, 2023, 9:05 a.m.**

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1 **I N D E X**

2

3 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4 Sarah Pappin	162	175	266	276	
5 Tai Van Hoang	280	312			
6 Cori Green	327	374	395	399	

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1 **E X H I B I T S**

2

3 EXHIBIT	IDENTIFIED	IN EVIDENCE
4 **General Counsel:**		
5 GC-21	163	164
6 GC-21(a)	271	271
7 GC-22	163	164
8 GC-23	163	164
9 GC-24	165	166
10 GC-25	291	292
11 GC-26	291	292
12 GC-27	291	292
13 GC-28	302	303
14 GC-29	306	307
15		
16 **Respondent:**		
17 R-1	236	
18 R-2	245	
19 R-3	249	
20 R-5	375	
21 R-6	381	384

22

23

24

25

1 **P R O C E E D I N G S**

2 JUDGE MONTEMAYOR: We're coming on the record this
3 morning, day 2. Where we left off, there were some discussion
4 regarding subpoenaed documents and we'll start there.
5 MS. DEVLEMING: Yes, Your Honor. General Counsel has a
6 continuing serious concern with the gamesmanship of the
7 production in this case. One additional concern that developed
8 yesterday is right around the time we closed for the day, we
9 received an ample supplemental production, which we were unable
10 to access until this morning at 8 a.m. So there are quite a
11 few documents we have been absolutely scrambling in the last
12 hour to sort through, still with all the same concerns about
13 relevance, about accessibility, about printability. These
14 formats are ridiculous.
15 So I just wanted to bring to Your Honor's attention that
16 the issue is not over. I also understand that the Union was
17 just this morning served with the initial inaccessible
18 supplemental production and has maybe only just now received an
19 accessible production or I don't know if they even have yet.
20 I'll defer to Mr. Kaplan.
21 MR. KAPLAN: It was -- it was also yesterday, around the
22 time that we were closing that we received the production.
23 Originally, we weren't unable to open any of the file types
24 except for a single PDF within the -- the batch of documents.
25 This morning it looks like we received the -- I believe the

1 same supplemental production. But again, I'm not sure that
2 we're able to access -- this was just 15 minutes ago. I'm not
3 sure we're able to access these file types. At first glance,
4 it doesn't look like it. And it looks like they're password
5 protected. We haven't been sent the password, so I'm unable to
6 access these documents as well.
7 MS. DEVLEMING: So I will say again, co-counsel and I this
8 morning have scrambled after a very, very late night last night
9 sort -- sorting through the other 3,000 documents we'd already
10 been provided. And I do think we're prepared to proceed, but I
11 just did want to bring to Your Honor's attention that this has
12 been a continuing struggle, to -- to put it -- put it lightly.
13 JUDGE MONTEMAYOR: Counsel.
14 MS. STROESCU: Your Honor, what was produced yesterday
15 afternoon was a supplemental production. It was only 60 pages.
16 It wasn't a large document dump -- dump in order to make them
17 scramble. We were aware of the technical issues, and I believe
18 Liz spoke with my paralegal last night who tried to get a hold
19 of our IT department as well as the document production
20 company, ULEX, and was unable to do so. So she got up this
21 morning and made sure that they had it on time for hearing
22 today. We did everything we possibly could. But with that
23 being said, we are also ready to proceed today.
24 MS. DEVLEMING: Your Honor, the documents could have been
25 provided in PDF. They could have been provide -- provided in

1 paper copy. They could have been provided in doc -- Word
2 documents, any accessible version. And if it's true it was 60,
3 those could have been emailed. They didn't need to be sent in
4 this convoluted share file with password protection and .tiff
5 and .dot files that we've struggled to open and print.
6 JUDGE MONTEMAYOR: Okay.
7 MR. KIBBE: Well, that's what was requested via the
8 subpoena.
9 JUDGE MONTEMAYOR: Let me -- let me just --
10 MS. DEVLEMING: The documents were requested and the
11 documents have not been timely provided.
12 JUDGE MONTEMAYOR: Let me just kind of tell you a little
13 bit about my perspective. Okay? My perspective is that I
14 brought this case in front thinking that we'd be able to come
15 in and make progress and potentially get almost done or close
16 to done. If it doesn't look like that's happening and that
17 that's not -- we're making that much progress, then I have the
18 other case on calendar call. I can call them tomorrow and we
19 can get through what we can today and then that'll give you
20 time to work out whatever it is the problems are with
21 documents.
22 MS. DEVLEMING: Again, Your Honor, General Counsel has
23 really moved mountains and we're ready to proceed. But I just
24 wanted to flag for you that I --
25 JUDGE MONTEMAYOR: I -- I -- I --

1 MS. DEVLEMING: -- there have been multiple mountains.
2 JUDGE MONTEMAYOR: Okay. I'm -- I'm just -- I'm saying,
3 okay, if this is going to be an issue that's going to sort of
4 disrupt the proceedings for the rest of the week, then -- then
5 my preference is just give you time to work all the details
6 out, and I'll take that other case and do the other case.
7 They're standing by. They're waiting. I got a call. They --
8 they're asking for a scheduling call today, so they can talk
9 about when they're getting scheduled.
10 So if you think we can make progress and if you think we
11 can push forward without --, you know, lots of delays and lots
12 of issues coming up, I'm happy to do that. But I want to make
13 the best use of everybody's time, okay, and taxpayer resources,
14 right? So that's my perspective.
15 So if you think we can go forward without a whole lot of
16 disruption and delay, and if you think you've wrestled with the
17 documents enough that you can -- can proceed, then we'll go
18 through the end --, you know, as far as we can get. But if
19 it's looking like nothing's really going to happen. We're not
20 going to make much progress, we're not going to get through
21 very many witnesses, you know, I mean, we'll -- basically, less
22 than half or maybe half, we've done with the first witness
23 after one day, so I have to make the call, in terms of whether
24 to keep doing this or bring that other case up and try to do
25 that and finish it.

1 So having said all that, we'll go off the record. I'll
2 give you just a couple of minutes, confer, see how we want
3 to -- that all to play out, because I have -- I have to get
4 them on the phone. If -- if I'm going to call them tomorrow, I
5 have to get them on the phone and give them notice so that
6 they're ready to go, okay? All right. So.
7 MR. KIBBE: Your Honor, one logistical question. At --
8 JUDGE MONTEMAYOR: Sure.
9 MR. KIBBE: If Thursday, the other case were to step in,
10 would that still -- do you still plan on that being a half day.
11 JUDGE MONTEMAYOR: On the Thursday case?
12 MR. KIBBE: Yeah. W --ell, if the other case comes in on
13 Thursday.
14 JUDGE MONTEMAYOR: No. If the other case convenes on
15 Thursday, my expectation would be that that would --
16 MR. KIBBE: That'd be the whole day.
17 JUDGE MONTEMAYOR: I don't know how long that's going to
18 take.
19 MR. KIBBE: Okay.
20 JUDGE MONTEMAYOR: I mean, they -- and frankly, that would
21 take up for the -- that would fill the rest of the week, just
22 because of the uncertainties of how long that case would take
23 and you know, what's going to happen with that case and whether
24 we can finish it or not, or you know, I don't know.
25 MR. KIBBE: Okay.

1 JUDGE MONTEMAYOR: So there it is, okay? So if you --
2 MS. DEVLEMING: No. Again, we're --
3 JUDGE MONTEMAYOR: -- if you --
4 MS. DEVLEMING: -- ready to proceed --
5 JUDGE MONTEMAYOR: And -- and --
6 MS. DEVLEMING: -- with our case.
7 JUDGE MONTEMAYOR: And really, it's on you. If you all
8 think you can go forward and push forward and we can con --
9 continue and have -- you know, I think the pace we've gone on
10 so far is -- is good and if we're -- you know, have a pace and
11 we're going and -- but if we're just stuck and we're talking
12 about records and documents and --, you know, then my
13 preference is to have -- give you time to work all that stuff
14 out. And then, you know, while you're doing that, I'll do the
15 other case, you know.
16 But you know, looking forward there's -- you know, I can
17 tell you, I have a case scheduled in Los Angeles beginning the
18 week of June 13th, and I'm going to be unavailable from then
19 through the second -- the first time I'm available after that
20 is the second week of July. So the -- we're going to get
21 compressed here in terms of the schedule and when we can
22 reschedule if we have to come back, okay? So there's that,
23 because there are other cases and people are you know, there's
24 petitions to revoke in those cases and all -- you know,
25 everybody's fighting and you know, I'm -- there's one of me

1 and, you know, 50 of you all, so -- okay? All right. I'll
2 give you five minutes. Figure it out. Talk to yourselves.
3 Talk amongst yourselves. See how you want to proceed. And if
4 you want to go forward, then we go forward.
5 MS. DEVLEMING: We're ready to proceed, as I -- I said.
6 JUDGE MONTEMAYOR: Okay. Well, good.
7 MS. STROESCU: We're ready to proceed as well, Your Honor.
8 JUDGE MONTEMAYOR: Okay. All right. We're going to go
9 back on the record. We are currently back on the record.
10 We -- there was some discussion regarding scheduling and
11 whether or not it would be preferable to take a case that was
12 waiting on a trailing docket to give the parties an opportunity
13 to address document issues. The parties were given an
14 opportunity to consider whether that was an avenue that they
15 would take or if they want to proceed. Both parties have
16 indicated a willingness to continue and push forward, so we'll
17 push forward. You have a witness who we've had on the stand.
18 Are bringing that person back up?
19 MS. DEVLEMING: Yes, Your Honor. General Counsel --
20 JUDGE MONTEMAYOR: Is --
21 MS. DEVLEMING: -- recalls Sarah Pappin.
22 JUDGE MONTEMAYOR: Good morning. Welcome back.
23 THE WITNESS: Good morning.
24 JUDGE MONTEMAYOR: I'm going to remind you that you were
25 previously sworn and you're still under oath. Okay?

1 THE WITNESS: All right.

2 JUDGE MONTEMAYOR: Do you understand that?

3 THE WITNESS: Absolutely.

4 JUDGE MONTEMAYOR: Okay.

5 Whereupon,

6 **SARAH PAPPIN**

7 having been previously sworn, was called as a witness herein

8 and was examined and testified as follows:

9 **RESUMED DIRECT EXAMINATION**

10 Q BY MS. DEVLEMING: Hi, again, Sarah. Good morning.

11 A Good morning.

12 Q Yesterday do you remember testifying about the late

13 February meeting with Jer, where you were required to sign off

14 on some policies pulled from the Partner Resources manual?

15 A I do, yep. MS. DEVLEMING: Oh, I got the numbers

16 wrong. I might need to renumber. I forgot we have the video

17 and the transcript in as 19 and 20. So let's change. We

18 can --

19 JUDGE MONTEMAYOR: No. I think --

20 MS. DEVLEMING: -- keep --

21 JUDGE MONTEMAYOR: I think we ended at 19.

22 MR. KIBBE: 20. We had ended --

23 MS. DEVLEMING: 20 was --

24 MR. KIBBE: -- at 20.

25 MS. DEVLEMING: -- our last with the transcript of the

1 video. 19 was the video.
2 JUDGE MONTEMAYOR: Okay.
3 MS. DEVLEMING: So let's change what you have in front of
4 you as 19 to 22.
5 JUDGE MONTEMAYOR: 22?
6 MS. DEVLEMING: And what you have in front of you as 20 to
7 23. Is there one on the same page, Bruce?
8 JUDGE MONTEMAYOR: And 21 is 24?
9 MS. DEVLEMING: 21 is 21. That's where we left off.
10 JUDGE MONTEMAYOR: 21 is still going to be 21?
11 MS. DEVLEMING: Yeah.
12 JUDGE MONTEMAYOR: Okay. So just so that there's no
13 confusion, 21 is soliciting -- is the document that has the
14 heading, soliciting distributing notice; 22 is attendance and
15 punctuality; and 23 is the dress code?
16 MS. DEVLEMING: Correct.
17 JUDGE MONTEMAYOR: Okay.
18 Q BY MS. DEVLEMING: Sarah, I know I gave you a stack of
19 documents there. Can you take a minute to glance through those
20 and look up at me when you're ready? Do you recognize those
21 documents?
22 A I do.
23 Q What are they?
24 A They are three different sections from the partner
25 resources manual covering three different policies. These are

1 the policies that Jer had me read and sign off that I had read
2 as discussed in the February meeting.
3 Q And I think you also testified there might have been a
4 fourth policy, an internal technology policy, is that your
5 recollection?
6 A That's my recollection.
7 Q Is it possible that the subject of the iPads could have
8 come up in discussing a different policy like the solicitation
9 policy in front of you?
10 A I think that sounds correct.
11 Q Okay. And is this your initials in the top right corner
12 of each of the three exhibits?
13 A It is.
14 MS. DEVLEMING: Your Honor, I would offer General
15 Counsel's 21, 22, and 23.
16 JUDGE MONTEMAYOR: Any objection to those documents?
17 MR. KIBBE: No objection.
18 JUDGE MONTEMAYOR: 21, 22, and 23 will be admitted.
19 **(General Counsel Exhibit Numbers 21, 22 and 23 Received into**
20 **Evidence)**
21 Q BY MS. DEVLEMING: And Sarah, do you also remember
22 yesterday talking about the day that you were not call --
23 didn't receive a text or a voicemail from Jer about the change
24 to the opening time of the store?
25 A I do.

1 Q And that was April 7th?
2 A Correct.
3 MS. DEVLEMING: Thank you. Your Honor, I have presented
4 the witness with what's been marked as General Counsel 24.
5 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
6 A I do.
7 Q What is this?
8 A It is a screenshot of my text message history with Jer.
9 Q And it looks like it covers the dates April 6th, 2022, to
10 the beginning of April 12th, 2022?
11 A That's correct.
12 Q Did you receive any other texts from Jer between April 6th
13 and April 7th, 2022?
14 A Nothing that's not in this screenshot.
15 Q Is it a common problem for you in dealing with Jer to --
16 that his text messages don't come through?
17 A I've never had that issue before.
18 MS. DEVLEMING: Your Honor, no further questions for this
19 witness.
20 JUDGE MONTEMAYOR: You did not move for the admission of
21 24. Did you --
22 MS. DEVLEMING: I'm sorry.
23 JUDGE MONTEMAYOR: -- intend to?
24 MS. DEVLEMING: Of course, I would like to do that. Yeah.
25 I move for the admission of 24.

1 JUDGE MONTEMAYOR: Any objection to 24?

2 MR. KIBBE: No objection.

3 JUDGE MONTEMAYOR: 24 will be admitted.

4 **(General Counsel Exhibit Number 24 Received into Evidence)**

5 JUDGE MONTEMAYOR: And my inquiry yesterday was that the

6 Union had no questions of this witness?

7 MS. MULTHAUP: Correct. No questions. Thank you.

8 JUDGE MONTEMAYOR: Ready for cross-examination?

9 MR. KIBBE: After Jencks statements.

10 MS. DEVLEMING: All right. So here we go. Let me count.

11 I meant to count before. There are three affidavits related to

12 this case. There are also 8 to 10 related to other cases,

13 which I will you know, say for the record are almost fully

14 redacted. They really have basics about her job title and her

15 tenure with Starbucks not redacted. So we have about -- let's

16 see, one, two, three affidavits related to this case that are

17 relevant and one, two, three, four, five, six, six that are not

18 and that are really 90 to 95 percent redacted. Just so you

19 know the substance that needs to be reviewed.

20 MR. KIBBE: And Your Honor, if I may, I'd ask that a

21 unredacted copy be provided to you in order to determine if

22 it's relevant or not.

23 MS. DEVLEMING: We can certainly do that. Got them ready.

24 It will be a process. Again, it's exact.

25 JUDGE MONTEMAYOR: Okay.

1 MR. KIBBE: But I'll look through these in the meantime.
2 JUDGE MONTEMAYOR: Okay. So I have the folks in the other
3 case that are requesting a call regarding scheduling. So I'll
4 give you some time to review that and I -- but I want to factor
5 in to see maybe if I can get this call done, while they're --
6 have a little bit of space here. Okay? So do you think top
7 hour is sufficient?
8 MR. KIBBE: Yeah.
9 JUDGE MONTEMAYOR: Is it?
10 MR. KIBBE: That's plenty.
11 JUDGE MONTEMAYOR: Okay.
12 MS. DEVLEMING: I'll give you those redacted and
13 unredacted so you can see.
14 JUDGE MONTEMAYOR: Okay. We're going to give counsel an
15 opportunity to review those documents and I'm going to try to
16 get a conference call. But in the interim, while we're waiting
17 for that -- so we'll go off the record. We're at 9:20- --
18 (Off the record at 9:24 a.m.)
19 JUDGE MONTEMAYOR: That's the subpoena issue. Let's just
20 kind of deal with the Jencks stuff. And what I wanted to note
21 for the record is that I was provided both copies of the
22 redacted and unredacted statements that were turned over to
23 counsel for the Respondent. I did a -- a comparison of both
24 the original and the redacted and it appeared that the
25 redactions were, as stated by the counsel for the General

1 Counsel, related to other matters and the redactions were
2 appropriate. okay?
3 Before we move on to the witness, counsel for the Union
4 has indicated some interesting discussing the subpoena some
5 subpoena questions or some subpoena issues. And so why don't
6 we do that briefly?
7 MR. KAPLAN: Thank you. Your Honor, if you just give me
8 a -- just a brief moment. In the interest of efficiency and
9 because your decision could impact whether we must turn over
10 what we believe are protected documents or electronic files
11 that may be relevant to Starbucks' cross-examination of Ms.
12 Pappin, we would ask to be heard regarding our petition to
13 revoke Starbucks' subpoenas to at least six workers so that
14 you'd be able to rule on the issue.
15 There are two buckets of information requested in the
16 subpoenas. There are documents which Starbucks already has and
17 documents made or kept by employees in the exercise of their
18 rights to engage in protected concerted activity. Many
19 documents are electronic files made or kept by employees,
20 regarding conversations that they had with management, are
21 protected under the Act. In recent Board decisions, including
22 372 NLRB No. 50, a Starbucks matter from just February of this
23 year, the Board has reaffirmed that recording communications
24 about Union issues with management is protected concerted
25 activity.

1 Starbucks' response to our -- to the Union's petition to
2 revoke asserts that they do not seek protected documents. Of
3 course, no fair reading of the Act supports the notion and
4 simply disclaiming, we're not violating Section 8(a)(1) and
5 your, as an employer, from being held accountable for
6 intrusions of Section 7 activity. Excluding protected
7 documents, all that would be left are documents which are
8 already in Starbucks possession. This dynamic lays bare the
9 reality that these subpoenas are not intended to unearth useful
10 information, but to harass and intimidate. And for that
11 reason, we ask that you grant the Union's petition.
12 JUDGE MONTEMAYOR: Well, yesterday I indicated that I
13 would give Respondent opportunity to put together a response.
14 MR. KIBBE: And we did. Just -- but I'm not sure if
15 you've got it yet, Your Honor. We filed it last night.
16 JUDGE MONTEMAYOR: Actually, my -- my system is down. And
17 that -- I've been waiting for it to load. Has yours loaded?
18 UNIDENTIFIED SPEAKER: So yeah. I restarted my phone and
19 I downloaded the software. Yes. So I think maybe you have to
20 download the software.
21 JUDGE MONTEMAYOR: Okay. Yeah. Our -- the software
22 hadn't been downloaded and was not downloading. And so I just
23 now am able to open it, but I don't see the response. I
24 haven't seen it yet. And obviously, I'll give counsel, the
25 Respondent an opportunity to respond now, but I haven't read

1 it.

2 MR. KIBBE: Well, the Union's counsel brings up a good

3 point, Your Honor. I -- I don't know what would be produced.

4 Our position is in the papers, but to give you a quick summary

5 of generally what we're saying is, yes, we're not seeking any

6 protected communication, but we are seeking information that we

7 use to defend ourselves, which we have a right to. All that's

8 in the papers. I'd say -- I'd more urge you to look at that

9 than listen to me just because I'm doing this on the fly.

10 Outside of that, I'm in a weird position in that I don't

11 know if there's other information I could use for cross-

12 examination with Ms. Pappin or other witnesses. I'm happy to

13 go forward with what we have, and then you can maybe address

14 the petition to revoke at a lunch break, because I think we'll

15 be close to that by the time I get done. And then we can come

16 back. And if there is information, I can quickly look at it

17 and probably come up with some questions if I need to.

18 JUDGE MONTEMAYOR: Okay. All right.

19 MS. DEVLEMING: Your Honor, if the General Counsel might

20 be heard on this point. Obviously, we have an interest in

21 protecting our --

22 JUDGE MONTEMAYOR: Okay.

23 MS. DEVLEMING: -- witnesses as --

24 JUDGE MONTEMAYOR: Okay.

25 MS. DEVLEMING: -- well. You know, the issue here is that

1 this is an unlawful attempt to seek out before hearing evidence
2 of employees protected Section 7 activities. Respondent has
3 multiple times on the record now said they're not seeking their
4 communications with the Board, but of course, that's only one
5 category of protected activities. What they are explicitly
6 seeking --
7 JUDGE MONTEMAYOR: I think --
8 MS. DEVLEMING: -- through their subpoena --
9 JUDGE MONTEMAYOR: -- yesterday they said they were not
10 seeking any --
11 MS. DEVLEMING: Well, then there's --
12 JUDGE MONTEMAYOR: -- information regarding --
13 MS. DEVLEMING: -- nothing they're seeking.
14 JUDGE MONTEMAYOR: -- Section 7 activity. Isn't that
15 what --
16 MR. KIBBE: That -- that's right, yes.
17 MS. DEVLEMING: All of that individual request items in
18 the subpoenas these employees received asked for documents
19 showing their communications with management, their
20 conversations with management about the Union. Those on their
21 face are protected --
22 JUDGE MONTEMAYOR: And --
23 MS. DEVLEMING: -- communications.
24 MR. KIBBE: Kind of --
25 JUDGE MONTEMAYOR: -- they're -- they'll --

1 MR. KIBBE: I think that's the difference, Your Honor, is
2 conversations with management, documented conversations with
3 management, they're not protected at all.
4 MS. DEVLEMING: Of course they are.
5 MR. KIBBE: And we have a right to --
6 MS. DEVLEMING: Anytime an employee talks --
7 MR. KIBBE: Hold on.
8 MS. DEVLEMING: -- to their manager about the Union, that
9 is protected activity.
10 JUDGE MONTEMAYOR: What -- what about -- what about the
11 situation where the employee memorializes or just records what
12 the supervisor told them? I mean, there are allegations in
13 this case that, for example, statements were made to employees,
14 which are part of the complaint, right? If the -- if the
15 employee recorded that manager statement to the employee, it
16 has nothing to do with any union activity or -- or anything
17 else, right, except it's just a recording of what the manager
18 is telling them. Is that protected?
19 MS. DEVLEMING: Well, presumably a recording would have
20 the back and forth, so it would have been employees response,
21 if any. Even a no response could be characterized as union
22 activity or lack thereof. And of course, the other argument is
23 that it's impermissible pre-trial discovery. These are things
24 that come up in the General Counsel's case that Respondent has
25 made an end around attempt at through really bullying employee

1 witnesses who are unrepresented.

2 MR. KIBBE: They're represented by the Union. But at --

3 at any rate, Your Honor, I think you're hitting the point right

4 in the head. So let's just assume for a minute that, you know,

5 witness says manager said X. Witness recorded that

6 conversation, did not record manager said X, manager said

7 something different. That's impeachable evidence that we'd

8 have a right to, which is exactly why we're requesting this

9 information. This pre-trial discovery issue is kind of

10 ridiculous because we ask for the subpoenas to be -- documents

11 to be produced during the hearing, so there's no pre-trial

12 anything.

13 MS. DEVLEMING: No. That's the whole point. You're not

14 entitled to them before the General Counsel's case is

15 concluded. You're entitled to the documents that come in

16 through the General Counsel's case, not -- not before.

17 MR. KIBBE: I totally disagree. But at --

18 MS. DEVLEMING: That's Board --

19 MR. KIBBE: -- any rate.

20 MS. DEVLEMING: -- law. And there is --

21 JUDGE MONTEMAYOR: Okay. So I thi --

22 MS. DEVLEMING: -- no pre-trial discovery.

23 JUDGE MONTEMAYOR: I mean, there -- I think there is --

24 there's some Board law there that I think clearly supports the

25 Union's position and the -- regarding Section 7 activity.

1 There are a lot of different cases that talk about that and --
2 but that is out of bounds. But my question is if you slice the
3 baloney thin, is there some area within there that's not out of
4 bounds, you know?
5 MS. DEVLEMING: I think it would all be discovery.
6 JUDGE MONTEMAYOR: And --
7 MS. DEVLEMING: Anything that --
8 JUDGE MONTEMAYOR: And so that --
9 MS. DEVLEMING: -- that'd come up in the --
10 JUDGE MONTEMAYOR: That's why --
11 MS. DEVLEMING: -- in this case.
12 JUDGE MONTEMAYOR: That's exactly why I want to see the
13 response so that --
14 MR. KIBBE: And hopefully --
15 JUDGE MONTEMAYOR: -- I can make some reasoned
16 determination of whether there is some area there, given the
17 fact that counsel for the Respondent has clearly indicated they
18 don't want Section 7 stuff, right? They don't want stuff
19 that's -- if they're not entitled to have. Is that --
20 MR. KIBBE: That's correct.
21 JUDGE MONTEMAYOR: Okay. All right. So we'll push
22 forward. As indicated, I'll take a look at that whenever I get
23 it, hopefully soon. And we'll continue. We'll continue
24 with -- with cross-examination. Again, I -- io will remind you
25 you're under oath.

1 Counsel, you may begin.
2 MR. KIBBE: Thank you, Your Honor.
3 **CROSS-EXAMINATION**
4 Q BY MR. KIBBE: Ms. Pappin, it's nice to finally talk to
5 you. I'm Mike Kibbe, counsel for Starbucks.
6 A Hi.
7 Q I probably will call you Sarah, too, if that's okay?
8 A Totally.
9 Q It's just easier --
10 A Yep.
11 Q -- for me anyway, so I'm going to run through a few things
12 just to make sure timeline in my mind is correct. First off,
13 you talked about your history with Starbucks.
14 A Um-hum.
15 Q I'm not going to ask you to rehash everything, but you
16 started at the 5th and Pike store when?
17 A I started at the 5th and Pike store when the location
18 opened in September of 2020.
19 Q Okay. And the manager in September 2020 was not Jer
20 Mackler, it was somebody else, right?
21 A Correct.
22 Q Were you an opener at that time as well?
23 A Yes.
24 Q So your -- your schedule has been 4:30 to 3, I think you
25 said at -- the whole time?

1 A The store hours -- we opened later at that time. So it's
2 been whenever the store opened basically for the entire time.
3 Q When you first started and the 5th and Pike store, was the
4 COVID pandemic under way at that time?
5 A Yes.
6 Q Okay. And were there differences in how the store was run
7 because of COVID?
8 A Yes.
9 Q Can you tell me a little bit about those differences?
10 A At the time, we didn't have any seating in the lobby. So
11 customers -- we were -- what is called grab-and-go where people
12 are only allowed to be in the lobby long enough to order, wait
13 for their stuff and then leave. We had stricter like health
14 protocols, you know, for going on isolations, if we had
15 symptoms. We had to like take our temperatures every day. A
16 lot of the -- you know, basic COVID protocols that were in
17 effect in 2020.
18 Q What about staffing? Did staffing -- was the staffing
19 impacted by COVID?
20 A Yeah. I mean, like I said, there -- we would have to go
21 in isolation if we had symptoms. And so it was pretty common
22 for people to go out on isolation, which could result in short
23 staffing.
24 Q Well, more specifically in a normal non-COVID period,
25 would there be more people staffed at the store than there were

1 during the COVID time?
2 A That's a good question. I'm not actually sure that I know
3 the -- the answer specifically, though.
4 Q Didn't notice it, I guess is the best way to say, right?
5 A Yeah.
6 Q Okay. And you were a shift supervisor at the 5th and Pike
7 store from the beginning, right?
8 A Correct.
9 Q And you talked a little bit about your responsibilities
10 there. This is something you've done for a long time?
11 A Correct.
12 Q How long again?
13 A I've worked for Starbucks for nine years, and I've been a
14 supervisor for all but I think, six or nine months of that.
15 Q And the responsibilities of a shift supervisor, they --
16 they don't really changed between stores, do they?
17 A No. They're supposed to be identical at every store.
18 Q You're --, let's see, responsible as someone who opens the
19 store, you'd be responsible -- or actually unlocking the store;
20 is that right?
21 A That's correct.
22 Q Okay. Cash control, what's your responsibility with
23 respect to that?
24 A So I am supposed to make sure that all funds are correct.
25 So when we start, I count the safe and make sure we have the

1 amount of money we're supposed to have. Count the tills, make
2 sure that they're level, and then secure them in the drawers.
3 Throughout the day I have people assign and unassigned to
4 registers to make sure that they're accountable for the cash
5 that's assigned to them at the time. And then if we get -- we
6 get courier bank deposits. So a courier will -- will come
7 bring a change order and take the bank deposits with them. So
8 I would process the change order in that.
9 Q And this is all -- I'm assuming that -- tell me if I'm
10 wrong, done during that first 30-minute period time, so 4:30 to
11 5, before a store opens?
12 A Everything except for the courier part. And then people
13 on assignment -- assign and unassign all throughout the day,
14 but counting all of the money, that takes place in the first 30
15 minutes.
16 Q And does anybody else have keys to the store to open it if
17 you're -- let -- let's say if somebody else is, I guess, the
18 shift supervisor for that opening period?
19 A Yes. So all shift supervisors have their own store key.
20 Q Okay. And when you were working at the 5th and Pike
21 store, I guess you're still there, do -- does anybody else
22 serve as the shift supervisor during the 4:30 period?
23 A So there's only one, what we call like play caller, which
24 should also function as like the key holder --
25 Q Um-hum.

1 A -- at a time, regardless of if there's multiple
2 supervisors there at a time. So there's only one person that's
3 designated as the actual key holder.
4 Q And is that you?
5 A It would depend on the schedule that day. Sometimes if
6 there is another supervisor opening, they could be designated
7 as the key holder, but generally speaking, most days it is me.
8 Q Okay. When you say play caller, can you tell me a little
9 bit more about what that is?
10 A Yeah. Starbucks, their deployment methodology of you
11 know, how they -- we decide where baristas go and what roles
12 they perform to optimize customer service. It's called
13 Playbook. And so we call the person who is running the play,
14 the play caller.
15 Q Okay. And that's usually a shift supervisor, too?
16 A Yeah. It's the same person who would be like the key
17 holder.
18 Q Okay. And part of that is -- is that part -- the play
19 calling, what you were describing when you said you'd tell the
20 store manager when he came in, hey, here's what's going on; is
21 that right?
22 A Correct.
23 Q So that's something that you're required to do as a --
24 shift -- shift supervisor?
25 A It's part of the like routine for the supervisor, yeah.

1 Q On a typical day, any store manager, it doesn't have to be
2 Jer, but a store manager walks in and says, hey, Sarah, tell me
3 what's going on. Is that how it works?
4 A So it's -- the -- the check in is with like anybody who
5 starts working a shift at the store.
6 Q All right.
7 A So it could be a barista, another supervisor, the manager.
8 It's just to prepare them so that they know anything that they
9 need to know for how their shift that day is going to work.
10 Q Okay. And do you know the reason behind this practice?
11 A It's to make sure that our baristas are well informed. So
12 for instance, if we're out of a product, we would want to make
13 sure that they know that before they start working so they
14 don't accidentally sell it or if we know we're going to have a
15 large order at a certain time that they know to prepare for it.
16 Q And this -- I'm assuming this is something you do a daily
17 basis that; is that right?
18 A Correct.
19 Q So if something you didn't do would be out of the
20 ordinary, would that be fair to say?
21 A It really depends on the period of time. Like I
22 mentioned, there are periods of time where we're really short-
23 staffed, checking people in just takes a couple of minutes.
24 And so there definitely are times where it's just not the thing
25 to do in that moment. You know, if you've got a long line of

1 customers and a lot of people waiting, standing around, talking
2 for even a couple of minutes is not the best, right? So there
3 are times that we're very good and well-staffed and I always
4 have time to do it. There are other times where you've got
5 multiple call outs. It's busier than we expected, so it could
6 be both basically.
7 Q When it's busier than expected, I assume that there's some
8 point in time you do participate in these check-ins?
9 A Yeah. I would still at some point -- at -- in the
10 person's shift, find time to make sure that they got at the
11 very least like critical information like product outages or
12 you know, anything that was like really important.
13 Q Um-hum.
14 A But we may not do the full, like, hey, welcome. How are
15 you feeling today? Let's talk about everything that's going to
16 go on today. Let's talk about the positions that you're going
17 to be in. Let's talk about what goals you have for the day.
18 We might, just might, skip to, like, okay, we're out of this,
19 this, and this. Take over register, please, you know.
20 Q Critical stuff. I -- -- think --
21 A Yeah.
22 Q -- I understand. Let's talk about your responsibilities
23 as shift supervisor with respect to communicating information
24 from Starbucks to the other partners, I guess baristas.
25 A Um-hum.

1 Q Is that part of your role?
2 A Yes.
3 Q Can you tell me a little bit about that?
4 A So I'm supposed to make sure that baristas are
5 knowledgeable about any communications that are important from
6 the company, the main one usually being the weekly update,
7 which is a document that comes out once a week on Mondays.
8 That is -- it's what it sounds like. It's a weekly update. It
9 has anything that the company needs everybody to know for that
10 week. So I'm responsible for making sure people have read that
11 or if there was other communications.
12 Q How do you ensure that folks are aware the communication?
13 A That would be part of the check-in.
14 Q Okay. So check-in covers -- this would probably be on a
15 Monday, am I guessing right?
16 A Um-hum.
17 Q Okay. You get to --
18 A Or whatever their first shift of the week is because not
19 everybody works every day.
20 Q Got it. What about your role in monitoring baristas
21 performance? Do you have a role in that?
22 A Absolutely.
23 Q Can you tell me what it is?
24 A During my shifts, I'm observing baristas, what they're
25 doing, how they're interacting with customers, with each other,

1 how they're producing beverages, and providing coaching and
2 follow up if needed.
3 Q Okay. Coaching. Tell me a little bit more about that.
4 What's your role in coaching?
5 A Coaching from the supervisor is mostly just like -- well,
6 really only like verbal coaching, which is just doing things
7 like, hey, I've noticed you're, you know, having trouble with
8 this routine. Here's a reminder of how the routine goes. This
9 is why the routine is the way that it is and this is what'll
10 help you.
11 Q Do you consider coaching a form of discipline, or is it
12 more like it sounds, like helping a person improve?
13 A From a supervisor, it -- I -- it would depend on the
14 situation. Supervisors aren't really empowered to provide
15 discipline. That's not a part of our job. So we would coach
16 like I just kind of described. And then if that was not having
17 the result that was desired, then the next step would be to
18 like -- for the supervisor to communicate to the manager what
19 the situation is. And then the manager would make the decision
20 of what happened from there. So --
21 Q Okay.
22 A -- you could play a role in discipline in that you would
23 be reporting the behavior, but you -- the supervisor wouldn't
24 actually be enacting the discipline, if that makes sense.
25 Q Yeah. You're more providing input regarding discipline,

1 not necessarily implementing the discipline; is that right?
2 A Correct.
3 Q Okay. So am I right to say that you wouldn't be in the
4 meetings with the store manager if discipline's being issued to
5 another partner? You wouldn't be with that per -- partner,
6 right?
7 A It would depend on the situation. If the partner felt
8 that it was like a situation in which they needed to invoke
9 Weingarten rights than as like a union rep, I would join them
10 for that. But it wouldn't necessarily -- it wouldn't be a part
11 of my job as a supervisor.
12 Q Okay. Have you been asked to participate in any meetings
13 via the Weingarten rights?
14 A Yes.
15 Q How many?
16 A I -- there's two or -- there's one that I actually was
17 able to be in. And then there was one other occasion where
18 I -- the partner requested that I be in that meeting and then
19 were denied by the manager.
20 Q Two times; is that right?
21 A That I can recall.
22 Q Okay. And do you remember those two partners' names?
23 A Yes.
24 Q Can you tell me?
25 A Nelson Hoang was the one where he requested it and it was

1 denied. And James Tanner was the one that he requested it and
2 I did sit in the meeting.
3 Q And do you know if the disciplinary meeting with respect
4 to Nelson was about his -- what was it about, I guess I should
5 ask you?
6 A It was about his time and attendance.
7 Q Was that what led to his termination or was this before
8 that?
9 A This was his termination.
10 Q Okay. Did you tell anybody at the store, anybody above
11 you, that Nelson requested you be present?
12 A I did not, no. I -- my understanding of Weingarten rights
13 is that it's -- the worker is supposed to invoke them.
14 Q Okay. Do you know if Nelson invoked his Weingarten rights
15 to anybody in management?
16 MS. DEVLEMING: Your Honor, I'm going to object as to
17 relevance. There's no Weingarten allegation in the complaint.
18 MR. KIBBE: Well, I'm just curious. Nelson's going to be
19 a witness.
20 MS. DEVLEMING: It's --
21 JUDGE MONTEMAYOR: Objection --
22 MS. DEVLEMING: -- not an allegation.
23 JUDGE MONTEMAYOR: -- sustained. Doesn't appear to be
24 relevant.
25 MR. KIBBE: All right.

1 Q BY MR. KIBBE: What about the other person, James Tanner,
2 what was his disciplinary issue?
3 A Time and attendance.
4 Q Okay. And those are the only thing you can recall?
5 A That I recall, yeah.
6 Q Okay. Am I right to assume that you wouldn't be aware of
7 other discipline that's taken place with other partners?
8 A I would be aware of it if the partner told me about it.
9 Q And only if they told you about it?
10 A I might be aware of it if the manager told me.
11 Q Can you recall a time when the manager told you about
12 discipline?
13 A It is not uncommon for managers to tell, especially if
14 you're the supervisor that's running the floor or like I
15 mentioned, if you were involved with the discipline, it's
16 pretty common for the store manager to tell you like, yeah,
17 this is the next step that we've taken, and it's a written
18 warning or whatever, so that you know as like the supervisor
19 how to proceed.
20 Q Okay.
21 A Yeah.
22 Q So if a worker tells you or a manager tells you, then
23 you're aware of the discipline, otherwise, you're not; is that
24 right?
25 A That's correct.

1 Q Part of your role as the shift supervisor, you meet with
2 management regularly; is that right?
3 A That's correct.
4 Q How many times?
5 A So supervisors have -- we do like supervisor meetings as a
6 store. The intervals at which that happens is up to the store
7 manager. So for example, at the sort of certain time period
8 we've been talking about of you know, January to May of last
9 year, supervisor meetings happened approximately once a month.
10 Currently, we haven't had one in, I believe, a year -- or no,
11 we had one maybe six months ago.
12 Q And you have a new manager, right?
13 A Correct.
14 Q So Jer's title was to meet with you once a month?
15 A When -- when he was able to. There was things like hour
16 cuts, so sometimes the manager might not be able to essentially
17 rationalize the labor expense of having, you know, seven of the
18 most expensive people work for an hour just to talk to each
19 other.
20 Q That makes sense. So this is a manager's call,
21 essentially, like --
22 A Yeah.
23 Q -- how frequently you do it?
24 A Exactly.
25 Q Your previous manager, not Jer Mackler, but the previous

1 person, what was her name again?
2 A His name was Taylor Pringle.
3 Q Oh, sorry, his name. What was Taylor's practice?
4 A I'm trying to remember. We did have them occasionally. I
5 believe -- my best recollection is approximately once a
6 quarter.
7 Q Okay. So his practice was once a quarter. Jer Mackler's
8 was in -- in theory, as much as once a month and your current
9 manager is not very often?
10 A Correct.
11 Q Okay. And I'm assuming it's been different at each
12 Starbucks location you've ever worked at; is that right?
13 A That's correct.
14 Q Okay. And it's very store-manager specific; is that
15 right?
16 A That's correct.
17 Q Okay. Do you have development discussions with the
18 management?
19 A Partners have on regular intervals, I believe it's twice a
20 year, have what are called partner-development conversations,
21 PDCs, for short, which is a dedicated amount of time for the
22 partner to meet with the manager and have discussions
23 specifically around development. So they talk about job
24 performance, areas that have opportunities for improvement,
25 things that the partner would like to develop and work on if

1 they have any goals, especially, you know, like career goals,
2 like developing for a promotion or to work at corporate.
3 Q Okay. And this is an opportunity, I -- I believe, for
4 management to provide you feedback on your performance; is that
5 right?
6 A Correct.
7 Q And that happens twice a year?
8 A It is supposed to happen twice a year. I will tell you
9 that they get canceled more often than not because --
10 Q Busy.
11 A -- as well as -- as well discussed short staffing happens
12 frequently. And so if that happens when a PDC is scheduled,
13 it's pretty common for the store manager to be like, you know
14 what? We'll -- we'll reschedule the PDC. We'll get to it
15 later and then it just kind of never gets rescheduled.
16 Q I get you. I think I can. Okay. So tell me about your
17 relationship with Jer Mackler. Let's start there.
18 A Yeah. So Jer -- before he was the manager at my store, I
19 had actually worked with him previously. We've talked about in
20 between 6th and Union and 5th and Pike, there was several
21 stores that I jumped between.
22 Q Um-hum.
23 A One of those stores was 120th and Lake City Way (where Jer
24 was an assistant store manager at that time. So we worked
25 together then. And then -- so that was kind of like our

1 history before he came to 5th and Pike. So we knew each other
2 pretty well before he came to 5th and Pike.
3 Q Did you have a good working relationship with him prior to
4 5th and Pike time?
5 A I believe so.
6 Q At -- did you feel like you were able to communicate with
7 him openly?
8 A Yes.
9 Q Did you feel like he could -- did he -- well, how do I say
10 this. Did you get the sense that he felt like he could
11 communicate with you openly?
12 A That was the sense I got, yes.
13 Q So did you feel more like a colleague?
14 A It is always an interesting dynamic between the
15 supervisors and the managers because it -- I wouldn't say that
16 we feel like colleagues, but it is closer than you know, like a
17 barista would feel to the manager because you're more involved
18 in like, helping with decision making. But it is ultimately
19 always going to be the store manager's call on whatever
20 happens. So there is that -- there's still a power dynamic and
21 an authority.
22 Q Understood. But with respect to your working
23 relationship, you -- you felt like, and don't let me put words
24 in your mouth, but it sounds like you felt like a Jer Mack --
25 or Jer and you had an honest relationship, like you could talk

1 honestly about things?
2 A Correct.
3 Q Okay. Was that still true of Taylor, this is the previous
4 store manager?
5 A Yes.
6 Q And what about the current store manager, Jeremy?
7 A Yes.
8 Q Okay. So you just have a practice of having a good
9 relationship with your store managers?
10 A It's a good practice.
11 Q All right. And that's because you want them to understand
12 that they can come to you with issues; is that right?
13 A That is part of it, yeah.
14 Q Okay. And you believe you can help solve problems?
15 A Absolutely.
16 Q Okay. And you want to be a problem solver?
17 A Problem solving is my favorite thing to do.
18 Q There you go. All right. What -- what about Amy --, I'm
19 going to mispronounce, you said it the other day, Quesenberry?
20 A Quesenberry, yeah.
21 Q Is it Quesen -- okay. Tell --
22 A She --
23 Q -- tell me about her.
24 A Yeah. Amy was district manager. I knew her when she had
25 started to -- you know, as our district manager. We had a

1 pretty normal -- and working relationship that I would have
2 with a -- any district manager.
3 Q Would it be fair to say you're closer to the store manager
4 than Amy?
5 A Yes.
6 Q And that would be true for any district manager versus
7 store manager?
8 A Correct.
9 Q Okay. And what issues would you bring to the district
10 manager's attention versus the store manager's attention, if
11 any?
12 A If there was anything that I felt it wasn't appropriate to
13 discuss with the store manager. For instance, if it was about
14 the store manager or if it was something -- if there was
15 something that I had discussed with the store manager and had
16 not gotten a result that I believed was correct or appropriate,
17 or I would go to her if the store manager wasn't available.
18 Q Outside of the store manager not being available, have
19 there have been instances that you can recall where you reached
20 up to the district manager?
21 A The only instances I'm recalling right now are instances
22 where I -- the store manager wasn't available.
23 Q It's pretty rare occurrence, is that fair to say?
24 A In my experience.
25 Q Okay. But nonetheless, you have a good relationship with

1 them as well?
2 A Correct.
3 Q Okay. Do you feel like you can be honest with the
4 district managers in the same way with the store managers? Is
5 there a difference?
6 A I would probably be less candid, but I would always be
7 honest.
8 Q Okay. And the less candidness, why -- why so?
9 A It's just a, you know, higher authority always comes with
10 a higher amount of you -- how you want to interact with them
11 respectfully, you know.
12 Q And you're not spending daily time with them; is that fair
13 to say?
14 A Correct.
15 Q So the store manager you see every day; is that right?
16 A Correct. Well, assuming that we're working the same days.
17 Q Corre -- correct. So the district manager, you might see
18 once or twice a week?
19 A Correct.
20 Q With respect to your prior relationship with Amy in
21 particular, what's your sense of her as a district manager?
22 How did she come to you as a shift supervisor to understand the
23 store?
24 A She was pretty average, I would say, in like my experience
25 with -- throughout the years of -- of course, had many district

1 managers, and pretty normal and open, positive. The --
2 there -- there's a very -- it's hard to describe but there's a
3 very like Starbucks kind of culture and the higher up you get
4 the more sort of like distilled it is. It's very like people
5 forward, outgoing, and you know, like, that kind of
6 personality. That's very much Amy.
7 Q Was Amy the kind of district manager that tried to solve
8 problems for the store --
9 A Yes.
10 Q -- if there were any, I suppose?
11 A Yes.
12 Q Let's say prior to the petition, was she the district
13 manager at that time as well?
14 A Correct.
15 Q Do you remember a time when Amy would come to the store
16 and say, hey, is -- are there issues that I need to solve?
17 A I don't remember a specific time, but it likely happened.
18 Q Is that generally how she operates?
19 A Yeah. She would come in and say, like, you know, how's
20 the day going? What's going on? And if there were things that
21 we were experiencing that -- like, it's the common example, but
22 short-staffing where I was like, yeah, I mean, we've had three
23 callouts today. We're really stressed. Then she might, you
24 know, help with being like, let me call around the district and
25 see if I can get somebody to come out and cover for a little

1 bit.
2 Q Okay. What about other district managers? Is it pretty
3 common that what Amy did is similar to what other ones do?
4 A That --
5 MS. DEVLEMING: Objection. Relevance.
6 JUDGE MONTEMAYOR: I'm going to overrule the objection.
7 Continue.
8 MR. KIBBE: Thank you, Your Honor.
9 Q BY MR. KIBBE: And the current district manager, do you
10 know who that is?
11 A Yes.
12 Q Can you tell me who that is?
13 A Ryan Lassiter.
14 Q And Ryan's practice is very similar; is that right?
15 A That's been my experience, yes.
16 Q Okay. You have a good relationship with Ryan as well?
17 A I believe so.
18 Q Would it be similar in that your relationship with the
19 current store manager, Jeremy, is better than your relationship
20 with Ryan; is that true?
21 A I don't know that I would use the term better, but it's
22 closer because as you described, we spend much more time
23 together.
24 Q Okay. But overall you have a positive relationship with
25 both Ryan and Amy; is that right?

1 A Correct.
2 Q Okay. All right. Let's move on to the petition for a
3 minute. So you talked a lot about being directly involved with
4 that in your direct; do you remember that?
5 A Yes.
6 Q You -- you did confirm that, at least, as far as you know
7 nobody at the store knew this was happening; is that right?
8 A As far as I'm aware, yeah.
9 Q And that's until it was filed. And then, of course, there
10 was some Twitter information we saw; is that right?
11 A Um-hum.
12 Q Okay. Prior to that, you hadn't talked to Jer or anybody
13 about the petition; is that right?
14 A I hadn't talked to any members of management about it.
15 Q Okay. You talked to people at the store?
16 A Correct.
17 Q I understand that. Okay. And I think you'd mentioned you
18 were talking to some people at another store as well?
19 A That's correct.
20 Q 1st and Denny; is that right?
21 A Westlake drive-through.
22 Q Okay. The day after the petition is filed -- well,
23 actually, help me understand the timeline here. You told me
24 that you first met with Jer, you, and a few other shift
25 supervisors to talk to him about the petition. Was that the

1 day of or day after?
2 A So there was a couple instances. So there's one where my
3 recollection is that it was the day after, that it was just me
4 and Alica Vala just informally in the back room. And then I
5 think sometime after that, relatively shortly after that, there
6 was a shift supervisor meeting that we also discussed. So
7 there is a couple of instances.
8 Q Okay. Let's talk about the first one.
9 A Um-hum.
10 Q And the first one I want to focus on real quick. That's
11 either the day of or day after; is that right?
12 A Day after.
13 Q Day after, okay. You talked about specifically
14 approaching Jer Mackler to ask him if he had any questions;
15 is --
16 A Um-hum.
17 Q -- that right?
18 A That's correct.
19 Q Okay. Why did you feel like you needed to go to him and
20 ask if he needed -- had any questions about petition?
21 A Like we've talked about I -- like having a good working
22 relationship and from working closely with him and knowing, you
23 know, having a good sense of him as a person, I could tell that
24 he -- that there -- relationship was like strained that
25 morning. We had worked together for like several hours earlier

1 in the day and could tell that it was a lot more distant, that
2 he was less interested in engaging, just like less happy in
3 general. And so I had been waiting to see if he brought it up
4 on his own. And then when he didn't, I wanted to just offer
5 him the opportunity to talk about it if it was just that he was
6 uncomfortable bringing it up himself.
7 Q Okay. So you bring it up and it sounded like he was
8 caught off guard altogether about the petition. Is that fair
9 to say?
10 A That's my understanding.
11 Q Okay. And it sounded also like when you approached him,
12 he was still processing what any of this means. Is that fair
13 to say?
14 A I couldn't necessarily say what his internal state at that
15 point was, but it seemed like he was still finding out more
16 about it.
17 Q Okay. He was different than he normally was?
18 A Correct.
19 Q And you could tell that?
20 A Correct.
21 Q So you asked him, hey, do you have any questions about
22 this, we're happy to answer; is that right?
23 A That's what I recall.
24 Q Okay. And -- and this would be normal for you in any
25 other situation, is that fair to say? So let's say, Jer's

1 having a bad day. It has nothing to do with the petition. You
2 see it. You're going to approach and say, hey, is there
3 anything I can do for you?
4 A Yeah. If I noticed anyone's behavior was like, off from
5 normal, I would check in with them.
6 Q Because you're a problem solver?
7 A Yes. I am --
8 Q Okay.
9 A -- a problem solver and a people person.
10 Q Those are good things to be. So when you're approaching
11 him, it sounds as if Jer was kind of audibly processing what he
12 even understood this petition to mean; is that right?
13 A That's correct.
14 Q So he's saying things to you as a -- as a -- a friend, I
15 get it, you're a -- you're a shift supervisor, but as a person
16 he trusts out loud in his thoughts; is that right?
17 MS. DEVLEMING: I'm going to object to the question as --
18 as vague. It's a -- is the question that -- is he --
19 JUDGE MONTEMAYOR: Overruled.
20 MS. DEVLEMING: -- talking out loud.
21 JUDGE MONTEMAYOR: Overruled. You can answer the
22 question.
23 THE WITNESS: I -- so it's sort of a difficult question to
24 like answer in a way, just because, like I've said, we've
25 had -- historically had a very good open relationship. That

1 dynamic shifted a lot after the petition was filed, and I --
2 that was like the first day that it was -- it really felt like,
3 oh, you are my manager and you are speaking to me in a way that
4 is like, it's -- it's -- it's hard for -- to kind of explain,
5 but there is like a layer of formality that I was not used to.
6 I did not get the sense that it was a like, hey, yeah, Sarah,
7 like, let's -- I'm trying to figure all this out, so like, you
8 know, this is why I'm processing right now. It was like, I
9 have a lot to figure out. It was not a collaborative
10 conversation, if that makes sense.
11 Q BY MR. KIBBE: I think I understand, but the -- I have a
12 lot to figure out. That was a big theme of your conversation
13 with Jer; is that correct?
14 A On that day, yeah.
15 Q Okay. And part of that, he -- you had mentioned that he
16 had said something about borrowed partners; is that --
17 A Correct.
18 Q -- right?
19 A Yes.
20 Q One of the things you recall him saying was that he didn't
21 believe that bard -- borrowed partners would be able to come to
22 the store; is that right?
23 A Maybe -- the way I recall him phrasing it was not -- was
24 that he believed that borrowed partners could not come to the
25 store at that time.

1 Q Okay. And you thought that might be incorrect?
2 A That's correct.
3 Q And you told him so, right?
4 A Correct.
5 Q Okay. And he said, well, let me check into that. Is that
6 fair to say?
7 A Something along those lines, yes.
8 Q So he's not definitively saying it, at least at this time,
9 like no borrowed partners anymore. He's just saying this might
10 be something we can't do anymore, I'm not really sure; is that
11 right?
12 A Well, at that time, he was being more definitive but
13 acknowledged that he needed to -- when I told him, like, you
14 should get further clarity on this, acknowledge that he would
15 do that.
16 Q Would it be fair to characterize it as definitive in his
17 belief, but not necessarily he was pretty clear that he didn't
18 understand if he was correct or not?
19 A It's hard to say.
20 MS. DEVLEMING: I'm going to object, Your Honor. Asked
21 and answered.
22 JUDGE MONTEMAYOR: I'll allow the witness to answer.
23 THE WITNESS: It -- it's hard to say if it was his belief.
24 I mean, he was saying it in a way that was pretty confident.
25 It was, you know, regarding coverage in the week that had a

1 borrowed partner scheduled.
2 And the way that -- my best recollection of that conversation
3 was that he was trying to figure out coverage for that shift
4 with the belief that the borrowed partner would not be able to
5 work it. Q BY MR. KIBBE:
6 That makes sense. So it sounds as if Jer Mackler was
7 saying maybe -- tell me if I'm wrong -- that he was worried
8 about how to fix the coverage issues if --
9 MS. DEVLEMING: Objection.
10 Q BY MR. KIBBE: -- if he couldn't borrow partners.
11 MS. DEVLEMING: Mischaracterizes the testimony and asked
12 and answered. We have --
13 JUDGE MONTEMAYOR: Objection is overruled.
14 THE WITNESS: Sorry. Can you restate?
15 Q BY MR. KIBBE: I'll do the best I can. It sounds as if
16 when you're talking to Jer about this, he's thinking about the
17 problem of covering for the shortages of staff with borrowed
18 partners, can he do that or not; is that right?
19 A That sounds correct.
20 Q Okay. And then this meeting, if I recall you testified,
21 it wasn't terribly long; is that right?
22 A No. It was a short, informal meeting.
23 Q You said that there was another meeting and this was more
24 of a -- it sounded like a more organized shift supervisor
25 meeting; is that right?

1 A Correct.
2 Q And I think I remember you testified that this was a
3 little longer.
4 A Correct. The supervisor meeting was scheduled for an
5 hour.
6 Q Okay. So this is something that you would have done in --
7 is this one of those once a month meetings we were talking
8 about?
9 A Correct.
10 Q Okay. So not out of an ordinary. This is a meeting
11 you're having. Okay. Gotcha. And this is just the one that
12 falls into line, just it happens to be after the petition; is
13 that right?
14 A Correct.
15 Q Okay. You had mentioned that some of the petition came up
16 during this period of time as well?
17 A Yes. We couldn't -- we talked about the union, like,
18 petition.
19 Q And if I recall your testimony, and I could be wrong, but
20 I think I remember you saying that you also kind of brought
21 this up because you wanted to make sure if Jer had questions,
22 you could provide some answers; is that right?
23 A I -- I don't recall exactly how it was brought up. I -- I
24 think it is, approximately, correct that either I or one of the
25 other supervisors brought up the Union.

1 Q Okay. One of the things that came up again was the
2 borrowed partner issue?
3 A Yes. I -- again, I don't recall exactly how we got on to
4 the topic, but I recall that it was discussed again.
5 Q How many days had passed between the first meeting that
6 you had with Jer that we just talked about, and this meeting?
7 A I don't recall off the top of my head. I believe it was a
8 pretty short amount of time, but it's been a very long time
9 since those happened and things get compressed.
10 Q Totally understand. So we can use this little tool that
11 we use during questioning. It's a best estimate. You don't
12 have to be perfect. Would it be five days after your first
13 meeting with Jer that this shift supervisor meeting happened,
14 or would it be less than that?
15 A I believe it was within a week, so less than a week.
16 Q Okay. At the time you're speaking to Jer, the second time
17 with the shift supervisors, the borrowed partner issue comes
18 up. Jer, you said, says the same thing, which is, I'm not sure
19 borrowed partners can come to the store and work; is that
20 right?
21 A Yes. My recollection was that we talked about borrowed
22 partners, and I -- I don't remember if I asked it directly or
23 if it was just my intention to find out if he had sought, like,
24 more clarity and gotten an answer on that.
25 And my -- based off of his response, the understanding

1 that I took away was that he had, like, asked farther up and
2 had gotten essentially a response with, like, no, they can't --
3 you can't have borrowed partners. Like, because he was still
4 reiterating that we would not be able to have borrowed
5 partners.
6 Q Did he tell you that he spoke to anybody at Starbucks
7 about this?
8 A I don't recall if he specified who he spoke to.
9 Q Okay. But when he said that, you -- you -- if I remember
10 right, you challenged him again and said, I'm not sure that's
11 correct.
12 A Correct.
13 Q Okay. And he acknowledged that he may be wrong; is that
14 right?
15 A I don't recall if he acknowledged that it might be wrong.
16 I generally recall that when I said that he should continue to
17 find out more about this, that he agreed to do that.
18 Q Okay. So he agreed to look further into it. And that
19 sounds like he wasn't sure, to me, that he was right or not.
20 Is that -- is that your understanding?
21 A Managers, what they say comes with a certain amount of
22 story, right? They are expected to be knowledgeable about the
23 roles and that what they say is the correct Starbucks policy,
24 right?
25 So taking the example outside of, you know, the Union and

1 what we're discussing, a common thing that might happen is a
2 manager would say, hey, we need to enforce -- like, we -- this
3 policy works this way.
4 And I could say, I don't think that's correct. You
5 should, like, look that up, you know? That they might say,
6 like, okay, I'll look. But in the meantime, while they were
7 investigating, the de facto would be whatever the store manager
8 believed to be correct at the time.
9 So in this example, it would be if he's agreeing to look
10 and see if he's wrong, it doesn't necessarily mean that he's
11 acknowledging that he could be wrong. It's more of an
12 acknowledgment that he will go double-check.
13 Q Okay. And you're not sure if he did or not after that
14 conversation; is that right?
15 A I don't recall if we spoke explicitly about it, but we did
16 have partners working borrowed shifts. So I assume, at some
17 point, he got clarity on that.
18 Q Okay. And you know, like you said, managers can be wrong
19 about policies. And you feel comfortable saying, I don't think
20 that's right; is that fair?
21 A Yeah. If I was confident that I knew the policy, I would
22 challenge it.
23 Q So this sounds like a similar situation where he believes
24 that borrowed partners aren't allowed, but you correct him and
25 that's fixed later on; is that right?

1 A That would be a pretty accurate summary.
2 Q Okay. Real quick on Jer's time line with the store, and
3 I'm sure he'll come testify later. But just for your
4 understanding, you started at the Pike store, right?
5 A Um-hum.
6 Q How long had Jer been there as the manager before the
7 petition was filed?
8 A Three or four months.
9 Q So not very long.
10 A Not terribly long.
11 Q And when he first got there, was there any, like,
12 double -- double store manager -- were there two store managers
13 at a time working, or was he just there and he's the guy?
14 A He was just there. Well, it is a bit to explain, but I
15 can.
16 Q Sure. Please.
17 A So we had -- Taylor Pringle was our store manager. And
18 then he was selected to in, I believe, August or September --
19 the time line is muddy in my brain -- 2021 to go to Buffalo and
20 be part of what is well-documented in other cases.
21 So that happened very, very quickly. So he -- you know, I
22 worked with him on Monday. Monday night, he called and said,
23 hey, tomorrow's going to be my last day. I'm going to Buffalo.
24 And then -- so then the next day, Tuesday, him and Jer had,
25 like, a couple-hour meeting where they kind of handed over.

1 And then Jer had previously scheduled time off. Of
2 course, that was very -- it happened in essentially an
3 afternoon.
4 Q Um-hum.
5 A So once Jer started at the store, he was there for a
6 couple of days. And then he was off for, like, basically an
7 entire month.
8 Q Wow. Interesting. So --
9 A So in the -- in the meantime, we had -- when managers are
10 on vacation, they have a desig -- designated proxy store
11 manager so that we still have authority that we can go to and
12 somebody is keeping an eye on the day-to-day operations.
13 But -- so we had various different store managers that
14 were in our district watching the store. But we didn't have,
15 like, a store manager actually in the store for that month,
16 basically.
17 Q And do you remember what month that was? November,
18 December?
19 A My best recollection was that it was September, and he
20 started sort of, like, fully at the store the beginning of
21 October.
22 Q Okay. What happens normally in your experience when a
23 store manager is replaced?
24 A If it's something that they know is going to happen, so
25 it's an intentional, like, this person is getting another job,

1 they're leaving. There's, like, two-week transition time.
2 Like, there would be, you know, a planned exit for the manager
3 which would involve then having overlap with the incoming
4 manager to, you know, the most that could be reasonably
5 arranged.
6 Q Okay. Is there ever, like, a store meeting where, like,
7 they introduce the store manager to the whole team at the same
8 time?
9 A I have never been a part of a meeting that happened with
10 the store manager when they started like you're describing. I
11 did have a meeting with Jer that is similar to that, but that
12 did not take place until, I believe, early February.
13 Q Okay. And since we're talking about this transition time
14 between Taylor and Jer, were the COVID protocols sort of
15 winding down during that same time period?
16 A Yes and no. If you might recall what, you know, late 2021
17 was like, there was a period where we kind of saw a decrease in
18 COVID cases. And then in January, Omicron hit. So there was
19 some changing of, like, decreasing policies, but then other --
20 some of them came back. Other ones were, like, new policies.
21 It was kind of a mishmash.
22 Q In flux period still.
23 A Yeah.
24 Q Kind of winding down, kind of ramping up. It just
25 depending on the situation. Does that sound right?

1 A Yeah.
2 Q Okay. All right. So let me see here. I'm not sure if
3 you have this in front of you, so I'm going to give you a copy.
4 Hang on here for a second. This is Exhibit --
5 A Joint.
6 Q -- Joint Exhibit 2. So this is the partner guide. Let me
7 give you a color copy.
8 A Okay. Thank you.
9 Q I think you got some kind of --yesterday, you talked about
10 receiving this. Do you remember that?
11 A Oh. Like, when I first started?
12 Q Yes.
13 A Yes.
14 Q Okay. And you talked about reading it for about an hour
15 or so?
16 A It's my best recollection, but it was, you know, 2013.
17 Q And yeah. It was a long time ago. I understand that. So
18 and at the time you read through this, did you have any
19 questions about it?
20 A If I did, I don't recall what they were.
21 Q Did you feel comfortable if you did have a question asking
22 it?
23 A I'm not sure that I remember what I would have felt. I
24 mean, as a --
25 Q Well --

1 A Yeah.
2 Q I understand. It was a long time ago.
3 A Yeah.
4 Q Let me ask you this. Are you the kind of person that
5 would ask questions if you did have a question about a policy?
6 MS. DEVLEMING: Objection, Your Honor. Asked and answered
7 and calls for speculation. She -- she doesn't remember.
8 MR. KIBBE: I'm not asking what she remembers. I'm asking
9 if she's the kind of the person.
10 MS. DEVLEMING: Then relevance. What's the relevance of
11 what kind of person she is?
12 JUDGE MONTEMAYOR: Counsel, rephrase the question.
13 MR. KIBBE: Okay.
14 JUDGE MONTEMAYOR: I'll sustain the objection. I'm not
15 saying that you can't follow the line of inquiry. Just focus.
16 MR. KIBBE: All right. Well, I/m going to skip over that.
17 I don't really need to know about it.
18 Q BY MR. KIBBE: So I'm going to ask you to flip to page 41
19 of this Joint Exhibit 2. Are you there?
20 A Yes.
21 Q Okay. On the very -- kind of, like, in the middle, it
22 says mobile computing. Do you see that heading?
23 A I do.
24 Q Okay. Have you read that before?
25 A I don't recall if I've read this before.

1 Q Well, this would have been in the partner guide that you
2 said you read for an hour.
3 A I don't know for sure what it would have because as you
4 can see on the thing, it's dated as April 2020. And so I can't
5 see -- say for sure what was in the April -- or in the one that
6 I would have read in 2013.
7 Q Understood. You have access to the partner guide, right?
8 A I do have access to the partner guide, yes.
9 Q Okay. So they're updated frequently. That's probably
10 fair to say; is that right?
11 A That's my understanding.
12 Q Okay. When they're updated, do you -- in your normal
13 practice, do you go and see if there's any changes into the
14 partner guide?
15 A No. I don't think I would even necessarily know when they
16 were updated. I can't recall them ever, like, announcing,
17 like, we've updated partner guide.
18 Q Okay. If there's an update to the partner guide, part of
19 your responsibility is to ensure that the policies are
20 reinforced; is that right?
21 A My general part of my job is to make sure that the
22 policies are enforced. I wouldn't -- like I said, I have never
23 been instructed, like, there's been an update in the partner
24 guide and you should know it and enforce it. That's not a
25 conversation that I ever recall, like, having.

1 Q Do you think that would be helpful?
2 MS. DEVLEMING: Objection. Vague, relevance.
3 JUDGE MONTEMAYOR: Objection sustained.
4 Q BY MR. KIBBE: As a person who is in charge of
5 implementing policies at the store, do you think it's necessary
6 to understand what those policies are?
7 A I think it's necessary to have a good understanding of
8 them.
9 Q Okay. So if you don't have an understanding of a
10 particular policy, then would be beneficial for somebody to
11 tell you that there's a new policy available?
12 MS. DEVLEMING: Objection. Same objections. Also someone
13 else to tell her? How would she know if it would be beneficial
14 for someone else to tell her?
15 MR. KIBBE: Store manager
16 JUDGE MONTEMAYOR: I'll allow some inquiry. I'll allow
17 some leeway here.
18 MR. KIBBE: Thank you.
19 THE WITNESS: Sorry. Can you just repeat the question?
20 Q BY MR. KIBBE: Yeah. If there's a policy that you're not
21 familiar with, although you're responsible for implementing
22 these policies, would it be beneficial for the store manager,
23 to be specific, to tell you that there's a policy out there
24 that you should be aware of?
25 A If the store manager noticed that there was a policy

1 that -- that they were aware of that they saw that I was not
2 enforcing, then yes, that would be helpful.
3 Q The mobile computing policy that's I'm referencing on page
4 41 of Exhibit 2.
5 A Um-hum.
6 Q That's something you weren't familiar with prior to having
7 a meeting with Jer Mackler; is that correct?
8 A That's my best recollection.
9 Q Okay. So the first time you even became aware that there
10 was a policy out there was when Jer Mackler told you about it?
11 A As far as I remember.
12 Q But it looks like, at least from this partner guide, that
13 this was a policy in place in April 2020.
14 A That seems correct.
15 Q Okay. I'm going to ask you to flip the page 39, just a
16 couple of pages to the left, of that same exhibit. And let me
17 know when you're there.
18 A Yep.
19 Q Okay. Great. So this, at the very beginning, I think
20 it's on the top page, it says acceptable use of electronic --
21 or Starbucks electronic communications systems. DO you see
22 that?
23 A Yes.
24 Q Is this something that you were familiar with as part of
25 your reading of the partner guide?

1 A Again, I don't recall from reading the partner guide in
2 2013 if that was something I was familiar with.
3 Q Fair enough. How about prior to Jer Mackler telling you
4 about this policy, were you familiar with it prior to that?
5 A I don't think I would have been familiar with the policy,
6 no.
7 Q Would it be fair to say that you probably didn't review
8 the partner guide that was available in 2020?
9 A Not as far as I -- I don't remember reviewing it in 2020.
10 Q If you had questions about a policy where would you go to
11 find the answers?
12 A So Starbucks has an internal website that we use that's
13 called the Partner Hub that has a lot of resources like these
14 kinds of documents. So I would search in the Partner Hub to
15 see if a relevant document came up on the policy that I was
16 looking for.
17 Q And that Partner Hub, I think I heard you say you don't
18 have access to the policies that Jer presented, and this would
19 be Exhibits 21 through 23; is that right?
20 A Yes. So when you sign into the Partner Hub, it obviously
21 knows what job classification you have, and it will filter the
22 amount of information that you have access to, based on what
23 you're supposed to have that level of access to.
24 So, for instance, when I would search -- you know, if I typed
25 partner resource manual into the searches, I -- nothing would

1 come up.
2 Q The partner guide would come up?
3 A Correct.
4 Q Flip over to page 36 of that same exhibit. And you there?
5 A Yep.
6 Q Okay. There's a heading that says personal solicitation.
7 Do you see that?
8 A Yes.
9 Q Is that a policy that you were familiar with prior to Jer
10 Mackler telling you about it?
11 A No.
12 Q So this isn't something you reviewed before that meeting?
13 A No.
14 Q Okay. All right. So let's talk about the all-hands
15 meeting with Jer Mackler, I guess, to introduce him as the
16 store manager. He talked about that. You remember that?
17 A Um-hum.
18 Q You described it as him wanting to level set; is that
19 correct?
20 A I'm sorry. Can you restate which meeting we're talking
21 about?
22 Q The all-hands where he's been introduced as the store
23 manager. You said it was odd because he -- he'd been there for
24 a while.
25 A Yeah. So it -- the content of the meeting was essentially

1 a PowerPoint presentation on Jer as a person, like his personal
2 history, his history with Starbucks, his interests.
3 And then my recollection was that was about half of the
4 meeting, and the other half of the meeting was what can Jer do
5 to support you guys? You know, what is happening in the store
6 that needs more support?
7 What's, you know -- that kind of, like, what's going well,
8 what's not going well, what could we do to make everything go
9 well? That kind of conversation.
10 Q Did he describe it as a level set at any time?
11 A Not during that meeting, no.
12 Q Is -- okay. Do you recall saying something different at
13 any time?
14 A I don't recall that meeting being described as a level
15 set. I was just a --
16 Q Okay. I might be wrong.
17 A -- informational meeting.
18 Q So what meeting do you recall the term level setting being
19 said.
20 A I -- my best recollection would be that it was the meeting
21 at -- in which Jer gave me the policies to read.
22 Q How shortly after the all-hands meeting introducing Jer to
23 the store did you have this level set meeting?
24 A My best estimate would be somewhere in two weeks to a
25 month. I think the -- my best recollection is that the meeting

1 introducing Jer was beginning of February and the -- my rough
2 memory is that the meeting where he gave us the policies was
3 maybe the end of February.
4 Q Okay. And if I can find those. Give me one second.
5 JUDGE MONTEMAYOR: Counsel, while you're looking for that,
6 you did not move for the introduction of two --
7 MR. KIBBE: It's already entered, Your Honor.
8 JUDGE MONTEMAYOR: It's in?
9 MR. KIBBE: Yeah. Sorry. I should have said that before.
10 Q BY MR. KIBBE: So do you still have General Counsel's
11 Exhibit 21 through 23 at your table?
12 A I do somewhere. Yes.
13 Q Okay. Great. Okay. These were the policies that you
14 said were presented to you by Jer Mackler during this level
15 setting meeting.
16 A Yes. I personally recall there being one or two more
17 policies than just these three, but these are the three that we
18 seem to have in evidence.
19 Q Understood. And I assume that you were vaguely familiar
20 with the time and attendance policy; is that fair?
21 A Correct.
22 Q Okay. So that's Exhibit -- General Counsel Exhibit 22.
23 That's not something -- I'm sure it's covered in the Partner
24 Guide. Would you agree with me there?
25 A I would assume that time and attendance is covered in the

1 Partner Guide, yeah.
2 Q Okay. So your meeting with Jer Mackler regarding Exhibit
3 22 -- or General Counsel Exhibit 22 was more of a refresher on
4 like, hey, this is what it says; is that fair?
5 A I think, yeah. It was -- so a lot of policies I might
6 have a general understanding of as, you know, worked there for
7 years and know how things operate but might not know the exact,
8 you know, like, line by line, like, hard black and white this
9 is what is in the policy, this is what isn't, you know?
10 So this was, like -- this is the exact wording of the
11 policy. This is how it is exactly enforced, if that makes
12 sense.
13 Q I think it does. And as a problem solver, that's
14 something that you like to know; is that fair to say?
15 A If it's beneficial, then yeah.
16 Q Well, it's beneficial to know what the policy says, right?
17 A Generally speaking, yeah.
18 Q Okay. Exhibit -- or General Counsel Exhibit 21, and
19 that's the one that includes the solicitation and distribution
20 policy.
21 A Yes.
22 Q That was something we just talked about you weren't
23 familiar with up until you talked to Jer Mackler.
24 A As far as I recall, yeah.
25 Q Okay. And that same is true -- well, the dress code, I --

1 you probably were familiar with the dress code. And that's
2 Exhibit 23.
3 A Yeah. I mean, generally familiar with the dress code.
4 There's minutia in here that I was not necessarily familiar
5 with, but we have a -- there's a poster that lives in the back
6 of house that has, like, a visual, like, quick hits dress code,
7 like, thing on it.
8 So that's what I would have been most familiar with. And
9 that doesn't necessarily have all of the, like, nitty-gritty
10 stuff in it.
11 Q Got it. Got it. So I'm going to -- I'm looking at
12 Exhibit -- General Counsel's exhibit --, Exhibit 21, the first
13 page. Do you have that in front of you?
14 A Yes.
15 Q At the very bottom of the page where it says, 54-137, do
16 you see that?
17 A Yes.
18 Q Right next to that, it says, R-E-V, which I believe means
19 revision, 2/7/2022. Do you see that?
20 A Yes.
21 Q Okay. What does that indicate to you?
22 A That this would be a version of this document that was
23 updated as of February 7th, 2022.
24 Q Okay. I'm looking at the General Counsel's Exhibit 22.
25 Same thing, first page, very bottom, same place. Do you see

1 where it says revision, 2/7/2022?
2 A Yes.
3 Q Does that indicate same thing to you?
4 A Yes.
5 Q Okay. And what about General Counsel's Exhibit 23, first
6 page, same thing?
7 A Yep.
8 Q Okay. So you said you had these meetings with Jer later
9 in February; is that right?
10 A As best as I recall.
11 Q Okay. And this was the first time you had seen these
12 policies.
13 A The -- this version of the policies, for sure, yes.
14 Q Okay. Tell me a little bit about this discussion you had
15 with I think you called him Eddie. Do you remember that
16 person?
17 A Yes.
18 Q Eddie and Jer Mackler at the same time were together.
19 That's all I remember.
20 A Correct. It was a meeting that was originally scheduled
21 as a PDC.
22 Q Okay. And why would Eddie be at that meeting? Would he
23 normally be at a PDC?
24 A He was a manager. He was in a weird situation. So he
25 wasn't, like, a joint or co-manager like some stores would

1 have, depending on the situation. It was that his store had
2 closed, and they didn't have a store for him to go to
3 immediately.
4 So they placed him at our store while they figured out
5 where he was going to go to next. So he was functioning as
6 basically a -- a bonus store manager.
7 So depending on what the schedule was like, he may or may
8 not sit in with the PDC. He chose to sit in mine because Jer
9 and I had had a pretty contentious conversation recently and he
10 wanted to help resolve the things that we had not been able to
11 resolve in the previous conversation.
12 Q And what was the contentious conversation about?
13 A I believe it's already been discussed, but the --
14 essentially, there was a moment where we had -- you know, all
15 of our partners had recently experienced, like, significant
16 hours cuts and were pretty frustrated and upset by it, as you
17 can imagine if your pay was reduced by, you know, up to 50
18 percent without any input from you. You would be pretty upset.
19 And Jer had -- Jer was frustrated with our frustrations,
20 if that makes sense. And I told him basically, like, you know,
21 this is the kind of thing that makes us, you know, want to
22 organize and seek a union as having protection from things like
23 this where our income can just be changed without, you know,
24 any input from us.
25 And that led to a longer and bigger conversation about why

1 we were changing because addition -- in -- with all respects,
2 it's not just that, you know, we have less hours than we're
3 used to getting and that we need to pay our bills. It's also
4 that there's less people working at any given time.
5 So we're short-staffed much more frequently. So being at
6 work was very frustrating and stressful most of the time. And
7 so that led to a conversation in which he said some things
8 like, well, you guys just need to work harder.
9 And it just became a very -- some conversations you can
10 just tell at a certain point that they're not going to resolve
11 themselves and you just jointly make the decision that you
12 should just leave it for that time.
13 Q Okay. And for time purposes, do you remember kind of
14 roughly this conversation we just talked about happened?
15 A I -- my best recollection is that it was within
16 approximately a week of the meeting that we're talking about
17 that Eddie was in, the PDC.
18 Q Okay. A week before. So tension a week before, you have
19 this PDC scheduled, Eddie's there.
20 A Yeah.
21 Q Okay. That's where we're at. And you mentioned that he
22 was there to -- as sort of a mediator. Can you tell me more
23 about what you mean by that?
24 A Jer was at that time still not entirely confident as a
25 store manager. He promoted, I believe, sometime in the summer,

1 so he'd been in role for, like, nine months is what I would
2 estimate versus Eddie had been a store manager for, like, many
3 years.
4 And so sometimes there's a confidence issue or things like
5 that. So Eddie wanted to be able to kind of, like, mediate as
6 somebody with more experience having those kinds of, like,
7 difficult conversations.
8 Q Okay. And -- and during that conversation, was it all
9 just about the PDC originally?
10 A It originally was scheduled to be about the PDC, but we
11 started wanting to resolve the previous conversation, and then
12 it never really moved off of that topic.
13 Q That -- and this is the issue with the cutting the hours;
14 is that right?
15 A The conversations that I -- that Jer and I had had
16 previously, including the subject of the hours cuts.
17 Q Okay. So this comes up during your meeting with Jer while
18 Eddie's in there. And that's what I'm trying to understand.
19 A Yes.
20 Q All right. And I believe you said that at some point Jer
21 had said again, I just don't understand why you want to do
22 this; is that right?
23 A Yeah. My recollection is that he said something along the
24 lines of, I don't understand why you would want to go through a
25 process that could take multiple years and might not even get

1 anything out of it.
2 Q And did you have a response for him?
3 A My recollection is that I, as a person, do things because
4 they're right, not because they're easy.
5 Q You weren't disagreeing that it could take a number of
6 years for any process between, you know, election to contract
7 to occur; is that right?
8 A I -- I don't remember if it was in this meeting or a
9 different time that it was discussed, but I remember there was
10 a conversation in which -- and it well could have been this
11 one -- where Jerry said something about the length of contract
12 negotiation.
13 And I responded that it doesn't need to take that long.
14 You know, like, that there's no reason to believe that it has
15 to take that long. And if Starbucks, like -- and the Union are
16 able to negotiate easily, then it won't.
17 Q I'm assuming you're aware that, like, on average, it takes
18 about 400 days before a contract is entered.
19 MS. DEVLEMING: Objection. Calls for speculation.
20 JUDGE MONTEMAYOR: Sustained.
21 Q BY MR. KIBBE: Okay. Do -- are you aware of any -- of how
22 long it takes on average for a contract to be entered between
23 election and first contract?
24 A I've heard from in Starbucks literature that there's,
25 like, 400-something days is the average time.

1 Q And it sounds like it's a long time, right?
2 MS. DEVLEMING: Objection. 400 days is 400 days.
3 JUDGE MONTEMAYOR: Sustained.
4 Q BY MR. KIBBE: Okay. You don't think -- I think the point
5 I'm trying to make is you don't think Jer was telling you
6 something that was not true, right?
7 A It's difficult to answer, partially because I know a lot
8 more about unions and stuff now than I did in February of 2022.
9 And it's hard for me to mentally divorce. Like, I don't think
10 at that time I actually did know how long contract negotiations
11 take.
12 Q There's no contract under -- under this store at this
13 point in time; is that right?
14 A That's correct.
15 Q Okay. And there's -- there's -- I'm sure there's been
16 negotiations, which I've not been involved with, but they're
17 still far away, as far as you know, from a contract; is that
18 right?
19 MS. DEVLEMING: Objection, Your Honor. Relevance. This
20 is the subject of a massive case coming up as it has been
21 reported on in the news.
22 MR. KIBBE: Well, the relevance of --
23 MS. DEVLEMING: And the relevance --
24 MR. KIBBE: -- that's it's true.
25 MS. DEVLEMING: -- Respondent's refusal to bargain --

1 JUDGE MONTEMAYOR: I'll sustain the objection.
2 MS. DEVLEMING: -- to this case.
3 JUDGE MONTEMAYOR: Move on, Counsel.
4 MR. KIBBE: I think the point's made.
5 Q BY MR. KIBBE: All right. Let's move on to the iPads for
6 a moment. The iPads, how many do you have in the store?
7 A Currently, we have two. But that is -- sorry. It's a
8 weird answer. But normally we have four, but they get stolen.
9 Downtown Seattle. So currently we have two. At that time, I
10 believe we had four.
11 Q Okay. Where are these normally located?
12 A All throughout the store. Like, we -- like, I think I've
13 talked about before, there's a wide, wide range of uses for
14 them from, like, clocking in to we use them for, like, keeping
15 track of, like, mobile orders. So they're literally all over
16 the place. Sometimes finding one is a big to-do.
17 Q Are they stationary, like, they're actually stationed
18 somewhere, or are they literally just, like, placed out
19 somewhere in the store?
20 A No. They have various stations that they do kind of,
21 like, secure into, but like, they're not always there.
22 Q Okay. Got it. And we talked a little bit about the
23 backgrounds being changed as part of the -- okay. So you
24 became aware of the policy regarding use of Starbucks
25 technology after Jer's meeting in February, right?

1 A That's my recollection.
2 Q Okay. And you understood at that point part of your job
3 was to ensure that that policy was enforced; is that right?
4 A Yes.
5 Q Okay. After that meeting, did you notice any backgrounds
6 that should change back to whatever it was supposed to be?
7 A I don't recall, but yeah. I don't have a specific
8 recollection of that.
9 Q Okay. If you were to saw -- see something, would you have
10 changed it to whatever is appropriate per the policy?
11 MS. DEVLEMING: Objection. Calls for speculation. She
12 didn't see any.
13 JUDGE MONTEMAYOR: Sustained.
14 Q BY MR. KIBBE: You don't recall seeing. Is that what I
15 heard you say?
16 A Not that I remember off the top of my head, no.
17 Q Okay. Or maybe you were testifying that you said you saw
18 something that said "Union Strong". Do you remember that,
19 right?
20 A Yes.
21 Q Okay. You saw that.
22 A That was -- sorry. I thought you were asking about after
23 that meeting.
24 Q I am saying after the meeting.
25 A Okay. So that -- when I saw "union strong", that was

1 before the meeting.
2 Q Okay. So after the meeting, you don't remember seeing
3 anything?
4 A No.
5 Q And had you seen anything, you would have changed it back
6 to what it was supposed to be?
7 MS. DEVLEMING: Objection. Calls for speculation.
8 JUDGE MONTEMAYOR: Overruled.
9 THE WITNESS: It actually is speculation because I don't
10 actually know. It would have widely, like, really, really
11 significantly depended on the circumstances.
12 Like, if it was busy and that didn't feel like the best
13 use of a minute or two of my time, then I might not have taken
14 that in the moment to do it. It -- it's really hard for me to
15 say, honestly.
16 Q BY MR. KIBBE: Well, what's your understanding of why
17 Starbucks has this policy, if you have one?
18 MS. DEVLEMING: Objection. Calls for speculation. This
19 witness doesn't know what --
20 JUDGE MONTEMAYOR: Objection sustained.
21 Q BY MR. KIBBE: Okay. So maybe you're not aware of why
22 this policy exists. But let me give you an example since you
23 said you need an example.
24 Let's say you walk by and the iPad's background has
25 information about a garage sale a partner is going to be

1 participating in. What do you do?
2 MS. DEVLEMING: Objection. Calls for speculation.
3 JUDGE MONTEMAYOR: I'll sustain the objection.
4 MR. KIBBE: Well, Your Honor, I'm going to have to ask for
5 a little bit of leeway because --
6 JUDGE MONTEMAYOR: Well, focus --
7 MR. KIBBE: -- all I've got right now is that --
8 JUDGE MONTEMAYOR: Focus -- focus the question on the
9 issue, and then you'll be okay.
10 MR. KIBBE: Thank you, Your Honor.
11 Q BY MR. KIBBE: Okay. Let's just start with "Union
12 strong". You see "Union strong" on the background, what do you
13 do? This is after you have the meeting.
14 MS. DEVLEMING: Objection. Calls for speculation. She
15 did not. It's not relevant.
16 JUDGE MONTEMAYOR: No. I'll allow some leeway on that.
17 There was some testimony and it's in the record that that did
18 appear on an iPad screen.
19 MS. DEVLEMING: It's also asked and answered. She was
20 already asked that question.
21 JUDGE MONTEMAYOR: And I'll allow --
22 MR. KIBBE: She said it would differ.
23 JUDGE MONTEMAYOR: -- the witness to answer the question.
24 THE WITNESS: It would -- it would depend on the
25 situation. Again, if it didn't feel like the best use of my

1 time at that moment, I may not do it. It -- it would just
2 depend on what was going on at that moment.
3 Q BY MR. KIBBE: But you know -- I think the point is, you
4 know if you see it, that it's not supposed to be there. And it
5 should probably be reset to another screen; is that right?
6 A That seems right, yeah.
7 Q Okay. What about the solicitation issue from other
8 partners? What you're understanding of that policy?
9 A To be honest, this is one that I not only was not aware
10 of, I was actually -- it's actually quite different than what
11 my experience at Starbucks had been prior.
12 Like, it was pretty common if, like -- if people have,
13 like -- like, particularly 6th and Union had a lot of people
14 that were involved in theater. And so that would be like, hey,
15 I'm in play. Let me know if you want tickets. Like, that
16 would be pretty normal, so I -- this was relatively surprising
17 to me when I read it.
18 Q Understood. So and after you read it, though, what was
19 your understanding of the policy?
20 A That you could not post solicitation, anything that
21 qualified as that.
22 Q Of a personal nature; is that fair?
23 A Yes. That is my understanding.
24 Q Okay. And did you see anything like that after you were
25 made aware of this policy?

1 A Not that I recall.
2 Q You talked about Micah Lakes changing the background. I
3 think this is the person who changed it to "Union strong"; is
4 that right?
5 A That's my recollection.
6 Q Okay. And I just want to make sure I understand. It was
7 before you met with Jer Mackler about the policy; is that
8 right?
9 A That's my recollection because that was my understanding
10 of why I was being asked to read the policy was in reference to
11 that.
12 Q Okay. One second.
13 (Counsel confer)
14 Q Do you remember how many times you saw "union strong" or
15 something similar to that on the iPads?
16 A I recall that it was more than once, but I can't -- I
17 don't have a specific enough recollection to know if it was
18 five times, ten times.
19 Q That's fair. But you're certain that it was before you
20 were made aware of this policy; is that right?
21 A It's -- that's my recollection of the time line.
22 Q Okay. And you don't recall seeing any time after that?
23 MS. DEVLEMING: Objection. Asked and answered. She
24 stated that's the best of her recollection.
25 JUDGE MONTEMAYOR: I'll allow the witness to answer the

1 question. Objection is overruled.
2 THE WITNESS: I'm sorry. Can you repeat the question?
3 Q BY MR. KIBBE: You don't remember seeing it any time after
4 you became aware of the policy?
5 A Not that I recall.
6 Q Okay. All right. So let's talk about your written
7 warning that you received.
8 A Um-hum.
9 Q Okay. You recall that issue?
10 A I do.
11 Q That's where I'm going to focus most of our attention for
12 the next few minutes. First thing I want you to do is take, if
13 you still have it, Joint Exhibit 2, page 43. Just let me know
14 when you're there.
15 A All right.
16 Q The very top talks about -- has a heading that says, how
17 we communicate. Do you see that?
18 A Yes.
19 Q Okay. Second paragraph down from there, paragraph starts
20 as "partners are expected", et cetera. The next sentence is
21 what I want you to look at. Do you see that sentence?
22 A I do.
23 Q Okay. It says the use of vulgar or profane language is
24 not acceptable. Do you see that?
25 A I do.

1 Q Okay. Is that something you had read before, I guess in
2 2013?
3 A I don't recall if this -- I don't recall reading it in
4 2013. I'm not saying I did or didn't. I just don't have a
5 memory of it.
6 Q Okay. Is it fair to say that you were aware that the use
7 of language, cursing or anything like that, was inappropriate
8 at the store?
9 A I -- that's not my understanding prior to the written
10 warning.
11 Q Okay. You weren't aware of any policy that said that?
12 A I was not aware of a policy that said you can't. I
13 honestly hadn't thought about whether or not there was a policy
14 that addressed language because it -- it was just common, you
15 know?
16 There's certain things that you think about in terms of,
17 like, is this a policy or not? And then there's just, like,
18 this is the way people have sort of always interacted in a
19 certain way for eight years. And that's just kind of what you
20 are used to, you know.
21 Q Thank you. In these eight years, you've worked at
22 different stores.
23 A That's correct.
24 Q Okay. You'd only worked with Jer Mackler for four months
25 at the time; is that fair? Well, I guess a little bit longer

1 at this point.
2 A Correct. We worked -- and during -- in between -- after I
3 went 6th and Union from 120th and Lake City Way while he was
4 still a ASM there, it was very common for me to work there --
5 like, pick up shifts there. So we worked together off and on
6 for that entire time period between, like, 2020 -- summer of
7 2020 and when he got to the store.
8 Q And if I remember your testimony, your practice of cursing
9 is pretty routine outside of customers; is that right?
10 A Yeah. It's general decorum, right? You don't curse in
11 front of customers. You don't curse at each other. It's like
12 any workplace, you know, if you're blowing off steam with your
13 coworkers, you're probably throwing in a few curse words.
14 Q Got it. And you claim you've never been coached about
15 cursing before?
16 A I have no recollection of ever being coached by a manager
17 about cursing before the corrective action.
18 Q Is it possible that you could have been?
19 A I'm relatively that if I was coached before that I would
20 remember it because I try to be a pretty by-the-book
21 supervisor. And if I had been coached before, I would not have
22 been swearing.
23 Q Okay. I'm going to go a little out of order and see if
24 you have -- let me see. Give me a second.
25 (Counsel confer)

1 Q Just give me one second. I'm sorry about that.
2 A You're fine. Okay. It's a lot of papers.
3 Q Yeah.
4 (Counsel confer)
5 Q I'll come back to that. I'll find what I'm looking for,
6 and I'll come back to that.
7 A All right.
8 Q One thing I do want to bring up is an exhibit that I don't
9 think you've seen before. This will be something that we
10 provide you. But do you recall ever being disciplined for
11 anything else prior to the cursing incident?
12 A There was -- sorry. Can you be specific in your
13 definition of the word "discipline"?
14 A Any written form of discipline.
15 A The only written discipline that I recall receiving prior
16 to this was I think we talked about in 2016 or 2017 there was a
17 write-up about floors and cleanliness.
18 Q Okay.
19 (Counsel confer)
20 MR. KIBBE: All right. I guess we'll call this
21 Respondent's --
22 THE WITNESS: Exhibit?
23 MR. KIBBE: Yeah. Respondent's Exhibit 1.
24 **(Respondent Exhibit Number 1 Marked for Identification)**
25 Q BY MR. KIBBE: Okay. So I just handed you a document

1 marked Respondent's Exhibit 1. Have you seen it before?
2 A I have never seen this document before.
3 Q Okay. And -- and when you're finished, just let me know.
4 A All right.
5 Q Do you recall what this incident's about?
6 A I recall that there was times that I texted my store
7 manager and that -- which previously had been common practice
8 to text -- to communicate via text message. But during this
9 time, Jer notified me that it was not actually appropriate to
10 communicate via text message and that I should not talk to him
11 via text message.
12 Q So is that your recollection as to what this is
13 documenting?
14 A That would be my best guess.
15 Q Okay. And the checkmark says "documented coaching". Do
16 you know the difference between an informal coaching and
17 documented coaching?
18 A I don't.
19 Q Okay. But you've never seen this before?
20 A No.
21 Q But you do recall having a conversation with Jer about it,
22 though, don't you?
23 A My recollection was that the conversation was more with
24 Eddie than with Jer. It was about text -- like, texting Jer.
25 But the conversation was primarily with Eddie, in my

1 recollection.
2 Q So Eddie, the more experienced store manager's, tell you,
3 you probably shouldn't be texting your manager so often; is
4 that right?
5 A The specific circumstances were, as has been talked about,
6 there was a sudden and significant cut in hours. And so there
7 were two instances where the schedule at that time post, like,
8 relatively late. I want to say, like, 9 or 10 at night --
9 night on Mondays.
10 And so there had been two weeks where my coworkers had
11 reached out and said, hey, does anybody know why the hours are
12 so much less than normal? I looked at the schedule. I saw
13 that my hours were also normal, and then reached out to Jer to
14 ask, hey, what's going on about this?
15 Eddie followed up with me about them, and said that it was
16 not appropriate to be texting Jer at that time of night,
17 essentially, was what I recall being the, like, biggest issue
18 was that -- you know, just, like, that I shouldn't be texting
19 people when they might be asleep. That's -- that's my
20 recollection of the conversation.
21 Q Did you have any issue with what Eddie was trying to
22 communicate to you?
23 A I thought it was a little weird because text communication
24 had always been fine before, and it wasn't uncommon for Jer to
25 text me at that time of night, particularly, like, if there was

1 something I needed to know about what was going on the next day
2 or something.
3 So I thought it was a little unusual. It was out of
4 practice from what I had experienced previously, not just with
5 Jer but with all the store managers I've worked with. But I
6 complied with what Eddie requested, which is that I not text
7 Jer at night.
8 Q Okay. That's interesting. I didn't know this. So you're
9 giving me new information. It was Eddie, not Jer, who told
10 you, hey, don't text your manager so late at night?
11 A That's -- that's my recollection, but I haven't thought
12 seriously about that conversation in, you know, a year and
13 change.
14 Q Fair enough. Do you ever remember talking to Jer --
15 hearing from Jer that he had a problem with you texting him
16 late at night?
17 A I have a vague recollection, but not enough to recall
18 the -- what was actually spoken about. I -- my best
19 recollection is that there was a sort of, like, don't text me
20 that late going forward kind of conversation. And not even --
21 conversation's a strong word. But like, it was one comment in
22 a conversation.
23 Q Got it. And I'm assuming that, you know, moving forward
24 after you heard that, you're like, okay, no problem.
25 A As far as I recall, yeah.

1 Q Okay.
2 A Unless, I mean, if he texted me first or like -- sorry.
3 I'm really scraping my memory here as well as I can.
4 Q It was a long time ago. We all get it.
5 A Yeah. I -- my best recollection is that one of the
6 concerns that I had with this change going forward is that
7 sometimes there are things that need to be communicated
8 between, you know, the store manager and the opening supervisor
9 in those late hours because if there is, like, somebody is
10 sick -- you know, like we've seen, I believe, already a text
11 exchange that happened after this incident where if --
12 So I asked Eddie like, is it -- like, can I -- if it's
13 relevant to opening, am I still allowed to, like, text? You
14 know, I need to be able to communicate with my manager. And
15 Eddie said it was -- that was okay. So that's, as far as I
16 recall, what I would have complied with.
17 Q Okay. And you didn't have any issue with compliance, I
18 guess is what I'm trying to get to.
19 A It wasn't something I was going to get fired over, no.
20 Yeah.
21 Q Okay. Got it. This note -- and you may not know -- but
22 you didn't write this. I understand that. Is that correct?
23 A Yeah. I am not -- if you're referring to the --
24 Q Exhibit 1, yeah.
25 A Yeah.

1 Q Respondent's Exhibit 1. You didn't write this, but it
2 mentions that you were coached twice --
3 MS. DEVLEMING: Objection, Your Honor. The exhibit is not
4 in the record. We shouldn't be reading it into the record.
5 MR. KIBBE: I can ask questions about the document.
6 MS. DEVLEMING: If it's in the record, we can read from
7 it. She can answer questions about the document.
8 MR. KIBBE: I'm not asking for it to be admitted. I'm
9 asking about content. I mean, I'm at the point to where I
10 could just ask the question.
11 JUDGE MONTEMAYOR: The objection is sustained. You can
12 ask questions.
13 Q BY MR. KIBBE: Do you recall being coached any time prior
14 to that about text messages to your store manager?
15 A Prior to --
16 Q Prior to the conversation you had with Eddie.
17 A Yeah. Not that I recall, no.
18 Q Is it possible that Eddie talked to you about it, maybe?
19 MS. DEVLEMING: Objection, Your Honor. Calls for
20 speculation. She does not recall.
21 JUDGE MONTEMAYOR: Objection sustained.
22 Q BY MR. KIBBE: You can't say one way or the other. I
23 gotcha. Okay. So let's talk about this issue that happened at
24 the back of the house real quick with Jer Mackler, okay?
25 A Okay.

1 Q And I think you'd mentioned that that happened on April
2 4th; is that right?
3 A That's correct.
4 Q Okay. I'm going to hand you this. We've already -- this
5 has already been admitted. This is Exhibit -- General
6 Counsel's Exhibit 11. You might have a copy it, but just in
7 case you don't.
8 We talked about this yesterday. Do you remember that?
9 A Yes.
10 Q Okay. All right. One of the things -- I kind of want to
11 focus on everything that was said yesterday. But one of the
12 things I do want to focus on is what you wrote. First, that's
13 your handwriting, right?
14 A Yes.
15 Q When do you recall writing this?
16 A My recollection is that it would have been the day that
17 it's dated, which is April -- the date that my signature is
18 dated, which is April 18th.
19 Q And if I recall, what he said was, this was handed to you
20 by Jer Mackler on some other date, not the 18th; is that right?
21 A That's correct.
22 Q It might have been the 11th. I can't remember. Does
23 that --
24 A I believe it was the 14th.
25 Q Okay. So you got it on the 14th and took it home; is that

1 right?
2 A I did not -- I don't recall if I took a copy of it or not.
3 I think I might have, but I -- yeah. I don't -- I don't
4 recall.
5 Q Where in the world and when did you write this note on
6 paper?
7 A That would have been on April 18th when I signed it. And
8 that would have been at the store when he -- like, when we --
9 like, formalized and finalized signing it.
10 Q And one of the questions I had was, did Her sign the
11 document at the same time you signed it, or did he sign it
12 before? It sounds like he signed it at the same time; is that
13 right?
14 A Yeah. My recollection is that we met on the 18th. I
15 said -- because you might recall I said that I wanted to just
16 get -- check in with, like, our legal team before signing it,
17 and that I would sign it, you know, the next time.
18 That's why I was given it on the 14th at first, but didn't
19 sign it until the 18th.
20 Q Okay.
21 A And so, on the 18th, my recollection is that we met at
22 some point during my shift and I said, yes, I've been advised
23 that it's fine for me to sign this. And so at that time, I
24 wrote this note and signed it and Jer signed it.
25 Q Okay. Great. One of the things you wrote was, when I

1 asked Jer when he was -- has coached me -- I think is what it
2 says -- before, the example you provided does not at all match
3 my memory. Can you tell me what that example was?
4 A The memory -- or the example that he provided was, as
5 previously discussed, I have a general personal habit of if I
6 notice that I'm swearing more than I'd like to be swearing that
7 I will kind of correct myself. And his -- so he provided that
8 as an example of him coaching me on swearing.
9 Q So you self-correct essentially; is that right?
10 A Yes. I guess that's a good way to say it.
11 Q If I understand you correctly, you're saying Jer never
12 said, hey, maybe a little too much cursing?
13 A That's not a conversation I ever recall having.
14 Q Is it possible that it happened?
15 A I -- I can't really say because I don't know if I would
16 have -- it seems like the kind of thing that if he had made
17 that comment, I would have made a note of that mentally. And
18 so not having a note of it is not proof that it never happened,
19 but it is just hard to say.
20 Q Okay. When you described what you said, they fucking
21 suck --
22 A Okay.
23 Q -- I heard you say that. So you sounded like it was sort
24 of just a friendly tone.
25 A Yeah.

1 Q Am I right there?
2 A That was my recollection of the conversation.
3 Q Were you ever made aware that Jer took it differently?
4 A During the conversation that we had -- prior to the
5 written warning, I believe it was the 8th of April, where he
6 sort of indicated that there was going to be a -- like, we
7 talked about what had happened that day again, including that
8 comment.
9 MR. KIBBE: Okay. I'm going to hand everybody what we'll
10 mark as Respondent's Exhibit 2.
11 **(Respondent Exhibit Number 2 Marked for Identification)**
12 Q BY MR. KIBBE: And I'll just ask you to read it. And let
13 me know when you're done.
14 A Okay.
15 Q Okay. Is this something you've seen before?
16 A No.
17 Q The date at the top of the email appears to be April 4th,
18 2022. That's the same date that you and Jer have this issue,
19 right?
20 A That was the date that we -- that I made that comment,
21 yes.
22 Q And what time that day do you recall getting off of work?
23 A I remember it wasn't an eight-hour shift, so it probably
24 would have been 10:30 or 11. I don't recall exactly.
25 Q In the morning? Is that -- am I right here?

1 A Correct.
2 Q Okay. Were you aware that there was a partner guidance
3 regarding what to do in situations if somebody's cursing in the
4 back of the house?
5 A No.
6 Q Were you aware that Jer was trying to determine if
7 anything was -- needed to take place?
8 A At that time, no.
9 Q Okay. But he talked to you later on?
10 A Yes.
11 Q Okay. You can put that one aside.
12 Okay. So I want to talk a little bit about the store hour
13 change that -- I think it was just a day when the store didn't
14 open at 4, and it opened at 9. Was that just a singular day?
15 Am I right?
16 A Yes. It was just to cover for multiple people being on
17 isolation.
18 Q Okay. I don't think I remember you saying that, so that's
19 actually helpful. So we're still in COVID protocol on that
20 one, right?
21 A That's my recollection. Is that -- I -- well, I guess I
22 should say I don't recall specifically if it was that they were
23 on isolation or if they were just sick.
24 Q Got it. But there was a store shortage of some sort?
25 A Correct.

1 Q Yeah. You were supposed to work that next day; is that
2 right?
3 A The -- sorry. When you say the next day --
4 Q Well, when we talked about it -- maybe I should get some
5 dates in mind. So do you remember when exactly this was
6 happening -- the store hour change?
7 A The day I believe we've talked about was the April 7th.
8 Q Great. Do you remember if you were supposed to be working
9 April 7th?
10 A Yes.
11 Q Okay. So you were supposed to open the store at 4:30?
12 A Yes.
13 Q Okay. And that's why you were concerned in determining,
14 like, do I show up at 4:30, or do I show up at 9; is that
15 right?
16 A Correct.
17 Q All right. One of the things you talked about -- I think
18 it's in Exhibit 9 -- is that you text Jer that night, right?
19 A Yes.
20 Q Okay. And this is one of those -- oh, okay. Do you have
21 General Counsel's Exhibit Number 9 in front of you?
22 A Yes. Let me flip. All right.
23 Q Can you put that and Exhibit -- General Counsel's Exhibit
24 24 sort of together?
25 A Sorry. Lots of pages.

1 Q No. Look, I got the same problem over here.
2 A All right.
3 Q Okay. So I'm looking at Exhibit Number -- General
4 Counsel's Exhibit Number 9 first. And secondarily, I'm looking
5 at Exhibit 24. They look different to me. Can you tell me
6 why?
7 A One was taken more recently.
8 Q And when you say "more recently", what do you mean?
9 A I took this screenshot yesterday.
10 Q Okay. And is this the whole of all conversations that
11 you've ever had with Jer Mackler?
12 A It's just a snapshot of -- it just covers the
13 communications from April 6th to -- and it looks like the
14 12th -- that happened to be a text message.
15 Q And this looks like an iPhone screenshot; is that right?
16 A That's correct.
17 Q Okay. On an iPhone, you can delete messages; is that
18 fair?
19 A Yes.
20 Q Okay. And have you ever deleted a message from Jer
21 Mackler?
22 A I do not recall ever deleting a message. It's not a
23 practice for me to delete text messages.
24 Q So not something you would normally do?
25 A No.

1 Q Okay. Is it possible that you could have?
2 A I --
3 Q You just forgot?
4 A I would not have deleted a text message in this -- I would
5 not have, especially during this time period, deleted a text
6 message from Jer.
7 Q Why is that?
8 A To make sure I had a record of text messages. As you can
9 see from the fact that we have, you know, screenshots from the
10 day of, I was well in the practice of keeping a record of my
11 communications with Jer, if I thought --
12 Q Okay.
13 A -- that they were relevant.
14 Q I think I understand. So I'm going to hand you what's
15 going to be marked Respondent's Exhibit 3.
16 **(Respondent Exhibit Number 3 Marked for Identification)**
17 Q First thing I'd like you to do is just look at the
18 document and tell me if you've seen this before.
19 A I have not seen this document before.
20 Q Okay. At the very top of the page, it says a number. Do
21 you see that number?
22 A Yes.
23 Q Sarah Pappin, number. Is that your phone number?
24 A That's my phone number.
25 Q All right. And this appears to be, first page -- I'm just

1 looking at the first page, a message that you might have sent
2 to Jer; is that correct?
3 A Yes.
4 Q Oh, I'm sorry.
5 A Or no, sorry. These appear to be --
6 Q Jer to you.
7 A -- from Jer.
8 Q Yeah. Okay. Is this the -- does this look like the first
9 message you ever received from Jer, as far as you can remember?
10 A I don't know for sure. I mean, it dates from the summer
11 of 2020, so that seems approximately in line with when we first
12 started working together.
13 Q And this would have been when you were working at that
14 prior store, or --
15 A Um-hum.
16 Q Okay. I want you to move to -- I think it's page -- well,
17 it's really hard to tell, but at the very corner, you'll see a
18 page -- a little number that says 50/60.
19 A Yes.
20 Q Do you see that?
21 A Yes.
22 Q At the very bottom -- and I'm going to match this up with
23 Exhibit -- General Counsel's Exhibit Number 9. At the very
24 bottom, there's a text message that appears to be from you that
25 says, "Hey. Gabe just texted me about being sick tomorrow."

1 Do you see that?
2 A Yes.
3 Q That appears to match with General Counsel Exhibit 9, the
4 message that I see at the very top. Is that correct?
5 A That's correct.
6 Q Okay. The next message that you see in order is a message
7 that also appears on General Counsel's Exhibit 9. Do you see
8 that?
9 A Yes.
10 Q Okay. I'd like you to flip to the next page.
11 MS. DEVLEMING: Your Honor, I'm going to interject and
12 object here, on so many grounds. A, the witness has never seen
13 this document. B, I can't tell what the document is. It's a
14 chart. So I think we would need someone to explain to us where
15 this came from, how it was produced, what it is, before really
16 we should be delving into what's reflected in this chart.
17 MR. KIBBE: To be clear, Your Honor, I'm not asking this
18 witness to introduce this document. I'm using this for
19 impeachment purposes only. We'll introduce it through another
20 witness that --
21 MS. DEVLEMING: How do you impeach through a document
22 she's never seen that's in a strange format --
23 MR. KIBBE: Well, that's why I'm trying to lay a
24 foundation right now.
25 JUDGE MONTEMAYOR: I'm going to allow some inquiry of the

1 document. He says he's not going to introduce the document
2 through this witness, but it relates directly to her testimony.
3 It relates directly to General Counsel's exhibits that have
4 already been entered. And it goes to the issue of, I think,
5 completeness, so --
6 MR. KIBBE: Thank you.
7 JUDGE MONTEMAYOR: Continue.
8 Q BY MR. KIBBE: Okay. So I'm on the second page -- or
9 sorry -- the page that's marked 51 to 60 --
10 A Um-hum.
11 Q -- basically, the next page. And I still have General
12 Counsel Exhibit Number 9 here. At the very top, that message
13 says, "Oh, no", with a -- a face. That also appears on General
14 Counsel Exhibit 9, right?
15 A Um-hum.
16 Q Okay.
17 JUDGE MONTEMAYOR: You got to -- you can't --
18 THE WITNESS: Oh.
19 JUDGE MONTEMAYOR: Form a verbal answer.
20 THE WITNESS: Sorry.
21 JUDGE MONTEMAYOR: You have to --
22 MR. KIBBE: Yeah.
23 JUDGE MONTEMAYOR: -- answer with a verbal yes or no.
24 THE WITNESS: Apologies, Your Honor. Thank you for the
25 reminder.

1 MR. KIBBE: It'll happen. It happens to everybody. So
2 don't worry about that.
3 Q BY MR. KIBBE: The next message -- actually, I want you to
4 skip down to the message that's two down. It says, "Hey.
5 What's the plan for today?"; do you see that?
6 A Yes.
7 Q Okay. That is also on General Counsel's Exhibit Number 9.
8 Do you see that?
9 A Yes.
10 Q The message in between those two -- that message is not on
11 Exhibit -- General Counsel's Exhibit Number 9. Do you see
12 that?
13 A Yes.
14 Q That appears to be a message that Jer sent you at some
15 point.
16 MS. DEVLEMING: Objection, Your Honor. The document has
17 not been authenticated. I can't -- I have no idea what this
18 document is.
19 MR. KIBBE: I'm just asking her --
20 MS. DEVLEMING: This is a chart of information.
21 JUDGE MONTEMAYOR: I'll sustain the objection to that
22 question.
23 Q BY MR. KIBBE: Do you recall receiving a message that
24 looks familiar to the one that's in Respondent's Exhibit Number
25 3 that we're looking at?

1 A I do not recall ever seeing this text that -- that middle
2 text, ever before.
3 Q So your claim is you never received it?
4 A I never received that text message.
5 Q Okay. All right. You can put that to the side. I'm
6 going to pull up what -- or just draw your attention to this --
7 Exhibit -- General Counsel's Exhibit 15(a) and (b).
8 And just let me know when you have it in front of you.
9 A Sorry. I should have tried harder to keep these in order.
10 Q No worries.
11 A All right.
12 Q Okay. Do you have it in front of you? I'm sorry.
13 A I do. Yes. 15(a) and (b), right?
14 Q Correct. So I'm looking at page -- the page that's marked
15 General Counsel 15(a) first, just for a moment. And this is a
16 picture that we talked about yesterday of the daily plan,
17 right?
18 A Yes.
19 Q And you talked about noting on that page that Jer was one
20 hour late.
21 A Correct.
22 Q How do you know he was late?
23 A As the supervisor who was running the floor that day, I
24 noticed that he was not at work at the time that he was
25 scheduled. I called him. He audibly had just woken up -- this

1 is my recollection -- and said that he would be in shortly.
2 And then he was in approximately an hour after his scheduled
3 start time.
4 Q Okay. And is there a reason you took a photo of this?
5 A For documentation.
6 Q To document it for what reason?
7 A For reasons like this.
8 Q For evidence?
9 A Correct.
10 Q Okay. And what about General Exhibit 15(b), same thing.
11 You note -- this is on May 17th. You note that Jer was 30
12 minutes late. How do you know he was late?
13 A The same situation happened. He was not there at his
14 scheduled start time. I called him. He came in late.
15 Q And store managers have duties that are outside of the
16 store at times; is that right?
17 A Did you say that they're outside of the store?
18 Q Yes.
19 MS. DEVLEMING: Objection. Calls for speculation.
20 Q BY MR. KIBBE: On your experience.
21 A There are some. They're not normal though. Almost all
22 the duties of the store manager are completed within the store.
23 Q So maybe a phone call that they might take that's not
24 inside -- inside the store; is that right?
25 A Normally, they would take calls within the store.

1 Q They're not clocking in and out, like you'd said, because
2 they're not hourly employees, right?
3 A Correct.
4 Q So at times, when they're scheduled to be there, they
5 could be working but not necessarily at the store; is that fair
6 to say?
7 MS. DEVLEMING: Objection. Calls for speculation.
8 Q BY MR. KIBBE: In your experience.
9 JUDGE MONTEMAYOR: Overruled. I'll allow the witness to
10 testify to her knowledge.
11 THE WITNESS: It would depend on if they were scheduled
12 as coverage or noncoverage. I think we talked about that
13 previously.
14 Q BY MR. KIBBE: And in these situations, can you say with
15 confidence that he was scheduled for coverage?
16 A My recollection is that he was scheduled for coverage, but
17 I can't say for certain.
18 Q Okay. And would that be true of both of these situations?
19 A Correct.
20 Q Okay.
21 A Yeah.
22 Q All right. Now, I'm going to move on to the final written
23 warning, if I can find it.
24 MR. KIBBE: And I apologize, it's a little out of order.
25 But Elizabeth -- or Liz --

1 MS. DEVLEMING: Um-hum.
2 MR. KIBBE: -- did we introduce that yesterday, I think we
3 did, as an exhibit?
4 MS. DEVLEMING: Which one?
5 MR. KIBBE: The final written warning.
6 MS. DEVLEMING: I think I have everything in.
7 MR. KIBBE: I thought so, too. I just want to make sure.
8 MS. MULTHAUP: Exhibit 14.
9 MR. KIBBE: 14?
10 MS. MULTHAUP: Yeah.
11 MR. KIBBE: All right. Yes. Thank you.
12 Q BY MR. KIBBE: Can you just reference Exhibit 14 for --
13 for this part of the conversation?
14 A Assuming I can find it, absolutely.
15 Q Well, you and me both.
16 A Yes.
17 Q And just so I'm right on the number, it's General Counsel
18 Exhibit 14; is that right?
19 A That's what I have marked, yeah.
20 Q All right. Now, we talked about this a little bit
21 yesterday, and there were two days noted -- May 20th, June
22 28th. Sorry. I know you're still flipping through pages, so
23 I'll --
24 A Oh, yeah, sorry.
25 Q I'll slow down.

1 A No, you're good.
2 Q Both of those days, you were scheduled to open; is that
3 right?
4 A That is correct.
5 Q Okay. That would include being the person that unlocks
6 the store; is that right?
7 A That's correct.
8 Q How many people are scheduled to work at 4:30?
9 A Like, are you -- sorry. To clarify, are you asking how
10 many people are typically scheduled to open?
11 Q To -- yeah.
12 A So typically, you would have three people total. One
13 person would be a supervisor, and then two would be baristas or
14 another supervisor, depending on what was scheduled that day.
15 Q And in this situation, the doors apparent -- were locked
16 still, at 4:30; is that right? And I'm saying -- let's start
17 with 5/20.
18 MS. MULTHAUP: Objection. Calls for speculation. She
19 wasn't there.
20 JUDGE MONTEMAYOR: Sustained.
21 Q BY MR. KIBBE: Do you know if anybody could unlock the
22 doors at 4:30 on 5/20, if not you?
23 A Yeah, I don't know, without knowing who was scheduled to
24 open that day, because I don't recall if there was another
25 supervisors who was scheduled, who would have been able to

1 unlock the doors, or if it was two baristas who were scheduled,
2 who would not be able to unlock the doors.
3 Q But to be clear, the baristas do not have keys to the
4 store?
5 A Correct.
6 Q Okay. So if two baristas that are supposed to open the
7 store with you show up, and the doors are locked, what do they
8 do?
9 A They wouldn't be able to go in without a supervisor.
10 Q Okay. Let's talk about 5/20, just for a second. Do you
11 remember having to unlock the doors when you showed up at the
12 store that morning?
13 A No. I actually don't recall if Jer came in to open that
14 day or not. Yeah. I'm sorry. I don't recall if -- sorry.
15 The reason I'm having trouble remembering -- because something
16 that could happen and wouldn't be entirely unusual is that, if
17 the store manager had been notified that I -- you know, the
18 opening supervisor wasn't there, they might go in to provide,
19 you know, coverage to get the store open and going.
20 And that has happened previously. I just don't recall if
21 that happened in this case or not. So I don't -- I'm sorry; I
22 don't recall.
23 Q That's fine. What about 6/28? Do you remember, after you
24 showed up to the store, if you had to unlock the doors?
25 A I don't recall.

1 Q One of the things that I think you wrote -- and tell me if
2 I'm wrong -- is, "I did oversleep those days, which does
3 happen; it's abnormal for me"; do you see that?
4 A Yes.
5 Q "Abnormal" means to me it hardly ever happens; is that
6 right?
7 A To me, personally, it's not typical that I oversleep, but
8 I mean, 3:30 a.m. is a heck of a time to wake up.
9 Q Sure. I -- I understand that, and I certainly wouldn't
10 want to do it. When you were late in the past, I'm assuming it
11 didn't take you 45 minutes, 50 minutes, to get to work. It
12 might have been, like, five or ten minutes, though. Is that
13 right?
14 A It would depend on the situation or the time. It would
15 also depend on -- the ones that are referenced are times that I
16 overslept. So it would also depend on how long it took someone
17 to call me to wake me up to come in.
18 Q Do you ever recall a time where other partners were
19 outside of the store because it was locked, and you had
20 overslept?
21 A That has happened before, yeah.
22 Q At this store?
23 A At 5th and Pike? I don't -- I don't recall if it's
24 happened prior to this at 5th and Pike.
25 Q Are these two incidents the only time you can recall

1 oversleeping and having the doors -- well, not being able to
2 unlock the doors for the partners?
3 MS. MULTHAUP: Objection to the extent that there was no
4 testimony that they were unable to lock the doors. The
5 testimony -- unlock the doors. Testimony was that she didn't
6 recall.
7 MR. KIBBE: Well, she testified that other people wouldn't
8 have the keys.
9 MS. MULTHAUP: But --
10 JUDGE MONTEMAYOR: I think the question goes to her
11 being -- not unlocking the doors.
12 MR. KIBBE: Correct. Yeah.
13 JUDGE MONTEMAYOR: So I will allow the question.
14 Objection is overruled.
15 A Can you repeat the question?
16 Q BY MR. KIBBE: I don't even remember it.
17 A I don't either. I'm sorry.
18 Q Yeah. Oh, okay. So I think I do remember it. So are
19 these two incidents -- so it's the one on 5/20, the one on
20 6/28 -- are these the only incidents you can remember
21 oversleeping and being the person -- or -- and potentially
22 leaving partners at the store without being able to get in?
23 A At 5th and Pike, specifically?
24 Q Yes.
25 A I don't -- I don't recall. It -- it's also -- sorry.

1 It's -- it's not unusual for other supervisors to open, as
2 well, and it's not unusual for Jer, during that time period, to
3 potentially open. So specifically in reference to who can
4 unlock the doors, I don't -- I don't have an easy way to recall
5 who was scheduled every morning. And I don't -- I don't recall
6 having issues oversleeping at 5th and Pike before, but that
7 doesn't mean it didn't happen.
8 Q Got it. I think we talked about this -- was -- the usual
9 course is that you open a store -- shift supervisor with two
10 baristas. Is that right?
11 A If -- if two baristas are scheduled, but it's not uncommon
12 for one of the people who were scheduled as a barista shift to
13 actually be a supervisor.
14 Q Okay. But in most cases, I think we talked about, when
15 you're opening a store, you're the shift supervisor?
16 A It -- I -- it's typical that I'm the -- the keyholder,
17 like, the -- the supervisor running the floor. But that
18 doesn't mean -- it, especially during this time period, was
19 actually quite common that there were multiple supervisors
20 scheduled to open because, as we've talked about at -- at
21 length, short staffing -- there was an intentional effort to
22 double up supervisors opening and closing so that, if one of
23 them called out sick, we didn't have to, like, rearrange a
24 million things to figure out how we were going to get a
25 keyholder for that time.

1 Q But would you admit that it's -- it's a big deal if you
2 are the only person who can open the store, and you're late to
3 the job by 40 minutes -- do you think that's a big deal?
4 A I think it's a big deal when anybody's late 40 minutes,
5 but yes.
6 Q Okay. Are you aware of any other partners who received
7 corrective action in June, July time frame, for time and
8 attendance issues?
9 A I'm aware of partners telling me that they received
10 corrective action.
11 Q Who told you they received corrective action for those
12 reasons?
13 A Off of the top of my head, Danny Skindingsrude (phonetic
14 throughout), Nelson Huang. I don't recall if there was anybody
15 else that was given corrective action or who told me that they
16 were.
17 Q Okay. And are you aware of the situations involving those
18 particular partners that resulted in corrective action?
19 A I -- I recall discussing them with the partners. I don't
20 know that I know exactly what -- what was on their corrective
21 actions.
22 Q This isn't a situation like we were talking before, where
23 you put input into the corrective action process, right?
24 A Correct.
25 Q Okay. Since July 6th, have you had any issues

1 oversleeping?
2 A That's a good question. I believe that there was one time
3 in, like, the fall of last year. Yeah. That's -- I believe it
4 has happened one time since, if that's what you're asking.
5 Q Since July 6th, you've received no other further
6 corrective actions regarding time and attendance issues, right?
7 A Not that I'm aware of.
8 Q No corrective actions whatsoever -- is that so?
9 A No written ones, yeah.
10 Q Okay. What verbal coaching have you received, if any?
11 A It -- it was honestly hard for me to define or answer that
12 question because, as we kind of already discovered with the --
13 the documented coaching that you provided, I'm not always aware
14 that coaching is coaching. Like, it doesn't always -- because
15 Starbucks is very, like, interpersonal, and that's, like, kind
16 of an important part of the workplace -- is that everybody's
17 pretty copacetic with each other.
18 Sometimes -- well, frequently, coaching is really, like,
19 sort of guised, like we talked about earlier, where you
20 wouldn't necessarily come to a person and say, like, this is --
21 like, you are in trouble for this, and you are at risk of being
22 in more trouble for it. You would say, like, hey, I've noticed
23 this, you have an opportunity here. Like, it -- it's hard to
24 say. I can't definitively say I've never been coached. I
25 don't recall anything, but --

1 Q You don't recall anything of a disciplinary nature; is
2 that fair to say?
3 A That's fair to say.
4 Q Okay.
5 MR. KIBBE: Well, Your Honor, those are the questions I
6 have for now, subject to your ruling on the -- the -- the
7 subpoenas.
8 JUDGE MONTEMAYOR: Okay.
9 MR. KIBBE: And I -- I think it's noon, so this would be a
10 great time to take a break. I would also note for the record
11 that I predicted I would be done by noon.
12 THE WITNESS: Nailed it.
13 JUDGE MONTEMAYOR: Redirect?
14 MS. DEVLEMING: Yes, Your Honor. Can we take a
15 five-minute break? I just would love to use the restroom real
16 quick.
17 JUDGE MONTEMAYOR: Well, we are at 12:05. Let's make it a
18 ten-minute break here. But I --
19 MS. DEVLEMING: Okay.
20 JUDGE MONTEMAYOR: -- still have to -- I never did connect
21 with these folks for my call, so.
22 MS. DEVLEMING: Okay.
23 (Off the record at 12:05 p.m.)
24 JUDGE MONTEMAYOR: We're back on the record. We're --
25 we're continuing with the redirect of the witness.

1 You may begin, counsel.
2 MS. DEVLEMING: Thank you, Your Honor.
3 **REDIRECT EXAMINATION**
4 Q BY MS. DEVLEMING: Hi again, Sarah. Sorry. I got to
5 catch my breath. Ran up the stairs. On cross, you were asked
6 some questions about the statements Jer had made about
7 borrowing. And ultimately, at the end of that que -- those
8 questioning -- that line of questioning, counsel asked, so the
9 borrowing issue has been fixed, or something to that effect.
10 Do you remember that testimony?
11 A Yes.
12 Q Did Jer ever come back to you and confirm that he had
13 spoken to his higher-ups and that borrowing in fact could
14 happen at 5th and Pike?
15 A I don't recall ever having a conversation of that nature.
16 Q You also talked about a disciplinary ruling you attended
17 with a 5th and Pike partner named James Tanner, as his
18 Weingarten rep. Do you remember that testimony?
19 A Yes.
20 Q And that meeting was about time and attendance?
21 A Correct.
22 Q Was James disciplined over the time and attendance issue
23 that was the subject of the meeting you attended?
24 A Yes.
25 MR. KIBBE: Objections. Misstates prior testimony. She

1 said she did not attend that meeting.

2 MS. DEVLEMING: The James Tanner meeting?

3 THE WITNESS: I --

4 Q BY MS. DEVLEMING: Did you attend a James Tanner

5 discipline meeting?

6 A I did.

7 Q Was James disciplined as a result of that meeting?

8 A He was.

9 Q Did that meeting occur before or after the petition was

10 filed?

11 A That was after -- sorry. The James Tanner -- that was,

12 like, two months ago. So this is well after the petition and

13 the election and --

14 Q After the certification?

15 A Correct.

16 Q You also mentioned your former store manager, Taylor

17 Pringle, leaving the store for Buffalo before Jer Mackler came

18 on. Do you remember talking about that?

19 A Correct.

20 Q Why was Taylor Pringle going to Buffalo?

21 MR. KIBBE: Objection. Relevance.

22 MS. DEVLEMING: They opened the door when they talked

23 about it on cross.

24 MR. KIBBE: We didn't open the door --

25 JUDGE MONTEMAYOR: Well --

1 MR. KIBBE: -- about Buffalo. We just said --
2 JUDGE MONTEMAYOR: Yeah.
3 MR. KIBBE: -- you worked with this manager.
4 JUDGE MONTEMAYOR: I'll -- I'll sustain the objection. If
5 you -- if there's something that's relevant in there, you
6 better focus on it.
7 MS. DEVLEMING: Okay.
8 Q BY MS. DEVLEMING: You asked -- you were asked about
9 whether it would be, quote, helpful, or in another question,
10 quote, beneficial, if a store manager were to point out changes
11 in policies for you, including changes to the partner guide.
12 Do you remember those questions?
13 A Yes.
14 Q Regardless of whether that might or might not have been
15 helpful for you, did Jer Mackler ever do that, before the
16 February 2022 meeting?
17 A Not that I recall.
18 Q Did any of your store managers at 5th and Pike ever do
19 that?
20 A I don't recall any store manager ever telling me that
21 there was an update to the partner guide, and this policy is
22 changed, and you should review it.
23 Q And then, if you still have the partner guide in front of
24 you, we can talk about just a couple of those. You may or may
25 not need to be looking at them. I guess we could play that by

1 ear. But first I want to ask you about the policy on page 39.
2 It's the "Acceptable Use of Starbucks Electric Communication
3 Systems" policy, in this 2020 version of the partner guide, on
4 page 39, Joint Exhibit 2.
5 You responded that -- when you were asked about that
6 particular policy, you responded, well, this isn't the guide I
7 was shown when I was hired in 2013, so I don't know if I've
8 seen that particular policy. Do you remember that --
9 A Yes.
10 Q -- question? Do you remember whether or not that
11 particular policy or something similar was in the 2013 version
12 of the guide?
13 A It -- it's honestly really difficult for me to say what
14 was or wasn't in that guide. It's one of those things where,
15 like, you spend an hour of one of your first shifts, like,
16 reading this thing. And then, for the most part, you never
17 really use any of this knowledge ever again. So it's -- it's
18 really hard to know.
19 MS. DEVLEMING: And I meant to do this before. But I
20 talked to counsel off the record, and there is a document we
21 can clean up. I noticed -- and I could do it with the witness,
22 but with counsel's blessing, General Counsel Exhibit 21, Your
23 Honor --
24 JUDGE MONTEMAYOR: Okay.
25 MS. DEVLEMING: -- it's a three-page exhibit. This is

1 what purports to be the soliciting/distributing notices policy
2 in the February 2022 partner resources manual. But actually,
3 page 3 was erroneously included. It's a separate policy from
4 that same policy, entitled "Personal Mobile Devices". And
5 you'll see, on the bottom left, it has a different Bates stamp,
6 so it's not in sequential order. So with -- after having
7 discussed with counsel, I would propose to renumber page 3 of
8 General Counsel Exhibit 21 as 21(b), just to keep them in
9 sequential order, as a fourth policy.
10 JUDGE MONTEMAYOR: Which one are we on? I'm sorry. 21 --
11 MS. DEVLEMING: Yeah, 21.
12 JUDGE MONTEMAYOR: -- (c), is it -- or 20 --
13 MS. DEVLEMING: No, we already have a 21, and we have a
14 22, 23, 24. So --
15 JUDGE MONTEMAYOR: All right.
16 MS. DEVLEMING: -- instead of making it --
17 JUDGE MONTEMAYOR: I got that. But are -- you're calling
18 it 21(a)?
19 MS. DEVLEMING: 21(b) or (a) --
20 JUDGE MONTEMAYOR: (b)?
21 MS. DEVLEMING: -- right --
22 JUDGE MONTEMAYOR: Okay.
23 MS. DEVLEMING: -- whichever makes sense to you.
24 JUDGE MONTEMAYOR: Well, let's call it (a), because then
25 they'll look for --

1 MS. DEVLEMING: Call it (a). Okay.
2 JUDGE MONTEMAYOR: -- somebody will be looking for --
3 MS. DEVLEMING: So 21 and then 21(a) will be --
4 JUDGE MONTEMAYOR: If we call it (b), somebody will go
5 looking for (a), so --
6 MS. DEVLEMING: Fair.
7 MR. KIBBE: Good point.
8 MS. DEVLEMING: That's true.
9 MR. KIBBE: No issue from us. That's fine.
10 JUDGE MONTEMAYOR: Okay. So we're renumbering it 21(a).
11 21(a) will be admitted.
12 **(General Counsel Exhibit Number 21(a) Marked for Identification**
13 **and Received into Evidence)**
14 MS. DEVLEMING: Thank you, Your Honor.
15 Q BY MS. DEVLEMING: Sarah, you were also shown -- do you
16 still have these Respondent exhibits in front of you that were
17 not admitted -- 1, 2, and 3?
18 A I have 1. That's 4. Wait, yes.
19 Q All right. So just looking at Respondent Exhibit 1, which
20 was not yet admitted, is your signature at the bottom of this
21 document?
22 A No, it is not.
23 Q Is any manager's signature at the bottom?
24 A No, it is not.
25 Q Are disciplines normally signed by a manager and the

1 partner involved, when they are presented?
2 A Yes, that's been my experience.
3 Q You also recalled a conversation with Eddie Heitger about
4 him asking you to no longer text Jer, including at late hours;
5 do you remember that testimony?
6 A Yes.
7 Q Am I understanding correctly that that conversation was
8 about the fact that you were sending text messages, not the
9 content of those text messages?
10 A That's my recollection.
11 Q Did Eddie say anything about the fact that you had sworn
12 in any of those text messages?
13 A I don't recall anything about swearing in those messages
14 or being, you know -- that -- that being part of the
15 conversation. It was just to not be texting.
16 Q And were you coached -- well, I guess, specifically, on
17 March 9th or on the date of the Eddie Heitger conversation, did
18 you -- were you coached by any manager over swearing?
19 A Not that I recall, no.
20 Q On the date that you actually were verbally coached for
21 swearing, April 8th, 2022, was that documented? Were you
22 presented with anything in writing?
23 A No. I believe the conversation was essentially just sort
24 of asking about that morning, in general, and then mentioning
25 swearing being an issue and that he, at that time, was in the

1 process of getting further guidance, and he would let me know
2 what the end result of that was. And I remember interpreting
3 that to mean that there was going to be a corrective written
4 warning coming.
5 Q But you didn't receive anything in writing on that date?
6 A Correct.
7 Q And then you were asked about General Counsel Exhibits
8 15(a) and (b), which are the two daily record book logs,
9 showing Jer Mackler's tardies that you testified about on
10 direct. Would you have made notations that Jer was late if he
11 was in the office, working on other Starbucks work?
12 A No. I would have only made a notation if he was actually
13 late, and in these two instances, I know that he was not
14 working because, when I called him, I audibly woke him up.
15 Q And how did Jer respond when you called?
16 A The -- the way you would as a person if somebody called
17 you when you woke up, and they went, hey, are you coming to
18 work? And you know, it was very, oh, yeah, what time is it?
19 Yeah, I'll be -- I'll be right in.
20 Q Is that what you said to Jer? You said, hey, are you
21 coming to work?
22 A Yeah.
23 Q And is that what Jer said -- oh, gosh, I just woke up,
24 I -- I'll get there?
25 A Yeah, that's my recollection.

1 Q And then, finally, looking at your final written warning,
2 which is General Counsel Exhibit 14, if you can pull that one
3 out.
4 A Yes. Yes.
5 Q You were asked on cross if the store was able to be
6 unlocked before you arrived to work on these two dates. Do you
7 remember those questions?
8 A I do.
9 Q And you testified you weren't there; you don't know?
10 A Correct.
11 Q Just curious -- the notation here about the June 28th
12 incident -- the second sentence reads, "I communicated" -- and
13 this is Jer -- or was it Jer making these notations?
14 A I would assume, since it says "Jer" at the top under
15 manager's name, that these are his comments.
16 Q Okay. So when it says "I", that would refer to Jer?
17 A That's my understanding, yes.
18 Q It says, "I communicated with her at 4:36 a.m., to ask if
19 she was on her way." Does that sentence refresh your
20 recollection as to whether Jer was at the store that morning,
21 six minutes into your shift?
22 A It -- it does, and it implies and also helps me remember
23 that he was scheduled to open that morning, which is --
24 Q Do you --
25 A Sorry.

1 Q Go ahead.
2 A -- why he would be texting me at 4:36, because if he
3 wasn't at the store, it's unlikely he would be aware that I
4 wasn't there by 4:36.
5 Q Does it help you remember any more clearly the substance
6 of your conversation with Jer at 4:36 and what he said to you?
7 A I believe he sent me a text at 4:36 that just said, like,
8 are you on your way, and then called at 4:48, which is what
9 actually woke me up. And then we spoke briefly in the same
10 manner. He asked me if I was coming in. I said, yep.
11 Q So on the 4:48 call, do you -- and it's okay if not -- do
12 you now remember if he mentioned whether or not he was already
13 at the store?
14 A I don't recall if he mentioned it, but I would have known
15 that -- if he was opening, that he was there.
16 Q Okay. And do you remember if he was opening?
17 A That is my recollection.
18 Q And if Jer was at the store on any given date, did he have
19 the ability, as the store manager, to unlock the store?
20 A Yes.
21 Q In all circumstances, if you're late, including all the
22 times you've talked about being late, before and after the
23 petition, and you're the only opening shift supervisor, how did
24 the opening baristas go about getting into the store?
25 A They would have to wait until a keyholder got there. So

1 if it was a situation like -- you know, like I overslept, and
2 we knew that I would be in as soon as possible, and it would be
3 pretty quick, then they would probably just wait outside of the
4 store until I got there. If it was a situation in which we
5 didn't know how long it was going to take the opening keyholder
6 to get in or whatever, then, normally, what would happen is the
7 store manager would come in and open the store.
8 Q And has that happened in -- to you -- has that happened
9 before these two occasions, in your experience?
10 A Yes, that's happened to me before.
11 Q What about other shift supervisors? Has that happened,
12 where the baristas had to wait to get into the store?
13 A Yeah. That's definitely happened. Openers oversleep
14 sometimes. That just kind of happens, and it's -- you know, if
15 you're the supervisor, that's going to happen, statistically,
16 so.
17 MS. DEVLEMING: Thank you, Your Honor. No further
18 questions.
19 JUDGE MONTEMAYOR: Final question of the witness?
20 MR. KIBBE: Well, again, Your Honor, this is subject to --
21 JUDGE MONTEMAYOR: Subject to the --
22 MR. KIBBE: -- the subpoenas -- yes, yeah. Okay.
23 **RECROSS-EXAMINATION**
24 Q BY MR. KIBBE: Just real briefly, the borrowing partner
25 issue -- because you saw borrowed partners working at the

1 store, did you really need anybody to tell you that the problem
2 was fixed?
3 A When I saw borrowed partners working in the store, I -- I
4 don't recall exactly how I arrived at the conclusion that the
5 situation was resolved, but yes, I -- probably was when I saw
6 borrowed partners working at the store.
7 Q Yeah. You don't need somebody to tell you that because
8 you see it yourself, right?
9 MS. DEVLEMING: I'm going to object, Your Honor. It's
10 kind of calling for a legal conclusion. The law says what it
11 says about whether it's fixed by --
12 MR. KIBBE: I'm not calling for a legal conclusion.
13 MS. DEVLEMING: -- other conduct.
14 JUDGE MONTEMAYOR: I'll overrule the objection. You can
15 answer the question.
16 MR. KIBBE: Thank you.
17 THE WITNESS: Normally, if I had specifically raised an
18 issue with my store manager and asked them to look into
19 something, I would expect that they would communicate with me
20 whatever the result of that was. That would be how it normally
21 happens.
22 Q BY MR. KIBBE: Have you ever heard of the phrase "actions
23 speak louder than words"?
24 A I have heard --
25 MS. DEVLEMING: Objection. Relevance.

1 JUDGE MONTEMAYOR: Sustained.
2 Q BY MR. KIBBE: All right. So let's move on to General
3 Counsel's 15(a) and (b). If I remember -- I just want to be
4 able to confirm this -- you were saying that you believe that
5 Jer was an hour late and 30 minutes late in each time, right?
6 A Yes. I -- I mean, I would have made those notations on
7 the day it happened, so what I remember happening that day is
8 what would have happened.
9 Q You just can't say for certain whether he was in a
10 noncoverage or a coverage position, right?
11 A Yes. It's not entirely abnormal for store managers to
12 start with a little bit of noncoverage at the beginning of
13 their shift. However, Jer always did that noncoverage at the
14 store. So if it was noncoverage, and I didn't see him, I still
15 might have reached out to see if he was coming in or not,
16 especially -- if they do have noncoverage, it's usually, like,
17 half an hour, and then they would be coverage on the floor.
18 And so I would want to know if they were coming in for that
19 coverage.
20 Q Noncoverage time is essentially management time, right?
21 A It can be used a lot -- for a lot of things. But yes, it
22 can be used for admin, as well.
23 Q Not covering the customers is really what I'm trying to
24 get to.
25 A Correct.

1 Q Okay. The last one, GC Exhibit 14 -- we spent a lot of
2 time talking about the 28th of June. How about the May 20th?
3 If you got it, you can refer to it. But the sentence says,
4 "The opening baristas called me" -- I'm assuming that's Jer --
5 "at 4:41 a.m."
6 A Correct.
7 Q You see that? So that would imply to you that Jer was not
8 opening that day, right?
9 A That's what I would take from that statement, yeah.
10 Q That would also imply to you that the baristas were locked
11 out of the store?
12 A That would make sense.
13 Q Okay.
14 MR. KIBBE: That's all I got.
15 JUDGE MONTEMAYOR: Okay. You may step down. Thank you
16 for your participation.
17 We'll go off the record here to talk about --
18 (Off the record at 12:32 p.m.)
19 MR. KIBBE: Just confirmed that I returned the Jencks
20 statements back to General Counsel.
21 MS. DEVLEMING: And I have received. Thank you.
22 JUDGE MONTEMAYOR: And those have been received by General
23 Counsel. So we will go off the record, and we'll talk about
24 our room scheduling.
25 (Off the record at 12:33 p.m.)

1 JUDGE MONTEMAYOR: Please raise your right hand.
2 Whereupon,
3 **INTERPRETER**
4 the interpreter, having been duly sworn, translated from
5 Vietnamese to English, as follows:
6 JUDGE MONTEMAYOR: We will go off the record.
7 (Off the record at 1:25 p.m.)
8 JUDGE MONTEMAYOR: Good morning.
9 MR. HOANG: Good morning.
10 JUDGE MONTEMAYOR: Or afternoon, I guess, by now. We're
11 going to begin by having you sworn, so please raise your right
12 hand.
13 Whereupon,
14 **TAI VAN HOANG**
15 having been duly sworn, was called as a witness herein and was
16 examined and testified, by and through an interpreter as
17 follows:
18 JUDGE MONTEMAYOR: You may proceed.
19 Oh. Before -- before we go any further, let's -- please
20 state and spell your name for the record.
21 THE WITNESS: Yeah, my name -- my name is Tai Van Hoang.
22 Spelling -- T-A-I, V-A-N, my middle name, and my last name is
23 Hoang, H-O-A-N-G.
24 JUDGE MONTEMAYOR: Counsel, we're here again.
25 **DIRECT EXAMINATION**

1 Q BY MR. MCCASKEY: Good afternoon, Mr. Hoang. Do you go by
2 any other nicknames?
3 A Yes, I do.
4 Q Which one?
5 A Yes. Nelson.
6 Q Okay. Is it -- is it okay if I call you Nelson?
7 A Yes, okay.
8 Q And what are your pronouns, Nelson?
9 A He.
10 Q Have you ever worked for Starbucks?
11 A Yes, I do.
12 Q When did you start working for Starbucks?
13 A Yes. It were about April 2021 to June 2022.
14 Q Okay. So you no longer work there?
15 A Yes, correct.
16 Q And did you leave voluntarily?
17 A No.
18 Q Okay. Were you fired?
19 A Yes.
20 Q And did you work at a specific store location?
21 A Yes.
22 Q What location?
23 A 5th and Pike.
24 Q Okay. Is that in downtown Seattle?
25 A Yes, correct.

1 Q And what was your job title at Starbucks?
2 A I'm a barista.
3 Q Okay. And just briefly, could you describe what your job
4 duties were as a barista?
5 A Yeah. My -- my job duties -- you know, I take orders from
6 customer, and I do, like, cashier, you know -- cashier work and
7 washing dishes at the back.
8 Q And what were your typical work hours?
9 A I worked, like, you know, from, like, 6:30 to 7 a.m.
10 until, like, 10 or 10:30 a.m.
11 Q Okay. And how many days a week did you work?
12 A About four to five days.
13 Q Okay. So about 16 to 20 hours per week?
14 A Yes, correct.
15 Q And did your hours change at all, during your time with
16 Starbucks?
17 A No.
18 Q Who was your direct supervisor at the 5th and Pike store
19 in January of 2022?
20 A A person named Jeremiah Mackler -- Mackley.
21 Q Jeremiah Mackler?
22 A Yeah.
23 Q And what was his job title?
24 A That person is the store manager.
25 Q And did you work alongside each other in the store?

1 A Yes. Yes, I did.
2 Q How often would you work together?
3 A About, like, two to -- to three days per week.
4 Q Okay. And was that during your entire shift?
5 A Yes, correct.
6 Q Do you know who Jer's direct supervisor was in January of
7 2022?
8 A I want to ask you -- can I ask you about what you're
9 asking about a supervisor?
10 Q Yes.
11 A You talk of supervisor from John or something?
12 Q I'll rephrase my question. Do you know who Jeremiah
13 Mackler's direct supervisor --
14 A Yes, I know.
15 Q And who is that?
16 A That lady named Amy.
17 Q Okay. Do you remember what her last name was?
18 A Seem to me Quesenberry.
19 Q Okay. Nelson, are you familiar with Workers United?
20 A Yes, I do.
21 Q How so?
22 A Yeah, the store that I was working at that time, they --
23 they did apply for the union.
24 Q So the record reflects that employees at the 5th and Pike
25 store filed a petition on January 25th, 2022, and the union was

1 certified as the 5th and Pike store's representative on June
2 14th, 2022.
3 A Yes.
4 Q Had you ever shown support for the union while at work?
5 A Yes, I did.
6 Q How did you show that support?
7 A Yeah, I'd wear -- wear a symbol or something on my
8 uniform.
9 Q A symbol?
10 A (In English) It's, like, a pin just on my apron.
11 Q Okay. And where did you wear that pin?
12 A (In English) It's -- it's on my apron.
13 Q Okay. And you're kind of pointing towards your chest. Is
14 that where the pin was located?
15 A Yes, correct.
16 Q And do you recall what the pin said?
17 A No, I don't.
18 Q Okay. But you mentioned that it was a pin that expressed
19 support for the union?
20 A Yes, correct.
21 Q And how long did you wear that pin for?
22 A Yeah. I -- I was wearing that pin, you know, when -- when
23 that store applied for -- for the union, until I was fired
24 for the job.
25 Q Okay. So from January 2022 to roughly June 2022?

1 A Yes, correct.
2 Q And did you ever work alongside Jer while wearing the pin?
3 A Yes, I did.
4 Q And generally speaking, did you ever discuss the union
5 while at work?
6 A Yes, I did.
7 Q And do you recall the time frame for those conversations?
8 A Yeah. It were about, like, in the morning, you know,
9 at -- at the time of my -- my working shift.
10 Q Okay. And do you remember if those conversations took
11 place before or after the petition was filed?
12 A Both.
13 Q Okay. And do you remember where in the store those
14 conversations took place?
15 A At the barista counter.
16 Q And with whom did you have those conversations?
17 A Yeah. I were talking to -- to my coworker -- you know,
18 the people that sup -- support the Union. And I also talk, you
19 know, with Sarah, and Sarah is there.
20 Q Okay. And when you say Sarah, you're referring to Sarah
21 Pappin?
22 A Yes, correct.
23 Q Was Jer ever present for those conversations that you
24 recall?
25 A Jer wasn't there.

1 Q Okay. Do you recall any specifics as to any given
2 conversations?
3 A You know, we're talking, like, when we chose the Union
4 what -- what changes, you know, will happen for us.
5 Q And do you recall the general frequency you spoke to your
6 coworkers about the Union?
7 MS. STROESCU: Objection. Relevance to this line of
8 questioning.
9 JUDGE MONTEMAYOR: What's the relevance, Counsel?
10 MR. MCCASKEY: Your Honor, this goes to Employer's
11 knowledge that the witness was a Union supporter.
12 JUDGE MONTEMAYOR: Okay. The objection's overruled.
13 THE INTERPRETER: Should I repeat that?
14 JUDGE MONTEMAYOR: Yes, please.
15 Q BY MR. MCCASKEY: Do you recall the general frequency you
16 spoke to your coworkers about the Union?
17 A Yes. Regularly.
18 Q And were there any other ways in which you showed your
19 support for the Union?
20 A Yes, I did.
21 Q And what were those ways?
22 A Yeah. I did, you know, participated at a strike, you
23 know, at the -- at the store.
24 Q Okay. And who -- who conducted these strikes?
25 A Usually, you know, a person that represents of -- of the

1 employee -- employees at that store.
2 Q Okay. And who participated in these strikes?
3 A The -- there were a lot of people, you know, working at
4 that store participated in there.
5 Q Okay. Can you recall when those protests were held?
6 A Essentially, it was in April 2022.
7 Q Okay. Do you recall if you participated in any other
8 strikes, besides the one you've already mentioned?
9 A Yeah. At the -- at the store at that time, you know, we
10 did organize two strikes, one in April, one in June. But, you
11 know, for the April strike, I was busy with something. I did
12 not partici -- I participated for the April strike, and then
13 for the June strike, you know, I -- I was busy doing something.
14 But I still support that strike in June.
15 Q Okay. So your testimony, just to be clear, is you
16 participated in the April one only?
17 A Yes, correct.
18 Q Nelson, did you have any meetings with management about
19 the Union around the time the petition was filed?
20 A Yes, I did.
21 Q Do you recall how any meetings you had?
22 A Yes. There were two.
23 Q Okay. So let's talk about the first meeting. When did it
24 take place?
25 A It would happen at -- at the conference room in the store.

1 Q Do you recall the time frame?
2 A This only can happen in the morning, you know, after my --
3 my -- my shift.
4 Q Okay. And do you recall if it took place before or after
5 the petition was filed?
6 A After.
7 Q Do you recall if it was a week after or a month after?
8 A A few weeks after.
9 Q So let's talk about your first meeting.
10 JUDGE MONTEMAYOR: Can I just interrupt you for a second?
11 MR. MCCASKEY: Yeah.
12 JUDGE MONTEMAYOR: We had someone enter. I'm not sure if
13 this is somebody who's excluded under the sequestration order.
14 MS. MULTHAUP: They're not a witness.
15 MS. DEVLEMING: Not a witness.
16 MS. MULTHAUP: Just an observer.
17 JUDGE MONTEMAYOR: It's not a witness?
18 MS. MULTHAUP: Not a witness. Just an observer.
19 JUDGE MONTEMAYOR: All right. Please continue.
20 Q BY MR. MCCASKEY: So let's go back to your first meeting.
21 How did you find out about that meeting?
22 A For that meeting, they did not inform us, and -- and it
23 wasn't scheduled. It just happened for last minute.
24 Q And who was that meeting held with?
25 A Mana -- mana -- Jer --

1 Q Well, I think I heard "with -- with the manager, Jer; am I
2 right?
3 A Yes, correct. Manager.
4 Q And do you recall ever having had another unscheduled
5 meeting with Jer?
6 A I -- I don't understand your -- your question. Can you
7 ask me again?
8 Q Yes. During your employment with Starbucks, were there
9 ever other times where you had other unscheduled meetings with
10 Jer?
11 A Yes.
12 Q And to your knowledge, was this an optional meeting?
13 A No, I did not have the right to -- to choose, you know.
14 He -- he asked for the meeting. Then I have to do that.
15 Q And you mentioned this meeting took place in the
16 conference room?
17 A Yes, correct.
18 Q All right. So was anyone else present besides you and
19 Jer?
20 A No.
21 Q So let's go to the beginning of your meeting with Jer.
22 How did the meeting begin?
23 A He said, you know, it's a follow-up meeting. And he told
24 me if I need any support from Starbucks. And then he also
25 handed me an employee's handbook. And then he said, like,

1 after that, you know, the -- the attendance and dress code
2 would be more strict -- stricter.
3 Q Okay. So let's break that down a little bit. Jer asked
4 you whether you needed support from Starbucks?
5 A Yes.
6 Q And did Jer clarify what he meant by support?
7 A No, he did not.
8 Q Did he offer you any specific type of support?
9 A No, he did not.
10 Q And how, if at all, did you respond to that?
11 A No. I -- I just listened to what he's saying. At that
12 point in time, I didn't need any support from Starbucks.
13 Q Okay. So the second thing you mentioned was the policies
14 that would be enforced more strictly. And I think you
15 mentioned attendance and dress code?
16 A Yes, correct.
17 Q Did Jer give you anything in writing?
18 A Yes, he did.
19 Q And what did he give you?
20 A Yeah. He gave me a paper, and asked me to sign a paper
21 that mean I definitely receive the handbook already.
22 Q Okay. And did he also have you sign off on either of the
23 policies you mentioned -- the attendance or the dress code?
24 A Yes, correct.
25 MR. MCCASKEY: May I approach, Your Honor?

1 JUDGE MONTEMAYOR: Yes, you may.
2 Q BY MR. MCCASKEY: Nelson, I've handed you a copy of three
3 documents. Take a moment to review them, and look up at me
4 when you're ready.
5 A I'm ready.
6 Q So let's look at the one that's been marked GC Exhibit 25.
7 Is that your signature on the top right?
8 A Yes, right.
9 Q Let's move to the next one, labeled General Counsel's
10 Exhibit 26. It's titled dress code and personal appearance.
11 Is that your signature on the top right?
12 A Yes, correct.
13 Q All right. Now, the final one, GC Exhibit 27. Is that
14 your signature in the middle of the page?
15 A Yes, correct.
16 Q And did Jer give you a copy of either of these policies or
17 the partner guide?
18 A No, he didn't -- no, he did not. The only thing that I --
19 I keep the handbooks that he gave to me for the document, no.
20 Q Okay. So the -- so we're clear, the policies on
21 attendance and dress code -- he did not give you a copy of
22 those, but he gave you a copy of the partner guide?
23 A Yes, right. What I mean is that, you know, I did not
24 receive any of these documents except the only thing that I --
25 I got is the employee handbook.

1 MR. MCCASKEY: Your Honor, I'd like to move for the
2 admission of GC 25, 26, and 27.
3 JUDGE MONTEMAYOR: Any objections to 25, 26, and 27?
4 MS. MULTHAUP: No objection, Your Honor.
5 JUDGE MONTEMAYOR: 25, 26, and 27 will be admitted.
6 **(General Counsel Exhibit Numbers 25, 26 and 27 Received into**
7 **Evidence)**
8 Q BY MR. MCCASKEY: And going back to the meeting, did Jer
9 say anything else during this meeting?
10 A No.
11 Q Prior to this meeting, had you ever been asked to sign off
12 on certain policies for the employee handbook?
13 A Yeah. Before the meeting happened, I -- I cannot, you
14 know, request that, but I should not sign any document --
15 anything like that.
16 Q I'll -- I'll ask that question again. Had you ever been
17 asked to sign off on the attendance or dress code policies
18 prior to this meeting with Jer?
19 A I think there's a misunderstanding here. Can I answer in
20 English?
21 Q Yeah. Please.
22 A No. I -- I haven't asked to sign a document before the
23 meet -- before this meeting happened.
24 Q Okay. And how long did the meeting last?
25 A About five to ten minutes.

1 Q So you mentioned you also had a second meeting with
2 management after the petition was filed; is that right?
3 A Yes, correct.
4 Q And who did you have that meeting with?
5 A For that meeting, I have a -- have a meeting with Ms. Amy
6 Quesenberry. Yes.
7 Q And do you remember the exact date when that meeting took
8 place?
9 A I -- I don't remember the exact day. But you know,
10 that -- that -- that meeting happened a -- a few weeks after I
11 have a meeting with Jer.
12 Q Okay. And you mentioned the meeting with Jer took place a
13 few weeks after the petition, and you said this was a few weeks
14 after your meeting with Jer?
15 A Yes.
16 Q Okay. So this would put you in the time frame of maybe
17 March or April of 2022?
18 A Yes, about that.
19 Q And how did you find out about this second meeting?
20 A For this meeting, it also wasn't scheduled before. And it
21 also happened at the last minute.
22 Q Had you ever had a one-on-one meeting with Amy before?
23 A No.
24 Q And how did you find out about this meeting?
25 A Well, Ms. Amy came and she said she wants to have a few

1 minutes to talk with me.
2 Q And just generally, how often did Amy come to the 5th and
3 Pike store?
4 A Yes. She -- she came there very regularly, like, one time
5 four weeks, sometime more than that.
6 Q And where did your meeting with her take place?
7 A Yes. Some still happened at the conference room in the
8 store.
9 Q Was anyone else present?
10 A No.
11 Q And how did that meeting end?
12 A She -- she asked me if I needed any support from
13 Starbucks. And she also talking about, like, voting for the
14 Union.
15 Q Okay. So let's talk about the first piece you said there.
16 Did she clarify what she meant by support?
17 A No, she did not.
18 Q Did she offer you any specific type of support?
19 A No, she did -- no, she did not.
20 Q And did you respond to this question regarding support?
21 A No, I did not. At that time, I did -- I did not need any
22 support from -- from them. So I did not respond anything.
23 Q Okay. And you mentioned the next thing she -- the next
24 topic she addressed was Union voting?
25 A Yes, correct.

1 Q And, Nelson, do you mind repeating in English what she
2 said regarding Union voting?
3 A Yes. So she told me that I hope that you vote no for
4 Union.
5 Q Did you say anything in response?
6 A No.
7 Q And about how long did that meeting last?
8 A Less than five minutes.
9 Q Did you have an understanding as to whether or not this
10 meeting with Amy was mandatory?
11 A I think so because I never have a one-on-one with her
12 before. So I thought that is, like, that it was required.
13 Q So now, I'd like to shift to your general Starbucks'
14 schedule. How would you find out about your Starbucks' work
15 schedule when you worked there?
16 A I found about -- about the schedule because it prints out
17 at the back of the store. And then I can view it on my phone.
18 Q Okay. So -- and how would you view it through your phone?
19 A There is a app for Starbucks' employees to access, and
20 like, request time off, like, have availability and the
21 schedule.
22 Q And do you recall how far in advance you would find out
23 about your work schedule?
24 A The work schedule, he publish three week in -- in advance.
25 Q And does Starbucks have a process for informing your

1 manager of your available hours?
2 A Yes.
3 Q And what does that process look like?
4 A It's in the same app. So I can put my availability, that
5 the manager can be view, and inform, and schedule based on the
6 availability.
7 Q And you mentioned that during your employment with
8 Starbucks, your -- your hours did not change at all?
9 A No.
10 Q So during your employment with Starbucks did you ever have
11 meetings outside of your regular work hours?
12 A Yes.
13 Q Did you ever attend those meetings?
14 A There is -- I remember there were two total. So the first
15 one, it happened in the -- both of the -- both of the meetings
16 was scheduled at night time. So the first one I able to attend
17 because at that time my second job -- I have another second
18 job -- so at that time it's not conflict with my second job
19 schedule. But the second one, it -- it did. So I could not
20 attend it.
21 Q Okay. So let's stick with that first meeting. You said
22 you were able to attend it?
23 A The first one?
24 Q Yeah.
25 A I did.

1 Q Okay. And you recall, roughly, the -- the date for that
2 meeting that you were able to attend?
3 A Just -- I'm sorry, can you say it one more time?
4 Q Yeah. Do you recall the date for that meeting that was
5 outside of your work hours that you were able to attend?
6 A I cannot recall the date. Sorry.
7 Q Do you remember if it was before or after the petition was
8 filed?
9 A It was before.
10 Q So let's move to that second meeting that was outside of
11 your regular work hours. Do you recall what time of day it was
12 scheduled for?
13 A It was scheduled at night time.
14 Q Okay. And the second meeting, do you remember if it was
15 before or after the petition was filed?
16 A I believe it was after.
17 Q And I think you already mentioned this, but why were you
18 not able to attend that meeting?
19 A Because it conflict with my second job schedule.
20 Q Okay. So tell me about that second job. What was it?
21 A I worked part-time at the -- at a -- at Electron, so
22 mostly I worked at night time. And that's why I have my --
23 that's why I put my availability to work Starbucks only in the
24 mornings.
25 Q And do you remember roughly when you started working that

1 second job?
2 A I worked at the second job before I get employed with
3 Starbucks.
4 Q Okay. So before, I think you said, it was April 2021 is
5 when you started with Starbucks?
6 A Correct.
7 Q And what were your typical work hours at the second job?
8 A Mostly at night time.
9 Q Do you recall roughly the time, like?
10 A Usually, I would say about 4 or 5:00 until 9 to 10.
11 Q And about how many hours a week?
12 A I work about 20 hours at the other job.
13 Q And about how many days?
14 A About four or five days.
15 Q And how often did that second job overlap with your
16 Starbucks' schedule?
17 A It never overlapped because -- because my schedule at
18 Starbucks -- I only put my availability in the morning and
19 never for the nights. It never overlapped.
20 Q Okay. But were there days where you worked at Starbucks
21 and then after your shift was over you went to the second job
22 on that same day?
23 A Um-hmm.
24 Q Okay. How often did that happen?
25 A About three to four days a week.

1 Q Okay. Three to four days a week. Is that a "yes", three
2 or four days a week?
3 A Yes.
4 Q And did you ever tell Jer about your second job?
5 A Yes.
6 Q And what did you tell him?
7 A I tell him that I have a second job. And because, you
8 know, like, sometimes the store needs somebody to cover, so I
9 said that I -- I am unable to because I have a second job.
10 Q And did Jer ever ask you to cover jobs outside of your
11 regular work hours?
12 A Yes.
13 Q How many times?
14 A I would say there was a point that we need a lot of
15 coverage, so I would say very often.
16 Q And what did you tell him in those instances when he asked
17 if you could cover someone's time outside of your work hours?
18 A Well, sometime -- if it not conflict with my second job, I
19 say yes. But other than that, I say no.
20 Q Had you ever picked up a nighttime shift with Starbucks?
21 A No, never.
22 Q So the second meeting, did you not see that meeting on
23 your schedule?
24 A I -- I did not pay attention to that because mostly I just
25 pay attention to my morning shift.

1 Q And did you get in trouble for not attending that second
2 meeting?
3 A I did.
4 Q And when -- when did that happen?
5 A It happened -- it happened at the store that after the --
6 after I did not attend the meeting, I got disciplined for it.
7 Q I guess, I'm trying to get a time frame here. Was this
8 after your meeting with Amy?
9 A I think it -- I think it was before.
10 Q So you mentioned -- I think you testified already that
11 your meeting with Amy was around March or April of 2022.
12 A Um-hum.
13 Q And you think this second nighttime meeting was before?
14 A The nighttime meeting? That -- that was scheduled that I
15 did not go to?
16 Q Yeah.
17 A Yeah. It was before, yeah.
18 Q Okay. All right. So you mentioned that you got in
19 trouble for attending that -- for not attending that meeting;
20 excuse me. Let's talk about the discipline. How did you find
21 out you were being disciplined?
22 A Jer just said that he needed to talk to me. It never
23 being scheduled. And I also found about it about last minute.
24 Q And do you recall when this meeting with Jer took place?
25 A It happened at the store.

1 Q I guess, how many -- how much time passed between the
2 nighttime meeting you were not able attend and your meeting
3 where you were disciplined with Jer?
4 A I would say about a couple weeks after that.
5 Q And where did your meeting with Jer take place?
6 A It's at -- it's at the front of the store, so it will be
7 right behind the barista counter.
8 Q Did the meeting happen during your shift?
9 A Yes.
10 Q Was anyone else present?
11 A No.
12 Q Tell me how that meeting started.
13 A So Jer -- Jer told me that -- Jer told me about the reason
14 for that meeting that I got disciplined because I did not
15 attend the -- the night meeting.
16 Q And what, if anything, did you say in response to Jer?
17 A I tried to explain to him that it's -- it's outside of my
18 availability. So I just said that I don't know why he needs
19 schedule me on -- at the night time because he knows that I
20 have a second job.
21 Q And did Jer say anything in response to that?
22 A He just said that if I cannot attend it at least I have to
23 let him know or -- yeah, notify him.
24 Q And did Jer present anything in writing to you?
25 A Yes.

1 Q So Nelson, take a look at this document, and let me know
2 once you've had a chance to review it. Yeah. This is marked
3 as General Counsel's Exhibit 28. Nelson, do you recognize this
4 document?
5 A Yes.
6 Q And is that your signature towards the bottom left-hand
7 corner?
8 A Yes.
9 Q All right. And is that Jeremiah Mackler's signature
10 towards the middle of the page?
11 A Yes.
12 Q All right. And under the statement of situation it
13 mentions that, "On 5/24 Nelson no-call, no-showed for his
14 scheduled shift." Do you recall if you were scheduled to work
15 on that day?
16 A I don't remember.
17 Q And it looks like the date created was June 2nd of 2022?
18 On the top right-hand corner there. So I think earlier you
19 testified that -- that this meeting took place before your
20 meeting with Amy in -- in March or April of 2022. Does this
21 refresh your memory as to when this -- the -- the nighttime
22 meeting took place?
23 A Sorry. I -- I can't -- I -- I cannot recall that.
24 MR. MCCASKEY: All right. I'd like to move for the
25 admission of General Counsel's Exhibit 28.

1 JUDGE MONTEMAYOR: Any objection to 28?
2 MR. MCCASKEY: No objection, Your Honor.
3 JUDGE MONTEMAYOR: 28 will be admitted.
4 **(General Counsel Exhibit Number 28 Received into Evidence)**
5 Q BY MR. MCCASKEY: And this document says that the
6 nighttime meeting that you were unable to attend was held on
7 May 24th, 2022. Do you have any reason to think that's wrong?
8 A No, I don't. I -- sorry. This happened, like, quite a
9 while ago, so I cannot, like, remember right now.
10 Q Okay. I understand. All right. Nelson, now, I'd like to
11 move to your last day of employment with Starbucks. Do you
12 remember your last day with Starbucks?
13 A Yes. At the end of June 2022.
14 Q And did you go into work that day?
15 A Yes.
16 Q And what happened when you arrived at work?
17 A When I arrived at work, one of my supervisors, Sarah, she
18 told me that -- that -- that Jer need to talk to me before my
19 shift.
20 Q And what happened next?
21 A So I met Jer in the conference room, and he told me the
22 reason that he needed to talk to me.
23 Q And was anyone else present?
24 A No.
25 Q And so how did that meeting begin?

1 A So Jer told me that I will be terminated because --
2 because I did not go to work -- because I did not show up to
3 work, like, I think that, like, a few days ago.
4 Q So tell me about that. For not going to work. Now, what
5 happened there?
6 A So that's one day that I was supposed to be at work but I
7 overslept. My alarm -- my alarm didn't goes off. And one of
8 my supervisor -- he called me and asked me when I will work
9 again, so told him that I overslept. And I -- I just make it
10 to work in like, about 30 more minutes or so. And he -- he
11 give me advice. He said that, oh, you can call sick so you
12 don't have to be at work.
13 Q Okay. So let me backtrack a little. Do you recall the
14 name of the supervisor who you spoke to?
15 A Yes. His name is Josh.
16 Q Do you recall his last name?
17 A I -- I don't remember his last name at the moment.
18 Q Okay. What was his job title?
19 A He is -- he is one of the supervisor.
20 Q Okay. And is that what's referred to as a shift
21 supervisor?
22 A Yeah.
23 Q And so you mentioned that Josh called you first?
24 A Yes.
25 Q Did you pick up?

1 A No. I did not pick up, but I called right back after.
2 Q And so Josh -- Josh asked if you were coming into work?
3 A Yes.
4 Q And you said you were 30 minutes away?
5 A Yeah. I tol -- because it not really past my scheduled
6 hours. So I told him that at -- at least about 30 -- 30
7 minutes or more to get to work.
8 Q Okay. And then at that point, Josh replied that you had
9 two options?
10 A Yes.
11 Q And what were those options again?
12 A So the first option -- I -- so I told him that I would be
13 about at least about 30 minutes to go to work. And all he --
14 all he said that I can call sick so I don't have to be at work
15 on that day.
16 Q And did Josh tell you whether there would be any sort of
17 disciplinary action for calling out sick?
18 A No.
19 Q So when presented with these two options, what did you
20 ultimately decide to do?
21 A So I decided to call out sick.
22 Q All right. So going back to your meeting with Jer, then,
23 did you tell him about this conversation with Josh?
24 A Yes.
25 Q And what, if anything, did he say in response to that?

1 A He didn't say anything.
2 Q And you mentioned he -- he said that you were being
3 terminated.
4 A Um-Hmm.
5 Q And sorry. If you could answer yes or no for the court
6 reporter just so they --
7 A Yes.
8 Q -- have a clear answer. So Jer mentioned you were being
9 terminated for not showing up. Did he mention any other reason
10 for why you were being terminated?
11 A He also said that along with the -- the night meeting that
12 I didn't -- that I didn't attend to. So along with -- in
13 addition with that discipline. So I -- that's the reason why I
14 got terminated.
15 Q And do you remember how that meeting with Jer ended?
16 A It just -- he gave me a, like, a -- like, just the same
17 paper like this with -- with me sign it. And then -- and then
18 that's it.
19 Q Okay. So he presented you with some kind of written
20 document?
21 A Yes.
22 Q Nelson, take a moment to review this document, and let me
23 know when you're ready.
24 A Yes.
25 Q Nelson, do you recognize this document?

1 A Yes.
2 Q And is that your signature on the -- towards the bottom of
3 the page?
4 A Yes.
5 Q All right. And that's Jeremiah's signature towards the
6 middle of the page?
7 A Yes.
8 Q And it looks like you signed off on this document on
9 roughly June 29th, 2022?
10 A Yes.
11 Q Do you have any reason to believe that's wrong?
12 A No.
13 MR. MCCASKEY: I'd like to move for the admission of
14 General Counsel's Exhibit Number 29.
15 JUDGE MONTEMAYOR: Any objections to 29?
16 MR. MCCASKEY: No objection, Your Honor.
17 JUDGE MONTEMAYOR: 29 will be admitted.
18 **(General Counsel Exhibit Number 29 Received into Evidence)**
19 Q BY MR. MCCASKEY: And just going back to this notice of
20 separation, did Jer say anything else to you once he presented
21 this notice of separation to you?
22 A No.
23 Q All right. So now, I'm going to move on to the attendance
24 and sick leave policy at Starbucks. Do you know if Starbucks
25 as an attendance policy?

1 A Yes.
2 Q And how do you know that?
3 A It's stated in the handbook.
4 Q Okay. And were you ever late to work prior to the
5 petition being filed?
6 A Yes.
7 Q About how many times, would you estimate?
8 A About -- it was about three to four times.
9 Q And were you ever disciplined or coached on the attendance
10 policy those three, four times you were --
11 A No.
12 Q -- late to work? In your experience, did you notice a
13 change in how Starbucks enforced its -- its attendance policy?
14 A Yes. So after he gave me the handbook, he said that
15 attendance and dress code will be more -- will be applied more
16 strictly.
17 Q Okay. And you said "after he", are you referring to Jer?
18 A Yes.
19 Q And moving on to the sick leave policy, do you know if
20 Starbucks has a sick leave policy?
21 A Yes.
22 Q And how do you know that?
23 A It's also stated in the handbook.
24 Q And did you ever call in sick prior to the petition being
25 filed?

1 A Yes.
2 Q About how many times, would you estimate?
3 A I would say more than four times.
4 Q And do you recall if those roughly four -- or in one of
5 those roughly four times if you were disciplined for calling in
6 sick?
7 A No.
8 Q After the petition was filed, were there any times where
9 you called in sick?
10 A Yes.
11 Q And aside from the instance we've already discussed, were
12 you disciplined any other times for calling out sick?
13 A No.
14 Q And Nelson, after the petition was filed, were you having
15 any health-related problems?
16 A Yes.
17 Q Can you tell me about that?
18 A Yeah. So there's some -- that I suffer with some
19 abdominal pain that -- you know, like, one of the day that I
20 scheduled I supposed to be at work, so I have to go to the
21 emergency room. So that's why I didn't -- I -- I cannot make
22 it to work on that day.
23 Q Okay. So you mentioned there was one instance where you
24 went to the ER, and you called out sick?
25 A Um-hmm.

1 Q And were you disciplined for --
2 A No.
3 Q -- calling out sick? And were there other instances -- or
4 I guess, can you tell me more about this -- this health-related
5 problem that lead you to go to the ER?
6 A It just happened, like, in the middle of the night, that
7 it's, like, very painful that I think I'm -- I have to go to
8 the hospital. I have some abdominal pain before, but it's not
9 last -- like that time, so.
10 Q And were there other times that you called out sick
11 because of this abdominal pain?
12 A Yes.
13 Q And I guess, how many times would you estimate?
14 A So I said that I called for sick about more than four
15 times. And most of those times I called out because I suffer
16 with abdominal -- abdominal pain.
17 Q Okay. And just to be clear, those times that you called
18 out sick because of abdominal pain, that was after the petition
19 was filed?
20 A It was before and after.
21 Q Okay. Both before and after?
22 A Yeah.
23 Q And was Jer aware of your health-related problems tied to
24 your abdominal pain?
25 A Yes.

1 Q And how do you know that?
2 A Because he -- so he -- at the -- at the meeting that I
3 have with him, he also that -- he said do I need any support
4 from Starbucks. And -- but he also, you know, like, he
5 mentioned that, you know, like, there's a hotline, like, call
6 Sedgwick or something -- that I can call if I need to take care
7 of that.
8 Q Okay. So this was during your meeting with Jer where he
9 presented you with the handbook?
10 A Yes.
11 Q He gave you a number to a line for Sedgwick; is that
12 right?
13 A No. He just said that there's, like -- he asked me about
14 support. And then he's, like, just mention in general that,
15 you know, like, there's a phone number that I can call, you
16 know.
17 Q Okay. And he gave you this phone number because of your
18 abdominal problems -- your health problems?
19 A Yeah.
20 Q One moment.
21 (Counsel confer)
22 Q BY MR. MCCASKEY: Going back to your meeting with Jer
23 where he made you sign off on certain policies, did Jer tell
24 you why he wasn't providing you with any copies of those
25 policies?

1 A No. He didn't say anything about that.
2 Q And Nelson, during your testimony, you've used both a
3 Vietnamese interpreter, and you've also spoken to some extent
4 in English. Do you feel more comfortable with one or the
5 other?
6 A I would say that I feel more comfortable with English, but
7 you know, like, sometime if I cannot understand them, then I
8 will need his help.
9 Q Okay. And -- and what is your native language?
10 A My preferred language?
11 Q Your native --
12 A My is Vietnamese.
13 Q And then we've talked a little bit about this, but just
14 going back to the evening. The times where Jer asked you if
15 you could pick up an evening shift. Did you ever get into
16 trouble for refusing to pick up evening shifts?
17 A No. I don't have any -- I don't suffer with any -- I
18 don't struggle with any problems or anything like that.
19 MR. MCCASKEY: No further questions for this witness, Your
20 Honor.
21 JUDGE MONTEMAYOR: Do you have questions?
22 MR. KAPLAN: Yes, Your Honor. A couple questions.
23 JUDGE MONTEMAYOR: Okay.
24 **CROSS-EXAMINATION**
25 Q BY MR. KAPLAN: Hi. Good afternoon. My name is Thomas

1 Kaplan. I'm counsel for Starbucks Workers United. Is it okay
2 if I call you Nelson?
3 A Yes.
4 Q Nelson, would you mind looking at General Counsel Exhibit
5 Number 26 with me? Do you see that at the top of the page
6 there's handwriting in the -- in the center of the page?
7 A Um-hum.
8 Q Could you read that?
9 A 100 percent compliance by April 1st, 2021 -- 2022.
10 Q Do you know -- did you write that?
11 A No, it's not my writing.
12 Q Do you know who wrote it?
13 A I don't know.
14 Q Did anyone explain to you what that meant?
15 A No.
16 MR. KAPLAN: That's all. Thank you, Your Honor. Thank
17 you, Nelson.
18 JUDGE MONTEMAYOR: Thank you, counsel. Cross-examination?
19 MS. STROESCU: Your Honor, we request the Jencks statement
20 at this point, and a few minutes to review. Your Honor, if I
21 could just have five minutes to review?
22 JUDGE MONTEMAYOR: Okay. We're off the record in recess
23 for five minutes.
24 (Off the record at 2:47 p.m.)
25 JUDGE MONTEMAYOR: We are back on the record. We are

1 continuing with the cross-examination of the witness.
2 Counsel, you may begin.
3 **CROSS-EXAMINATION**
4 Q BY MS. STROESCU: Good afternoon, Nelson. My name is
5 Nina. I am an attorney for Starbucks. Is it okay if I call
6 you Nelson during this examination today?
7 A Yes.
8 Q And just briefly, I know we talked about this. There is
9 an interpreter present. Do you feel comfortable enough
10 speaking in English during this examination?
11 A Yes.
12 Q Okay. And during your time at Starbucks, did you ever
13 request an interpreter?
14 A No.
15 Q Okay. During your employment at Starbucks, did you ever
16 have any trouble understanding conversations among your
17 coworkers?
18 A No.
19 Q Did you ever have any trouble understanding conversations
20 with your supervisor, Jer Mackler?
21 A No.
22 Q Did you have any trouble understanding any conversations
23 with --
24 MR. MCCASKEY: Objection, Your Honor. Relevance.
25 JUDGE MONTEMAYOR: Overruled.

1 Q BY MS. STROESCU: -- the district manager, Amy
2 Quesenberry?
3 A No.
4 Q You testified previously, that you are familiar with the
5 partner guide; is that right?
6 A Yes.
7 Q And I believe on your table is a Joint Exhibit 2, which
8 has previously been entered as a partner guide.
9 MS. STROESCU: Your Honor, may I approach the witness to
10 grab it for him?
11 JUDGE MONTEMAYOR: Yes, you may. It might be easier.
12 Q BY MS. STROESCU: Nelson, you recognize the exhibit
13 sitting in front of you, right?
14 A Yes.
15 Q Okay. And you recognize it to be the partner guide?
16 A Yes.
17 Q And when you were hired at Starbucks, were you given a
18 copy of the partner guide to review?
19 A Yes.
20 MS. STROESCU: Your Honor, I am going to approach the
21 bench, and opposing counsel, with Respondent's Exhibit **4.**
22 Q BY MS. STROESCU: Nelson, do you recognize this document?
23 A Yes.
24 Q This document is an acknowledgment that you signed when
25 you were hired with Starbucks; is that right?

1 A I cannot recall. That was in April 2021.
2 Q And you were hired in June of 2021 -- or excuse me, in
3 July of 2021; is that right?
4 A I -- I cannot remember, as I said April.
5 Q Do you know if you -- during orientation with Starbucks,
6 did you conduct -- during orientation, were you reviewed the
7 partner guide?
8 A I'm sorry. Can you say it one more time?
9 Q Sure. Let me rephrase. During orientation with
10 Starbucks, did you review the partner guide?
11 A Yes.
12 Q Did you sign an acknowledgment that you had reviewed the
13 partner guide?
14 A I don't remember if I signed any.
15 Q Okay. But you did -- you did actually, thoroughly, review
16 the partner guide?
17 A Yeah.
18 Q Okay. And so you were aware of the time and attendance
19 policy inside the partner guide, right?
20 A Yes.
21 Q In the partner guide, if you could turn to page 27 for me?
22 Do you recognize, in the center of the page, where it says
23 attendance and punctual -- punctuality? Do you recognize that
24 policy?
25 A Yes.

1 Q Okay. And this policy requires partners to be at work on
2 time; is that right?
3 MS. DEVLEMING: Objection. Oh, sorry. Strike that.
4 MR. MCCASKEY: Objection, Your Honor. Best evidence rule.
5 The document on page 27 speaks for itself.
6 JUDGE MONTEMAYOR: Overruled. I'll allow her to inquire
7 about it.
8 MS. STROESCU: I'll rephrase -- I'll repeat the question
9 for you, Nelson.
10 Q BY MS. STROESCU: The -- this policy, attendance, and
11 punctuality, it requires partners to be at work on time;
12 isn't -- isn't that right?
13 A Yes.
14 Q And the policy also requires that if a partner cannot
15 report to work, they need to speak with the store manager or
16 assistant store manager; is that right?
17 A Yes.
18 Q And the policy also requires that if you fail to abide by
19 the policy, corrective action, or discipline, could be issued,
20 including termination. Is that right?
21 A Yes.
22 Q Earlier in -- in your testimony, you testified that, prior
23 to the petition for representation being filed, you were -- you
24 called in sick, or you were late, maybe four times?
25 A Yes.

1 Q And I'm -- I apologize. I think I missed your answer.
2 After the petition, how many times did you call in sick, or
3 were late for a shift?
4 A After the petition?
5 Q Yes.
6 A How many times I called out sick or late, in total?
7 Q Yes, in total.
8 A I would say about three or four times.
9 Q You mentioned there were some meetings with Jer Mackler,
10 who was your supervisor; is that right?
11 A Jer Mackler is my manager.
12 Q He was the store manager for the 5th and Pike Store; is
13 that right?
14 A Yes.
15 Q And who was the assistant store manager at the time?
16 A There are no -- there are no assistant manager at the
17 time.
18 Q And just to be clear, Sarah Pappin was not a manager?
19 A No.
20 Q Do you recall a meeting with Jer Mackler on March 28th,
21 2020, when he sat down to talk to you about time and
22 attendance?
23 A I cannot recall the -- the date.
24 Q Were -- was there -- you previously testified to a meeting
25 where Mr. Mackler and you talked about your health issues,

1 right?
2 A No. He just -- he not talking about my health issue. He
3 just talk about -- in general, about any support that I need
4 from Starbucks. Yeah.
5 Q And he asked if you needed an accommodation due to your
6 stomach problems; is that right?
7 A No. He just offer me, like, a -- a phone number that I
8 can call.
9 Q And what did you understand that phone number to be?
10 A That to pay for that -- to take care of, you know, like,
11 the time if I -- if I need for my abdominal pain.
12 Q Okay. So it was a phone number to support you if you had
13 health issues, because of the abdominal pain; is that right?
14 A Yes.
15 Q And you told him that you didn't need that support?
16 A No, No. I -- I could not, but I didn't -- because he just
17 said -- he just asked me if I needed, like, any, like, other
18 support. And at that time, I don't need anything --, so.
19 Q You told him you didn't need anything?
20 A Yeah.
21 Q And was this the same meeting where you reviewed the
22 policies with Mr. Mackler?
23 A No, the handbook?
24 Q Yes.
25 A Yes.

1 Q And during this meeting, did you review the attendance
2 policy again?
3 A No, because I think that if he -- just, you know, like,
4 the same as when I get the handbook, so I didn't review it.
5 Q So you already understood the attendance policy?
6 A Yes.
7 Q And during this meeting, did Mr. Mackler warn you that if
8 you were a no-call/no-show, it could lead to corrective action?
9 A No.
10 Q During this meeting, did Mr. Mackler inform you that it
11 was important for partners to show up for their scheduled
12 shifts?
13 A No, he just said that, the -- the attendance and the dress
14 code could be applied more strictly. He didn't say anything
15 other than that.
16 Q And you mentioned that this meeting took place in a
17 conference room. Did you mean the back-of-house room?
18 A No.
19 Q Where did -- where did this meeting take place?
20 A So the conference room in -- in the front of the house --
21 it's in the front of the house. And like, we have a lobby, and
22 like, it's -- the conference room at, like, towards the end of
23 the lobby.
24 Q Okay. Also during this meeting, did Mr. Mackler talk to
25 you about different benefits available to you as a partner?

1 A No.
2 Q Did you have a separate meeting with Mr. Mackler where he
3 did talk to you about benefits?
4 A No.
5 Q During this meeting, did Mr. Mackler talk to you about the
6 COVID policy, at all?
7 A No.
8 Q Was there a separate meeting where he did speak to you
9 about the COVID policy?
10 MR. MCCASKEY: Objection, Your Honor. Relevance.
11 JUDGE MONTEMAYOR: Counsel, why is it relevant?
12 MS. STROESCU: There's been a lot of testimony regarding
13 these partner one-on-one meetings, and what was discussed.
14 JUDGE MONTEMAYOR: I'll allow --
15 MS. STROESCU: And I'm --
16 JUDGE MONTEMAYOR: -- I allow some leeway. You can answer
17 the question.
18 Q BY MS. STROESCU: Nelson, I apologize. Did you answer my
19 question? Did you guys talk about any COVID guidelines or
20 policy during this meeting?
21 A No.
22 MS. STROESCU: Just one second, Your Honor.
23 Q BY MS. STROESCU: Nelson, prior to filing the petition,
24 when you were -- when you would call in sick to work, who would
25 you speak to?

1 A It depending on who were the supervisor for that day, so
2 it's varied.
3 Q And when you say supervisor, what do you mean by the word
4 supervisor?
5 A Super -- our shift supervisor, so that means, like, who
6 take charge of that shift.
7 Q Okay. Would you ever ask to speak with the store manager,
8 or the assistant store manager?
9 A No.
10 Q You testified that, after the filing of the petition, you
11 believe you called in sick, or were late to work, about three
12 or four times; is that right?
13 A Yes.
14 Q Did you call off -- did you call in sick to work on March
15 14th?
16 A March 14, I cannot recall that.
17 Q Did you call in sick to work on March 16th, 2022?
18 A I cannot recall that.
19 Q Do you know if you were late to work on March 23rd, 2022?
20 A I cannot recall that.
21 Q Do you recall having a conversation with Mr. Mackler
22 regarding the amount of times that you were late for a shift,
23 or that you were calling in sick?
24 A No, I haven't had a conversation with him about that.
25 Q You did not have a conversation with him?

1 A No.
2 Q Do you recall if you called in sick to work on April 9th,
3 2022?
4 A No, I don't recall that.
5 Q Do you recall if you called in sick from the dates of
6 April 15th to April 17th, 2022?
7 A No.
8 Q Do you recall if you called in sick on April 23rd, 2022?
9 A No.
10 Q Do you know if you called in sick on May 11th, 2022?
11 A No.
12 Q Do you know if you called in sick on May 15th, 2022?
13 A No.
14 Q Just to confirm, you received that -- a corrective action
15 for a no-call/no-show, on May 24th, 2022, right? I believe
16 that was General Counsel's Exhibit 28.
17 A That is -- I got disciplined for because I did not attend
18 the night meeting.
19 Q And that night meeting was on your schedule, right?
20 A Like I said, I didn't pay attention to that, because I
21 only put my availability for one in the morning, only.
22 Q So you ignored the meetings on your schedule?
23 MR. MCCASKEY: Objection, Your Honor. Mischaracterizes
24 the witness' prior testimony.
25 JUDGE MONTEMAYOR: Objection sustained.

1 Q BY MS. STROESCU: You did not pay attention to anything on
2 your schedule, other than your scheduled shifts; is that right?
3 A Yes.
4 Q And you did not give Mr. Mackler a phone call to let him
5 know you could not be at that meeting, right?
6 A Yes.
7 Q And you understand that a no-call/no-show, is a violation
8 of the attendance policy?
9 A Yes.
10 Q Looking at General Counsel's Exhibit 29, the corrective
11 action from June 29th, 2022, this exhibit states that on June
12 20th, you were also a no-call/no-show, for your scheduled
13 shift, right?
14 A I'm sorry. On what date?
15 Q Excuse me, June 20th. When you are a no-call/no-show, for
16 that shift, right?
17 A That's not no call, now show. It's just, like, my
18 supervisor, he like, Josh, he call first, because I overslept
19 to alarm, and I call him right back. I said that I will be at
20 work in, like, 30-more minutes or so. But that he said that
21 I -- I could call out sick. He said I don't need to be on --
22 at work that day.
23 Q In the Jencks statement provided in this matter, you
24 stated that it was going to take over an hour to get to work;
25 does that sound about right?

1 A No.
2 Q And just to be clear, Josh Nagy is not an assistant store
3 manager?
4 A No.
5 Q He's not the store manager?
6 A No.
7 Q Looking at General Counsel Exhibit 29, for the first point
8 on a no-call/no-show, on May 24th, it states that the meeting
9 was put on the schedule three weeks in advance, right?
10 A Yes.
11 Q But you did not pay attention to the meeting on your
12 schedule?
13 A No.
14 Q Do you recall being late for a -- ten minutes late for
15 your shift on June 27th, 2022?
16 A No.
17 Q I've just listed out 13 days where you called in sick or
18 you were late. Does that sound more accurate than the three to
19 four days you testified about, previously?
20 A No, it's not right.
21 Q Did you run out of sick time given the amount of sick days
22 you were taking?
23 A I don't know how many hours I -- sick time that I have, so
24 I don't -- I don't know.
25 MS. STROESCU: Your Honor, may have a moment?

1 JUDGE MONTEMAYOR: Yes.

2 MS. STROESCU: I have no further questions, Your Honor.

3 JUDGE MONTEMAYOR: Redirect?

4 MR. MCCASKEY: Nothing from the General Counsel, Your

5 Honor.

6 JUDGE MONTEMAYOR: Okay.

7 MR. KAPLAN: No questions on any of that.

8 JUDGE MONTEMAYOR: Okay. Thank you so much for your

9 participation. We appreciate you coming and spending time with

10 us.

11 THE WITNESS: Thank you.

12 JUDGE MONTEMAYOR: So thank you so much. And the

13 interpreter, thank you also for your help.

14 THE INTERPRETER: You're welcome, Your Honor.

15 JUDGE MONTEMAYOR: Very helpful. You are excused, and

16 we'll go off the record.

17 (Off the record at 3:13 p.m.)

18 JUDGE MONTEMAYOR: On the record, just momentarily.

19 I would just like the record to reflect that I'm handing

20 the Jencks statement back to General Counsel.

21 MR. MCCASKEY: Thank you, received.

22 JUDGE MONTEMAYOR: And they have been received by the

23 General Counsel, and we'll go off the record.

24 (Off the record at 3:13 p.m.)

25 JUDGE MONTEMAYOR: We're going to begin by having you

1 sworn, so please raise your right hand?
2 Whereupon,
3 **CORI GREEN**
4 having been duly sworn, was called as a witness herein and was
5 examined and testified as follows:
6 JUDGE MONTEMAYOR: And please begin by stating and
7 spelling your name for the record?
8 THE WITNESS: Of course. My name is Cori Green. It's
9 spelled C-O-R-I, G-R-E-E-N.
10 JUDGE MONTEMAYOR: Just one other thing. I wear a hearing
11 aid, so please speak up, --
12 THE WITNESS: Of course.
13 JUDGE MONTEMAYOR: -- okay?
14 THE WITNESS: You got it.
15 JUDGE MONTEMAYOR: Okay.
16 THE WITNESS: I'll use my Starbuck's voice.
17 JUDGE MONTEMAYOR: Okay. You're a little bit soft spoken,
18 so just keep the volume up.
19 THE WITNESS: Absolutely.
20 JUDGE MONTEMAYOR: Counsel?
21 MS. DEVLEMING: Thank you, Your Honor.
22 **DIRECT EXAMINATION**
23 Q BY MS. DEVLEMING: And keep in mind, that is your
24 recording you for the transcript.
25 A Wonderful, thank you.

1 Q Good afternoon, Ms. Green. Can I call you Cori?
2 A Yes, please.
3 Q May I ask your pronouns?
4 A Yes, my pronouns are she/her. Thank you.
5 Q Where do you work?
6 A I work at the 5th and Pike Starbucks location at 425 Pike
7 Street.
8 Q When were you first hired by Starbucks?
9 A I was first hired by Starbucks on January 28th, of 2019.
10 Q At which store?
11 A At the Pier 55 location. I don't recall the exact
12 address, but --
13 Q Is that also located in Seattle?
14 A Yes.
15 Q Which -- when did you start at 5th and Pike?
16 A I started at 5th and Pike in September of 2020.
17 Q What's your job title at 5th and Pike?
18 A I am a shift supervisor.
19 Q Were you a shift supervisor between about January and July
20 of 2022?
21 A Yes.
22 Q In your own words, what are your job duties as a shift
23 supervisor?
24 A As a shift supervisor, I run the floor, I give people
25 breaks, I count the money. I'm normally a closer, so I count

1 the money at the end of the night. I handle the deposit. And
2 basically, I'm just in charge of making sure the store is
3 running properly.
4 Q Do you work a particular shift?
5 A I standardly will work closing shifts these days.
6 Q What about in 2022, or again, specifically, between
7 January and July of that year?
8 A During that time, I was strictly, pretty much a closer.
9 There may have been some variability, but most days I was a
10 closer.
11 Q And what does that mean? Roughly, what hours would you
12 work as a closer?
13 A About 12:30 to 9, I believe, was the time, during time.
14 Q And who's your current direct supervisor at 5th and Pike?
15 A Currently, my direct supervisor is Jeremy Strickland.
16 Q And what's his job title?
17 A He is a store manager.
18 Q Who was the store manager at the store during the time of
19 the events in this case, between about January and July of
20 2022?
21 A At that time, it was Jer Mackler.
22 Q Does your store have an assistant store manager?
23 A Currently, it does not.
24 Q Has it ever during your tenure at 5th and Pike?
25 A Yes.

1 Q When was that?
2 A I don't recall exactly when Maribeth started, but Maribeth
3 Findley was our ASM. I know she worked directly under Jer, so
4 it was during the time while he was the manager.
5 Q What about between about January and July of 2022, was
6 Maribeth Findley at the store at that time?
7 A Yes, I believe she was at the store.
8 Q Who is 5th and Pike's district manager?
9 A Currently, the district manager is Ryan Lassiter.
10 Q And who was the district manager between about January and
11 July of 2022?
12 A At that time, it was Amy Quesenberry.
13 Q And just noting for the record, you've pronounced her name
14 kind of with a que, a hard E sound --
15 A Yes.
16 Q -- is that your understanding of the pronunciation of her
17 name?
18 A Yes, it's my understanding of the pronunciation of her
19 name.
20 Q You kind of said that funny. Were you indicating
21 something by the way you said that?
22 A That I'm not entirely certain that's the correct
23 pronunciation, but that is always how I have pronounced her
24 name. She's never corrected me -- either, so.
25 Q As a shift supervisor at 5th and Pike, are you represented

1 by the Charging Party Union, Workers United?
2 A Yes.
3 Q And the record reflects that the 5th and Pike store filed
4 its petition on January 25th, 2022. Were you involved in the
5 process of filing the Union petition?
6 A I was involved in discussion about it. I did not directly
7 involve the filing of it, but I was one of the first people at
8 the store to begin discussing activities to unionize.
9 Q How did you first learn about the Union?
10 A I first learned about the Union when Sarah Pappin
11 approached me, asking me about what my feelings were about
12 unionization. And at that point, I didn't actually have a
13 really good idea of what unions were. So I began doing a lot
14 of research, and relied a lot on Sarah to help me learn things
15 about them. And I realized that it could help our store a lot,
16 in my opinion.
17 Q Did you ever speak to 5th and Pike store management about
18 the filing of the petition?
19 A Yes.
20 Q Just once or multiple times?
21 A Multiple times.
22 Q Who -- when is the first time you remember?
23 A The first time that I remember was a meeting just a couple
24 of days after we filed. It was a shift meeting that had been
25 scheduled. I don't recall exactly why it was scheduled,

1 because we didn't actually talk about anything else during the
2 meeting, except for us filing the petition.
3 Q And just to clarify, when you say a shift meeting, are you
4 referring to a shift supervisor meeting?
5 A Yes.
6 Q Is shift a nickname, or you know --
7 A Yes.
8 Q -- a similar way of saying shift supervisor? Who was
9 present at this meeting?
10 A From what I recall, I was there, Sarah was there, Micah
11 Lakes was there, and the other supervisors that we had at the
12 time, I believe, all -- all were present, or most were present.
13 I don't remember exactly, but as many supervisors as they could
14 have.
15 Q Do you recall Sarah Pappin being present at that meeting?
16 A Yes, I recall Sarah being there very clearly. I believe
17 that, at -- at least for myself, I was struggling with
18 vocalizing exactly why we were filing to unionize. And so I
19 think a lot of us relied on Sarah to communicate to Jer our
20 feelings. And so she did most of the speaking at the meeting.
21 Q And so Jer was also present at the meeting?
22 A Yes.
23 Q Were there any other managers at the meeting?
24 A At that meeting, no. It was Jer Mackler.
25 Q Where was this meeting held?

1 A It was held at our store in the conference room, so at 5th
2 and Pike.
3 Q And so you -- you testified that it -- it was a regularly
4 scheduled meeting that became all about the Union?
5 A Yes.
6 Q Tell me how the Union first came up?
7 A Well, when we first entered the room, the feeling of the
8 room was just very awkward, I guess you could say. It felt
9 like Jer was very tense. And so when we began the Union, or
10 sorry, began the conversation, I don't recall if we spoke
11 first, or if he spoke first about it. I think we may have
12 asked, like, do you have any questions for us about why we
13 wanted to unionize, and why we filed this petition? And so
14 that's how the conversation began, I believe.
15 Q Did Jer respond to that question of -- of whether he had
16 any questions?
17 A I believe from what I recall, he said something along the
18 lines of, I'm just really confused and don't understand why you
19 would want to do this. He said several other things during the
20 meeting, too, but that was his initial response.
21 Q Did he expound on what the confusion was?
22 A He -- he said several things about how he didn't think it
23 would be a good thing for us to unionize. He gave several
24 reasons. One of them was that we couldn't have borrowed
25 partners at our store anymore, or borrow-up to other stores

1 anymore, which we tried to explain was not the case. He also
2 mentioned that he was concerned about how he'd have to pay
3 Union dues, and how it would take us a very long time to get a
4 contract. And he also was -- I think the biggest point that he
5 made was he was very hurt that we didn't want him to be
6 involved working with us anymore, because he made a point of
7 saying that he was under the impression that if we were to
8 unionize, he would not be allowed to work on the floor with us.
9 And if we had any problem, we could not go to him for that
10 problem. We would have to go to the Union.
11 Q Let's take those one by one.
12 A Okay.
13 Q And break I down a little further. So the first one you
14 mentioned was about borrowing.
15 A Um-hum.
16 Q What do you recall Jer specifically saying during this
17 meeting about borrowing?
18 A I recall him saying that we would not be able to borrow at
19 stores because we would be a separate entity, basically, from
20 other Starbucks. So I could -- I -- I think he mentioned me,
21 specifically, because he knew how much I did pick up shifts at
22 other stores. And he said that I -- or us, in general, would
23 not be able to go and get hours at other stores if we needed
24 them. And then we also could not rely on having partners be at
25 our store if we ever had call outs, or needed our shifts to be

1 covered.
2 Q Did you respond to Jer's statements to those -- that
3 effect?
4 A I don't recall if I directly said that or not. I know
5 that someone responded to that, and it may have been myself,
6 but I do not recall.
7 Q And then the second one you mentioned, I think, was Union
8 dues. What do you remember Jer saying about Union dues?
9 A I don't remember him going too far into detail about it.
10 I just remember him saying that we would need to, like, pay a
11 lot more money to have a Union. And that it would be a big
12 chunk out of our paychecks, basically.
13 Q And then the third one you mentioned was a contract
14 taking, I think you said something, like, a long time?
15 A Yes.
16 Q Can you expand --? What did he say, specifically, about
17 that?
18 A He said that basically, we would be waiting a very long
19 time, kind of, like, in limbo, I guess, trying to get a
20 contract. And we wouldn't have the benefits of, like,
21 Starbucks during that time, but we also wouldn't have the
22 benefits of a Union during that time. So we'd be, kind of,
23 like, unprotected without that contract for a very long time.
24 Q Did he define what he meant by a very long time?
25 A One to two years, I think, is what he said.

1 Q And then the fourth and final one you mentioned, I think,
2 was Jer's concern about not working on the floor, or you coming
3 to him?
4 A Yes.
5 Q Can you talk about what he said --
6 A Yes.
7 Q -- with respect to that point?
8 A That was definitely the one that he -- I remember the most
9 clearly. He was actually really emotional about it. And even,
10 like, I began, like, tearing up about how he felt that we,
11 like, didn't want his support on the floor anymore. But he
12 said that it was his impression from having a Union that we --
13 if, like, for example, there was a call out, and this -- this
14 is actually an example that he gave. If there's a call out or
15 something happened like that, he could not come to support us
16 on the floor, and that we would have to, like, deal with it
17 through the Union. And that he would not be legally allowed to
18 help us.
19 Q Did you speak at this meeting?
20 A I did. I don't recall many, like, word-for-word things I
21 said, but I did vocalize some of my opinions about these items.
22 Q Do you remember anything (indiscernible, audio
23 interference)?
24 A I remember saying that it was not a like, personal problem
25 with Jer for Unionizing. That it was a much bigger issue, and

1 that we didn't have any, like, desire to have him not work on
2 the floor with us. I remember also, like, vocalizing that we
3 would not accept a contract that didn't allow a manager to work
4 on the floor with us, because we wouldn't want that. We would
5 still want the support from a manager, because that's not what
6 we were looking for. We don't want to get rid of a manager.
7 Q Did Jer respond to that?
8 A I don't remember him responding because, I think, he just
9 moved on to the next topic after that. Like, he just kind
10 of -- he moved from one topic to the next, really, like, not
11 quickly. But if we ever responded to one of these topics, he
12 just like, came back with another point, I guess; if that makes
13 sense.
14 Q And you said you personally, kind of, reassured Jer that
15 it wasn't personal, it wasn't about him as a manager. Why did
16 you feel the need to do that?
17 A I -- I felt bad, honestly. I mean, he seemed so emotional
18 from our filing to unionize. And I didn't like, yeah, I
19 didn't -- I wanted to -- him to understand that it wasn't from
20 a lack of, like, wanting to not have a manager. So I'd
21 definitely say that his -- his emotional reaction, like, did
22 work on me that day, for sure, to make me feel bad. Yeah.
23 Q How long did this meeting last?
24 A I think it was about two hours.
25 Q And how -- what portion of the meeting was spent

1 discussing these topics --
2 A The entire thing.
3 Q -- concerning the Union?
4 A The entire thing.
5 Q And you said earlier you had discussed the petition with
6 Jer on multiple occasions. When's the next time you remember
7 discussing this with Jer?
8 A The next time I discussed this was -- with Jer was also
9 with Amy Quesenberry. It was, I believe, in mid-February,
10 during a partner-development conversation. Sorry.
11 Q Where was that meeting; where did it take place?
12 A It also took place in the conference room at the 5th and
13 Pike store.
14 Q And tell me about what you remember in terms of how the
15 Union was, or the petition was first brought up?
16 A The petition was -- well, we had the regular partner-
17 development conversation. And then at the end of it, I asked
18 Jer -- or sorry, no. At the end of it, Amy brought up the
19 Union petitioning to me, and asked if I had any questions about
20 it. And I responded that I did not have any questions for
21 them, but I asked them if they had any questions for me about
22 why we felt we needed to unionize.
23 Q And before we dive in there, just to make the record
24 clear, what is a partner-development conversation?
25 A A partner-development conversation is a conversation

1 that's happen -- that happens between both baristas and shift
2 supervisors with their manager. It was very odd that it was
3 with the district manager, as well. That's not standard for
4 Starbucks, and I'd never had that happen before. But it's a
5 conversation where you discuss, basically, you discuss
6 Starbucks values, and how they run their company. And then you
7 also discuss what your personal goals are. So it's a really
8 good time if you're looking to develop, or even if you're just
9 wanting to improve your skills at work to discuss that with
10 your manager, and make an action plan as to how you're going to
11 do that. For example, during this conversation, I did not -- I
12 don't have any desires to move past being a shift supervisor,
13 but I'm always working on wanting to coach a little bit better
14 when I'm on the floor. And so we've made it, like, an action
15 plan as to how I would better deliver coaching and things like
16 that.
17 Q And I don't want to go too far into this, but just because
18 you mentioned coaching, what -- what do you mean by coaching as
19 a shift supervisor?
20 A So coaching is, basically, either it could be positive or
21 negative. It's any situation where you're talking to another
22 partner. It also could be any partner, manager, barista,
23 anyone, and you either, like, tell them that they're doing a
24 really great job, and like, you can tell that they're improving
25 in that area. Or say, like, for example, if I notice someone's

1 not sequencing drinks correctly, saying, like, hey, just, you
2 know, like if you do it this way, it's actually going to be
3 faster, and conversations like that.
4 Q How long did the partner-development conversation aspect
5 of this meeting last?
6 A I don't recall exactly how long it was. I would say it
7 was probably about 45 minutes.
8 Q And then you had mentioned the subject of the petition and
9 the Union what was brought up, and Amy had asked you if you
10 have questions.
11 A Um-hum.
12 Q Did you respond to that?
13 A Yes, I said that I did not have questions, but I asked
14 them if they had any questions for me regarding the Union.
15 Q Did Amy or Jer respond to that?
16 A Yes. Primarily, during this meeting, I talked with Amy
17 more than Jer about this conversation. But she said that she
18 wanted to know -- wanted -- she wanted to make sure that I knew
19 that if I didn't vote, my vote wouldn't count at all. So to
20 ensure that if I did want to vote, like, yes or no, that I
21 would ensure to get my vote in, which is helpful information.
22 And then she also went on to say that she was very confused
23 about why we wanted to unionize, and asked me why I -- to get
24 into a little bit more in-depth about why we felt like we
25 needed to have a Union representation.

1 Q Did Amy explain her confusion?
2 A Well, when I -- she didn't explain further then, but when
3 I responded, I said that I felt that having -- that partners
4 have felt very powerless in their positions. And I felt that
5 having a Union would actually bring us closer to managers,
6 because we would feel better having more control over our
7 working environments and we would actually get to, like, work
8 with managers to make sure it's a good working environment.
9 And she responded that we actually would not get to work with
10 her, and she was very concerned that she would not get to see
11 us as much. And I think that's where her confusion came from,
12 I guess.
13 Q Did she say she wouldn't be able to see you as much, or
14 that your first statement was that she -- you wouldn't get to
15 work with her?
16 A Yes. So she said that, like -- I guess, I shouldn't have
17 said as much. She said that a Union would be in between us,
18 and that she would only get to -- to communicate with the Union
19 representative -- representation and not with us. So I guess
20 she wouldn't get to see us at all, not as much.
21 Q Did Amy respond to your point that having a Union would
22 strengthen your relationship with management?
23 A She said that it would -- that she did not understand my
24 thought process behind that, and that it would not strengthen
25 any relationship.

1 Q Did Amy say anything else -- or Amy or Jer say anything
2 else about the petition or the Union?
3 A Not that I -- I recall.
4 Q Did the subject of contract bargaining come up?
5 A I don't recall if it came up during that meeting.
6 Q Did you provide an affidavit in this case?
7 A I did write an affidavit.
8 MS. DEVLEMING: Okay. Your Honor, permission to approach?
9 JUDGE MONTEMAYOR: Yes, you may.
10 MS. DEVLEMING: And I'll show Counsel. I'm just going to
11 show Cori this one sentence from line 9 to 10, on page 4.
12 JUDGE MONTEMAYOR: Okay.
13 Q BY MS. DEVLEMING: Cori, I'm just trying to show you --
14 well, first of all, do you recognize this document?
15 A Yes, I do.
16 Q And is this on page 9, is that your signature?
17 A Yes, it is.
18 Q And what's the date?
19 A April 11th of 2022.
20 Q Is this is the affidavit you gave during the
21 investigation?
22 A Yes.
23 Q Okay. I'm going to direct your attention to page 4,
24 line -- the second half of line 9, and the full line 10.
25 Nothing else.

1 A Okay.
2 Q Just read that to yourself silently, in your head. Thank
3 you. Do you now recall if there was anything else mentioned
4 about the Union?
5 A I do recall, now. Should I answer now?
6 Q Sure. What else was brought up about the Union during
7 that meeting?
8 A I had forgotten that Amy also mentioned that it would be
9 the Union negotiating for the contract, not as partners. And
10 it implied that there was a, like, third-party Union
11 representative that would be entirely negotiating for the
12 contract.
13 Q Did you respond to that?
14 A I don't recall. Actually, I -- I did. I said that she
15 misunderstood what the Union -- Union representation would
16 have -- would be, and that it would be us partners, not a third
17 party. At which point, we kind of just came to a stalemate of,
18 like, her not understanding, and me not wanting to explain
19 further.
20 Q After the petition has file -- was filed, has the
21 frequency of the district manager visiting your store stayed
22 the same, increased, or decreased?
23 A Amy's presence in our store increased greatly after we
24 filed the petition.
25 Q How often when she visit the store during the months

1 immediately after the petition was filed?
2 A Immediately after, she was there two or three times a
3 week.
4 Q And how did that compare to before -- the period
5 immediately before the petition was filed?
6 A Before, I maybe saw her two -- two times in, like, two
7 months, or I guess once a month. Something like that. It was
8 very rare to see her.
9 Q And before the petition was filed, had your district
10 manager ever met with you for a one-on-one partner-development
11 conversation?
12 A No, absolutely not.
13 Q Let's transition a bit. When you were first hired, were
14 you provided with a copy of an employee handbook?
15 A Yes.
16 Q And I think we -- the record reflects that -- that
17 handbook is called the partner guide; is that right?
18 A Yes.
19 Q Were you required to review the partner guide when you
20 were hired?
21 A I was not required. It was suggested that I look through
22 it.
23 Q How long did you spend going through it?
24 A Honestly, I don't think I looked through it very long.
25 Probably, like, five minutes. I did not read every page.

1 Q Were you required to sign off on the partner guide?
2 A No.
3 Q Were you required to ever sign off on individual policies?
4 A I have been before.
5 Q Before or after the petition?
6 A After the petition.
7 Q And we'll talk about that in a minute. Sitting here
8 today, are you aware whether or not Starbucks maintains a dress
9 code policy?
10 A Yes.
11 Q When did you first become aware that Starbucks has a dress
12 code policy?
13 A When I was hired.
14 Q What about a time and attendance policy?
15 A Yes.
16 Q When did you first become aware of that?
17 A When I was hired.
18 Q What about a either cell phone, mobile device, or
19 technology policy?
20 A Yes.
21 Q When did you become aware of those policies?
22 A Certain parts of them, I knew when I was hired. The other
23 ones, I found out in a shift meeting that happened in, I
24 believe, about mid-March in 2022.
25 Q Okay. And we'll go into which parts in just a minute.

1 What about a policy, like a -- specifically, concerning the
2 stores iPads?
3 A I had not heard about a policy about that until that March
4 meeting.
5 Q And at any point throughout your employment, before the
6 petition was filed, had management followed up about the
7 partner guide, or any policy?
8 A No.
9 Q At any point, where you trained about any of those?
10 Formally, kind of, trained about those policies?
11 A No, I was not, besides the March meeting.
12 Q Okay. Let's talk about the March meeting. What kind of
13 meeting was this?
14 A It was a shift supervisor meeting, but it had been -- at
15 this point, we were split into two groups for shift supervisor
16 meetings. So this was just half the supervisors, and Jer.
17 Q Had Jer or any other manager explained why the meetings
18 have been split in two?
19 A They said something vague -- Jer Mackler said something
20 vague about scheduling concerns. But I don't understand why we
21 could have full meetings before, and not then. So that -- that
22 was the reason, though.
23 Q What happened at this meeting?
24 A At this meeting, we were given three different paper
25 handouts of several pages, and they all had a different

1 Starbucks policy on them. We were asked to read them, and talk
2 about each one, and sign them, and then return them to Jer
3 Mackler.
4 Q Jer explain why he was having you read and sign off on
5 these policies?
6 A He did not.
7 Q And again, I -- you may have already said this, but remind
8 us what the three policies were about?
9 A Yes, the first one was -- or actually, I guess I don't
10 remember exactly what order they were in, but one of them was a
11 dress code policy. One of them was a time and attendance
12 policy, and then one of them was a cell phone and technology
13 policy.
14 Q About how many pages were each of these policies?
15 A They were several. I would say, probably about, like,
16 three or four front-and-back papers.
17 Q Each one, or in total?
18 A Each one.
19 Q And do you remember the contents of the packet -- those
20 policies you read through?
21 A I remember some of the contents of each one.
22 Q Had you ever seen those particular policies before?
23 A I believe they were the same ones that were shown to me
24 when I started at Starbucks.
25 Q What about the cell phone and technology policy, was that

1 one the one you'd seen before?
2 A Right. That one was a little different than what I'd
3 seen. I actually don't recall. I recall when I started going
4 over a dress code policy, and I recall going over a time and
5 attendance policy. And I recall discussing cell phone
6 policies, I guess, but I don't remember actually, like, seeing
7 a technology policy. I just remember a general discussion with
8 my manager about what is not allowed with cell phones being --
9 regarding them being on the floor while I'm working.
10 Q And what about the iPads, did that subject come up at this
11 meeting?
12 A The sub -- I don't recall a lot of detail about the iPads
13 during this meeting.
14 Q Was Sarah Pappin at this shift supervisor meeting?
15 A Sarah Pappin was not at the supervisor meeting.
16 Q Did Jer give you copies of those policies during this
17 March meeting?
18 A He did not give us copies to keep. Some people did ask to
19 take them to go and read them, but he said that they needed to
20 read them as fast as possible, and get them back to him, so
21 they were not keep.
22 Q Did he explain why you couldn't have copies?
23 A He did not. I did not ask.
24 Q So you testified about the shift supervisors who attended
25 this specific meeting. Were other partners at 5th and Pike

1 required to sign off on the policies?
2 A Yes. We were -- shift supervisors were the only ones at
3 the meeting, but then we were required, over the next month, to
4 have all of the other baristas sign off on each of the three
5 policies. And this was done by breaking it into three weeks --
6 three different weeks. So the first week we were given a
7 checklist with everyone's name on it, and one policy was picked
8 for that week. And during our -- our -- our shift as
9 supervisors, we were required to get everyone, during our time
10 working, to sign it.
11 And so that there was a -- basically, like a -- I can't
12 remember if it was a binder or a folder out on the floor for
13 that month for us to regularly get people to sign it. Because
14 as you can imagine, we have a pretty big team. I think at that
15 time we had about 20 people. I can't remember exactly, but --.
16 MS. DEVLEMING: Just a moment, I think, for an exhibit,
17 Your Honor, Your Honor, permission to approach?
18 JUDGE MONTEMAYOR: Yes, you may.
19 MS. DEVLEMING: I am showing the witness what's already in
20 evidence.
21 Q BY MS. DEVLEMING: Actually, you probably already have it
22 in front of you, Cori. If you can dig through that pile and
23 find General Counsel or GCX-22?
24 A Where would it say it?
25 Q In the bottom right corner, usually.

1 A Okay. G2X, what was it?
2 A If you find the GC ones, go toward the bottom of the pile,
3 and it's 22.
4 A Give me one moment.
5 JUDGE MONTEMAYOR: It may be in the other stack.
6 THE WITNESS: Than what, this one?
7 JUDGE MONTEMAYOR: The other stack.
8 MS. DEVLEMING: There's more in front of you up --
9 THE WITNESS: This one, yes. I see. Thank you.
10 JUDGE MONTEMAYOR: Keep going to the next group. The next
11 group. There you go.
12 Q BY MS. DEVLEMING: Actually, before you pack, if you could
13 grab 21, also. A
14 Okay. This is 23 and 21. Are we going to need 23 as well?
15 Q You can keep it handy, just in case, though I don't think
16 so.
17 A (Indiscernible), if I can find it.
18 Q If it helps, I can lend you mine.
19 A So sorry.
20 Q I'll make sure those get organized better.
21 A Yeah, that might be -- might be better for us.
22 Q Okay. I'm going to lend you mine.
23 A Oh, I found it.
24 Q Oh, you did? Okay.
25 A Perfect.

1 Q Do you still have 23, and then also 21, 22, 23?
2 A I do.
3 Q Can you take a minute to look through those?
4 A Yes. Should I start with any particular one?
5 Q No, look through all three of them, and just look up at me
6 when you're ready.
7 A Okay. I'm ready.
8 Q And do you happen to have 21(a) nearby as well? If not, I
9 can just give you mine rather than digging.
10 A I do not know where --
11 Q Okay. I'm going to lend you mine.
12 A Okay. Thank you.
13 Q Okay. So those four documents in front of you, Cori, do
14 you see Exhibits 21, 21(a), 22, and 23? Ignoring the Sarah P
15 in the top -- top right, are any of those four policies, any or
16 all of them, the policies you were required to sign off on?
17 A Yes. The only one I don't super remember is the -- the
18 soliciting one. I -- I may have had to sign this one, too. I
19 just don't recall. But the other three are absolutely,
20 definitely the ones that I was required to sign, and then have
21 others sign.
22 Q So that's attendance and punctuality, dress code, and
23 personal appearance --
24 A Yes.
25 Q -- and sorry, now I've misplaced my -- oh, I give you 21.

1 A Yes.
2 Q And that one was --
3 A Personal mobile devices.
4 Q Mobile devices. I'm going to take that back from you.
5 Okay. You were talking about other partners signing off on the
6 policies. How did that come about, if you -- were you involved
7 in that process?
8 A Yes, because I was a closing shift supervisor at this
9 time, I worked many shifts with people who only closed. So it
10 was my responsibility for many of the partners to make sure
11 that they got signatures.
12 Q So how did that work? Walk us through.
13 A So we had the meeting with Jer Mackler regarding these
14 policies. We -- we signed off on them -- well, at least some
15 of us asked to look at them further. I signed off on mine
16 immediately, because I didn't feel the need to look through it
17 further. Gave it back to him, and then he communicated to us
18 that we were going to have the baristas sign them throughout
19 their shifts.
20 So we had -- as I was saying, we had the -- we split it
21 into different weeks. So for example, let's look at the dress
22 code one. We would have this in a folder, or a binder, near
23 the front where we would check people in -- check -- checking
24 people in. It involves just, like, asking them how they're
25 doing, making sure that they're within dress code, making sure

1 that they're feeling well, that sort of thing. And so we would
2 do that at the beginning of each shift.
3 And so combined with their check in process, I would then check
4 and make sure to see if they still needed to sign off on their
5 document or not. So in the folder, there were these documents,
6 and then each of them had a person's name on it written down
7 already. And so if someone came in, and I looked at the list
8 that hadn't been checked off that they had signed it yet, I
9 would look through the folder, find the paper with their name
10 on it, ask them to go to the back and read it, and if they felt
11 comfortable, signing it, go ahead and sign it and give it back
12 to me. And then I put it into a separate pile that I would
13 then give to Jer, the next time that I saw him.
14 Q Did you do that at Jer's direction?
15 A Yes.
16 Q And did you provide your -- the closing baristas with
17 copies to take home?
18 A No.
19 Q Why not?
20 A Jer did not give me copies to give to them, so I did not
21 have any copies to give.
22 Q Have you ever been asked by a store manager to have people
23 sign off on individual personnel policies like this before?
24 A No. I thought it was very odd, because this had -- this
25 type of thing had always been something done by management. I

1 had never been asked to get signatures from anyone for anything
2 like that.
3 Q At any point throughout your tenure at 5th and Pike, has
4 store management instructed you on what you could or could not
5 use the store's iPads for?
6 A I have not personally had much experience with what we
7 could not use the iPads for. I have been told lots of things
8 that we could do with them, but not any real experience having
9 conversations.
10 Q Who has told you what you can do with the iPads?
11 A When I was trained as a supervisor, you use the iPads a
12 lot more. So I was trained by my manager at the time, who was
13 named Saucy. I don't know her last name.
14 Q Do you know how to spell her first name?
15 A I think it's S-A-U-C-Y, I believe. That Saucy trained me
16 as a supervisor, and so at that time, I learned about the cash-
17 management app that's on there, which is what supervisors use
18 to document the deposit and count the safe and basically do all
19 the stuff with money for the store. I also learned about the
20 inventory app and the -- we don't -- we did not use it as much
21 when I first became a supervisor, but now there's a Pull to
22 Thaw app, which is how we control our food pulling. So all of
23 those features was -- I was taught how to use them.
24 Q And to clarify --
25 A Uh-huh.

1 Q -- was Saucy a store manager while you were at 5th and
2 Pike or at Pier 55?
3 A Saucy was the manager at Pier 55.
4 Q What kinds of -- would you work the -- use the work iPads
5 for other things other than work?
6 A Yes.
7 Q Lots of people have been known to take pictures on them,
8 like, selfies or, like -- like, pictures of, like, a plant or
9 something like that, and then use it to change the background
10 of the iPads. I've seen this done at lots of different stores,
11 because I -- I borrow at a lot of different stores. And so
12 pretty much all of the that stores I borrow at, they have,
13 like, cute pictures. Sometimes they even, like, write cute
14 little messages and put those on the back.
15 Q What kinds of messages?
16 A I can't think of, like, an exact example, but something
17 like -- like, maybe something like, have a good day or, like,
18 cute -- just, like, little messages like that. I think -- I'm
19 pretty certain that you can do -- you can, like, take the
20 picture and then do the markup feature and, like, write onto
21 the picture.
22 Q And what about at 5th and Pike? Have you seen those kinds
23 of things happening with iPads at 5th and Pike?
24 A Yes. Since I started at 5th and Pike, we've always used
25 the iPads to take pictures and stuff like that and change the

1 backgrounds on the iPads.
2 Q To your knowledge, before the petition, had any 5th and
3 Pike partner gotten in trouble for using the store's iPads in
4 the manner you've described?
5 A To my knowledge, no.
6 Q Was management aware of employees use of iPads for those
7 purposes?
8 A Yes. Absolutely. Management would use the iPads
9 themselves, so they would actively see them. And then
10 management actually was sometimes, like, in the pictures.
11 Sometimes a barista might ask them to, like, smile for a
12 selfie. They would do stuff like that.
13 Q And would they see that it was then posted as the
14 background?
15 A Yes. Absolutely. They -- they would have -- they
16 would -- saw it every time that they use the iPad for anything.
17 Q Did they -- did management use the iPads regularly?
18 A Yes. Management used the iPads -- they don't need to use
19 the time-clock feature, which is another feature of them. But
20 sometimes management is in charge, so they will use the money
21 app, just like supervisors do. Same thing with the inventory
22 counts and the Pull to Thaw app. Sometimes they also use it as
23 a training resource, and then anytime during meetings -- or not
24 anytime during meetings, but during a large majority of
25 meetings, there will be a, like, part of it that is on the

1 iPad. So they would look at the iPad to set up the training
2 and stuff like that.
3 Q Have you ever been informed by 5th and Pike management
4 that you could not use the iPads that way before the petition?
5 A No.
6 Q What about the time-and-attendance policy? Before the
7 March meeting, you testified about where you signed off on the
8 policies shown in General Counsel Exhibit 22. How was the
9 time-and-attendance policy enforced at 5th and Pike?
10 A It was -- it was understood that if you -- it was
11 enforced. So like, if you were late several times, say, like,
12 maybe three shifts in a row, you would get in trouble. Or if
13 you didn't call first -- or to, like, say you wouldn't be there
14 or you would be -- not be missing a shift. So we call that a
15 no-call/no-show, you could get in trouble for that.
16 Q And when you say "get in trouble", would that result in
17 written discipline?
18 A It depends on -- I guess, on the manager. I had not -- I
19 have not -- I have not seen someone get written up on the first
20 no-call/no-show. I have seen someone get written up after
21 they've done it once or -- or sorry -- twice or more times.
22 Q Well, do you remember who?
23 A This was referring to a partner that I worked with at Pier
24 55. So I don't recall exactly who that was at that time. But
25 this is -- sorry -- before the meeting I recalled that. I --

1 Q But what about at 5th and Pike? Are you aware --
2 A At 5th and Pike --
3 Q -- of anyone who has been written up for that two or three
4 no-calls?
5 A I'm not aware of anyone specifically that had been
6 written up for that.
7 Q Are you aware of anyone who had been written up for one
8 no-call before the petition was filed?
9 A No, I'm not aware of anyone.
10 Q What about for tardiness? Are you aware of anyone written
11 up for tardiness before the petition was filed?
12 A No, I don't recall anyone.
13 Q Have you ever been late to work?
14 A Yes.
15 Q At 5th and Pike?
16 A Yes.
17 Q Were you written up for that?
18 A I was not.
19 Q Was that before or after the petition?
20 A After the petition.
21 Q Have you ever called in sick?
22 A Yes.
23 Q Have you been written up for this?
24 A No.
25 Q Before or after the petition?

1 A Both.
2 Q Let's talk about your sense of what the term no-call/no-
3 show is. Have you heard that term at Starbucks?
4 A Yes. I would say, basically, that is when you are
5 scheduled for a shift, and you are not there when it starts.
6 We try to contact you, and there's no communication, and
7 there's no reason given that entire day. They don't call back.
8 That is my definition of a no-call/no-show.
9 Q What if the person answers the phone and either has a
10 reason or just overslept and comes in late, for example?
11 A That would not be a no-call/no-show, in my opinion.
12 Q Throughout your time at 5th and Pike, had the 5th and Pike
13 store ever held an all-store meeting?
14 A Yes.
15 Q When?
16 A I do not recall exactly when the all-store meeting was. I
17 know it was -- we have a meeting with Jer Mackler and Amy
18 Quesenberry during this time in question. I just don't
19 remember what month it was.
20 Q Okay. And so when you say "during the time in
21 question" --
22 A Sorry. I believe the original dates were between January
23 25th and July -- I can't remember what date in July.
24 Q So sometime in that --
25 A Yes.

1 Q -- time frame?
2 A In 2022.
3 Q Tell us about that store meeting.
4 A During that store meeting, Jer was very adamant that it
5 was a required meeting, despite it being out of -- outside of
6 some of our availabilities. And during the meeting, I don't
7 recall talking about anything to do with work. We -- Jer
8 picked up Red Robin for us to eat, and we played a kind of
9 getting-to-know-you game, but -- and we played -- I don't
10 recall the exact name of it, but it's the one where you draw a
11 picture, and like, your team needs to guess it. We played
12 that. And I really don't recall talking about work at all. It
13 was -- it was just games and Red Robin.
14 Q When you say Jer made a big deal about it being mandatory,
15 despite that it was scheduled outside of people's availability,
16 had he ever done something like that before?
17 A No. I've never had any manager do something like that
18 before.
19 Q Has the store ever held any other store meetings?
20 A Yes. The store has had other store meetings. I don't
21 recall the exact time frames of them.
22 Q Is that more recently or before the meeting you were just
23 talking about?
24 A More recently.
25 Q Was anyone -- did anyone miss the recent store meeting?

1 A Yes.
2 Q Do you remember who?
3 A This was a meeting that we just had, I think, week or two
4 ago. Several students were scheduled for a meeting, but they
5 had school at that time. So I believe it's -- I don't know
6 their last names, but Abraham, Ira, and Cassie, I know, for
7 sure, could not come to the meeting.
8 Q Okay. And I think those spellings were fairly
9 straightforward, but just in case, can you spell those names
10 for the record?
11 A I think Abraham's is, I believe, A-B-R-A-H-A-M. And
12 Cassie is C-A-S-S-I-E. And then Ira is I-R-A.
13 Q And do you know if Abraham, Cassie, or Ira was written up
14 for missing the recent store meeting?
15 A I do know. They were not written up. In fact, they
16 didn't -- they didn't get in trouble at all for that. They
17 told our current manager beforehand that they couldn't be
18 there, and he said that was fine because they had school.
19 Q Let's talk about another issue. Before the petition was
20 filed, how had 5th and Pike handled swearing at work?
21 A It was, like, known that it was a policy, but it was a
22 very, like, largely ignored rule at 5th and Pike.
23 Q What do you mean by that?
24 A So our first manager was Taylor Pringle, at 5th and Pike.
25 And I know that I didn't make an active habit of it, but I knew

1 that I had occasionally sworn in front of Taylor Pringle. And
2 I know that he had, on occasion, like, sworn as well. And
3 before we filed the petition, I know that I had, like, sworn in
4 front of Jer Mackler before, and that he has also sworn in the
5 back of house. I'm not sure about on the front -- front of
6 house. If -- we take the front of house a lot more seriously,
7 but the back of house, honestly, it has never really been
8 enforced.
9 Q Is the front of house where you would interact with
10 customers?
11 A Yes.
12 Q And the back of house is away from customers?
13 A Yes.
14 Q Taylor Pringle, do you remember, roughly, when was he the
15 store manager at 5th and Pike?
16 A He was the first manager. So he started in September of
17 2020. And then he was the manager until about September of
18 2021.
19 Q Is that when Jer took over?
20 A Yes.
21 Q Do you -- you mentioned you've overheard Jer swearing, at
22 least in the back of the house. Do you remember any examples
23 of --
24 A I don't have any, like, exact conversations that I
25 remember. I just remember that he said -- he said, like, damn,

1 he's -- I don't remember exact examples of, like, when he said
2 that. But I remember there was one specific conversation that
3 happened with Jer, after we had filed a petition, and it was
4 after I had known about a partner who got in trouble for
5 swearing. I noticed that he swore -- I can't remember exactly
6 where in the store -- but he swore during one stressful day.
7 And I remember it, because I remember just really thinking that
8 he was a hypocrite for swearing and then, like, having other
9 people get in trouble.
10 Q And when you say there had been another partner
11 disciplined, do you remember who that was?
12 A Yes. It was Sarah Pappin.
13 Q So this is after the discipline for Sarah Pappin for
14 swearing. Do you remember how soon after?
15 A I -- I believe it was within the, like, month or two
16 after. It was pretty recent, because I was so angry about it.
17 So like, I remember that, like, really -- I remember it very
18 clearly, like the feelings of, like, thinking he was a
19 hypocrite.
20 Q Why were you angry?
21 A Because no one had gotten in trouble for it before. And
22 so it just felt very unfair that it was enforced in this way,
23 and it just didn't seem fair.
24 Q Do you remember what Jer said that time that you -- you
25 felt like he was a hypocrite?

1 A I think he may have, like, called someone an asshole or
2 something like that. I can't remember exactly what the word
3 was.
4 Q Was it him calling another coworker an asshole or
5 referring, like, to a customer?
6 A I think he was referring to a customer. I think.
7 Q Did you say anything to Jer when he said that?
8 A No, I did not.
9 Q To your knowledge, did Jer get written up for that?
10 A No, definitely not for that, to my knowledge. I didn't
11 directly tell anyone about that, but yeah.
12 Q Are you aware whether Starbucks has a written policy
13 pertaining to swearing at work?
14 A I actually don't know if they have a direct written policy
15 for it. I don't recall ever seeing a written policy, but there
16 might be one.
17 Q In your experience at 5th and Pike, if the store's hours
18 have to be changed in any way, how has management communicated
19 that to people scheduled to work those hours?
20 A When you say "the store's hours need to be changed", do
21 you mean a change in that day because of a situation happening
22 or, like, a change in the hours of operation?
23 Q For the specific day. Thanks for the clarification.
24 A A management would, in my experience, immediately contact
25 anyone whose shift would be affected by the hours change and

1 may even contact, like, those who aren't affected by it, just
2 to let them know that, like, there might be -- the store might
3 not be in the state that we might expect because of this hours
4 change.
5 Q When you say "they would contact", how would they go about
6 that?
7 A I believe they would begin by calling. In my experience,
8 I've always had managers call me, and then, if I don't answer,
9 leave me a message, and in most cases, follow it up with a text
10 message.
11 Q One final subject. Does -- did 5th and Pike ever have a
12 crew board or bulletin board up in the store?
13 A Yes, we did.
14 Q Where was it located?
15 A It was located in the back of house in our, like, little
16 office area. When you enter the back of house, it's quite
17 large. There is a section that's refrigerator, freezer.
18 There's a section that's, like, a three-compartment sink.
19 There's a storage section, a trash section, kind of like a
20 cold-brew section, and then there's the office section. So it
21 was located in the office section.
22 Q Okay. And when you say "an office section", that's a
23 section of this room, or is the whole room an office?
24 A The -- the entire back of house, I wouldn't clarify that
25 as an office. It's not -- it doesn't have a door to, like, go

1 in and out. It's all an open space, but it's just -- it's,
2 like, a -- a doorway that's still open, but you kind of go into
3 a separate little office space.
4 Q And like, the refrigerator and microwave you're referring
5 to, is that for the managers' use in their office, or what use
6 is that for?
7 A Sorry. The refrigerators were -- are industrial
8 refrigerators for the use of, like, store operations.
9 Q Okay. Did partners, other than the store manager, use
10 this space for any purpose?
11 A Yes. Yeah. We actually -- we were all welcome to sit at
12 any of the chairs or desk at any time. But one of the tables
13 back there actually is, like, called the partner desk. So it's
14 basically, like, for anyone to sit at at any -- any time. But
15 if the manager is not actively using the desk, anyone can use
16 that space.
17 Q And what about other than that corner with the desk and
18 the computer -- or sorry.
19 MS. DEVLEMING: Strike that.
20 Q BY MS. DEVLEMING: But the desk, the office section, were
21 there -- did partners use that space as a whole for any other
22 purpose?
23 A Absolutely. We kept -- that's basically where you would
24 put any personal belongings that you bring with you for the
25 day. So there were lockers back there. There's hooks. And so

1 that would be your space, like, to put anything of your own.
2 And you would hang -- like, throughout your shift, you would
3 hang your apron there. Yeah.
4 Q Okay. So there was a bulletin board there in the office
5 section of the space you described.
6 A Yes.
7 Q Did partners use the bulletin board?
8 A Yes. We all used it. We loved it. We -- it was,
9 basically our, like, partner. Wwhat's a good word for it?
10 It's just, like, a 5th and Pike board. It -- it had some
11 photos. One of the -- one of my previous coworkers, Laurel --
12 I don't remember her last name. Do I need to spell her name?
13 Q Yes.
14 A It's L-A-U-R-E-L, I believe, Laurel. She brought in a
15 Polaroid camera, and so we took some pictures on her Polaroid
16 camera. And when I say "pictures", I just mean, like, of each
17 other. And then there were a couple that were actually printed
18 out from the iPads. So we used the camera on the iPad and
19 printed them out. An example of one of them was we took a
20 picture of a broom and printed out a picture of a broom and had
21 that up there. So it was just -- it was just a cute, fun
22 board, with some stuff. And there was, I believe at one point,
23 some information about union stuff on the board as well.
24 Q Do you remember what kind of information?
25 A I can't recall exactly what was on there. I -- I believe

1 it just -- like, it may have been just the saying, like, "union
2 strong" or something like that. I know it wasn't, like,
3 important documents or anything like that, but I think it was
4 just kind of, like, an inspirational message or something like
5 that.
6 Q And I think, a minute ago, you said you guys loved the
7 bulletin board. Why do you use that? That's a strong word?
8 Why do you use that word?
9 A Because it was, really, an expression of our joy, you
10 know, working together and our, like, joy for that store.
11 Because, I mean, we really did love, like, our team. We really
12 loved, like, getting to make the store, like, our home store.
13 And so, yeah, we really -- we really loved being able to
14 express ourselves through photographs of, like, showing how
15 much we cared about each other.
16 Q Do you know whether store management knew how much you
17 loved that board?
18 A Yes. They definitely knew. We actively talked about how
19 much we loved that board.
20 Q To who?
21 A I know we've talked to Jer Mackler about it, and we talked
22 to Amy Quesenberry about it. I don't -- or I believe we also
23 talked to Christy Ferguson about it. I don't recall directly
24 personally talking to Ryan Lassiter about it, but I talked to
25 those other three personally about the board.

1 Q And what did you tell those other three?
2 A I don't remember, word for word, but I basically just said
3 that I really loved how we had a space to express -- basically
4 what I just said, of have a space to express, like, our love
5 for each other, our love of working here, our love for 5th and
6 Pike.
7 Q Is the crew board -- or bulletin board still up in the
8 store?
9 A No. It was taken down.
10 Q Do you remember when it was taken down?
11 A I don't recall exactly what month it was. I know it was
12 taken down during one of our strikes that we had.
13 Q Do you know -- there have been multiple strikes, I
14 understand. Was this the first one, the last -- most recent
15 one?
16 A It was neither first nor the most recent. I believe it
17 was the -- it was one we had shortly after Christy was our
18 manager, to my belief. It was while Ryan Lassiter was our
19 district manager.
20 Q So just to make sure the record's clear, Christy Ferguson
21 you've referred to, when was she the store manager?
22 A I believe she began being our store manager in July of
23 2022, and she -- I can't remember exactly when she left and
24 Jeremy took over, but it's within the last, like, few months.
25 Q Okay. So this would have happened at some point between

1 July and a few months ago?
2 A This was -- yeah, I believe this was last year. Actually,
3 I -- I don't remember exactly.
4 Q That's okay.
5 A Do you know who took the board down? I do not know
6 exactly who took the board down. I know Ryan Lassiter and
7 Christy Ferguson were both in the store when it was taken down.
8 Q How do you know that?
9 A They were the ones who were running the store while we
10 were on strike. And then Ryan Lassiter also confirmed,
11 verbally, that he was there when the board was -- not -- he did
12 not confirm that he was directly next to the board, but he did
13 confirm that he was in the store when the board was taken down.
14 Q Did he say who had taken it down?
15 A He said that they called someone in to take the board
16 down, which I thought was very odd, because we've never had
17 anyone come in like that before. Honestly, I kind of just
18 think he took the board down, but yeah.
19 Q The day before the strike, was the board up or down?
20 A It was up.
21 Q So tell me more about this you found it odd that he had
22 called someone in.
23 A It was odd because we've never had any situation where
24 someone needed to be called in for anything as, like, small as
25 a bulletin board. I mean, it was just a standard size, anyone

1 could lift up or down bulletin board. And in my experience,
2 managers have always been the ones to put up, like, bulletin
3 boards or, like, whiteboards or anything like that in the back
4 room and take them down. And even, like, shift supervisors and
5 baristas are even responsible for doing, like, setup of, like,
6 menu boards and that sort of stuff, which are heavier than,
7 like, a bulletin board. And so it was just odd that they said
8 they needed to call someone in for that.
9 Q And this conversation with Ryan Lassiter about someone
10 being called in, with respect to the day of the strike when the
11 board went down, how soon after that was this conversation?
12 A I don't remember if it was the next day or, like, a couple
13 days later, but it was -- it was within, like, three to four
14 days. Absolutely.
15 Q And during that conversation, did Ryan Lassiter say who
16 the someone was that he had called in?
17 A No. He never clarified who it was.
18 Q Did Ryan explain why he couldn't be the one to take the
19 bulletin board down?
20 A He did not.
21 Q Was anyone else present when you had that conversation
22 with Ryan Lassiter?
23 A Yes. Mari Cosgrove and Toddy -- I -- I don't know Toddy's
24 last name -- were both present.
25 Q Can you spell Mari's name?

1 A Yes. Mari is M-A-R-I. And then Cosgrove, I believe, is
2 C-O-S-G-R-O-V-E. And then Toddy is spelled T-O-D-D-Y.
3 Q And where was this conversation?
4 A This conversation was held in the back of house. I was in
5 the customer-support role at the time, so I was in charge of
6 brewing coffee, checking the lobby, and then doing a cycle
7 task. So a cycle task, an example of it, is doing a load of
8 dishes. So I came to the back to do a load of dishes, and I
9 noticed that Ryan was back there as well. And so I was just
10 curious about what he would say. So I asked -- I asked and
11 said, hey, Ryan, do you know what happened to our bulletin.
12 board that was up or if any of the photos were saved? He
13 replied that they took it -- or sorry, he replied that they
14 called someone to take it down, because there were -- because
15 it was not allowed to leave personal belongings in the store,
16 like we had.
17 Q Did you respond to that?
18 A I responded saying that I just wish that they had told us
19 that we weren't allowed to have it and given -- given us the
20 chance to take the photos off, because we would have taken them
21 off. And he claimed that we had been told that it was not
22 allowed and that it was going to be taken down. And I asked
23 who had been told that, because I had not personally been told
24 that, or else I would have taken the photos down. And it's my
25 belief that anyone else would have done the same. And he did

1 not give me a name of who they supposedly told to take it down,
2 or that they were going to take it down.
3 Q Did he say when anyone was told it would be taken down?
4 A No, he did not.
5 Q What was the tone of this conversation?
6 A The moment I asked him the question, he was immediately,
7 like, rigid, very matter-of-fact. It felt very much like he
8 had a shield up for the conversation and like he had been
9 prepared to be asked this question. And then he was very ready
10 to be on, like, the defensive about saying that they did it
11 rightfully.
12 Q Before this conversation with Ryan Lassiter, had you ever
13 been told before that you couldn't keep personal belongings in
14 the store?
15 A I've been told that we're not supposed to leave, like,
16 aprons and backpacks and stuff like that overnight, regularly.
17 But I've never been told anything about photos.
18 Q Do people leave aprons in the store overnight?
19 A Yes. It's a widely ignored rule.
20 Q Before this conversation with Ryan Lassiter, had you been
21 told that the personal items posted on the bulletin board
22 needed to come down?
23 A No. I have never been told it. I would have taken them
24 down.
25 Q Thank you so much for your time, Cori. No further

1 questions.

2 A Oh, sorry.

3 JUDGE MONTEMAYOR: No.

4 THE WITNESS: Oh, all right. Sorry.

5 JUDGE MONTEMAYOR: We're not done with you.

6 THE WITNESS: Sorry. Sorry.

7 JUDGE MONTEMAYOR: We still have a -- a little ways to go.

8 THE WITNESS: Pardon me.

9 JUDGE MONTEMAYOR: Does the Union have any questions?

10 MR. KAPLAN: None.

11 JUDGE MONTEMAYOR: Okay. We'll move to cross-examination.

12 MS. STROESCU: Your Honor, we would request the Jenks

13 statement and five minutes to review.

14 MS. DEVLEMING: There is one in this case, and there's a

15 heavily redacted one, if I recall correctly, from another case.

16 JUDGE MONTEMAYOR: Okay. So how long do you expect?

17 MS. STROESCU: Five minutes. Is that okay?

18 JUDGE MONTEMAYOR: Okay. We're going to be off the

19 record -- we're going to be off the record for five minutes.

20 So this is a good time, if you need to use the restroom.

21 (Off the record at 4:43 p.m.)

22 JUDGE MONTEMAYOR: We're going to go back on the record.

23 We are continuing with the cross-examination of the witness.

24 Counsel, you may begin.

25 **CROSS-EXAMINATION**

1 Q BY MS. STROESCU: Good afternoon. My name is Nina. I'm
2 counsel for Starbucks. Is it okay if I call you Cori
3 throughout this examination?
4 A Yes, please. Thank you, Nina.
5 Q I'm going to start with the last thing you talked about
6 regarding the bulletin board. It's your testimony here today
7 that Ryan Lassiter, or another supervisor, never informed you
8 about the removal of the bulletin board; is that right?
9 A Yes. I was never informed about the removal until it had
10 already happened.
11 Q And were you aware that a coat -- hooks for a coatrack had
12 been bought to replace the bulletin board?
13 A I had been -- I was aware that hooks had been bought. I
14 was not ever told that they were to replace the bulletin board.
15 Q Were you aware that other partners had complained about
16 not enough coatracks in the back of house?
17 A I was aware of that. We had talked about needing more
18 spaces to hang up our coats. Not necessarily those hooks,
19 specifically, but just another spot.
20 MS. STROESCU: Judge, I am going to pass around what I am
21 marking as Respondent's Exhibit 5.
22 **(Respondent Exhibit Number 5 Marked for Identification)**
23 Q BY MS. STROESCU: Cori, if you could just look through the
24 photos and then let me know when you're done.
25 MR. KAPLAN: May we have a copy of those, please?

1 MS. STROESCU: Oh, I am so sorry.
2 MR. KAPLAN: Thank you.
3 THE WITNESS: I'm finished looking through the photos.
4 Q BY MS. STROESCU: Do you recognize these photos?
5 A Yes.
6 Q What do you recognize them as?
7 A Well, I guess I should say I don't recognize these photos,
8 specifically, but I recognize what's in the photos which is my
9 store.
10 Q And specifically, where at the 5th and Pike store, are
11 these photos taken?
12 A These photos are in the back of house.
13 Q Now, you testified previously that there were lockers and
14 hooks in the back of the house. Are the lockers or hooks
15 portrayed in these photos?
16 A Yes.
17 Q Okay. And can you tell me where?
18 A They are located in the office space that I had referred
19 to previously. When you say refer to where, what type of
20 description?
21 Q Sure. Sorry. The photos are not numbered, but I believe
22 photos 3 and 4 --
23 A Yes.
24 Q -- in your packet.
25 A Yes.

1 Q Refers to the office space.
2 A Yes. 3 and 4 have the lockers and the hooks.
3 Q Okay. I do not see a locker, and I was hoping you could
4 show me.
5 A Oh, yes. In 3, these here are the lockers.
6 Q Got it. Okay. So the -- you're talking about small
7 lockers like cubbies next to the desk?
8 A Yes.
9 Q And then it looks like behind the desk are the coat hooks
10 in picture 3?
11 A Sorry, 3 or 4?
12 Q 3 and 4.
13 A Oh. Yes. Yes, they're behind the desk from -- yes.
14 Q And just to be clear, on pages 3 and 4, those are pictures
15 of the same room in the back of house?
16 A Yes.
17 Q So those are pictures of the same coat hooks?
18 A Yes. Well, wait. When you say -- again, I actually don't
19 see the picture -- or sorry, I don't see the coat hooks in more
20 than -- hold on. Let me -- let me flip through these more. So
21 that's 1, 2 has coat hooks, 3 does not have coat hooks.
22 Q Okay.
23 A And then okay, so sorry. 4 also has coat hooks.
24 Q So pictures 2 and 4 --
25 A 2 and 4.

1 Q -- portray coat hooks?
2 A Yes.
3 Q And those coat hooks are the same coat hooks. There's not
4 a separate set of coat hooks in the back of house?
5 A Correct.
6 Q Okay. And were those coat hooks previously there when the
7 bulletin board was up?
8 A One set of them was. The bottom set was there. The top
9 set is where the bulletin board used to be.
10 Q And the bulletin board looks like it faces a desk; is thar
11 right?
12 A Yes.
13 Q And whose desk is that?
14 A It's not, actually, really anyone's specific desk. It's
15 just the store desk.
16 Q Is it, typically, where the manager sits?
17 A Typically, the manager would sit there, but the manager
18 could also sit at the other table located in that area. It may
19 also sit in the lobby, or at our store we have a conference
20 room. Honestly, I'd say managers most often sit in a
21 conference room at my store.
22 Q How many partners are in the 5th and Pike store for a
23 shift?
24 A It varies depending on the time of day. I'd say probably
25 at most, like 5 or 6 on -- for a normal day. And then it goes

1 down to 3 at night, and there's 3 in the morning, early
2 morning.
3 Q You previously testified that partners were asking for
4 some coat hooks to be hung, and is it that because there was
5 not enough space for personal belongings?
6 MS. DEVLEMING: Objection. Mischaracterizes the witness's
7 testimony.
8 JUDGE MONTEMAYOR: I'll allow the witness to clarify. THE
9 WITNESS:
10 I was aware that like, let me actually clarify that. Managers
11 told me that people were asking for more hooks, but I,
12 actually, did not directly talk with partners about needing
13 more space. Q BY MS. STROESCU:
14 And what managers told you this?
15 A I believe it was Christy Ferguson; I believe.
16 Q You were talking about the personal belongings that were
17 on the bulletin board that were taken down; is that right?
18 A Yes.
19 Q Is that a yes? Sorry, for clarification for the record we
20 have to say yes or no, and no head shakes.
21 A Thank you.
22 Q And you mentioned that these personal belongings included
23 photographs of workers at Starbucks, right?
24 A Yes.
25 Q And these photographs were taken while at the 5th and Pike

1 Starbucks' location?
2 A Yes.
3 Q The photos did not promote anything other than workers
4 working at Starbucks?
5 A To my knowledge. We weren't even, like -- working seems
6 like the wrong word, because it wasn't like we took pictures of
7 each other while we were, for example, like helping customers
8 or anything. They were mainly just like pictures taken in the
9 back of house at the end of a shift, or something like that.
10 Q Yeah.
11 A But to my knowledge, no, they did not pic -- depict
12 anything besides us, from what I recall.
13 Q And by us, you mean the partners at the 5th and Pike
14 store?
15 A Yes.
16 Q And the photos depicted you guys enjoying your time
17 working, right?
18 A Yes.
19 Q Or socializing in the back of house?
20 A Yes.
21 Q You previously testified that you did not thoroughly
22 review the partner guide; is that right?
23 A When I was first hired, I do not recall going through it
24 very thoroughly, no.
25 Q Okay.

1 MS. STROESCU: Your Honor, I am going to show the
2 witness -- I guess I will mark it as an exhibit, or I can just
3 enter it. Respondent's 6, and I do apologize, I do not have
4 multiple copies. I am more than happy to refer to the Bates
5 label, or have you look at it first before I show it to the
6 witness.
7 **(Respondent Exhibit Number 6 Marked for Identification)**
8 JUDGE MONTEMAYOR: Show it to counsel.
9 MS. STROESCU: Okay. And just for clarification purposes,
10 this has been Bate's labeled as Starbucks Hearing 1921. I'm
11 just referring to this side. Your Honor, you want to take a
12 look at it?
13 JUDGE MONTEMAYOR: Just let me have one quick glance at
14 it.
15 MS. STROESCU: I do apologize.
16 JUDGE MONTEMAYOR: It's okay.
17 MS. STROESCU: I was planning on submitting this list.
18 Q BY MS. STROESCU: You hold on to this. Why don't you read
19 through it and let me know when you're done.
20 MS. DEVLEMING: Is it marked for identification as a
21 Respondent exhibit for the record?
22 MS. STROESCU: For the record, yes. And I can provide a
23 copy to the court reporter.
24 MS. DEVLEMING: Okay. But what number Respondent exhibit?
25 MS. STROESCU: 6.

1 MS. DEVLEMING: Okay.
2 THE WITNESS: I've looked through it.
3 JUDGE MONTEMAYOR: I thought you said you were going to
4 mark it at 6.
5 MS. STROESCU: Yes.
6 JUDGE MONTEMAYOR: R-6.
7 Q BY MS. STROESCU: There's a date on there of February
8 25th, 2020; is that correct?
9 A Yes, that is correct.
10 Q And would that be the date that Mr. Mackler had you review
11 and sign off on policies?
12 A That -- that seems like it would be about the right date.
13 I don't know for certain when that was --, but.
14 Q Do you -- is that your signature on the page?
15 A Yes.
16 Q Do you recall signing that acknowledgement for the partner
17 guide --
18 A Yes.
19 Q -- at that time?
20 A Yes. May I clarify as well? At the time of this meeting,
21 I did go through the partner guide. It's just when I was first
22 hired that it was not looked through as thoroughly.
23 Q Sure. So in February of 2022, you did thoroughly review
24 the partner guide?
25 A Yes. And then signed this.

1 Q And then you signed off on that acknowledge form, right?
2 A Yes.
3 Q And you understand that by signing that acknowledgement
4 form, you are expected to abide by the contents in the partner
5 guide?
6 A Yes.
7 Q And that failure to uphold any contents, or any policies
8 in the partner guide, may result in corrective action?
9 A Yes.
10 MS. STROESCU: Your Honor, I would like to move to enter
11 Respondent's Exhibit 6, and we will provide copies for the
12 court reporter, as well as all parties.
13 JUDGE MONTEMAYOR: Before we address that, you did not
14 move for the admission of 5. Did you intend to?
15 MS. STROESCU: I did not intend to.
16 JUDGE MONTEMAYOR: Okay. Any objection to 6?
17 MS. DEVLEMING: Just I understand from counsel we're only
18 offering the front of what's in front of the witness?
19 MS. STROESCU: That's correct.
20 MS. DEVLEMING: Only one page, not the back.
21 MS. STROESCU: And for clarification purposes, when I
22 provide the court reporter of a copy, I will only provide that
23 front copy.
24 MS. DEVLEMING: Got it. No objection.
25 JUDGE MONTEMAYOR: 6 will be admitted.

1 **(Respondent Exhibit Number 6 Received into Evidence)**
2 Q BY MS. STROESCU: Cori, I believe you have a copy of the
3 partner guide on the table. Would you mind grabbing that for
4 me? It's marked as Joint Exhibit 2.
5 A Just a second.
6 Q Now, you previously testified that you were not sure if
7 there was a policy regarding cursing or swear words; is that
8 right?
9 A Yes, that is correct.
10 Q Could you turn to page 43 to -- for me?
11 A Sorry. Which page did you say?
12 Q 43.
13 A 43. Okay, I'm there.
14 Q Do you see the header that says "how we communicate"?
15 A Yes.
16 Q Could you read the second paragraph under that for me?
17 A Yes. Okay.
18 Q Does the partner guide lay out a policy for the use of
19 swear words or curse words?
20 A It does, yes.
21 Q And it's that vulgar language is not acceptable, right?
22 A Yes.
23 Q Now, during this meeting with Mr. Mackler, when you
24 reviewed the policies, you also reviewed the time and
25 attendance policy, right?

1 A Yes.
2 Q As well as the dress code policy?
3 A Yes.
4 Q And both of those policies are also in the partner guide?
5 A Yes. Yes.
6 Q And now you previously testified that you had to then show
7 these policies to the partners at the end of the shifts, or was
8 that the beginning of their shifts?
9 A It was at the beginning of their shifts.
10 Q Did you feel like you were doing anything wrong when you
11 were asking them to review the policies?
12 A It felt inappropriate to be coming from me, because I was
13 not -- because I'm not management, I didn't feel like I was in
14 a position to ask -- or sorry, to answer questions if they had
15 them. So actually reviewing the policies did not feel wrong,
16 but it was more the delivery from me that felt inappropriate.
17 Q And you're a super -- a shift supervisor, right?
18 A Yes.
19 Q And part of those job duties and responsibilities is to
20 enforce Starbucks policies, right?
21 A Yes. Let me rephrase. I guess the part about the
22 signature is what felt inappropriate. The actual policies I
23 could answer questions on, but I couldn't really answer
24 questions as to why I was having them sign it.
25 Q I think my question is, did it feel wrong to ask them to

1 review and acknowledge that they had reviewed?
2 A No.
3 MS. DEVLEMING: Objection. Asked and answered.
4 JUDGE MONTEMAYOR: She answered the question. I'll --
5 I'll allow that question to stand.
6 Q BY MS. STROESCU: I'd like to move to talking about the
7 iPads. There was some discussion regarding the iPads that are
8 used at the 5th and Pike store; is that right?
9 A Yes. May I close this page?
10 Q Yes, go ahead. You can set that to the side. When you
11 were talking about the backgrounds that are on the iPad, you
12 gave some specific examples like photos or notes, right?
13 A Yes.
14 Q In terms of photographs that are used as the background
15 for the iPad, those are of Starbucks' employees enjoying work,
16 right?
17 A Yes.
18 Q Or while socializing in the back of house, right?
19 A Yes.
20 Q And the notes that are written are encouraging notes
21 regarding work, right?
22 A It doesn't necessarily -- I know -- I can't think of an
23 example that isn't specifically for work. But they don't have
24 to be -- from what I've seen, it hasn't been exactly about
25 work. There have been just -- I've seen like messages that are

1 mainly just like -- as long as they're positive, and there's no
2 bad words, I pretty much -- I've also seen them allowed.
3 Q Sure. But there's no ads for other businesses on the
4 iPads?
5 A No, not ads.
6 Q And just to be clear, nobody ever got in trouble for
7 changing the background of the iPad?
8 A That's correct. To my knowledge, no one ever got in
9 trouble.
10 Q And speaking of your knowledge, are you involved in
11 written corrective actions for violations of Starbucks'
12 policies?
13 A Sorry, when you say involved, do you mean like have I
14 gotten one, or --
15 Q Do you give input, as a supervisor, in helping to prepare
16 written corrective actions?
17 A No. I -- if there's ever -- I guess -- I -- I just would
18 inform a -- a manager if I felt that something was incorrect
19 while on the floor. For example, if someone was out of dress
20 code, and I had talked to them about it several times, and they
21 seemed to be ignoring me, I would then tell my manager that
22 this has become an issue that I cannot deal with anymore,
23 because I can't, actually, give any corrective action, besides
24 like talking to someone. And then the manager would take it
25 from there.

1 Q And you said you cannot give corrective action unless
2 you -- other than talking to someone, and that would be like a
3 verbal coaching conversation, right?
4 A Yes. I could send someone home to change, and ask them to
5 come back, or just like a verbal coaching conversation.
6 Q But I'm asking this as you are not aware when management,
7 or the store manager, or assistant store manager, delivers a
8 written verbal warning to another partner?
9 A Correct. Not unless they tell me, but yeah, I'm not
10 involved in that.
11 Q So you're not aware of how many corrective act -- written
12 warnings Mr. Mackler has given to various partners regarding
13 time and attendance, right?
14 A Correct. I don't know any specifics on anything like
15 that.
16 Q And you did, previously, state you are aware of a store
17 Pier 55 employee written up for a no-call/no-show; is that
18 right?
19 A Yes. I don't recall their name though.
20 Q And it's your understanding that a no-call/no-show would
21 warrant a written warning?
22 A I know it could, yeah, warrant, yeah. And that doesn't
23 always lead to that, but it could lead to that.
24 Q It could lead to that. You also testified previously that
25 after the filing of the petition, you did show up to a shift

1 late. How many times did you show up to your shift late?
2 A I have shown up late to -- sorry, after the petition,
3 twice. Both of those times were opening shifts where I
4 overslept, and so I got to the store with -- as soon as I could
5 after I woke up, basically.
6 Q You also testified that, if you are late for your shift
7 several times, you could get in trouble. What did you mean by
8 trouble?
9 A I -- from my experience, you would first have a
10 conversation. It might just be a documented coaching about
11 like time and attendance policy, just review it. And then if
12 it continued, then you might get a write-up. And then if it
13 continued after that, you might get a final warning, and after
14 that you might be terminated from the company.
15 Q In your experience, if someone was to violate the
16 attendance policy 13 times, would that warrant a corrective
17 action?
18 A In my experience, I -- I really don't know how -- I guess,
19 I've never really like been involved in the process, so it
20 could. I just don't know what time scale managers use for
21 that. I just know it needs to be at least multiple times, so
22 it could.
23 MS. STROESCU: Your Honor, may I have a moment?
24 JUDGE MONTEMAYOR: Yes, you may.
25 Q BY MS. STROESCU: So I'm kind of working backwards through

1 your testimony here. I want to now turn our attention to the
2 meetings that you outlined with Jer in meeting. You first
3 talked about a meeting a few days after the filing of the
4 petition with Jer Mackler; is that right?
5 A Yes.
6 Q And you testified that Sarah did most of the speaking
7 during that meeting, right?
8 A Yes. On our behalf. Well, most of the speaking for us,
9 I'd say the speaking was split up between Jer Mackler and
10 Sarah. And then us -- the rest of us a little bit.
11 Q But Sarah was speaking on behalf of the shift supervisors?
12 A Yes.
13 Q And during that meeting Sarah, on behalf of the shift
14 supervisors, approached Jer and asked if he had any questions
15 about why the petition was filed, right?
16 A I don't know remember if she, directly, asked. One of us
17 asked, but I know that, like as a group, we basically asked
18 him.
19 Q Sure. So Jer -- Jer did not approach the shift
20 supervisors as a group to ask questions?
21 A I don't remember -- I believe like earlier I didn't
22 testify; I don't remember exactly how the conversation started.
23 It may have been us first, but it may have been him first too.
24 I just don't remember who started the conversation.
25 Q And you mentioned that Mr. Mackler's demeanor seemed tense

1 and the room felt awkward; is that right?
2 A Yes.
3 Q And that is based on your perception and observation,
4 right?
5 A Yes. It's mine.
6 Q And based on your perception and observation, was it clear
7 that Mr. Mackler was still processing the filing of the
8 petition?
9 A Yes.
10 Q And he was still learning about what it meant in terms of
11 the working, and ins and outs of the store at 5th and Pike?
12 MR. KAPLAN: Objection, Your Honor. It calls for a
13 speculation.
14 JUDGE MONTEMAYOR: Sustained.
15 Q BY MS. STROESCU: In your observation and perception, did
16 it seem as if Jer was still learning about the organizing
17 process during this conversation?
18 A It -- it -- it seems like -- I -- I guess it, kind of,
19 seemed like he was still learning about it. But during the
20 meeting, he mentioned that he had been part of a union before,
21 so he made a point of saying that he did know about unions, and
22 knew how they worked.
23 Q And he did talk about his experience when he was in that
24 union, right?
25 A Yes

1 Q And it was his experience that led him to be under the
2 impression that there's a chance you might not be able to
3 directly work with him, right?
4 MR. KAPLAN: Objection, Your Honor. Calls for
5 speculation.
6 JUDGE MONTEMAYOR: Sustained.
7 Q BY MS. STROESCU: You previously testified that Mr.
8 Mackler stated he was under the impression that you would not
9 be able to go directly to him; is that right?
10 A Yes.
11 Q And when you were having this conversation with Mr.
12 Mackler, was it your understanding that when he used the
13 phrase, under his impression, it was based on his experience in
14 a union?
15 A Sorry. When he used the phrase under his impression?
16 Q Under the -- he was under the impression.
17 A I do not recall whether he was saying that because of his
18 experience in the union, but I think that the union -- him
19 saying that he was in a union came up towards -- more towards
20 the end of the conversation, and that was like more towards the
21 beginning. So I don't -- I did not get the impression at the
22 time that that was because of him being in a union.
23 Q And you testified that during this meeting there were
24 three topics that were discussed, right?
25 A There were three clear topics that I remember. More may

1 have been discussed.
2 Q Sure. The first is borrowed partners?
3 A Yes.
4 Q The second was Union dues?
5 A Yes.
6 Q And the third was contract negotiations, right?
7 A Yes. And then him working on the floor as well. So I
8 guess four if we want to count that.
9 Q And when Mr. Mackler was talking about the issue of
10 borrowed partners, he was talking about his beliefs or
11 impressions, right?
12 A I mean he -- he didn't say it -- he said it in a way that
13 was factual, not like it's my belief that this is going to be
14 the case. So it didn't seem like -- I mean I -- I guess it
15 seems like a belief in the sense that he was telling us that,
16 so I assumed he believed that, but he said it factually.
17 Q And you guys told him that his impression was wrong?
18 A Yes.
19 Q How did you know that his impression was wrong?
20 A Well, we just basically said that we wouldn't ever agree
21 to a contract that would allow that within it.
22 Q Are you aware of a contract that didn't allow borrowed
23 partners within stores?
24 A I have not heard of a contract like that, no.
25 Q In terms of contract negotiations, do you know the average

1 time that it takes to come to an agreement?
2 A I'm -- I'm -- I do not know. I'm very unaware of it.
3 Q Did you do any personal research on borrowed partners,
4 union dues, or contract negotiations?
5 MS. DEVLEMING: Objection. Relevance.
6 JUDGE MONTEMAYOR: I'll overrule the objection. I'll
7 allow the question.
8 THE WITNESS: I'm sorry. Would you mind repeating the
9 question?
10 Q BY MS. STROESCU: Did you do any personal research on
11 borrowed partners, union dues, or contract negotiations?
12 A I did at the time. I just don't really recall my research
13 very much now. Obviously, this was a long time ago, or a year
14 ago. But at the time, I did a lot of research about union
15 dues, specifically, and some research about contract
16 negotiations. And I didn't do -- I didn't really do much
17 research -- personal research about borrowing of partners,
18 since that is a very specific topic, I didn't really think I
19 could find anything with like a Google search for that, but.
20 Q I want to move to the second meeting you discussed where
21 Amy Quesenberry was present. You testified that Amy asked you
22 if you had any questions for them about the Union organizing
23 process; is that right?
24 A Yes.
25 Q And you told them you did not?

1 A Yes.
2 Q You then invited them to ask you questions about why the
3 petition was filed, right?
4 A Yes.
5 Q And Amy -- you testified that Amy said that she was
6 concerned about not being able to work with partners
7 individually, right?
8 A Yes. Not even just individually, but that she wouldn't
9 work with us at all, basically.
10 Q So she was concerned that she wouldn't be able to work
11 with you at all?
12 A Yes.
13 Q But this was a personal concern and opinion of hers,
14 right?
15 MR. KAPLAN: Objection, Your Honor. Calls for a
16 speculation. How could the witness know where Amy got that?
17 JUDGE MONTEMAYOR: Sustained.
18 MS. STROESCU: No further questions, Your Honor.
19 JUDGE MONTEMAYOR: Redirect?
20 MS. DEVLEMING: Yes, please. Just a few. Famous last
21 words.
22 **REDIRECT EXAMINATION**
23 Q BY MS. DEVLEMING: Hi Cori. I'll get you out of here. A
24 couple questions. First one, very basic. About how many
25 employes work at the 5th and Pike store? And when I say

1 employees, I mean nonmanagers. Employees in the unit
2 represented by the union.
3 A It varies a lot. I, actually, don't know the exact number
4 that we have now. I'd say it's probably about 15. I think the
5 timing question between January and July of 2022, I believe it
6 was about 20.
7 Q And you were asked toward the end here, about this idea of
8 a documented coaching; do you remember that -- just the subject
9 of documented coachings coming up?
10 A Yes.
11 Q And I think the name kind of belies it, but in your
12 experience as a shift supervisor at 5th -- 5th and Pike, when
13 someone receives a documented coaching, are they provided with
14 a document?
15 A In my experience, no. But I have not seen a lot of
16 documented coachings, and I've never received one myself, so I
17 don't really know too much about exactly what documents go into
18 a documented coaching.
19 Q Would a partner be aware that they had received a
20 documented coaching?
21 A Oh, absolutely.
22 Q How would they be aware if not shown the document?
23 A They would be -- have a conversation, and then in that
24 conversation, they would be told that like this is a documented
25 coaching, and that it's being recorded that we talked about

1 this to be brought up later.
2 Q Did you work as a closer with Nelson Hoang between about
3 March and June, 2022?
4 A I didn't work with him frequently, but I did work with him
5 occasionally.
6 Q Are you aware whether Nelson was late to work 13 times
7 during that time frame?
8 A I actually, was never personally aware of Nelson being
9 late at all.
10 Q Was he ever late to work when you were scheduled with him?
11 A No. Nelson was, generally, more -- he worked more in the
12 mornings, and so pretty much all the times I've worked with him
13 he would already be there by the time I got there.
14 Q Did you ever hear that he had been late to work that day?
15 A I don't recall hearing that, no.
16 Q You were asked kind of toward the beginning of your cross
17 examination about this policy pertaining to cursing in the
18 partner guide on page 43, the how we communicate policy in
19 Joint Exhibit 2, the partner guide.
20 A Yes.
21 Q Has any manager ever pointed out that policy to you?
22 A I don't remember any manager ever pointing that out. No.
23 Q Have you ever --
24 A I'm sorry.
25 Q I'm sorry.

1 A Oh, sorry. Like I said earlier, I didn't even know that
2 it was written down until today, so.
3 Q Have you ever been reminded that it exists?
4 A I have never been reminded that it exists, no.
5 Q And finally, before the petition was filed, had customer
6 or mobile orders ever been posted on the store's iPads?
7 A Yes, occasionally. If there was like -- I can't even
8 think of an exact example. But I know we've like taken
9 pictures of like a really crazy like drink ticket, or something
10 before, and they posted -- put that on the background or
11 something like that.
12 Q When you say crazy, what do you mean?
13 A Like a -- like a huge amount of ingredients, or like
14 directions with the drink, something that we just all would
15 know would take a really long time to make. Or also like you
16 would see ingredients, and are like going in your head, like
17 this would be a very expensive drink to order, something like
18 that.
19 Q Like we hear like quadruple grande, I don't know. I'm not
20 a barista, but that kind of thing?
21 A Yes, that kind of thing.
22 Q And before the petition was filed, were mobile orders like
23 that posted to the iPads ever removed from the store's iPads?
24 A No, I don't know of them ever being removed.
25 MS. DEVLEMING: No further questions, Your Honor.

1 JUDGE MONTEMAYOR: Recross?

2 MS. STROESCU: Recross, Your Honor.

3 **RECROSS-EXAMINATION**

4 Q BY MS. STROESCU: Cori, do you regularly curse at work?

5 A No.

6 Q And this example of a crazy drink ticket photo, a drink

7 ticket is something that happens while you are at work, right?

8 A Yes. It's a -- it's a label that prints out. When

9 someone orders a drink, it goes to our label printers, and then

10 it prints out a little, like, white label with a drink on it

11 and their name.

12 MS. STROESCU: No further questions.

13 JUDGE MONTEMAYOR: Okay. Thank you so much for your

14 participation. I appreciate you coming and spending time with

15 us today.

16 THE WITNESS: Thank you so much, Your Honor. Anything

17 further from you?

18 JUDGE MONTEMAYOR: No, you're excused. Thank you.

19 MS. DEVLEMING: I'll chat with you about that form if you

20 want to wait just a minute.

21 THE WITNESS: Yes. Thank you all very much.

22 JUDGE MONTEMAYOR: Grab your backpack.

23 THE WITNESS: I'm going to need that. It has all my

24 homework. Have a good day.

25 JUDGE MONTEMAYOR: We have Jencks to take back, and then

1 we'll go off the record.

2 MS. STROESCU: Yes.

3 MR. KIBBE: Thanks for remembering.

4 MS. STROESCU: Indiscernible - simultaneous speech).

5 Screens Jencks statements.

6 MS. DEVLEMING: Thank you very much. Received.

7 JUDGE MONTEMAYOR: Okay. Jencks statements entered.

8 We'll go off the record and talk about scheduling.

9 **(Whereupon, the hearing in the above-entitled matter was**

10 **recessed at 5:30 p.m.)**

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1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Case Numbers
4 19-CA-292276, 19-CA-307871, Starbucks Corporation and Workers
5 United Labor Union International, affiliated with Service
6 Employees International Union, held at the Jackson Federal,
7 Building, 915 Second Avenue, 30th Floor, Room 3090, Seattle,
8 Washington 98174-1078, on May 24, 2023, at 9:05 a.m. was held
9 according to the record, and that this is the original,
10 complete, and true and accurate transcript that has been
11 compared to the reporting or recording, accomplished at the
12 hearing, that the exhibit files have been checked for
13 completeness and no exhibits received in evidence or in the
14 rejected exhibit files are missing.
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18 BRUCE CARLSON
19 Official Reporter
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OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:

Starbucks Corporation, Case No. 19-CA-292276
19-CA-307871

Employer,

and

Workers United Labor Union International, affiliated with Service Employees International Union,

Charging Party.

Place: Seattle, Washington

Dates: May 25, 2023

Pages: 402 through 717

Volume: 3

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(602) 263-0885

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of: STARBUCKS CORPORATION, Employer, and WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION, Charging Party.	Case No. 19-CA-292276 19-CA-307871

The above-entitled matter came on for hearing, pursuant to notice, before **DICKIE MONTEMAYOR**, Administrative Law Judge, at the National Labor Relations Board, Region 19, 915 2nd Avenue, Room 2948, Seattle, Washington 98174-1078, on **Thursday, May 25, 2023, 9:24 a.m.**

1 **A P P E A R A N C E S**

2 **On behalf of the General Counsel:**

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1 **I N D E X**

2

3 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4 Micah Lakes	410	438	462		
5 Mari Cosgrove	466	507	534	539	
6 Amy Quesenberry	551	584	628		
7 Christy Ferguson	632	653	664		
8 Ryan Lassiter	666	700	714		

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1 **E X H I B I T S**

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3 EXHIBIT	IDENTIFIED	IN EVIDENCE
4 **General Counsel:**		
5 GC-30(a) through (v)	407	407
6 GC-31	423	424
7 GC-32	423	424
8 GC-33	423	424
9 GC-34	423	424
10 GC-35	475	476
11 GC-36	483	486
12 GC-37	487	491
13 GC-38	491	492
14 GC-39	497	498
15 GC-40	600	601
16 GC-41	609	610
17 GC-42	601	608
18 GC-43	610	611
19 GC-44	611	613
20 GC-45 through 54	613	613
21 GC-55	703	703
22		
23 **Respondent:**		
24 R-7	510	512
25 R-9	559	560

R-2		579
R-10	562	563
R-11	564	565
R-12	569	571
R-5		675
R-8	678	678

1 **P R O C E E D I N G S**

2 JUDGE MONTEMAYOR: We're coming back on the record,
3 continuing this morning.
4 Counsel for the General Counsel, there were some
5 preliminary matters that we need to take care of, before we
6 take the witness?
7 MS. DEVLEMING: Yes, Your Honor, just one. Before we've
8 opened the record this morning, the parties have discussed a
9 fairly lengthy exhibit that I have marked as General Counsel
10 Exhibit 30(a) through (v), inclusive. The parties have looked
11 at the documents, and I understand -- but will allow counsel to
12 speak for themselves -- that there is no objection to the
13 admission. So I would offer General Counsel Exhibits (a)
14 through (v).
15 MS. STROESCU: Your Honor, Respondent has no objection.
16 JUDGE MONTEMAYOR: Those documents will be admitted.
17 **(General Counsel Exhibit Number 30(a) through (v) Received into**
18 **Evidence)**
19 MS. DEVLEMING: And now, we are prepared with our first
20 witness, who's in the hall. Should we --
21 JUDGE MONTEMAYOR: Okay. Before we do that, let's deal
22 with that subpoena issue. The Union filed a petition to
23 revoke. Respondent was given an opp -- opportunity to file its
24 response. I was a little late in getting copies of it, but I
25 finally did get a copy later in the afternoon yesterday. So I

1 did have some time to review that in the evening.
2 I'm going to grant the Union's petition to revoke in its
3 entirety. I agree that it could be construed as a improper
4 discovery request. Case is Offshore Mariners United, 338 NLRB
5 745 (2002).
6 In addition, the information sought is information that is
7 ordinarily subsumed within the Board's investigative files.
8 And there's authority for the proposition that you can't get
9 information from Board investigative files without going
10 through the proper process, without the Board providing
11 approval. And you can't get around that by going to get that
12 information from other people. And that circumvention rule is
13 at Logmet, LLC, 2021 Westlaw 1814994, April 2021.
14 The other issue is that it touches on section 7 activity.
15 And the Respondent has clearly indicated that they were trying
16 to not seek Section 7 information. And so I looked at that
17 whole issue to see if there was some carveout to -- so you
18 could carve out section 7 stuff and leave other stuff in. And
19 other judges have actually tried to do those carveouts.
20 And looking at some of the cases that have dealt with
21 those carveouts -- carveouts, they have ba -- basically been
22 looked upon with dis -- disfavor. The Board and the courts
23 have looked at the subpoena itself as being -- having a
24 chilling effect. Case is Chino Valley Medical Center, 362 NLRB
25 283 (2015). Okay. That's all I have regarding that.

1 Now, you have a witness that you want to call?
2 MS. DEVLEMING: We do, Your Honor. They're in the hall.
3 Should we grab them on the record or off?
4 JUDGE MONTEMAYOR: Why don't you have this seat -- take
5 this seat instead?
6 MR. LAKES: This seat?
7 MS. DEVLEMING: We can get rid of that one if you don't
8 need it.
9 JUDGE MONTEMAYOR: Yeah.
10 MS. DEVLEMING: It's --
11 JUDGE MONTEMAYOR: How about we just push that seat away?
12 Good morning.
13 MR. LAKES: Good morning.
14 JUDGE MONTEMAYOR: All right. We're going to begin by
15 having you sworn, so please raise your right hand.
16 Whereupon,
17 **MICAH LAKES**
18 having been duly sworn, was called as a witness herein and was
19 examined and testified as follows:
20 JUDGE MONTEMAYOR: Begin by stating and spelling your name
21 for the record, please.
22 THE WITNESS: My name is Micah Lakes, M-I-C-A-H,
23 L-A-K-E-S.
24 MS. DEVLEMING: Your Honor, I'll turn it back over to Mr.
25 McCaskey.

1 **DIRECT EXAMINATION**

2 Q BY MR. MCCASKEY: Good morning, Mr. Lakes. May I call you
3 Micah?
4 A Yes.
5 Q And just so you know, that black dot in front of you is
6 actually not a microphone, so if you could speak up clearly,
7 just for the record and for the court reporter.
8 A Of course.
9 Q Micah, what are your pronouns?
10 A He/him.
11 Q And where do you work?
12 A I work at Starbucks.
13 Q When did you start working for Starbucks?
14 A August 2016.
15 Q And do you work at a specific location?
16 A Yes, I do.
17 Q What location is that?
18 A Store number 60580.
19 Q And where is that located?
20 A On the corner of 5th and Pike Street, in downtown Seattle.
21 Q And have you worked at that location since 2016?
22 A No, I have not.
23 Q How long have you worked at the 5th and Pike store?
24 A Spring of 2021.
25 Q And what is your current position?

1 A I am a shift supervisor.
2 Q And when did you start working in that position?
3 A Late 2021. November or December, I started my training.
4 Q And just briefly, what are your job duties as a shift
5 supervisor?
6 A My job duties as a shift supervisor are to deploy the
7 baristas into their position. I'm in charge of -- I'm in
8 charge of running their breaks. I am in charge of inventory
9 counts, pulling food to thaw from the freezer, sending people
10 home.
11 Q And who is your supervisor, presently?
12 A Jeremy Strickland.
13 Q And he's the store manager?
14 A Yes, he is.
15 Q And who was your supervisor at the 5th and Pike store in
16 January of 2022?
17 A Jer Mackler.
18 Q And Jer is short for Jeremiah?
19 A Yes, it is.
20 Q And -- all right. And how long was Jer your supervisor
21 for?
22 A I believe it was around six months.
23 Q And if you know, who did Jer report to when he was your
24 store manager at the 5th and Pike store?
25 A He reported to Amy Quesenberry for a period of time, and

1 then he reported to Ryan Lassiter.
2 Q Okay. And -- and Amy and Ryan Lassiter are both district
3 managers?
4 A Yes, they are.
5 Q Micah, are you familiar with Workers United?
6 A Yes, I am.
7 Q How so?
8 A That is the union that we've chosen to represent us.
9 Q So the record reflects that the 5th and Pike store
10 petition was filed on January 25th, 2022, and the Union was
11 certified as your store's representative on June 14th, 2022.
12 MR. KIBBE: Your Honor, can I make an objection on
13 cumulative basis? Just -- I'm not sure this witness can offer
14 anything that we haven't heard already. I -- I'd accept a
15 proffer. I just don't know where this is going to lead, beyond
16 what Cori's already testified to and what Sarah's already
17 testified to.
18 JUDGE MONTEMAYOR: I -- I think it's a little early,
19 Counsel. Overruled.
20 MR. KIBBE: That's why --
21 JUDGE MONTEMAYOR: Overruled.
22 MR. KIBBE: I apologize. That's why I'm asking -- I --
23 maybe there's a point. I just -- that's beyond this person.
24 JUDGE MONTEMAYOR: Well, I -- I'll give him lee -- leeway
25 to sort of get on with the -- this is -- all seems introductory

1 to me, and --

2 MR. KIBBE: I agree. I'm -- I'm not saying it isn't. I'm

3 just saying I'm expecting it to be very similar.

4 JUDGE MONTEMAYOR: Objection is overruled, to the extent

5 that it's an objection. But the point being let's not get too

6 cumulative about --

7 MR. MCCASKEY: Understood, Your Honor.

8 JUDGE MONTEMAYOR: -- basic facts.

9 Q BY MR. MCCASKEY: Micah, did you have any meetings with

10 any managers regarding the union, before the petition was filed

11 in January of 2022?

12 A No.

13 Q How about after the union petition was filed?

14 A Yes.

15 Q Do you remember how many?

16 A Two that I can remember.

17 Q Okay. So tell me about that first meeting. Do you recall

18 when it happened, in relation to when the petition was filed?

19 A It happened within a few days of the petition being filed,

20 so late January, early February of 2022.

21 Q Okay. And how did you find out that meeting was

22 happening?

23 A So that meeting was a scheduled meeting for shift

24 supervisors and so scheduled three weeks out. It wasn't

25 intended to have anything to do with the union, until we

1 brought it up.
2 Q And how were you notified of that meeting?
3 A It was written on our schedule.
4 Q And did you have regularly scheduled shift supervisor
5 meetings?
6 A Not really.
7 Q How often?
8 A We were supposed to have them every month, but we would
9 have them maybe every few months.
10 Q And so returning to the shift supervisor meeting, who was
11 present at this meeting?
12 A So that would be me, Jer, Sarah Pappin, Cori Green, Andrew
13 Walker, Danny Skindingsrude -- anybody who was a shift
14 supervisor at the time.
15 Q And I don't think that name's come up before. Do you mind
16 spelling Andrew Walker?
17 A Andrew Walker? Yeah. A-N-D-R-E-W, W-A-L-K-E-R.
18 Q And do you mind spelling Danny's last name, as well?
19 A Yeah. Danny's last name is S-K-I-N-D-I-N-G-S-R-U-D-E.
20 Q Thank you. What time was this shift supervisor meeting
21 held?
22 A It was around noon, midday.
23 Q And where did that meeting take place?
24 A It took place in the conference room at the store that I
25 work at.

1 Q And how did that meeting begin?
2 A The meeting --
3 MR. KIBBE: Cumulative.
4 JUDGE MONTEMAYOR: Objection?
5 MR. KIBBE: Yes. My objection is cumulative. We've heard
6 this from both Sarah and Cori already.
7 JUDGE MONTEMAYOR: I'll allow some leeway.
8 But Counsel, let's try to get to information that's -- we
9 haven't heard already.
10 MR. MCCASKEY: This -- yeah, this is a corroborating --
11 JUDGE MONTEMAYOR: That's fine. I'll allow --
12 MR. MCCASKEY: I believe Sarah's the only witness --
13 JUDGE MONTEMAYOR: I'll allow the testimony. I'll allow
14 the testimony.
15 MR. MCCASKEY: -- who's testified on this issue.
16 JUDGE MONTEMAYOR: I'll allow -- I'll allow the question.
17 Please continue.
18 Q BY MR. MCCASKEY: So how did that meeting begin?
19 A The meeting began like any other shift supervisor meeting,
20 where we were all brought in. And we basically talked about
21 goals as supervisors, what we need to be doing with our
22 baristas, just leadership roles, in general, and how to deploy
23 them better, what we need to work on, what we've been lagging
24 in.
25 Q And I think you mentioned earlier that the topic of the

1 union petition came up?
2 A It did, yes.
3 Q And who brought that up?
4 A Sarah Pappin.
5 Q And did anyone respond to this?
6 MR. KIBBE: Cumulative.
7 MR. MCCASKEY: This is corroborating, Your Honor.
8 JUDGE MONTEMAYOR: I'll -- I'll -- objection is overruled.
9 Please continue.
10 Q BY MR. MCCASKEY: Did anyone respond to Sarah Pappin
11 bringing up the union petition?
12 A Jer did.
13 Q And what did Jer say?
14 A Jer started talking about the union and how he knew that
15 we had filed a petition for it. And he started talking about a
16 union that he used to be in, when working at a grocery store
17 when he was younger, and about how, you know, unions cost
18 money, and they could potentially take away our ability to
19 speak directly to him. He also gave us a story about his mom
20 having cancer that -- I'm not sure how it related.
21 Q And did he mention -- did he explain what he meant by
22 unions cost money?
23 A Yeah. He was referring to union dues.
24 Q And you also mentioned that he said you wouldn't be able
25 to talk to him anymore. Did he explain what he meant by that?

1 A Yeah. He -- he said that we might not be able to talk to
2 him anymore and that we might have to go through a union
3 representative, who would talk to him instead.
4 Q Okay. And did anyone react to Jer's commentary?
5 A Yes.
6 Q Who?
7 A Sarah Pappin.
8 Q Did you react to Jer's commentary?
9 A I did.
10 Q And what did you say?
11 A I said that -- well, Sarah responded first, and I kind of
12 reiterated what Sarah said.
13 Q And to the best of your recollection, what did you say?
14 A I said that we wouldn't sign a contract that allowed that
15 to be the case. We would always want to be able to speak to
16 them directly.
17 Q And did Jer respond to your comment?
18 A Not that I can remember.
19 Q And how long would you estimate the meeting lasted?
20 A About an hour.
21 Q And how much of the time was spent discussing the union
22 petition?
23 A 15 to 20 minutes.
24 Q Do you remember anything else that was said at the
25 meeting?

1 A Not at the moment.
2 Q Okay. So you also mentioned there was a second meeting
3 that was held, regarding the union petition?
4 A Yes.
5 Q How did you find out about that second meeting?
6 A I found out about that second meeting from the baristas
7 that were working.
8 Q And who told you?
9 A I can't remember the exact barista. Just one of the
10 baristas who had had the meeting came out and told us that they
11 were going to be showing us an anti-union video.
12 Q And do you recall when that second meeting took place?
13 A The second meeting took place a month or two later, so
14 around March, late February.
15 Q Okay. And do you recall if this meeting was on your
16 schedule?
17 A It was not on my schedule.
18 Q And so how did you find out about the meeting?
19 A My personal meeting -- he told me that I needed to come
20 with him to watch a video.
21 Q And when you say "he", who are you referring to?
22 A Jer.
23 Q And where was this meeting held?
24 A It was held in a conference room at our store.
25 Q Do you recall what time of day it was?

1 A It was around midday.
2 Q And did the meeting take place during your regular work
3 hours?
4 A Yes, it did.
5 Q Do you know if you were required to attend this meeting?
6 A I asked if it was a requirement, and he said yes.
7 Q And you mentioned this meeting took place in the
8 conference room?
9 A Yes.
10 Q Was anyone else present when you got to the conference
11 room?
12 A Our assistant store manager, at the time, was present.
13 Q And do you recall this -- the name for this assistant
14 store manager?
15 A No, I don't.
16 Q Okay. Was anyone else present, aside from you, Jer, and
17 the assistant store manager?
18 A No.
19 Q All right. So what happened when you got to the
20 conference room?
21 A He said, I know that you're Mr. Union, and you support the
22 union, but I have to show you this video, anyway.
23 Q Okay. Did Jer say anything else, prior to playing the
24 video?
25 A Not that I can remember.

1 Q So after the video had been played, did Jer say anything
2 else?
3 A He reiterated a couple of points that were in the video,
4 such as Starbucks kind of has its own community, and bringing a
5 union in there could be a disruption to that.
6 Q And did he explain what he meant by disruption?
7 A It would potentially -- he went back to what I was stating
8 before -- is that we would potentially have to go through a
9 union representative to speak to him.
10 Q And did the subject of going on strike come up with your
11 con -- come up during your conversation with Jer?
12 A Yes, it did.
13 Q And to the best of your recollection, what did he say?
14 A He said, you can be forced to go on strike. Or unions can
15 force you to go on strike. I apologize.
16 Q And did Jer specify whether he meant a union could force
17 all employees at the store to strike or just all union members?
18 A He did not specify.
19 Q And did he explain what he meant when he said unions can
20 force you to go on strike?
21 A No, he did not.
22 Q Did Jer say anything else on the topic of unions, during
23 this meeting?
24 A Not that I can remember.
25 Q Do you recall how the meeting ended?

1 A The meeting ended after we had that conversation,
2 post-video, and I asked if I could go back to work. And he
3 said yes.
4 Q And did Jer reassure you that you could go to work instead
5 of strike?
6 A He did not.
7 Q And how long would you say that second meeting lasted?
8 A Maybe 15 minutes.
9 Q So now, I'd like to shift to the topic of Starbucks'
10 partner guide. Are you familiar with Starbucks' partner guide?
11 A Yes, I am.
12 Q And how so?
13 A Partner guide is basically the rules set for Starbucks
14 employees, as far as I know.
15 Q And were you required to sign off on this partner guide,
16 when you first started working with Starbucks?
17 A I can't imagine if I specifically had to. It was a long
18 time ago. But there was paperwork that I did sign that was,
19 like, you know, dress code, ethics -- things of that nature.
20 Q And Micah, I also have trouble with this, but I'll just
21 ask you to speak up a little bit.
22 A Of course.
23 Q Can you think of any other times, aside from when you
24 first started, when Starbucks asked you to sign off on the
25 partner guide?

1 A They had us re-sign the partner guide and some other
2 paperwork that I don't think that I'd seen before, relating to
3 work attire, cell phone usage, tardiness, in February of 2022.
4 Q Okay. So just to make sure I'm clear, so you mentioned
5 they made you re-sign off on the dress code policy?
6 A Yes.
7 Q And cell phone policy?
8 A Yes.
9 Q And I think you mentioned one other one?
10 A Cell phone, dress code, tardiness policy.
11 Q Okay. The attendance and punctuality policy?
12 A Yes.
13 Q And do you recall who asked you to sign off on these
14 policies?
15 A Jer did.
16 Q Okay. And to the best of your recollection, what did Jer
17 say?
18 A Jer told me that I had to sign some paperwork and then
19 handed me the packet and said to read through it and then sign
20 it and make sure that he gets it back.
21 Q And did Jer provide you with any copies of those personnel
22 policies?
23 A No, I did not get my own copy.
24 MR. MCCASKEY: May I approach, Your Honor?
25 JUDGE MONTEMAYOR: Yes, you may.

1 Q BY MR. MCCASKEY: Micah, I'm handing you what's been
2 marked as GC Exhibits 31, 32, and 33 and 34. Please take a
3 moment to review those and let me know once you've had a chance
4 to do so.
5 A All right. I've reviewed it.
6 Q Let's start with GC-31.
7 A Okay.
8 Q You were just testifying about signing off on the partner
9 guide. Is this your signature, towards the middle of the page?
10 A Yes, it is.
11 Q Okay. And February 25th, 2022 -- that's about the date
12 that you signed off on this?
13 A Yes.
14 Q Okay. Let's move to GC-32, dress code and personal
15 appearance. Is that your signature on the top right?
16 A Yes, it is.
17 Q And February 25th, 2022 -- that's the approximate date
18 when you received this?
19 A Yes, it is.
20 Q Okay, great.
21 MR. KIBBE: Your Honor, I don't have any objections to
22 these being admitted into evidence, if it helps speed things
23 along.
24 JUDGE MONTEMAYOR: Overruled.
25 Q BY MR. MCCASKEY: Let's move to GC-33. Is that your

1 signature on the top right?
2 A Yes, it is.
3 Q And let's move to GC-34. Is that your signature on the
4 top right?
5 A Yes, it is.
6 MR. MCCASKEY: I'd like to move for the admission of GC-31
7 through 34.
8 JUDGE MONTEMAYOR: Any objection to 31 through 34?
9 MR. KIBBE: No.
10 JUDGE MONTEMAYOR: 31 through 34 will be admitted.
11 **(General Counsel Exhibit Numbers 31, 32, 33 and 34 Received**
12 **into Evidence)**
13 Q BY MR. MCCASKEY: Micah, I'd now like to move to the
14 subject of profanity in the workplace. Do you know if
15 Starbucks has a workplace policy on the use of profanity in the
16 workplace?
17 A I'm not exactly sure what the policy is, but I know there
18 is a policy in place.
19 Q And how do you know that?
20 A It was in the -- the -- whenever I -- excuse me. Let me
21 start over. Whenever I got hired, I was told that.
22 Q Okay. And that's -- when you were hired -- are you
23 referring to the partner guide?
24 A Yeah.
25 Q And did you yourself ever use profanity in the workplace,

1 prior to the petition being filed?
2 A Yes.
3 Q And how often would you estimate?
4 A A decent amount, like, a few times a week, probably.
5 Q And in those instances where you used profanity in the
6 workplace, were you ever disciplined or coached?
7 A No.
8 Q Do you recall if other coworkers also used profanity in
9 the workplace, before the petition was filed?
10 A Yes.
11 Q And how common was that?
12 A Fairly common.
13 Q Do you recall if other coworkers were ever disciplined for
14 using profanity in the workplace, before the petition was
15 filed?
16 A No.
17 Q Do you recall any instances of managers using profanity in
18 the workplace, prior to the petition being filed?
19 A Yes.
20 Q And can you tell me about that?
21 A Yeah. Or yes. Sorry. One instance was when I was
22 talking to Jer about a regular customer that we had had. And
23 he referred to him as an asshole.
24 Q And where did this conversation take place?
25 A This took place in the backroom.

1 Q Okay. Was anyone else present?
2 A No, it was just us two.
3 Q Okay. And you mentioned this was prior to the petition
4 being filed?
5 A Yes.
6 Q Do you recall if Jer was ever disciplined or coached for
7 that instance of profanity?
8 A I do not recall.
9 Q And prior to the petition being filed, did you ever use
10 profanity in front of management?
11 A Yes.
12 Q And do you recall any specific instances?
13 A Yes. Whenever I got to the Seattle location in 2021,
14 there was an instance of somebody that came inside and was
15 spewing some Nazi-related things and did a Sieg Heil salute.
16 And I told my store manager that he was a fucking asshole.
17 Q Okay. And which store manager was that?
18 A That was Taylor Pringle.
19 Q Okay. And Taylor Pringle was the store manager prior to
20 Jer?
21 A Yes.
22 Q And were you ever disciplined or coached for that instance
23 of workplace profanity?
24 A No, I was not.
25 Q So now, moving -- and how did Taylor respond to that

1 specific instance of workplace profanity?
2 A I feel like he kind of acted like he didn't hear me say
3 it.
4 Q Did he respond verbally at all?
5 A No, he did not.
6 Q And just to clarify, prior to the petition being filed, I
7 think you -- your answer was that you didn't -- you said "no"
8 on instances of whether any coworkers were disciplined. Is
9 that, no, you don't recall, or no, no coworkers were
10 disciplined?
11 A No, I don't recall.
12 Q So let's move on to after the petition was filed. Did you
13 continue to use profanity in the workplace?
14 A I did, but on a lesser level.
15 Q And how often would you do so?
16 A Maybe a couple times a week. Only whenever something kind
17 of serious would happen, like an injury.
18 Q And did you ever use profanity in the workplace in the
19 presence of a manager, after the petition was filed?
20 A Yes, multiple times.
21 Q And can you tell me about the first instance that you
22 remember?
23 A The first instance that I remember was when I was dealing
24 with sexual harassment in the workplace, and I was scheduled to
25 work with the person who had been sexually harassing me. And I

1 went to my store manager at the time, Christy Ferguson, who was
2 sitting with our current district manager, Ryan Lassiter. And
3 I said that it was fucking bull shit that I had to be there and
4 that I felt like shit being in his presence.
5 Q And did -- and just to be clear, Christy Ferguson is the
6 store manager who took over after Jer left the 5th and Pike
7 store?
8 A Yes.
9 Q And Ryan Lassiter is the district manager who took over
10 after Amy Quesenberry left, right?
11 A Yes.
12 Q So did either Christy Ferguson or Ryan Lassiter respond to
13 this instance of workplace profanity?
14 A They asked me if I wanted to go home.
15 Q Okay. And how did you respond?
16 A I said, yes, I don't want to be here with him.
17 Q And where did this conversation take place?
18 A This took place in the lobby.
19 Q Okay. And where is the lobby, in this specific store?
20 A The lobby is through the front doors, to the left, and
21 anywhere that has chairs or benches is considered the lobby.
22 Q And were you disciplined for that specific instance of
23 workplace profanity?
24 A No, I was not.
25 Q Were you coached for that instance of workplace profanity?

1 A No, I was not.
2 Q And I think you mentioned -- you said your swearing -- you
3 reduced the amount of cursing in the workplace after the
4 petition was filed. Why is that?
5 A I had seen what they had done to -- Starbucks had done to
6 workers in Buffalo, when they filed a petition to unionize.
7 And I knew that they would potentially be looking for any
8 reason to try to write somebody up.
9 Q And can you think of any other specific instances, after
10 the petition was filed, where you used profanity in the
11 workplace, in the presence of a manager?
12 A Yes.
13 Q Can you tell me about that?
14 A I had a personal conversation with Christy Ferguson, one
15 on one. I was having a very bad day because I found out that
16 my brother had relapsed on heroin. She was having a very bad
17 day because she just had to fire somebody. She asked if we
18 could talk in private. I said yes.
19 And she asked what was going on, and I said, today has
20 been really hard for me. And she said, I've been having a
21 really shitty day, too. And we talked about what we were
22 going -- or what we were experiencing. And then we kind of
23 said, like, let's get through this together, gave each other a
24 hug, and went back out on the floor.
25 Q And where did this conversation take place?

1 A This took place in a side room that is connected to the
2 backroom that is also connected to the elevators that we use to
3 travel to the trash room.
4 Q And do you know if Christy was disciplined or coached for
5 this instance of workplace profanity?
6 A I do not know.
7 Q Are there any other instances you can think of, where you
8 used profanity in the workplace, in the presence of a manager,
9 after the petition was filed?
10 A Yes.
11 Q What do you remember?
12 A I pretty frequently have talked to my current store
13 manager and used vulgarities that aren't aimed at anybody, just
14 talking about how it's a -- it's been a shitty day, or we had a
15 shitty open this morning, or it could potentially be a shitty
16 close -- just general sort of nontargeted vulgarities.
17 Q And just for the record, who is your current supervisor?
18 A Jeremy Strickland.
19 Q And have you had any general conversations with Jeremy
20 Strickland on the use of workplace profanity?
21 A We have had discussions on the -- we had a discussion on
22 the workplace profanity, how --
23 Q And when did that conversation happen?
24 A That happened on Sunday -- the Sunday that just happened.
25 Q And to the best of your recollection, what did he say?

1 A He said that he thinks that it's a bit ridiculous that
2 we're not allowed to say the things that we say, because --
3 MR. KIBBE: Objection. Hearsay.
4 JUDGE MONTEMAYOR: What's your response?
5 MR. MCCASKEY: This is a admission by a party opponent,
6 Your Honor.
7 MR. KIBBE: It's not an ad --
8 JUDGE MONTEMAYOR: Overruled.
9 Q BY MR. MCCASKEY: And Micah, you mentioned "it's". What
10 are you referring to when you say "it"?
11 A The rules of swearing in the workplace.
12 Q Okay. And did you respond at all?
13 A Yeah, I said that I think it's ridiculous because, as long
14 as we're not doing it in front of customers, I don't really see
15 the harm in doing it.
16 Q And did your supervisor respond at all to that?
17 A He agreed with me.
18 Q And how so? Did he say anything verbally?
19 A He said, I agree.
20 Q And did any other subjects come up during this
21 conversation with Jeremy Strickland?
22 A Yes, they did.
23 Q Can you tell me?
24 A Yes. He told me that he knew that a timestamp had been
25 altered so that Sarah Pappin would be --

1 MR. KIBBE: Objection. Hearsay.
2 MR. MCCASKEY: Again, Your Honor --
3 MR. KIBBE: And irrelevance. There's not -- this is not
4 in the complaint. I don't know why we're talking about it.
5 MR. MCCASKEY: This is rel -- directly relevant to Sarah
6 Pappin's discipline, and also, it's an admission by a party
7 opponent.
8 JUDGE MONTEMAYOR: Just focus in more specifically on the
9 relevance. What is the relevance, specifically -- not just
10 generally to her testimony, but what specifically?
11 MR. MCCASKEY: Sure, Your Honor. There's -- there's been
12 some testimony about Sarah Pappin testifying that she -- this
13 conversation where she cursed in the workplace -- that it took
14 place after her shift was over. So I think this is directly
15 relevant to that.
16 JUDGE MONTEMAYOR: Objection's overruled. Continue.
17 MR. KIBBE: Your Honor, can I be heard here, for one
18 moment? I'm still not following how a conversation about
19 future time changes has anything to do with something that
20 happened in June of 2022.
21 MR. MCCASKEY: This -- this goes to pretext, Your Honor.
22 It shows that they changed the timestamp afterwards.
23 JUDGE MONTEMAYOR: Objection's overruled. The ruling
24 stands.
25 Answer the question.

1 Q BY MR. MCCASKEY: So I think, before an objection came up,
2 Micah, you were testifying about a timestamp. What was said in
3 that conversation about a timestamp?
4 A Jeremy had told me that Amy Quesenberry and Jer
5 Macintyre -- or Jer -- Jer Mackler -- excuse me -- had adjusted
6 Sarah's timestamp so that it said that she was on the clock
7 whenever she used that profanity that she was written up for.
8 Q All right. Now, I'd like to move on to the topic of
9 workplace iPads at the 5th and Pike store.
10 A Okay.
11 Q Do you know if the 5th and Pike store has workplace iPads?
12 A Yes, we do.
13 Q And did they have workplace iPads in 2022?
14 A Yes, they did.
15 Q How many?
16 A Three, I believe.
17 Q And where are those iPads typically located?
18 A They can be put anywhere in the store. There's a charging
19 bay in the backroom, on the desk. But they are brought out for
20 various uses, so they can be found pretty much anywhere, at any
21 time.
22 Q And what are those iPads used for?
23 A They're used for clocking in. They're used for training.
24 They're used for inventory management. They're used for
25 incident report forms. They are used for an app called Play

1 Builder, which helps shift supervisors figure out where to
2 deploy baristas. We also take pictures on them so that we can
3 set backgrounds.
4 Q And -- and -- and who has access to these workplace iPads?
5 A Every Starbucks employee.
6 Q And are they unlocked, or do you have to enter in a
7 specific password to access these iPads?
8 A They have a pass code.
9 Q Okay. And so you told me a little bit about the kind of
10 workplace use for iPads, but you mentioned that pictures are
11 also taken with these iPads?
12 A Yeah.
13 Q And can you give me an example of some of the pictures
14 that have been taken in the past?
15 A Yeah. We've --
16 MR. KIBBE: Objection. Cumulative.
17 JUDGE MONTEMAYOR: Sorry. I didn't hear the objection.
18 MR. KIBBE: Oh, I'm sorry. Cumulative.
19 JUDGE MONTEMAYOR: Cumulative to --
20 MR. KIBBE: We've already heard testimony about this.
21 JUDGE MONTEMAYOR: Okay. Overruled.
22 Q BY MR. MCCASKEY: Go ahead. Can you tell me some examples
23 of some of the pictures that you've taken with the workplace
24 iPads?
25 A A lot of pictures are of people taking pictures together,

1 to set up as backgrounds. But we've taken pictures of things
2 like the broom standing up on its own and set that as a
3 background. We've taken pictures of people's orders, if they
4 have, like, a funny name. We've taken pictures whenever people
5 have come in and had their name be picked as union strong.
6 Q So let's go on to that specific example. You mentioned
7 someone changed the background to something that said, "union
8 strong"?
9 A Yes.
10 Q And do you remember if this took place before or after the
11 petition was filed?
12 A This was after the petition was filed.
13 Q And do you remember who changed the background to the
14 message with "union strong" on it?
15 A There was two instances.
16 Q Tell me about the first one.
17 A The first one was Andrew Walker.
18 Q And Andrew Walker -- I think you already testified he's a
19 shift supervisor?
20 A They were a shift supervisor, yes.
21 Q Do you recall when Andrew Walker changed the background of
22 the iPad to a message that said "union strong" on it?
23 A It would have been around spring of 2022.
24 Q And just for clarity, what was the something that said
25 "union strong" on it?

1 A So we have a computer that we type in the orders on. And
2 the picture was a picture that was taken of the computer screen
3 that showed what the drink was and that the name that the
4 person had chosen for their drink to be was "union strong".
5 Q Okay. So this -- just for clarity, this is a -- an order
6 that came in, and then someone took a picture of that order?
7 A Yeah, an order that was typed in.
8 MR. MCCASKEY: May I approach, Your Honor?
9 JUDGE MONTEMAYOR: Yes, you may.
10 Q BY MR. MCCASKEY: Or actually, you have it in front of
11 you. But if you could pull up General Counsel's Exhibit Number
12 5, it should be towards the top of the stack.
13 Take a moment to review it and let me know when you're
14 ready.
15 A I'm ready.
16 Q And is this the image that you were just testifying to,
17 the "union strong" background?
18 A Yes.
19 Q And was this specific background changed?
20 A Yes, it was.
21 Q And do you remember how long after when it was first put
22 up it was changed?
23 A It was changed within a couple of days -- maybe a day or
24 two.
25 Q And I think you mentioned there was also a second instance

1 where the background was changed to a "union strong" message?
2 A Yes, it was.
3 Q And can you tell me about that second instance?
4 A That was for an order -- there was a sticker on a cup that
5 said, "union strong", and I took a picture of that cup. And I
6 set that as the background.
7 Q And if you know, how long did that background remain on
8 the iPad?
9 A I don't even think that one lasted a full 24 hours, before
10 it got changed.
11 MR. MCCASKEY: No further questions for this witness, Your
12 Honor.
13 JUDGE MONTEMAYOR: Does the Union have any questions?
14 MR. KAPLAN: No, Your Honor.
15 JUDGE MONTEMAYOR: Cross-examination?
16 MR. KIBBE: I'd request the Jencks statements, if there
17 are any.
18 MR. MCCASKEY: Yes.
19 MR. KIBBE: Thanks.
20 Ten minutes?
21 JUDGE MONTEMAYOR: Okay. We're going to be in recess for
22 ten minutes. We'll go off the record.
23 If you need to stretch or use the restroom, you can, but
24 please don't discuss your testimony with anyone. Okay?
25 THE WITNESS: Of course.

1 JUDGE MONTEMAYOR: You're still on the stand.
2 THE WITNESS: Yes, Your Honor.
3 (Off the record at 10:11 a.m.)
4 JUDGE MONTEMAYOR: We're coming back on the record. We're
5 continuing with the cross-examination of the witness.
6 Counsel, you may begin.
7 **CROSS-EXAMINATION**
8 Q BY MR. KIBBE: Hey. Good morning, Micah. I'm Michael
9 Kibbe, counsel for Starbucks. I'm going to start in sort of
10 reverse order to --
11 A Okay.
12 Q -- how you testified, so we'll stop -- we'll start with
13 the iPad issue. You had mentioned that the backgrounds were
14 changed frequently?
15 A Yeah.
16 Q Okay. You don't have to lean in, by the way.
17 A Okay.
18 Q They -- they can hear you. Just so you're a little bit
19 more comfortable. When you say "frequently", what does that
20 mean to you?
21 A Anytime anybody wanted to.
22 Q Would you say that the background was changed, like, on a
23 daily basis sometimes?
24 A I wouldn't say a daily basis. We've had backgrounds that
25 have been there for two or three months, before they get

1 changed. Sometimes, they're there for a couple weeks. They're
2 not usually changed, like, that often.
3 Q But anybody in the store can change that?
4 A Yes.
5 Q Barista, a sup -- shift supervisor, a store manager,
6 right?
7 A Yes.
8 Q The issue with -- or it's not the issue, I should say.
9 But the picture that we were shown, the General Counsel's
10 Exhibit 5 -- and you don't have to look at it, by the way --
11 that's the one of the screenshot of the order. It looked as if
12 that was taken in January 28th of 2022. Does that sound about
13 right?
14 A Yeah, it could be around that time.
15 Q Okay. And you said you remember it being changed a couple
16 of days later?
17 A Yes.
18 Q Do you know who changed it?
19 A No.
20 Q Do you know what it was changed to?
21 A It was changed back to either the -- I can't say for
22 certain.
23 Q Okay. The sticker that you were testifying about that you
24 took picture of --
25 A Yes.

1 Q -- it said "union strong" or something like that; is that
2 right?
3 A Yes.
4 Q Okay. When did you make that screenshot?
5 A That was after the background was changed on the iPad
6 that -- the original one that we were just talking about.
7 Q And I understand. Maybe I can give you a reference point.
8 So you told us about the policies that you covered. Do you
9 remember that?
10 A Yeah.
11 Q Okay. Was it before or after you had that meeting?
12 A After.
13 Q After that? And do you know who changed -- you said the
14 background was changed, right?
15 A Yes.
16 Q Do you know who changed it?
17 A No.
18 Q Do you know what it was changed to?
19 A Are you referring to the --
20 Q When you took the picture that said --
21 A When I took the picture?
22 Q Yes.
23 A Oh. I know that my -- when it changed from mine, it was
24 changed to one of the, like, factory default ones.
25 Q Okay. Do you know who did that?

1 A No, I do not.
2 Q Okay. The policies -- and I think you have them in front
3 of you. These are the ones that -- yeah.
4 Okay. One of the policies that you covered with Jer --
5 and it looks like this was on February 25th, 2022; is that
6 right?
7 A Yes.
8 Q Okay. Do you remember covering "Acceptable Use of
9 Starbucks Electronics Communications" or something similar to
10 that -- or "Internal Technology"?
11 A Could -- I'm sorry. Could you restate -- restate the
12 question for me?
13 Q Sure. Do you remember covering a policy regarding use of
14 internal technology of any kind? It may not be there. I'm
15 just asking.
16 A Not -- not that I can remember.
17 Q Okay. You did look at the partner guide, though, at the
18 same time; is that right?
19 A The partner guide? Yeah.
20 Q Okay. And that was during that same meeting?
21 A That I looked at the partner guide?
22 Q Yes.
23 A The partner guide was looked at on my own time.
24 Q Oh, okay. So I'm looking at a -- at General Counsel
25 Exhibit 31, where it says, "partner acknowledgement". And we

1 already talked about that you signed this. Same date. I'm
2 just asking, did you review the partner guide on that same
3 date, as well?
4 A No.
5 Q You didn't?
6 A No.
7 Q Okay. When --
8 A Not on this day.
9 Q When you signed it, what were you signing it for?
10 A I was -- I'm already familiar with the partner guide
11 pretty good, so this was -- just seemed like standard paperwork
12 that I needed to sign.
13 Q Got it. So when he handed you this, you didn't feel like
14 I need to review the partner guide again; is that right?
15 A No, I didn't feel like that.
16 Q Okay. I think you have a partner guide in front of you.
17 A Okay.
18 Q It's Joint Exhibit 2. Can you flip to page 39 of that
19 document?
20 A Sure.
21 Q And just let me know when you're there.
22 A I'm here.
23 Q All right. The very top section says "Acceptable Use of
24 Electronics or Starbucks Electronic Communication System"; do
25 you see that?

1 A Yes.
2 Q Is this a policy you're familiar with?
3 A Yes.
4 Q Okay. And this is something you were aware of at the
5 time, I guess, back in February, when you reviewed it a second
6 time?
7 A Yes.
8 Q You were also aware of it after you changed the screen to
9 "union strong"; is that right?
10 A Yes.
11 Q Okay. You knew that the internal technology that
12 Starbucks provides is to be used for business purposes only,
13 right?
14 A It is to be used for business's purposes, but we have
15 taken pictures on them before. And that has never been a
16 problem.
17 Q Okay. Part of your job as a sup -- shift supervisor is to
18 implement store policies; is that right?
19 A Yeah.
20 Q Okay. And one of the policies required is that internal
21 technology used at the store be used for business purposes
22 only, right?
23 A Sure.
24 Q Okay. After you were reminded of these policies, when you
25 saw somebody change the background to something inappropriate

1 of any kind, did you change it on your own?
2 A I don't recall anybody changing it to anything
3 inappropriate.
4 Q Okay. What about -- did you see anybody solicit for any
5 businesses -- side businesses that they might have?
6 A No, I don't think so.
7 Q Do you think that would be appropriate?
8 A Probably not.
9 Q Okay. And why?
10 A Because you're not supposed to solicit other businesses
11 while working for one.
12 Q And do you think that soliciting for union support is
13 solicitation, or do you think it's not?
14 MR. MCCASKEY: Objection, Your Honor. This calls for a
15 legal conclusion.
16 MR. KIBBE: No, it doesn't.
17 JUDGE MONTEMAYOR: I'll sustain the objection.
18 MR. KIBBE: Okay. All right.
19 Q BY MR. KIBBE: You understand that your job is to -- and
20 like I said, in part, to implement policies of the store,
21 right?
22 MR. MCCASKEY: Objection, Your Honor.
23 A Yes.
24 MR. MCCASKEY: Asked and answered.
25 MR. KIBBE: Well, he already answered, so --

1 JUDGE MONTEMAYOR: I'll -- I'll -- I'll allow the
2 question.
3 MR. KIBBE: All right.
4 Q BY MR. KIBBE: So when you made the change to the iPad,
5 did you understand that you were violating that policy?
6 A Yeah.
7 Q Okay. And you don't think you should have been
8 disciplined for that, right?
9 A No.
10 Q And you weren't disciplined for that, were you?
11 A No, I was not.
12 Q You're not aware of anybody who's ever been disciplined
13 for putting something on the iPad, have you -- are you?
14 A I am not familiar with anybody being disciplined for that,
15 no.
16 Q Okay. Let's talk about cursing, just real quick.
17 A Okay.
18 Q You sound like you frequently curse at work. Is that fair
19 to say?
20 MR. MCCASKEY: Objection, Your Honor. Mischaracterizes
21 prior witness testimony.
22 JUDGE MONTEMAYOR: I'll allow some inquiry.
23 Q BY MR. KIBBE: Did you -- did you --
24 THE WITNESS: I'm sorry. Did you say --
25 Q BY MR. KIBBE: Yeah, yeah.

1 THE WITNESS: -- you'll allow it? Okay.
2 Q BY MR. KIBBE: It sounds like you frequently curse at
3 work. Is that right?
4 A You could say that, yes.
5 Q Okay. And is that something you've done since you started
6 at Starbucks, years ago?
7 A No.
8 Q When did it pick up?
9 A Whenever I got more comfortable with the job and the
10 people that I was working with.
11 Q And how long have you been a shift supervisor?
12 A I've been a shift supervisor for -- I got trained in
13 November and December of 2021.
14 Q So still pretty new, right?
15 A Year and a half.
16 Q Part of the policies that are in the partner guide talks
17 about use of profanity. You're aware of that, right?
18 A Yes, I am.
19 Q And part of your job, again, is to enforce that policy.
20 You understood that, right?
21 A Yeah.
22 Q All right. Do you think it's appropriate for a shift
23 supervisor to curse around any of your subordinates?
24 A Are we talking about on a personal level or on a
25 professional level?

1 Q Well, in a working environment.
2 A I don't care if people curse.
3 Q Okay. Do you understand, though, that Starbucks has a
4 policy that says you're not supposed to curse at work?
5 A Yeah.
6 Q Okay. And you freely violate that policy?
7 MR. MCCASKEY: Objection, Your Honor, to the
8 characterization.
9 JUDGE MONTEMAYOR: Overruled.
10 A Yes.
11 Q BY MR. KIBBE: Okay. And you don't think you should be
12 disciplined for that, do you?
13 A No, I don't.
14 Q And why is that, again?
15 A Because I've heard management do it. I've heard district
16 management do it. It's just -- I think -- I think that it's
17 kind of dumb, to be honest with you. We're not doing it in
18 front of customers. We're talking to each other about it in
19 the backroom.
20 Q That -- that's fair, as far as the criticism of the
21 policy. I understand. Do you believe that -- your
22 understanding of the policy -- is there a -- a time when
23 either -- well, any partner can go too far with cursing?
24 A Yeah, absolutely.
25 Q Can you give me an example, in your mind, outside of with

1 a customer? I get that.
2 A Of somebody going too far with cursing?
3 Q Yes.
4 A I mean, if somebody calls somebody a slur, that would
5 probably be pretty bad.
6 Q Okay. And that would be partner to partner, some type of
7 activity?
8 A It can be partner to partner. It could be, yeah.
9 Q Okay. Let's talk about the specific incidences that you
10 brought -- brought up. One, you talked about -- this sounded
11 like it was a different store, a different manager -- the Nazi
12 that came into the store?
13 A Yeah, that was the first manager, Taylor Pringle.
14 Q Okay. So not -- not Jer? I'm just making sure I
15 understand.
16 A Yeah, not Jer.
17 Q Before his time?
18 A Yep.
19 Q All right. And I can't remember exactly -- it was you who
20 called him a fucking asshole?
21 A Yeah.
22 Q Okay. Understandable, I assume, under -- under the
23 circumstances. But Taylor said nothing to you?
24 A Taylor said nothing to me, no.
25 Q Okay. Were there any other customers around at the time?

1 A No. It was super dead that day.
2 Q Okay. So he was the only one in the -- in the store?
3 A It was -- there was Taylor, myself, and then another
4 employee that I don't remember. I just remember there being
5 three of us.
6 Q Got it. And outside of that, have you ever made a comment
7 regarding a customer or cursed at a customer before?
8 A Cursing at a customer before? Yeah.
9 Q You have?
10 A Yeah.
11 Q Okay. Can you tell me about that?
12 A Yeah. A customer called me a faggot, and I told him to
13 get the fuck out.
14 Q Okay. When was this?
15 A Probably a year ago.
16 Q At 5th and Pike?
17 A Yeah.
18 Q And you weren't disciplined for that?
19 A No, I wasn't.
20 Q Did anybody witness that?
21 A It's very possible. It was during a busy day.
22 Q But you can't be sure?
23 A But I can't be sure.
24 Q Okay. And I'm guessing you didn't self-report, right?
25 Hey, I just called somebody a -- or told somebody to get the

1 fuck out?
2 A No.
3 Q The second incident I have you just vaguely talking about
4 was -- Christy Ferguson and Ryan Lassiter were present. You
5 remember that?
6 A Yes.
7 Q Okay. And -- oh, this is the -- sorry. There was three.
8 So -- okay. So you had mentioned that you were scheduled with
9 somebody you said was sexually harassing you?
10 A Yes.
11 Q That was another partner at the store?
12 A Yes, it was.
13 Q Okay. Was that the first time you've ever been scheduled
14 with that person?
15 A No.
16 Q Okay. What about that particular day sort of set you off?
17 A So the day prior, I had also worked with that partner.
18 And they had said -- they -- they had said a couple of things,
19 in the past couple of months before that, that seemed sexually
20 charged and disrespectful to the boundaries of my relationship,
21 asking, you know, is your girlfriend actually really your
22 girlfriend, or have you ever been with a dude before?
23 And the -- the night before this day, I went home, and I
24 talked to my girlfriend about what he had said about asking if
25 I had been with another man. And she said that that sounds

1 like sexual harassment. And I had never been sexually harassed
2 before that I could understand, and so it did make me very
3 emotional to feel that way. And so when I came in the next
4 day, after realizing that and seeing him there, it was very
5 kind of like emot -- I was very emotionally charged.
6 Q And this conversation -- I can't remember where you said
7 you had it. Did you say you had it in the back of the house or
8 somewhere else?
9 A It was in the lobby.
10 Q Okay. And was anybody present, other than the three of
11 you?
12 A There was customers but no, like -- no -- nobody with us.
13 Q What was the volume of your speech, when you were talking?
14 Were you talking quietly, or were you talking pretty loudly?
15 A I was talking pretty quietly. I was pretty, like, shaken
16 up. And so you know, I wasn't projecting, necessarily, like
17 this.
18 Q Yeah. And do you think you should have been disciplined
19 for that?
20 A No.
21 Q Okay. And why not?
22 A Because I -- I was experiencing sexual harassment, and I
23 was very emotionally charged. And I would hope that somebody
24 would understand those circumstances can make somebody say
25 something.

1 Q Circumstances do, and I think I agree with you. So in
2 that circumstance, do you think, or do you know, if Christy and
3 Ryan sort of decided, well, I'm going to take care of you
4 instead of dis -- determine whether to discipline you or not?
5 A I have --
6 MR. MCCASKEY: Objection, Your Honor. Calls for
7 speculation.
8 MR. KIBBE: If he knows.
9 JUDGE MONTEMAYOR: If you know. I'll allow the question,
10 if you know.
11 A That would be speculation.
12 Q BY MR. KIBBE: Well, do you know or not? That's what I'm
13 asking.
14 A No, I don't.
15 Q Okay. I think you mentioned something about Jer calling a
16 customer an asshole; is that right?
17 A Yes.
18 Q That was in the back of the house?
19 A That was in the back of house.
20 Q Okay. And was this customer an asshole?
21 A I feel like --
22 MR. MCCASKEY: Objection, Your Honor. Speculative.
23 Relevance.
24 Q BY MR. KIBBE: In your mind.
25 MR. MCCASKEY: Again, relevance.

1 MR. KIBBE: I'm just trying to get context, Your Honor.
2 JUDGE MONTEMAYOR: I'll -- I'll allow the question.
3 A Yes.
4 Q BY MR. KIBBE: Okay. And why?
5 A I don't remember why.
6 Q You just remember he was?
7 A Yeah.
8 Q Okay. All right. And then the last one I had written
9 down was a conversation that you and Christy had, where she
10 said, hey, I'm having a really shitty day, in the back of the
11 house. Is that right?
12 A Yes.
13 Q Okay. Have you heard her cuss before?
14 A No. She's a very straight and narrow person.
15 Q Okay.
16 A So I was a little bit surprised whenever I heard her say
17 that.
18 Q Circumstances, in that situation -- you were both having
19 really bad days?
20 A Yes.
21 Q Okay. Did you feel like you needed to report Christy for
22 pro -- profanity?
23 A No.
24 Q Okay. Would that be for the same reasons -- like,
25 essentially, you don't think the policy is legitimate, I guess?

1 A Yeah. I --
2 Q It's not a big deal -- I think is what you're trying to
3 say.
4 A Yeah.
5 Q Okay. And you've never disciplined any other barista that
6 works under you for cursing, have you?
7 A The only times that that has happened is whenever it's
8 been on the floor. I've just said, keep it off the floor. You
9 know, if you need to curse, do it in the backroom so that
10 customers don't hear it.
11 Q Right. So -- so there's a -- again, that line -- there's
12 a line between, you know, where it's appropriate and where it's
13 not? Is that what your understanding is?
14 A For me, yes.
15 Q Okay. And that's how you would enforce the policy,
16 yourself?
17 A Yeah.
18 Q Okay. Now, can you imagine a situation where a barista is
19 cursing in the back of the house that would require you to
20 maybe raise that issue up to a store manager?
21 A Absolutely. If it was any sort of, like, defamation or a
22 slur, anything sort of charged at another person for something
23 that they can't control -- you know, identity, politics, things
24 like that.
25 Q That you'd -- and I understand you're not in charge of

1 disciplining people, right?
2 A I have a small amount of discipline I'm able to give.
3 Q Tell me about that.
4 A The -- so I can, like, send people home if -- if I feel
5 like they are messing with the structure of the day because of
6 their attitude, I can send them home. If they're out of dress
7 code, I can send them home. I've never done this, but I am
8 allowed to do that.
9 Q Is -- I'm assuming your style is more coaching instead of
10 disciplinarian.
11 A Yeah, I want to see people succeed.
12 Q Your relationship with the store managers that we've
13 talked about so far, I'll clump them all together for -- just
14 expediency. Taylor, Jer, Jeremy. Those are the three store
15 managers at 5th & Pike, right?
16 A Christy was also.
17 Q And Christy, sorry. Those four -- did you have good
18 relationships with all four?
19 A I would say I had -- I had good relationships. I don't
20 think any of them were considered negative.
21 Q Did you feel like you could be open and honest with all
22 four of them?
23 A Yeah.
24 Q Did you -- did you feel like, I don't want to say equal,
25 but did you feel like a colleague?

1 A No.
2 Q And what was the difference between your role and their
3 role in your mind?
4 A They can fire me.
5 Q Okay. And other than that? Did -- did you ever fear --
6 have you ever been disciplined before?
7 A No, I've never been disciplined.
8 Q Okay. Have you ever been coached by any of those four?
9 A For job related activities. There was a time where I'd
10 forgotten to take the temperatures at night before we had an
11 automated temperature system, and I got coached on that. But
12 nothing serious. Never had a write up or anything.
13 Q Okay. When you were shown -- going back to the
14 policies -- apologize about jumping around, but when you were
15 shown the policies in February that are in front of you --
16 A Yeah.
17 Q -- did Jer ask you to show these policies to any other
18 baristas at the store?
19 A He told me that we needed to have the baristas sign them.
20 So if we -- there was like a chart of people that had signed
21 it. And if we had a barista that was working under us, we just
22 knew that to remind them that they need to sign this for him.
23 Q Did you do that at any time?
24 A Yeah.
25 Q Did you feel like you were doing anything wrong?

1 A I felt like it was odd that we were signing this. It
2 didn't -- it -- it definitely felt retaliatory.
3 Q In what way?
4 A I have worked for Starbucks for almost seven years, and
5 the only time that they have brought something like this is,
6 you know, within a month of us saying that we were unionizing.
7 Q So you think being reminded about policies is -- is
8 retaliatory?
9 A I think that under the circumstances of when it took place
10 it seems retaliatory.
11 Q I'll refer you to General Counsel Exhibit 32 through 34
12 real quick.
13 A You said 32 through 34?
14 Q Yeah.
15 A Okay.
16 Q And I'd like you to just to go to the very bottom part of
17 each page where it gives the page number. So I'm looking at
18 Exhibit 32. Down below it says 32 of 137; you see that?
19 A 32 of 1 -- yes.
20 Q Right next to that what does it say?
21 A Right next to the 32 of 137?
22 Q Yes.
23 A REV.02.07.2022.
24 Q What does that mean to you?
25 A It doesn't mean anything for me. I don't know what that

1 refers to.
2 Q You don't?
3 A No. It looks like a date. But that's speculation.
4 Q Okay. So you were never told that they -- these have been
5 updated?
6 A No.
7 Q All right. Did you tell any of your employees that they
8 were updated, or I guess employees -- baristas that they've had
9 been updated?
10 A I had never been told that it was updated. I was just
11 told that we had to sign them.
12 Q And when you were talking to your baristas about these new
13 policies and having to sign them; what did you tell them?
14 A I just told them what -- what Jer said is that this is
15 something that we have to sign so make sure that you sign it,
16 and turn it into the --
17 Q And that's, essentially, exactly what Jer told you?
18 A Yeah. Just that I had to sign it.
19 Q All right. What about the video? You said you had to
20 watch a video?
21 A Yes, I did.
22 Q That's something you wanted to watch, right?
23 A I --
24 MR. MCCASKEY: Objection, Your Honor. Speculative. Goes
25 beyond the scope. We never addressed the video at all.

1 JUDGE MONTEMAYOR: Overruled.
2 MR. KIBBE: Thank you. Go ahead.
3 A I asked if it was a requirement, because I did not want to
4 watch the video.
5 Q Do you remember giving a statement to the NLRB?
6 A Yeah.
7 Q Do you remember telling the NLRB that you were curious
8 about the video?
9 A I was curious about the video.
10 Q That you wanted to watch it?
11 A Okay. That I want to watch it, but at -- at the same time
12 I don't want to watch it because I know what's in it.
13 Q Okay. You'd not -- never seen this before, right?
14 A No, but I knew what the context of the video was.
15 Q How did you know that?
16 A Because they had been polling baristas off of the board to
17 come in and watch this video. Hence one of them came out and
18 said, hey, this is what the video is about. So there was the
19 want to know what exactly it says, but the not wanting to watch
20 it because I know that it's anti-union.
21 Q Okay. So when you told the NLRB, I wanted to see for
22 myself what the video entailed; that's what you meant?
23 A Yeah. I wanted to know what exactly how they were being
24 anti-union. It's not that I wanted to watch this video,
25 because I wasn't looking forward to anti-union stuff. It was

1 that I wanted to see what it was about.
2 Q Okay. So when you're asking Jer if it's required, why are
3 you asking that if you want to watch it?
4 A Because anytime that there is something that has to do
5 with the union coming from the company, I just always ask if it
6 was a requirement. I just always felt like that was something
7 that I wanted to keep in my pocket in case something came up.
8 Q And this video you -- I think you said it was about 15
9 minutes long?
10 A No, I did not say that.
11 Q I'm sorry. I missed it then. Well, how long was it?
12 A I think it was like three to five minutes long.
13 Q Very short.
14 A Yeah.
15 MR. MCCASKEY: Objection, Your Honor, this is totally
16 beyond the scope of direct. There's no allegation about the
17 video.
18 JUDGE MONTEMAYOR: Overruled. Overruled. I'll allow some
19 inquiry.
20 Q BY MR. KIBBE: Three to five minutes. And what was the
21 content of the video?
22 MR. MCCASKEY: Objection again, Your Honor. Same grounds.
23 JUDGE MONTEMAYOR: Overruled. Overruled.
24 A The video was of a woman speaking, and basically talking
25 about how unions can make you pay dues. How it can sort of --

1 this isn't word for word, but there is like this bubble with
2 Starbucks with us being the partners, and management and us
3 meshing together, and how the union can come in, and kind of
4 tear that apart, and disrupt that ability to have the
5 cohesiveness together.
6 Q And after you watched the video, did you have any
7 questions for Jer or anybody else?
8 A Any questions?
9 Q About what you saw?
10 A I don't remember having any questions.
11 Q You mentioned dues a couple times, and I -- I won't spend
12 a lot of time on this, but is it your understanding that you do
13 pay dues as you're part of a union?
14 A Yes. I'm aware of that.
15 Q That was true what was being told to you, right?
16 A That you'd pay dues as a union member?
17 Q Yes.
18 A Yeah.
19 Q Okay. This might be finally. You mentioned an ASM being
20 present.
21 A Yes.
22 Q Didn't know the name.
23 A No.
24 Q I understand that. And are you sure there was an ASM
25 present?

1 A I'm fairly certain there was an ASM present.
2 Q How long, because you don't remember the name, I -- I get
3 it. How long was the ASM working at the 5th & Pike store at
4 that time?
5 A Only about a month.
6 Q So pretty new.
7 A Yeah. They -- they were kind of like an interim ASM type
8 deal. I don't think they were like full -- this is our store's
9 ASM type of deal.
10 Q And you don't remember -- do you remember if it was a male
11 or female, and I mean, I get the gender thing, but --
12 A Yeah, male.
13 Q Okay. Do you know what store this person went to?
14 A I have no idea.
15 Q So they just were there, and then they were gone at some
16 point?
17 A Yeah.
18 MR. KIBBE: Thank you.
19 JUDGE MONTEMAYOR: Redirect?
20 MR. MCCASKEY: Yes. Just one moment, Your Honor.
21 **REDIRECT EXAMINATION**
22 Q BY MR. MCCASKEY: Micah, going back to the topic of the
23 assistant store manager, could that have been Eddie Heitger, a
24 visiting assistant store manager?
25 A I think it -- I think it might have been Eddie.

1 Q Okay. I don't -- I don't know if you know this, but do
2 you mind spelling his first and last name for the record?
3 A E-D-D-I-E H-E-I-T-G-E-R.
4 Q Thank you. And for clarity, this is going back to a
5 picture with the union strong on it, in General Counsel's
6 Exhibit 5, was this a notation from a customer in their order?
7 A The union strong? Yes. That's what they wanted their
8 name put as on the cup.
9 Q Okay. So this was a -- a customer order?
10 A Yes.
11 Q And you then took a picture of that customer order?
12 A Yes.
13 Q Okay. And you're referring to the instance when you
14 changed the background for that first instance where Andrew
15 Walker (phonetic throughout) changed the background. Was that
16 also a picture of a customer order that came in?
17 A Yes, it was.
18 Q And just going back to the Taylor Pringle incident where
19 profanity was used in the workplace, this is with the Nazi who
20 came in. Was that at the 5th & Pike store?
21 A Yes, it was.
22 Q And then going to the incident where you cursed at a
23 customer. Was this before or after the petition was filed?
24 A This was before.
25 Q Yeah, and this is where they called you the F word?

1 A Yeah.
2 Q Okay. And so now moving on to General Counsel's Exhibit
3 31 through 34 into the partner resource manuals, had you ever
4 been provided with a copy of the partner resources manual
5 before, or been shown any specific policies from the partner
6 resource manual?
7 A Is that referring to the -- the partner guide?
8 Q No, sorry. And this is just -- so this is Exhibits 32
9 through 34 --
10 A Okay.
11 Q -- it says partner resources manual at the top.
12 A Okay. Yes, yes.
13 Q Had you ever been provided with a copy of the partner
14 resources manual, or shown any specific policies from this
15 partner resources manual?
16 A Not that I can recall.
17 Q Is the partner resources manual something that you have
18 access to?
19 A I don't want to say for certain. I would imagine that
20 it's accessible.
21 Q And did Jer provide you copies of these three policies
22 that you signed off on?
23 A No. I was not provided copies.
24 Q And did he mention why he wasn't providing you with any
25 copies?

1 A No, he did not.

2 MR. MCCASKEY: No further questions, Your Honor.

3 JUDGE MONTEMAYOR: Any further questions?

4 MR. KIBBE: I don't have any. Thank you.

5 JUDGE MONTEMAYOR: Thank you so much for your

6 participation today. We appreciate you coming and spending

7 time with us. You're excused.

8 THE WITNESS: Of course.

9 JUDGE MONTEMAYOR: You may step down.

10 THE WITNESS: Thank you.

11 MR. KIBBE: And on the record I'm returning the Jencks

12 statement.

13 MS. DEVLEMING: Thank you very much. Received.

14 MR. KIBBE: Thank you.MC

15 JUDGE MONTEMAYOR: Jencks materials have been returned so

16 we will go off the record for a moment.

17 (Off the record at 10:59 a.m.)

18 JUDGE MONTEMAYOR: On the record. We begin by having you

19 sworn, so please raise your right hand.

20 Whereupon,

21 **MARI COSGROVE**

22 having been duly sworn, was called as a witness herein and was

23 examined and testified as follows:

24 JUDGE MONTEMAYOR: Begin by stating and spelling your name

25 for the record.

1 THE WITNESS: Mari Cosgrove, M-A-R-I C-O-S-G-R-O-V-E.
2 JUDGE MONTEMAYOR: Counsel, you may begin.
3 MS. DEVLEMING: Thank you, Your Honor.
4 **DIRECT EXAMINATION**
5 Q BY MS. DEVLEMING: Good morning still, Mari; how are you
6 doing?
7 A Good, how are you?
8 Q Is it okay if I call you Mari today?
9 A Yes, please.
10 Q What are your pronouns?
11 A They/them.
12 Q Have you ever worked for Starbucks corporation, the
13 Respondent in this case?
14 A Yes.
15 Q When were you first hired by Starbucks?
16 A I was first hired in May of 2014, and then I was hired a
17 second time in September or October, of 2017.
18 Q Did you have a gap in service?
19 A Yes. I had a brief like year, year and a half gap.
20 Q Where -- which store do you work at now?
21 A I currently work at the Seattle Capitol Hill Roy Street.
22 Q Have you ever worked at the 5th & Pike store?
23 A I did, yes. That was the store I worked prior to April
24 this year.
25 Q And do you remember when you started there?

1 A I started in August of 2022.
2 Q Have you ever worked at any other stores other than the
3 ones you've mentioned?
4 A Yes. I've worked at a lot of stores. Before the 5th &
5 Pike store, I was at the 505 Union store in the International
6 District. That one was shut down last year.
7 Q Any other stores?
8 A Yes. Do you want me to list all of them?
9 Q Sure.
10 A Okay. Before that, I worked at the Green Tree Plaza store
11 in Everett, Washington. Before that I worked at 145th & 15th
12 in Seattle. Before that I worked at Northgate Mall. And then
13 the time before that, I was at the Lake Forest Park store in
14 Lake Forest Park, Washington. Those -- I was all -- I was at
15 most of those for about a year, maybe a little bit more.
16 Q What was your job title at 5th & Pike?
17 A I was a shift supervisor.
18 Q And in your own words what are you duties as a shift
19 supervisor?
20 A I do everything a barista does, and then I also take care
21 of cash handling, inventory management, and barista deployment
22 on the floor.
23 Q Who was 5th & Pike's store manager while you were there?
24 A We had two store managers when I first came there. Well,
25 I had three, sorry. We had Christy Ferguson and Stephen

1 Butler -- Button, for the first month or two months that I was
2 there. And then afterwards, we had Jeremy Strickland from
3 about November until when I left.
4 Q And again this is in about August, 2022 when you first
5 started?
6 A Yes.
7 Q I don't think we've heard the name Stephen Button. Can
8 you spell his name for the record?
9 A Yeah. I -- I'm not sure if I'm getting his last name
10 right, but Stephen S-T-E-P-H-E-N. And then I believe it's
11 Button, B-O-T-T-O-N.
12 Q Who was 5th & Pike's district manager while you were
13 worked there?
14 A Ryan Lassiter.
15 Q Was Amy Quesenberry, or Quesenberry, ever your district
16 manager at 5th & Pike?
17 A No, that was before my time.
18 Q Did 5th & Pike have an assistant store manager when you
19 worked there?
20 A Yes. Maribeth Fabley (phonetic throughout) was the
21 assistant store manager the entire time.
22 Q Do you know when Maribeth had come on at the store?
23 A I'm not sure when. As far as I knew it was not so long
24 ago before I started.
25 Q Do you know if the store had had an assistant store

1 manager just before Maribeth?
2 A I'm not sure.
3 Q The record reflects that baristas and shift supervisors at
4 5th & Pike have been represented by the Charging Party Union in
5 this matter since the store was certified on June 14th, 2022.
6 As a shift supervisor at 5th & Pike, were you represented by
7 the Union?
8 A Yes.
9 Q Are you a member of the Union?
10 A Yes.
11 Q Do you serve on any committees for the Union?
12 A Yes. I am primarily on the national bargaining committee
13 for the national Union.
14 Q What does being on the national bargaining committee
15 entail?
16 A I work on proposals for the contract that we are eager to
17 bargain for. I also work with effects bargaining situations.
18 I help with effects bargaining for temporary store closures and
19 permanent store closures.
20 Q Do you have any involvement with regional bargaining?
21 A Yes. I, primarily, attend those in person, or I do
22 support trainings for people. I've done ones for 505 Union --
23 effects bargaining agreements, for 505 Union, Olive Way, and
24 Broadway and Denny, and then I've provided support for other
25 closures in the region.

1 Q And when you say closures?
2 A Like stores closures. 5th & Oak just got out of their
3 effects bargaining yesterday for their store closure.
4 Q Okay. Shifting gears. Does the 5th & Pike store have a
5 policy requiring shift supervisors to check in their manager
6 when they arrive to work?
7 A Not to my understanding. I've -- I don't recall that kind
8 of policy.
9 Q Do you know what the term check in means?
10 A It's vague, and I could guess at what it could mean, but
11 as far as I understand that doesn't have like a Starbucks
12 specific definition.
13 Q At 5th & Pike, were you ever trained about the importance
14 of checking in the store manager?
15 A No.
16 Q To your knowledge while you were at 5th & Pike, were shift
17 supervisors routinely coached or written up for not immediately
18 checking in a store manager?
19 A No, not when I got there.
20 Q While you worked at 5th & Pike, were there other occasions
21 where the store's opening hour was pushed back, or the store
22 was closed for the day with short notice?
23 A Yes.
24 Q And in your experience when those things happened, how did
25 store management communicate to the partners who would be

1 affected?
2 A Typically speaking, if it was the hours were shortened
3 because we weren't able to open on time, they would call the
4 store -- like the partners that were scheduled, and then if we
5 couldn't get a hold of -- or if the manager couldn't get a hold
6 of that partner, they would then leave a voicemail, and then
7 usually also text me.
8 Q While you worked at 5th & Pike, how did 5th & Pike
9 management handle employees cussing or swearing at work?
10 A I did it all the time and no one ever said anything.
11 Q And when you say no one, are you referring to management?
12 A Management, yes. I would regularly use strong language in
13 front of Maribeth Fabley and Christy Ferguson, and neither ever
14 told me anything.
15 Q When you did that, did they respond in any way, verbally
16 or non?
17 A No. Not at all.
18 Q What -- is your -- do you have an understanding of whether
19 there's a policy about where, or under what circumstances you
20 can swear at work?
21 A I wouldn't -- I don't know if there's an official policy
22 on it. I know that generally speaking it's like don't do it
23 loudly in front of or to customers. That being said, I've --
24 have sworn on the floor in front of customers, or with them, in
25 those situations where I wasn't ever spoken to.

1 Q Was that at 5th & Pike?
2 A Yes.
3 Q Were you ever disciplined for that?
4 A No.
5 Q Does Starbucks have a written policy about swearing?
6 A There might be but I'm not aware of it.
7 Q Has Starbucks ever followed up to show you such a policy,
8 or remind you of such a policy throughout your tenure?
9 A No.
10 Q Can you remember any specific examples of the times you've
11 sworn in front of managers?
12 A Yeah.
13 Q At 5th & Pike?
14 A Yes, at 5th & Pike. There was a time when I was on
15 warming food station with another employee. We had sold out of
16 the food that I wanted to get for my markout. I was very
17 hungry, and I said that this day was absolute hell to my
18 coworker. Maribeth Fabley was right next to me and heard me
19 clearly, didn't say anything. I also just -- so casually just
20 say F bombs all the time and have never been spoken to about
21 that.
22 Q So first, the example you gave about saying this day was
23 hell.
24 A Yes.
25 Q Do you remember roughly when that was?

1 A It was probably within the first two months of me getting
2 there. It was kind of a hard transition for me, and so I was a
3 little more spicy with my language then. So August or
4 September of last year.
5 Q Why was it a hard transition?
6 A My store had just gotten shut down. And so I went from a
7 location that I knew really well with people I knew really
8 well, to a new team that was super cool, but it was still a
9 very different experience for me.
10 Q And then you said you, all the time, and I'm sorry I have
11 forgotten, did you say you use the F word --
12 A Yes.
13 Q -- in front of managers all the time?
14 A Yeah. In the backroom constantly.
15 Q And when you say constantly, like --
16 A Not like every other word.
17 Q In an average month, how often, how many times?
18 A Not like every other word, but I would say it would be a
19 weird calm shift if I didn't like casually say fuck throughout
20 the day. Like at least once.
21 Q Including on the floor?
22 A Including on the floor, yeah.
23 Q Were you ever coached, or disciplined in any way --
24 A Never, sorry.
25 Q -- while cussing -- cussing at 5th & Pike?

1 A Terribly sorry. No. Never.
2 Q Did you ever witness any of your coworkers cursing at 5th
3 & Pike?
4 A Yes.
5 Q Had -- did you ever witness management coaching, or
6 disciplining, your coworkers for such cursing?
7 A No.
8 Q What about managers themselves? Have you ever seen a
9 manager cursing at work at 5th & Pike?
10 A It's so casual to curse at a Starbucks, that I really --
11 it would be hard to draw a specific one. Maribeth used to say
12 like, just kind of casually in her language like hell or damn.
13 But it was always very like upbeat, and so I never thought to
14 be like don't cuss because we all did.
15 Q And that was during your time --
16 A During my time there, yeah.
17 Q Do you know if Maribeth was ever coached, or disciplined,
18 over that -- those cuss words?
19 A I wouldn't know.
20 Q At any point while you worked at 5th & Pike, did
21 management announce that it would be enforcing a stricter rule
22 against using profanity in the workplace going forward?
23 A No.
24 Q Now, I'd like to transition to another subject.
25 MS. DEVLEMING: And, Your Honor, may I approach the

1 witness? I've shown the witness what's been marked for
2 identification as General Counsel Exhibit 35.
3 Q BY MS. DEVLEMING: Mari, can you take a minute to look
4 over that and let me know when you're ready.
5 A Yes.
6 Q Do you recognize this document?
7 A Yes.
8 Q And when I say this document, just a note, I should have
9 redacted the top which reflects a name of a colleague of mine,
10 Helena Fiorianti. But I'm referring to where it says,
11 forwarded message, and I see your name on Tuesday, September
12 27th.
13 A Yes.
14 Q Do you recognize this?
15 A I do, yes.
16 Q What is it?
17 A It is an email I sent to Ryan Lassiter with a few
18 questions on policy.
19 Q Why did you send this email?
20 A I sent this email because I had attempted to contact our
21 company's HR to get some clarity on some questions I had about
22 policy, and HR told me I had to talk to Ryan Lassiter. Ryan
23 doesn't tend to come into the stores unless I email him, and so
24 this was my attempt to talk to him.
25 Q Okay. And I want to -- want to zero straight in on point

1 3.

2 MS. DEVLEMING: Well, first, Your Honor, I would offer --

3 offer General Counsel Exhibit 35.

4 JUDGE MONTEMAYOR: Any objection to 35?

5 MR. KIBBE: No objection.

6 JUDGE MONTEMAYOR: 35 will be admitted.

7 **(General Counsel Exhibit Number 35 Received into Evidence)**

8 Q BY MS. DEVLEMING: For the purposes of today's hearing, I

9 want to focus on number 3 only. It reads, "Will a crew board

10 be removed for the coat rack to be installed will be moved to

11 another location". Do you remember why you asked those

12 questions?

13 A Yes. I had -- was in a shift supervisor meeting with

14 Christy Ferguson in the recent past of this email, and it was

15 announced that our crew board would need to get moved, or

16 potentially removed. Christy wasn't able to give me further

17 clarification on that, whether it would be moved -- or removed,

18 and what date. She said she had to check in with Ryan. At

19 this point, we hadn't received any information, and I wanted to

20 know when that would happen.

21 Q I'm sorry, did you say when that meeting with Christy had

22 taken place?

23 A Sometime in the recent -- like probably within a few weeks

24 before this email.

25 Q What is the crew board?

1 A The crew board has a lot of names. That's just what I
2 call it and a couple others had. It was a bulletin board in
3 the back of house in the office where we took our breaks
4 regularly. There was a coat rack, and then right above the
5 coat rack we had this giant bulletin board, cork board. And it
6 had a bunch of cute things on it. It had quizzes that we gave
7 each other, personal items, gift cards that customers had given
8 us that we thought were cute. I would also post union notices
9 on there occasionally. They got taken down really quickly
10 every time. But it was a place for partners to be able to
11 interact with each other in a asynchronous way. And then also
12 just a place for a lot of really cool memories.
13 Q When you say you would post union notices on it
14 occasionally, about how many times did you do that?
15 A I would probably say like over a dozen. I gave up after a
16 while, because they would get taken down very quickly.
17 Q And this is during your tenure at 5th & Pike --
18 A Yes.
19 Q -- so starting August, 2022? What kind of union notices
20 would you post?
21 A Mostly like updates to NLRB cases. Especially if they
22 were in a cute little summary form. The NLRB case updates can
23 be a little dense for baristas, and so I would post like oh
24 hey, this injunction happened or what not. As well as like if
25 other stores were filing, or if other stores had won their

1 election, that kind of thing.
2 Q And you used the word "we" to say we posted cute notes;
3 who's we?
4 A Oh, sorry. We posted cute notes as in the other of my
5 coworkers. Laurelle was a worker that likes to post quizzes.
6 She would just kind of serve us quizzes in the middle of our
7 shift. There was some doodles and post-it notes from a couple
8 of my other coworkers. It was used by, I want to say, most
9 people in the store.
10 Q Do you remember Laurelle's last name?
11 A I don't remember Laurelle's last name.
12 Q Do you know how to spell her first name?
13 A Yes. L-A-U-R-E-L-L-E. There might be two Rs.
14 Q So you're asking will it be removed? When did -- oh, I'm
15 sorry. Did you -- when Christy Ferguson told you that it might
16 have to be removed, but she had to check up on that, how did
17 you respond if at all?
18 A I told her that I would be -- I would love to find a new
19 place for the board. There is a spot outside of the office in
20 a hallway that would have been a perfect spot for it. And that
21 was the end of the conversation. It was a very fast update
22 that she would have to get back to us.
23 Q Is that how she responded to -- was that how the
24 conversation ended?
25 A Yeah.

1 Q Did you follow up with Christy Ferguson about the subject
2 of the crew board after that meeting?
3 A I don't think so. No. Most things had to get escalated
4 to Ryan for me to get a firm answer.
5 Q Did Christy say who she needed to talk to to get a firm
6 answer? Whoops, excuse me, sorry.
7 A I want to say it was Ryan Lassiter. That's generally who
8 she had to go for answers.
9 Q And you referred to a coat rack. Can you tell us a little
10 bit more about what the coat rack was?
11 A Yeah. So there is -- there was already one coat rack in
12 the back room underneath the crew board. It has five or six
13 coat hooks. It's about three-four feet long, maybe. Probably
14 closer to three. And then it's for us to put our bags, and
15 coats, and belongings on while we're working. We were told
16 that the crew board had to get moved or removed, unknown, to
17 install a second coat rack just above the first.
18 Q Did management use the crew board ever?
19 A No.
20 Q Do you know who took the union notices down when you
21 noticed that they'd been taken down?
22 A I never saw who did it specifically. But whenever I
23 posted them if a manager, or assistant manager, or district
24 manager was in the building when it was up, it would be down by
25 the end of that person being there.

1 Q Within the same day?
2 A Within the same day.
3 Q What about --
4 A Some --
5 Q Oh, go ahead.
6 A Sometimes if it was -- if I was working close to close,
7 and it was able to stay up overnight, sometimes it was still
8 there the next day. I don't work early mornings. By the time
9 I would come in, a manager would usually be in, and the notice
10 would be gone.
11 Q What about shifts where there was no manager there?
12 A The notices would stay up.
13 Q At any point, did management tell you you couldn't post
14 certain things on a crew board?
15 A No, not on the crew board.
16 Q Did Lassiter ever respond -- I'm sorry. I offered this,
17 yes I did. Okay. Did Ryan Lassiter ever respond to your
18 September 27th email shown in GC 35?
19 A No. He doesn't respond to my emails.
20 Q And he didn't respond to this one?
21 A No.
22 Q Did you ever discuss this email with him in person?
23 A Yes. I believe if not the next day, within a week of it.
24 Q Where did you have this in person discussion with Ryan?
25 A It was in the back office where the crew board is. In the

1 back office.
2 Q At 5th & Pike?
3 A Yes.
4 Q How did the conversation begin?
5 A It began with Toddy, another worker at the store, told me
6 Ryan was in the building. I went back to talk to him. We
7 talked about a couple things -- the questions I have outlined
8 here we basically went point by point on them. And then when
9 we talked about the bulletin board, it was a very brief we
10 don't know if it's going to be moved or removed. I had asked
11 more about like well, like we will get notice so we can claim
12 our stuff? And he said, "I don't know when it's going to
13 happen".
14 Q You mentioned the name, Toddy.
15 A Yes.
16 Q Who's Toddy?
17 A Toddy Gerardino is another shift supervisor at 5th & Pike.
18 Q And I think we have the spelling in the record. Was Toddy
19 present for this conversation with Ryan?
20 A He wasn't in the office, he was -- sorry, they were around
21 the corner of the back room within general ear shot.
22 Q Was anyone else present for your conversation with Ryan?
23 A No. We were a little short-staffed that day.
24 Q Okay. So focusing in on the bulletin -- the crew -- crew
25 board aspect of the conversation, what exactly -- did you

1 speak?
2 A Yes.
3 Q What did you say to Ryan?
4 A I asked if the board has to removed where will it be moved
5 to, because it's a part of the store's like culture. That was
6 met with, "I don't know when it's going to be moved and we need
7 to look into whether we can move it, or if it needs to be moved
8 entirely". At that point, nothing about personal items was
9 said. The crew board, if I am Ryan Lassiter this moment was
10 like literally arms reach right here at that time.
11 Q And you're kind of motioning midway in the air with your
12 right arm --
13 A Yes.
14 Q -- so just a few feet away from you?
15 A Yes. Sorry, I forgot the transcript. Yeah, it's about --
16 about four feet off the ground, probably about three feet away
17 from him maximum.
18 Q You just mentioned that you told Ryan the crew board was
19 part of the store's culture; what did you mean by that?
20 A It really held a lot of sentimental and personal items to
21 the workers there. There was pictures that were taken, notes
22 from workers that were no longer at the store. Thinking about
23 just mental inventory what was on that board. Most of those
24 workers were integral parts of the vibe at 5th & Pike, and they
25 no longer worked at that store. But it's those memories that

1 we really cared about still and helped kind of continue to
2 shape the culture at 5th & Pike.
3 Q And how -- did Ryan respond when you mentioned how
4 important this was to the store's culture?
5 A No.
6 Q Did Ryan tell you when the bulletin board was going to be
7 removed?
8 A No.
9 Q Did he confirm that it was going to be removed?
10 A No. He said it -- we're looking into if it needs to be
11 removed or moved still.
12 Q How long did this conversation with Ryan last?
13 A Not terribly long. May -- more than ten, maybe less than
14 25 minutes; probably around 20.
15 Q And is that the whole conversation about the three
16 subjects?
17 A Yes.
18 Q Or just the portion about the bulletin board?
19 A Yes. Sorry. That would be the whole conversation. The
20 portion about the bulletin board was very short, maybe three to
21 five minutes maximum.
22 MS. DEVLEMING: Your Honor, I'm showing the witness what's
23 been -- my copy's not marked I hope everyone else's is. What
24 has been marked, I hope, as -- for identification as General
25 Counsel Exhibit 36.

1 Q BY MS. DEVLEMING: Mari, can you take a minute to look
2 over this document; it is two pages. And let me know when
3 you're done.
4 A Yes.
5 Q And again, ignoring the header at the top with my
6 colleague's name, starting at the forwarded message for Mari
7 Cosgrove, do you recognize this document?
8 A Yes.
9 Q What is this?
10 A This is a strike notice I emailed at 2 a.m. for the
11 November 17th strike that we participated in.
12 Q And is page 2 the actual strike notice?
13 A Yes. This is the attachment -- the PDF attachment.
14 Q To the email?
15 A Yes.
16 Q And I see this kind of arrow, the question mark with red
17 cup logo.PNG in the middle.
18 A Yes.
19 Q What does that show?
20 A That is the same PNG that you'll see on the next page at
21 the top. The Starbucks Workers United circle with the gray
22 chant and bauble. It's a special union logo we did for this
23 event.
24 Q The red cup event?
25 A Yes.

1 Q Is that what you're referring?
2 A Yes, the red cup event.
3 Q What was the red cup -- very briefly, what was the red cup
4 event?
5 A Yes. Briefly, the red cup event for Starbucks is where we
6 give away promotional cups that give you a discount, limited in
7 quantities so it drives a lot of business to the stores.
8 Traditionally, we are horribly understaffed and stressed out
9 the entire time. And so because Littler has -- sorry, because
10 Starbucks keeps walking out on bargaining was our justification
11 for walking out on Red Cup Day.
12 Q And that was November 17th?
13 A Yes. It was a part of a nationwide action in several
14 stores.
15 Q I think you've already made this clear, but I see the
16 Jeremy Strickland. Was that your store manager?
17 A That was my store manager, yes.
18 Q Did Lassiter or Strickland respond to this email at --
19 with the strike notice attached?
20 A No.
21 MS. DEVLEMING: Your Honor, I'd offer General Counsel
22 Exhibit 36.
23 JUDGE MONTEMAYOR: Any objection to 36?
24 MR. KIBBE: No objection.
25 JUDGE MONTEMAYOR: 36 will be admitted.

1 **(General Counsel Exhibit Number 36 Received into Evidence)**
2 Q BY MS. DEVLEMING: Mari, what was the status of the
3 store's crew board as of the day before you went on strike?
4 A I didn't work that day. I tend -- typically have
5 Wednesdays and Thursdays off. My latest memory of the board
6 and store was on the Tuesday. Nothing had changed.
7 Q And that's Tuesday, November 15th?
8 A Yes.
9 Q And when you say nothing had changed, it remained up in
10 the store?
11 A Yes.
12 Q Did employees at the store, in fact, go on strike on
13 November 17th for Red Cup Day?
14 A Yes.
15 Q What time did you arrive for the strike that day?
16 A I had planned to be there around 8 or 9; I ended up being
17 in town closer to, sorry at the store, around 7 a.m., after I
18 heard that the store was being opened by scabbing employees.
19 Q And when you say, scabbing employees?
20 A Non-unit members working in my store.
21 Q Do you remember who specifically?
22 A Yes. Jeremy Strickland, Maribeth Fabley, I believe
23 Ryan -- yeah, Ryan Lassiter was there. All those three. Later
24 in the day Christy Ferguson joined them.
25 Q When you arrived at 7:30, did you see them in the store?

1 A Yes.
2 Q What time did you leave the strike that day?
3 A I believe we concluded the picket line at 2:30 p.m.
4 Q And that's when you left as well?
5 A Yes.
6 Q Did you see any technicians, or a facilities department
7 staff, or maintenance type people entering the store during the
8 strike?
9 A I didn't see anyone I didn't recognize in the store. It
10 was just the four people that I mentioned already.
11 Q At some point, was the store's crew board taken down?
12 A When -- as far as I understand, it would have came down
13 that day. Because when I came in the next day, I was talking
14 to my coworkers, went to go put my bag away, and there was two
15 coat racks, and no crew board. I talked to my coworkers asking
16 them what happened, and everyone said the board was missing
17 this morning.
18 Q And this is the day after strike, November 18th?
19 A Yes.
20 Q Did you see the board being taken down?
21 A No.
22 MS. DEVLEMING: Your Honor, I have shown the witness
23 what's been marked for identification as General Counsel
24 Exhibit 37.
25 Q BY MS. DEVLEMING: Sarah, do you recognize this document?

1 A I'm Mari still.
2 Q I'm sorry.
3 A No problem.
4 Q Thank you.
5 A Yes, I do recognize this.
6 Q Thank you, Mari. What is this?
7 A This is a picture of our back of house area where we hang
8 up our coats and bags. There -- where that second topcoat rack
9 is, we -- is where the crew board used to be. This is a
10 picture I took on my phone the day after the strike.
11 Q On November 18th?
12 A Yes.
13 Q And in the middle just under the coat hooks, it looks like
14 there's some kind of text but it's very small.
15 A Yes.
16 Q For the record, do you know what that reads?
17 A I do, yes. That is a sticker that says returning soon.
18 It is an official Starbucks sticker meant to be used on our
19 menu boards for when we are out of an item, but it will be
20 coming back soon. Like usually the next day, like chai, or
21 something like that. So I was the one that put it there. I
22 put it where the crew board used to be to help lift the spirits
23 of my coworkers who were upset that day.
24 Q Was it your understanding that it would be returning?
25 A I -- it was my hopes, wishes, and desires that it would be

1 returning. But as far as I was aware, it wouldn't be for -- I
2 hadn't asked anyone yet but that's them.
3 Q Did you tell any of your coworkers that you were putting
4 that sign up?
5 A Yes.
6 Q Did you have their support?
7 A Yes.
8 Q Did you talk to management about the disappearance of the
9 crew board?
10 A Yeah. That day I talked to three separate managers. I
11 don't remember which ones I talked to first. But I talked to
12 Jeremy Strickland, Maribeth Fabley, and Christy Ferguson all
13 separately.
14 Q To be clear, did you find the crew board moved to
15 somewhere else in the store, that day?
16 A No. I talked to Jeremy about where it might have gone,
17 since it was his store, and we have random old junk lying
18 around that needs to get removed from the store. Jeremy and I
19 looked around in our various storage areas, and in the dumpster
20 area as well, and we couldn't find the board contents.
21 Q It wasn't kept with all other things that needed to be
22 removed?
23 A No.
24 Q Did you talk to Jeremy Strickland about where it had gone?
25 A Yes.

1 Q What did he -- did he know?
2 A No. He -- what he told me was there are several jobs that
3 have to be done when you're closing a store, and they closed
4 around 2ish yesterday, 2-2:30. Or sorry, the day before of
5 this memory. So on the day of the strike, Jeremy was in charge
6 of cleaning the front of house area, mopping the floors. Ryan
7 Lassiter was in the back of house the entire close. Jeremy
8 told me that by the time he was done taking care of the floors
9 in the front of house area, the board had been removed, and he
10 didn't see where the belongings went.
11 Q Did Jeremy mention if anyone else had been in the store
12 other than the managers you named?
13 A He didn't mention anyone.
14 Q Did you talk to any other managers about the disappearance
15 of the crew board?
16 A Yeah, I talked to store manager Christy Ferguson, and
17 assistant store manager Maribeth Fabley.
18 Q Is this on the same date, November 18th?
19 A Yeah.
20 Q What did Christy say?
21 A Christy said that she wasn't sure where the belongings
22 went, and she would get back to me.
23 Q What about Maribeth?
24 A I don't remember exactly what she said, but likely around
25 this -- I think she probably just told me no, frankly. Like I

1 don't know. Not the most helpful person.
2 Q Did you talk to anyone else in management about the
3 disappearance of the crew board?
4 A Not that day. I sent an email to Ryan later.
5 MS. DEVLEMING: Your Honor, I have been showing the
6 witness what's been marked for identification as General
7 Counsel Exhibit 38.
8 JUDGE MONTEMAYOR: Counsel, before you get to 38, you did
9 not move for the admission of 37; did you intend to?
10 MS. DEVLEMING: Did I offer -- can I please offer 37?
11 JUDGE MONTEMAYOR: Any objection to 37?
12 MR. KIBBE: No.
13 MS. DEVLEMING: Thank you, Your Honor.
14 JUDGE MONTEMAYOR: 37 will be admitted.
15 **(General Counsel Exhibit Number 37 Received into Evidence)**
16 Q BY MS. DEVLEMING: Once again, disregarding the header at
17 the top which has my name in it, starting at the forwarded
18 message from Mari Cosgrove; do you recognize this document
19 shown in General Counsel 38, Mari?
20 A Yes.
21 Q What is this?
22 A This is a email that I sent to Ryan asking about the
23 status of our crew board, and where the contents went, so that
24 way I can talk to him about the situation.
25 MS. DEVLEMING: Your Honor, I'd offer General Counsel

1 Exhibit 38.

2 JUDGE MONTEMAYOR: Any objection to 38?

3 MR. KIBBE: No.

4 JUDGE MONTEMAYOR: 38 will be admitted.

5 **(General Counsel Exhibit Number 38 Received into Evidence)**

6 Q BY MS. DEVLEMING: Did Ryan respond to your email?

7 A No.

8 Q Did you end up discussing the disappearance of the crew

9 board with Ryan Lassiter?

10 A Yes. I asked him to respond via email, and he came into

11 the store the next day instead to speak to me.

12 Q Where in the store did you speak with Ryan?

13 A It was in the back of house, where we do our food prep,

14 drink prep, and it was -- it was in the back of house. There

15 was Toddy Gerardino and Cori Green there with me.

16 Q Was anyone else around other than the four of you?

17 A No.

18 Q How did the conversation begin?

19 A Originally, Ryan was asking me about a plumbing ticket of

20 sorts. I didn't understand why -- it's -- we have tickets on

21 an app that he could have looked at. So I told him, "I don't

22 know but go look at the app where you can check that". He

23 left, and then came back and said that he received my email

24 about the disappearance of the crew board.

25 He told me that it was full of personal items which aren't

1 allowed to be left on Starbucks property overnight and had to
2 be removed to install the coat rack. So I'd asked about the
3 status of the items. He told me that whoever removed the coat
4 rack, would have removed the items from the store.
5 Q Did he say who had removed the coat rack?
6 A No.
7 Q And to be clear, you said Ryan left and came back. Were
8 Cori and Toddy still present --
9 A Yeah.
10 Q -- for this portion? Can you repeat it?
11 A Sorry, yeah.
12 Q Just because we crossed paths, sorry.
13 A I'm sorry, yes. They were there the entire time.
14 Q Did Lassiter say anything else about the crew board
15 situation?
16 A He didn't like -- through the conversation I told him that
17 if he was the one that removed it, could he tell us where he
18 put our stuff. And if it was a technician, can I get contact
19 information so I can ask them about where our staff went. He
20 told me that whoever removed it would have taken care of the
21 items properly, and he can be the one to talk to the people who
22 removed it to ask about our items.
23 Q Did you raise any concern about the fact that the board
24 had been moved?
25 A Yeah. I told him that it was really hurtful that it was

1 removed, not only on the day of our strike, but with no notice.
2 To come back to the store with our things missing, and having
3 no way to reclaim them was really frustrating and broke the
4 trust of the partners in that moment with management.
5 Q How did Lassiter respond, if at all, to that?
6 A When I had told him that it wasn't something that was
7 frustrating and hurting us, I was told that my tone was
8 aggressive, and that I was being insubordinate, and at that
9 moment I felt like he was heavily implying that there was going
10 to be disciplinary action if I kept talking about the board
11 with him.
12 Q What about the aspect of you saying it was frustrating
13 that it had been removed without notice; did he respond to
14 that?
15 A He told me that there was notice. The notice was back at
16 that shift supervisor meeting where only shift supervisors were
17 present, and we were told it may or may not be moved, rather
18 than removed entirely.
19 Q Had Ryan attended that meeting?
20 A I -- no -- no, he wasn't there at that meeting. It was
21 just Christy Ferguson and Maribeth Fabley. Because Christy had
22 to check in with him later about that.
23 Q Had Christy given you clear notice at that meeting that
24 the board was going to be removed?
25 A No. It was ambiguous whether it was going to be moved to

1 a new location or removed?
2 Q Had Christy given you notice on what date it would be
3 either moved or removed?
4 A No. It was ambiguous as to when it would actually happen.
5 Q Had you ever been told before that you could not leave
6 personal items on the bulletin board?
7 A No.
8 Q How did this meeting end?
9 A I started severely limiting my responses when Ryan made it
10 clear that it -- that I would be facing disciplinary if I
11 continued to speak to him as I was trying to find more
12 information about where our belongings had gone. So I -- we
13 had ended the conversation on, can I please get the contact
14 information for who took down our board. Where Ryan then
15 reiterated that it is insubordination for me to try to contact
16 people that he needs to contact without him.
17 And so I told him okay. I will just call the HR later and
18 try and figure it out through them. I had known that if there
19 was a facilities ticket that was made to remove the board, and
20 there was someone who wasn't in the store normally removing the
21 board, like a technician, or something. We would have a ticket
22 with who did the work and what not, and I would be able to take
23 it from there.
24 Q How long did this conversation last?
25 A It would be less than 20 minutes entirety.

1 Q What was your tone during the conversation; were you being
2 aggressive?
3 A I would say it was on par with how I'm talking right now.
4 It was an emotional topic for me, because people really cared
5 about it. It was really hurtful to see how strongly people
6 were reacting when they saw it was taken down. I was also a
7 little intimidated and scared at the time, because I was -- I
8 was in a corner of the store that originally Ryan had me
9 cornered in a like one foot by two-foot space where I had
10 nowhere to go. Later because of Cori Green and Toddy
11 Gerardino, I was able to get into a more open space where I
12 felt more comfortable. But I was still in a threatened state
13 from being cornered.
14 Q Forgive me for embarrassing you, but just a note, you're
15 kind of tearing up for the record.
16 A Yes.
17 Q But when you said before said my tone during this
18 conversation was similar to my tone now.
19 A Um-hum.
20 Q Just for the record can you describe what you mean by
21 that?
22 A Yeah, yeah, yeah. It was a shaky voice, a little loud,
23 just because I don't want -- I'm trying to not have a shaky
24 voice, and that makes it a little easier if I'm a little louder
25 with it. And I believe, specifically, with the aggressive

1 comment he was referring to, he would give me very vague
2 nonspecific answers about what I was asking. Like, where did
3 our stuff go? Somewhere. And I would just keep asking like
4 where, where could it be? I was trying to get a real answer
5 out of him, not a vague hand wave, and I don't think he
6 appreciated that.
7 Q Did you take notes, or write down a summary of these
8 events?
9 A I did, yes. Since Ryan didn't email me back as I
10 requested, I sent him an email summary so that way we could
11 both be aware of the same conversation that happened.
12 MS. DEVLEMING: Your Honor, I have -- I'm showing the
13 witness what's been marked for identification as General
14 Counsel Exhibit 39.
15 Q BY MS. DEVLEMING: Mari, for the final time ignoring the
16 header, beginning with the forwarded message from Mari Cosgrove
17 about a quarter of the way down the page. This is a 2-page
18 document if you want to take a minute to review it, and then
19 let me know when you're ready.
20 A Uh-huh. Yes.
21 Q Do you recognize this document?
22 A Yes.
23 Q What is it?
24 A It is the email summary I had sent by replying to my
25 original email that I sent to Ryan about the crew board with a

1 summary of our conversation that we had.
2 Q And just very briefly turning to page 2, it looks
3 familiar.
4 A Yes.
5 Q Is that the same email from General Counsel Exhibit 38?
6 A Yes.
7 Q Okay. So we're going to ignore that. Looking only at
8 page 1, first of all, I see a cc to Marina; who's -- who's
9 Marina?
10 A Marina is our legal counsel that I most commonly interact
11 with Workers United.
12 Q And is that her last name there, Multhaup?
13 A Yes.
14 Q M-U-L-T-H-A-U-P?
15 A Yes, that is her last name.
16 MS. DEVLEMING: Your Honor, I would offer General Counsel
17 Exhibit 39, and to be clear, I didn't intend to duplicate the
18 other email. I'm really just offering 39 for the November 24th
19 email.
20 JUDGE MONTEMAYOR: Any objection to 39?
21 MR. KIBBE: No.
22 JUDGE MONTEMAYOR: 39 will be admitted.
23 **(General Counsel Exhibit Number 39 Received into Evidence)**
24 Q BY MS. DEVLEMING: We've talked about Christy and the
25 shift supervisor meeting where the crew board was discussed.

1 But just to be clear, before the November 22nd conversation
2 with Ryan Lassiter, had any manager at Starbucks informed you
3 that the crew board was going to be taken down for sure?
4 A No.
5 Q Had any manager with Starbucks ever told you on what date
6 it would be either taken down, or moved to another location?
7 A No.
8 Q Had any manager ever previously told you that there was an
9 issue with you having personal items posted on the crew board?
10 A No.
11 Q Had you ever been told you couldn't leave personal items
12 in the store in general overnight?
13 A There was one specific case where we were told via a
14 handwritten note we couldn't leave items on the desk. That
15 being said, I left seasonings at the store in the back area.
16 My coworkers would leave shoes or changes of clothes at the
17 store. I saw the same can of protein powder there for several
18 weeks -- months, honestly. It was really common for us to
19 leave items overnight in the store. I even had a small box
20 that was -- I was supposed to leave items in there. All the
21 shift supervisors had a -- a box for their personal items.
22 Q Like a cubby?
23 A Yeah.
24 Q Were those locked?
25 A No.

1 Q And then the desk you referred to where there was a note,
2 where was this desk?
3 A The desk was -- so there's the wall with the crew board
4 and the coat racks. There's a two- to three-foot-wide desk
5 that was next to it at the time. And this desk was where we
6 would take our breaks, eat food, that kind of thing.
7 Q And the note left on the desk said not to leave items on
8 the desk, or in -- in the store?
9 A On the desk.
10 Q And before I forget, the cubbies, would people leave item
11 items in those cubbies overnight?
12 A Yes. Most of them were full for the entirety that I was
13 at the store.
14 Q Had you ever been told to remove those items? Any of
15 those items from the cubby, from -- I mean the protein powder?
16 I don't know. Had -- had you ever heard management instructing
17 employees to remove such items?
18 A Never.
19 Q Would you remember when that notice on the desk was put
20 up?
21 A I would say it would have been late August early
22 September. Mostly because that was when I was posting union
23 notices on the desk, and I was doing that mostly within the
24 first two months of being at 5th & Pike.
25 Q And was the notice on the desk -- the -- the notice

1 from -- do you know who the notice was from; was it from
2 management?
3 A The notice -- I don't know exactly who it was from. I
4 would imagine it looks like Fabley's handwriting, Maribeth
5 Fabley. And it was taped on to the wall above the desk.
6 Q And did it appear before or after you had posted union
7 notices?
8 A After I had been posting union notices.
9 Q Had items left in the store overnight, or multiple days in
10 a row, ever been thrown away, to your knowledge?
11 A There was one item that -- that I know of that
12 disappeared. It was a binder that I put union notices in that
13 I kept in one of the cubbies.
14 Q When was that that it disappeared?
15 A Early September -- early or late September.
16 Q Did anyone -- did a manager say anything to you about
17 that?
18 A No.
19 Q Other than the binder of union notices, are you aware of
20 any other personal item ever being removed or thrown away from
21 the store?
22 A No.
23 Q Had any manager ever told you that the bulletin board, in
24 fact, would remain in the store in the back of the house, or
25 given their explicit approval for you to post the kinds of

1 things you were posting?
2 A I had heard from another employee that there was approval
3 from a prior district manager. It's not uncommon for us to
4 have like personal boards like that in stores. And so hearing
5 that a prior district manager had approved it, it -- that made
6 me feel like it was going to stay in some form in the store.
7 Q I think you referred to this a while back. But you
8 referred to there being a way for you to check if there had
9 been some kind of ticket made about the removal of the bulletin
10 board; do you remember that testimony?
11 A Yes.
12 Q Did you, in fact, check somewhere? Can you walk us
13 through -- well first, did you do something to that effect?
14 A Yes.
15 Q What did you do?
16 A So after the conversation with Ryan Lassiter, that one
17 date the 22nd. After that conversation where he told me that a
18 technician had come in and done it. And so I -- I know that
19 there is an app, it's called MyDaily. It's on the in-store
20 iPads. We can see all tickets going back -- up to years at a
21 time, and so there'll be tickets for things like pest control
22 visits, plumbing visits. Any time the store needs work and we
23 have to bring someone from the outside in to do it.
24 So I checked to see if there was a ticket for installing
25 the coat rack, and I couldn't find a ticket for installing the

1 coat rack or removing belongings from the store. I was able to
2 see other tickets that were months and months old, and then
3 tickets that were coming up soon that we needed maintenance
4 for, but I couldn't find anywhere on there about the coat rack.
5 Q How far back did you check for a ticket about the coat
6 rack?
7 A I scrolled the whole list.
8 Q Do you know how many dates that covered, or how far back
9 that was?
10 A I think the oldest one that I saw was from nine months
11 ago. It was about like the windows being repaired.
12 Q And when you say nine months ago, you mean nine months
13 before you were checking?
14 A Yes. So this would have been nine months prior to
15 November of 2022.
16 Q How soon after your conversation with Ryan Lassiter, where
17 he said a technician had come, did you do that?
18 A Knowing me probably immediately once he had left.
19 Q And just to be clear, did you -- in your experience at
20 Starbucks, is removing a bulletin board something that would
21 have required a technician to come?
22 A We do a lot of technology, sorry. We do a lot of tickets
23 for -- even like the smallest of tasks that are required.
24 Generally, if -- if you need to use like tools, you would have
25 a ticket for it. At a prior store when I had a coat rack

1 installed, we had a ticket for someone to come out and do that
2 even though they were just like manually screwing it into the
3 wall. So there should have been a ticket from my
4 understanding.
5 Q Is that true even if a store manager did the project in
6 question? Would there be a ticket, or only if a technician was
7 brought in?
8 A Only if a technician was brought in.
9 Q Would a store manager have the ability or permissions, if
10 you know, to remove a bulletin board from a store?
11 A As far as I understand, we're able to do small things like
12 that. I'm sure Starbucks would prefer that we called in a
13 ticket. But I have seen managers manually, like personally
14 repair items in the store.
15 Q What about a district manager? In your experience, would
16 they have the authority to remove a bulletin board if they
17 wanted to?
18 A I wouldn't know off the top of my head. I don't normally
19 see district managers as often as I have recently.
20 Q What -- do you know was the bulletin board bolted to the
21 wall? Did it require special tools to take down?
22 A As far as I understand it was screwed into the wall.
23 Q So a screwdriver?
24 A Yeah.
25 Q Remind us, have you been involved in bargaining for the

1 5th & Pike store?
2 A Yes.
3 Q Is that in your role on the bargaining committee?
4 A Yes.
5 Q And that's the Union's bargaining committee?
6 A Yes. I am part of the 5th & Pike bargaining team, as well
7 as others.
8 Q Would you have been cc'd if the Union had been notified
9 about the plan to remove the bulletin board?
10 A Yes. I'm notified --
11 MR. KIBBE: Objection. Relevance.
12 JUDGE MONTEMAYOR: What's the relevance, Counsel?
13 MS. DEVLEMING: It's a complaint allegation. It -- that
14 the bulletin board was removed without notice; a violation of
15 8(a)(5).
16 JUDGE MONTEMAYOR: Overruled.
17 A Yes. I am notified of all bargaining emails, either sent
18 to the Union, or sent from the Union.
19 Q And did you receive an email from Starbucks management
20 informing the Union that the bulletin board was to be removed?
21 A No.
22 Q To your knowledge, did Starbucks bargain with the Union
23 over the removal of the bulletin board before it happened?
24 A To my knowledge, no.
25 Q Other than an email -- to your knowledge in any other way,

1 did Starbucks give the Union notice that it planned to remove
2 the bulletin board?
3 A No.
4 Q As of today, is the bulletin board back up in the store?
5 A As far as I'm aware, no. I visited the store recently and
6 it was still removed.
7 Q Are you aware whether partners personal items have been
8 returned to them?
9 A My personal items have not been returned to me, and as far
10 as I'm aware talking to my old coworkers, none -- nothing has
11 been returned.
12 Q Did Ryan ever follow up with you to confirm what he
13 learned about where your personal items had gone?
14 A No.
15 Q Have you had any further conversations with management
16 about the bulletin board since November, 2022?
17 A No.
18 MS. DEVLEMING: Thank you Mari. Thank you, Your Honor no
19 further questions.
20 MR. KAPLAN: No questions, Your Honor.
21 JUDGE MONTEMAYOR: Takes us to cross examinations.
22 MR. KIBBE: I'd like to request a Jencks statement.
23 MS. DEVLEMING: Okay. So this is the second witness
24 where -- there's quite a stack. There is one affidavit related
25 to this case. Seven that are very, very heavily redacted,

1 similar to Ms. Pappin's.

2 MR. KIBBE: Okay. I'm ready.

3 JUDGE MONTEMAYOR: Ready?

4 MR. KIBBE: Yes. Thank you, Your Honor.

5 **CROSS-EXAMINATION**

6 Q BY MR. KIBBE: Good morning, I'm Michael Kibbe, counsel

7 for Starbucks with Nina. I'll be the one asking questions

8 though. So I'll start here. You've mentioned personal items

9 yourself. So your actual personal items that were not returned

10 to you? What are you talking about?

11 A For me it was post-it notes that I had put doodles on.

12 I -- there was also a Pokémon card that I had put onto the

13 board because I liked it.

14 Q So post-it notes with drawings that you posted onto the

15 board were removed?

16 A Yes. And --

17 Q And those weren't given back to you?

18 A Yes.

19 Q Okay. Do you think it's possible that someone thought

20 that might just be trash?

21 MS. MSCASKEY: Objection, Your Honor. Calls for

22 Speculation.

23 JUDGE MONTEMAYOR: Sustained.

24 Q BY MR. KIBBE: Well, to you, apparently, it was very

25 important, right?

1 A Yes. It was --
2 Q And did you tell other people that this -- these drawings
3 were super important?
4 A It was posted on the board, so I considered it important.
5 And others would have considered it important.
6 Q Were other drawings from other partners on that board?
7 A Yes. Lots.
8 Q How about just essential, like, sandwich wrappers? Were
9 any of -- anything like that on the bulletin board?
10 A No, we didn't put trash on the bulletin board.
11 Q Okay. What do you consider trash?
12 A Things that should be thrown away, like disposals.
13 Q No Post-its, I'm guessing --
14 A Yeah --
15 Q -- what's that?
16 A -- not Post-its. Not personal items. Things that, like,
17 sandwich wrappers are a great example, I think, of trash.
18 Other wrappers, not personal items. It's a very broad
19 question.
20 Q What about drink orders? Did -- did you ever take those
21 stickers and just post them onto the board?
22 A I don't think so.
23 Q You never saw anything like that?
24 A I wouldn't remember. That -- it -- it's been over six
25 months since that board was up.

1 Q Okay. What about pictures that were taken from the
2 store's iPad; did you see those on there?
3 A Yes.
4 Q And you consider those your personal items?
5 A I would say that they were the photos of people who took
6 them, yes.
7 Q Okay. And where were those printed from?
8 A So the store iPads, there's a way that you can print them
9 onto the computer. We had asked our managers, at the time, if
10 that was okay, and they said yes.
11 Q Okay. So you printed photos, or somebody did, from the
12 store's printer, and then you put them on the board, and you
13 think those are personal items, too?
14 A Well, they're pictures of us that we posted. Yes.
15 Q Okay. You mentioned that you knew about this in
16 September, right?
17 A Yes.
18 Q Okay. We saw an email from you, and I just want to ask
19 you a question about this. This is General Counsel Exhibit 35.
20 Do you see that?
21 A Yes.
22 Q All right. The top, kind of above the first message, it's
23 September 27th. It says first e-mail sent about the community
24 board being potentially removed. Is that you who wrote that?
25 A Yes.

1 Q Okay. So this is your first e-mail that you're talking
2 about the -- that bulletin board, right?
3 A Yes.
4 Q And I'm assuming you did some sort of search, or something
5 like that, to confirm that?
6 A No, I had just spoken to my managers.
7 Q Okay.
8 (Counsel confer)
9 MR. KIBBE: Okay. May I?
10 JUDGE MONTEMAYOR: Yes, you may.
11 Q BY MR. KIBBE: I'm going to hand you what's going to be
12 marked as Respondent's Exhibit 7. I'm just going to ask you to
13 look at it real quick. And there's two emails on it. Just let
14 me know when you're done.
15 A Yeah.
16 Q All right. The first email is in the bottom half of
17 Respondent's Exhibit 7. That looks like it's dated September
18 20th. Is that right?
19 A Yes.
20 Q And that's your email address?
21 A Yes.
22 Q And it looks like you're sending an email to Ryan, and
23 Mari B. from 5th and Pike?
24 A Yes.
25 Q Is that something you remember doing?

1 A Yes.
2 Q Okay. What about the top email that looks like it's
3 September 25th?
4 A Yes.
5 Q Okay. Is that an email you sent, as well?
6 A Yes.
7 Q Okay. Do you recognize both of these e-mails as yours?
8 A Yes.
9 MR. KIBBE: Okay. Your Honor, I'd ask for Respondent's
10 Exhibit 7 to be moved into evidence?
11 JUDGE MONTEMAYOR: Any objection to 7?
12 MS. DEVLEMING: Only as to the top email, the September
13 25th, doesn't appear to have any relevance to the case. But as
14 to the bottom, no objection. To the September 20th email, no
15 objection.
16 MR. KIBBE: I don't really care, but I -- I don't know how
17 to exactly detach the one from the other, but if it's a huge
18 deal, I don't care.
19 MS. DEVLEMING: If you're only offering it for the
20 September 20th email, I have no objection.
21 JUDGE MONTEMAYOR: So it's your suggestion that half of it
22 be removed, or what is your suggest -- suggestion?
23 MS. DEVLEMING: No, I guess, like, for example, I was
24 clear that when I was offering something for just one of two
25 emails I just sent out on the record. I guess that's all I

1 ask.

2 JUDGE MONTEMAYOR: Okay. 7 will be admitted.

3 **(Respondent Exhibit Number 7 Received into Evidence)**

4 Q BY MR. KIBBE: Mari, is that how you say it?

5 A Yes.

6 Q Cosgrove?

7 A Yes.

8 Q The bottom email, September 20th, 2022, I'd like you to

9 focus your attention on the second paragraph. So September

10 20th is before September 27th, we agree with that, right?

11 A Yes.

12 Q So this is probably your first mail about this?

13 A Yes. I send a lot of emails, so I might have forgotten

14 this one.

15 Q Okay. Totally understandable. I send lots of emails,

16 too. So here it says,

17 "I'd also like clarification on the personal crew

18 board being removed to add some more coat racks."

19 A Yes.

20 Q You wrote that?

21 A I did.

22 Q And this was after the shift supervisor meeting that you

23 were talking about; is that right?

24 A It was.

25 Q All right. So somebody, Christy, it sounds like, told you

1 that that board was likely to be removed.
2 A It was like to be -- it was likely to be removed from its
3 specific position. Whether it was going to be removed from the
4 store or moved to a new location was ambiguous.
5 Q Okay. And the coat rack issue was actually a pretty big
6 problem at the store. Remember that?
7 A No.
8 Q Well, that's because you were working there in the summer.
9 A I -- we didn't really have more staff in the winter than
10 we had in the summer. I -- I felt like we had an adequate
11 number of coat racks.
12 Q Okay. And you'd never actually, I'm guessing, heard any
13 other partners say that we need more coat racks?
14 A Was it a common situation that come up? No.
15 Q Okay. So nobody told you. I'm just trying to be clear --
16 A No.
17 Q -- nobody told you that?
18 A Yes. We didn't discuss needing more coat racks at any
19 point, no.
20 Q And you're not aware, as far as you know, that somebody
21 other than you told the management that we need more coat
22 racks?
23 A No.
24 Q You're not aware that other people were telling
25 management, we don't like leaving our stuff on the floor?

1 A No.
2 Q Okay. But it's possible it could happen, right?
3 MS. DEVLEMING: Objection. Calls for speculation.
4 JUDGE MONTEMAYOR: Sustained.
5 Q BY MR. KIBBE: So do you recall when Christy told you that
6 if you want materials on the board, you should take them down?
7 A No.
8 Q Okay. You don't think she said that at all?
9 A I don't remember her saying that. It was ambiguous
10 whether or not it was going to be removed entirely, and if it
11 was going to be just moved to a new location, we could have
12 kept what was on it.
13 Q Okay. And was there anything stopping you, starting that
14 September when you learned that this board might be removed,
15 from taking whatever you thought was your personal property
16 down?
17 A There was nothing stopping me, but there was no reason I
18 would remove things preemptively.
19 Q Well, it's your personal property, right?
20 A On display for my coworkers as part of our community
21 culture. I wouldn't want to vacate that space prematurely for
22 something that may or may not happen.
23 Q Let's talk about community culture. How long had you been
24 working at the store, starting in September 2022?
25 A I have been working at the store since August of 2022, and

1 I have been doing activities alongside the store since April of
2 2022.
3 Q So in that 30-day period or less, you were able to
4 determine what the culture of the store was?
5 A I would say so. It -- it's a working space that's similar
6 to other working spaces I've been in, and many of these
7 partners had been people I had worked with prior. Either doing
8 Union activities, or because they had come to my store to work.
9 Q Well, if I thought I heard you right, you said, I didn't
10 know these people. They were cool. I just didn't know who
11 they were, right? Is that what you said?
12 A I didn't know them --
13 MS. DEVLEMING: Objection, mischaracterizes the previous
14 testimony.
15 JUDGE MONTEMAYOR: I'll allow -- I'll allow. Just clarify
16 what she said.
17 A I wouldn't say I know them as personally as I did. The
18 people I worked with for three years at 505, they were people I
19 knew in, like, a coworker situation. Weren't people I would go
20 out for drinks with, necessarily, the same way that I worked 40
21 hours a week with my old coworkers.
22 Q BY MR. KIBBE: Yeah. And I'm assuming the culture of the
23 store that you came from, the one you worked at three years,
24 you were very in tune with, right?
25 A Yes.

1 Q Did you have a community board there?
2 A Yeah.
3 Q Okay. Did you post personal property there?
4 A Yes.
5 Q Did you take that personal property after the store was
6 closed?
7 A When the store was shut down, yes.
8 Q Okay. What did you take?
9 MS. DEVLEMING: Objection, relevance.
10 JUDGE MONTEMAYOR: I'll -- I'll allow the question.
11 A I took photos that we had taken and printed. I took
12 pictures that we had drawn. We had made a personal calendar.
13 There was some Union notices and labor rights pieces that I had
14 made, fliers, that I took with me, as well.
15 Q Okay. How many bulletin boards were in the previous
16 store?
17 A It was one main board. We also had a second space where
18 we would post things regularly that wasn't the same spot.
19 Q How many bulletin boards were in the 5th and Pike store?
20 A There was one bulletin board for the crew board.
21 Q Okay. I'm not asking about the crew board. I'm asking
22 about how many bulletin boards were in the 5th and Pike store?
23 A I wouldn't remember at this point. That was six months
24 ago.
25 Q Okay.

1 (Counsel confer)
2 MR. KIBBE: Do we have pictures?
3 Q BY MR. KIBBE: I'm not sure if you have this in front of
4 you, so give me a second. Laurelle, let me know if you minute.
5 If -- this is Respondent's Exhibit 5.
6 (Counsel confer)
7 MR. KIBBE: I'm going to hand this to the witness. I
8 think you have copy, Your Honor. I think you all have a copy,
9 as well.
10 Q BY MR. KIBBE: So I handed you Respondent's Exhibit 5.
11 Just flip through the pages real quick.
12 MR. KAPLAN: Counsel, could we have a copy, as well,
13 please?
14 MR. KIBBE: Do you not have one?
15 MR. KAPLAN: No.
16 MR. KIBBE: Okay.
17 Q BY MR. KIBBE: Have you looked at it?
18 A Yes.
19 Q Okay. What are you looking at?
20 A Pictures of the back of house at 5th and Pike.
21 Q All right, so I'm on -- I've numbered these for myself,
22 but I think you're in the same order. So page 1 of exhibit --
23 Respondent's Exhibit 5, what -- what are we looking at?
24 A This is a picture of the back hallway leading out of the
25 back of house from the garbage can perspective.

1 Q Okay. And I see a -- a computer in the right-hand side of
2 this first page photo. Am I --
3 A Now we're on the same page.
4 Q Oh, sorry about that. What page are you on?
5 A I'm on page 2.
6 Q Okay. Sorry about that.
7 A No problem.
8 Q I'll -- I'll just make sure I do this for everybody. So
9 that computer, who uses this computer?
10 A That is the store managers.
11 Q Okay. And on the -- now that we're on the same page, on
12 the left of that same page, what am I looking at?
13 A That is the back wall of the office where the two coat
14 racks are.
15 Q Okay. And where was the bulletin board, or -- or
16 corkboard, or whatever it was, before the coat rack was
17 installed?
18 A Where that second coat rack is. The one that's on top.
19 Q Okay. So I'm looking at this page. I don't know what
20 page this is, but --
21 A Yes.
22 Q -- what page is it for you?
23 A I'm on the same page. Oh, what page is it, 1, 2, 3, page
24 4 for me.
25 Q Okay. So page 4 of Exhibit 5, Respondent's Exhibit 5, is

1 this the same office space?
2 A Yes.
3 Q Okay. And I see a corkboard, or some sort of board in the
4 left-hand corner. Do you see that?
5 A Yes.
6 Q What is that; do you know?
7 A That is a corkboard that started getting used to post
8 Starbucks related materials.
9 Q Okay. And were you there when this one was taken down?
10 A That corkboard?
11 Q Yes.
12 A As far as I know that one's still up.
13 Q Well, I'm sorry. I'm going down a little bit further.
14 A Oh.
15 Q Below that one. Do you see that corkboard that's just
16 laying down on the floor?
17 A I don't know what that one is. It doesn't -- it's not
18 recognizable to me.
19 Q Was a -- a board like that present when you were working
20 there?
21 MR. KAPLAN: Objection, Your Honor. The witness hasn't
22 even established that that is a cork board, and it's certainly
23 not a --
24 JUDGE MONTEMAYOR: I'll -- I'll let the witness answer the
25 question. Overruled.

1 Q BY MR. KIBBE: I'm sorry --
2 JUDGE MONTEMAYOR: Answer the question.
3 Q BY MR. KIBBE: -- Do you need me to repeat it?
4 A Yes, please. I got lost in the --
5 Q Yeah, it happens. The board that we're looking at on this
6 same page, that's underneath the cork board, was a board like
7 that present when you were working at 5th and Pike?
8 A Maybe. I'm not -- I don't recognize that specific item
9 there. I don't know where it came from, or what it's doing
10 there.
11 Q Okay. I'm going to, real quick, and we'll be done with
12 these. I'm going to send you to this page. And just tell me
13 what page you're looking at?
14 A That is page 3 for me.
15 Q Thank you. So in Respondent's Exhibit 5, page 3, what am
16 I looking at?
17 A You were looking at a picture of the office desk, and
18 cubbies of the back office.
19 Q Okay. And these -- these little lockers or cubbies, these
20 are where you were talking about putting personal items?
21 A Yes.
22 Q All right. And this page, finally, can you tell me what
23 page this is in your exhibit?
24 A That is page 1.
25 Q Thank you. And when I'm looking at page 1 of Exhibit 5,

1 I see two boards to the left, right?
2 A Yes.
3 Q Okay. Were those two boards there at the time you were
4 working at 5th and Pike?
5 A Yes.
6 Q They were?
7 A Yes.
8 Q All right. And the whiteboard, what is that use for?
9 A I honestly don't know. Occasionally, we would doodle on
10 it, and then it would get erased, occasionally. And sometimes
11 it would stay for a long time. It's usually just little notes
12 back and forth.
13 Q What about the cork board that we see that says customer
14 and business?
15 A There would be, occasionally, notices posted on it that
16 would remain for a few weeks. The customer side has just one
17 little picture of our customer connection scores, and on the
18 right-hand side I an outdated version of our dress code, and I
19 can't tell what that lower one is.
20 Q Okay. And the doorway we're looking at, what is that a
21 doorway to?
22 A Oh, that's the doorway to the office that we have been
23 looking at.
24 Q Okay, great. And you can put that to the side.
25 (Counsel confer)

1 Q BY MR. KIBBE: All right. So I think we're on
2 Respondent's Exhibit 7, 8?
3 MS. STROESCU: Oh, hold on. Let me check. 8.
4 MR. KIBBE: Give me one second.
5 MS. STROESCU: 8.
6 MR. KIBBE: Thank you. So I'm going to hand Respondent's
7 Exhibit 8 to everybody.
8 Q BY MR. KIBBE: Take your time, and look at that, and let
9 me know when you're done.
10 A Yes.
11 Q Okay. You're not the author of this email, I understand
12 that?
13 A Yes.
14 Q Have you ever seen an email like this?
15 A Not personally, no.
16 Q Okay. So on the bottom, it looks like there's an order
17 placed by Ryan Lassiter on September 20th. Do you see that?
18 A Yes.
19 Q Is that a way, as far as you know, that orders can be done
20 at Starbucks?
21 A It's not super typical. We have an inventory management
22 system that we typically do orders like this through, or you
23 will submit a ticket to have it ordered for you.
24 Q But this method that you see here, that's an effective
25 method to get whatever you need for the store; is that right?

1 A I wouldn't know. I'm not a district manager.
2 Q Okay. You've never actually ordered anything for the
3 store as far as, like, things that you need, like coat racks or
4 cork boards, have you?
5 A I have ordered office supplies, and also various larger
6 fixtures for the store. I order them through the inventory
7 management system.
8 Q But did you know you could do it in this way?
9 A I typically don't do emails for Starbucks. I don't have a
10 Starbucks official email.
11 Q Okay. So you -- you don't have the ability to order
12 things for the store in the same way that Ryan Lassiter does;
13 is that what I'm understanding?
14 A Yes, because he's a district manager.
15 Q All right. So when you order things, you have to order it
16 through this app that you were talking about?
17 A Yes.
18 Q And that's the only way you're familiar with orders --
19 orders occurring; is that right?
20 A Yes. I've had my store manager place orders in a similar
21 way. I've never heard of them emailing someone.
22 Q Okay. But now you're aware that that's a possibility; is
23 that fair to say?
24 A Yes.
25 Q Okay. And it looks like that product, the coat rack in

1 question, was ordered back at September 20th, when you sent the
2 first email. Did you know that?
3 A No.
4 MS. DEVLEMING: I'm going to object. The document is not
5 in evidence. It should not be used as a factual statement of
6 something that happened. If the -- when it comes in evidence,
7 these types of questions can be asked.
8 JUDGE MONTEMAYOR: Objection sustained.
9 Q BY MR. KIBBE: We'll get to that later through another
10 witness. Let me ask you a question. You talked a lot about
11 personal items being left at the store, and it never being a
12 big deal. Am I getting that right?
13 A Yes.
14 Q All right. Have you ever been disciplined for leaving
15 anything behind?
16 A No.
17 Q Have you ever heard of anybody being disciplined for
18 leaving something behind?
19 A No.
20 Q Have you ever heard anybody being coached?
21 A No.
22 Q Okay. The policies. You seem to have a lots -- a foggy
23 memory about policies. You've read the partner guide, right?
24 A I have, yes.
25 Q Okay. And you understand what's within those?

1 A Vaguely. It's -- it's pretty large.
2 Q Okay. You're shift supervisor, right?
3 A Yes.
4 Q And you're -- part of your responsibilities are
5 implementing store policies; do you understand that?
6 A Yes. To a degree. The store manager should also be
7 implementing them.
8 Q Okay. But when the store manager isn't there, who does
9 that?
10 A The shift supervisor.
11 Q Okay. And if the shift supervisor sees something that
12 needs corrected, what do you do?
13 A If I have the time, I'll correct it. But if I also have
14 questions, or if there has been a different status quo, I'll
15 refer to the status quo my store manager has set.
16 Q Were you aware there was a policy against using vulgar
17 language at Starbucks?
18 A I can't recall one off the top of my head, but because it
19 was never a thing that my managers had cared about, it
20 doesn't -- it didn't register as a necessary policy.
21 Q But you've read the partner guide?
22 A Once in 2017, when I got rehired, and once in 2014, when I
23 was hired the first time.
24 Q And never again?
25 A I would occasionally look at it when absolutely necessary.

1 Like, I had a question on policy. It was often faster just to
2 ask my store managers.
3 Q Did you ever have a question about whether you could curse
4 ate work or not?
5 A No, because if I cursed in front of my managers, and they
6 didn't like it, they would presumably tell me.
7 Q Did they tell you ever?
8 A No.
9 Q Do you think you should be disciplined for cursing at
10 work?
11 A No.
12 Q Do you think it's appropriate to say F-bombs at work?
13 A If it was inappropriate, I would have been coached by now.
14 Q If a barista is using a F-bomb with you on a repeat
15 occasion in front of customers, let's start there. What do you
16 do?
17 A If they are being unreasonably loud, or if it is in a rude
18 way, like rude as in being aggressive towards someone, the
19 problem is that they're being loud or rude, and so I would
20 coach them on that. If they're just saying for -- do you mind
21 if I swear?
22 JUDGE MONTEMAYOR: Use just --
23 THE WITNESS: Well, I just want to make sure.
24 JUDGE MONTEMAYOR: -- words that think are appropriate --
25 THE WITNESS: Absolutely.

1 JUDGE MONTEMAYOR: -- to answer the question.
2 THE WITNESS: So it if was --
3 JUDGE MONTEMAYOR: And that includes swear words, if you
4 have to.
5 THE WITNESS: Thank you so much. If a barista just came
6 up to me on the floor and had told me, like, I -- this is a
7 fucking rough day, I don't feel like that would be something
8 that would be necessary to coach. That is being used as an
9 amplifying word to amplify the fact that it is rough. And so I
10 have nothing to coach there.
11 Q BY MR. KIBBE: I think I understand your point. But if
12 that same barista said this was a fucking rough day, and fuck
13 you for making me work, that's a different thing, right?
14 A Different in that they are coming at me to tell me
15 something. To be upset at me in a unproductive way. That's
16 not the way we talk to each other in terms of conflict
17 resolution at Starbucks. I would ask the cus -- or the
18 coworker, I'd be like, hey, I see that you're upset with me.
19 We can work this out. Where did I go wrong? How could I have
20 supported you better? The fact that they swore at me wouldn't
21 be a big deal.
22 Q And you don't think it's warrants discipline?
23 A No, because they had a rough day, and they feel -- they
24 clearly had that feeling that it wasn't a good day.
25 Q And you don't think coaching is any form of discipline?

1 A I don't consider coaching discipline, no. It's -- it's a
2 very firm word used for what realistically is support.
3 Q When you had these conversations with Ryan, I'm moving a
4 little bit backwards, you talked about being upset. I think
5 you even teared up a little bit. Do you remember what we're
6 talking about?
7 A Yes.
8 Q Okay. You claimed that your tone was just as it is now.
9 Is that right?
10 A Yes.
11 Q Okay. Voice was maybe shaky?
12 A Yes.
13 Q Okay. Did you appear agitated?
14 A I -- I don't know if I would be a good judgment of that.
15 I was focused on my conversation at the time.
16 Q Well, I don't know what you look like agitated, but you
17 do. Did you feel agitated?
18 A I felt very defensive after getting cornered in the back
19 room, yes.
20 Q Okay. And when you say cornered in the back room, if I
21 remember, I could be wrong, you approached, Ryan, right?
22 A Are we talking about the 20 -- the -- the day after the
23 strike?
24 Q I think so.
25 A Or the day -- the day after, yes. I had not approached

1 Ryan. Ryan had approached me while I was in a one by two-foot
2 section of the store in the back room. There was a solid wall
3 next to me. And then on the other side of me, there was an
4 immovable shelf full of product. And he had approached me at
5 the entrance to this small space.
6 Q And this is after you emailed him?
7 A Yes.
8 Q Asked -- asking specifically, can I talk to you about
9 these things?
10 A Asking specifically, for him to respond via email, I
11 believe.
12 Q Okay. But you already testified that he doesn't do that.
13 He comes to you and talks to you after you sent him an email?
14 A Yes, I --
15 Q So you would expect him to come and talk to you after you
16 emailed?
17 A -- ideally, in a respectful way, such as our prior
18 conversations where we sat down together in the office.
19 Q Okay. Is there a picture of wherever you were in the back
20 of the house that we can reference?
21 A No, unfortunately, it's not captured in these ones. The
22 best I can give you -- do you mind if I give you a little
23 verbal map of the store?
24 Q Please.
25 A Okay.

1 Q Just tell us what page you're looking at?
2 A Yeah. Okay. Let me see here, 1, 2, 3, 4, 5, 6. So if
3 you see on page 6, there's like, a picture of the dishwashing
4 area.
5 Q Can you -- can you show it --
6 A Yes, sorry.
7 Q -- because mine is out of order. Thank you.
8 A Yes. So that picture of the dishwashing area is almost
9 directly opposite of the area I'm talking about. This small
10 area shares, and the -- the solid wall I was talking about
11 shares a wall with the office that I normally have
12 conversations with management in.
13 Q And that was the office that we've already been talking
14 about?
15 A Yes.
16 Q Okay.
17 A So this is a small area outside that there's an ice
18 machine pretty much, actually, right where this person must
19 have been standing. There is an ice machine, and then this
20 small one by two-foot area.
21 Q Okay. And when you're talking to Ryan, I think I heard
22 you describe him as being aggressive?
23 A I would say so, yes.
24 Q What was aggressive about his tone verses your tone?
25 A The fact that I was repeatedly asking for clar --

1 clarifying questions, and I was being met with -- being accused
2 of insubordination, and that my tone was inappropriate. I felt
3 at that point, the aggression was specifically using his power
4 as a district manager to threaten me with discipline for asking
5 questions.
6 Q What question did you ask?
7 A Where did our stuff go?
8 Q And how many times do you ask that?
9 A Probably rephrased and trying to get more down into the --
10 the crux of the issue, where did it go? Probably like three
11 times. Originally, it was where did the items on our crew
12 board go? Like, where in the store are they? When I was told
13 no, it was okay, well, who would know where they went? I was
14 told, no, I'm not allowed to know that. Who would I ask to
15 know where the items on the crew board went? And then the
16 answer was him. And then I could not ask any further
17 questions, because that's when he accused me of
18 insubordination.
19 Q And you didn't ask any questions further than that?
20 A I don't recall asking more questions, no.
21 Q Okay. So if I understand the conversation, you're talking
22 to Ryan, and you're asking him questions, yeah?
23 A Yes.
24 Q And he's answering your questions?
25 A By the technical definition of answering, yes, he was

1 giving me non answers.
2 Q And you're not satisfied with those answers?
3 A No.
4 Q Then you're asking again?
5 A I'm asking clarifying questions.
6 Q And then he answers.
7 A With -- in a vague way that requires more clarifying
8 questions.
9 Q And you're not satisfied with that question or answer, are
10 you?
11 A No, and when I -- I know that there's other ways --
12 Q Hold on. And then you ask another question, right?
13 A Yes. I continue asking questions until I had -- I get an
14 answer, or a method for me to get an answer.
15 Q Did it appear that Ryan was defensive when you were asking
16 multiple questions like this in a row?
17 A I wouldn't say so, no.
18 Q Okay. Was he -- was he calm?
19 A Yeah.
20 Q Okay. He was calm, yet somehow aggressive --
21 A Yes.
22 Q -- am I getting that right?
23 A Yes.
24 Q Okay. And you were defensive and agitated; is that right?
25 A Yes.

1 Q And repeating yourself, over and over, with respect to the
2 same question?
3 MR. KAPLAN: Objection, Your Honor. This mischaracterizes
4 the testimony that the witness just gave.
5 MS. DEVLEMING: Asked and answered.
6 JUDGE MONTEMAYOR: Objection. Sustained.
7 MR. KIBBE: I think I've made my point.
8 Q BY MR. KIBBE: One thing that you made a big point about
9 is that the -- the Union wasn't notified as board was moved.
10 Is that right?
11 A Yes.
12 Q Okay. Why do you think the Union needed to be notified
13 about the board being removed?
14 MS. DEVLEMING: Objection. Calls for legal conclusion.
15 JUDGE MONTEMAYOR: Objection sustained.
16 Q BY MR. KIBBE: Do you believe the -- the cork board or
17 whatever it is, calling it, the crew board, had anything to do
18 with your working conditions?
19 A Yes.
20 Q Why?
21 A It was a place for workers to utilize their free time not
22 otherwise spent working, such as on 30-minute lunches, or tens,
23 before or after work. A way for us to communicate, and also to
24 have fun.
25 Q Okay. Fun, communicate, and what was the other one? Oh,

1 to use on breaks.
2 A To use on breaks, yeah.
3 Q Okay. So breaks are nonwork time, right?
4 A Yes.
5 Q The communication that you're talking about is nonwork
6 related, right?
7 A Yes.
8 Q Okay. And the fun, I'm assuming you're talking about the
9 drawings that you made?
10 A Yes.
11 Q Un work related, right?
12 A Generally. Sometimes they were Starbucks related.
13 Q Okay.
14 MR. KIBBE: I think I'm done.
15 JUDGE MONTEMAYOR: Redirect?
16 MS. DEVLEMING: Just a second. One thought. Okay, yes.
17 I'm ready, Your Honor.
18 **REDIRECT EXAMINATION**
19 Q BY MS. DEVLEMING: Hi again, Mari.
20 A Hello.
21 Q Just a couple. First of all, at one point early on in
22 your testimony, you referred to 505. Can you clarify, for the
23 record, what 505 is?
24 A Yes. 505 is how we refer --
25 MR. KIBBE: Objection. Outside of the scope of the

1 cross-examination.

2 MS. DEVLEMING: That was on cross-examination, which is

3 why I'm clarifying it. She referred to 505.

4 JUDGE MONTEMAYOR: Overruled.

5 A 505 is how we refer to the store 505 Union Station, which

6 is my previous store.

7 Q BY MS. DEVLEMING: Okay. And you were asked whether you

8 removed your personal items from the bulletin board in that

9 store before it closed. Do you remember that testimony?

10 A Yes.

11 Q Were you given notice before the store closed?

12 A Yes.

13 Q Were you able to gather your personal items before the

14 store was closed and they locked the doors?

15 A Yes.

16 Q If you still have Respondent Exhibit 5 in front of you,

17 page 4 --

18 A Of the pictures?

19 Q Yeah, of the pictures. And I assume this exhibit is going

20 to come in at some point, or this testimony will all be very

21 confusing for the record.

22 A Is it the one with the red bag in the middle of it?

23 Q It is.

24 A Okay, thank you.

25 Q You were asked about this bulletin board, or something

1 brown toward the left, in the middle?
2 A Yes.
3 Q Do you remember being asked those questions?
4 A Yes.
5 Q Do you have any idea what that is?
6 A It looks like it could be a corkboard, or bulletin board.
7 I don't recognize where in the store that would have been,
8 other than the floor.
9 Q And just from looking at this picture, do you see any
10 personal items, or any of those things you testified about on
11 that particular board?
12 A Personal items that were on the board.
13 Q The previous board that was removed?
14 A No.
15 Q Okay, you can put that aside --
16 A Okay.
17 Q -- and then -- but pull Respondent Exhibit 8, which also
18 is not in evidence. You -- when you searched the tickets for
19 something pertaining to the bulletin boards removal, did you
20 see anything pertaining to an order for a utility hook strip?
21 A No.
22 Q And has management ever instructed you on how to go about
23 ordering items for the store?
24 A If I have to order items for the store, for instance,
25 thinking about larger items that are used for food. My

1 instructions are to go onto IMS, inventory management system.
2 It's a thing I log into on the iPads, or on the computer. I
3 then search for the item, place it into our weekly order. If I
4 can't find it on there, my next step is to open up a ticket,
5 and then order it through our ticket system.
6 Q And did management ever give you instruction on how to do
7 that, or where did you learn that that was the process?
8 A I learned that late 2017, early 2018, when I became a
9 shift supervisor the second time.
10 Q Through training when you became a shift supervisor?
11 A Yes.
12 Q Did a manager run that training?
13 A Yes.
14 Q Do you remember who that was?
15 A No, I don't. It was so long ago.
16 Q That's okay. Did -- during that training, did they
17 mention that there was also an option to send an email instead,
18 and skip that process?
19 A No. I don't have a Starbucks email, so I can't interact
20 with any of these emails. I don't have a Starbucks email I can
21 access.
22 Q Has it ever been mentioned by man -- any manager that you
23 could send an email to order -- that management could send an
24 email to order something?
25 A As far as I'm aware, no. I know they can email the

1 facilities manager to expedite a ticket, but that's as much as
2 I've heard.
3 Q And then just finally, the -- the crew board itself at 5th
4 and Pike, did anyone other than your coworkers post on the
5 board? Did people -- friends come into the store and post
6 there?
7 A No, it was strictly for employees.
8 Q Did you ever post anything on the board during work time,
9 not on a break?
10 A Yeah. If we did those little quizzes from, I believe I
11 mentioned her earlier, Laurelle. She would hand us those
12 quizzes, like, on the clock. Usually, if we were on register,
13 and then as we were heading back from our break, or to go to a
14 break, we would pin it on the board, go on our break.
15 Q And the quizzes, what were they about?
16 A They were things like peanut butter or jelly? Would you
17 rather be a dog or a cat forever? Those kinds of things.
18 Silly little personality quiz type questions.
19 Q You testified about the Union notices you posted on the
20 board --
21 A Yeah.
22 Q -- on multiple occasions. Anything else; any other
23 examples of things related to work?
24 A Related to work, I don't -- well, we would get gift cards
25 or tips from coworkers, from customers, sometimes. Especially,

1 like, the Canadians would like to leave us their cash, because
2 we would always laugh about it. And so we had a couple of
3 different currencies pinned up onto the board. I think that's
4 the most work-related stuff that there was.
5 Q Were you ever told that you could not post things on the
6 board during your work time?
7 A No.
8 (Counsel confer)
9 Q BY MS. DEVLEMING: Starbucks's culture, does it encourage
10 employees to have fun?
11 A Oh, absolutely.
12 Q Does it encourage employees to communicate with one
13 another?
14 A Yes.
15 MS. DEVLEMING: That's all, Your Honor. Thank you.
16 JUDGE MONTEMAYOR: Follow up questions?
17 **RECROSS-EXAMINATION**
18 Q BY MR. KIBBE: You talked about some Union material that
19 sometimes you would post up there.
20 A Yes.
21 Q Is that right? Sometimes you post about wins?
22 A Yes.
23 Q Do you ever post any losses?
24 A I don't think so, no.
25 Q Why?

1 A Why would I? I -- I don't -- I don't see the value in
2 posting it.
3 Q I thought it was about passing on information?
4 MS. DEVLEMING: Objection, Your Honor. Who -- who said it
5 was about passing -- it just mischaracterizes the testimony,
6 and it's --
7 MR. KIBBE: Communication.
8 MS. DEVLEMING: -- argumentative.
9 JUDGE MONTEMAYOR: I'll allow her to continue.
10 A I would say -- it -- it might help if I explain more
11 specifically, exactly the types of things I would post.
12 Q No, I'm just interested in whether you posted about a loss
13 or not.
14 A No.
15 MS. DEVLEMING: Asked and answered.
16 MR. KIBBE: Okay, I'm good. No more questions.
17 JUDGE MONTEMAYOR: Okay. That means you're done.
18 THE WITNESS: Oh, thank you so much.
19 JUDGE MONTEMAYOR: Thank you so much for coming and
20 appreciate your patience. You're excused. Have a good rest of
21 the day.
22 THE WITNESS: Absolutely. Thank you very much.
23 JUDGE MONTEMAYOR: You have Jencks stuff?
24 MR. KIBBE: Oh, thank you.
25 MS. DEVLEMING: Thank you very much. Received. Thanks.

1 JUDGE MONTEMAYOR: Okay. The Jencks materials have been
2 returned. We're going off the record.
3 (Off the record at 12:41 p.m.)
4 JUDGE MONTEMAYOR: Okay. So we are at -- we finished with
5 the witness. Counsel for the General Counsels, do you have
6 other witnesses that you'd like to call?
7 MS. DEVLEMING: No, Your Honor. We have no further
8 witnesses, but we do have two matters before we conditionally
9 rest. The first matter is that I would move to conform the
10 pleadings to the proof, specifically to amend paragraph 12(b)
11 of the complaint to list out the 20 something, I'm sorry, A
12 through V. I don't know how many that is. 20 something
13 additional disciplines shown in General Counsel Exhibits 30(a)
14 through (v). I'm sure on cross or Respondent's case, some of
15 these -- not the majority, but some of these are unsigned
16 documents. And it will be fleshed out whether, in fact, those
17 were presented discipline. Many of them are signed documents
18 that purport in all ways to be disciplined after the petition
19 was filed. Which, again, I would move to incorporate into the
20 complaint as instances of the crack down on the time and
21 attendance policy alleged in paragraph 12(b).
22 JUDGE MONTEMAYOR: Okay. Do you have -- do have some
23 specific language that you want to incorporate, or --
24 MS. DEVLEMING: I can draft that over the lunch break, if
25 you'd like.

1 JUDGE MONTEMAYOR: Okay. That would be probably more
2 appropriate than just some general reference to what an
3 amendment might look like.
4 MS. DEVLEMING: Okay, fair. And again, it might be
5 revised as the case -- as Respondent's case continues. If some
6 of these are not, in fact, disciplines that issued, then I
7 won't be pursuing allegations that they are evidence of the
8 crackdown. But I can certainly give you the full list now, and
9 withdraw later, if that's the case.
10 JUDGE MONTEMAYOR: Okay. And that might be something that
11 you all might confer about. Maybe you can address the --
12 MS. DEVLEMING: Reach a stipulation.
13 JUDGE MONTEMAYOR: Through a stipulation.
14 Okay, so that's one matter. You have -- you said you had
15 a couple of matters?
16 MS. DEVLEMING: Yes, Your Honor. And the second matter is
17 that within the last two hours, the General Counsel has filed a
18 motion for evidentiary sanctions against Respondent with the
19 judge's division. As I have a paper copy to share. Took the
20 time last night to draft the motion rather than belaboring the
21 point on the record, Your Honor. But we would ask -- you'll
22 see in the motion there's a request for an order, both for
23 sanctions, and for ordering the curing of the production. The
24 latter by no later than when we resume next Wednesday, or I
25 think we said Tuesday, close of business.

1 So I would ask Your Honor to, you know, take notice of
2 that, and let us know before I rest. I'm not comfortably,
3 fully resting, so I will conditionally rest based on your order
4 after reading the motion.
5 JUDGE MONTEMAYOR: Okay. So we have the heads up, I
6 guess, regarding the motion for sanctions, since the --
7 obviously, the Respondent will need time to look through that
8 and respond accordingly. So I guess what we're -- what you're
9 saying is that you're conditionally resting. You don't have
10 any other witnesses to call today.
11 MS. DEVLEMING: Correct.
12 JUDGE MONTEMAYOR: So what we'll do is we'll move on to
13 Respondent's witnesses, but we'll talk about that off the
14 record. Okay?
15 MR. KIBBE: Well, Your Honor, before we go off record --
16 JUDGE MONTEMAYOR: Okay.
17 MR. KIBBE: -- I think -- I think we're put in a pretty
18 bad position right now. So one, motion was filed last minute,
19 and will address it. No big deal. But having the General
20 Counsel's office conditionally rest just means that they can
21 conditionally open it back up and put on more evidence when
22 we're not even aware of that. That's completely unfair to us.
23 If we're going to try to start putting our case on in chief,
24 today. How is that a fair process? It's not.
25 MS. DEVLEMING: Well, to respond to the two points made.

1 First, there's -- this is more notice than I could possibly
2 have given. I've pulled near all-nighters to sift through the
3 nonproduction, and we are just now conditionally resting, and
4 have worked hard to file the motion as timely as possible.
5 I've only recently completed the two supplemental productions
6 that were provided yesterday, so I don't think it could be said
7 that there wasn't ample notice given if, you know, the subject
8 of the motion for sanctions is the subpoena production provided
9 over the last 48 hours.
10 Secondly, again, we would ask Your Honor to weigh in on
11 the motion, because part of the requested order would entitle
12 us to employ hearsay evidence to the extent certain documents
13 have not been produced. To, obviously, with or without Your
14 Honor's order, I will be objecting if I see a document that was
15 not produced, which there are many that are germane to the
16 case, that are -- were not produced, et cetera. As you review
17 the motion, you'll see that there are several different things
18 that the General Counsel agrees may require Your Honor's
19 decision before much of Respondent's case can get underway.
20 MR. KIBBE: And there lies the problem. I -- I don't want
21 to do this, because we have witness issues, but it -- it may
22 make more sense for us to respond and deal with this issue
23 before we move forward. The issue for us is, we've got
24 witnesses who are going to be leaving, as of today. And I
25 don't want to be put in a position where we have to put on some

1 evidence. All of a sudden they get to reopen their case, and
2 put on more evidence, and we have to scramble and defend
3 ourselves in that way. That's not fair. The -- the process is
4 supposed to be fair for a reason.
5 MS. DEVLEMING: Right. And that's --
6 MR. KIBBE: And right now we're not --
7 MS. DEVLEMING: -- the entire point of the motion for
8 evidentiary sanctions, is that what Respondent has engaged in
9 so far has been completely gamesmanship, completely unfair to
10 the General Counsel, and has already prejudiced my case. So
11 Your Honor, again, I'd ask you to just read the motion, which
12 lays that out in much detail. But this as a problem of
13 Respondent's doing, that there has been an unsatisfactory
14 production, and that's detailed in the motion.
15 JUDGE MONTEMAYOR: The General Counsel has set forth their
16 position. Respondent just received the copy of it. And it's
17 the first I've seen of it. They're entitled to, you know, have
18 some time to respond. And so I think as a matter of
19 convenience, we have been talking about pushing into
20 Respondent's case, and -- and trying to get through as much of
21 the testimony as we could. But I -- I would defer to
22 Respondent's counsel.
23 If -- if you think that you don't want to start the case
24 yet until after we get through this, but the reality is, by the
25 time you respond, and by the time I have time to filter through

1 this and figure out what I'm going to do with it, you know,
2 we're into starting your case next week sometime. So --
3 MR. KIBBE: Which would probably solve these issues about
4 prejudice, and I didn't get enough time to look at my
5 documents, and whatnot.
6 JUDGE MONTEMAYOR: So --
7 MS. DEVLEMING: Well, I've already looked at all the
8 documents, despite the lack of time. So that -- that's not the
9 issue. The issue is the fact that that had to happen.
10 JUDGE MONTEMAYOR: Okay. So --
11 MS. STROESCU: I'm sorry, Judge.
12 JUDGE MONTEMAYOR: So I'm -- so I'm basically, if you want
13 to talk about your strategy, whether you want to put a witness
14 on, or whether you want to --
15 MS. STROESCU: Sure.
16 JUDGE MONTEMAYOR: -- wait till we come back next week
17 sometime, then, you know --
18 MS. STROESCU: And I'm happy to talk about it, but I'm --
19 I'm confused. Liz, general counsel for the general counsel,
20 just say the fact that this happened is the reason for the
21 sanctions. I'd like a clarification on the record for exactly
22 what she's looking for here?
23 MS. DEVLEMING: There are probably 10 or 12 different
24 examples and instances. Kind of categories of faultiness with
25 the production that are detailed in the motion.

1 MS. STROESCU: And I'm reviewing all of these, and I
2 believe we had previously worked these out in your statement.
3 Which yesterday, was that you were no longer pursuing this. So
4 I guess I'm confused --
5 MS. DEVLEMING: And we have had no conversation about
6 pursuing sanctions to this point.
7 MR. KIBBE: No, I'm sorry. This was yesterday, when we
8 first started the day --
9 MS. STROESCU: Yes.
10 MR. KIBBE: -- you complained, then you said, but we're
11 going to push forward. We're no longer pursuing these things.
12 MS. DEVLEMING: I said, Your Honor, I reiterate the
13 continuing concerns of the General Counsel to the continuing
14 supplemental production on day two. But despite that, I have
15 stayed up all night, and am prepared to put on my case so we
16 don't delay. My intention has been not to delay the
17 proceedings, and I've done my best to make sure that didn't
18 happen.
19 Again, this is a problem of Respondent's creation. And
20 again, I would once again urge the judge to just read the
21 motion.
22 JUDGE MONTEMAYOR: Okay. Well, but I will read the
23 motion, but I'll -- I'll have to see Respondent's position on
24 that.
25 MS. DEVLEMING: Absolutely.

1 JUDGE MONTEMAYOR: So they get -- they get an opportunity
2 to respond.
3 MR. KIBBE: We'll talk --
4 JUDGE MONTEMAYOR: But -- but right now, the issue is --
5 is Respondent's intention going to be to put on witnesses,
6 or -- or are you going to wait?
7 MR. KIBBE: Well --
8 JUDGE MONTEMAYOR: And that's what it really comes down
9 to, is just a matter of I'll let you decide whether you want to
10 go forward with some witnesses. They're conditionally resting,
11 and there are some issues with that from your perspective. So
12 you decide whether you want to push forward and use the rest of
13 the time we have today and tomorrow, or whether you want to
14 come back and have all this taken care of. A ruling on this
15 motion, you time to respond to the motion, and your -- your
16 first witnesses won't be called to sometime next week.
17 MR. KIBBE: Okay, we'll -- we'll do that, Your Honor. I
18 appreciate the time.
19 JUDGE MONTEMAYOR: But we also have to keep, sort of,
20 in -- in mind, you know, next week. How much time we have next
21 week, okay?
22 MR. KIBBE: Right.
23 JUDGE MONTEMAYOR: Okay. Because that's another issue.
24 MR. KIBBE: Our --
25 JUDGE MONTEMAYOR: Because it's going to be short --

1 MR. KIBBE: -- our case-in-chief, just -- just for
2 planning purposes, outside of one particular witness, I think
3 the rest of them we could probably do in one day. And the
4 other one might be a full day. The outset of that, I don't
5 think, we'll have more than two days of testimony. It just
6 depends on witness availability. Am I wrong?
7 MS. STROESCU: I -- no, yeah, I say -- I would say a day
8 and a half, Your Honor.
9 JUDGE MONTEMAYOR: I'll let you --
10 MS. STROESCU: Yeah.
11 JUDGE MONTEMAYOR: -- we'll talk -- you can talk about
12 that and figure this all out. But that's where we're at.
13 I'm -- I'm happy to -- to give the Respondent the opportunity
14 to make the decision whether they want to put on a witness now
15 or wait till next week. That's where we're at. Knowing that
16 we won't be able to deal with this until sometime later in the
17 future.
18 Okay. With that, we'll go off the record.
19 (Off the record at 12:53 p.m.)
20 JUDGE MONTEMAYOR: On the record, just to talk about the
21 issue of Respondent's position. Whether they want to continue
22 to push forward.
23 MS. STROESCU: Your Honor, we do want to continue to push
24 forward today. We would ask for a lunch break, and then we
25 will call our case-in-chief.

1 JUDGE MONTEMAYOR: Okay. And let's talk about our lunch
2 break. What are we doing? We've been going for 45 minutes.
3 Somebody tell me when that is, 2:00?
4 MS. STROESCU: 2:00.
5 JUDGE MONTEMAYOR: Okay. We'll return at 2:00. We'll go
6 off the record.
7 (Off the record at 1:13 p.m.)
8 JUDGE MONTEMAYOR: On the record, and before we take the
9 witnesses, do we even have to take care of any other
10 administrative -- any other issues?
11 MS. STROESCU: Not that I'm aware of, Your Honor.
12 JUDGE MONTEMAYOR: Okay. So welcome.
13 MS. QUESENBERRY: Hi.
14 JUDGE MONTEMAYOR: We're going to begin by having you
15 sworn, so please raise your right hand.
16 Whereupon,
17 **AMY QUESENBERRY**
18 having been duly sworn, was called as a witness herein and was
19 examined and testified as follows:
20 JUDGE MONTEMAYOR: And please state and spell your name
21 for the record?
22 THE WITNESS: Amy Quesenberry. A-M-Y, and the last name
23 is Q-U-E-S-E-N-B-E-R-R-Y.
24 JUDGE MONTEMAYOR: Okay. Thank you. Counsel, you may
25 begin.

1 **DIRECT EXAMINATION**

2 Q BY MS. STROESCU: Good afternoon, Amy. Are you an
3 employee of Starbucks?
4 A I am.
5 Q And how long have you been with Starbucks?
6 A A little over nine and half years.
7 Q What is your current position with Starbucks?
8 A District manager.
9 Q And what district do you oversee?
10 A I oversee district 341 in St. Paul, Minnesota.
11 Q How long have you overseen the district in Saint Paul,
12 Minnesota?
13 A Since July 4th, that week, of 2022.
14 Q Prior to July 2022, did you work for Starbucks?
15 A Yes.
16 Q In what position?
17 A District manager.
18 Q And what was the district that you oversaw?
19 A I oversaw the district that was Bremerton in Seattle.
20 Q And why did you move to the Minneapolis district?
21 A My husband retired from the military.
22 Q When you are working as the district manager for Seattle
23 and Bremerton, what stores in Seattle did you oversee?
24 A I had the Pike Place first store at 1st and Pike, 1st and
25 University, 5th and Pike, 3rd and Madison, and the Pier 55

1 store.
2 Q And did you oversee the 5th and Pike store at any point in
3 time?
4 A I did.
5 Q And what -- what time period did you oversee the 5th and
6 Pike store?
7 A I transitioned to the market the end of May of 2021, would
8 be when we transitioned.
9 Q And now -- and you oversaw the 5th and Pike Store until
10 July of 2022; is that right?
11 A Correct.
12 Q Prior to being a district manager for Starbucks, have you
13 ever held any other roles for Starbucks?
14 A Yes.
15 Q What were those roles?
16 A I was an assistant store manager, is how I was hired, and
17 a store manager.
18 Q And how long were you in the assistant store manager role?
19 A I was hired in October of 2013, and I was in that role
20 until, roughly, like, February of 2014.
21 Q And how long were you a store manager for Starbucks?
22 A February of 2014 until April of 2016.
23 Q And in April of 2016, were you promoted to a district
24 manager?
25 A I was.

1 Q And just to be clear, you -- you continue to be a district
2 manager today?
3 A Correct, um-hum.
4 Q And just for purposes of the record, if you let me finish
5 my question before you answer. I know it's easy to anticipate
6 what I'm asking, but we just want to make sure that the record
7 is clear.
8 A Yes.
9 Q Okay, cool. What are your job duties and responsibilities
10 as a district manager?
11 A I help coach and develop store managers at Starbucks.
12 Q Is there anything else that you do?
13 A I -- that entails working with them, their store teams, to
14 make sure we have the very best experience for our partners,
15 and the very best experience for our customers.
16 Q When you coach and develop store managers, does this
17 require you to visit stores?
18 A Yes, it does.
19 Q Do you only visit the stores in your district?
20 A No.
21 Q How does that work?
22 A It depends on the business priorities, and how we work
23 together as district managers within the area to support one
24 another. So I might work with a peer to -- to help develop
25 their store managers and visit other stores outside of my own

1 district.
2 Q How many times a week are you visiting stores?
3 A I'm in stores every day, five days a week.
4 Q Does the store that you are in change each day?
5 A Yes.
6 Q For the stores in your district, how often do you visit
7 them?
8 A It depends on the priorities. I would say of all my
9 stores in my district, usually in a store, in my district, once
10 a week.
11 Q And during these store visits, what do you do?
12 A Connect with partners, talk to my store manager, perhaps
13 have a formal visit where we go through some business
14 priorities, and the priorities that we may have for the
15 district, help develop them. Depends on where we are in the --
16 the cycle of the business. Sometimes that's getting ready for
17 promotional visits. Sometimes it's connecting in development
18 conversations in the store managers that they have with their
19 team, or a shift supervisor. Just continuing to develop those
20 store managers.
21 Q Is it common for you to sit in on meetings with store
22 managers and partners?
23 A Yes.
24 Q You mentioned that you connect with partners. How do you
25 do that?

1 A How's it going? You talk about their personal lives. Ask
2 how things are going in the store. What's hard? Is anything
3 broke? What's working well? Rate your experience, one through
4 seven. I mean, there's so many different techniques to just
5 connect and hear from partners minds, to understand how you can
6 help support and problem solve.
7 Q Is it common for you to help to ask partners questions to
8 help them problem solve?
9 A Yes.
10 Q Did you do all these things when you were the district
11 manager for the 5th and Pike store?
12 A Yes.
13 Q Who was the store manager for the 5th and Pike store while
14 you oversaw it?
15 A Jeremiah Meckler. Prior to him, Taylor Pringle.
16 Q Did you oversee the store when Taylor was the store
17 manager?
18 A I did, um-hum.
19 Q And prior to Mr. Mackler coming in as store manager, did
20 you know him in a working capacity?
21 A Just that he was a store manager.
22 Q Was he a store manager, previously, in another district?
23 A He was. He was a staff manager in Bremerton when I took
24 over the market, and he transitioned to the 5th and Pike store.
25 Q So you oversaw him in Bremerton, and at 5th and Pike?

1 A Correct. Just for a little bit before he transitioned
2 over to 5th and Pike.
3 Q Do you know when he was promoted to a store manager
4 position?
5 A I don't remember. I don't recall the exact date.
6 Q Are you involved in promotions for store managers?
7 A I am a hiring manager, correct.
8 Q Were you a hiring manager for Mr. Mackler?
9 A I was not.
10 Q Was there a point in time when you became aware of a
11 petition for representation filed by the partners at the 5th
12 and Pike store?
13 A I was made aware, correct.
14 Q At what point in time were you made aware?
15 A Are you asking the date, or --
16 Q The date would be great, if you can recall?
17 A I can't recall. I can't recall the date, but I would say
18 roughly in January, my regional director and pro partner
19 informed us.
20 Q And do you know -- do you know if they informed you the
21 day it was filed?
22 A I don't know if it was the same day.
23 Q Do you know if you learned about any organizing activity
24 prior to the petition being filed?
25 A Prior to being informed on a virtual call by my regional

1 director, I did not know.
2 Q The record does reflect that the petition for
3 representation was filed on January 25th, 2022. Amy, prior to
4 January 21st, 2022, were you working with Mr. Mackler at all to
5 organize any store meetings?
6 A We -- was I working with him to organize any store
7 meetings? I'm sorry.
8 Q Yes.
9 A We had -- at the beginning of that year, we had, across
10 the area, one on one conversations that we were having, is that
11 were setting up with our partners, as well as we had a little
12 leader assimilation that we did with Jer at some point. I
13 don't remember the date.
14 Q Let's stop right there. Let's talk about the new leader
15 ass -- what did you --
16 A Assimilation.
17 Q What is that?
18 A That's just an opportunity for a new leader in the store
19 to kind of explain more about themselves, and for the team to
20 come together and share what they want their team to be known
21 as. What's working, what's not working. It's a pretty
22 standard norm that we have.
23 Q Did you have this new leader assimilation for Mr. Mackler
24 because he was a new leader?
25 A Yes. And he was a new leader to that store.

1 Q You also mentioned some meetings with partners. Are these
2 partner one-on-one meetings?
3 A Correct.
4 Q And what was the purpose of these meetings?
5 A The -- we -- the area -- our area tends to identify, like,
6 opportunities to better the partner experience. And so what we
7 were leaning to then was we knew a lot of partners weren't
8 aware of all of our benefits. So we took that as an
9 opportunity to try to have one on ones to explain more about
10 partner benefits.
11 Q How did you know that partners were not familiar with
12 benefits?
13 A It just came up organically in conversations with
14 partners, because you pulled together themes.
15 Q Are meetings, such as these partner one-on-one meetings,
16 conducted regularly at Starbucks?
17 A We -- yes, so performance development conversations are --
18 happening throughout the year for hourly partners, for salaried
19 leaders. And we'll pivot and based on the priority of -- of
20 the business, we'll -- we'll design what we need to do better
21 the partner and customer experience.
22 Q Okay. And so just to be clear, you mentioned the word
23 pivot. Did you pivot to have these benefit conversations in
24 lieu of partner development conversations?
25 A These were running concurrently with -- with, I believe, I

1 don't recall the exact order, but we had -- it was PDC cycle
2 for hourly partners. And then at the same time, we were
3 leaning in on benefit conversations.
4 MS. STROESCU: Your Honor, I'm going to pass around what
5 I've marked as Respondents Exhibit 9.
6 Q BY MS. STROESCU: Amy, take a minute to review this, and
7 let me know when you're done?
8 A I'm finished.
9 Q Do you recognize this exhibit?
10 A I do.
11 Q And what do you recognize this exhibit to be?
12 A This is a summary of the talking points that we are
13 directing our store managers to have in one-on-one
14 conversations across the area, to just do some level-setting
15 refresher of COVID procedures, of making sure that all the
16 availabilities are updated, pay changes. There is a lot of
17 changes that were happening at that time of year.
18 Q And what's the date of this email?
19 A This date is January 14th, 2022.
20 Q And just to be clear, this is an email you sent out?
21 A Correct.
22 Q And who -- who did you send this to?
23 A I sent this to my district, 142.
24 Q Who is included in your district?
25 A All my Bremerton stores and my Seattle stores.

1 Q Do the partners receive these communications?
2 A The store managers do.
3 Q Do assistants store managers receive these communications?
4 A Yes.
5 Q Okay. Is this email a true and accurate copy of the email
6 that you sent?
7 A Yep. It sure is.
8 MS. STROESCU: Your Honor, at this time I'd like to enter
9 Respondent's Exhibit 9?
10 JUDGE MONTEMAYOR: Any objections to 9?
11 MS. DEVLEMING: Just a clarification. I assume you're not
12 offering it for the September 13th email on the second page at
13 the very bottom that's incomplete?
14 MS. STROESCU: That would be correct. I am offering --
15 let the record reflect I'm offering it for the January 14th,
16 2022 email.
17 MS. DEVLEMING: No objection, Your Honor.
18 JUDGE MONTEMAYOR: What's been marked as Respondent's
19 Exhibit 9 will be admitted.
20 **(Respondent Exhibit Number 9 Received into Evidence)**
21 Q BY MS. STROESCU: Amy, did you send this email before you
22 knew about the petition for representation?
23 A Yes.
24 Q When did you first start discussing these partner
25 one-on-one conversations?

1 A We -- well, I sent the email of right around the 14th. I
2 don't recall the date that we discussed it as an area, but
3 prior to me sending out some direction like this, there would
4 an area of communication, and collaboration on what those
5 should look like, what's most important to our partners, what
6 do we need to level set.
7 Q You use the phrase level set. What does level set mean?
8 A Just as a -- you know, we were coming then in 21, 22,
9 we're coming out of COVID. So there's a lot of things that
10 we're just -- we didn't talk about it. We didn't talk about
11 predictability pay in Seattle. COVID had changed so much, so
12 we needed to do just a refresher on level setting of policies
13 and procedures.
14 Q Are level sets common in your stores?
15 A Sure. If you don't feel like -- any time you have a new
16 leader transition, or in this period of time there was just a
17 big shift in the world, and in the business we did some level
18 setting and just foundation -- foundational reminders of
19 processes and procedures.
20 Q When you were scheduling these partner one-on-one
21 meetings, were you planning to attend?
22 A Yes.
23 Q Were you planning to attend all of the meetings in all of
24 your stores?
25 A As much as I possibly could.

1 Q And why were you planning to attend?
2 A I -- to support the store managers, to get to know the
3 partners better, to hear what's on the mind of the partners.
4 And I would prioritize based on my store managers' newness with
5 their team or newness in role.
6 Q And you mentioned previously that Mr. Mackler was new to
7 the 5th & Pike store?
8 A Correct.
9 Q Did you take that into consideration when determining if
10 you were going to attend meetings at 5th & Pike?
11 A Yes.
12 Q Do you remember what day that you did attend the partner
13 one-on-one meetings?
14 A I don't recall.
15 Q Do you recall if you attended all the partner one-on-one
16 meetings for 5th & Pike?
17 A No, I did not.
18 MS. STROESCU: Your Honor, I'm passing around what I have
19 marked as Respondent's Exhibit 10. And I would like the record
20 to reflect that this is Bates-stamped as 305, and I believe
21 Respondent's Exhibit 9 is also Bates-stamped and has been
22 produced as 87.
23 Q BY MS. STROESCU: Amy, do you recognize this Exhibit?
24 A I do.
25 Q What do you recognize it to be?

1 A It was Jer's plan to dates and times he was planning on
2 having his one-on-one connects.
3 Q And just to be clear for the record, when you say Jer,
4 you're referring to Mr. Jeremiah Mackler, the store manager?
5 A Correct.
6 Q It looks like on this calendar that there are multiple
7 dates listed for one-on-one meetings. Why is that?
8 A Because he couldn't possibly do the one-on-ones in one day
9 based on partner availability.
10 Q Did you attend all of these meetings?
11 A I did not.
12 Q Is this a schedule of the partner one-on-one meetings that
13 you received?
14 A Yes. Jer, Mr. Mackler, had sent this to me.
15 MS. STROESCU: Your Honor, at this time I would move to
16 enter Respondent's Exhibit 10.
17 JUDGE MONTEMAYOR: Any objection to 10?
18 MS. DEVLEMING: No objection.
19 JUDGE MONTEMAYOR: 10 will be admitted.
20 **(Respondent Exhibit Number 10 Received into Evidence)**
21 Q BY MS. STROESCU: As you'd entered into February 2022, did
22 the agenda for the partner one-on-one meetings change at all?
23 A We updated it along the way to make sure we were all on
24 the same page about what would be covered. I don't recall the
25 final product.

1 MS. STROESCU: Your Honor, I am now passing around what I
2 have marked as Respondent's Exhibit 11. I'd like to note for
3 the record that this has been Bates-labeled as Starbuck's
4 Hearing 8 and has been produced in this matter, and it ends on
5 53.
6 Q BY MS. STROESCU: Amy, if you could just look through it
7 and let me know when you're done. Take your time.
8 Do you recognize Respondent's Exhibit 11?
9 A I do.
10 Q What do you recognize it to be?
11 A It was just the most recent reminder and agenda of talking
12 points for the one-on-one partner care conversations.
13 Q And what date was this email sent?
14 A On February 16th, 2022.
15 Q And is -- is respondent -- well, let me ask you this.
16 There are a bunch of pages attached to respondent to the email
17 that you sent on February 16th, 2022. What are these
18 attachments?
19 A All of the documents for the store managers to reference
20 to navigate those talking points. So it was a lot of the
21 Seattle scheduling predictive resources that we had, the
22 training guide on it, the reminder of the hourly wage talking
23 points.
24 Q And these were all topics that were to be discussed during
25 the partner one-on-one meetings?

1 A Correct. Availability form for everyone to update that.
2 Q And all of these pages that were attached, were these
3 attachments to your original email?
4 A Yes.
5 MS. STROESCU: Your Honor, at this time I would move to
6 enter Respondent's Exhibit 11.
7 JUDGE MONTEMAYOR: Any objection to 11?
8 MS. DEVLEMING: Yes. Relevance. This Exhibit proports to
9 show that at one-on-ones Amy discussed with partners the
10 Seattle scheduling law, which by the way was passed in 2017.
11 The Seattle mass communication, three-hour posting, COVID
12 policies, pay updates, an hourly pay estimator. I'm not
13 following the relevance of any of these topics to the complaint
14 allegations.
15 JUDGE MONTEMAYOR: What's your relevance, Counsel?
16 MS. STROESCU: Your Honor, there has been testimony by
17 multiple witnesses throughout this hearing that these meetings
18 that they were -- that partners were forced to come into
19 meetings that were not scheduled, they were not planned, and
20 there was various anti-union topics covered that was spent a
21 lot of time. And this --
22 JUDGE MONTEMAYOR: 11 will be admitted.
23 **(Respondent Exhibit Number 11 Received into Evidence)**
24 Q BY MS. STROESCU: Amy, as you -- as -- as the 5th & Pike
25 store was holding these partner one-on-one meetings, were there

1 more -- were these meetings happening during one sit-down with
2 partners?
3 A No. We had these meetings and we had a part 2 as well.
4 Q Okay. So the email that we just entered as Respondent's
5 Exhibit 11, these were topics for part 1 of part -- of the 2-
6 part meetings; is that right?
7 A Yes.
8 Q And were you present for the meetings with the partners,
9 for the part 1 meetings of the partners?
10 A Not every single one.
11 Q Do you recall sitting in on the 5th & Pike meetings?
12 A Yes.
13 Q Do you recall talking to partners about COVID, pay, and
14 Seattle scheduling laws?
15 A Yes.
16 Q Did the topic of the Union and the petition that was filed
17 ever come up in those meetings?
18 A Yes.
19 Q In what way did it come up?
20 A We would be available to answer any questions that
21 partners may or may not have.
22 Q And did any partners ever ask you if you had any questions
23 regarding why they filed the petition?
24 A Not that I recall.
25 Q So you mentioned that the topics in Respondent's Exhibit

1 11 were part of part 1 of the meetings?
2 A Correct.
3 Q What was part 2?
4 A Part 2 was I believe more on benefits. We created a whole
5 benefits packet.
6 Q And why did you want to discuss benefits with the
7 partners?
8 A Because not all partners -- we have a lot of benefits and
9 not every partner remembered what our benefits were.
10 Q Did you sit in on the benefits part 2 partner one-on-one
11 meetings with the 5th & Pike partners?
12 A Whatever I could attend.
13 Q And during these meetings regarding benefits, were there
14 any discussions regarding the petition for representation?
15 A It may have organically come up.
16 Q Did you show a video to partners during this part 2
17 meeting?
18 A Yes.
19 Q And what was that video?
20 A It informed partners on how to vote.
21 Q During part 2 of these meetings, did you ever tell Cori
22 Green that you hope she votes no for the Union?
23 A No.
24 Q Did you tell Nelson Hoang that you hope he votes no for
25 the Union?

1 A No.
2 Q Did you make any statement to Cori or Nelson regarding how
3 they should vote for the Union?
4 A No.
5 Q During these meetings, did you ever hear Mr. Mackler tell
6 partners to vote no for the Union?
7 A No.
8 Q During the partner one-on-one meetings, did you ever hear
9 Mr. Mackler state that bargaining could take multiple years?
10 A No.
11 Q During the partner one-on-one meetings, did you ever hear
12 Mr. Mackler state that if the Union was selected partners would
13 not be able to go directly to management with problems?
14 A I don't recall anything like that being said.
15 Q During the partner one-on-one meetings, did you ever hear
16 Mr. Mackler state that partners would not be able to borrow
17 shifts at other stores or borrowed partners would not be able
18 to come into the 5th & Pike store?
19 A No.
20 Q On the topic of borrowing partners, after the petition was
21 filed at -- petition for representation was filed on January
22 25th, 2022, were you aware of any restrictions to borrowed
23 partners?
24 A After the petition was filed?
25 Q Correct.

1 A No.
2 Q Was there any restrictions to borrowed partners prior to
3 the petition being filed?
4 A You're talking about for the 5th & Pike store?
5 Q Yes.
6 A No. There were no restrictions with that.
7 MS. STROESCU: Your Honor, I'm passing around what I have
8 marked as Respondent's Exhibit 12.
9 Q BY MS. STROESCU: Amy, do you recognize Respondent's
10 Exhibit 12?
11 A I do.
12 Q What do you recognize it to be?
13 A It was clarity sent from our director on -- just re-
14 emphasizing the fact that there are no restrictions with
15 borrowing into petitioned stores.
16 Q And so it looks like there is two emails on here. What is
17 the second email?
18 A I sent it to Jer.
19 Q And so let's start with the top email that you sent to
20 Jer.
21 A Um-hum.
22 Q What is the date of that email?
23 A I sent it on January 30th, 2022.
24 Q And were you forwarding the bottom email to him at that
25 point in time?

1 A Yes, as an FYI.
2 Q I'm sorry, could -- could you repeat that?
3 A As a for your information.
4 Q And the second email below, what is the date of that
5 email?
6 A January 28th, 2022.
7 Q And who is Nica Tovey?
8 A Nica Tovey is our regional director.
9 Q And that is her email address?
10 A Correct.
11 Q And she sent it to you along with two other individuals;
12 is that right?
13 A Yes.
14 Q And in this email your supervisor, the regional director,
15 confirms that there are no issues for borrowing partners in
16 stores that have filed a petition?
17 A Yes.
18 Q And then you relayed this to Mr. Mackler two days later;
19 is that right?
20 A Yes.
21 Q Are these emails a true and accurate copy of the email you
22 received and the email you sent?
23 A Yes.
24 MS. STROESCU: Your Honor, at this time I would ask to
25 enter in Respondent's Exhibit 12.

1 JUDGE MONTEMAYOR: Any objection to 12?
2 MS. DEVLEMING: No, Your Honor. No objection.
3 JUDGE MONTEMAYOR: 12 will be admitted.
4 **(Respondent Exhibit Number 12 Received into Evidence)**
5 Q BY MS. STROESCU: Did you ever receive any questions from
6 the partners at the 5th & Pike store regarding borrowing?
7 A Not that I recall.
8 Q To your knowledge, did borrowing continue at the 5th &
9 Pike store after the filing of the petition?
10 A Yes.
11 Q We previously talked about some potential statements that
12 Mr. Mackler might have made. I wanted to turn your attention
13 to any statements you might have made during the partner one-
14 on-one meetings. During the partner one-on-one meetings, did
15 you ever tell partners that if they unionized the relationships
16 between employees and management would be damaged?
17 A I don't recall saying that.
18 Q Did you ever tell partners that you would have -- they
19 would not have a direct relationship with you because a third
20 party would be between you and the partners?
21 A I did not say a definite statement like that.
22 Q Did you make a similar statement?
23 A I would have stated my opinion. And my opinion would be
24 that we wouldn't want somebody to be in the middle of our
25 leadership and the partners.

1 Q And why is that?
2 A Because we love our direct relationships that we have with
3 our partners.
4 Q And you mentioned that you didn't make a definite
5 statement. What do you mean by that?
6 A I would never have spoken if you do this, this will
7 happen. Because frankly, all I could -- all I know is my
8 opinions and any, you know, personal facts that I have with
9 what it's like to work for a union or be involved in unions.
10 And at that time I had very little context, so all I could
11 offer is my opinion.
12 Q So you never spoke in absolutes?
13 A Correct.
14 Q Did you ever tell partners at the 5th & Pike store that if
15 they chose Union representation and the Union decided to go on
16 strike that they would have to go on strike?
17 A No.
18 Q What would happen when the 5th & Pike partners went on
19 strike?
20 A When they went on strike, they informed us. I received it
21 once by text and email, and then our process was just to call
22 and connect with partners to see if they intended to work or
23 not.
24 Q Did you give the partners an option to go on strike or to
25 come into work?

1 A It was more of letting them know what was happening and
2 seeing if they had an intention to work.
3 Q Did you require them to work after they filed the notice
4 to go on strike?
5 A No.
6 Q Did you ever hear Mr. Mackler make a similar statement
7 that if the partners chose Union representation and the Union
8 went on strike that all partners would have to go on strike?
9 A No.
10 Q We previously talked about the phrase level set, and you
11 mentioned that it is common to do in stores as a foundational
12 reminder of procedures and policies. To your knowledge, did
13 Mr. Mackler conduct a level set ever?
14 A Yes.
15 Q When was that?
16 A On multiple different topics. These Union ones are a
17 great example of that.
18 Q Do you know when he conducted the level set?
19 A Level setting was happening just throughout, so it wasn't
20 on one particular day. So it depends on the topic and were the
21 partners aware of it or not.
22 Q You mentioned that there were times when policies need to
23 be refreshed. In 2022 was COVID still going on?
24 A Yes.
25 Q Were there certain policies during COVID that needed to be

1 refreshed?
2 A Well the -- the things that we talked about in the one-on-
3 ones had to be refreshed. We were working on showing up on
4 time, so all of our attendance and punctuality policies. We
5 were working on dress code. We were working on culture and
6 communication. I'm trying to think what else. COVID
7 protocols, Seattle predictive scheduling, connecting with
8 customers, checking in -- shift supervisors checking in their
9 partners. We were working on quick connects.
10 Q Why did these policies need to be refreshed?
11 A During COVID it was -- we just prioritized health and
12 safety, so the only thing you could really talk about was
13 COVID, and we didn't prioritize anything else. And things were
14 evolving with COVID. Some stores weren't open, some were --
15 were open. So there was just a lot of change, and so coming
16 out of COVID and back to like normal business operations, there
17 was a lot of level setting reminders that we had to do with all
18 of our stores, all of our partners.
19 Q And to your knowledge, did Mr. Mackler conduct a level set
20 on time and attendance?
21 A Yes.
22 Q Do you know what he did to do -- did to conduct that level
23 set?
24 A I don't recall -- I don't recall exactly what he did other
25 than a lot of coaching conversations.

1 Q Do you recall if Mr. Mackler had a level set on dress
2 code?
3 A From my recollection, yes.
4 Q Do you recall if Mr. Mackler had a level set on the
5 electronic technology policies?
6 A I don't recall.
7 Q When a level set is conducted, are those policies then
8 more strictly enforced going forward?
9 A Well to level set, the expectation is that the partner
10 understands the policy, again is reminded of it, and then
11 moving forward there would be corrective action if they can't
12 follow the policy or the process.
13 Q One policy in particular I'd like to talk about, which is
14 the use of vulgar language. Is there a policy against cursing
15 at Starbucks?
16 A Yes.
17 Q Is cursing common at Starbucks?
18 A No.
19 Q Is cursing or swearing against Starbucks' policy?
20 A Yes.
21 Q What is the policy?
22 A I do not recall the exact policy, but it's about
23 communicating with respect.
24 Q And are there variations of the policy that a partner can
25 curse if they are away from customers?

1 A No. It's still not acceptable.
2 Q As the district manager, you're in a lot of different
3 stores, right?
4 A Yes.
5 Q Do you ever notice if the cursing policy is more relaxed
6 in one store versus the other?
7 A Not when I'm around it's not, and it shouldn't be.
8 Q Have you ever heard Mr. Mackler curse?
9 A I have not.
10 Q Have you ever --
11 MS. STROESCU: Strike that.
12 Q BY MS. STROESCU: Have you ever issued a corrective action
13 for someone cursing?
14 A I have not. My store managers have.
15 Q Do you know how many times?
16 A I don't recall. Many.
17 Q Are you aware of Sarah Pappin ever being disciplined for
18 cursing?
19 A Yes.
20 Q Do you know what happened in that instance?
21 MS. DEVLEMING: Objection. Foundation?
22 MS. STROESCU: Sure.
23 Your Honor, I can lay some foundation.
24 JUDGE MONTEMAYOR: Okay, then lay the foundation.
25 MS. STROESCU: I believe everyone has a copy of

1 Respondent's Exhibit 2? It was passed out yesterday.
2 MS. DEVLEMING: I think they all got taken back. But they
3 weren't entered.
4 MR. KIBBE: Yep.
5 MS. DEVLEMING: Right?
6 JUDGE MONTEMAYOR: Yeah.
7 MS. DEVLEMING: Yeah, so we need copies again then.
8 MS. STROESCU: I'm going to pass around what was
9 previously marked and passed around yesterday but then
10 collected, Respondent's Exhibit 2.
11 Amy, if you just want to take a moment to review what's in
12 front of you and let me know when you're ready.
13 And for the record purposes, this exhibit is Bates-labeled
14 453 and was produced.
15 THE WITNESS: Yes.
16 Q BY MS. STROESCU: Amy, do you recognize Respondent's
17 Exhibit 2?
18 A I do.
19 Q What do you recognize it to be?
20 A It was a recap from Mr. Mackler on the ongoings that
21 happened it looks like on April 4th.
22 Q And who sent this email?
23 A Mr. Mackler, to me.
24 Q I'm sorry, did you say he sent it to you?
25 A Correct.

1 Q And what was the date of this email?
2 A April 4th, 2022.
3 Q Why was Mr. Mackler sending you this email?
4 A He was --
5 MS. DEVLEMING: Objection. Calls for speculation.
6 JUDGE MONTEMAYOR: Uh-huh. I will sustain the objection.
7 Rephrase the question, Counsel.
8 Q BY MS. STROESCU: Did you give guidance on when to issue
9 corrective action to your store managers?
10 A Yes.
11 Q Did you give guidance to Mr. Mackler in this instance?
12 A Yes. We -- I had him reference -- all my store managers
13 to reference our coach on it, and we sought partner
14 resources -- partner relations consultation on next steps.
15 Q Do you remember what the recommendation was from partner
16 relations?
17 A To deliver corrective action.
18 MS. STROESCU: Your Honor, at this time I would move to
19 enter Respondent's Exhibit 2.
20 JUDGE MONTEMAYOR: Any objection to 2?
21 MS. DEVLEMING: Well, I mean it would be hearsay. I
22 assume we're saying it's a business record. And --
23 JUDGE MONTEMAYOR: Is that an objection, or?
24 MS. DEVLEMING: I -- no objection as a business record.
25 JUDGE MONTEMAYOR: 2 will be admitted.

1 **(Respondent Exhibit Number 2 Received into Evidence)**
2 MR. KIBBE: Sorry, Your Honor.
3 I appreciate the comedy.
4 Q BY MS. STROESCU: Do you know if Mr. Mackler ever issued a
5 corrective action or sought your guidance for a corrective
6 action for any other partner for cursing?
7 A I don't recall.
8 Q You also mentioned a level set for time and attendance,
9 right?
10 A Yes.
11 Q What is the Starbucks time and attendance policy?
12 A Oh, quite lengthy. It depends on what facet of it, but in
13 short it would be you have to show up to work on time, you have
14 to communicate if you're going to be late, you have to
15 communicate if you're not going to be at your shift.
16 Q Is a no call, no show a violation of the policy?
17 A Correct. Yes.
18 Q If you're late to your shift, is that a violation of the
19 policy?
20 A Yes.
21 Q Is it common for partners to be late for their shifts?
22 A It happens.
23 Q Does it happen frequently?
24 A I would say every store has somebody that they're working
25 through time and attendance with.

1 Q Is there a forgiveness or grace given to openers that open
2 the stores in the morning because they have to get up so early,
3 so if they're late to their shift it's just okay?
4 A No. If you're late, you're late.
5 Q And if you're late, that's a violation of the policy,
6 right?
7 A Correct.
8 Q When would a partner receive a documented coaching for
9 being late? Let me rephrase. How many times would a partner
10 have to be late or in violation of the time and attendance to
11 receive a documented coaching?
12 A One time.
13 Q And how many times would a partner have to be late to
14 receive a written warning for time and attendance?
15 A If they'd been coached on the behavior already, then the
16 next -- and they violated the policy again, then the next step
17 would be a written warning.
18 Q What about a final written warning?
19 A After the written warning, then it would be a final
20 written warning.
21 Q What about termination?
22 A Normally that would happen after a final written warning.
23 And, depending on the severity of the time and attendance, or
24 whatever the policy violation is, it could lead immediately to
25 separation.

1 Q Were you familiar with a partner named Nelson Hoang?
2 A Yes.
3 Q Were you involved in Mr. Hoang's separation?
4 A I did not issue the separation. I coached Mr. Mackler on
5 what next steps should be.
6 Q And what was the advice that you provided?
7 A And I believe we had -- we had partner relations
8 consultation as well, separation.
9 Q And do you recall the facts leading up to that
10 determination of separation?
11 A I don't recall what was on the separation form.
12 MS. STROESCU: Your Honor, may I have a moment?
13 JUDGE MONTEMAYOR: Yes, you may.
14 MS. STROESCU: Amy, there's a pile of papers in front of
15 you, and I believe there are two exhibits marked General
16 Counsel's Exhibits 15(a) and 15(b).
17 THE WITNESS: In here?
18 MS. STROESCU: Yeah.
19 JUDGE MONTEMAYOR: Yeah, they're on the left. Probably in
20 the left pile.
21 MS. STROESCU: Your Honor, can I approach the witness to
22 help her find --
23 JUDGE MONTEMAYOR: Yes, you may.
24 MS. STROESCU: -- the Exhibits?
25 JUDGE MONTEMAYOR: Yes, you may.

1 That stack is getting kind of big.
2 THE WITNESS: I know.
3 MS. STROESCU: Liz, I don't see it over here. Do you have
4 another --
5 MS. DEVLEMING: What number?
6 MS. STROESCU: 15(a) and 15(b).
7 Awesome, thank you.
8 Q BY MS. STROESCU: Amy, these were Exhibits that were
9 previously entered by General Counsel. If you could just take
10 a look at those and let me know when you're ready.
11 A Okay.
12 Q Do you recognize General Counsel's 15(a) and 15(b)?
13 A It looks to be like their daily records plan -- their
14 daily records book.
15 Q What is the daily records book?
16 A It's a communication device that a store uses.
17 Q What do you mean by communication device?
18 A Like it's to communicate the store manager's plan for the
19 day and various different areas of their work, and it's a place
20 for the supervisors to communicate all the experiences for
21 customers and partners, as well as any other communication.
22 Q When we're looking at 15(a), in the top left corner there
23 is a section called staffing and scheduling.
24 A Um-hum.
25 Q And it says in here, Jer coverage 7:15 to 11:45 a.m. What

1 does that mean?
2 A It looks like that's when Mr. Mackler was coverage on the
3 floor.
4 Q And that would be the same for 12:45 to 3:30 p.m.?
5 A That's what I'm interpreting it to mean.
6 Q Okay. It also says Jer one hour late. Did I read that
7 correctly?
8 A That's what I'm reading as well.
9 Q And the date on here says Friday, March 18th, 2022?
10 A Correct.
11 Q When you flip to the next page of 15(b), in the same box
12 of staffing and scheduling does it say Jer 30 minutes late?
13 A It does.
14 Q Okay. And the date is Tuesday, May 17th, 2022?
15 A Correct.
16 Q What happens when a store manager is late? What
17 mechanisms are in place to hold them accountable?
18 A Store managers are salaried leaders, so if they're late,
19 we would expect the same communication to the store team.
20 Q Okay.
21 A And if they have an emergency, communication to me. I
22 would expect them to call me, too, if they need to change their
23 schedule or anything.
24 Q So you mentioned they're salaried employees. So that
25 means they're not hourly, right?

1 A Correct.
2 Q Is there any leeway given if they come in late to their
3 shift?
4 A We -- I would say I don't know if I've necessarily
5 navigated that with store managers before. So if I had a store
6 manager who was consistently not showing up for their team, I
7 mean, there would be accountability there as well.
8 Q And are you aware if Mr. Mackler was consistently showing
9 up for his team?
10 A As far as I knew, yes.
11 Q No further questions your honor.
12 JUDGE MONTEMAYOR: Counsel?
13 MS. DEVLEMING: Thank you, Your Honor.
14 **CROSS-EXAMINATION**
15 Q BY MS. DEVLEMING: Hi, Ms. Quesenberry.
16 A Hi.
17 Q My name is Liz DeVleming. I'm Counsel for the General
18 Counsel in this matter. And on that point, on your name, to --
19 before we even dive into much substance. Just for the record,
20 because for whatever reason this has become an issue, when you
21 pronounced your last name, it sounded like you said [Ques-en-
22 berry], as in kind of it's like a soft E sound, like an eh. Is
23 that true? Rather than [Quee-sen-berry] or [Que-sen-berry]?
24 A Yes, Quesenberry.
25 Q Quesenberry. And I'm sorry if I missed this detail, but

1 to be very clear, you testified about Nica Tovey, the regional
2 director over 5th & Pike. Was that your direct supervisor
3 while you were district manager?
4 A Correct. Nica Tovey.
5 Q Is it Nica?
6 A It is.
7 Q Thank you. You also testified about some meetings you
8 attended, and I think this was the second set of meetings you
9 refer to with Jer Mackler where a video was shown. Do you
10 remember those questions?
11 A Correct.
12 Q Did you make clear whether you attended all of those
13 partner meetings with 5th & Pike partners or just some?
14 A Just some, that I recall.
15 Q Okay. And then if you could dig through your stack and
16 find General Counsel Exhibit 21.
17 A Any idea what it looks like?
18 Q It looks like this. It says Partner Resources Manual at
19 the top. It's a lot of text.
20 A Yes, I think I found it.
21 Q Found it?
22 A Page 54?
23 Q Yeah. Is it base -- page 54 of the Partner Resources
24 Manual? No -- or yes. We're on the same page. So yeah, I'm
25 looking at page 1 of what's been marked as General Counsel

1 Exhibit 21, and right where you're looking in that bottom left
2 corner it says REV02072022. Do you take it -- is that the
3 revision date of this?
4 A REV02072022?
5 Q Right? Does that stand for --
6 A Correct.
7 Q -- revised February 7th, 2022?
8 A I believe it does.
9 Q This isn't the only time the partner recourses manual has
10 been revised in your tenure at Starbucks; is it?
11 A I'm sure it has not.
12 Q Are you aware that it was revised in March, the next
13 month?
14 A I do not recall that.
15 Q I think we're waiting on a copy of an exhibit to that
16 effect. During your tenure with Starbucks, about how many
17 times do you remember the Partner Resources Manual being
18 revised?
19 A I don't recall a specific number.
20 Q Would it be fair to say you don't really keep track of
21 those revisions?
22 A I don't track them, correct.
23 Q During the time you were the district manager for 5th &
24 Pike, would you say you had a close relationship with the
25 store's partners?

1 A I knew the partners. I was new to the market.
2 Q Okay, so no. Not a close relationship.
3 A Not a close relationship.
4 Q Would you be surprised to learn that we've heard testimony
5 that your visits to 5th & Pike increased -- the frequency
6 increased after the petition was filed?
7 A Yes.
8 Q You'd be surprised by that. So we've seen some documents
9 on direct examination showing your attendance of these partner
10 development conversations with Jer and the video meeting.
11 You're saying -- your testimony today is that the frequency of
12 your visits to the 5th & Pike store specifically never changed?
13 A My frequency to 5th & Pike changed when Jer Mackler became
14 enrolled at that store, which was I believe November of 20 --
15 whatever, 2021.
16 Q Okay. Would there be similar documents indicating whether
17 you had had meetings or attended visit of the store or had
18 meetings with store partners between November and January 25th?
19 A We did not have one-on-one conversations until that --
20 after January of 2022.
21 Q Okay. So the one-on-ones began after January.
22 A Correct. Across the area.
23 Q Okay. And the -- so then what were you -- between
24 November and January what kind of visits were those?
25 A Checking in. Doing promotional visits.

1 Q Okay. And there's no document that would reflect that you
2 had checked in at the store?
3 A If you could pull my old calendar it would.
4 Q Okay. Well, are you aware that the government issued a
5 subpoena to Starbucks for all such documents that the Judge
6 ordered be fully compliant with, and we have not seen any such
7 document in that production?
8 A I'm not aware of those processes.
9 MS. DEVLEMING: Your Honor, I have just flagged an
10 instance of something that appears to exist that was not
11 provided. And ask you, Your Honor, as requested in the motion,
12 to take an adverse -- make an adverse inference that it does
13 not exist. There is no such evidence.
14 Q BY MS. DEVLEMING: You testified on direct about how
15 you -- when you talked to employees about the Union and,
16 regardless of who brought it up, who asked what, how it came
17 up, you wouldn't speak in absolutes. You would give your own
18 personal opinion about your feelings about unions, including
19 you gave this example about how you felt it might affect your
20 direct relationship with the 5th & Pike partners. Do you
21 remember that testimony?
22 A I remember just testifying, correct. Yes.
23 Q To that effect. Were you counseled by Nica Tovey or
24 anyone else above you in the hierarchy at Starbucks to have
25 those types of conversa -- share those personal feelings with

1 employees?
2 A No. I mean, my organic opin -- my opinion would come out
3 organically --
4 Q Okay.
5 A -- if I felt like it was relevant to the conversation.
6 Q Are you aware that Jer Mackler shared very similar
7 opinions about the direct relationship --
8 MS. STROESCU: Objection. Speculation.
9 Q BY MS. DEVLEMING: -- and its impact on the direct
10 relationship between employees and management?
11 MS. STROESCU: Objection. Speculation.
12 THE WITNESS: She's testified that she attended meetings
13 with Jer.
14 JUDGE MONTEMAYOR: I think the question was whether she
15 was aware, and so I'll allow the question. Objection's
16 overruled.
17 Q BY MS. DEVLEMING: Do you want me to repeat?
18 A Sure.
19 Q Are you aware that Jer Mackler made very similar comments
20 about the impact of the Union on the direct relationship
21 between managers and partners?
22 A I know Jer's opinion was he would not want a union to be
23 in between himself as a leader and his partners.
24 Q Do you know that he shared that with employees at 5th &
25 Pike?

1 A His opinion?
2 Q Um-hum.
3 A Yes.
4 Q Are you aware that there's quite a lot of cases around the
5 country with very similar allegations of managers --
6 MS. STROESCU: Objection. Relevance.
7 MS. DEVLEMING: It goes to the witness's credibility, that
8 this did not come from above.
9 JUDGE MONTEMAYOR: I'll allow some leeway. You can answer
10 the question.
11 Q BY MS. DEVLEMING: So Amy, are you aware that there are
12 lots of Starbucks cases pending before the National Labor
13 Relations Board around the country, many of which involve very
14 similar statements made by managers about an impact on the
15 direct relationship between employees and management?
16 A I'm not aware of the other legal proceedings.
17 Q You talked about Jer Mackler's level set at the 5th & Pike
18 store on the time and attendance policy during this time frame.
19 When I say during this time frame, I mean after January '22 --
20 2022 or so. And if you -- if that's -- do you remember when
21 the --
22 A Say that again?
23 Q When did the level set on the time and attendance policy
24 begin?
25 A I don't have a specific date. I know Jer was a new

1 leader, and he began that soon after he came into that store.
2 Q Oh, did the level set begin as early as November when
3 he -- November of 2021?
4 A He started having various different conversations with
5 partners then. I don't have an exact date.
6 Q Okay. And if that were documented -- well, would that be
7 documented in any way? Like similar --
8 MS. STROESCU: Objection. Mischaracterizes the testimony.
9 She just said various conversations.
10 JUDGE MONTEMAYOR: I'll allow the question. She's asking
11 her regarding whether it was documented.
12 Q BY MS. DEVLEMING: All of these 2022 conversations are
13 well-documented. We've already seen several pieces -- exhibits
14 come in.
15 A Well planned?
16 Q Well planned and well documented. For the -- do you know,
17 would -- were the meetings in November and December documented?
18 A We don't have a documentation of every level setting
19 verbal conversation.
20 Q Okay. So documentation of this only began in January or
21 later?
22 A Can you define documentation?
23 Q Yeah. Similar to what we've seen in Respondent's
24 Exhibits -- where were they -- 9 and 11?
25 A Oh, is that something I have over here?

1 Q Yeah. These are your emails to the team --
2 A These are --
3 Q -- kind of guiding them on the subjects to cover.
4 A Correct. And what is the question?
5 Q The question -- did you send any such emails about a level
6 set on time and attendance before January 2022 at 5th & Pike?
7 A I don't recall.
8 Q Can you remind me of your testimony -- and I'm sorry if
9 this was already clear, but I might have missed it. In terms
10 of how the level set on time and attendance, whenever it did
11 begin, related to which policies were or weren't strictly
12 enforced during the COVID pandemic, or at least the earlier
13 phases of COVID?
14 A So -- can you repeat your question? I'm so sorry.
15 Q Yeah, I'm sorry. That was a little convoluted. Was there
16 te -- did you testify that there were certain policies -- and
17 please correct me if I -- if you didn't. Did you testify that
18 there were certain policies that had level sets during the
19 early COVID pandemic, and time and attendance was not one of
20 them?
21 A We began to level set on a lot of policies that weren't
22 strictly enforced during COVID coming out of COVID.
23 Q Okay.
24 A And I listed the various different topics.
25 Q Okay.

1 A I don't have an exact date.
2 Q That's fine. I don't need a date. But time and
3 attendance was one of the ones that was not strictly enforced
4 during COVID?
5 A Correct.
6 Q Was time and attendance not an issue during the COVID
7 pandemic?
8 A Partners would call out more frequently because of
9 whatever the COVID case may be.
10 Q Okay. Was COVID still a thing in early 2022? We --
11 A Yes, it was.
12 Q Were you involved in conversations with upper or corporate
13 Starbucks management, including Nica Tovey but not limited to
14 her. Are her pronouns she/her? Nica's?
15 A Nica's pronouns?
16 Q Um-hum.
17 A Are she/her.
18 Q Okay. So, including Nica but not limited to Nica. Any
19 other manager above you in the hierarchy? Were you included in
20 any conversations about the need to level set on the time and
21 attendance policy at this time?
22 A Are you asking -- can you ask it again?
23 Q Sure. I'll try to rephrase. Did the direction that the
24 5th & Pike store -- well, I guess I'll ask it this way. Did
25 Jer take it upon himself to level set on time and attendance at

1 the 5th & Pike store, were you involved in that decision?
2 A Level setting was happening everywhere.
3 Q Okay. So do I take it then that it came from above? It
4 was happening everywhere, so there was some corporate entity
5 that was directing for that to take place?
6 A No, there wasn't a corporate entirety directing it.
7 Q Okay. So each individual store all at the same time came
8 to its decision to level set on time and attendance.
9 A Every store was in a different spot at that time.
10 Q Okay. So now I'm confused. They -- all of the stores all
11 at once did do this level set or they did not?
12 A Stores were level setting on various different policies
13 and procedures based on where that store was at.
14 Q Okay. So different -- different stores were level setting
15 on different policies. So I want to zero in on time and
16 attendance. Were you involved in any conversations with people
17 above you, including Nica but not only Nica, about the need to
18 level set at 5th & Pike on time and attendance?
19 A No.
20 Q Did you discuss with Jer Mackler the need to level set on
21 time and attendance at 5th & Pike?
22 A Yes.
23 Q What did you discuss with Jer?
24 A If partners were not aware of the policies or had not been
25 enforced on timeliness, then we needed to level set and coach

1 that.
2 Q And when did those conversations with Jer begin?
3 A Jer began in that store in I believe November 2021.
4 Q And your conversations with Jer to that effect also began
5 in November?
6 A I don't have an exact date.
7 Q Okay. Would you -- do you customarily email with Jer? Do
8 you only talk to him on the phone?
9 A Various communications.
10 Q Okay. If you were directing him to level set on time and
11 attendance, would that have been something you would have
12 committed to an email?
13 A No.
14 Q Oh, you would have that over the phone? What's the
15 difference between that and these documents directing what
16 should be discussed at these one-on-one meetings?
17 A I'm confused with what you're asking.
18 Q The documents we just looked at in Respondent Exhibits 9
19 and 11 --
20 A Um-hum.
21 Q -- where you have quite a lot of detail --
22 A Yes.
23 Q -- walking Jer through what he needs to cover with
24 employees at meetings.
25 A Correct.

1 Q How does lev -- instructing Jer to level set on a policy
2 like time and attendance, why wouldn't that also deserve an
3 email?
4 A We -- because we were already doing that. And these --
5 this list and these one-on-ones were things that needed more
6 conversation. So --
7 Q Time and attendance did not need any more conversation?
8 A Uh, we had availability on there. That's part of time and
9 attendance.
10 Q Okay. But I'm asking in November, when your testimony
11 today is that as early as when Jer first began you had
12 conversations with him about the need to level set on time and
13 attendance --
14 MS. STROESCU: Objection. Mischaracterizes the testimony.
15 MS. DEVLEMING: -- and there's no document. That's --
16 JUDGE MONTEMAYOR: Overruled.
17 Q BY MS. DEVLEMING: So you testified that as early as when
18 Jer first came on --
19 A Correct.
20 Q -- as early as November, you and him had conversations
21 about the need to level set on time and attendance at 5th &
22 Pike.
23 A Depending on what the situation was, our approach was to
24 level set on what time and attendance is. Correct.
25 Q Okay. And yet, didn't make it into any written document

1 or email?
2 A No. We didn't formalize what you need to coach,
3 conversations. I would have a whole length -- you'd have to
4 have a transcript of everyday conversations if that were the
5 case.
6 Q Oh, coaching conversations don't get committed to writ --
7 you know, when you talk to a manager about what kind of
8 coaching they might need to do or what kind of discipline? You
9 don't commit that to write -- writing?
10 A We don't formally follow that. No. Between the store
11 manager and the DM.
12 Q Can you recall any specific written discipline of any kind
13 issued to any 5th & Pike partner during the entire calendar
14 year of 2021?
15 A I don't recall.
16 Q Okay. Are you again aware that the government issued a
17 subpoena requesting all such documents, and that no such
18 document was provided?
19 A I'm not aware of that.
20 MS. DEVLEMING: Your Honor, once again I'd like to flag
21 for your consideration of the sanctions motion that to the
22 extent no such document was provided, Your Honor take an --
23 make an adverse inference that they do not exist.
24 Q BY MS. DEVLEMING: Amy, I think you mentioned Sarah
25 Pappin, and if not I'll -- I'll just say do you know who Sarah

1 Pappin is?
2 A I do.
3 Q And you kind of looked over there, as she is sitting at
4 Counsel's table. Are you aware of Ms. Pappin's involvement
5 with the Charging Party Union, Worker's United?
6 A Am I aware of her involvement?
7 Q Um-hum.
8 A I don't know what you mean by that.
9 Q Okay. Are you aware she's a member?
10 A Of what?
11 Q Of the Union?
12 A I am not.
13 Q You're not aware that she is a member of the Workers
14 United Union?
15 A I don't know if I know what that means.
16 Q Okay. Are you -- have you seen her name quoted in the
17 newspaper about the 5th & Pike Union petition?
18 A I know she was a partner at 5th & Pike store when they
19 petitioned for Union representation.
20 Q Have you -- did you see her name listed on the letter
21 accompanying the petition, listed first?
22 A On the petition?
23 Q On the letter accompanying the petition.
24 A I don't recall that document.
25 Q Okay. Are -- are you -- have you seen her name listed on

1 every single strike notice for every strike that the store has
2 gone on?
3 A I've seen multiple strike notices. I don't know -- I
4 think some -- some stores list them as like all partners at the
5 store. So I don't know. I'd have to see the documents again.
6 Q You don't remember seeing her name on a strike notice?
7 A I don't recall.
8 Q Are you aware Sarah, Ms. Pappin, has given speeches about
9 the 5th & Pike petition at rallies?
10 MS. STROESCU: Objection. Relevance of this line of
11 questioning?
12 MS. DEVLEMING: Is to knowledge.
13 JUDGE MONTEMAYOR: Overruled.
14 Q BY MS. DEVLEMING: Are you aware that Ms. Pappin has given
15 speeches at rallies about the Union or 5th & Pike's petition in
16 particular?
17 A I'm not aware. She never told me that.
18 Q Are you aware that she is a member of various committees
19 regionally and nationally for Workers United, the union
20 organizing Starbucks?
21 A I am not aware.
22 Q Okay. Circling back --
23 MS. DEVLEMING: And what are we on, 35?
24 THE COURT REPORTER: 40.
25 MS. DEVLEMING: 40? How'd I get so far behind? I don't

1 know. Just a quick moment to label some exhibits that I've
2 just been handed. Actually -- maybe -- I have a stack of them
3 that I need to number.
4 JUDGE MONTEMAYOR: Okay. So why don't we --
5 MS. DEVLEMING: Should we take a quick break so I can do
6 that?
7 JUDGE MONTEMAYOR: -- go off the record here for a minute
8 and give you some time to work on that.
9 (Off the record at 3:20 p.m.)
10 JUDGE MONTEMAYOR: Okay. We're going to go back on the
11 record. We're continuing with the cross-examination of the
12 witness.
13 You may continue, Counsel.
14 MS. DEVLEMING: Thank you, Your Honor.
15 **RESUMED CROSS-EXAMINATION**
16 Q BY MS. DEVLEMING: Okay. As promised, we had talked about
17 the Partner Resources Manual and whether you remembered
18 revisions to the manual, including whether you remembered that
19 the manual was revised one month after a document we looked at,
20 in March 2022. Do you remember that?
21 A Yes. I remember you asking about that.
22 MS. DEVLEMING: I have presented the witnesses with what's
23 been marked for identification as General Counsel Exhibit 40.
24 Q BY MS. DEVLEMING: Ms. Quesenberry, take a minute to look
25 at it and let me know when you're ready.

1 A Yes.
2 Q Do you recognize this as being another version of the
3 Partner Resources Manual?
4 A Yes.
5 Q And in the bottom left where we looked before where it
6 says REV, this one says 03212022. Does that mean it was
7 revised in -- on March 21st, 2022?
8 A Yes.
9 MS. DEVLEMING: Your Honor, I offer General Counsel
10 Exhibit 40.
11 JUDGE MONTEMAYOR: Any objection to 40?
12 MS. STROESCU: No objection, Your Honor.
13 JUDGE MONTEMAYOR: 40 will be admitted.
14 **(General Counsel Exhibit Number 40 Received into Evidence)**
15 MS. DEVLEMING: I have presented the witness with what's
16 been marked as General Counsel Exhibit 42, and do note that
17 this is a two-sided exhibit so there's a back.
18 Q BY MS. DEVLEMING: Do you recognize this document, Ms.
19 Quesenberry?
20 A The email? Yes.
21 Q What is it?
22 A It is an email that had FAQs attached to it that aren't on
23 there.
24 Q And what kind of FAQs were those?
25 A Um, I don't remember.

1 MS. STROESCU: Objection, your Honor. They're asking
2 about privileged documents that are -- as you can turn over the
3 page, states withheld this privilege and is listed in the
4 privilege log.
5 MS. DEVLEMING: That would be exactly why I am talking
6 about and plan to offer the document, Your Honor, as (audio
7 interference). If we want to talk about it, as I would have
8 explored with the witness, there is no Littler attorney cc'd or
9 included on this email. It is between all Starbucks managers.
10 It is something sent in the course of business through Ms.
11 Quesenberry's work email. There is no reason for this to be
12 withheld. And even if there was, the privilege log is wholly
13 inadequate in describing the general nature of this document.
14 Again, I would ask Your Honor to award the requested
15 sanctions, require Respondent to provide all of the withheld
16 documents for in-camera review next Wednesday, also cure their
17 privilege log so that you can see what we're talking about
18 here, that this is not -- this is one example of several that
19 are not privileged documents.
20 MS. STROESCU: Your Honor, may I respond?
21 JUDGE MONTEMAYOR: Yes, you may.
22 MS. DEVLEMING: When a document is withheld as privilege,
23 just because it's attached to an email without an attorney does
24 not mean that the document was not prepared by an attorney.
25 The document is being withheld, as it states in the privilege

1 log, and the reason base for attorney work product, I believe.
2 With a description -- but the description would include that
3 the document was prepared as work product by an attorney.
4 We did the proper thing and produced the email that was
5 not privileged but withheld a privileged document. We are not
6 out of compliance. We have complied with General Counsel's
7 subpoena, and this crusade that General Counsel is on regarding
8 these subpoenaed documents, it is frivolous, it is made in bad
9 faith, and it's a waste of our time and resources. And I would
10 ask that instead the General Counsel ask relevant questions of
11 this witness so we can move along this hearing on a timely
12 manner.
13 JUDGE MONTEMAYOR: So --
14 MS. DEVLEMING: May I be heard briefly?
15 JUDGE MONTEMAYOR: Briefly.
16 MS. DEVLEMING: The minute work product is separated, as I
17 would have been about to explore with the witness, from
18 Counsel, from being advised on a legal matter, and is instead
19 disseminated amongst managers as guidance for how to interact,
20 in this case with I believe employees about the Union on
21 February 7th, just over a week after the petition was filed, it
22 loses its work product status. It loses its privilege. This
23 is a document that managers used to guide their communications
24 with employees about the Union.
25 MS. STROESCU: Briefly, I would just like to respond. It

1 does not lose attorney work product when there are
2 communications between managers about confidential client
3 information between attorneys and Starbucks. Opposing Counsel
4 has been stating over and over that the managers are Party
5 representatives and, therefore, there is no hearsay in this
6 hearing because it's a statement by a Party opponent. We are
7 representing Starbucks as well as the managers, and any
8 documents that attorneys create and discuss to those managers
9 are privileged work product documents.
10 JUDGE MONTEMAYOR: Well --
11 MS. DEVLEMING: I would simply reiterate what I just said.
12 That's not accurate. I could brief it for Your Honor if you'd
13 like.
14 MR. KIBBE: I think you did.
15 JUDGE MONTEMAYOR: Let me just say that looking at the
16 document and the face of the document, it doesn't appear to
17 have any connection to any lawyer communication. There's no --
18 I mean, if I look at this document, I can't tell if there's any
19 kind of attorney-client privilege or what part of privilege is
20 attached to this. And obviously I haven't seen the privilege
21 log. You know, from my perspective, looking at the contents of
22 this I don't -- I don't see where there's privilege involved.
23 I mean --
24 MS. STROESCU: Sure.
25 JUDGE MONTEMAYOR: I would have to sort of have some kind

1 of connection there to figure out how this document somehow has
2 morphed into some sort of privileged document.
3 MS. STROESCU: I understand, Your Honor. And what we did
4 here was in compliance with the subpoena. We produced a
5 privilege log. And when you turn this page over, General
6 Counsel's Exhibit 42, it states withheld as privilege, and it
7 gives the Bates label number of 459, and that's the draft fax
8 that you see attached here. And in the privilege log that we
9 produced to General Counsel and the subpoena, we have an -- a
10 Bates label of 459, and we explain why that document that was
11 attached to this email was withheld. So there is an adequate
12 explanation for it.
13 JUDGE MONTEMAYOR: So just the -- let's clear it for the
14 record because I don't think it's necessarily clear. The front
15 page here is not -- you're not claiming that that's privilege?
16 MS. STROESCU: We are not.
17 JUDGE MONTEMAYOR: Okay. It's whatever was attached to
18 this?
19 MS. STROESCU: Correct, Your Honor.
20 JUDGE MONTEMAYOR: And your concern is whatever was
21 attached to this document?
22 MS. DEVLEMING: Well, yeah. But of course, I'm -- I'm
23 very concerned about the lack of production of the attached.
24 JUDGE MONTEMAYOR: Okay. So we can inquire of the witness
25 regarding 42, and the privilege issue we don't have to address

1 right now, okay? And that's going to be the subject of some
2 discussion and potentially some in-camera review if we have to
3 get that, okay?
4 So please continue.
5 MS. DEVLEMING: I assume, Your Honor wouldn't want me to
6 ask her what the content of the attachment was, if we're
7 tabling the issue of whether it's privileged?
8 JUDGE MONTEMAYOR: We're not going to get into that. You
9 can inquire if there was attachments, and that's about it.
10 Again, I haven't seen the privilege log. I don't know whether
11 it's sufficient or not. I can't divine whether there's
12 privilege or not without looking at stuff that I don't have
13 before me, okay? So --
14 MS. DEVLEMING: I'm happy to move on with, you know --
15 absent reaching a stipulation that if the document comes in I
16 may need to re -- have the witness back. But I can prepare a
17 subpoena if I need that.
18 MR. KIBBE: Wait, what are you talking about? Stipulation
19 to what?
20 MS. DEVLEMING: Well, after the Judge rules on whether --
21 JUDGE MONTEMAYOR: Well, you --
22 MS. DEVLEMING: -- he's going to review this in-camera and
23 return with it.
24 JUDGE MONTEMAYOR: See the problem is that you want me to
25 rule on this motion for sanctions, but Respondent hasn't had an

1 opportunity to respond. And that --

2 MR. KIBBE: Well, Your Honor, it sounds like we're just

3 going to use this --

4 JUDGE MONTEMAYOR: I'm --

5 MR. KIBBE: -- as an excuse to argue.

6 JUDGE MONTEMAYOR: I'm not aiming to argue. And, you

7 know, I understand that there may be some frustration about

8 that, but I can't divine what they might -- what their position

9 might be. And --

10 MS. DEVLEMING: Understood. I'm just --

11 JUDGE MONTEMAYOR: And secondly, I understand that there

12 may be some issues regarding documents, and you might need to

13 flag them, and so on and so forth. But I can't really address

14 those at this point in time. Now, if that means that this

15 witness has to be called at some later date to talk about other

16 documents that show up, then I guess we'll cross that bridge

17 when we get there. But I -- I don't think that bridge is

18 appropriate to cross at this point in time.

19 MS. DEVLEMING: Sure.

20 JUDGE MONTEMAYOR: So please continue. Again, for the

21 record, there's no contention that what's been marked as 42 is

22 a privileged document.

23 MS. DEVLEMING: At this point, I would offer the first

24 page of General Counsel Exhibit 42 to the record.

25 MS. STROESCU: No objection, Your Honor.

1 JUDGE MONTEMAYOR: 42 will be admitted.

2 **(General Counsel Exhibit Number 42 Received into Evidence)**

3 MS. DEVLEMING: I have presented the witness with what's
4 been marked as General Counsel Exhibit 43, and I think I
5 skipped -- maybe I will also walk around with 41. And I know
6 these were already a little bit out of order. I think I --

7 JUDGE MONTEMAYOR: It might save you some walking if you
8 want to just --

9 MS. DEVLEMING: Pass them all out?

10 JUDGE MONTEMAYOR: -- distribute them all at once.

11 MS. DEVLEMING: Sure, sure.

12 JUDGE MONTEMAYOR: And then we'll do it that way.

13 We'll go off the record for a moment.

14 (Off the record at 3:38 p.m.)

15 MS. DEVLEMING: All right. Off the record, I have handed
16 the witness and the coun -- counsel and everyone involved many
17 more exhibits. It's General Counsel's Exhibit 41, and 43
18 through 54, I believe, have been marked as those numbers.

19 **RESUMED CROSS-EXAMINATION**

20 Q BY MS. DEVLEMING: And Mr. Quesenberry, let's start with
21 41, if it hasn't escaped you.

22 MS. DEVLEMING: And just so everyone knows, the -- in the
23 coll -- collating them together, the paperclips were kind of
24 molding. So I wouldn't -- I would ignore the paper clips and
25 pay attention to the GC stamp in the bottom right.

1 Q BY MS. DEVLEMING: Okay. General Counsel Exhibit 41. Do
2 you recognize this document?
3 A Yes, it looks like an email sent to me.
4 Q And it's a multi-page document. Maybe take a minute to
5 flip through it.
6 A Okay.
7 Q Is this an email -- you said it's an email sent to you,
8 from Jeremiah Mackler?
9 A Correct.
10 Q And the attachment looks like it's entitled partner1-
11 1.docx (phonetic throughout). Do you see that?
12 A Yes, I see that.
13 Q What is this?
14 A It looks like Mr. Mackler's notes.
15 Q From partner one-on-ones?
16 A It looks like that, yes.
17 Q Did you ask him to send you these notes?
18 A No, he probably just sent it to me.
19 Q Do you know when the one-on-ones occurred, with relation
20 to the date on the email?
21 A The one-on-ones began before March 4th.
22 Q Before the date of the email, right. But soon before,
23 long before? Do you -- do you remember when --
24 A I believe we formed the plan end of December into January
25 as an area, and we began them in February.

1 MS. DEVLEMING: Okay. Your Honor, I would offer General
2 Counsel Exhibit 41.
3 JUDGE MONTEMAYOR: Any objection to 41?
4 MS. STROESCU: No objection, Your Honor.
5 JUDGE MONTEMAYOR: 41 will be admitted.
6 **(General Counsel Exhibit Number 41 Received into Evidence)**
7 MS. DEVLEMING: I think we already took up 42, which is
8 why we're skipping to 43 -- 42 is the one I wanted, okay.
9 Q BY MS. DEVLEMING: Let's look next at what's marked as
10 General Counsel, or GCX in the bottom right, 43. Do you see
11 that one?
12 A I do.
13 Q Do you recognize this?
14 A It looks like a corrective action.
15 Q And what is this first page?
16 A An email from Mr. Mackler to myself and another store
17 manager.
18 Q And then you referred to the corrective action. Is that
19 page 2 and -- pages 2 and 3?
20 A Correct.
21 Q Did you ask Mr. Mackler to send you this corrective
22 action?
23 A He would have sent it just for me to review, correct.
24 Q Is that the standard practice?
25 A We try -- I try to review corrective actions. It doesn't

1 always happen.

2 Q Did you have a conversation with Mr. Mackler before

3 receiving this email about the subject in the email, the

4 corrective action of Sarah Pappin?

5 A Yes.

6 Q What did you discuss with Mr. Mackler?

7 A I don't remember specifics.

8 Q And it says -- it looks like it says, here you, from, Jer.

9 Do you -- do you know why he kind of framed it that way?

10 A Meaning, here's the document?

11 MS. DEVLEMING: Okay. Your Honor, I would offer General

12 Counsel Exhibit 43.

13 JUDGE MONTEMAYOR: Any objection to 43?

14 MS. STROESCU: No objection, Your Honor.

15 JUDGE MONTEMAYOR: 43 will be admitted.

16 **(General Counsel Exhibit Number 43 Received into Evidence)**

17 Q BY MS. DEVELMING: Turning next to what's been marked as

18 GCX-44. Ms. Quesenberry, do you recognize this document?

19 A Yes.

20 Q What is it?

21 A It is an email with attachments --

22 Q And --

23 A -- directed at myself.

24 Q And it's from Jeremiah Mackler?

25 A Correct.

1 Q Dated March 23rd?
2 A Correct.
3 Q And it looks like there are six corrective actions
4 attached?
5 A Correct.
6 Q Did you discuss with Jeremiah -- Jer before he sent this
7 email the fact that he was drafting corrective actions?
8 A Yes.
9 Q And what did you discuss with Jer?
10 A I don't remember specifics.
11 Q Did you direct him to draft these corrective actions?
12 A We would have had a conversation about it to talk about
13 next steps with partners.
14 Q Okay, but you don't remember what you discussed?
15 A No, I don't remember the specifics.
16 Q Did he -- you direct him to send them to you first?
17 A Yes, I -- like I stated before, I try to review corrective
18 actions.
19 Q Do you know if any of these six employees were presented
20 with these six corrective actions?
21 A We -- I don't recall if all of them were presented.
22 Q Do you remember any specific day -- if anyone was or
23 wasn't clearly?
24 A I don't remember specifically, unless I saw the signed
25 copy in front of me.

1 MS. DEVLEMING: Your Honor, I'd offer General Counsel
2 Exhibit 44.
3 JUDGE MONTEMAYOR: Any objection to 44?
4 MS. STROESCU: Your Honor, no objection. And as to the
5 remainder of the exhibits through General Counsel 54, we'd be
6 happy to stipulate in order to save time, as to the entry of
7 all exhibits.
8 JUDGE MONTEMAYOR: 44 will be admitted.
9 **(General Counsel Exhibit Number 44 Received into Evidence)**
10 JUDGE MONTEMAYOR: And I assume General Counsel's okay
11 with the stipulation of 45 --
12 MS. DEVLEMING: I am. I'm still going to briefly cover
13 them with the witness --
14 JUDGE MONTEMAYOR: Sure. Sure, that's fine. Good.
15 MS. DEVLEMING: -- but if it saves some time.
16 JUDGE MONTEMAYOR: Just so that it's clear for the record,
17 45 through 54 will be admitted.
18 **(General Counsel Exhibit Number 45 through 54 Received into**
19 **Evidence)**
20 Q BY MS. DEVLEMING: All right. Turning to 45 -- General
21 Counsel 45, this looks like an email from Jeremiah Mackler to
22 yourself on March 25th, re: documented coachings. This one has
23 one, two, three, four, five, six corrective actions attached.
24 Do you -- did you talk with Mr. Mackler about these corrective
25 actions before he sent this email?

1 A Yes, we would have had some sort of dialogue on them.
2 Q And these look like the same six -- and I'll just
3 represent for the record that they are the same six -- attached
4 to his e -- maybe -- okay, I won't represent for the record.
5 The previous exhibit was a March 23rd email from Jer
6 Mackler. This one is a March 25th email, looks like with the
7 same six names. And it -- to my first glance, it looks like
8 the same dates. Had there been a revision made? Or why did
9 the --
10 A I don't recall.
11 Q Sorry, can you repeat that? I --
12 A I don't recall.
13 MS. DEVLEMING: Your Honor, I would offer -- it's already
14 in, never mind.
15 Q BY MS. DEVLEMING: Turning to 46, this looks like an April
16 2nd email from Jeremiah to yourself?
17 A Yes.
18 Q Are you aware of why Jeremiah sent you this email?
19 A Recapping recent conversations --
20 Q Did --
21 A -- it looks like.
22 Q Did you ask him to send you an email about those recent
23 conversations?
24 A He volunteered it.
25 Q And your understanding is these were recent conversations

1 between Jer and these employees at the store?
2 A Yes, it looks like that.
3 Q Turning to General Counsel 47. This is an April 5th email
4 from Jer to yourself. Did you ask Jer to send this email?
5 A Looks like he did, and I didn't specifically ask.
6 Q You did not ask him?
7 A He just offered the information. He kept me informed.
8 Q Okay. And toward the bottom, the second name there is
9 Nelson. Is that Nelson Hoang?
10 A Yes, I believe that is.
11 Q The second set of bullets under Nelson's name, it -- it
12 says it -- this is -- it says 4/4/2022. Do you take that to be
13 a conversation he had with Nelson on April 4th?
14 A Yes, it looks like that.
15 Q Second set of bullets says no knowledge of unions in
16 general. Do you see that?
17 A I do see that.
18 Q Does -- and then the next says, didn't seem to even know
19 it was happening in our store, maybe a vague knowledge.
20 A Okay.
21 Q It seems from those that Nelson wouldn't have been the one
22 bringing up the Union?
23 MS. STROESCU: Objection, speculation.
24 JUDGE MONTEMAYOR: Sustained.
25 Q BY MS. DEVLEMING: Did you take from these notations that

1 Jer was kind of explaining to Nelson what was going on with the
2 Union?
3 MS. STROESCU: Objection, speculation.
4 Q BY MS. DEVLEMING: Did you take it from the written
5 document?
6 JUDGE MONTEMAYOR: I'll -- I'll sustain the objection.
7 Rephrase the question, Counsel.
8 Q BY MS. DEVLEMING: Are you aware of whether or not Jer
9 initiated the conversation with Nelson about the Union on April
10 4th?
11 A I don't have that knowledge.
12 Q Turning to General Counsel 48 -- and this one is a front
13 and back exhibit, two-page exhibit. This is a April 10th email
14 from Jer to yourself, also about a corrective action.
15 A We're on -- we're on 48?
16 Q Yes.
17 A Okay.
18 Q April 10th email, also about a corrective action involving
19 Sarah Pappin. Here, Jer said, how's this? Did you direct Jer
20 to draft this corrective action?
21 A He would have drafted it based on whatever the -- the
22 grievance is. That's his -- that's his role, to draft them.
23 Q Had you spoken with Jer before he sent this email about
24 the subject of this April 9th disc -- corrective action of
25 Sarah Pappin?

1 A Yes.
2 Q What did you discuss with Jer?
3 A I don't recall the specifics.
4 Q Did Jer explain why he was asking if he should have a
5 witness present?
6 A No, I don't remember why. We -- sometimes, district
7 managers support store managers in that, in delivery of
8 corrective actions.
9 Q When they give written warnings like this one?
10 A In vari -- it doesn't have to be a written warning.
11 Q I'll wait just to make sure our sound is -- how often
12 would you attend a written warning conversation with a store
13 manager?
14 A I just did one not that long ago in my current market. So
15 it just depends on store manager comfort. Are they new?
16 Q What percentage, though? A store manager is going to
17 present a written warning. How many of those in your district
18 do you attend?
19 A It varies.
20 Q Can you give us a rough percentage? Is it half the time?
21 Is it 10 percent of the time?
22 A I can't land on a percent.
23 Q Do you know if this discipline was ever presented to Sarah
24 Pappin?
25 A I believe it was.

1 Q Turning to General Counsel 49. You'll see on the bottom
2 right that this is part of the subpoena production from
3 Starbucks, Bates 377. This at least purports to be -- although
4 I will note that it is a chart -- it purports to be a --
5 actually, I can't even tell. Do you know? Was this a text
6 message, an email, a letter? It says message body.
7 A I've never seen a document look like this before.
8 Q Okay, so this is not the -- a document that's kept in the
9 regular course of Starbucks business?
10 A Okay. Well, I'm sorry --
11 Q No, that's my question. You've never seen one before,
12 so --
13 A This does not look like an official communication. Or it
14 doesn't look like an email, I would say.
15 Q Do you remember -- even if this document doesn't show it,
16 do you now remember receiving notification -- well, actually,
17 if you can tell -- well, do you now re -- remember receiving a
18 notification of a strike held on April 15th from Sarah Pappin?
19 A I did receive, I don't remember what was written, a --
20 one -- one strike, I did receive a text message.
21 Q From Sarah Pappin?
22 A Correct.
23 Q Announcing the strike?
24 A Correct.
25 Q Can you tell -- I know it's very hard to see, but in the

1 second row, the column to the far right, there is what looks to
2 be like a letter, like a one-page document. Do you see what
3 I'm referring to?
4 A Yes.
5 Q Can you tell -- and it's okay if you can't, because I know
6 it's very hard to read -- can you see Sarah Pappin's name
7 listed second, under sincerely?
8 A It says cc: Grace (phonetic throughout), and then Sarah
9 Pappin.
10 Q And at least this document reflects your name here as a --
11 sort of a pseudo recipient? It says Sarah Pappin, comma Amy
12 Quesenberry. Name, number. I'm not quite sure what it means.
13 But did you receive this document from Sarah Pappin?
14 A I know I received a notice of strike. I did not -- until
15 you showed me this, I would not have said I received it on
16 text, but.
17 Q But you now remember receiving this -- this notice of
18 strike, the document with her name on it, from Sarah Pappin?
19 A Yes, the document looks familiar. I don't know what that
20 handwritten note is, though.
21 Q Yeah, me neither. All right, thanks. Let's turn to
22 General Counsel Exhibit 50. This is a June 3rd email from Jer
23 to yourself, also involving corrective actions. It looks like
24 three of them. And they -- those are attached.
25 Q Okay.

1 A Did you talk to Jer about these corrective actions before
2 he sent this email?
3 A Yes, I would have had some sort of context.
4 Q Do you remember what kind of context?
5 A I don't recall the specifics of that conversation.
6 Q Did you direct him to send you drafts of these corrective
7 actions?
8 A He always offered them so we could review them first.
9 Q So he offered? You did not tell him to do that?
10 A We -- no, he offered -- I either saw them on email or I
11 would have seen them in person.
12 Q I just want to make sure. I think it's -- I think it's
13 clear, and I won't belabor the point. But you didn't instruct
14 him to send you these? He took that upon himself, is your
15 testimony?
16 A Yes.
17 Q Do you know if any of these three corrective actions were
18 ever issued to these employees?
19 A I would assume they were, but I'm not sure, unless I saw
20 the signed copy. Because we consulted with Partner Relations,
21 as well.
22 Q Did you attend any meetings on these three corrective
23 actions with -- between Jer and the partner involved?
24 A I don't recall.
25 Q Turning to General Counsel 51, an email from Jer on June

1 6th. And it looks like this one, you are cc'd on. First of
2 all, who's Damaris Da Luna, if you know, in the to field?
3 A It looks like Damaris Da Luna was the partner relations
4 specialist we were consulting with.
5 Q And you're pulling that from the bottom here?
6 A Right, right.
7 Q It has their email signature?
8 A Correct.
9 Q Have you dealt with Damaris on disciplines before?
10 A Not that I re -- can recall.
11 MS. DEVLEMING: And this one looks like it's about an
12 employee named Laurelle Manriquez-Flores. I'm not sure we've
13 spelled that. It's in the exhibit, but just for the record,
14 the last name is M-A-N-R-I-Q-U-E-Z, dash, F-L-O-R-E-S.
15 Q BY MS. DEVLEMING: Did you talk to Jer before he sent this
16 email to Damaris with yourself cc'd?
17 A Yes, I was aware. Correct.
18 Q What did you talk to Jer about?
19 A I don't recall the specifics.
20 Q What were you aware of?
21 A That he was -- that we had decided to seek consultation.
22 It looks like in this case, perhaps Laurelle.
23 Q Were you involved in the decision to seek consultation?
24 A Yes.
25 Q And when you say seek consultation, do you mean consult

1 with Damaris Da Luna?
2 A Partner Rel -- Relations, and the person that's assigned
3 to us varies.
4 Q Got it, but that -- okay. And this one, page 2 of General
5 Counsel 51, is a signed discipline. So you take that to mean
6 this one was for sure presented to the employee?
7 A Correct, that's what it looks like.
8 Q Okay. Turning to General Counsel 52, again, we have this
9 chart. Do you now -- take -- take a minute, if you need it, to
10 look at this document. And my question is, do you now recall
11 receiving notice in whatever form of a strike?
12 A Which one are we on?
13 Q We're on General Counsel 52.
14 A 52.
15 Q After reviewing that document, do you now recall Sarah's
16 name being listed first on a strike notice sent on June 24th?
17 A Yes, I see that strike notice.
18 Q And again, Sarah's name is listed in the middle of
19 managers' names and the name and number field. Do you recall
20 if Sarah sent this mes -- notice to you?
21 A Well, it looks like based on this format, it was sent via
22 text.
23 Q From Sarah?
24 A I -- I'm trying to understand what this is. It looks like
25 it's pulled in a text log. Is that --

1 Q You can't --
2 A -- what it is?
3 Q -- figure out what it means?
4 A Well, I see the --
5 Q I don't know what it is.
6 A -- notice of strike, yes.
7 Q Okay.
8 A How it was sent to me, I -- I don't recall. But it looks
9 like this is some sort of text log.
10 Q But you see Sarah's name listed there first under --
11 A I do see Sarah's name listed.
12 Q Okay, let's turn to the General Counsel 53. This one is an
13 email from you. And actually, I don't even see the to field.
14 Do you recognize this to know who you sent this to on June
15 25th?
16 A That's weird. Why is there not a to? I don't recall who
17 this would have been sent to. But we -- like I stated, we
18 sought Partner Relations' consultation.
19 Q Okay. And the first sentence of -- of the email, the June
20 25th email at the top of page 1 of General Counsel 53, you say,
21 good evening. These are the corrective actions and separation
22 that we will be. And it looks like it cuts off. Do you
23 remember --
24 A I wonder if that's because it was a draft. I -- I don't
25 know. Sometimes, draft emails get kind of hung up. You know

1 what I mean?
2 Q Um-hum. So you're not sure whether you sent this or not?
3 A I'm not.
4 Q Okay. Let's look at the email right below, the one from
5 Jere -- Jer Mackler to Bryan Craig, with yourself cc'd on June
6 24th. And it looks like we can cheat and see who Bryan Craig
7 is at the bottom. Senior Partner Relations associa --
8 associate?
9 A Bryan Craig? Yes, I see that.
10 Q Yes. Have you dealt with Bryan before on partner
11 discipline?
12 A I don't recall. I'm -- the store manager would have dealt
13 with them directly.
14 Q Okay. And so again, looking at Jer's email, this says,
15 here you go. Let me know if I need to reword anything.
16 A Yes, I see that, um-hum.
17 Q And then looking at the remaining pages of the exhibit,
18 there is a notice of separation form. Well, kind of an
19 informational form, it looks like, followed by a one-page
20 notice of separation that issued to Nelson. Do you see that?
21 A I see notice of separation for Nelson, correct.
22 Q And I -- I'll reframe, this exhibit doesn't show whether
23 it's issued. But this is a draft, right, from Jer?
24 A It looks to be. Yes, that's the draft. Correct.
25 Q And then the last page of this exhibit is about a

1 different employee, Tawni Cross. Do you see that?
2 A I -- I do.
3 Q Did Jer discuss with you either the potential of a
4 separation for Nelson or the potential of a documented coaching
5 for Tawni Cross before he sent that June 24th email shown on
6 page 1 of this exhibit?
7 A Yes.
8 Q What did you discuss about Nelson?
9 A I don't recall the specifics.
10 Q What did you discuss about Tawni Cross?
11 A I don't recall the specifics in the conversation. It
12 looks like, based on the draft, it was time and attendance.
13 Q Okay. And finally, General Counsel 54. This one is an
14 email from Brian Craig to yourself, with Jer cc'd. This says,
15 notice of separation, Nelson Hoang. Do you know why Bryan sent
16 this email?
17 A He was our consultant person from Partner Relations.
18 Q And in the middle of his email, at the top of page 1 of
19 GC-54, it says Darryl was able to review. Do you know who
20 Darryl is?
21 A Where are you reading?
22 Q I'm in Bryan's email, at the top of General Counsel
23 Exhibit 54, page 1. It refers to a Darryl. Do you know who
24 that is?
25 A I don't recall.

1 Q Okay. And what about EA had a conflict. Do you know who
2 or what EA is?
3 A I don't recall what that stands for.
4 Q Okay. And then in the cc field, I'm now seeing in
5 addition to Jerry being cc'd, Ryan Lassiter, we know was cc'd.
6 Nica Tovey was cc'd. Then, I see a named Rob Lawrence. Do you
7 know who that is?
8 A A Partner Rela -- Partner Relations manager, a PRM.
9 Q Okay. And this is right around when you were transferring
10 regions. I'm looking at the top of page 2 of this exhibit,
11 your email.
12 A Did you say --
13 Q Do you see that?
14 A -- this exhibit?
15 Q Um-hum.
16 A I'm sorry, page 2. Yes?
17 Q Top of page 2, you say, I'm including my peer, as I'm
18 transferring regions?
19 A Yes.
20 Q So this is right around the time, June 26th, that you
21 transferred?
22 A Correct.
23 Q And then the next email from Bryan Craig right below that
24 dated June 26 says, just the D.C. is approved. What's D.C.?
25 A A documented coaching.

1 Q And still need EA? You don't remember what that means?
2 A I don't remember what that stands for.
3 Q At the very bottom of page 2, Bryan Craig's June 24th
4 email, it says, I know Amy wanted to align, also for
5 consistency of district/area. Do you know what that refers to?
6 A To make sure we're consistent with documentation.
7 Q You had a -- you expressed to Brian, just wanting to make
8 sure that was consistent?
9 A Looks that way. I don't remember what exactly we were
10 talking about, though.
11 Q And then this looks like the -- page 3 of the two-sided
12 exhibit, it looks like the same email we already saw from Jer
13 Mackler attaching the draft notice of separation for Nelson?
14 A If it's the same days, then it looks like it could be the
15 same email.
16 Q Yeah, and --
17 A It looks like --
18 Q -- don't worry too much, though.
19 A -- there's a couple -- yeah, it looks like they're
20 separate emails, though, or a chain.
21 MS. DEVLEMING: The -- they're in the record, so the
22 record will reflect that.
23 Q BY MS. DEVLEMING: Do you recall receiving the strike
24 notices from Sarah by email?
25 A I don't recall how I received them.

1 Q Is the normal process at Starbucks, when you issue
2 discipline, is it progressive? You start with a written
3 warning -- could you jump to a written warning, or does it have
4 to start with a documented coaching before you can do a written
5 warning?
6 A I stated it earlier. Depending on what the grievance is,
7 you could jump right to separation.
8 Q Okay.
9 MS. DEVLEMING: Thank you, Your Honor. No further
10 questions.
11 JUDGE MONTEMAYOR: Redirect?
12 MS. STROESCU: Yes, Your Honor, as long as the Union
13 doesn't have any questions first?
14 MR. KAPLAN: We do not.
15 JUDGE MONTEMAYOR: Okay.
16 MS. STROESCU: Briefly, Your Honor.
17 **REDIRECT EXAMINATION**
18 Q BY MS. STROESCU: Amy, early on in cross-examination, you
19 testified that your frequency of visits to the 5th and Pike
20 store increased when Jer came into the role of store manager.
21 A Correct.
22 Q Do you recall that?
23 A Yes.
24 Q Why did your frequency increase?
25 A Because Jer is a new leader at a new store.

1 Q And whenever one of your stores has a new leader or store
2 manager, does the frequency of your visits increase?
3 MS. DEVLEMING: Objection, leading.
4 JUDGE MONTEMAYOR: Well, sustained. Rephrase the
5 question, Counsel.
6 Q BY MS. STROESCU: Do you always increase frequency of
7 visits when a new leader is in the store?
8 MS. DEVLEMING: It's the same question. Objection,
9 leading.
10 MS. STROESCU: It's an open-ended question.
11 JUDGE MONTEMAYOR: I'll sustain the objection and allow --
12 I'll allow you to rephrase.
13 Q BY MS. STROESCU: When are times that you increase the
14 frequency of visits to your stores?
15 A When I have a new leader in stores, I will be there more
16 often to support them.
17 Q There was also some discussion regarding level setting.
18 Is level setting a decision that is made by store managers?
19 A In -- yes. I mean, store managers can level set. And
20 when they do, a lot of things in part end up with the district
21 manager.
22 Q Do they need the district manager's consent to level set?
23 A No.
24 Q Do you have access to your 2021-2022 calendar?
25 A I don't.

1 Q What happ -- why not?
2 A Because I've switched laptops twice.
3 Q Did you ever sit down with Nelson Hoang and have a
4 discussion about the Union?
5 A We -- I don't even remember if I was at Nelson's one-on-
6 one.
7 Q Other than the one-on-ones, do you ever recall talking to
8 Nelson about the Union?
9 A No.
10 Q Do you follow Sarah Pappin's media presence?
11 A No.
12 Q Why not?
13 A I'm not on a lot of social media.
14 MS. STROESCU: No further questions.
15 JUDGE MONTEMAYOR: And --
16 MS. DEVLEMING: Nothing.
17 JUDGE MONTEMAYOR: Thank you so much for your
18 participation. We appreciate you coming in and spending time
19 with us --
20 THE WITNESS: No worries.
21 JUDGE MONTEMAYOR: -- in the afternoon. So we'll thank
22 you, and you're excused.
23 THE WITNESS: Okay, great.
24 JUDGE MONTEMAYOR: You may step down.
25 We are -- we'll go off the record here for a moment, and

1 let's talk about where we're at.

2 (Off the record at 4:14 p.m.)

3 JUDGE MONTEMAYOR: Welcome.

4 MS. FERGUSON: Thank you.

5 JUDGE MONTEMAYOR: We're going to begin by having you

6 sworn, so please raise your right.

7 Whereupon,

8 **CHRISTY FERGUSON**

9 having been duly sworn, was called as a witness herein and was

10 examined and testified as follows:

11 JUDGE MONTEMAYOR: And we will begin by having you state

12 and spell your name for the record.

13 THE WITNESS: Okay. It's Christy, C-H-R-I-S-T-Y,

14 Ferguson, F-E-R-G-U-S-O-N.

15 JUDGE MONTEMAYOR: Okay. Now, you're a little soft

16 spoken. I have hearing aids, so I'm --

17 THE WITNESS: Okay.

18 JUDGE MONTEMAYOR: -- going to have to have you try to

19 keep your voice up, okay?

20 THE WITNESS: Okay.

21 JUDGE MONTEMAYOR: Speak --

22 THE WITNESS: Is that better?

23 JUDGE MONTEMAYOR: A little bit more.

24 THE WITNESS: I will do my best.

25 JUDGE MONTEMAYOR: Okay, thank you.

1 And Counsel, you may begin.
2 MR. KIBBE: It's me this time.
3 MS. STROESCU: Mr. Kibbe.
4 JUDGE MONTEMAYOR: Okay.
5 MR. KIBBE: Sorry, forgot to say we're doing me again.
6 **DIRECT EXAMINATION**
7 Q BY MR. KIBBE: Christy, it's nice to meet you again. So
8 you work at Starbucks; is that right?
9 A I do.
10 Q Okay, and how long have you worked there?
11 A Over eight years.
12 Q And what's -- over eight years. When did you start, then?
13 A January, 2015.
14 Q What positions have you held?
15 A Assistant store manager and store manager.
16 Q And your current position is what?
17 A Store manager.
18 Q All right. And have you ever worked -- well, before I
19 start that, when did you become a store manager?
20 A 2016, I believe.
21 Q And how many stores?
22 A One, two -- four.
23 Q Was the 5th and Pike store one of those?
24 A It was.
25 Q Okay, and when did you manage the 5th and Pike store?

1 A It was August to October. Towards the end of October.
2 Q Of what year?
3 A 2022.
4 Q So not very long. Why was it such a short time?
5 A Because I wasn't supposed to be the store manager of that
6 store. I was supposed to be the mentor to the new store
7 manager --
8 Q And who was --
9 A -- and help --
10 Q I'm sorry, go ahead.
11 A Just to help guide them --
12 Q Who was the --
13 A -- since they were new to the role.
14 Q Sorry, who was the new store manager?
15 A Stephen Button.
16 Q And when -- do you know when he got there?
17 A I think it was a week after I did, if I remember
18 correctly.
19 Q Was Steven Button, like, a co-store manager of some sort?
20 A He was supposed to be the store manager, and I was there
21 to support him.
22 Q Did he -- was he still at 5th and Pike the entire time you
23 were there?
24 A He was.
25 Q When he left, was he the store manager? Essentially, the

1 only one at the store?
2 A He ended up leaving and going on a personal leave.
3 Q So somebody else took over for him?
4 A I was there until they had somebody take over for him.
5 Q Okay. Who took over then, after you left, if you know?
6 A Jeremy Strickland.
7 Q And you're somewhere else right now; is that right?
8 A Yeah, I'm at 1st and Denny.
9 Q And have you been there ever since?
10 A Yes.
11 Q Okay. While you were the store manager, do you remember
12 who the district manager was at 5th and Pike? I'm sorry.
13 A No, no worries. It was Ryan.
14 Q Ryan? What's his last name?
15 A Lassiter.
16 Q Thanks. And I saw -- part of this is just that it's being
17 recorded.
18 A No, that's okay.
19 Q Yeah.
20 A That's okay.
21 Q And the other part of it is I'm doing the best I can to
22 not talk over you. That's my fault. I talk quickly.
23 Did you work with any of the following partners while you
24 were at 5th and Pike? I'm going to start with one Sarah
25 Pappin.

1 A Yes.
2 Q Okay, how long did you work with her?
3 A How long did I work at 5th and Pike?
4 Q With Sarah Pappin.
5 A The entire time.
6 Q What about Cori Green?
7 A The entire time.
8 Q All right, and what about Mari Cosgrove?
9 A I think -- I don't recall the day that she started, but I
10 think she started after I got there. Or like, there was -- she
11 wasn't there my first day.
12 Q Okay.
13 A Or maybe she started right when I started. I'm not
14 entirely sure.
15 Q What about Micah Lakes?
16 A The entire time.
17 Q Were you aware when you came to the 5th and Pike store
18 that had -- it had been through a petition process?
19 A Yes.
20 Q How did you become aware of that?
21 A I was told by my district manager and by the former store
22 manager.
23 Q Before you showed up at 5th and Pike, did you have any
24 idea of the partners who supported the Union?
25 A No.

1 Q Did you do any research beforehand?
2 A No.
3 Q Okay. Did it matter to you?
4 A Not at all.
5 Q And why is that?
6 A Because it's -- they got to do what's best for them, and
7 I'm going to do what's best for me. I don't -- either way, I
8 have no issue with it.
9 Q Okay. Did you -- did the Union or any union activity come
10 up during your tenure at the 5th and Pike store with other
11 partners?
12 A Like, conversation-wise?
13 Q Yes.
14 A There was -- only one time was it mentioned was during a
15 shift meeting.
16 Q Okay. Can you tell me about that shift meeting?
17 A It was early September. We had a shift supervisor meeting
18 with a handful of us. Not all of us were there. And it was
19 just to kind of like, welcome everyone to the team. One of the
20 new shift supervisors, Jo, was doing a coffee tasting to kind
21 of welcome her to the leadership team. And kind of do some
22 explaining of like, why I'm here and what I -- like, what's --
23 what's not working for you guys? How can we work together and
24 collaborate to make it a better experience for everyone? And
25 then what my expectations were, as to why -- what I wanted to

1 get out of the experience, knowing that I wasn't going to be
2 there very long.
3 Q And that's interesting. What were your expectations,
4 given your short term?
5 A Just to --
6 MS. DEVLEMING: Your Honor, I'm going to object, as to the
7 relevance. There are -- aren't complain allegations -- unless
8 we're talking on the bulletin board. That's the only complaint
9 allegation after this witness --
10 JUDGE MONTEMAYOR: I'm -- I'm --
11 MS. DEVLEMING: -- came to the store.
12 JUDGE MONTEMAYOR: I'm going to overrule the objection.
13 I'll allow it, assuming we're here to --
14 MR. KIBBE: Thank you, Your Honor.
15 JUDGE MONTEMAYOR: -- get some background in.
16 Q BY MR. KIBBE: Go ahead.
17 A What was I expecting to get out of the experience?
18 Q Well, the expectation. You said you were -- shared your
19 expectations.
20 A Of us collaborating and making it a better space. I think
21 that the partner experience is very important to me and always
22 has been in my leadership journey. So how can I work with the
23 partners to make it easier to be a partner so they can be
24 successful and actually enjoy coming to work?
25 Q Okay. You also mentioned that this was one of the -- the

1 one time you can remember the Union coming -- coming up; is
2 that right?
3 A Yeah. I just basically -- so I don't remember who asked
4 me about it. And all I said was, I don't care. I actually
5 don't care if you want to be a part of the Union or not be a
6 part of the Union. All I want to do is make sure that we work
7 together and that you feel safe coming here and that we can
8 have a good time.
9 Q And did you remember maybe not what was brought up, but
10 who brought it up?
11 A As far as the Union comment?
12 Q Yes.
13 A I do not.
14 Q Okay. All right. I'm going to move down to something
15 different real quick. As part of the store managing -- or
16 managing stores, you've disciplined partners before; is that
17 right?
18 A Yes.
19 Q And that's prior to the 5th and Pike store, right?
20 MS. DEVLEMING: Objection --
21 A Absolu --
22 MS. DEVLEMING: -- Your Honor, relevance. At other
23 stores?
24 MR. KIBBE: Yeah, that's general practice.
25 JUDGE MONTEMAYOR: I'll -- I'll overrule the objection.

1 It's going to the issues of the practice.
2 Go.
3 MR. KIBBE: Thank you, Your Honor.
4 Q BY MR. KIBBE: Prior to the 5th and Pike store, you
5 disciplined partners?
6 A Yes.
7 Q Does that include -- include up and to termination? Have
8 you ever terminated an employee?
9 A Yes.
10 Q Okay. Have you disciplined partners prior to the 5th and
11 Pike store for time and attendance issues?
12 A Yes.
13 Q And you probably don't know this, but I'll ask you anyway.
14 Do you have an estimate as to how many times that's occurred in
15 your career?
16 A I couldn't give you a number.
17 Q So a lot?
18 A I mean, it's -- when corrective actions are concerned, and
19 termination, it would be -- the majority of the people that
20 I've dealt with is specifically time and attendance.
21 Q Okay. Is that, in your experience as a store manager, a
22 continuous problem, regardless of store?
23 A Yes.
24 MS. DEVLEMING: Objection, leading.
25 JUDGE MONTEMAYOR: I'll sustain the objection. Rephrase

1 the question, Counsel.

2 MR. KIBBE: She answered, but thank you, Your Honor. I

3 appreciate it.

4 Q BY MR. KIBBE: So I'm going to ask you to look at the

5 General Counsel's 30, which is on the table.

6 MR. KIBBE: And if you might permit, Your Honor, it'd

7 probably be easier for me to slide over and help her.

8 Q BY MR. KIBBE: There's a big pile of --

9 A Yeah, I know.

10 Q Here it is, here it is.

11 A Okay.

12 Q So I'm going to draw your attention to General Counsel

13 Exhibit 30(m). And when you get there, let me know.

14 A M, as in Mary?

15 Q Yes.

16 A Okay.

17 Q Okay. And I'm going to ask you to flip all the way

18 through to the very end.

19 A The very last page?

20 Q Actually, hold on. Just to General Counsel 30I. That's

21 where it is. (s), there. It's at (s). All the way to (s).

22 A Okay.

23 Q Do you recognize, while you're flipping through these,

24 General Counsel's Exhibit 30(m) through 30(s)?

25 A Do I recognize?

1 Q Yes, the documents --
2 A Yes.
3 Q -- inside?
4 A Yeah.
5 Q Can you tell me what they are?
6 A Yeah. They're corrective action forms that show a track
7 record of time and attendance infractions. What they were
8 scheduled to be showing up in, and what they actually clocked
9 in at, or calling out with no notice or not using appropriate
10 sick time, as well as the policy that we have in the Partner
11 Guide, our partner manual, that states what attendance should
12 look like and what a reg -- a regular attendance is.
13 Q Okay. And if I'm correct, all of those between 30(m) and
14 30(s) are corrective actions that you issued?
15 A Yes.
16 Q And these were all done while you were at the 5th and Pike
17 store?
18 A Correct.
19 Q I won't go through all of them, but I do want to just
20 focus on a few. And I'll start at the first page, General
21 Counsel 30(m). And it looks like it was issued to a Julietta
22 Zu (phonetic throughout).
23 A Yes.
24 Q Do you remember that name?
25 A She was there when I first transitioned. Jer actually

1 wrote this, but I delivered it, which is why my name -- his
2 name is crossed out and my name is on there.
3 Q Okay.
4 A I do remember this, yes.
5 Q All right. Let's flip to the next page then. General
6 Counsel 30(n), as in Nancy.
7 A Um-hum.
8 Q Is that something that you issued while you were at 5th
9 and Pike store?
10 A Yes.
11 Q And you remember issuing this to an Abraham Patron?
12 A Yes.
13 Q Okay. And there's a lot of entries listed within the
14 statement of situation regarding the time. Do you see this?
15 A Um-hum.
16 Q Do you see those?
17 A Um-hum.
18 Q And -- sorry, you have to say --
19 A Yes, I'm sorry.
20 Q Yeah.
21 A Yes.
22 Q I forgot to tell you that. Why are you specifically
23 noting all of these time issues?
24 A I'm noting these because I want to show a pattern of
25 tardiness or irregular attendance.

1 Q I'm just going to pick one out of the blue. I'm going to
2 go to August 25th, 2022. Do you see that entry?
3 A Yes.
4 Q And it appears that this person, according to this
5 document, clocked in -- looks like nine minutes late; is that
6 right?
7 A Correct.
8 Q Okay. Is that a situation where you would have coached
9 that particular partner?
10 A Yeah, that's a conversation.
11 Q Okay. And would that be true of all of the ones that are
12 leading up to the -- the issue that's on the written action?
13 A Correct.
14 Q Okay. So when I see -- and I'm just looking at General
15 Counsel Exhibit 30(n), 8/24/2022, all the way through
16 10/3/2022. Those are coaching opportunities; is that right?
17 A Correct.
18 Q And --
19 A It's more of a conversation. When you say coaching, I
20 have a conversation of is everything okay? What's going on?
21 Why are you late? Are you sick? Do you need to change your
22 availability? Like, what's getting in the way of you getting
23 to work on time, and how can I support you? But at some
24 point --
25 Q Something needs to be done.

1 A -- something needs to be done.
2 Q And is that true of others that I see on here? I'm just
3 flipping over to General Counsel 30(o) --
4 A Correct.
5 Q -- that's a very similar situation, where there's lots of
6 entries in the middle of a statement of situation. Do you see
7 that?
8 A Yep.
9 Q That was --
10 A Yes.
11 Q Yeah, it's okay. I think we understand what yep means.
12 Are those also coaching situations, when I see the
13 notations in the middle of the --
14 A Yes.
15 Q And then at some point, like you said, you decided that
16 this warrants a written warning of some sort?
17 A Yeah. After that many times of irregular attendance or
18 tardiness --
19 Q Okay.
20 A -- it warrants next steps.
21 Q And General Counsel Exhibit 30(o), it just happens to be a
22 person named Ethan Hall. Do you know that person?
23 A I do.
24 Q Do you have any idea if they're a Union supporter?
25 A I do now, but I didn't know when I first got there.

1 Q Would it have mattered to you?
2 A No, not at all.
3 Q Okay. You can set that to the side. Real quickly, while
4 we're still on disciplinary actions. So what was his name?
5 Mr. Button? Stephen?
6 A Stephen
7 Q Stephen Button. Why didn't he write these?
8 A He was a brand-new store manager, fresh out of training.
9 So I was there to teach him how to write them.
10 Q So he was observing you do this?
11 A Correct.
12 Q Okay.
13 A He wasn't present at all in deliverings, but I was there
14 to teach him how to present -- write, present, and deliver.
15 Q All right. I'm going to move onto a different topic,
16 which is cursing. Is there a policy against cursing at
17 Starbucks?
18 A It's frowned upon.
19 Q Okay. And when you say --
20 A It's --
21 Q -- frowned upon, what does that mean?
22 A It's against policy. You shouldn't curse in the store.
23 Q Does it matt --
24 A It's not professional.
25 Q Okay. Does it matter where you do it?

1 A No.
2 Q Front of house, back of house? It doesn't?
3 A It does not matter, no.
4 Q Okay. Have you ever cursed at work?
5 A Yes.
6 Q Okay, can you tell me about it?
7 A At the 5th and Pike location, I can think of a time when
8 Micah, one of the shift supervisors, and I were having a
9 vulnerable conversation outside of the store, in the hallway by
10 the freight elevator, where people often took breaks. It
11 wasn't technically the store, but we -- he was having a really
12 hard day, and I was having a really hard day. And we just kind
13 of had a conversation. And I was venting, and I said, this
14 shit's crazy.
15 Q And did you apologize --
16 A Of course.
17 Q -- for cursing?
18 A I apologized, and I said, I'm so sorry. This is not your
19 business, but I feel overwhelmed.
20 Q Got it. And did you receive discipline for that at any
21 time?
22 A No, I did not.
23 Q Did you tell your district manager that you cursed at
24 somebody?
25 A No, I did not.

1 Q Okay. Did you try to correct it in some way?
2 A I tried to be more cognizant of not using that language,
3 yes.
4 Q We've heard a lot of testimony about cursing being
5 prevalent in the stores. Is that your experience?
6 A No, that is not my experience. It happens, but with my
7 current partners, I just remind them where they are.
8 Q And when you hear cursing at the -- at whatever store
9 you're managing, do you immediately go to written warning?
10 A No.
11 Q And you take opportunities to coach, I assume?
12 A Yes.
13 Q And if you hear it becoming a prevalent problem, what do
14 you do?
15 A Then it would become a corrective action.
16 Q What if there's a specific circumstance that -- where an
17 outburst is a little bit more than what you're used to in the
18 back office?
19 A That would warrant a conversation of where is this coming
20 from? Why are you upset? What -- how can we, you know, work
21 together on this? And I would probably loop in PRSC and see
22 what they would recommend, loop in my DM, see what they would
23 recommend.
24 Q Okay. And would you -- generally, is it your general
25 practice to follow advice and counsel from the PRCs and the

1 DMs?
2 A Yes.
3 Q But ultimately, it's your decision what to do, right?
4 A Yes.
5 Q And that's because you're the store manager?
6 A Correct.
7 Q Did you hear any prevalent cursing while you were at 5th
8 and Pike?
9 A There wasn't a ton of it, no.
10 Q You can think of probably some examples in your head?
11 A Not that I recall.
12 Q And is that because there were so many, or is that just
13 because it was a long time ago?
14 A It was probably -- like, I don't want to assume, but I
15 would -- my assumption would be it was infrequent, and it was a
16 long time ago.
17 Q Okay. All right, so I'd like to talk a little bit about
18 something we've also heard about. Do you remember something
19 called a crew member board -- if I remember correctly, that's
20 what it was called -- at the store?
21 A I wasn't privy to it being known as the crew member board.
22 It was just a bulletin board.
23 Q Okay, a bulletin board that crew members used at the
24 store. Do you remember that?
25 A Yes.

1 Q And when you were at the 5th and Pike store, how many
2 boards were available in the back of the house?
3 A Four. I believe, four.
4 Q Of the four, how many could crew members use to post
5 messages to each other?
6 A Two.
7 Q Okay, and -- and can you tell me about those two boards
8 that you're thinking of in your head?
9 A When I got there, there was a board directly behind the
10 manager's office chair. And then there was also a board off to
11 the right-hand side that we used to show recognition to each
12 other, which in Starbucks language is called the green apron
13 board, where they were able to write cards or put, like, little
14 things in their labeled slot, where they could show recognition
15 or something that they knew that person would like.
16 Q Okay. And what about the other board?
17 A The other board had partner stuff on it. Pictures, pastry
18 bags with quizzes on them, Pokemon cards. Nothing Company.
19 Q Did you see while you were there any Union material --
20 A No.
21 Q -- posted on the board? No? Okay. At any time -- well,
22 when you were leaving the store, was that board still there?
23 A I don't believe so, but I can't recall.
24 Q Was there ever a conversation about replacing the board?
25 A Yes.

1 Q Can you tell me about that?
2 A During our shift meeting in early September, we talked
3 about needing another coat rack for the wintertime. There was
4 stuff all over the floor, which could have been a liability, as
5 far as people tripping over it. Backpacks, jackets, what have
6 you. So we discussed getting a second coat rack so everything
7 could be off the floor.
8 Q When you say we, who are you talking to?
9 A Ryan and some of the partners that didn't want their stuff
10 on the floor. I can't remember who.
11 Q Do you remember how many partners, just as -- best
12 estimate?
13 A Well, during the shift meeting when we discussed it, they
14 were all for it, as long as the board was moved.
15 Q Okay. Moved, rather than removed?
16 A Correct.
17 Q Okay. And did they tell you why they wanted it moved
18 versus removed?
19 A They were very protective of the items on the board.
20 Q And what items, outside of the ones you've already told me
21 about, do you remember being on that board?
22 A Nothing. That was it.
23 Q Okay. Well, with respect to those items, did you tell
24 them anything about them?
25 A Absolutely. If you want it, take it. If it's that

1 important to you, and you don't want anything to happen to take
2 it, take it.
3 Q Did anybody take you up on your offer?
4 A No.
5 Q And this is back in September?
6 A Yes.
7 Q Is there any time before September, the shift supervisor
8 meeting, that you can recall talking about this board?
9 A I think when I first got there in August, it was
10 mentioned. But I don't remember the date.
11 Q And that's fine. What do you remember mentioned -- or
12 being mentioned about the board?
13 A Just talking about all the stuff everywhere. The aprons
14 everywhere and the jackets everywhere and.
15 Q It being a mess?
16 A It was a mess, yeah.
17 Q Okay. And at the time -- you were talking about in
18 August. Do you remember communicating to the partners that you
19 were -- you, as the store, were thinking about replacing the
20 board with a coat rack?
21 A Yeah. I remember saying, we need another coat rack.
22 There's -- there's too much stuff here.
23 Q And did you hear any objection from any of the partners?
24 A No.
25 Q No?

1 MS. DEVLEMING: Objection, hearsay. I would move to
2 strike, if that were -- if it's offered for the truth of the
3 matter.
4 MR. KIBBE: It's too late now. It's already answered.
5 JUDGE MONTEMAYOR: Objection sustained. Motion to strike
6 is granted.
7 Q BY MR. KIBBE: Right. Did Mari ever complain about it in
8 August?
9 MS. DEVLEMING: Objection, calls for hearsay.
10 MR. KIBBE: Well, I'm going to use party admission. I'm
11 just kidding.
12 MS. DEVLEMING: Not --
13 JUDGE MONTEMAYOR: Sustained.
14 MR. KIBBE: I can't help myself.
15 Q BY MR. KIBBE: Okay. You don't remember anyone
16 complaining; is that fair to say?
17 A Complaining?
18 Q About -- in August about removing the board?
19 A No.
20 Q Okay. And the only thing you remember in September is
21 that people wanted it to be moved, not removed?
22 A Correct.
23 Q Okay. Did you -- were you involved with any other
24 discussion regarding the board at the time you were working at
25 5th and Pike?

1 A Not that I can recall.
2 Q Were you involved with board, or any parts related to the
3 coat rack that was --
4 A No.
5 Q You weren't? Okay.
6 A No.
7 Q Were you involved with the installation of it or anything
8 like that?
9 A No.
10 Q And you don't recall if the board was up or down by the
11 time you left?
12 A Correct.
13 Q And you left in October, is that right?
14 A Yes. I started transitioning into my new store at the end
15 of October, early November.
16 Q Cool.
17 MR. KIBBE: I got no other questions. Thank you so much.
18 MS. DEVLEMING: Just a few. And I always -- the attorneys
19 would say that's much --
20 **CROSS-EXAMINATION**
21 Q BY MS. DEVLEMING: Hi, my name's Liz DeVleming. I'm
22 counsel for the General Counsel.
23 A Hi.
24 Q It's nice to meet you. Just to clarify, your tenure at
25 the 5th and Pike store was a few months, August to October,

1 2022?
2 A Correct.
3 Q And who was your direct supervisor while you were the
4 store manager at 5th and Pike?
5 A Ryan Lassiter.
6 Q And you mentioned early on, just to clarify for the
7 record, a shift supervisor named Jo who attended a shift
8 supervisor meeting. Do you know Jo's last name?
9 A I might butcher it.
10 Q That's okay.
11 A Cormier
12 Q Okay. How do -- do you know how to spell both first and
13 last? Just for the record, for the court reporter to be able
14 to spell it.
15 A J-O, and no, I don't recall how to spell her last name.
16 Q Okay. Cormier sounds phonetically like C-O-R-M-I-E-R; is
17 that roughly --
18 A Sure.
19 Q -- accurate?
20 A Yes.
21 Q Looking at the documents you were pointed to in General
22 Counsel Exhibit 30, if you remember them, (m) through (s),
23 those disciplines you issued while you were at 5th and Pike.
24 Do you remember if you consulted with Ryan Lassiter or anyone
25 else above you in the hierarchy at Starbucks before issuing

1 those disci -- those particular disciplines? And we can go --
2 take them one by one, if you'd like. We can look at General
3 Counsel 30(m) first.
4 A Can you repeat the question?
5 Q Sure. Let's look at 30(m), the August 10th discipline
6 issued to Julietta Zu. Do you recall if you consulted with
7 upper management about that discipline before you presented it
8 to Julietta?
9 A No, because as I stated, I didn't write this. I just
10 delivered it.
11 Q Okay. So this -- you -- you weren't involved in the
12 discussions about whether discipline was necessary, or?
13 A Correct.
14 Q Okay. Let's look at the next one, then. General Counsel
15 30(n). This one involves Abraham Patron. It is October 5th.
16 Your name's on this one. And forgive me if I forgot your
17 testimony. Did you decide to issue this discipline to Abraham?
18 A I did, yeah.
19 Q Did you consult with anyone in upper management before
20 issuing?
21 A No.
22 Q You made that decision yourself?
23 A I consulted with his previous store manager, that said
24 that this has been a track record of tardiness and
25 inconsistency or irregular attendance.

1 Q And that's Jer Mackler?
2 A No, he came from another store that had closed.
3 Q Okay. And do you remember the store manager at that
4 store?
5 A Her name was Pam (phonetic throughout). I don't remember
6 her last name.
7 Q And which store did Abraham come from?
8 A I don't recall.
9 Q Do you know if Pam had consulted with upper management,
10 like a district manager or higher before --
11 A I do not.
12 Q -- telling you that?
13 A No.
14 Q Turning to General Counsel 30(o), October 5th discipline
15 you issued to Ethan Hall. Did you make the decision to issue
16 just discipline?
17 A I did.
18 Q And did you consult with Ryan Lassiter or anyone else in
19 upper management before doing so?
20 A I did not.
21 Q And 30(p), an October 5th discipline issued to Shukri
22 Dahir.
23 MS. DEVLEMING: And these are in the exhibits, but just
24 for the record, Shukri, S-H-U-K-R-I, last name D-A-H-I-R.
25 Q BY MS. DEVLEMING: It's a two-page document, front and

1 back. Don't miss the back. But I see your -- I see both your
2 and Mari Fabley's (phonetic throughout) names there. Was Mari
3 involved in this discipline?
4 A Correct.
5 Q What was Mari's involvement?
6 A She was there purely to learn.
7 Q Okay. I think you --
8 A To help advance her learning.
9 Q Got it. You talked about that on direct, my -- my bad.
10 Did you consult with anyone in upper management before issuing
11 the discipline to Shukri?
12 A No.
13 Q Did you talk to Mari about why you were deciding to
14 discipline Shukri?
15 A Correct.
16 Q What did you tell Mari?
17 A I let her know that after conversations, if -- about her
18 tardiness, the amount of times that it happened, that's when
19 you want to make sure that you have a documented coaching so
20 they understand that this behavior can't continue.
21 Q Because of the number of times?
22 A Correct.
23 Q And you said she. Is that -- Shukri is she/her?
24 A Yes.
25 Q And then the next one is General Counsel 30(q), also dated

1 October 5th. A corrective action you issued, it looks like,
2 based on page 2, to Tawni Cross. And I see Stephen Button's
3 name there. And just to clarify, was this also a training
4 opportunity --
5 A Correct.
6 Q -- as he was coming in as the new store manager? Did you
7 discuss with Stephen why you were issuing this particular
8 discipline?
9 A Correct.
10 Q What did you tell Steven?
11 A Same thing I told Mari.
12 Q Which is?
13 A Which is after this amount of times and having
14 conversations of what -- how can I help you, at some point, we
15 need to hold them accountable.
16 Q Okay. And did you talk with anyone in upper management
17 about -- before -- about this discipline before you issued it
18 to Tawni?
19 A I don't recall.
20 Q It seems like you hesitated a little there. Might you
21 have?
22 A It's a possibility. Typically, with final writtens, your
23 DM knows about it.
24 Q I see, okay. So this one to Tawni on October 5th is a
25 final written warning? And the DM would be involved at that

1 level?
2 A Correct.
3 Q And then General Counsel 30I, same date, August 5th -- or
4 sorry, October 5th. A discipline that issued to James Tanner.
5 This one just has your name. Was anyone else involved in the
6 decision to discipline James?
7 A No, ma'am.
8 Q Did you consult with anyone in upper management before
9 making that decision?
10 A No, ma'am.
11 Q And last one, I believe. General Counsel 30(s). This one
12 is a November 3rd notice of separation to Tawni Cross. And
13 this one has Ryan Lassiter's name on it. Was he present for
14 this meeting?
15 A He was.
16 Q Okay. Did you consult with Ryan before deciding to
17 separate Tawni?
18 A Yes.
19 Q And what did you discuss with Ryan?
20 A What the next steps are.
21 Q Okay.
22 A What --
23 Q What did you share with Ryan? Did you have a
24 recommendation for Ryan about what discipline should occur?
25 A I did. My recommendation, unfortunately, was to separate,

1 because we want to seem and stay consistent across the board
2 with all partners. Excuse me. And if it was someone else,
3 would I do something differently? And if that's the case, I
4 need to stay consistent across the board.
5 Q When you say that, are you kind of hinting, like, you had
6 a friendship or something with Tawni? Or am I reading into
7 that too much?
8 A You're not reading into it. I cared for her, because --
9 Q Um-hum.
10 A -- she was going through a hard time. And despite
11 offering her many services or resources, she chose not to take
12 them. So at that point, I had to do what's best for the team.
13 Q And how did Ryan respond to your recommendation that Tawni
14 be --
15 A He --
16 Q -- separated?
17 A He understood.
18 Q Did he agree?
19 A Yes.
20 Q I think that's the last one we talked about, right, that
21 has your name on it?
22 A Yes.
23 Q I want to zero in, before we put this exhibit aside, on an
24 example of a documented coaching. I think there's one in
25 30(o). Do you see -- you got 30(o) pulled out?

1 A I do.
2 Q So on page 2 of 30(o), this is a documented coaching. And
3 again, I see your -- your signature and date, and Ethan Hall,
4 the partner involved's signature and date.
5 A Um-hum.
6 Q With a documented coaching, is the document presented to a
7 partner?
8 A Correct.
9 Q And the partner signs the document?
10 A Correct.
11 Q So if there is a document that is not signed by a partner,
12 does that indicate it -- it -- if there does not exist a
13 version of a document with a signature from the partner in the
14 manager, would that be a draft?
15 A Not necessarily.
16 Q Could it be something that was actually presented to a
17 partner and not signed?
18 A Yes.
19 Q Okay. Is that a normal practice at Starbucks, to kind of
20 show a discipline and then not have --
21 A No.
22 Q -- them sign it?
23 A No. Typically, it is signed by the partner. But if the
24 partner decides that they don't agree or don't want to sign it,
25 that is their right. Usually, what I do as a best practice, is

1 I write on it, partner declined to sign it.
2 Q Okay, so --
3 A And then date it.
4 Q I'm sorry. In that cir -- circumstance where a partner
5 doesn't want to sign, would the manager sign?
6 A For the partner?
7 Q No, for yourself, in the manager line.
8 A Of course.
9 Q Okay. So if we see a document that has neither a
10 manager's nor a partner's signature, would -- in the normal
11 course of business, would you expect that that had been
12 presented to a partner?
13 A Not necessarily.
14 Q And when you -- is there a circumstance where you've seen
15 a documented coaching not signed by either a manager or a
16 partner that was presented to the partner?
17 A Not that I've seen.
18 Q Looking through General Counsel's 30 -- I'm sorry, M
19 through S, the ones we just went through. You don't have to
20 look at them again. It looks like you didn't ever issue
21 written discipline over one or two time and attendance
22 issues --
23 A Correct.
24 Q -- at Fifth and Pike? I'll be clear.
25 A Ever; but correct.

1 Q Ev -- you've never issued a written discipline over one or
2 two time and/or attendance issues?
3 A Not that I recall.
4 Q And you didn't write up any Fifth and Pike employee for
5 cursing during your time at that store?
6 A No.
7 Q The green apron board, do you know when that first went up
8 at Fifth and Pike?
9 A It was up when I got there; I revamped it.
10 Q Okay. Tell us what you mean by revamp.
11 A It was outdated. It had a lot of partners that were no
12 longer there. It had -- it was falling apart, so I redesigned
13 it and made it a little bit nicer, so peop -- hoping -- in the
14 hopes that people would actually use it.
15 Q Did you have to take it down and put it back up --
16 A No.
17 Q -- even for a brief period -- or no, you revamped it on
18 the wall?
19 A Yes.
20 Q Okay. At any point while you were at Fifth and Pike, did
21 the green apron board come down?
22 A Not that I recall.
23 Q Okay. And did you talk to Ryan Lassiter about the subject
24 of the removal of the crew bar -- the board with all the
25 partners' personal items that you were asked some questions

1 about? Did you ever talk to Ryan Lassiter about that subject?
2 A Yes.
3 Q What did Ryan tell you about it?
4 A That we need to put the coat rack there.
5 Q Okay. Did he tell you who had removed -- did he tell you
6 who had removed the crew board?
7 A Not that I recall.
8 Q Okay.
9 MS. DEVLEMING: Think that -- good. No further questions.
10 Thank you.
11 JUDGE MONTEMAYOR: Any questions from the Union?
12 MS. DEVLEMING: Thomas, anything?
13 MR. KAPLAN: Could I just have one moment, please, Your
14 Honor? No questions.
15 JUDGE MONTEMAYOR: Redirect.
16 MR. KIBBE: Thank you, Your Honor.
17 **REDIRECT EXAMINATION**
18 Q BY MR. KIBBE: When a store manager is new to this role
19 like Stephen, is it common for them to get guidance from -- on
20 corrective actions from district managers or others?
21 A No.
22 Q It's not?
23 A It depends upon the level.
24 Q Let's say he's brand new to the role.
25 A No, no, no. It depends upon the level of the corrective

1 action.
2 Q Oh, I got you. What level do you think they'd seek
3 guidance?
4 A If they're brand new, I would hope, at the beginning. But
5 typically we see guidance when we do written, absolutely when
6 we do final, and absolutely when they do separation.
7 Q So somebody who's new in the role issuing a written
8 warning of any kind, likely they're going to seek guidance from
9 their DM?
10 A Correct.
11 Q Okay.
12 MR. KIBBE: No other questions.
13 MS. DEVLEMING: Nothing.
14 JUDGE MONTEMAYOR: Okay. Thank you so much for coming.
15 THE WITNESS: Thank you.
16 JUDGE MONTEMAYOR: We appreciate your participation.
17 You're excused and have a good rest of the day.
18 THE WITNESS: Thank --
19 JUDGE MONTEMAYOR: It's nice.
20 THE WITNESS: -- you so much.
21 JUDGE MONTEMAYOR: We're going to go off the record here.
22 (Off the record at 5:16 p.m.)
23 JUDGE MONTEMAYOR: We are on the record.
24 UNIDENTIFIED SPEAKER: Um-hum.
25 JUDGE MONTEMAYOR: We're going to begin by having you

1 sworn, so please raise your right hand.
2 Whereupon,
3 **RYAN LASSITER**
4 having been duly sworn, was called as a witness herein and was
5 examined and testified as follows:
6 JUDGE MONTEMAYOR: And begin by stating and spell your
7 name for the record, please.
8 THE WITNESS: Yes. My name is Ryan Lassiter, R-Y-A-N
9 L-A-S-S-I-T-E-R.
10 JUDGE MONTEMAYOR: Okay. You may begin.
11 MR. KIBBE: Thank you, Your Honor.
12 **DIRECT EXAMINATION**
13 Q BY MR. KIBBE: Ryan, thanks for being here today. You
14 work at Starbucks; is that right?
15 A I do, yes.
16 Q How long have you worked there?
17 A I have worked there since November of 2014, about eight-
18 and-a-half years.
19 Q Can you just list off the roles you've held since you've
20 been a partner at Starbucks?
21 A Yes. I was hired in November of 2014 as a barista. I was
22 promoted to shift supervisor in or around December of 2015.
23 Was promoted to assistant store manager around July or August
24 of 2018. I was a store manager from around early 2019 through,
25 I believe it was around January or potentially last week of

1 December of 2021. I was an operations coach or peer coach from
2 January 2020- -- 2022 through June of 2022, and I'm currently a
3 district manager from June 2022 through present.
4 Q And what district do you manage?
5 A I manage district number 142, which is Belltown and South
6 Lake Union, Seattle, Washington.
7 Q How many stores are in your district?
8 A I have nine stores currently.
9 Q Is Fifth and Pike one of those stores?
10 A Fifth and Pike is, yes.
11 Q All right. When you took over as the district manager,
12 were there stores in your district that had petitioned to
13 unionize?
14 A When I took over the district, Fifth and Pike was
15 certified petitioned -- or certified union store.
16 Q Did you have any idea who at the Fifth and Pike store were
17 supporters of the Union?
18 A Nothing directly --
19 Q Do any --
20 A -- no.
21 Q Did you do any independent research on your own?
22 A No.
23 Q Okay. Did it matter to you?
24 A No.
25 Q Okay. Who was the store manager while -- at Fifth and

1 Pike when you first got there?
2 A Jeremiah Mackler.
3 Q Okay. Were there any other store managers?
4 A At that time, there was an assistant store manager,
5 Maribeth Fabley (phonetic throughout). And then there were
6 some store managers after Jeremiah.
7 Q Okay. Can you tell me just in a row who you can remember
8 being the store manager?
9 A Yes. Christy Ferguson, Stephen Button, and Jeremy
10 Strickland.
11 Q How long was Christy Ferguson the store manager, if you
12 can remember? And best estimate's fine.
13 A Best estimate. Early August through early November of
14 2022.
15 Q Okay. What about Stephen Button?
16 A They were the store manager concurrently to Christy around
17 that same time frame.
18 Q Okay. When did Jeremy come into play?
19 A November of 2022.
20 Q All right. While you were the -- I guess, I'm going to
21 narrow down the time frame between June when you started to be
22 the district manager and December 2022, okay?
23 A Okay.
24 Q During that period of time, do you recall having any
25 conversations related to union activity at all with any

1 partners at Fifth and Pike?
2 A I don't believe so, other than the store manager and
3 assistant store manager.
4 Q Okay. Well, what conversations do you recall having with
5 the store manager or assistant store manager regarding union
6 activity?
7 A One of the earliest conversations I remember were around a
8 notice of strike that we received and how to proceed with that.
9 Q Okay. And was this your first notice of strike you've had
10 to deal with as a district manager?
11 A It was, yes.
12 Q And outside of that, do you recall any other union-related
13 conversations with the ASM or SM?
14 A No, only thing I can think of are strike notices.
15 Q Okay. When you took over for the district, when do you
16 first remember visiting Fifth and Pike?
17 A I had visited before I was the district manager and I
18 remember the first time visiting while in the district manager
19 role was around June -- late June of 2022. I want to say maybe
20 the 20- -- or like 20th to 25th range at the time.
21 Q Okay. And since you were new to the role of district
22 manager, is there anything in particular you did when you got
23 to the Fifth and Pike to introduce yourself?
24 A Yeah. I -- I -- friend -- like introduced myself
25 friend -- friendly to the partners that were working by name to

1 those that I had known. There were some baristas that I had
2 known from prior to being a district manager that I recognized
3 with some level of familiarity.
4 Q And lots of times when there's new leaders that come in,
5 you -- you replaced a district manager, right?
6 A I did, yes.
7 Q And do you remember her name?
8 A Amy Quesenberry.
9 Q Okay. Lots of times when new leadership comes in, they --
10 they put in new practices and procedures. Is that something
11 that you did?
12 A No, nothing that I can think of.
13 Q Okay. What was your general impression of the store when
14 you first took over?
15 A It was a busy store. It was kind of heart of tourist
16 season in Seattle, so we were seeing an influx of customer
17 demand. I believe we were hitting record sales at the time and
18 had some -- some needs to hire more people. Those are kind of
19 my first impressions.
20 Q Okay. Did you -- at any time when you took over sort of
21 tour of the back of the house area?
22 A I -- I did, yeah.
23 Q Okay. Was that your first visit?
24 A I believe I probably went to the back of house on my first
25 visit to maybe put my belongings down or -- I -- nothing that

1 comes to mind, no.
2 Q Okay. So I'm going to ask you to refer to some pictures
3 that are on the table. It's marked as Respondent's Exhibit 5.
4 (Counsel confer)
5 A Okay.
6 Q BY MR. KIBBE: Okay. Good. So the first thing I'd like
7 you to do is just flip through them and my first question will
8 be, do you recognize the photos in Exhibit 5?
9 A I do. I recognize all the photos.
10 Q Okay. Let's start with the first page, which looks like
11 this to me.
12 A Yes.
13 Q All right. What does the first page depict?
14 A This depicts the back of house at the Fifth and Pike store
15 looking from about halfway down the hallway towards the exit
16 door and towards the manager office area.
17 Q Do you know when this picture was taken?
18 A I do, yes. It was taken on Monday of this week.
19 Q Did you take this picture?
20 A I did.
21 Q Okay. Does the picture on page 1 accurately reflect what
22 you saw or the picture that you took that day?
23 A It does, yes.
24 Q Okay. I'm going to go to the second page, Exhibit 5. Can
25 you tell me what we're looking at now?

1 A Yes. This is still the back of house of Fifth and Pike.
2 This was taken from kind of the manager workstation area in the
3 far corner looking out the door frame that was seen in the last
4 photo at a manager workstation desk, a chair, two coat racks
5 looking out towards the part of the back of house that contains
6 the hot water heater and dishwashing station.
7 Q Do you know when this photo was taken?
8 A It was also taken on Monday.
9 Q Okay. Was that take -- photo taken by you?
10 A It was.
11 Q Does it accurately reflect the photo that you took?
12 A It does.
13 Q And go to page 3. What are we looking at, at page 3?
14 A This is still the back of house at Fifth and Pike from
15 around the same position, maybe two steps to the left, looking
16 at the opposite wall. That includes the manager workstation
17 desk on the bottom left, an internet type cabinet in the middle
18 of the frame, and some partner lockers on the right.
19 Q Okay. And do you know when this photo was taken?
20 A It was also taken on Monday of this week.
21 Q And did you take this photo?
22 A I did.
23 Q Does it accurately reflect the photo that you took?
24 A It does.
25 Q Go to page 4. Can you tell me what page 4 looks like --

1 what we're looking at?
2 A This is still the back of house of Fifth and Pike from the
3 hallway in the back of house, looking into the manager
4 workstation office space. We see the manager workstation on
5 the bottom left, two bulletin boards on the back-left wall, a
6 partner metal desk where they can take their breaks and then
7 some coat racks and jackets and backpacks on the right.
8 Q Okay. Do you know when this photo was taken?
9 A It was also taken on Monday of this week.
10 Q Was this a photo you took?
11 A It was.
12 Q Does it accurately reflect the Fifth -- the picture that
13 you took?
14 A It does.
15 Q Okay. Before we move to the next page, can you -- you see
16 the -- it looks like a bulletin board of some sort on the floor
17 in the lefthand corner; you see that?
18 A Yes.
19 Q Do you know what that is?
20 A It is a bulletin board from the store.
21 Q Okay. And what was it used for before it was set on the
22 floor?
23 A I am not -- I'm not sure I remember exactly. There is
24 several bulletin boards at the store. I was informed that this
25 one fell off the wall a couple of weeks prior.

1 Q Okay. And you're not sure what it was used for, okay.
2 A I believe -- kind of based on the other one that's in the
3 photo above it, I believe it's for a green apron board, which
4 is the term at Starbucks we use for partner recognition of each
5 other to share kind of business-card-sized cards that have
6 things like great job today or you looked our mission and
7 values or kind of celebratory messages from partner to partner.
8 Q Okay. I'm going to ask you to go to page 5 of the
9 exhibit. First question is, what are we looking at?
10 A This is still the back of house of Fifth and Pike taken
11 from just outside the manager office work room area looking --
12 you can see the -- the door frame on the -- kind of the middle
13 of the photo looking down the hallway from where the first
14 photo in this exhibit was taken at a trash closet with some
15 boxes on the floor, a handwashing sink on the bottom right of
16 the photo, and a dishwasher on the bottom left of the photo
17 with two bullet -- or two boards hung on the wall, in the --
18 kind of the middle of the hallway.
19 Q Do you know when this photo was taken?
20 A It was also taken on Monday.
21 Q Is this a photo you took?
22 A It was.
23 Q Does it accurately reflect the photo that you took?
24 A It does.
25 Q Next page. What are we looking at on page 6?

1 A Okay.
2 Q Oh, I'm sorry. What are we looking at on page 6?
3 A Oh, sorry. Page 6 has another photo of the back of house
4 at Fifth and Pike taken from slightly outside of the office
5 doorway, looking towards the left at a hot water heater and a
6 dishwashing station.
7 Q Okay. Do you know when this photo was taken?
8 A It was also taken on Monday of this week.
9 Q Is that a photo you took?
10 A It is.
11 Q Does it accurately reflect the photo that you took?
12 A It does.
13 MR. KIBBE: Your Honor, I'd ask that Respondent's Exhibit
14 5 be entered into evidence.
15 JUDGE MONTEMAYOR: Any objection to 5?
16 MS. DEVLEMING: No objection as a demonstrative exhibit of
17 kind of what the back of the house looks like, but if -- it was
18 taken -- the pictures were taken just a few days ago. I --
19 I'm -- to the extent that the exhibit is offered as any
20 evidence of what it looked like in November 2022 or what the
21 bulletin board, the situation was then, I would object on that
22 basis.
23 JUDGE MONTEMAYOR: It's clear from the testimony of the
24 witness when the photo was taken. 5 will be admitted.
25 **(Respondent Exhibit Number 5 Received into Evidence)**

1 MR. KIBBE: Thank you, Your Honor.
2 Q BY MR. KIBBE: All right. So one of the things we've
3 heard about -- and actually keep that in front of you, that
4 exhibit, and I'm going to ask you to go back to page 2 of
5 Exhibit -- Respondent's Exhibit 5. On the lefthand side,
6 there's coat racks that you described, right?
7 A Yes.
8 Q I understand that there's some controversy about these
9 coat racks; is that right?
10 A I believe so, yes.
11 Q Okay. Tell me what you can recall about the controversy.
12 A From my understanding, there's one baris -- or one partner
13 at the store that's upset that there's now two coat racks.
14 Q Okay. And do you understand why that partner is upset?
15 A I do not, no.
16 Q Okay. Was there something present in that space before
17 the two -- two coat racks were there?
18 A There was one of the stores bullet boards present.
19 Q Okay. Can you describe where it was?
20 A Exactly, in this photo, where that upper-metal coat rack
21 is even using some of the same holes in the wall.
22 Q Okay. And so before this, there was only one coat rack;
23 is that right?
24 A Correct.
25 Q Okay. And did you decide that another coat rack nee --

1 was needed?
2 A I'm the one who ordered another coat rack based on kind of
3 my own experience of trying to hang things on the coat rack as
4 well as partner feedback at the store that they needed more
5 than five coat hooks.
6 Q Okay. When you say partner feedback, when did you hear
7 this partner feedback?
8 A I can remember at least two partners sharing between July
9 and August that they needed another coat rack.
10 Q Did they express any specific concerns about the lack of
11 coat rack?
12 A One of the concerns was that they knew the rainy season in
13 Seattle was coming, which would involve umbrellas, rain jackets
14 and backpacks. And the five hooks that we had would not be
15 enough for our 25-person team at the time.
16 Q And where would partners put materials, their personal
17 items if not on those coat racks?
18 A Potentially on the floor underneath the coat rack or
19 potentially hanging as much on the coat hook that could fit
20 over other people's belongings or under other people's
21 belongings.
22 Q Do you re -- were you the person who ordered a new coat
23 rack?
24 A I am, yes.
25 Q All right. I -- I think, and I might have to come up and

1 help you on this one, Respondent's Exhibit 8 is in front of you
2 somewhere.
3 A It's the one on top.
4 Q Oh, great. Makes it easy. So you got Respondent's
5 Exhibit 8 in front of you. Can you tell me -- do you recognize
6 this exhibit?
7 A I do, yes.
8 Q Can you tell me what it is?
9 A This is an email correspondence originally from myself on
10 the lower portion below the dotted line, requesting to order
11 the coat rack and providing an address of where to ship it to
12 as well as the SKU number, or item number, and the design ID
13 for it. And then the upper portion is the response, confirming
14 that the orders been replaced from a partner named Caitlyn
15 Shadden, who's our facilities representative supporting the
16 western coast of the facilities team.
17 Q And are these emails you remember receiving and sending?
18 A I do, yes.
19 Q Okay.
20 MR. KIBBE: I'd offer Respondent's Exhibit 8 into
21 evidence.
22 JUDGE MONTEMAYOR: Any objection to 8?
23 MS. DEVLEMING: No objection.
24 JUDGE MONTEMAYOR: 8 will be admitted.
25 **(Respondent Exhibit Number 8 Received into Evidence)**

1 Q BY MR. KIBBE: And before you put that away, is there
2 anything unusual about ordering a product via email versus
3 another method?
4 A No, I do it pretty frequently. I would say once every
5 other week for specific DM orderable items that are different
6 than maybe of what the store might order, like a bottle of
7 vanilla or things that are based on beverage components or
8 making beverages. There's some items that are ordered through
9 our DM portal for things like facilities, equipment,
10 refrigeration, coat racks.
11 Q All right. So this specific coat rack, as we talked about
12 before, you talked about before, was potentially going to be a
13 place that you know where you're going to place it when you
14 ordered it?
15 A It -- yes. It made sense to put it on top of the one
16 currently there.
17 Q What was the reason for that?
18 A Nice open wall space. Nothing -- not blocking a doorway,
19 not blocking a fire extinguisher, not involving electrical
20 panels, the IT rack, or the manager desk.
21 Q And what was there before you put up a coat rack?
22 A There was one of the store's bulletin boards.
23 Q And what do you recall being on that bulletin board?
24 A Seemed to be underutilized. Had some things that looked
25 like trash. For example, used forming sandwich bags, extra --

1 or not extra, but discarded drink stickers from partner
2 beverages taped to the board, things that didn't seem of value,
3 some black and white photos of things taken from a store iPad.
4 Q Did anybody ever tell you -- any partner at Fifth and Pike
5 that that material was personal to them?
6 A No.
7 Q Do you hear that from any other store manager?
8 A Not before the removal of the bulletin board.
9 Q Okay. Let's focus on that then.
10 A Okay.
11 Q Before the removal of the bulletin board, who did you
12 communicate about potentially removing this bulletin board?
13 A I informed the store manager, at the time, Christy.
14 Q Okay. Did Christy ever inform you that there was
15 sentimental value at the time to this board?
16 A No.
17 (Counsel confer)
18 Q BY MR. KIBBE: Were there other boards that were being
19 used by partners at the time for personal reasons?
20 A There was the -- the green apron board that was on the
21 photo in the first exhibit you showed me. That one was still
22 actively being used in the hallway from the -- I think page 1
23 of Exhibit 5.
24 Q Okay. Great.
25 (Counsel confer)

1 Q BY MR. KIBBE: All right. So I'm going to point your
2 attention to a couple of emails. So just give me a second to
3 figure out which one first. Yep, here it is. Respondent
4 Exhibit 7 should be somewhere on your table.
5 A Yep.
6 Q And for purposes of this conversation, I'm going to focus
7 your attention on the bottom email. Do you see that one?
8 A I do.
9 Q Okay. Can you -- do you recognize this email?
10 A I do.
11 Q Okay. Can you recall receiving this email from a Mari
12 Cosgrove?
13 A I do, yes. And at the time, Mari's last name at Starbucks
14 was not Cosgrove, so I was a bit confused at first as I knew
15 her as Mari Brown (phonetic throughout).
16 Q Okay. One of the things -- well, first off, I should say
17 that the top email appears to be another email from Mari
18 Cosgrove. I think I'm saying it wrong, but you -- you under
19 what I'm saying?
20 A Yes.
21 Q Okay. And you recall receiving that email as well?
22 A I do, yes.
23 Q All right.
24 MR. KIBBE: Your honor, I'd -- for the -- enter -- I don't
25 think this is in -- Respondent's Exhibit 7 into evidence.

1 JUDGE MONTEMAYOR: 7 was admitted it looks like.
2 MR. KIBBE: Oh, sorry. Never mind. I couldn't remember
3 if it was or not.
4 Q BY MR. KIBBE: So the bottom email from Mari says
5 something specific about the bulletin board. It's the second
6 paragraph. Do you see it? It's the sentence starts with, "I'd
7 also like clarification."
8 A I see on the bottom, email from -- dated for September --
9 Tuesday, September 20th?
10 Q Yes.
11 A Oh, on the -- the bottom paragraph, yes. I think Mari
12 also mentions it in the first sentence of the first paragraph
13 after the word, October.
14 Q Oh, I think I missed that, so I appreciate you pointing
15 that out. At any rate, let's focus on that sentence that I --
16 I just shot you to. So I'd also like clarification on the
17 personal -- personnel crew board being removed to add more coat
18 racks. Do you see that?
19 A I do, yes.
20 Q Do you remember having a direct conversation before
21 receiving this email with Mari?
22 A About the coat rack, no.
23 Q Okay. So was this the first time you ever understood that
24 Mari had potential concerns about the removal of some board?
25 A Yes.

1 Q Do you remember talking to Mari about this?
2 A I do, yes.
3 Q Did you email her?
4 A No.
5 Q Okay. Why not?
6 A I am in -- I was at the Fifth and Pike location fairly
7 frequently. I saw her during her next scheduled shift, and we
8 talked in person.
9 Q Okay. Do you remember talking specifically about the
10 board when you talked to Mari in person?
11 A I remember that being one of her many questions for me,
12 yes.
13 Q Okay. And there probably was a lot else to talk about,
14 but just to focus our efforts here and --
15 A Um-hum.
16 Q -- that the board conversation, you remember anything
17 specifically about the -- about the -- the community board or
18 whatever they -- they're calling it?
19 A She had kind of asked to bargain with me directly on if
20 she could keep it. And I said, I will not be having that
21 discussion.
22 Q Okay. Was that the end of the conversation?
23 A About the board? At that time, it was, yes.
24 Q Okay. Somewhere on that page is another exhibit marked
25 General Counsel Exhibit 35. And if you need help, let me know.

1 I'll try to --
2 A I got it.
3 Q Okay. Great. At the very bottom of Exhibit 35, there's a
4 point number 3; do you see that?
5 A I do, yes.
6 Q Okay. This email appears to be to you from Mari again; do
7 you see that?
8 A I do, yes.
9 Q About seven days later. Do you remember receiving this
10 email?
11 A I do, yes.
12 Q Did you respond to Mari, an email?
13 A I did not, no.
14 Q Did you respond to her in any -- in any manner?
15 A I believe we com -- communicated in person.
16 Q Okay. Do you remember the substance of the conversation?
17 A I remember that she asked me -- specific, if I remember
18 the conversation around the COVID-19 isolation pay and the
19 DoorDash delivery provider. And I don't remember the third
20 one. I don't recall.
21 Q It's possible that it came up. You just don't --
22 A It's possible it came up. I just -- I can't remember the
23 conversation from September.
24 Q Okay. Do you specifically remember Mari ever being
25 concerned that personal items would be -- not be returned to

1 partners on this board?
2 A No.
3 Q Did you remember Mari ever expressing her sentimental
4 value to this board?
5 A No, I have no -- no memory of that.
6 Q Okay. In one of the exhibits we talked about, we'd
7 mentioned that you ordered this product back in September?
8 A Yes.
9 Q How long did it take to get to you?
10 A It took about two months to receive it shipped to the
11 store.
12 Q Okay. And is that unusual?
13 A At the time, there were some pretty significant
14 construction supply chain issues with some shipping delays. So
15 I had a delay on this item, and I believe two other things I'd
16 ordered for the store, which were some metro shelving poles.
17 We received the shelves about a month and a half before we
18 received the poles. So I'd say about two months was a -- I
19 don't want to clar -- classify it as reasonable, but it was a
20 typical response time on receiving products.
21 Q Where was the -- where was the coat rack delivered?
22 A It was shipped directly to the store.
23 Q Okay. Do you recall when the coat rack was installed?
24 A I do. It was around early November.
25 Q Can you tell me what you recall about the installation of

1 the coat rack?
2 A Yeah. I recall around early November receiving possibly a
3 phone call, possibly a text message or email from the store
4 manager stating the coat rack had finally been delivered. And
5 I confirmed, great, we'll install it next time I'm in store.
6 Q Okay. And when was the next time you were in the store?
7 A I believe I was in the store -- I don't know the exact
8 date, but I want to say around middle of November, maybe
9 November 15th through 20th time frame.
10 Q Okay. Were you present when the coat rack was installed?
11 A I was, yes.
12 Q And who installed it?
13 A I did.
14 Q What -- what about with respect to the board, what
15 happened to the board? Did you take that down?
16 A We did take it down, yes.
17 Q How was it installed onto the wall?
18 A I had driven to the store that day, which was a bit
19 unusual for me as I probably walk to work, and I parked in the
20 garage and my -- my power drill was in my -- the back of my
21 car. So it's kind of a perfect condition to install it with --
22 it comes with either four or five screws, some instructions.
23 Q Okay.
24 A I've done it a couple of times, so it was pretty quick to
25 install, maybe 30, 45 seconds at most.

1 Q And when you say you've done it a couple of times, was
2 that a couple of times before this or a couple of times after?
3 A I -- I can recall at least seven stores I've installed a
4 coat rack at. I'd say maybe Fifth and Pike kind of in the
5 middle of that range, maybe four before -- three or -- three
6 before, three after.
7 Q So a very routine thing you do?
8 A Apparently so, yes.
9 Q Okay. When you took the -- where you installed the coat
10 rack, I should say, what did you do with the board?
11 A It was discarded off.
12 Q Okay. Were -- were there things on the board at the time
13 you took it down?
14 A There were -- there were some pieces of paper that looked
15 like trash. And when we took it down, some money fell off of
16 it.
17 Q Okay. And what -- how much money?
18 A $7 Canadian. I think it was one paper bill and two coins
19 or maybe -- it was at least one paper bill and one or two
20 coins. I can't remember the exact numerical number, but it was
21 around $7 Canadian.
22 Q And what did you do with the money?
23 A We followed our cash-handling policy for unsecured cash in
24 the store, which is to make note of it in the store
25 communications log and deposit it into a cash deposit for a

1 reason -- for there's a reason code for unknown source found
2 money.
3 Q Okay. When you say things that look like trash, can you
4 be more specific as to what you can recall seeing?
5 A Um-hum.
6 Q I know we talked a little bit about it, but this was back
7 in September, so I --
8 A Um-hum.
9 Q -- want to know what was on in November.
10 A Not much had changed between September and November. It
11 was still the -- the white sandwich bags stapled to the wall or
12 thumbtacked to the -- the bulletin board wall. And
13 specifically, there -- like a three-inch white label from the
14 cups that we serve coffee in, probably about 20 of those stuck
15 to the board. And I can recall one photo, if my memory, that
16 was printed on about 8-1/2-by-11 paper in black and white that
17 had a broom standing up with a stick figure drawn on it. So
18 things that didn't seem of financial value besides the cash
19 that fell off.
20 Q Okay.
21 (Counsel confer)
22 Q BY MR. KIBBE: Real quick. You know, I don't think I
23 asked this, so I'm going to try to ask it again. If I did, I
24 apologize. Do you remember if there were any partners
25 specifically that requested this coat rack?

1 A By name, I don't remember specifically, but I do remember
2 at least two people asking me for more places to store
3 belongings.
4 Q Okay. And --
5 A Three, if you include myself.
6 Q Was Mari the only partner who expressed any concern about
7 the coat rack replacing the board?
8 A Mari is the only partner I recall expressing concern.
9 Q Okay. And to be clear, she never told you that you can
10 recall that there were personal items that she wanted?
11 A No.
12 Q Or other partners wanted?
13 A No.
14 (Counsel confer)
15 MR. KIBBE: Sorry. Consultation whatnot.
16 Q BY MR. KIBBE: All right. So after you remove the -- the
17 board and the coat rack is up, do you recall any controversy of
18 any sort from any of the partners about what would happened --
19 or what had happened?
20 A I was not informed immediately of any controversy.
21 Q Were you at some point?
22 A Several days or possibly a -- a week or more later, I
23 received a late-night email from Mari upset about the board.
24 Q Okay. And do you remember responding to that email?
25 A I did not respond to the email over email. It was around

1 10 p.m., so I made a plan to connect with her during her next
2 scheduled shift in person.
3 Q And do you recall connecting with her?
4 A I do, yes.
5 Q And when you connected with her, where in the store were
6 you?
7 A We were in the back of house. To be really specific, in
8 Exhibit 5 on -- on I think, photo 5 will show it the most
9 clearly or maybe photo 6. I was leaning against that black box
10 on the hot water heater on the bottom left of the photo or in
11 image 5 kind of bottom left out of frame there. So just
12 outside that manager office doorway.
13 Q Okay. And where in space was Mari?
14 A She was in front of me, either to my left or my right. So
15 either further down the hallway or further towards the --
16 the -- kind of the entry-exit of the back of house.
17 Q Was anybody else present when you were connecting with
18 Mari?
19 A Not at first. There were two partners that I remember
20 joining the conversation once they le -- kind of left the
21 floor, stopped what they were doing in the back of house.
22 Q Okay. Well, let's focus first on you and Mari having a
23 conversation in the back.
24 A Um-hum.
25 Q How do you remember the conversation beginning?

1 A I remember Mari was I believe, brewing coffee in the back
2 room, brewing cold brew, which is a kind of labor-intensive
3 process involving a lot of water. So she was in one corner,
4 and I was standing by the -- kind of the dishwashing station,
5 and I had asked her if she wanted to connect. And she said, in
6 a minute I'm -- I'm doing something. So I waited and I believe
7 Mari prompted the conversation when she was ready, or
8 potentially another partner asked me a question and Mari jumped
9 into the conversation. I can't remember exactly how it
10 started, but it was kind of pretty casual. We weren't in a
11 rush to have the conversation.
12 Q Did you feel like you were cornering Mari when you were
13 talking to her?
14 A No, not at all.
15 Q Did you feel like Mari had the ability to leave the
16 conversation at any time?
17 A I did --
18 MR. KAPLAN: Objection, Your Honor. Leading question.
19 And if I could please note, Mari -- when -- when Mari was on
20 the stand, they asked that they be referred to with they-them
21 pronouns. If I could please ask that opposing counsel and the
22 witness used their preferred pronouns, that'd be much
23 appreciated.
24 MR. KIBBE: I'll do the best I can.
25 MR. KAPLAN: It's they-them.

1 MR. KIBBE: I'll do the best I can.
2 Q BY MR. KIBBE: So continue.
3 JUDGE MONTEMAYOR: And I'll just overrule the objection,
4 except for -- you're going to --
5 MR. KIBBE: I'll do the best I can.
6 JUDGE MONTEMAYOR: -- address the pronoun issues.
7 A Okay. Can you repeat your question?
8 Q BY MR. KIBBE: I don't even remember what I asked.
9 A I believe it was around did -- did Mari feel cornered in
10 the back room?
11 Q Yes. There you go.
12 A No. I believe the conversation started with her maybe
13 more so cornering me in the back room. I was the -- a literal
14 corner, and she was by the door.
15 Q Okay. And did you perceive Mari to be agitated?
16 A Yes.
17 Q And what would -- did it appear she was agitated about?
18 A Originally, it seemed about pure concern for the coat rack
19 or the bulletin board or whatever in that situation might have
20 led to her frustration. And then it quickly escalated. And as
21 she became agitated about me, she repeated the same question
22 over and over and stated that I was doing a bad job at my job
23 by not answering her directly.
24 Q Okay. Let's backtrack just a minute and talk about her
25 frustration with respect to the coat rack and the board.

1 What -- what do you recall her being frustrated about?
2 A I believe she started the conversation by saying something
3 along the lines of, you took down our union board.
4 Q Okay. And -- and did you have a response for her?
5 A I said, I don't know what you're talking about.
6 Q And was that true at the time?
7 A I don't think that that board could be accurately
8 categorized as anything having to do with the Union.
9 Q And did you see ever -- anything related to the Union on
10 that board?
11 A No.
12 Q Okay. What else do you remember Mari being frustrated
13 about with respect to the board?
14 A She stated that she should have been looped into when it
15 was being removed or when -- when it was being taken down and
16 did not -- she kind of kept repeating that statement or that
17 question of why wasn't I told, why wasn't I told.
18 Q And did you feel like you needed to notify Mari about
19 this?
20 A No.
21 Q And why is that?
22 A Her role as a shift supervisor does not involve managing
23 bulletin boards.
24 Q Okay. Anything else that you can recall her being
25 frustrated or they -- whate -- being frustrated with?

1 A At that day, I remember Mari was frustrated about not
2 receiving an email response at 10 p.m. the night -- or the day
3 or so prior. They were kind of demanding that I respond in
4 that email no matter what hour of the night.
5 Q And have you ever responded to Mari's emails prior to
6 that?
7 A No, not in the several months they worked for me.
8 Q So this would have not been unusual for you?
9 A No.
10 Q Okay. You'd mentioned that Mari was frustrated about
11 other things beyond the board; is that true?
12 A In that conversation, it was frustrated about the board
13 and then more so about -- it seemed more about -- frustrated
14 about me and my performance.
15 Q You also said something about questions that she repeated
16 to you. What --
17 A Um-hum.
18 Q -- were those questions?
19 A I remember the question around who can I talk to to get
20 the board back, where did the board go, when is the board
21 coming back, kind of the same question, maybe phrased slightly
22 differently over and over after having an answer be told that
23 the board is not coming back.
24 Q Did Mari ever bring up the items that were on the board?
25 A I don't believe so. No, I don't recall.

1 Q So it was specifically about the board itself?
2 A Yes.
3 Q Do you remember anything else related to the board during
4 that conversation with Mari?
5 A Nothing that I can recall.
6 Q You also mentioned that a few other partners had joined
7 the conversation. Do you remember those com -- or partners'
8 names?
9 A I do, yes. One partner was Cori Green, and one partner
10 was Toddy -- I'm better at saying their last name when I have
11 it spelled. It's Gerar -- Gerardino.
12 Q Okay. So I'm going to go see Toddy, because I can't say
13 that, but Toddy and Cori, did they have any concerns about
14 the -- the board being removed?
15 A They seemed to echo the same concerns as Mari. Where did
16 it go? When is that coming back? Who can I talk to to get it
17 back?
18 Q Was it just you and those three back there at the time?
19 A I believe so, yes.
20 Q Okay. Were the other two, Cori and Toddy, were they
21 equally agitated?
22 A I don't believe so. No, I don't remember them being as
23 involved as Mari was in the conversation.
24 Q Did Toddy or Cori ever express concern about anything on
25 the board being returned to them?

1 A Nothing that I can recall, no.
2 Q How long was this conversation in the back with Mari and
3 then the other two partners?
4 A I would estimate around 15 to 20 minutes.
5 Q And how did it end?
6 A We clarified some policies around safety and security.
7 And then I believe I stated to Mari, I've answered your
8 question repetitively. I'm going to end this conversation and
9 I hope you have a great Thanksgiving, because it was now around
10 6 p.m. on the Wednesday before Thanksgiving.
11 Q Okay. Real briefly, I'd like you to look at General
12 Counsel's Exhibit 38. It should be in front of you somewhere?
13 A Yes.
14 Q Do you recall receiving -- is this the email that you were
15 talking about earlier? I apologize. We'll start there.
16 A I believe so just based on dates that I can confirm. Yes.
17 This is the one I received after the board was removed about --
18 it -- based on the dates on the paper about six days later --
19 five days later.
20 Q One of the things that's listed as -- or stated in Exhibit
21 38 is that we were on strike and picketing outside the store on
22 11/17. Do you see that?
23 A I do, yes.
24 Q Do you recall that being something that happened?
25 A I do recall a strike on that day, yes.

1 Q Okay. Is -- is the reason that you removed this board out
2 of retaliation?
3 A No.
4 Q Okay. Well, why did you remove the board during this
5 time?
6 A I happened to be at the store within a week or two of
7 the -- the coat rack being delivered. And although I'm at the
8 store fairly often, I don't bring power tools to a store very
9 often, so it's kind of a coincidence that I drove to work that
10 day versus walk.
11 Q I'm going to ask you to look at General Counsel's Exhibit
12 39. And before you do that, the fact that the partners were on
13 strike, how does that impact you, if at all?
14 A For that strike in particular, I was in an apron working
15 at the store to maintain hours of operation in some capacity on
16 a very -- I would say a very busy promotional day.
17 Q The Red Cup Day?
18 A Correct, yes.
19 Q Okay. Did you feel frustrated by that?
20 A No. We had a lot of fun that day. It was myself working
21 with a -- a handful of managers.
22 Q Okay. Going back to General Counsel's Exhibit 39, there's
23 an email --
24 MR. KIBBE: Oh, sorry. So sorry. That's okay.
25 Q BY MR. KIBBE: There's an email that appears to be from

1 Mari Cosgrove to you and a Mariana on November 24th. Do you
2 see that?
3 A I do, yes.
4 Q Okay. I don't think you know who Mariana is; do you?
5 A I -- I don't see a Mari -- I see a Marina on the --
6 Q Oh.
7 A -- the CC line.
8 Q See, I was trying to speak Spanish. I can't speak
9 Spanish.
10 A I don't think I've ever had a Marina that I can recall.
11 Q Okay. So you don't know who that person is, but you do
12 know who Marina -- or Mari is?
13 A Correct.
14 Q Okay. The content of this email appears to be what Mari
15 describes as a summary. Do you see that?
16 A I -- I do see that claim, yes.
17 Q Okay. I'd like you to read through that summary. And my
18 first question is, did you respond to this via email?
19 A I do not, no.
20 Q Okay. Does this summary accurately reflect your
21 conversation with Mari?
22 A I would say not entirely accurate, no.
23 Q Okay. And just to be clear, what specifically is not
24 accurate?
25 A I would say from the first kind of hash mark that starts

1 with the removal of our partner board; I don't believe it could
2 be categorized as a partner board in any way. It was a
3 bulletin board by a manager workstation, and I'd never heard
4 that term before. And it -- that statement seems to be
5 alluding to the fact of some correlation between the removal
6 and the strike, which is not true.
7 From the second dash, Mari states that I did not know what
8 happened to her personal belongings and that facilities could
9 give a chance to reclaim it. That's not true. That's not a
10 part of the conversation we had or a statement that I made that
11 those items to be reclaimed.
12 I'm not sure for the third hash the exact content or
13 statements made in that August meeting, so I can't speak to
14 that line. And then for the fourth line about the Canadian
15 currency, it was deposited as store funds. And yes, it's
16 correct that it's Canadian, but it -- there's no reason to
17 believe it was tip money. If it was left unsecured stap -- or
18 like push pinned to a bulletin board, that's not how we store
19 tips at Starbucks.
20 The fifth line about not previously seeing the money is
21 true. It was not -- on the surface, it kind of -- the coins
22 fell once the board was off the wall and fell on the hard-
23 surface floor. I'm not sure what -- in the second hash to the
24 bottom what fun quizzes and drawings are -- Mari referring to.
25 And then the -- the last line about the facilities person,

1 there's not a facilities person involved in the removal of the
2 board.
3 Q I'd like you to flip just the next page and then we'll put
4 this to the side. First sentence says, "We have the approval
5 of our district manager, Amy Quesenberry," we're all saying it
6 wrong, so I'm going to say it wrong. Do you recall speaking to
7 Amy or anybody about having approval for this board?
8 A No.
9 Q Have you ever had a conversation with Amy or anybody about
10 the board in particular?
11 A No.
12 Q So to you, what was this board?
13 A Things on a wall. Nothing to -- nothing that seemed to
14 serve a business purpose or add value to the store itself.
15 Q Okay. All right.
16 (Counsel confer)
17 MR. KIBBE: No other questions.
18 MS. DEVLEMING: Thank you, Your Honor.
19 **CROSS-EXAMINATION**
20 Q BY MS. DEVLEMING: Hi, there. My name is Liz DeVleming,
21 counsel for the General Counsel. And I only have one page of
22 questions, so hopefully we'll be out of here soon. Just remind
23 me, did you testify on direct about receiving various strike
24 notices from Fifth and Pike partners?
25 A What was the -- the first part of the question? I'm

1 sorry.
2 Q Strike notices. Did you testify previously about
3 receiving strike notices when the Fifth and Pike partners went
4 out -- out on union strikes?
5 A I have received copies of strike notices, yes.
6 Q Do you remember receiving at least some of these directly
7 from Sarah Pappin?
8 A I believe so, yes.
9 Q Do you remember Sarah's name being listed at the bottom of
10 those notices, often toward the very top of a list of employee
11 names participating in the strike?
12 A I can't recall any specific partner names. I -- I can,
13 however, recall the email addresses that they were sent from.
14 One that I can recall included Sarah's name.
15 Q So you're aware of Sarah Pappin's name?
16 A Yes. She is the -- or yeah, she's a employee at one of my
17 stores.
18 MS. DEVLEMING: Your Honor, I've handed the witness what's
19 been marked for identification as General Counsel Exhibit 55.
20 And I'll note for the record that this is part of the subpoena
21 production. You see the Bates number at the bottom right.
22 Q BY MS. DEVLEMING: First of all, Ryan, do you recognize
23 this? And when I say this, I'm referring to this particular
24 format, this chart, have you seen this before?
25 A No, I don't believe so.

1 Q Okay. And at least the content, and maybe if we can try
2 to look at what's shown in the far-right column of this black
3 box.
4 A Um-hum.
5 Q Can you make out what that is? And it's okay if you
6 can't. I -- I am looking at it myself. It is very, very
7 difficult to read.
8 A I can see that it starts address to myself and Jer
9 Mackler, the store manager at Fifth and Pike and it has a date
10 and time of 9 p.m., July 14th stating the partners at Fifth and
11 Pike will be engaging in a strike.
12 Q Okay. And can you see Sarah's name in this anywhere or I
13 think there's a list of names at the bottom. Do you see her
14 name there?
15 A I do, yes.
16 Q Okay. And it's kind of in the right column but at the
17 very top?
18 A Yes.
19 Q Do you recall receiving this particular strike notice?
20 A I would -- I would say I remember the strike. I don't
21 necessarily remember the process of receiving the notice.
22 Q Okay. So it's addressed to you. Do you have a reason to
23 believe you wouldn't have received it?
24 A It -- I believe I received it, yes.
25 Q Okay.

1 A I don't remember the specifics from -- I believe it's
2 dated for July of 2022.
3 Q I think what you said -- it -- July 14th, can we make that
4 out?
5 A Yes.
6 Q Okay.
7 MS. DEVLEMING: Your Honor, I would offer General Counsel
8 Exhibit 55 only for the black box strike notice that we have
9 identified.
10 JUDGE MONTEMAYOR: Any objection to 55?
11 MR. KIBBE: No, other than the witness stated that he
12 doesn't recall receiving it. He said he probably did. I would
13 object to lack of foundation.
14 MS. DEVLEMING: I think his final answer is that he does
15 recall receiving it.
16 JUDGE MONTEMAYOR: I think the final answer addressed that
17 issue. That's 55. It will be admitted.
18 **(General Counsel Exhibit Number 55 Received into Evidence)**
19 MS. DEVLEMING: And Your Honor, without belaboring the
20 point, I would just note for the record the legibility of some
21 of these documents that were not produced in native files is
22 another issue for your consideration.
23 Q BY MS. DEVLEMING: Ryan, you testified about a meeting
24 that Christy Ferguson had held with ship super -- shift
25 supervisors, I believe, where the shift supervisors were

1 informed at least about something to do with the bulletin
2 board. We don't even need to go into what exactly was said,
3 but do you remember that testimony?
4 A I -- I do, yes. I wasn't present at the meeting itself.
5 Q That was going to be my question. You didn't attend the
6 meeting?
7 A No.
8 Q Let's look at Respondent's Exhibit 8, if you can find it
9 again. It's something you were asked about on direct.
10 A Yes.
11 Q Okay. So I think your direct testimony was that this
12 reflects that you placed an order for the new coat rack on
13 September 20th, right?
14 A Yes.
15 Q And this Northwest Facilities (phonetic throughout) or
16 NFacilities@Starbucks.com, what is Northwest Facilities?
17 A It is an email intake that our facilities representatives
18 who kind of yield all email responses for DM order items. I
19 believe this -- I know at least two partners that monitor that
20 email inbox, one is on this form, and one is another partner.
21 And it's kind of an email intake where they basically take the
22 item number or description or maybe a photo of what we request
23 to order and process it or ask for clarifying questions such
24 as -- I can share an example from last week I ordered new patio
25 furniture for a store and the expense was about $3,500. And

1 they asked; are you sure?
2 Q So you mentioned the partner that you're aware of. Is
3 that Caitlyn Shadden?
4 A Yes.
5 Q Had you dealt with Caitlyn before?
6 A I can think of at least one other store that I've had a
7 response from Caitlyn. However, I do think she was covering
8 for our more local partner for her vacation around the July
9 4th -- or the end of fiscal year holidays. I think she had
10 just a long weekend or something.
11 Q Did you let the Fifth and Pike partners know after
12 September 20th that you had placed the order for the new coat
13 rack?
14 A I believe so, yeah.
15 Q Okay. Did -- was it your plan that the minute it came,
16 you were going to take the bulletin board down?
17 A Yes.
18 Q Did you let the Fifth and Pike partners know that?
19 A I believe so. I believe it's in -- yeah, I believe it was
20 communicated to at least a handful of partners on the team.
21 Q Okay. Which handful? Do you remember which partners you
22 told that to?
23 A Definitely the store managers at the time, Christy and
24 Stephen and the assistant manager, Maribeth. And then I
25 believe I communicated to Mari Cosgrove as they had asked me a

1 direct question about it in person.
2 Q And -- and when -- let's narrow in the time frame here.
3 I'm talking about soon after September 20th. Is --
4 A Yes.
5 Q -- it your testimony today that you informed Mari Cosgrove
6 before September -- or November 17th, when the bulletin board
7 was removed?
8 A Yes.
9 Q That your plan was once the coat rack came in, it was
10 going to be taken down?
11 A Yes.
12 Q What -- when was -- roughly when was that conversation in
13 that two-month --
14 A I would --
15 Q -- time frame?
16 A -- say around the week in question, around September --
17 I -- rough estimate would probably be the week of September
18 26th, 2022.
19 Q So like a week after you placed the order?
20 A Yes.
21 Q It -- what do you remember Mari saying about that when you
22 told her?
23 A It was part of a -- a comb -- like combination
24 conversation around some of the questions in Exhibit Number 35.
25 So the conversation, I believe, started with the coat rack, and

1 I had shared we ordered it. We're excited to have more options
2 for partners. I don't remember if there was any further
3 follow-up from that. And then Mari had asked me several
4 questions about other Starbucks' policies or things of that
5 nature.
6 Q So it's your testimony -- just to make sure, you also, I
7 think, were asked about General Counsel 38 and if not, if you
8 can pull that out. And in General Counsel 38, Mari indicates
9 to you on November 21st that they felt they were provided no
10 notice that the board was going to come down. So it's your
11 testimony today that that's a lie?
12 A I testified that that is not a true statement.
13 Q Okay. And so Mari seems to really be in a habit of
14 putting in writing any time she talks to you. Did she send you
15 an email about your conversation the week after you placed the
16 order in late September?
17 A I believe her -- I believe Mari's follow-up email to me
18 was Exhibit Number 35, dated for Tuesday, September 27th, where
19 they again, once asked -- they once again asked about the
20 removal of the bulletin board and an installation of a coat
21 rack. And I believe in person that same week we had a
22 conversation about it.
23 Q And forgive me, it's late in the day if I recently
24 misgendered Mari, I do apologize. So looking at General
25 Counsel 35, the third point here, "Will our crew board be

1 removed for the coat rack to be installed? Will it be moved to
2 another location?" So it is your testimony that she sent you
3 this email after you had just told her your plan was it would
4 be removed the minute the coat rack -- coat rack arrived?
5 A I believe I told Mari that it would be removed within
6 several -- like one to -- one to five days after receiving that
7 email.
8 Q After?
9 A Yes. So --
10 Q Okay.
11 A -- September 20- -- I would -- I would estimate September
12 28th through the first week of -- the first full week of
13 October. I don't know the exact dates, maybe October 5th
14 through 10th.
15 Q Okay. And when you had that follow-up conversation on one
16 of those dates you just specified, did Mari commit that
17 conversation to writing and send you an email about it?
18 A No. I don't believe they sent me an email between
19 September 27th and November 21st.
20 Q That seems out of the ordinary. It seems like they
21 preferred to communicate with you by email?
22 MR. KIBBE: Calls for speculation.
23 JUDGE MONTEMAYOR: I'll sustain the objection.
24 A I'd say it's unusual for any --
25 JUDGE MONTEMAYOR: Oh --

1 Q BY MS. DEVLEMING: You don't need to answer.
2 JUDGE MONTEMAYOR: -- that means -- that means don't
3 answer.
4 Q BY MS. DEVLEMING: Were you ever informed that your order
5 had come in?
6 A I believe I testified earlier that a -- a manager or
7 assistant manager had let me know that the order had been
8 delivered.
9 Q When was that?
10 A I want to say it was around early November. I had some
11 time off for -- I believe, November 5th weekend as it's my
12 birthday, so either right before or right after that.
13 Q And who was it? Do you remember who specifically told you
14 that?
15 A I believe it might have been Christy.
16 Q Did Christy ask if they should -- if she should install
17 it?
18 A I don't -- I don't recall, no.
19 Q Did you have any further discussion with Christy when she
20 informed you that the coat rack had arrived -- arrived?
21 A I think I said something along -- along the lines of,
22 great, finally, I will install it next time I'm in the store.
23 Q Okay. And between when Christy told you that in early
24 November and the November 17th strike, had you visited the
25 store?

1 A I don't recall. I can double-check my calendar. It does
2 a pretty good job accurately recording where I am. I do not
3 believe I visited the store by vehicle between early November
4 and November 17th, so I wouldn't have brought a power tool with
5 me to install it.
6 Q You brought a power tool?
7 A I do. I always have a power tool in my car.
8 Q The last date you had visited the store before November
9 17 --
10 MS. DEVLEMING: Strike that.
11 A Um-hum.
12 Q BY MS. DEVLEMING: Let's jump to November 17th, which is
13 the date of the strike. Are we on the same page that --
14 A Yes.
15 Q -- that's the date that the bulletin board came down?
16 A Yes.
17 Q Okay. What time on that date did you remove the bulletin
18 board?
19 A I believe it was somewhere after the store had closed, so
20 maybe early afternoon, several hours after I'd been there.
21 Q What did you do with it?
22 A It was partially broken when it came off the wall. The
23 frame kind of fell apart so it was discarded in the trash area.
24 Q What about all the items posted on the cork board?
25 A I believe I testified the money was deposited to a bank,

1 and then the other items I believed to be trash.
2 Q So they were all thrown in the trash along with the
3 damaged bulletin board?
4 A Correct.
5 Q And just to confirm, it sounds like as a district manager,
6 removing a bulletin board from a store would be something
7 within your authority to do?
8 A I -- I believe so.
9 Q Would you have to wait for someone else's permission to do
10 that?
11 A No.
12 Q In this case, did you wait for someone else's permission?
13 A No.
14 Q What about a store manager, could a store manager remove a
15 bulletin board from the store without your permission or anyone
16 above you?
17 A Yes.
18 Q Let's talk about your conversation with Mari Cosgrove
19 after you had removed the bulletin board. Mari asked you if
20 you knew where the board had gone, right?
21 A I believe that was one of their questions to me, yes.
22 Q And what was your response?
23 A I believe I stated at no less than five times, it's
24 removed.
25 Q Did you say who had removed it?

1 A No.
2 Q Why not?
3 A I didn't find it relevant to them.
4 Q Did Mari ask who had removed it?
5 A I believe she was -- or I believe Mari was asking specific
6 questions of first and last names of people in the store, and I
7 felt uncomfortable providing that answer.
8 Q So you did not tell Mari it had been you who removed the
9 bulletin board?
10 A I don't recall, no.
11 Q Did you feel like you were lying?
12 A No.
13 Q How -- did you tell Mari you didn't know where the items
14 on the board had gone?
15 A I believe it's possible I might have. I -- I didn't know
16 the exact location after it left the store.
17 Q This was the day after?
18 A I had that conversation with Mari about two weeks after
19 or -- try to do some math. I believe the board was removed on
20 11/17. Mari sent me their first email on November 21st, and I
21 had the conversation on a Wednesday, so I'd imagine November
22 23rd is when the conversation happened.
23 Q Okay. So about a week, six or seven days after?
24 A Correct.
25 Q So had the trash already been taken away by the trash

1 people?
2 A Yes. I believe it's taken away daily.
3 Q Okay. So did you tell Mari the reason you didn't know is
4 because the trash people had taken it away?
5 A I stated it had been thrown in the trash or something
6 along the lines of it was taken -- it -- assume -- assumed
7 trash. It was broken.
8 Q In the third person -- you didn't say I put it in the
9 trash?
10 A I don't recall.
11 Q Did you tell Mari you'd have to check with facilities
12 about where the items had ended up?
13 A No. That was one of the questions Mari had asked me was,
14 we need the name of the facility's person. And I stated I
15 can't provide that information.
16 Q So you didn't share with Mari that you had thrown away the
17 personal items she -- that they were concerned about?
18 MR. KIBBE: Asked and answered.
19 JUDGE MONTEMAYOR: I'll allow the -- the question and the
20 witness to answer the question.
21 THE WITNESS: Okay.
22 A I -- I -- can you repeat the question? I'm sorry.
23 Q BY MS. DEVLEMING: Just to confirm, you did not share with
24 Mari Cosgrove where the personal items they were concerned
25 about had gone?

1 A I believe I stated they've been thrown in the trash.
2 Q Okay.
3 MS. DEVLEMING: That's all, Your Honor. Thank you.
4 MR. KAPLAN: No questions, Your Honor.
5 JUDGE MONTEMAYOR: Redirect?
6 MR. KIBBE: Yes.
7 **REDIRECT EXAMINATION**
8 Q BY MR. KIBBE: Your time with Mari, you had more than one
9 conversation with her; didn't you? Is that right?
10 A Overall with the time that they worked at Fifth and Pike,
11 yes.
12 Q Yes. Okay. Is it your experience that Mari is the type
13 of person that asks questions over and over?
14 A Yes.
15 Q Regardless of when you give her an answer?
16 A Yes.
17 Q So it is -- is it unusual for you to see an email that
18 says, what are you going to do with this and September 20th and
19 see the same thing on September 27th?
20 A I -- I don't believe so, no.
21 Q Okay. So is it likely that you told her twice I'm going
22 to --
23 MS. DEVLEMING: Objection.
24 Q BY MR. KIBBE: -- remove this --
25 MS. DEVLEMING: Calls for speculation. Leading.

1 JUDGE MONTEMAYOR: Sustained.
2 Q BY MR. KIBBE: Okay. Do you remember telling her anything
3 about what you were --
4 MS. DEVLEMING: Objection.
5 Q BY MR. KIBBE: -- going to do --
6 MS. DEVLEMING: Leading.
7 Q BY MR. KIBBE: -- with the board?
8 JUDGE MONTEMAYOR: I'll sustain the objection.
9 Q BY MR. KIBBE: Do you recall talking to Mari about what
10 you would do with the board on September 20th?
11 A I do not remember having that conversation. I think it
12 was delayed about a week.
13 Q Okay. And do you recall what you told Mari about what you
14 would do with the board on September 27th?
15 A I don't believe so, no.
16 Q Okay. Is it possible you told her you'd get rid of it?
17 A Yes.
18 Q Okay.
19 MR. KIBBE: That's all I got.
20 MS. DEVLEMING: I believe I forgot to offer General
21 Counsel 55, so I do -- so if I did.
22 MR. KIBBE: I think you did.
23 MS. DEVLEMING: Oh, did I? Oh, I did just for the --
24 JUDGE MONTEMAYOR: No. 55 was admitted.
25 MS. DEVLEMING: Okay. Now, it's coming back to me. It's

1 been a --

2 JUDGE MONTEMAYOR: 55 was admitted.

3 MS. DEVLEMING: It's been a day.

4 JUDGE MONTEMAYOR: And you have nothing further?

5 MS. DEVLEMING: Nothing further.

6 JUDGE MONTEMAYOR: Okay. That means that we can excuse

7 you, so thank you so much for coming. We appreciate your

8 participation, and especially given the late hour.

9 THE WITNESS: It's a lovely day. I don't mind.

10 JUDGE MONTEMAYOR: We thank you. So you're excused and

11 you -- you may step down.

12 THE WITNESS: Thank you.

13 JUDGE MONTEMAYOR: Okay. So we will go off the record.

14 **(Whereupon, the hearing in the above-entitled matter was**

15 **recessed at 6:23 p.m.)**

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1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Case Number
4 19-CA-292276, Starbucks Corporation and Workers United
5 affiliated with Service Employees International Union, held at
6 the 915 2nd Avenue, Room 2948, Seattle, Washington 98174-1078,
7 on May 25, 2023, at 9:10 a.m. was held according to the record,
8 and that this is the original, complete, and true and accurate
9 transcript that has been compared to the reporting or
10 recording, accomplished at the hearing, that the exhibit files
11 have been checked for completeness and no exhibits received in
12 evidence or in the rejected exhibit files are missing.
13
14 Robin C. Clark
15
16 _____
ROBIN CLARK
17
Official Reporter
18
19
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22
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25

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:

Starbucks Corporation, Case No. 19-CA-292276
19-CA-307871

Employer,

and

Worker's United Labor Union
International, affiliated with
Service Employees International
Union,

Charging Party.

_____

_____

Place: Seattle, Washington

Dates: May 31, 2023

Pages: 718 through 901

Volume: 4

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:	
STARBUCKS CORPORATION, Employer, and WORKER'S UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION, Charging Party.	Case No. 19-CA-292276 19-CA-307871

The above-entitled matter came on for hearing, pursuant to notice, before **DICKIE MONTEMAYOR**, Administrative Law Judge, at the National Labor Relations Board, Region 19, 915 2nd Avenue, Room 2948, Seattle, Washington 98174, on **Wednesday, May 31, 2023, 9:00 a.m.**

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1 **I N D E X**

2

3 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4 Jeremiah Mackler	727,759	795	867		757
5 Sarah Pappin	872 892				

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1 **E X H I B I T S**

2

3 EXHIBIT	IDENTIFIED	IN EVIDENCE
4 **General Counsel:**		
5 GC-1(cc)	726	727
6 GC-56	821	822
7 GC-57	864	865
8 GC-58	879	880
9 GC-59	878	879
10		
11 **Respondent:**		
12 R-3	755	759
13 R-13	736	737
14 R-14	761	762
15 R-15	766	767
16 R-16	767	768
17 R-17	778	779

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1 **P R O C E E D I N G S**

2 JUDGE MONTEMAYOR: Coming back on the record. This is a
3 continuation of the Starbucks case. Starbucks case number 19-
4 CA-292276, 19-CA-307871.
5 Counsel for the General Counsel indicates that there are
6 some housekeeping matters that we need to address before we get
7 started here. Counsel?
8 MS. DEVLEMING: Thank you, Your Honor. Yes. The first
9 purely housekeeping matter is that in reviewing the stack of
10 General Counsel, Exhibit 30(a) through (v) from last week,
11 which is a stack of disciplines, there was a second signature
12 page missing from General Counsel Exhibit 30(t), as in Tom.
13 I've spoken with Counsel before the record opened this
14 morning, and I don't think I heard an objection to just
15 inserting in what's in front of you, the signature page as page
16 2 of 30(t).
17 JUDGE MONTEMAYOR: Any objection to that?
18 MR. KIBBE: No.
19 JUDGE MONTEMAYOR: That will be admitted as page 2 of
20 30(t) to complete the exhibit.
21 MS. DEVLEMING: Secondly, I have passed out at Your
22 Honor's request a written motion to amend the complaint, as I
23 moved to do on the record before resting my case last Thursday,
24 the 25th, and I would now move to amend the complaint as set
25 forth herein.

1 JUDGE MONTEMAYOR: Okay. And just briefly for the record,
2 can you set forth the basis for the motion? Just briefly.
3 MS. DEVLEMING: Yes. The subpoena production as offered
4 into the record as General Counsel 30(a) through (v) produced
5 quite a series of additional post-petition disciplines that are
6 at issue in the complaint allegation pertaining to the stricter
7 enforcement of the time in attendance policy after the petition
8 was filed. So General Counsel now seeks to kind of add those
9 in as additional instances of the policy crackdown, if you
10 will.
11 JUDGE MONTEMAYOR: And it goes to subparagraph (d) of the
12 complaint?
13 MS. DEVLEMING: 12(d), yes.
14 JUDGE MONTEMAYOR: 12(d). I'm sorry. 12(d).
15 MS. DEVLEMING: Yes.
16 JUDGE MONTEMAYOR: Any objection from Respondent?
17 MR. KIBBE: Yes. We object to that. As you recall from
18 last week, Your Honor, the phrase used was according to proof.
19 The only thing that's been produced right now is an additional
20 series of disciplinary action. Proof beyond the fact that they
21 were offered to particular partners, there is none, that it has
22 anything to do with the Union campaign.
23 So I'm not sure -- I heard zero testimony, in fact, about
24 any of these partners outside of one person who we put on. And
25 that person had nothing to do with the Union campaign. And the

1 majority of the stack you see includes -- I think everything
2 was Christy Ferguson. Disciplinary action taken by Christy
3 Ferguson. Do you recall anything specifically mentioned about
4 the Union campaign or stricter enforcement? The answer is no.
5 So I'm not sure why you would amend a complaint to have to deal
6 with these baseless, unrelated allegations.
7 MS. DEVLEMING: Well, Your Honor, the complaint in its
8 initial form, even before consolidating in the second case, has
9 always alleged that after the petition was filed in retaliation
10 for the store's union activities of filing a petition,
11 Respondent announced that going forward, stricter enforcement
12 of certain of its policies, including its time and attendance
13 policy, and that thereafter, in fact, more strictly enforced
14 its time and attendance policy.
15 So these examples fit squarely within the longstanding
16 complaint allegation. And it -- again, the allegation is a
17 crackdown itself on all employees at 5th & Pike was
18 retaliatory, not that any one individual was singled out, but
19 that this idea that the policies need to be more strictly
20 enforced in itself was the retaliation.
21 JUDGE MONTEMAYOR: Let me just look a little bit closer at
22 the complaint allegations. It looks like the complaint does
23 have the sort of broad allegations as described by counsel for
24 the General Counsel beginning in subparagraph (b). And so this
25 amendment to (d), it looks like, adds to those subparagraphs

1 one, two, and three.

2 MS. DEVLEMING: Right.

3 JUDGE MONTEMAYOR: General Counsel's motion to amend will

4 be granted.

5 MS. DEVLEMING: And finally, Your Honor, I'd just like to

6 call your attention to the fact that a case cited in the motion

7 for sanctions, the Region 18 case, where Judge Olivero just

8 very recently granted sanctions against the same Respondents,

9 Starbucks Corporation was upheld by the board on Friday. Just

10 this past Friday, the 26th, notwithstanding an appeal by

11 Starbucks, the Board has upheld that -- those sanctions.

12 JUDGE MONTEMAYOR: And do you have a copy of that?

13 MS. DEVLEMING: The Board's order is simply, you know, we

14 deny the appeal, but I can certainly provide you with it.

15 JUDGE MONTEMAYOR: I was just --

16 MS. DEVLEMING: Sure.

17 JUDGE MONTEMAYOR: In case they didn't have it.

18 MR. KIBBE: I don't have it, but --

19 MS. DEVLEMING: I can make a copy at the next break.

20 MR. KIBBE: -- I don't doubt that's what it says.

21 JUDGE MONTEMAYOR: Okay. Okay. Any other preliminary

22 matters before we proceed with the next witness?

23 MS. STROESCU: None from Respondent, Your Honor. I'm

24 happy to go get the witness.

25 JUDGE MONTEMAYOR: Get the witness. We'll go off the

1 record until the witness gets back.

2 (Off the record at 9:08 a.m.)

3 JUDGE MONTEMAYOR: On the record.

4 We're going to begin by having you sworn, so please raise

5 your right hand.

6 Whereupon,

7 **JEREMIAH MACKLER**

8 having been duly sworn, was called as a witness herein and was

9 examined and testified as follows:

10 JUDGE MONTEMAYOR: Please state and spell your name for

11 the record.

12 THE WITNESS: It's Jeremiah, J-E-R-E-M-I-A-H, last name is

13 Mackler, M-A-C-K-L-E-R.

14 JUDGE MONTEMAYOR: Okay. And before we get to you, we

15 have one little minor matter that we need to take care of.

16 MS. DEVLEMING: Yes. Thank you, Your Honor. To make sure

17 this gets into the record, I have labeled the motion to amend

18 the complaint, General Counsel Exhibit 1(cc), which will join

19 the formal papers following the index and description of

20 exhibits, which is 1(bb). And I would offer General Counsel

21 Exhibit 1(cc).

22 JUDGE MONTEMAYOR: Any objection?

23 MS. STROESCU: I'm sorry. Are you talking about the

24 complaint?

25 MS. DEVLEMING: The motion to amend the complaint, I'm

1 throwing in as a formal paper 1(cc).

2 MR. KIBBE: Oh, no objection. Sorry.

3 JUDGE MONTEMAYOR: That will be admitted and added to the

4 formal papers.

5 **(General Counsel Exhibit Number 1(cc) Received into Evidence)**

6 JUDGE MONTEMAYOR: Okay. I think we're ready.

7 Counsel, you may begin.

8 MS. STROESCU: Thank you, Your Honor.

9 **DIRECT EXAMINATION**

10 Q BY MS. STROESCU: Good morning, Mr. Mackler. Do you go by

11 any nicknames?

12 A Most people call me Jer.

13 Q Is it -- is it okay if I call you Jer --

14 A Yes.

15 Q -- for this proceeding?

16 A Yes.

17 Q And just some housekeeping matters, I know you can

18 anticipate my question sometime, so be sure to wait until I ask

19 a full question before you answer. No um-hums or huh-uhs on

20 the record. We have to keep the record clear. Yes or no

21 answers. Jer, do you work for Starbucks?

22 A I do, yes.

23 Q What's your current position?

24 A Store manager.

25 Q Where are you a store manager at?

1 A Fremont.
2 Q Have you been a store manager anywhere else?
3 A Yes.
4 Q Where at?
5 A Bremerton Conference Center and 5th & Pike.
6 Q And do you know the specific address of 5th & Pike?
7 A If I recall, it was 425 Pike Street.
8 Q How long were you the store manager at 5th & Pike?
9 A Approximately a year, I believe.
10 Q Do you know what month to month?
11 A It's actually my two-year anniversary as a store manager
12 today, I just realized. I came to 5th & Pike in, I want to
13 say, around August of 2021 to August of 2022. I'm sorry,
14 October. It was more October of 2021 when I got to 5th & Pike.
15 Sorry.
16 Q When did you first start working with Starbucks?
17 A Originally, in the year 2000. I left Starbucks after
18 about a year. I came back to Starbucks in April of 2004, and I
19 have been with Starbucks ever since then. So about 19 years.
20 Q And what different positions have you held while working
21 at Starbucks?
22 A I've been a barista, a shift supervisor, assistant
23 manager, and a store manager.
24 Q As a store manager, how many partners are typically in a
25 store each day?

1 A In a day, I would say maybe around eight.
2 Q And what are your job duties and responsibilities as a
3 store manager?
4 A Generally, as a store manager, I'm in charge of staffing
5 and scheduling, teaching and training, planning for events that
6 happen, promotional events. Basically, those kinds of things.
7 Q And when you were the store manager for 5th & Pike, who
8 was your direct supervisor?
9 A Amy Quesenberry.
10 Q And what was her title?
11 A District manager.
12 Q As a store manager, did you rely on your district manager
13 a lot?
14 A Yes.
15 Q Why?
16 A Support as a leader. Just if I had questions about
17 anything.
18 Q Did you ask Amy to be present in the store often to help
19 you as you were transitioning into the 5th & Pike store?
20 MS. DEVLEMING: Objection. Leading.
21 JUDGE MONTEMAYOR: Sustained.
22 Q BY MS. STROESCU: Did you ever ask Ms. -- did you ever ask
23 Amy for assistance in the store?
24 A Yes.
25 Q How often?

1 A Fairly often, I would say.
2 Q To your knowledge, do other store managers rely on
3 district managers?
4 A Yes.
5 Q Why?
6 A Like I said, it's just basically additional support for
7 anything that we might have a question on.
8 Q To your knowledge, are there any store managers who do not
9 rely on district managers that much?
10 A No.
11 Q While you were the store manager at the 5th & Pike store,
12 did you become aware of a petition for representation?
13 A Yes.
14 Q How did you become aware of that?
15 A I was sent a text message or email. I can't remember
16 which. It could have been both, of a notice of the petition to
17 be represented by the Union.
18 Q And what did you know about union organizing at that point
19 in time?
20 A Very little. I had been part of a union when I was much
21 younger in another state, at a job I had. And then just other
22 things I had heard in my life.
23 Q Prior to the petition for representation, were you aware
24 of any organizing activity?
25 A No.

1 Q How did you feel when you found out about the petition for
2 representation?
3 A It was pretty surprising to me. It just kind of came out
4 of nowhere, I felt like.
5 Q A few days after the petition for representation was
6 filed, did you hold the shift supervisor meeting?
7 A Yes. There was a shift supervisor meeting.
8 Q And just in general, how often are shift supervisor
9 meetings held?
10 A It can be any amount, really. There's no set amount. But
11 usually once a month, once a quarter is kind of common.
12 Q And do you know how many days after the petition for
13 representation was filed that was meeting was held?
14 A I don't recall exactly how many, no.
15 Q What happened during that meeting?
16 A During that meeting, we talked about store operational
17 things and shift supervisor expectations. And then there was
18 brought up by the shift supervisors a conversation around the
19 Union representation.
20 Q Okay, so first, let's start with shift supervisor
21 expectations. What do you mean when you say that?
22 A In supervisor meetings, we will consistently go over
23 anything that is relevant in -- that is happening in the store
24 at any time. Like, they'll share with me partner concerns,
25 they'll share operational things, how things are going in the

1 matter -- in a lot of different aspects of the store, including
2 how we're handling customers, how business is going, staffing,
3 training new employees. It could be really anything that has
4 to do with the store operations.
5 Q And the second thing you mentioned was that the shift
6 supervisors brought up the petition for representation to your
7 attention; is that right?
8 A Correct.
9 Q Did you bring up the petition for representation first?
10 A I don't believe so, no.
11 Q What did the shift supervisor say to you?
12 A They brought up to me that they were sure I was aware of
13 what was going on. And they wanted to know if I wanted to talk
14 about it, if I wanted to have any questions answered. They --
15 yeah. Basically, just wanted to know if I want to talk about
16 it.
17 Q How did you feel about them inviting those questions?
18 A It felt strange, to be honest. It felt like the dynamic
19 in the -- as roles of store manager and shift supervisor had
20 shifted, and suddenly I was kind of the odd person out, being
21 asked if I needed, you know, any questions answered. And it
22 felt very scripted. It felt a little manipulative, like trying
23 to get me to say something. It just felt unusual to our usual
24 conversations we had had before.
25 Q And which who -- which super -- shift supervisor was

1 asking these questions?
2 A I remember Cori Green, Sarah Pappin, Micah Lakes. I think
3 those three were the ones that were mostly doing most of the
4 talking.
5 Q During this meeting, did you tell shift -- shift
6 supervisors that borrowed partners could no longer work in the
7 store?
8 A No.
9 Q During this meeting, did you tell shift supervisors that
10 partners could no longer borrow shifts at other stores?
11 A No.
12 Q During this meeting, did you have concerns generally about
13 borrowed partners?
14 A Not at this time, no.
15 Q When you found out about the petition for representation,
16 did you have concerns about borrowed partners?
17 A No.
18 Q Did you make any sort of statement to the shift
19 supervisors regarding borrowed partners?
20 A Later on, it came up that it was possible that we weren't
21 sure if that would be something that could be done. So I
22 started to question at that point what were we supposed to do
23 in that in that instance? So I asked my next level leader and
24 their next level leader, what was the -- the standing on that
25 moving forward?

1 Q Why did -- why were you having those concerns?
2 A Partners were asking verbally if that was a thing as we
3 were working. And at the time, I -- you know, I said I wasn't
4 sure. Let me look into it. And so I did.
5 Q I'd like to turn your attention to Respondent's Exhibit
6 12. It should be in the pile on your desk.
7 MS. STROESCU: Your Honor, do you mind if I go help him
8 look for it? Your Honor, is it okay if I help him?
9 JUDGE MONTEMAYOR: Yes. Yes. I'm sorry.
10 MS. STROESCU: All right. I just want to make sure.
11 There it is. There are in order.
12 THE WITNESS: Oh, okay.
13 MS. STROESCU: Just so you know.
14 THE WITNESS: Got it.
15 MS. STROESCU: This is the Respondent. This is General
16 Counsel.
17 THE WITNESS: Okay. Thanks.
18 Q BY MS. STROESCU: Jer, do you recognize Respondent's
19 Exhibit 12?
20 A Yes.
21 Q What do you recognize this to be?
22 A This is an email from my boss, Amy Quesenberry forwarding
23 a message from Nica Tovey, our regional director on the subject
24 to borrowing partners.
25 Q Why was Amy forwarding this to you?

1 A She was forwarding it to me just so I was aware of where
2 we were at with that.
3 Q And what is the date that Amy forwarded this to you?
4 A January 30th.
5 Q So this is about five days after the petition for
6 representation was filed; is that right?
7 A That sounds about right, yes.
8 Q Was this around the time with the meeting with the
9 shift -- shift supervisors?
10 A I don't recall, actually, the date of the meeting.
11 Q When you received this email regarding no issues for
12 borrowed partners, what did you do with that information?
13 A I then let the partners know verbally that there would be
14 no issue with borrowing partners to other stores, whether they
15 were in a petition or not.
16 Q Did the issue of borrowed partners ever come up again?
17 A It came up again several times by different people asking
18 kind of the same question or clarifying questions. And I
19 answered, you know, that there would be no issues with
20 borrowing at a petitioned store.
21 Q When you say the same people, do you mean Sarah Pappin,
22 Micah Lakes, and Cori Green?
23 A No. I think most -- most of the partners I remember, if
24 they asked once they got the answer, but then another partner
25 who maybe wasn't part of that conversation would come and ask

1 me as well. So it was individuals.

2 Q Got it.

3 MS. STROESCU: Your Honor, may I have a moment?

4 JUDGE MONTEMAYOR: Yes, you may.

5 MS. STROESCU: Your Honor, could we go off the record just

6 for two minutes?

7 JUDGE MONTEMAYOR: Okay.

8 (Off the record at 9:24 a.m.)

9 JUDGE MONTEMAYOR: We're back on the record.

10 MS. STROESCU: Your Honor, I am now passing out what I

11 have marked as Respondent's Exhibit 13.

12 **RESUMED DIRECT EXAMINATION**

13 Q BY MS. STROESCU: Jer, take a moment to read through that

14 and let me know when you're ready.

15 A Okay.

16 Q Do you recognize Respondent's Exhibit 13?

17 A I do, yes.

18 Q What do you recognize it to be?

19 A This is the launch guide for a system we have called shift

20 marketplace.

21 Q What is shift marketplace?

22 A Shift marketplace is a digital version of a way for

23 partners to see their schedule. And then within that schedule,

24 they can give up their shift for someone else to pick up. They

25 can swap shifts with other partners and pick up -- yeah. Pick

1 up shifts as well.
2 Q You mentioned that it's a launch guide. When was shift
3 marketplace launched?
4 A So shift marketplace launched on February 3rd.
5 Q Is Respondent's Exhibit 13 a guide that it was expected
6 that partners would review prior to the launch?
7 A Yes.
8 Q Was this a guide that you reviewed prior to the launch?
9 A Yes, it was.
10 MS. STROESCU: Your Honor, at this time, I'd asked to
11 admit Respondent's Exhibit 13.
12 JUDGE MONTEMAYOR: Any objection to 13?
13 MS. DEVLEMING: Only as to relevance to the independent 81
14 statement allegations in the complaint.
15 JUDGE MONTEMAYOR: 13 will be admitted.
16 **(Respondent Exhibit Number 13 Received into Evidence)**
17 JUDGE MONTEMAYOR: Just one clarification. The date is
18 February 3rd?
19 THE WITNESS: Yeah. On the top.
20 JUDGE MONTEMAYOR: But what year?
21 THE WITNESS: This is stuck to the cover.
22 JUDGE MONTEMAYOR: What year?
23 THE WITNESS: Oh, I'm sorry. I believe it would have been
24 2022.
25 MS. STROESCU: And Your Honor, for the record, this has

1 been produced in discovery, and it's Bates labeled Starbucks
2 Hearing 57.
3 Q BY MS. STROESCU: Jer, within Respondent's Exhibit 13, is
4 there a policy for borrowed partners?
5 A Yes, there is.
6 Q What is that policy?
7 A Basically, it's that partners would use this shift
8 marketplace to borrow to other locations if they wanted to.
9 Q Were there any restrictions on borrowed partners through
10 shift marketplace?
11 A No, there was not.
12 Q Prior to the filing of the petition for representation,
13 were partners borrowing shifts at your store?
14 A Yes.
15 Q How often?
16 A I would say two to three times a week.
17 Q After the filing of the petition for representation, did
18 borrowing continue at -- continue at your store?
19 A Yes.
20 Q How often?
21 A About the same, two to three times a week.
22 Q Going back to the original shift supervisor meeting we
23 were talking about, that was a couple days after the petition
24 for representation was filed, during this meeting, did you
25 state that bargaining could take multiple years?

1 A No.
2 Q Did you make a similar statement?
3 A I had said that in my experience that I had heard that the
4 first contract you make with union representation could take up
5 to a year.
6 Q And when you say your experience, can you clarify that for
7 us?
8 A Sure. My research basically on the internet, I went to
9 the NLRB website and just kind of looked over the basics of
10 core questions that I had myself.
11 Q Why did you do that?
12 A Because I had very little knowledge of union
13 representations and unions in general. Like I said, I had
14 worked for one, but I was very young and didn't have much
15 experience with it.
16 Q So it's fair to say you were still learning the policies
17 around organizing?
18 A Yes.
19 Q Were you still processing all the information as well?
20 A Yes.
21 Q During this meeting, did you speak in definite terms when
22 you were talking to the shift supervisors?
23 A No.
24 Q During this meeting, did you state that if the Union was
25 selected, partners would not be able to go directly to

1 management with problems?
2 A No.
3 Q Did you make a similar statement?
4 A I said in my research that I had done that it was possible
5 that the relationship between a store manager and the partners
6 could change, and that could include how we communicate with
7 each other or things that we can talk about.
8 Q Why did that matter to you?
9 A As I said, like, this was kind of a surprise to me. And
10 that as I was processing it, like my main job as a store
11 manager is to support the partners in the store and to be a
12 leader for them. And if that relationship would change, I
13 genuinely cared for the partners that I was supporting. So it
14 was hard for me to kind of process and understand, like, if
15 that was taken away, what would my role be and what -- what
16 would that mean entirely? So I was kind of processing that and
17 trying to figure out what -- what that would look like.
18 Q I'd like to turn your attention to partner one-on-one
19 meetings. Have you heard that phrase before, partner one-on-
20 one meetings?
21 A Yes.
22 Q What are partner one-on-one meetings?
23 A Partner one-on-one meetings are basically a one-on-one
24 time for me to talk to the partner about any variety of things,
25 including their performance, development, expectations.

1 Q How often our partner one-on-one meetings conducted?
2 A They can happen basically whenever the store manager wants
3 them to, but generally are around either promotional things or
4 performance development conversations that we have. Those
5 happen twice a year with a store manager.
6 Q In spring of 2022, were there partner one-on-one meetings
7 taking place?
8 A Yes.
9 Q What were those about?
10 A So those partner one-on-one meetings were specifically
11 about COVID-19 updates and operational things around that as
12 far as Starbucks operations. There were talks about benefits.
13 There were talks about -- I think it was just benefits, COVID-
14 19. That's what I recall the most, being the top of the list.
15 Q Do you recall the dates that these partner one-on-one
16 meetings were scheduled?
17 A I don't recall the exact dates, no.
18 Q Do you recall if they were scheduled before or after the
19 petition for representation?
20 A They were scheduled before the filing, the scheduling
21 part, but they took place throughout, I believe, January and
22 February.
23 Q Did you have any assistance during those meetings?
24 A Yes.
25 Q From who?

1 A Amy Quesenberry.
2 Q And does Amy normally sit in on partner meetings with you?
3 A Sometimes, yes.
4 Q During these meetings, did you talk about the petition for
5 representation at all?
6 A Yes.
7 Q What was discussed?
8 A We talked to each partner individually about the -- how to
9 fill out a voter card.
10 Q And did you speak to the partners about this, or did they
11 watch movie?
12 A Both.
13 Q Tell me about the movie that was played.
14 A It was a short video that was shown, just an instructional
15 video of how to fill out a voter -- union voter card.
16 Q And when you say we also spoke to partners about the
17 voting process, what did you speak about?
18 A We asked if they had any questions, any -- on -- on the
19 video, any -- any instructional things that they wanted to know
20 on how the process worked, where they go to do the voting,
21 like, how it works with -- how it will come in the mail, like
22 whatever that -- yeah -- was about.
23 Q During these meetings, did you tell any partner in the
24 store that you hope they vote no for the Union?
25 A No.

1 Q Specifically during these meetings, did you tell Cori
2 Green to vote no for the Union?
3 A No.
4 Q Following the partner one-on-one meetings, did you hold
5 any other shift supervisor meetings?
6 A I believe there were some, yes.
7 Q Was there one -- was there a shift supervisor meeting to
8 review policies?
9 A Yes.
10 Q What was that meeting about?
11 A That meeting was about reviewing the expectations and
12 level setting on those expectations around several policies at
13 Starbucks.
14 Q We've heard the phrase level set a lot throughout this
15 hearing. What do you mean when you say, level set?
16 A Level set means to go over all of the expectations in a
17 certain category and to make sure that everyone is on the same
18 page about those expectations.
19 Q As a store manager, how many times have you conducted a
20 level set?
21 A Several times in my career.
22 Q You mentioned previously that you did some time as a
23 barista; is that right?
24 A Yes.
25 Q When you were a barista, did your store manager ever

1 conduct a level set?
2 A Yes.
3 Q You mentioned that you had been a shift supervisor
4 previously. When you were a shift supervisor, did your store
5 manager conduct a level set with you?
6 A Yes.
7 Q What about when you were an assistant store manager?
8 A Yes.
9 Q Is level setting a common practice on Starbucks in your
10 experience?
11 MS. DEVLEMING: Objection. Leading.
12 JUDGE MONTEMAYOR: I'll sustain the objection. You can
13 rephrase the question, Counsel.
14 Q BY MS. STROESCU: In your experience, is it a common
15 practice to review policies at Starbucks?
16 MS. DEVLEMING: Same objection. Leading.
17 JUDGE MONTEMAYOR: I'll overrule the objection.
18 Q BY MS. DEVLEMING: You can answer, Jer.
19 A Yes. In my experience, it's very common to level set
20 expectations with partners.
21 Q So just to be clear, we're talking about spring of 2022,
22 right? Is that a yes?
23 A Yes. Sorry.
24 Q Why did you conduct a level set in spring 2022?
25 A By spring 2022, I had recognized that there was a -- there

1 were several violations happening on several different
2 categories, and I determined that a level set was needed
3 because it was several different violations with several
4 different partners. And it was clear in my verbal
5 conversations with them that some expectations were not clear
6 or known about. So I thought a level set expectation with
7 everyone was a way to get everyone on the same page and start
8 from there.
9 Q In your conversations with partners about policies, did
10 you learn why the policies were not being followed or partners
11 were not aware of the policies?
12 A I learned that partners did not fully understand the
13 policies.
14 Q And what policies were not being followed?
15 A Dress code, time and attendance, use of vulgar and profane
16 language in the store, use of Starbucks technology devices in
17 the store, were the main ones I think we talked about.
18 Q Do you recall if there was a transition in COVID
19 guidelines in 2022?
20 A Yes.
21 Q Excuse me, spring 2022.
22 A Sorry. Can you rephrase or repeat the question?
23 Q Do you recall if there was a transition from COVID
24 guidelines in spring 2022?
25 A Yes.

1 Q These policies that you just listed, dress code, time and
2 attendance, use of vulgar language, technology, were these
3 policies strictly followed during COVID?
4 A No.
5 Q Why not?
6 A In my experience, having worked through the entire COVID
7 time, there was a lot of transition happening at Starbucks in
8 general. A lot of operational things changed. We closed
9 stores entirely. We closed stores for small periods of time,
10 large periods of time. Partners were transferred to different
11 stores, different managers. Partners were hired during COVID
12 that had never been working at a Starbucks before the pandemic.
13 So I quickly could tell, like, after those two years of the
14 pandemic that there was a lot of miscommunication, there was a
15 lot of misunderstanding, a lot of kind of grayed out areas
16 of -- of these policies that I -- that's why I determined like
17 a level set was -- was necessary because the policies hadn't
18 actually changed themselves.
19 Q When you conduct a level set, do you ask for guidance from
20 your district manager?
21 A Sometimes, yes.
22 Q In this case, did you ask for guidance from your district
23 manager, Amy?
24 A Yes, I did.
25 Q And would that conversation had taken place over the phone

1 or in-person?
2 A Both.
3 Q When you conduct a level set, what do you do?
4 A So I print out the expectation or the -- and the policy
5 and review it myself and then have a conversation with the
6 partner. I ask them to read it, asking if they have any
7 questions. I might bring up specific things that, you know,
8 I've noticed with that specific partner in that category so
9 that I -- I'm clear that they understand that that violation,
10 how it correlates to the policy and what it says. And then I
11 have them sign that policy that they understand.
12 Q During the level set that you did in spring of 2022, did
13 you designate shift supervisors to talk to baristas or other
14 partners about the level set?
15 A Yes.
16 Q Tell me about that.
17 A So part of the shift supervisor role is to coach partners
18 to these policies and expectations. So there were, I believe,
19 I scheduled individual conversations with each partner to have
20 that level set. But there was a few that I just couldn't cross
21 paths with, call-outs, availability, scheduling, things like
22 that. So there were a few that I think I said to the shift
23 supervisors, hey, can you have this conversation, have them
24 read and sign this, and then let me know if they have any
25 questions, and then I will follow up as well.

1 Q But you conducted the majority of the level set
2 conversations?
3 A Yes, correct.
4 Q If you could pull from the General Counsel pile, there
5 will be Exhibits 21, 22, and 23.
6 A Okay.
7 Q If you could take a look through the three exhibits and
8 let me know when you're done.
9 A Okay.
10 Q Do you recognize General Counsel's Exhibits 21, 22, or 23?
11 A Yes, I do.
12 Q What are they?
13 A These are printouts from the Starbucks Partner Resource
14 Manual for the U.S. on different policies.
15 Q What is the partner resource manual?
16 A It's basically a policy book. It's a resource for any of
17 the policies that we have at Starbucks.
18 Q Is this different than the partner guide?
19 A Not really. There are -- the partner guide has the same
20 information. The partner resource manual will sometimes go
21 into more detail.
22 Q Do partners have access to the partner resource manual?
23 A Yes, they do.
24 Q As you can notice from General Counsel's 21, 22, and 23,
25 there is a signature at the top; do you see that?

1 A Yes.
2 Q Are these the policies that you had partners review during
3 the spring 2022 level set?
4 A Yes.
5 Q And I know you previously mentioned that you had them
6 review dress code, and that dress code policy, is that
7 reflected in General Counsel's Exhibit 23?
8 A Yes, it is.
9 Q And the time and attendance policy, is that reflected in
10 General Counsel's Exhibit 22?
11 A Yes, it is.
12 Q Now, General Counsel's Exhibit 21, I don't see a
13 technology policy. Could you explain why that's not here?
14 A The technology policy I do not see here either. The
15 technology policy I felt -- I think there was one sentence in
16 there that basically said Starbucks technology devices should
17 be used for work purposes only. And I believe I verbally said
18 that along with this policy.
19 Q Why did you also show General Counsel's Exhibit 21 then?
20 A This was in regards to soliciting and distributing
21 notices.
22 Q Why did you feel that there needed to be a level set on
23 that policy?
24 A There had started to be on our Starbucks devices,
25 specifically the iPads in the store, there was several, like,

1 solicitations and pro-union statements posted as background
2 wallpapers on those devices.
3 Q If you can grab General Counsel's Exhibit 5. It should be
4 in that pile there.
5 A Okay.
6 Q Do you recognize General Counsel's Exhibit 5?
7 A Yes, I do.
8 Q What do you recognize it to be?
9 A This is one of our store iPads with a Union Strong
10 wallpaper on it.
11 Q Is putting this background on the store iPads a violation
12 of Starbucks policy?
13 A Yes.
14 Q How many iPads are in the store?
15 A I believe there was four.
16 Q How many backgrounds were changed on the iPads?
17 A All of them.
18 Q How often were they changed?
19 A Every day.
20 Q Do you know who did that?
21 A No, I do not.
22 Q Who changed the backgrounds back to a Starbucks compliant
23 background?
24 A I did.
25 Q And did you change them back every day?

1 A Yes.
2 Q As you were having partners review policies for the level
3 set, did any partners ask for a copy of the policies?
4 A Sorry. Can you repeat the question?
5 Q As you were having partners review policies during the
6 spring 2022 level set, did you have -- did any partners ask for
7 a copy of the policy?
8 A Yes, they did.
9 Q Who asked?
10 A I believe it was Cori Green and Sarah Pappin.
11 Q And did you give them a copy of the policies?
12 A I did not, no.
13 Q Why not?
14 A These policies are part of Starbucks internal use only.
15 If you notice on the policies themselves, on the bottom, it
16 actually says for internal use only. So they're not meant to
17 leave the premises of the store in a printed form. But there
18 is the digital copy that partners have access to.
19 Q So when we're looking at General Counsel's Exhibit 21,
20 where on the page do you see for internal use only?
21 A It's on the bottom right of the page.
22 Q After you had partners review and sign these policies, did
23 you let them know that you were going to enforce these policies
24 evenly across the board?
25 A Yes.

1 Q Were you doing that because of the Union organizing
2 activity?
3 A No.
4 Q Sometime in the spring of 2022 was there a meeting between
5 yourself, Sarah Pappin, and someone named Eddie?
6 A Yes.
7 Q What is Eddie's last name?
8 A I believe it's pronounced Heitger.
9 Q Do you know how to spell it?
10 A I think it's H-E-I-T-G-E-R.
11 Q And who is Eddie?
12 A Eddie is a store manager with Starbucks, currently working
13 at the 1st & Pike location.
14 Q Why was he at the 5th & Pike store in spring of 2022?
15 A So in spring of 2022, at his current store at the time was
16 4th & Seneca, and it was closed down permanently, so he didn't
17 have a new store. So they decided to have him help co-manage
18 the store with me at 5th & Pike until his -- a new store would
19 be ready.
20 Q And what happened during this meeting between yourself,
21 Sarah, and Eddie?
22 A This was a conversation that Eddie and I had with Sarah
23 around the generally around the appropriateness of
24 communication with me, the manager.
25 Q Can you give more specifics?

1 A Yeah. So Sarah had sent me several text messages around
2 10:30 in the evening about her hours that she was getting,
3 demanding a guaranteed amount of hours, demanding to speak
4 about it immediately. She sent me several screenshots of labor
5 laws from an unknown source.
6 Q Why did you feel that you needed to meet with Sarah about
7 this?
8 A It is Starbucks policy that communicating with your
9 manager during nonwork hours is only for emergencies only. And
10 I felt that this was not an emergency and this was something
11 that we could talk about at work, on work time.
12 Q During this meeting with Sarah and Eddie, did you make a
13 statement to Sarah along the lines of, I don't know why you
14 would want to go through this process that would take years?
15 A No, I don't recall saying that.
16 Q During this meeting, did you make any statement to Sarah
17 or Eddie that partners would not be able to borrow if a
18 contract was negotiated?
19 A No.
20 Q And just to be clear, at this point in time, did you
21 already know that there were no restrictions on borrowed
22 partners?
23 A Correct.
24 Q During his meeting with Sarah and Eddie, did you state
25 that employees would not be able to approach management?

1 A No.
2 Q During this meeting, did you tell Sarah or Eddie that the
3 Union would negotiate a contract for employees and they would
4 be unable to participate in bargaining or vote on the contract?
5 A No.
6 Q Did you make a similar statement?
7 A I said something to the effect of that I wasn't sure how
8 it was going to work, but that it was possible that, again, our
9 relationship would change and that anything that might be
10 communicated may not be in this form that were -- that we were
11 doing that day.
12 Q You did not speak in definite terms?
13 A Correct.
14 Q You were stating your opinion?
15 A Yes.
16 Q In March of 2022, at any point in time, did you tell
17 employees that if they chose the Union and the Union decided to
18 go on strike, all employees at the facility would be forced to
19 go on strike?
20 A No.
21 Q When there was a strike as the 5th & Pike store, what
22 would you do?
23 A I would first determine, you know, if the store was going
24 to be open. So I would call all the partners to find out who
25 would be wanting to work or not.

1 Q In March of 2022, did you hear Amy, your district manager,
2 state that if at any point in time -- excuse me -- let me
3 rephrase that. In March of 2022, did you hear Ms. Quesenberry,
4 the district manager, state that if the Union chose to go on
5 strike, then all employees must go on strike?
6 A No.
7 Q Going back to the partner resource manual, how do partners
8 have access to the partner resource?
9 A They have access to the partner resource manual through
10 what we call the partner hub. This is accessible through the
11 desktop computer in the back of every Starbucks, back house of
12 every Starbucks. They also have access to -- access to that
13 partner hub on their phone or any internet connection.
14 Q And Jer, I'd like to turn your attention to Respondent's
15 Exhibit 3. It should be in that pile. For some reason, I
16 believe it might not be in that pile so let me know if you
17 don't have it.
18 A I have 2 and then 5.
19 Q Okay. I'm going to hand you what's been marked as
20 Respondent's Exhibit 3.
21 MS. STROESCU: And I believe everyone else should have a
22 copy of Respondent's Exhibit 3.
23 MS. DEVLEMING: I'm not sure.
24 MS. STROESCU: I gave it out last week.
25 MS. DEVLEMING: Has it been introduced? I don't have a

1 copy.

2 MS. STROESCU: It hasn't been introduced. That's why I

3 grabbed it off the witness stand.

4 MS. DEVLEMING: I think they were collected back then.

5 Yeah. I don't have a copy.

6 MR. KAPLAN: I also don't have a copy of a copy.

7 MS. STROESCU: Judge, do you have a copy?

8 JUDGE MONTEMAYOR: You know, I'm looking. I don't -- I

9 don't see it.

10 MS. STROESCU: Okay.

11 Q BY MS. STROESCU: Jer, do you recognize Respondent's

12 Exhibit 3?

13 A Yes.

14 Q What is Respondent's Exhibit 3?

15 A This is a log of text messages between myself and Sarah

16 Pappin.

17 Q How did this log come to be?

18 A I found a website that basically could take the text

19 messages off my phone and make them in a PDF format.

20 Q And on the first page of this log, it says SyncTech. What

21 is SyncTech?

22 A SyncTech is the website that I went to -- to use their

23 program.

24 Q And at the top it says, conversation with Sarah Pappin.

25 Is that Sarah's number?

1 A Yes.
2 Q And the first message that was sent is July 28th, 2020; is
3 that correct?
4 A Yes.
5 Q Is that the first time you ever talked to Sarah via text?
6 A Yes.
7 Q Is this log a true and accurate copy of the text messages
8 as they are on your phone?
9 A Yes.
10 MS. STROESCU: Your Honor, at this time, I'd like to admit
11 Respondent's Exhibit 3.
12 JUDGE MONTEMAYOR: Any objection to 3?
13 MS. DEVLEMING: Maybe a little voir dire?
14 JUDGE MONTEMAYOR: Yes.
15 **VOIR DIRE EXAMINATION**
16 Q BY MS. DEVLEMING: Hi, Jer. My name is Liz DeVleming.
17 I'm counsel for the General Counsel. We've seen various charts
18 like this throughout the subpoena production and throughout the
19 hearing so far, including that you weren't included on, like
20 emails to other managers and other partners. Did you create
21 all of the subpoenaed production text messages and emails?
22 MS. STROESCU: Objection. Relevance. We're just talking
23 about Respondent's Exhibit 3 here.
24 MS. DEVLEMING: I'm just going to where the heck this
25 thing came from.

1 MS. STROESCU: He just explained where it came from.
2 JUDGE MONTEMAYOR: I'll allow the question. You can
3 answer the question.
4 Q BY MS. DEVLEMING: Did you provide Respondent's entire
5 subpoena production when it came to text messages and emails?
6 MS. STROESCU: Your Honor, I would object to the vagueness
7 of entire subpoena production.
8 JUDGE MONTEMAYOR: I think that is a little vague. Focus,
9 Counsel.
10 Q BY MS. DEVLEMING: Okay. So anything that I find in the
11 subpoena production that looks like this, in sharp form, that
12 purports to summarize, has phone numbers with people's names
13 that we've heard, Sarah Pappin, your name, Amy Quesenberry's
14 name, that purports to show communications in writing between
15 such people, did you create all of these for purposes of the
16 entire hearing or just this document?
17 MS. STROESCU: Your Honor, I would object to speculation.
18 He does not know every single document that we've produced on
19 behalf of Starbucks.
20 MS. DEVLEMING: It's a question. He would know if he did.
21 If he created all of them, he will know.
22 MS. DEVLEMING: And I don't think he knows what all of
23 them are unless you show him all of them.
24 JUDGE MONTEMAYOR: I'll allow you to rephrase the
25 question, Counsel, so that you focus on the document that

1 you're voir diring.
2 Q BY MS. DEVLEMING: Is this the only document that you
3 created from this SyncTech?
4 A Yes, it is.
5 MS. DEVLEMING: I'm going to object on authenticity. I'm
6 going to object on -- you know, I mean, it just -- this is a
7 mockery of the process.
8 MS. STROESCU: A mockery? Your Honor, they've also
9 introduced text messages here. We are just doing the same
10 thing.
11 MS. DEVLEMING: In native file, yes. Text messages, not a
12 chart.
13 JUDGE MONTEMAYOR: He has testified that this is a
14 document that he created. He has asserted that it is true and
15 correct. So it will be admitted. You'll have an opportunity
16 to cross-examine the witness about the document.
17 Respondent's 3 is admitted.
18 **(Respondent Exhibit Number 3 Received into Evidence)**
19 MS. STROESCU: I'm sorry I missed what you said there.
20 Oh, thank you, Your Honor.
21 **RESUMED DIRECT EXAMINATION**
22 Q BY MS. STROESCU: Jer, just to be clear for the record,
23 did you also send me text messages whenever you got a notice
24 for strike?
25 A I'm sorry. Can you repeat?

1 Q Did you ever receive notices of strike through text
2 message?
3 A Yes.
4 Q Did you send me those messages?
5 A No.
6 Q Are you sure?
7 A The strike messages? I sent you the -- I sent you all
8 the --
9 MR. KAPLAN: Objection, Your Honor.
10 MS. DEVLEMING: Asked and answered.
11 MR. KAPLAN: Asked and answered and leading.
12 MS. STROESCU: It's all right, Your Honor. I'll move on.
13 Q BY MS. STROESCU: Jer, if you could look at Respondent's
14 Exhibit 3, and turn to the page, it has a small label that says
15 46 out of 60?
16 A You said 46.
17 Q Yes.
18 A Yes.
19 Q Do you recall this conversation reflected on this page?
20 A Yes.
21 Q Are these the late-night messages that Sarah was sending
22 you?
23 A Yes.
24 Q And these are the messages that led to the meeting with
25 Eddie?

1 A Yes. Some -- some of them.
2 Q Can you tell us which ones?
3 A It was the messages on March 7th, 2022, the first one at
4 5:19 p.m., then 6:04, then 8:21 p.m.
5 Q And you were not working at this time?
6 A No.
7 Q Then if you could turn to the page that's designated 50
8 out of 60. And review 50 out of 60 and 51 out of 60 and let me
9 know when you're ready.
10 A Okay.
11 MS. STROESCU: Your Honor, I am now passing out what I
12 marked as Respondent's Exhibit 14.
13 Q Jer, do you recognize Respondent's Exhibit 14?
14 A Yes.
15 Q What is Respondent's Exhibit 14?
16 A This is a screenshot of my phone conversation with Sarah
17 Pappin.
18 Q And what is the date of this screenshot?
19 A It goes from Monday, April 11th to Tuesday, April 12th --
20 or sorry. No. Thursday -- sorry. Wednesday, April 6th
21 through Tuesday, April 12th.
22 Q You mean, Thursday, April 7th? Does it go all the way to
23 the 12th?
24 A It ends on the 12th.
25 Q Got it. Thank you. How did this screenshot come to be?

1 A I took it myself.
2 Q And just to be clear, there are some blue bubbles on the
3 screenshot. Who's speaking in the blue bubbles?
4 A The blue bubbles are myself.
5 Q And who is speaking in the black bubbles?
6 A That would be Sarah Pappin.
7 Q And that's Sarah's name at the top of the text message?
8 A Yes.
9 MS. STROESCU: Your Honor, at this time, I'd ask to enter
10 Respondent's Exhibit 14.
11 JUDGE MONTEMAYOR: Any objection to 14?
12 MS. DEVLEMING: No objection.
13 JUDGE MONTEMAYOR: 14 will be admitted.
14 **(Respondent Exhibit Number 14 Received into Evidence)**
15 Q BY MS. STROESCU: Jer, is there a text message on
16 Respondent's Exhibit 14 that was sent at 10:20 p.m.?
17 A Yes, there is.
18 Q What is that message about that message?
19 A That message --
20 MS. DEVLEMING: Objection. Best evidence rule.
21 MS. STROESCU: I'm not asking him to --
22 JUDGE MONTEMAYOR: I'll allow the witness to answer the
23 question. Overruled.
24 Q BY MS. STROESCU: What is that message about?
25 A That message is from myself explaining the plan for the

1 next day. This was in regards to us having to adjust hours of
2 operation because of staffing, call outs, and this was me
3 communicating the plan for the next day.
4 Q If you could look in the General Counsel exhibit pile and
5 pull Exhibit 9 for me.
6 A Okay.
7 Q These are previously admitted screenshots from Ms. Pappin.
8 Is there a difference between General Counsel's Exhibit 9 and
9 Respondent's Exhibit 14?
10 MS. DEVLEMING: Objection. Best evidence rule.
11 JUDGE MONTEMAYOR: I'll allow the witness to answer the
12 question. Overruled.
13 A Yes. There is a difference.
14 Q BY MS. STROESCU: What's the difference?
15 A There is a missing message from General Counsel Exhibit
16 Number 9.
17 Q And what is that missing message?
18 A It's the message from 10:20 p.m. about my plan for the
19 following day.
20 Q And just to be clear, you sent the message at 10:20 p.m.
21 that starts, "Okay, the plan is to get there at 9"?
22 A Correct.
23 Q And you send that message to Sarah Pappin?
24 A Correct.
25 Q In your experience, how do you get a message to disappear?

1 MS. DEVLEMING: Objection. Argumentative. It calls for
2 speculation.
3 JUDGE MONTEMAYOR: Sustained.
4 MS. STROESCU: I'll move on.
5 Q BY MS. STROESCU: To your knowledge, can you create and
6 insert a message after the conversation has begun?
7 A Not to my knowledge, no.
8 Q You can set those to the side. Thank you, Jer.
9 Jer, what is the time and attendance policy at Starbucks?
10 A The time and attendance policy at Starbucks is basically
11 to be on time for your shift, know your schedule, record your
12 time missed, vacation, things like that, and to notify the
13 store or the store manager of any absences that might -- that
14 might take place.
15 Q Is it common for partners to be late for their shifts?
16 A Yes.
17 Q It is common?
18 A It -- it can happen, sometimes.
19 Q Is there a grace period with partners, that if you're only
20 late for a certain amount of time, it won't be a violation of
21 the time and attendance policy?
22 A It's usually a -- there's no official grace period, no.
23 There -- it's usually a conversation between myself and that
24 partner to determine the cause of them being late, the reason,
25 and if it was something within their control or not.

1 Q Is it normal for openers to be late for their shifts?
2 A No.
3 Q And when I say openers, what does an opener mean?
4 A The person who is opening the store.
5 Q Are you familiar with an employee by the name of Nelson
6 Hwang (phonetic throughout)?
7 A Yes.
8 Q How do you know Nelson?
9 A Nelson was a barista at 5th & Pike when I was managing
10 there.
11 Q So you were his supervisor?
12 A Correct.
13 Q And what position did Nelson work at 5th & Pike?
14 A Nelson was a barista.
15 Q Do you know what shift Nelson worked?
16 A Nelson usually worked in the mornings, but not an opener.
17 Q Do you recall if prior to filing the petition for
18 representation, if Nelson was ever late for work?
19 A I believe so. I don't recall the exact dates.
20 Q How often was he late for work?
21 A Several times.
22 Q After the filing of the petition, was Nelson ever late for
23 work?
24 A Yes.
25 Q How many times?

1 A Several more times.
2 Q After the filing of the petition, did Nelson over call in
3 sick to work?
4 A Yes.
5 Q How often?
6 A Again, several. I want to say around seven or eight,
7 maybe.
8 Q Did you keep track of Nelson's time and attendance issues?
9 A I did, yes.
10 Q Where did you keep track of that?
11 A I kept a OneNote file on my store -- Starbucks laptop on
12 Nelson's time and attendance.
13 MS. STROESCU: Your Honor, I'm now passing around what I
14 have marked as Respondent's Exhibit 15. Sorry, Your Honor.
15 Q BY MS. STROESCU: Jer, do you recognize this exhibit?
16 A Yes, I do.
17 Q What do you recognize it to be?
18 A This is a printout of my OneNote file on Nelson Hwang.
19 Q So just to be clear, you created this document?
20 A Yes, I did.
21 Q And is this document a true and accurate copy of your
22 OneNotes on Nelson Hwang?
23 A Yes, it is.
24 MS. STROESCU: Your Honor, at this time, I'd ask to admit
25 Respondent's Exhibit 15.

1 JUDGE MONTEMAYOR: Any objection to 15?
2 MS. DEVLEMING: No objection.
3 JUDGE MONTEMAYOR: 15 will be admitted.
4 **(Respondent Exhibit Number 15 Received into Evidence)**
5 Q BY MS. STROESCU: The first entry in this OneNote is
6 titled Coaching, for 3/22. What is this in reference to?
7 A This is the heading I use as a general, like, these were
8 going -- anything further would be conversations I had with
9 Nelson, around any coaching conversations.
10 Q And then the next header is attendance and punctuality.
11 What did you keep track of in this header?
12 A That header was to track, like it says, his attendance and
13 punctuality. If he ever called out sick, if he was ever late,
14 things like that. Things related to attendance.
15 Q And there is a note here for 3/23. What is this note in
16 reference to?
17 A 3/23 is the note that I wrote that Nelson was 11 minutes
18 late that day, and that -- reminding myself that I had a
19 conversation with him on 3/28 regarding -- or that I would have
20 a conversation with him on 3/28 regarding lateness, and then
21 follow up from -- about the call outs from the week prior.
22 MS. STROESCU: Your Honor, I'm passing around what I have
23 marked as Respondent's Exhibit 16.
24 Q Jer, do you recognize Respondent's Exhibit 16?
25 A Yes, I do.

1 Q What is it?
2 A This is a screenshot of my outlook calendar tab regarding
3 the schedule conversation I was going to have with Nelson.
4 Q And how did this exhibit come to be?
5 A I took a screenshot myself.
6 Q And is this screenshot a true and accurate copy of the
7 calendar invite?
8 A Yes, it is.
9 MS. STROESCU: Your Honor, at this time, I'd ask to enter
10 Respondent's Exhibit 16.
11 JUDGE MONTEMAYOR: Any objection to 16?
12 MS. DEVLEMING: No objection.
13 JUDGE MONTEMAYOR: 16 will be admitted.
14 **(Respondent Exhibit Number 16 Received into Evidence)**
15 Q BY MS. STROESCU: Under the meeting notes on Respondent's
16 Exhibit 16, there's some details there. What were those
17 details?
18 A The details were his lateness and then me following up
19 about the call outs from the previous week.
20 Q What do you mean by call outs?
21 A Him calling out sick.
22 Q So it looks like Respondent's Exhibit 15, prior to 3/28,
23 we have documented two call outs on 3/16 and 3/14?
24 A Correct.
25 Q Why did you talk to Nelson about this?

1 A Because he had called out twice being sick, so I wanted to
2 first check in and just kind of determine what was happening,
3 what support he might need, if this was going to be something
4 further, and explain anything further, like we need to -- we
5 need to know what you need so that we can support in the right
6 way. Because ultimately, we need you to be at your shift on
7 time.
8 Q So what do you say by support -- what do you mean by
9 support?
10 A It could be if you needed time off, to basically put in
11 time off to let me know if you needed, like, a leave of absence
12 for medical reasons or anything like that. Basically, just
13 any -- me to determine anything he might tell me he needed.
14 Q And how did Nelson respond to this offer of support?
15 A Nelson just told me that he was sick.
16 Q Did he give any specifics?
17 A I think he said it was -- he had stomach pains.
18 Q Did he ask for a medical accommodation?
19 A No.
20 Q Did he ask for time off?
21 A No.
22 Q Did he inform you that he might be sick more often?
23 A He said that he had it handled.
24 Q After this meeting on March 28th, did Nelson's attendance
25 improve?

1 A No.
2 Q In the General Counsel exhibit file, if you could pull out
3 Exhibit 28?
4 A Okay.
5 Q Do you recognize General Counsel's Exhibit 28?
6 A Yes.
7 Q What do you recognize it to be?
8 A This is a corrective action that I issued to Nelson Hwang
9 on 6/2 regarding a no call/no show shift.
10 Q And did you prepare this corrective action form?
11 A I did, yes.
12 Q And what was the shift on 5/24?
13 A I'm sorry, what was his shift?
14 Q Yes.
15 A His shift was -- I don't recall the exact time, but he
16 didn't -- not call or show up for his shift. 5/24 was -- that
17 was actually a store meeting that we had, now that I recall.
18 And he just didn't show.
19 Q Are store meetings mandatory?
20 A Yes.
21 Q What happens if a partner cannot make a store meeting?
22 A Just like any other shift that they're scheduled for, a
23 store meeting is scheduled, and they would need to let myself
24 or call the store and notify us that they can't make it.
25 Q Are partners are expected to -- well, let me ask you this.

1 Does a shift -- or does a store meeting show up on a partner's
2 calendar?
3 A Yes.
4 Q Are partners expected to know when meetings are scheduled?
5 A Yes.
6 Q Is a meeting also a shift?
7 A Yes.
8 Q So it's just seen as another shift?
9 A It's a scheduled time that they are to appear at work.
10 Q Is there a policy regarding store meetings?
11 A It would go under the policy of this is a scheduled shift
12 that you're supposed to work, and it would apply to any other
13 shift you were scheduled for.
14 Q Why did the -- so when looking at General Counsel's
15 Exhibit 28, it says that this is a final written warning. Why
16 was this a final written warning?
17 A It is Starbucks' policy that one no call/no show is viewed
18 as a direct -- direct to final written warning.
19 Q And had you -- prior to May 24th, 2022, had you had verbal
20 conversations with Nelson regarding his time and attendance
21 issues?
22 A Yes.
23 Q Did you have conversations with him on more than one
24 occasion?
25 A Yes.

1 Q In the General Counsel exhibit pile, could you pull out
2 General Counsel's Exhibit 29?
3 A Yes, got it.
4 Q Okay. Do you recognize General Counsel's Exhibit 29?
5 A Yes, I do.
6 Q What do you recognize it to be?
7 A This is the notice of separation that I delivered to
8 Nelson Hwang on June 29th.
9 Q Who prepared this notice of separation?
10 A I did.
11 Q Did you speak to anyone regarding the separation of
12 Nelson?
13 A I spoke to Amy Quesenberry and Starbucks Partner
14 Relations.
15 Q Why did you speak to those two individuals?
16 A It's standard that we have -- so we have a tool that we
17 use called the partner relations virtual coach. And that is
18 something that I can access on that partner hub that I
19 mentioned before. And it guides us through policies and things
20 like that, questions we might have, and what the -- next steps
21 are recommended. It recommended this, in this case, but I
22 chose to follow up with Amy about, you know, what her
23 recommendation would be. And then Partner Relations
24 themselves, I spoke to someone and explained the whole
25 situation so that I was just making sure that I was, you know,

1 in the -- in the right here, and that this was the right
2 decision to make.
3 Q And when you say whole situation, do you mean everything
4 that's outlined in Respondent's Exhibit 15, which is your
5 OneNotes on Nelson?
6 A Yes, the series of lateness and -- and attendance
7 violations, I felt had led up to this point. And I -- that's
8 what I wanted to clarify with them, if this was the right
9 course of action.
10 Q And what was the recommendation?
11 A The recommendation was to separate Nelson Hwang.
12 Q And so looking at General Counsel's Exhibit 29, it looks
13 like the May 24th scheduled store meeting is documented. Do
14 you know how long Nelson had that store meeting on his
15 calendar?
16 A The schedule is posted three weeks in advance.
17 Q And the second instance is for a no call/no show on June
18 20th. Did you -- were you in the store when Nelson was a no
19 call/no show?
20 A I don't believe I was, no.
21 Q To your knowledge, did Josh Nagy tell Nelson he could call
22 in sick on June 20th?
23 A Not to my knowledge, no.
24 Q Who delivered this notice of separation?
25 A I did.

1 Q Is that your signature under the manager signature line?
2 A Yes, it is.
3 Q What happened during the deliverance of the notice of
4 separation?
5 A I took Nelson into our conference room to have the
6 conversation. I first asked him about the most recent
7 occurrence of him not calling or showing up to work. He told
8 me he slept through his alarms, and that was pretty much it.
9 And I said, well, as you remember in our last conversation when
10 we had the final written warning, that I have stated that if
11 this was to happen again, it would mean a separation -- or
12 could mean a separation from Starbucks.
13 He immediately became physically, like, anxious, I would
14 say. He started moving in his chair a lot, looking around a
15 lot. Definitely not usual behavior for Nelson. He kept
16 looking out to where the rest of the partners were working. I
17 asked him if he needed anything, and he said, can I have Sarah
18 here? And I said, for what?
19 And he stared at me for a few seconds. And I said, is
20 there a reason that you need Sara here? And he didn't answer.
21 He just stared at me. I said, okay, well, going back to this,
22 I said, do you understand what this means moving forward? That
23 this is a separation from Starbucks, and that we've talked
24 about -- and I referenced the conversation. He said he
25 understood verbally, and I proceeded to hand him the separation

1 form, and he signed it.
2 Q During this meeting with Nelson, did he mention that Josh
3 Nagy could -- or told him he could call in sick that day?
4 A No.
5 Q Have you ever terminated other partners for a time and
6 attendance violations?
7 A I have, yes.
8 Q When?
9 A When I worked for the Bremerton location just before 5th &
10 Pike, there was a partner there that I separated for time and
11 attendance. And then previously in my career, there was one
12 other person that I did separate.
13 Q You can put those exhibits to the side. Thank you, Jer.
14 A Okay.
15 Q There is an exhibit in General Counsel's pile labeled
16 General Counsel Exhibit 30. If you could grab that for me?
17 A Okay.
18 Q So when looking at General Counsel Exhibit 30(a), the
19 first page, do you recognize this corrective action form?
20 A Yes.
21 Q Who created this corrective action form?
22 A I did.
23 Q It doesn't look like there's any signatures on it; is that
24 right?
25 A Correct.

1 Q Why are there no signatures?
2 A And it's possible this is just a printout of corrective
3 action and not the signed copy that was delivered.
4 Q Do you recall if you presented this corrective action form
5 to Ms. Pappin?
6 A I believe I did, yes.
7 Q Do you know when you did that?
8 A It would have been on March 9th.
9 Q And what was it for?
10 A It was that Sarah had been coached by myself for texting
11 me during nonworking hours, and in those texts, using a
12 disrespectful tone and language.
13 Q And just to be clear for the record, we're talking about
14 the same text messages regarding scheduling that we looked at
15 earlier?
16 A Correct, the late night text messages of her demanding
17 hours and a resolution.
18 Q And is this the same topic that was discussed during the
19 meeting with Sarah and Eddie?
20 A Correct, yes.
21 Q You previously mentioned a vulgar language policy. Is
22 cursing common at Starbucks?
23 A No.
24 Q Do you hear partners regularly curse?
25 A No.

1 Q What is the vulgar language policy?
2 A It's pretty simple. It's that no vulgar or profane
3 language is acceptable at Starbucks.
4 Q Are partners expected to know that policy?
5 A Yes.
6 Q What happens when you hear someone curse?
7 A I just have a verbal conversation in that moment of hey,
8 that's not allowed. Let's watch our language. Something to
9 that effect.
10 Q Have you ever cursed at Starbucks?
11 A It's possible. In my 19 years, probably.
12 Q Do you recall ever calling a customer an asshole in the
13 back of house?
14 A No.
15 Q Have you ever disciplined anyone for cursing?
16 A Yes.
17 Q Who?
18 A I disciplined Sarah Pappin at 5th & Pike. I also
19 disciplined a former partner from Pier 55 location, and I've
20 had several conversations over my career with other partners
21 about cursing.
22 MS. STROESCU: Your Honor, if I could just have one
23 moment?
24 Q BY MS. STROESCU: Jer, I'd like to turn your attention to
25 Respondent's Exhibit 2. It should be in the pile of

1 Respondent's exhibits. If you just want to take a moment to
2 look it over and let me know when you're ready?
3 A Okay.
4 MS. STROESCU: Your Honor, I'm so sorry. I had him look
5 at the wrong exhibit. If I could just have a moment, Your
6 Honor?
7 JUDGE MONTEMAYOR: Yes. Yes, you may.
8 MS. STROESCU: Your Honor, at this time, I am passing out
9 what I have marked as Respondent's Exhibit 17. Just so the
10 record reflects, this has been produced at Starbucks 3.
11 Q BY MS. STROESCU: Jer, if you could just take a moment to
12 review the exhibit and let me know when you're ready?
13 A Okay.
14 Q Do you recognize Respondent's Exhibit 17?
15 A I do, yes.
16 Q What do you recognize it to be?
17 A This is a message from Nica Tovey to my -- back to myself
18 from -- replying to a message that I sent to -- Katie Akers is
19 a district manager, Amy Quesenberry, district manager, and Nica
20 Tovey around an incident with a borrowed partner in my store.
21 Q And what's the date of this email?
22 A The date of the email I sent was Monday, May 2nd, 2022.
23 Q And what was the response date?
24 A The response date was May 2nd, 2022.
25 Q Is this email a true and accurate copy of the email you

1 sent to your supervisors?
2 A It is, yes.
3 MS. STROESCU: Your Honor, at this time, I'd ask to enter
4 Respondent's Exhibit 17.
5 JUDGE MONTEMAYOR: Any objection to 17?
6 MS. DEVLEMING: No objection.
7 JUDGE MONTEMAYOR: 17 will be admitted.
8 **(Respondent Exhibit Number 17 Received into Evidence)**
9 Q BY MS. STROESCU: Jer, you mentioned that there was an
10 incident with a borrowed partner. What was that incident?
11 A The incident was we had closed the store. I had two
12 borrowed partners working -- myself and two borrowed partners
13 from the Pier 55 location. As we were closing the store and
14 they were cleaning up, one of the partners used the F-word. I
15 verbally coached him in that moment and said, hey, like, watch
16 your language. That's something that we as a whole team are
17 trying to work on. And he said, I just know that some managers
18 don't mind. And then the other partner that was working said,
19 clearly, this manager does mind. And I again reiterated, this
20 is something that we're just trying to work on, so just watch
21 your language, and that that wasn't okay to do.
22 Q And when you say this is something we were trying to work
23 on, what do you mean by that?
24 A I mean that we had had several verbal conversations, level
25 setting expectation. I had had individual conversations with

1 partners around using vulgar, profane language in the store.
2 Q To your knowledge, did this borrowed partner -- I believe
3 his name was Evan Erickson -- did he receive a written
4 corrective action?
5 A He received a separation from Starbucks.
6 Q Due to the cursing?
7 A Yes. I was instructed -- or informed by his store manager
8 that that was the -- the reason for the final separation.
9 Q Now, you also mentioned that you've had conversations with
10 partners regarding cursing. Are you referring to partners at
11 the 5th & Pike store?
12 A Yes, as well as other partners. But yes.
13 Q Turning back to Respondent's Exhibit 2 that I had you
14 review, what is Respondent's Exhibit 2?
15 A This is an email sent from myself to Amy Quesenberry
16 around a couple different partner concerns and conversations
17 that I had had.
18 Q What were the partner concerns?
19 A Basically, first, I let her know, like, kind of how the
20 day went, and then kind of how each individual person on the
21 team that day performed, generally. There was an incident with
22 Sarah Pappin that happened that I let her know about, and then
23 some other things about Sarah Renshaw, a barista, being out of
24 dress code, and Sarah Pappin -- a conversation between those
25 two.

1 Q And the date of this email is April 4th, 2022?
2 A Correct.
3 Q Is it normal for you to email Amy and let her know about
4 days or things that happened in the store?
5 A Yes.
6 Q Respondent's Exhibit 2 mentions an incident with cursing
7 in the back of house. Can you tell us about that incident?
8 A Yeah. So I noticed there was some tension on the floor
9 that day. We were busy, and I had started -- we -- I went to
10 the back of the house and started talking to the partners about
11 the day and how they felt. Like, what could be different. And
12 I asked Sarah Pappin if she had already clocked out for the
13 day. I noticed she was getting ready to leave. She said, yes,
14 she clocked out. I said, okay, then we'll -- we can chat,
15 like, tomorrow. That's fine. And she inquired, well, no, I --
16 what about? I want to talk about it now.
17 I said, well, I just want to know how the day went. I
18 want to talk to you about the day. And her response was, it
19 fucking sucked. So in that moment, I chose to say, okay, let's
20 talk about it later, and you're -- you can -- you can go home.
21 Q What was Sarah's demeanor like during this conversation?
22 A It was clear that she was very upset. She had been really
23 kind of quiet and standoffish the whole morning, to me,
24 particularly. And just on the floor, her demeanor was very --
25 she seemed very upset.

1 Q Have you ever reassured Sarah Pappin that cursing is fine?
2 A No.
3 Q Have you ever talked to Sarah about cursing at Starbucks,
4 whether on the floor or the back of house?
5 A Yes.
6 Q Do you know how many times?
7 A I think twice.
8 Q You mentioned that Sarah was clocked out. Did you change
9 her timestamp at any point in time to clock her back in for the
10 day?
11 A I did, yes.
12 Q Why did you do that?
13 A I -- well, after having a conversation about the swearing,
14 I did talk to Amy and Partner Relations. And they informed me
15 that because I was having a conversation with a partner who had
16 already clocked off, but it was about work-related things, that
17 I should -- that partner should be paid for that time. So they
18 instructed me to go in and adjust her time punch to reflect
19 that conversation.
20 Q Is it a violation of Starbucks policy to curse while
21 you're off the clock?
22 A It is a violation, yes.
23 Q So it didn't matter whether Sarah was on or off the clock?
24 A Correct.
25 Q Jer, they're in the General exhibit pile in front of you.

1 Could you find General Counsel's Exhibit 11?
2 A Okay.
3 Q Do you recognize General Counsel's Exhibit 11?
4 A Yes.
5 Q Who prepared this corrective action form?
6 A I did.
7 Q And is that your signature on the manager line?
8 A It is, yes.
9 Q Did you present this corrective action form to Ms. Pappin?
10 A I did.
11 Q What happened when you presented it to her?
12 A Sarah said that she wouldn't want to talk about it any
13 further until she talked to her lawyer, and so I allowed her to
14 do that.
15 Q And it looks like Sarah signed on the partner line on
16 4/18; is that correct?
17 A Correct.
18 Q Okay. Did you have a second meeting regarding the
19 corrective action form?
20 A We did not have a meeting. I was sitting in the
21 conference room, which I often did at my store as part of like,
22 my office area. And Sarah entered the room. Without saying
23 anything other than, do you have the paper, I determined that
24 she must have meant that this. So I pulled it out. I said, do
25 you mean this? And she said, yes. She wanted to see it again.

1 I handed it to her. She proceeded to write a statement, and
2 then signed it and left.
3 Q Did you issue this corrective action form to Sarah because
4 she was part of the orga -- Union organizing efforts?
5 A No, I did not.
6 Q Why did you issue this corrective action to Sarah?
7 A Because of the conversation we had where she used vulgar
8 language, and that was unacceptable. And that's the reason for
9 the corrective action.
10 Q And do you see Sarah in the room today?
11 A Yes.
12 Q Can you describe what she's wearing and where she's
13 sitting?
14 A She's sitting to my left. She's wearing a blue top and
15 light blue jeans.
16 Q While you were the store manager for 5th & Pike, did you
17 ever hear -- let me you this. Are you familiar with a shift
18 supervisor named Micah Lakes?
19 A Yes.
20 Q Was he a shift supervisor like you were a store manager at
21 the 5th & Pike store?
22 A He was a barista that I promoted to shift supervisor while
23 I was at 5th & Pike.
24 Q While you were the store manager at 5th & Pike, did you
25 ever hear Micah Lakes tell a customer to get the fuck out of

1 the store?
2 A No, I did not.
3 Q Did you know that Micah was a supporter of the Union when
4 you promoted him?
5 A No, I did not.
6 Q Was this prior to the petition for representation?
7 A I don't recall the date. I believe so, but I don't recall
8 the date.
9 Q Did you ever have any conversations with Micah about the
10 Union organizing at the store?
11 A Yes.
12 Q When did those conversations take place?
13 A During the one-on-one conversations that we had at the
14 store that we talked about previously.
15 Q And what was said during those conversations?
16 A Again, the COVID 19 updates, the benefits conversations.
17 He was also present in the shift supervisor meeting where we --
18 the shifts talked to me about being represented by the Union
19 and how they felt that would -- would go.
20 Q When you say how they felt that would go, what do you mean
21 by that?
22 A Them asking me, you know, if I had any questions about the
23 process. They started reassuring me that this had nothing to
24 do with me, that they really cared about me as a leader. They
25 thought I was a great leader, and they thought -- it had

1 nothing to do with anything I had done, that I had done nothing
2 wrong, but that this was just their choice, and that they would
3 be moving forward with this -- this choice.
4 Q I want to turn your attention to General Counsel's Exhibit
5 14. It should be in the pile in front of you.
6 A Sorry, you said General Counsel 14?
7 Q Yes.
8 A Okay.
9 Q Do you just want to take a minute to review it?
10 A Okay.
11 Q Do you recognize General Counsel's Exhibit 14?
12 A I do, yes.
13 Q Who created General Counsel's Exhibit 14?
14 A I did.
15 Q And if you turn to page 2 of the exhibit, is that your
16 signature on the manager line?
17 A It is, yes.
18 Q And who's the witness?
19 A That is Ryan Lassiter, who was my current district manager
20 at the time.
21 Q And is that Sarah's signature on the partner line?
22 A Yes.
23 Q In this corrective action form, there's two instances
24 where Sarah was a no call/no show. Were you working on May
25 20th, 2022?

1 A I was not, no.
2 Q How did you know that Sarah was late for the shift?
3 A The other baristas that were opening with her called me.
4 Q And to open the store in the morning, do you need keys?
5 A Yes.
6 Q Who normally has the keys to the store?
7 A I have a key to the store, and then each shift supervisor
8 has keys, as well.
9 Q And so you said the baristas called you?
10 A Correct.
11 Q Do baristas have keys?
12 A No. Sorry, they -- they have keypads to the building, but
13 they can't enter the Starbucks store.
14 Q And it says here that Sarah was 43 minutes late to her
15 shift. Is that common for an opener to be 43 minutes late?
16 A No.
17 Q And just to be clear, were the baristas locked out of the
18 store?
19 A Again, locked out of the store, but not of the building.
20 It's an office tower, so they were in the lobby of the office
21 tower.
22 Q Got it. And then the second incident was on June 28th.
23 Were you working that day?
24 A Yes, I was.
25 Q What happened?

1 A Sarah was again a no call/no show for her opening shift.
2 And so I called her, and she said she overslept and that she
3 would be coming in.
4 Q And it says here that she clocked in 40 minutes late. Is
5 it common for an opener to clock in 40 minutes late?
6 A No.
7 Q It also says on General Counsel's Exhibit 14 that this is
8 a final written warning. Why did this warrant a final written
9 warning?
10 A Well, as I previously stated, Starbucks policy. That no
11 call/no show is a -- is a final written warning. But because
12 there was no documentation for the first instance, I just
13 included both instances on one form and did that as a final.
14 Q And it looks like Sarah added some comments here that she
15 did oversleep. Do you recall her admitting to these
16 allegations?
17 A Yes, she did admit to it and then wrote on this -- the
18 document that she did oversleep those days.
19 Q While you were the store manager for the 5th & Pike store,
20 did you issue other time and attendance violations?
21 A Yes.
22 Q If you could look at, again, General Counsel's Exhibit 30?
23 A Okay.
24 Q Looking at page 3 -- it should be General Counsel's
25 Exhibit 30(b).

1 A Okay.
2 Q Do you recognize this corrective action form?
3 A Yes, I do.
4 Q Did you create this corrective action form?
5 A Yes, I did.
6 Q And it looks like Laurelle had a pattern of tardiness; do
7 you recall that?
8 A Yes.
9 Q Is that why you issued this documented coaching?
10 A Yes, it is.
11 Q But there's no -- never mind. Going to the next page,
12 General Counsel's Exhibit 30(c). This is a corrective action
13 form for Tawny Cross (phonetic throughout). Did you create
14 this corrective action form?
15 A I did, yes.
16 Q And this also shows a pattern of tar -- tardiness with
17 Tawny Cross; is that right?
18 A Correct.
19 Q Okay. Moving to General Counsel's Exhibit 30(d), the next
20 page. This is a corrective action form for Aldrich Lapid. Did
21 I pronounce that correctly?
22 A I believe it was -- yeah, I believe was Aldrich, but yes.
23 Q And did you create this corrective action form?
24 A I did, yes.
25 Q And this is for a pattern of tardiness for Aldrich; is

1 that right?
2 A Correct.
3 Q Turning to General Counsel's Exhibit 30(e) on the next
4 page. This is a corrective action form for Sarah Renshaw. Did
5 you create this corrective action form?
6 A Yes, I did.
7 Q And this is for a significant number of missed shifts, 23
8 shifts over the past six weeks; is that right?
9 A Out of the 23 shifts over the past six weeks, she missed
10 7, yes.
11 Q Got it. Okay, thank you for clarifying.
12 A Yeah.
13 Q Can you turn to the next page, for General Counsel's
14 Exhibit 30(f)? This is a corrective action form for Severina
15 Schulz. Did I pronounce that correctly?
16 A Severina Schulz, yeah.
17 Q And this is for a single missed shift; is that right?
18 A Correct.
19 Q The corrective action forms that we just went through, did
20 you -- do you recall issuing these to the partners?
21 A Yes.
22 Q Is there a reason there is not a signature on any of these
23 pages?
24 A These are most likely the digital copies and not the
25 signed paper copies that would be in their file.

1 Q And was this after your level set meeting?
2 A Yes.
3 Q Did you issue any of these corrective actions because of
4 the Union organizing activity?
5 A No, I did not.
6 Q Why did you issue these corrective actions?
7 A Because as I had stated in the level set conversations, we
8 were all on the same page as to what was expected for time and
9 attendance. They signed off on those policies and then
10 continued to violate those policies, so I took the next action,
11 which was the corrective action.
12 Q Turning to the next page, General Counsel's Exhibit 30(g),
13 this is a corrective action form for Danny -- can you pronounce
14 his last name for me?
15 A I -- I think it's Skindingsrude, but that would be my best
16 guess.
17 Q And this is a final written warning for a no call/no show
18 incident; is that right?
19 A Correct, yes.
20 Q And there is a signature for delivery on this?
21 A Yes.
22 Q Turning to the next page, General Counsel's Exhibit 30(h).
23 This is a corrective action form for Laurelle Manriquez-Flores.
24 Did you create this corrective action form?
25 A Yes, I did.

1 Q And this was the second corrective action form that she
2 had received for time and attendance in spring, summer of 2022;
3 is that right?
4 A Correct, yes.
5 Q And there is a signature of delivery on this?
6 A Yes.
7 Q Turning to the next page of General Counsel's Exhibit
8 30(i). This is a corrective action form for Tawny Cross. Did
9 you create this corrective action form?
10 A Yes, I did.
11 Q And again, this is for time and attendance violations?
12 A Yes.
13 Q And there is a signature for delivery on this, right?
14 A Yes.
15 Q Turning to General Counsel's Exhibit 30(j), the next page.
16 This is a corrective action form for James Tanner. Did you
17 create this corrective action form?
18 A I did, yes.
19 Q And again, this is for time and attendance violations?
20 A Yes.
21 Q And there's a signature for delivery on this?
22 A Yes.
23 Q Turn to the next page of General Counsel's Exhibit 30(k).
24 This is a corrective action form for Julietta Zhu?
25 A Yes.

1 Q And did you create this corrective action form?
2 A I did, yes.
3 Q And this is for time and attendance violations?
4 A Yes.
5 Q There is no signature on this form; is that right?
6 A Correct.
7 Q But this form was delivered?
8 A Yes.
9 Q Turning to the next page, General Counsel's Exhibit (l).
10 This is another time -- corrective action form for Tawny Cross.
11 And again, this is for time and attendance violations?
12 A Yes.
13 Q And this was delivered to Ms. Cross?
14 A Yes.
15 Q I believe this is the third corrective action form we've
16 received for Ms. Tawny Cross?
17 A I believe so.
18 Q Was there a reason that Ms. Cross wasn't separated for
19 time and attendance?
20 A She -- she followed the Starbucks policy, which was to
21 contact the store when she was not going to be able to fulfill
22 her shift.
23 Q So in the case of Nelson Hwang, he was just a no call/no
24 show without contacting the store?
25 A Correct.

1 MS. DEVLEMING: Objection, leading.
2 JUDGE MONTEMAYOR: Overruled.
3 Q BY MS. STROESCU: When looking at General Counsel's
4 Exhibit (a) -- 30(a) to 30(l), do you know if any of these
5 people were Union supporters?
6 A I think two of them were present at one of the strikes
7 that I know of.
8 Q And who were those two people?
9 A Sarah Pappin and Danny Skindingsrude.
10 Q So there are nonunion supporters that also received
11 corrective actions?
12 A Yes.
13 Q For time and attendance?
14 MR. KAPLAN: Objection, Your Honor. Calls for
15 speculation. The witness just testified not to know who's --
16 who's union supporting.
17 JUDGE MONTEMAYOR: I'll sustain the objection.
18 Q BY MS. STROESCU: The corrective actions that we just went
19 through, General Counsel's Exhibit 30(g) to 30(l), did you --
20 excuse me. Yeah, 30(g) to 30(l) -- did you issue these
21 corrective action forms because of the Union organizing
22 activity?
23 A No, I did not.
24 Q Why did you issue these corrective action forms?
25 A These corrective action forms were, as I stated, to

1 correct the action of violating the time and attendance policy.
2 Q Do you still issue corrective action forms for time and
3 attendance?
4 A Yes.
5 MS. STROESCU: Your Honor, may I have a moment?
6 JUDGE MONTEMAYOR: Um-hum.
7 MS. STROESCU: No further questions, Your Honor.
8 JUDGE MONTEMAYOR: Counsel?
9 MS. DEVLEMING: Could we take a very brief break, Your
10 Honor?
11 JUDGE MONTEMAYOR: We are at 10:55. How about ten
12 minutes?
13 MS. DEVLEMING: Perfect.
14 JUDGE MONTEMAYOR: We're going to take a ten-minute break,
15 and we'll go off the record.
16 (Off the record at 10:55 a.m.)
17 JUDGE MONTEMAYOR: We're going to go back on the record,
18 and we're continuing with the cross-examination of the witness.
19 You may begin, Counsel.
20 MS. DEVLEMING: Thank you, Your Honor.
21 **CROSS-EXAMINATION**
22 Q BY MS. DEVLEMING: Hi again, Mr. Mackler. Is it okay if I
23 also call you Jer?
24 A Yes.
25 Q And again, I'm Liz DeVleming, counsel for the General

1 Counsel. First, just a couple of clarifications. On direct --
2 well, first, there was this document that you might want to
3 pull out. It's Respondent's Exhibit 13, which is this how to
4 create shifts that will go to the shift marketplace --
5 A Um-hum.
6 Q -- packet? Do you remember testifying on direct about
7 that document?
8 A Yes.
9 Q I've taken a minute to glance through it, but it is
10 several pages, and you just might be more familiar with it. Is
11 there any mention in this document of the Union, union
12 petitions, how the filing of a petition or the presence of a
13 union could impact benefits like borrowing?
14 A It doesn't appear to, no. I don't remember that ever
15 being in here.
16 Q And you also talked about showing a video about how to
17 vote with certain employees during the partner meetings you
18 held. Did you show that video to Sarah Pappin?
19 A I don't recall if I actually showed it to Sarah or not.
20 Q Who all do you remember showing it to?
21 A I believe I showed it to the entire team.
22 Q Except Sarah?
23 A I -- again, I -- I thought I showed it to the entire team.
24 I don't recall if it was -- if anyone was left out.
25 Q Do you have a recollection of showing it to Sarah?

1 A Not particularly, no.
2 Q You testified about how you did some of your own research
3 about unions, including on the NLRB website. And then you
4 discussed with partners the possibility that bringing in a
5 union could change your relationship with them. Do you
6 remember that testimony?
7 A Yes.
8 Q Is it your testimony today that those were off the cuff
9 comments, your own personal opinions?
10 A Yes.
11 Q Did you talk to anyone in upper management, whether Amy
12 Quesenberry, Nica -- Nica Tovey, anyone else at Starbucks,
13 before making those comments?
14 A No, they were purely my opinion and my -- based off of the
15 research I had done.
16 Q No one else counseled you to make those comments?
17 A No.
18 Q Are you aware that Amy Quesenberry made very similar
19 comments to 5th & Pike partners?
20 A I'm not aware of that, no.
21 Q Are you aware that there are dozens of charges pending
22 around the country, NLRB charges, involving store managers
23 making very similar comments about the effect of a union --
24 MS. STROESCU: Objection, relevance.
25 Q BY MS. DEVLEMING: -- on a direct relationship with

1 employees?
2 JUDGE MONTEMAYOR: Overruled. You asked him if he's
3 aware.
4 Q BY MS. DEVLEMING: Are you aware of the pending litigation
5 on very similar comments made by store managers all around the
6 country?
7 A I'm aware of -- I don't quite understand the word
8 litigation, but I'm aware of things happening regarding
9 Starbucks and union representation.
10 Q Are you aware of very similar things happening? Store
11 managers making very similar comments at other stores around
12 the country?
13 A I am not aware of their comments, but I'm aware of these
14 proceedings taking place.
15 Q Were you involved in conversations with -- again, whether
16 it was Amy Quesenberry or someone above her, Nica Tovey or
17 anyone else -- about the need to level set on the policies,
18 including time and attendance that you talked about on direct?
19 A Sorry, can you repeat?
20 Q Did you consult with Amy Quesenberry, Nica Tovey, or
21 anyone else in upper Starbucks management before -- about the
22 need to level set on these policies?
23 A I believe I made that determination myself.
24 Q Did you consult with them?
25 A I let them know that I was doing it.

1 Q And how did they respond?
2 A They supported it.
3 Q Who -- did you take it upon yourself to have employees
4 sign off on these particular policies?
5 A Yes.
6 Q Are you aware that there are charges pending around the
7 country where other store managers have had partners sign off
8 on specific policies, including these very ones?
9 MS. STROESCU: Objection, relevance, speculation.
10 MS. DEVLEMING: Is he aware?
11 JUDGE MONTEMAYOR: Over -- again, she's asking if he's
12 aware of it. I'll --
13 A I am not --
14 JUDGE MONTEMAYOR: -- I'll allow that.
15 A -- aware of that, specifically, no.
16 Q BY MS. DEVLEMING: You testified that you started at the
17 5th & Pike Store in about October, 2021; is that right?
18 A Yes.
19 Q Can you recall any specific wri -- written discipline
20 issuing to any 5th & Pike partner at any point between your
21 start date at the store and January 25th, 2022?
22 A Any written --
23 Q Discipline, corrective action?
24 A I mean, the ones that I -- I think we've talked about
25 today. That -- that's what I recall.

1 Q Okay. Nothing other than what's in the record that we
2 talked about today?
3 A Not that I recall, no.
4 Q Are you aware that the Government issued a subpoena that
5 would have captured any disciplines that had issued before
6 January 25th, 2022, and that no such corrective actions were
7 produced?
8 A I'm not aware of that.
9 MS. DEVLEMING: Your Honor, to the extent that no such
10 documents have been produced, let alone offered on Respondent's
11 case, I would ask you to draw an adverse inference that they
12 don't exist.
13 Q BY MS. DEVLEMING: Jer, how long does it take you to draft
14 a single corrective action?
15 A Depends on the corrective action, the research that I do
16 on our policies, things like that. It can take 15 minutes, it
17 could take an hour, it could take a day. It depends on what
18 the situation is.
19 Q Okay. And does it differ between -- a documented coaching
20 would take, on average, less time, versus a notice of
21 separation might take you more time? Or does that part not
22 matter?
23 A I think it's more about the severity or -- of -- of the
24 offense, the violation.
25 Q And was it your testimony on direct that you then would

1 consult with Amy Quesenberry about each discipline?
2 A Sometimes, yes.
3 Q How long would that process of consulting with Amy take?
4 A Usually, I would hear back from her in the same day or the
5 next day.
6 Q Did you ever talk to Amy on the phone or in person about
7 the disciplines?
8 A Both.
9 Q And also by email?
10 A Yes.
11 Q Would Amy make edits to your proposed disciplines?
12 A No.
13 Q Never?
14 A I don't recall a time when she ever made an edit to one of
15 my disciplines.
16 Q So would she sign off on them, approve of them, rubber
17 stamped them? Or what was that process?
18 A She doesn't need to physically do anything to the form
19 itself. We would verbally talk about what my plan was, and she
20 would basically give her support or advice at that point for
21 the next steps.
22 Q And then after that process, you would then meet with the
23 partner in question, right?
24 A Correct.
25 Q How long would the meeting with the partner take, on

1 average? Or it -- would it --
2 A Usually, just a few minutes. It's just to read through
3 the document, have them say whatever they want to say, and
4 that's it.
5 Q Did partners always sign the documents when you presented
6 them?
7 A No.
8 Q No? Okay. So what circumstances would a partner not
9 sign?
10 A A partner has the choice to not sign, if they want to.
11 It's not required. The corrective action still stands and
12 still exists. It's just an acknowledgment -- the signature is
13 an acknowledgment of them receiving the document. It's not an
14 acknowledgment of guilt or that the violation occurred, in
15 their -- I don't know what the word is. It's not an
16 acknowledgement of guilt. It's just an acknowledgment that
17 they received the form and that we had the conversation.
18 Q Do you recall any instances between about February and --
19 I don't know, until you left 5th & Pike, February, 2022, and
20 when you left -- of an employee refusing to sign and ultimately
21 not signing a documented corrective action you presented them
22 with?
23 A I don't recall anyone that refused and ultimately did not
24 sign.
25 Q So ultimately, every employee signed a corrective action

1 they were presented with?
2 A To my knowledge --
3 MS. STROESCU: Objection.
4 A -- yeah.
5 MS. STROESCU: Misstates testimony. He says he doesn't
6 know.
7 MS. DEVLEMING: He's just said that's correct.
8 JUDGE MONTEMAYOR: Overruled.
9 Q BY MS. DEVLEMING: Okay. Now, I want us to walk through a
10 big stack of documents. So if you would bear with me and pull
11 out General Counsel Exhibit 41 through 54?
12 A Okay.
13 Q Okay. So I want to look at General Counsel 41 first.
14 This looks like a March 4th, 2022 email from you to Amy with
15 some attachments, entitled Partner one-on-ones. Do you see
16 that?
17 A Yes.
18 Q What are these? What is this attachment?
19 A This appears to be -- the attachments appear to be copies
20 from my OneNote file on each partner.
21 Q Okay. And remind us, what OneNote file? What was the
22 purpose of it?
23 A Just to keep a record of them for myself of any
24 conversations or things that I might have to write down.
25 Q So just looking at page 2 of General Counsel 41, it's

1 Bates-stamped 297 in the bottom right corner. You'll see these
2 page numbers. It looks like the first date at the top there
3 under attendance and punctuality says February 17th; do you see
4 that?
5 A Um-hum.
6 Q Is that --
7 A Yes.
8 Q -- 2022? Were you at the store in February, 2021?
9 A No, it was most likely 2022.
10 Q Did you have a OneNote notation on Aldrich Lapid before
11 these?
12 A No, not that I'm -- not that I had.
13 Q And then down at -- in the middle of the page, Alice (sic)
14 Vala. There's a notation from December, 2021. Do you remember
15 when you made that notation?
16 A Yes, I do.
17 Q When?
18 A The date.
19 Q You wrote -- did you make it in December, 2021?
20 A Yes, December 1st, 2021.
21 Q And why did you wait until March 4th to send December,
22 2021 notations to Amy Quesenberry?
23 A I don't recall, as to the reason.
24 Q Do you remember why you sent this email with the partner
25 one-on-ones document, the OneNote file attached, to Amy on

1 March 4th?
2 A I don't recall the reason, no.
3 Q Did Amy ask you to send it?
4 A I don't recall.
5 Q Okay, let's look at General Counsel Exhibit 42, which
6 actually is out of chronological order. This one is dated
7 February 7th. This is an email from Amy to you. Do you see
8 that? Well, with you cc'd.
9 A Yes.
10 Q And it says in preparation for our one-on -- for our
11 meeting, one prepare convo today. Do you know what a -- what
12 the one prepare convo was?
13 MS. STROESCU: Objection, Your Honor. The document she's
14 referencing is withheld as attorney client privilege. We
15 discussed this document last week on the record, and it is in
16 the privilege log that was provided.
17 MS. DEVLEMING: First of all, page 1 that I'm asking
18 questions about is already in the record.
19 JUDGE MONTEMAYOR: Page 1 is in the record.
20 MS. STROESCU: And she just --
21 JUDGE MONTEMAYOR: Objection's overruled, as it relates to
22 page 1.
23 Q BY MS. DEVLEMING: Jer, do you know what -- what that
24 sentence means? In preparation for our meeting, one prepare
25 convo. What's the meeting one prepare convo?

1 A I don't recall specifically what that sentence means.
2 Q Okay. Do you remember what this email was about?
3 A It looks like a meeting we were -- that I was going to
4 have with Amy. I don't recall, as to anything specific.
5 Q Had you ever received an email from Amy that said, please
6 read and do not print?
7 A It's possible. I don't recall a specific one.
8 Q This is the only one you can recall?
9 A I mean, I don't recall this specific one. It says it's
10 from Amy, so I mean -- and -- and to me. So I -- it's most
11 likely there. I just don't recall it and what -- to what it's
12 about.
13 Q And it says -- in the attachments, it says draft FAQs,
14 2/3/2022. Does that refresh your recollection, as to what this
15 email was about?
16 A Frequently asked questions is what FAQ means, but I
17 don't -- if -- without seeing what that means, I don't know
18 what that is referring to.
19 Q Could the attachment have had talking points about unions?
20 MS. STROESCU: Objection, Your Honor. The attachment is
21 privileged and is outlined in the privileged log. We have this
22 already.
23 JUDGE MONTEMAYOR: Objection sustained.
24 MS. DEVLEMING: Well, I -- I would remind Your Honor that
25 I think these questions go to the point that the document is

1 not privileged whatsoever. It is something that should have
2 been produced. There's only Starbucks' email address is on
3 this email.
4 JUDGE MONTEMAYOR: The objection -- the objection is to --
5 to the question as it was framed. Objection was sustained.
6 Q BY MS. DEVLEMING: Could this email you received, Jer,
7 have been about preparing you for speaking to 5th & Pike
8 partners about the Union petition?
9 MS. STROESCU: Objection, Your Honor. Speculation and
10 misstates the testimony. He says he does not recall.
11 JUDGE MONTEMAYOR: I'm going to sustain the objection,
12 Counsel. You -- I'll sustain the objection, but I'll allow
13 some inquiry in the area, assuming that it's a proper question
14 that's not objectionable.
15 MS. DEVLEMING: Okay. We can --
16 Q BY MS. DEVLEMING: You don't recall what this was about?
17 A No.
18 Q Okay. Let's turn to General Counsel 43, which looks like
19 a March 9th email from you to Amy with Edward Heitger cc'd, and
20 I think you identified he was a visiting store manager?
21 A He was a costore manager of 5th and Pike.
22 Q And if you need a minute to look through this, it has two
23 pages attached. It looks like a -- at least a draft of a
24 documented coaching for Sarah Pappin dated March 9th. Do you
25 remember why you sent this document to Amy?

1 A Yes. I believe it was just to make her aware.
2 Q Did she ask you to send this?
3 A I don't recall her asking for it, no.
4 Q Did you talk to Amy about the fact you were drafting a
5 documented coaching for Sarah Pappin?
6 A I talk to Amy about most of the corrective actions that I
7 would -- would do.
8 Q Including this one?
9 A It's possible.
10 Q Do you remember what Amy said, if anything?
11 A No.
12 Q Jer, page 2 of General Counsel 43, it shows signature
13 lines, but they're blank. Was it your testimony on direct that
14 you did present this corrective action form to Sarah Pappin at
15 some point?
16 A I was pretty sure that I did. I don't recall if it --
17 positively if I did or not.
18 Q Okay. Would it surprise you to know that Sarah denies
19 ever receiving it?
20 A To my knowledge, I believe this was delivered with myself
21 and Eddie present during that conversation. That would be my
22 recollection of that.
23 Q If you had delivered this, would there be a signed copy?
24 A Not necessarily.
25 Q Would you sign it if you delivered it?

1 A Not necessarily.
2 Q In what circumstances would you not sign a corrective
3 action that you delivered?
4 A I might wait for the partner to sign it themselves, or it
5 might just go in their file.
6 Q Okay. But you can't recall any times at 5th & Pike that a
7 partner ultimately did not sign a docu -- a discipline you
8 presented?
9 A I don't recall, yeah.
10 Q Are you aware that the subpoena issued by the government
11 would cover if there was a signed copy of this document it
12 would've been produced?
13 A I'm not --
14 Q Or should have been?
15 A I'm not aware of that. Any -- yeah.
16 MS. DEVLEMING: Your Honor, I'd ask that you draw an
17 adverse inference on the failure to not only produce the signed
18 copy but to offer it into evidence on Respondent's case.
19 Q BY MS. DEVLEMING: Okay. Let's look at General Counsel
20 Exhibit 44. This one is a March 23rd -- yet another email in
21 March -- email from yourself to Amy. This one has -- I count
22 six different draft corrective actions attached. Do you see
23 those?
24 A Yes.
25 Q Why did you send these to Amy?

1 A Again, probably just to make her aware of the
2 conversations I'd been having with partners around and what
3 corrective actions were for.
4 Q Okay. So you would've sent this to Amy after presenting
5 these to these partners?
6 A Not always. Sometimes before; sometimes after, just to
7 make her aware of the conversation I was either going to have
8 or did have.
9 Q Okay. Do you remember in this case whether this was
10 before or after?
11 A I don't remember that, no.
12 Q Did Amy assist you in drafting these?
13 A No.
14 Q Did she give her sign-off?
15 A No.
16 Q How did she respond to this email?
17 A It's possible we verbally talked about it. It's possible
18 we didn't talk about it at all.
19 Q And is it your testimony today that you presented these
20 corrective actions to these six employees?
21 A Yes.
22 Q Would there have been signed copies if they were
23 presented?
24 A Yes. They -- if -- if they signed them, they would've
25 been put into the partner file.

1 Q Okay.
2 A And they would've put -- been put in the file regardless.
3 Q In any of these cases -- either Aldrich Lapid, Laurelle
4 Manriquez-Flores, Sarah Pappin, Sarah Renshaw, Severina Schulz,
5 or Tawny Cross ultimately not signing the corrective action
6 they were presented with?
7 A No.
8 MS. DEVLEMING: Your Honor, once again, we'd ask that you
9 draw adverse inferences.
10 Q BY MS. DEVLEMING: Let's look at General Counsel Exhibit
11 45. Yet another March 2022 email from you to Amy with
12 corrective actions attached. These look like they have the
13 same names and the same dates. Do you remember if these have
14 been tweaked in some way? Or why did you resend them to Amy
15 just a few days later?
16 A I may have just attached -- they -- they were the same
17 ones. It -- it -- I may have just sent it twice accidentally.
18 Q And it looks like at the -- the kind of last line on the
19 first page of General Counsel 45 -- not at the very bottom --
20 but the last line of the text toward the top -- it seems to
21 indicate there was an email from Amy on March 21st.
22 A Sorry. Where?
23 Q Toward the top here.
24 A Oh.
25 Q Right under your signature line. It says, "On 3/21/22".

1 A Okay.
2 Q Do you remember what that email from Amy said?
3 A I do not.
4 Q A document that was not produced. Let's look at -- well,
5 let's look at General Counsel Exhibit 46. Are they still in
6 order? This is an early April -- April 2nd -- email from you
7 to Amy. It looks like it's summarizing some incidents
8 involving Laurelle Manriquez-Flores, Tawny Cross, Micah Lakes.
9 I see a name Andy (phonetic throughout) and Alice -- anyway,
10 the -- do you remember why you sent this email to Amy?
11 A This was just to keep her up-to-date on partner
12 conversations that I was having with partner issues in the
13 store.
14 Q Did Amy ask you to keep her up-to-date?
15 A Not specifically, no.
16 Q Like, generally?
17 A I mean, it's general that Amy and I would work together on
18 all partner issues that would be in the store.
19 Q Okay. Looking at General Counsel 47, three days later, an
20 April 5th email from you to Amy with some notes about Helena
21 and Nelson. And this is Nelson Hoang?
22 A Correct.
23 Q Did -- do you remember why you sent this email to Amy?
24 A She asked me how the PDCs went -- or performance
25 development conversations -- which happened twice a year. She

1 asked me how they were going as is common for a district
2 manager to ask me. So I just gave her a bulleted points of the
3 conversations.
4 Q And so down below in the notations about Nelson from his
5 PDC on April 4th, 2022, the second set of bullets. The first
6 bullet says, "No knowledge of unions in general". Who brought
7 up the subject of unions at this meeting?
8 A This was just me asking if he had any questions or did he
9 understand the video that we showed, and is there any general
10 questions about anything.
11 Q So you brought up the subject of unions?
12 A I don't recall if it was specifically me, but.
13 Q Okay. Do you recall Nelson saying I know nothing about
14 unions, but let's talk -- you know, him initiating that
15 conversation?
16 A I don't recall that, no.
17 Q And it says, "Seemed like a lot for him to grasp. I
18 slowed down and kept asking for understanding". So that was
19 understanding of information you were sharing with him?
20 A I was asking him if he understood the information that we
21 were talking about.
22 Q That you had shared with him?
23 A Yes.
24 Q Okay. Let's look at General Counsel Exhibit 48. This is
25 an April 10th email from you to Amy. This one says -- this one

1 is a -- involving a corrective action, Sarah Pappin, dated
2 April 9th, 2022. And you say, "How's this? Also, should I
3 have a witness present? Feels like too much, but I just don't
4 know with her". Why did you include that notation?
5 A Which one?
6 Q The one I just read.
7 A The entire sentence?
8 Q Yes.
9 A This was me just asking Amy for guidance.
10 Q Okay. Why did you think you might need a witness present?
11 A I had had conversations with Sarah before that had seemed
12 tense, and I thought if that -- if that was the case, then I
13 would want to know if I need that.
14 Q And you asked Amy, "How is this"? Did she respond?
15 A I don't recall if she responded through email or if we
16 talked about it in person.
17 Q She responded in some context. What did she say?
18 A I don't recall the exact words.
19 Q Did she give her input on your draft April 9th written
20 warning for Sarah?
21 A I believe her and I talked about this exact situation, and
22 she gave her support of my determination.
23 Q Okay. And we're going to resume. And we still have 50
24 and 51, but in chronological order, you were asked on direct
25 about a Respondent Exhibit 17. Can you find that one? Keep

1 those General Counsel exhibits handy though.
2 A Got it. So General Counsel Exhibit 17?
3 Q No Respondent's.
4 JUDGE MONTEMAYOR: Respondent's --
5 THE WITNESS: Oh, I'm sorry.
6 JUDGE MONTEMAYOR: Respondent's 17.
7 MS. DEVLEMING: Let's do this.
8 THE WITNESS: Okay.
9 Q BY MS. DEVLEMING: Okay. So this is a Mar -- sorry -- May
10 2nd email from Nica Tovey to yourself and Amy and it looks like
11 a Katie Akers?
12 A Um-hum.
13 Q Who's Katie Akers?
14 A Katie Akers is a district manager in Seattle.
15 Q Do you know why Katie was included on this?
16 A Katie is the district manager for -- I forget the
17 district. I believe it -- it may have been because -- yeah. I
18 don -- actually don't recall the reason. It's possible she was
19 in -- you know, watching the district. They -- they tend to do
20 that sometimes, like, share responsibilities, so.
21 Q And who is Nica Tovey?
22 A Nica Tovey is the regional director of the northwest
23 region.
24 Q How often do you -- did you and Nica email during your
25 time at 5th & Pike?

1 A Occasionally.
2 Q Like, how many times total?
3 A I don't recall the exact amount, but it's -- it's common
4 for me to reach out to Nica for anything in my job.
5 Q Common or occasional?
6 A I mean, it's -- I guess I see that as kind of the same
7 thing. Sorry.
8 Q Okay.
9 A I think it's -- it's common for me to occasionally reach
10 out to Nica and say, hey, I haven't got a hold of Amy, so I
11 reach out to my next level leader.
12 Q How many times in a given month while you were the store
13 manager at 5th & Pike would you reach out to Nica?
14 A I don't recall an exact amount of times, but I would say
15 in a month maybe a couple of times.
16 Q Okay. And do you -- so it looks like below this is in
17 response to an email from the same date from yourself to Katie,
18 Amy, and Nica. Do you remember why you sent that email?
19 A I sent it to let them be aware of the situation that had
20 happened.
21 Q Did Nica or Amy or Katie ask you to send this email?
22 A No.
23 Q Okay. And now back to the General Counsel exhibits. We
24 have a couple left. Starting at General Counsel 50. This one
25 is a June 3rd email from yourself to Amy, attaching three, at

1 least, draft corrective actions. Do you see that?
2 A Yes.
3 Q Do you remember why you sent this emai -- emai -- email to
4 Amy?
5 A Again, probably just to make her aware of my
6 conversations --
7 Q Did --
8 A -- and the corrective actions that I was going to deliver
9 Q Did Amy give her input on these corrective actions?
10 A I don't recall, specifically, on all of them if she did or
11 not.
12 Q Okay. Let's look at General Counsel 51, a June 6th --
13 just a few days later -- email from yourself to a Damaris De
14 Luna with Amy cc'd. Who is Damaris?
15 A Damaris is a -- works for partner relations at Starbucks.
16 Q And why did you send this email to Damaris?
17 A She asked me for any -- any information on the
18 conversations I had had with this partner.
19 Q Do you know why?
20 A I had reached out to partner relations, as I stated
21 before, to get guidance on the level of corrective action that
22 would be appropriate in this case. So she asked for any notes
23 I would have that would help her kind of understand the context
24 of the whole situation in order to make a decision.
25 Q Did you make a recommendation?

1 A I did, yes.
2 Q What was your recommendation?
3 A I -- as it stated here -- like, I -- I verbal -- verbally
4 level-set the conversation, and then I thought the next step
5 should be a written warning.
6 Q And how did Damaris respond?
7 A To my knowledge, I believe she supported that when we
8 talked.
9 Q In this -- in a case like this -- or I guess, in this
10 specific case, it -- would you say Damaris was the ultimate
11 decision-maker or were you?
12 A I was.
13 Q Okay. Do you have General Counsel Exhibit 53?
14 A Yes.
15 Q This one's a June 25th email. It's from the top -- email
16 at the top here -- is from Amy, but there's no "to" field. Do
17 you happen to remember who this was -- did you receive this
18 from Amy?
19 A So this is Amy's response -- I don't believe I was sent
20 this response -- the "good evening. These are the corrective
21 actions". But I sent an email to Bryan Craig, who is
22 partner -- the senior partner relations associate, cc'ing Amy
23 on it, and this is Amy's response maybe to him. I don't know.
24 Q Okay. So looking -- the -- the email you sent is
25 reflected in the middle of the first page of this exhibit?

1 A Yes.
2 Q And you say, "Here you go" to Bryan, with Amy cc'd. "Let
3 me know if I need to reword anything." Was that directed to
4 Bryan or to Amy?
5 A To Bryan.
6 Q And did Bryan respond?
7 A Not that I can see here.
8 Q Do you remember if he responded?
9 A I don't recall any specific answer from him.
10 Q Do you remember if he told you to reword anything?
11 A I don't believe he did.
12 Q And you -- to the best of your understanding, would be
13 that this was Amy sending the final versions to Bryan?
14 A Yes. To my knowledge, yes.
15 Q Okay. Let's look at General Counsel Exhibit 54. This is
16 an email from Bryan to Amy with you cc'd and some others, dated
17 June 28th. Actually, let's -- let's flip to page 3 where the
18 email chain begins. It looks like at the top of page 3 we
19 recognize that as the email we just talked about your June 24th
20 email to Bryan and Amy. Do you see that?
21 A Yes.
22 Q So bottom of page 2, it looks like Bryan responds. What's
23 a DC?
24 A Documented coaching.
25 Q And then in the middle, did you receive this email from

1 Amy -- it looks like it would've gone to Bryan -- dated June
2 25th? "Can you confirm this is legal-approved for the
3 separation?"
4 A I mean, that's what it says there, yeah.
5 Q Do you remember if you received Amy's email?
6 A I don't recall, no.
7 Q Do you remember why the store was seeking legal's approval
8 of the separation?
9 A If -- for something that severe, we were told to reach out
10 to partner relations to get guidance.
11 Q Did you do that in every case when a partner was
12 separated?
13 A For separations, yes.
14 Q Okay. Did you do that for Tawny Cross?
15 A I did not separate Tawny Cross.
16 Q Okay. Did you do that for James Tanner?
17 A No. Because I did not separate James Tanner.
18 Q Were you no longer at the store when those happened?
19 A I -- yeah. When I was there, they still were employed.
20 MS. DEVLEMING: Permission to approach, Your Honor?
21 JUDGE MONTEMAYOR: Sure.
22 MS. DEVLEMING: Your Honor, I've presented the witness
23 with what's been marked for identification as General Counsel
24 Exhibit 56.
25 Q BY MS. DEVLEMING: Jer, take a minute, if you need to to

1 review this document. I know it's several pages. And just
2 look up at me when you're done.
3 A Okay.
4 Q Do you recognize this document?
5 A Yes.
6 Q What is it?
7 A This is an email that -- between me and a partner
8 relations consultant regarding some corrective actions that I
9 had written.
10 Q And this one's dated August 4th?
11 A Correct.
12 Q Do you remember why you sent this? I'm sorry. This is --
13 the top is from a Jennifer Durham to yourself. But it looks
14 like at the bottom is our email to Jennifer?
15 A Yes.
16 Q Do you remember why you sent this to Jennifer?
17 A I wanted guidance on if I needed to -- to deliver these
18 corrective actions.
19 Q And it looks like -- you say, "I wanted to clarify. Can I
20 deliver those I sent over". So was there an earlier email, as
21 well, to Jennifer?
22 A No. I believe we talked on the phone.
23 Q But how did you send over the draft corrective actions?
24 A If I -- I mean, they would've been through emails if I
25 sent her drafts.

1 Q Did you consult with Amy or anyone else in upper
2 management before drafting these attached corrective action
3 forms? Other than -- I should say, other than Jennifer?
4 A No. With these ones I don't believe I did. These were
5 just me writing these corrective actions for the time and
6 attendance policies violated.
7 Q And then it looks like Jennifer made some minor edits? Do
8 you remember her making edits?
9 A I don't recall the edits that she made without seeing, you
10 know, the original document versus this one.
11 MS. DEVLEMING: Okay. Your Honor, I'd offer General
12 Counsel Exhibit 56.
13 JUDGE MONTEMAYOR: Any objection to 56?
14 MS. STROESCU: No objection.
15 JUDGE MONTEMAYOR: 56 will be admitted.
16 **(General Counsel Exhibit Number 56 Received into Evidence)**
17 Q BY MS. DEVLEMING: Find my place. So we just talked
18 through General Counsel 41, 42, 43, 44 45, 46, 47, 48,
19 Respondent Exhibit 17, General Counsel 50 -- pages are sticking
20 together -- 51, 53, 54, 56. And these are all dated between
21 March -- actually, there's -- sorry -- one in early February --
22 February 7th through August 4th, 2022. Why did you develop
23 such a habit of communicating drafting disciplines during that
24 time frame?
25 A As I stated before, like, I have -- had these level-side

1 conversations earlier in the year, and my intention, as I
2 stated, to the partners, was to hold them accountable to those
3 violations.
4 Q And before -- I think the first one that reflects you
5 sending over a draft of a discipline to Amy is -- was dated
6 March 9th -- General Counsel 43. Before March 9th, had you
7 drafted any discipline while a store manager at 5th and Pike?
8 A I don't recall if there was anything specifically drafted
9 before that date.
10 Q Had you communicated, in writing at least, with Amy
11 Quesenberry about any potential discipline before March 9th?
12 A We talked about partner interactions and conversations and
13 verbal coaching that I had given partners, level-setting
14 expectations -- all that kind of stuff.
15 Q What about written discipline?
16 A Did we -- what was the question?
17 Q Did you talk to -- did you send over drafts of written
18 discipline to Amy Quesenberry before March 9th?
19 A I don't recall doing it.
20 Q Do you have any recollection of presenting any written
21 discipline to any employee before or about March 9th?
22 A I don't recall the dates, no.
23 Q Do you remember any names of employees you presented
24 discipline to before March 9th?
25 A No, I don't recall.

1 Q Okay. Let's look at Respondent Exhibit 15. So this is,
2 again, your OneNote notes about Nelson Hoang; is that right?
3 A Correct.
4 Q And the first date on here is March 22nd; do you see that?
5 A Yes.
6 Q Did you -- when did you far -- first start taking notes
7 about Nelson Hoang?
8 A I -- would've been -- looks like I made the document March
9 25th.
10 Q So you didn't take any notes about Nelson before March
11 25th?
12 A No.
13 Q Why did you start taking notes about Nelson on March 25th?
14 A With the level and volume of violations that started to
15 occur, I saw the need to just start, basically, documenting
16 everything for my own notes so that I could keep track of
17 everything.
18 Q And yet you were -- you testified on direct about these --
19 I think it's 11 -- at least 11 different dates listed here --
20 between March 14th and June 27th for attendance and
21 punctuality --
22 A Correct.
23 Q -- concerns? Not a single one of these made it into a
24 written discipline, though; is that right?
25 A I don't recall. I'd have to look at the disciplines.

1 Q Anything other than what we've talked about today -- none
2 of the rest of them might've made it into any written
3 discipline?
4 A Again, I'd have to see them -- the -- the corrective
5 actions I wrote -- which -- which dates they were for, but.
6 Q Okay. Are you aware that the subpoena would've covered
7 any written corrective actions of Nelson Hoang committing any
8 of these incidents to writing?
9 A I don't understand the question.
10 Q Okay. There's a subpoena that issued that, if there were
11 any other written corrective actions, committing any of these
12 instances of attendance and punctuality issues to writing --
13 that would be in our record?
14 A Oh.
15 MS. STROESCU: Objection, Your Honor. These questions
16 about whether or not he has knowledge of what's in the subpoena
17 as the witness is not required to know what's in the subpoena.
18 JUDGE MONTEMAYOR: The -- the objection is sustained as to
19 the way the question was framed.
20 MS. DEVLEMING: Okay.
21 Q BY MS. DEVLEMING: Do you reca -- well. If -- if there
22 were a written discipline covering any of these instances --
23 well, have you been shown all written discipline you recall
24 issuing to Nelson Hoang?
25 A Yes.

1 Q And so you just decided, even when you ended up firing him
2 for time and attendance, you didn't mention the vast majority
3 of these incidents in that write-up?
4 A Mentioned to who?
5 Q Nelson. In Nelson's notice of separation, you mentioned
6 two incidents when there were 11 -- at least 11 -- you could've
7 cited. Why did you leave the other nine?
8 A Because we had already verbally talked about the instances
9 before and that the corrective actions was specifically for the
10 two no call/no shows.
11 Q Not for any earlier no call/no show?
12 A No. It was a pattern of behavior that led to that
13 decision.
14 Q Okay. And toward the bottom here -- well, actually,
15 starting the middle, it says, "PDC 4/4/22" -- this is, again,
16 summarizing your partner development conversation with Nelson
17 on April 4th?
18 A Um-hum.
19 Q And it -- it -- looking at point 1, a "convo about no
20 call/no shows". Are you following where I am?
21 A No. Sorry. Oh, yes.
22 Q "Been to doctor. No results. Sometimes to going to ER in
23 the middle of the night." Do you remember discussing that with
24 Nelson?
25 A Yes.

1 Q How did you respond when he shared that information to
2 you?
3 A I asked him what he needed. What the determination, you
4 know, would be to let me know as soon as he -- as he could so
5 that I could support in any way, whether, like, giving him a
6 leave of absence accommodation to -- to be out of work or time
7 off -- things like that. But that -- in the policy, anyone
8 no -- no -- no call/no shows would be further corrective
9 action. I asked him to reach out to our company, Sedgwick,
10 that handles our leave of absence. And he said, okay, but
11 never -- to my knowledge, he never said he'd reach out to them.
12 Q But you -- so you were aware of his ongoing health issues?
13 A Yes.
14 Q And then, I guess, just above -- well, we already talked
15 about that in the other document -- the mention of the Union.
16 Let's talk about towar -- point 3, "no show for meeting on
17 5/24". This is that store meeting?
18 A Correct.
19 Q And this is what resulted in his final written warning,
20 dated June 3rd?
21 A Correct.
22 Q Point 3(b) says, "I advise sometimes we have to schedule
23 outside of availability". So you knew that the meeting was
24 scheduled outside of his availability?
25 A Yes. In our Starbucks time and attendance policy it

1 states that at times we will have to schedule outside partners'
2 availability.
3 Q Did you know Nelson had a second job?
4 A Yes.
5 Q When else have the partners been forced to work outside of
6 their availability?
7 A Partners are often scheduled for meetings outside their
8 availability if that is the only time that's deemed necessary
9 to have the meeting.
10 Q Okay. So in this case, the only time you could -- could
11 possibly have held the meeting was when Nelson was scheduled
12 for his section -- second job?
13 A Yes.
14 Q Why was that?
15 A Between everyone's schedule, it was, like, the most -- I
16 could get the most people there within their availability, but
17 that there would be a couple without. And so I spoke to those
18 partners and none of them gave me any indication that they
19 would not be able to attend.
20 Q Did you speak with Nelson?
21 A Yes.
22 Q You knew he had a second job at that time?
23 A Yes.
24 Q And what did he tell you?
25 A He did not tell me that he could not attend.

1 Q Would there be documentation showing the times that you've
2 scheduled meetings or other things for partners outside of
3 their requested availability?
4 A It would be on the schedule that I made and posted for
5 partners.
6 Q And so you kind --
7 A You'd have to cross-reference with their availability.
8 Q Um-hum. So basically, de facto, Starbucks employees can't
9 have second jobs because you can schedule them whenever you
10 like, and they just have to miss their second job?
11 A They can have second jobs, to my knowledge.
12 Q Okay. But they're going to lose that second job if they
13 miss their scheduled shift because you've scheduled something
14 outside of their availability?
15 MS. STROESCU: Objection. Speculation.
16 JUDGE MONTEMAYOR: I'll -- I'll allow the question.
17 Overruled.
18 THE WITNESS: Can you repeat the question?
19 Q BY MS. DEVLEMING: Yeah. So it sounds to me like the de
20 facto policy is the partners really can't have second jobs
21 because they have to be available outside their availability
22 for store meetings, for example?
23 A What does de fact mean? Sorry.
24 Q De facto means there might be a written policy or some
25 kind of understand that you can have a second job, but if, in

1 fact, I'm going to be required to attend a store meeting when
2 my second job is taking place I really have to choose one or
3 the other.
4 MS. STROESCU: Objection. Compound question.
5 JUDGE MONTEMAYOR: I'll allow the question.
6 A I -- so if I'm understanding your question correctly, yes,
7 partners can have second jobs -- three jobs -- as many jobs as
8 they want. That's up to them. If a partner comes to me and
9 tells me I cannot attend this shift or meeting, which is also a
10 shift that they're scheduled for I would expect them to tell me
11 why. And if there was a reasonable reason why they could not
12 attend we could make accommodation for that time. But as I
13 stated before, there was no given indication that this partner
14 could not attend -- that Nelson Hoang could not attend this
15 meeting.
16 Q Isn't it true that you already true that you already knew
17 Nelson's scheduled at his second job? You knew he couldn't
18 pick up afternoon or evening shifts at Starbucks?
19 A No, that is incorrect.
20 Q Have other partners been forced to kind of choose between
21 Starbucks or their second job?
22 A I don't know. I don't want to speculate on their own
23 feelings.
24 Q From your experience. Have -- have you been involved in a
25 situation where requiring a partner to attend something outside

1 of their availability made them lose their other job?
2 A No.
3 Q Okay. So then the next page of Respondent 15, second
4 page, it says, "Point C: PRVC recommends separation but to
5 consult due to his past medical reasons". So first, what's
6 PRVC?
7 A Partner relations virtual coach.
8 Q Okay. And that recommended consultation but to consult?
9 A It recommended separation because what I had put into the
10 coach was it was a no call/no show. They asked if any -- if
11 there are any other final written -- if there was a final
12 written warning within the past six months for time and
13 attendance. And then if I say "no" or "yes", it responds. I
14 said, "Yes, there was a final within the last six months for
15 time and attendance". So it says, separation is the
16 recommendation, but feel free to consult partner relations for
17 any further guidance or your next-level leader.
18 Q Okay. But here you say, but -- "to consult due to his
19 past medical reasons". Is that what the PRVC said?
20 A No. That was my opinion.
21 Q And who did you consult with?
22 A I consulted with partner relations directly.
23 Q And what was their recommendation?
24 A Their determination was -- after I explained the
25 situation -- because the reasons for his two no call/no shows

1 were not due to his medical reasons, as stated by him -- he
2 stated other reasons -- that they would be -- they would fall
3 under a separation.
4 Q Remind me, when Nelson told you that they weren't for
5 medi -- at least the no call on June 20th -- when did he tell
6 you that wasn't for medical reasons?
7 A So for the no call/no show for 5/24, he told me, when I
8 asked him why he didn't show up, he said he forgot to tell me
9 that he was working at his other job.
10 Q That's about the meeting. But the second incident, the
11 June 20th incident --
12 A Yep.
13 Q -- when he overslept. When did Nelson tell you that had
14 nothing to do with his medical condition?
15 A When I had the conversation before separating him. In the
16 conversation with the separation, I asked him, first, why was
17 he -- why was he no call/no show that day? And when he told me
18 that it was for him oversleeping, then I went forward with the
19 separation.
20 Q If you're not feeling well, might you sleep?
21 A It's Starbucks policy to -- to call the store and let them
22 know that you will not be attending your shift.
23 Q That's not my question.
24 A And he did not do that.
25 Q My question is, if you're not feeling well, like you knew

1 Nelson wasn't, might you oversleep?
2 A I -- I don't know his -- his full medical history.
3 Q That also isn't my question. I'll repeat it again. If
4 you're not feeling well, might you oversleep?
5 A Sure. Maybe.
6 Q And is it your testimony today that during his separation
7 meeting, Nelson reassured you that oversleeping had nothing to
8 do with his medical condition sending him to the ER?
9 A I'm sorry. Can you repeat that?
10 Q Is it your testimony today that during your separation
11 meeting with Nelson he reassured you -- told you --
12 affirmatively -- that the oversleeping on June 20th had nothing
13 to do with his medical condition?
14 A No, he did not.
15 Q Say that?
16 A He didn't say much of anything.
17 Q Let's talk a little about Sarah Pappin. How long did you
18 work with Sarah?
19 A My entire time at 5th & Pike and a short time at a
20 different store. The --
21 Q What other store?
22 A 120th in Lake City Way.
23 Q Was that before or after your time at 5th and Pike?
24 A Before.
25 Q When the petition -- the 5th & Pike petition was filed in

1 January 2022, you became of aware of Sarah's involvement in the
2 filing of that petition, right?
3 A Yeah. She -- yeah -- she was listed as the -- she was the
4 one who texted me, I believe.
5 Q Texted you with a copy of the petition?
6 A Yes.
7 Q And she also approached you directly to answer any
8 questions you had about the Union?
9 A She was part -- in the shift meeting that we had -- she
10 was one of the people that asked me if I had any questions.
11 Q Have you seen Sarah's name quoted in various news media
12 articles about the 5th & Pike petition?
13 A I had been made aware of a couple, yes.
14 Q Okay. Which ones?
15 A A couple Twitter posts were showed to me that had -- that
16 were either from Sarah's account or had Sarah listed on them or
17 a photo.
18 Q Do you remember which -- is it Twitter, are you saying, is
19 the news source? Or do you remember other news articles?
20 A Twitter was the only source that I knew of.
21 Q Do you remember a Seattle Times article?
22 A No.
23 Q Or a Vice article?
24 A No.
25 Q You mentioned seeing her name listed on this -- the

1 petition letter. What about strike notices?
2 A Yes. To my knowledge, she was on all the strike notices.
3 Q Are you aware that she is a member of not only the
4 regional organizing and barting -- bargaining committee for the
5 Union, but the -- well -- okay. Are you aware she's a member
6 of the Pacific Northwest regionwide organizing and bargaining
7 committees for Union?
8 A No.
9 Q You talked about a meeting between you, Sarah, and Eddie
10 Heitger. Can -- do you -- I -- I'm sorry. I think I missed
11 the date. Do you remember when that meeting was?
12 A I don't. I'd have to look at the notes.
13 Q Okay. Let's grab Respondent Exhibit 3. Which is this
14 chart.
15 A Yeah.
16 Q And if you turn to page 4, which in the bottom right
17 corner, says "46 out of 60".
18 A Okay.
19 Q I think you identified at least the last two text messages
20 here as being texts you discussed with Sarah and Eddie Heitger
21 at that meeting?
22 A Yes.
23 Q So these texts were received on March 7th. Was the
24 meeting soon after that?
25 A I believe it was a couple of days.

1 Q Okay. And so these texts are -- and let's just flip to
2 page -- the next page, 47 out of 62. There's one more on March
3 7th. It looks like all three of them are time-stamped around
4 8:00 to 8:21 p.m.?
5 A Correct.
6 Q Is that late at night to you?
7 A It's in the evening, I would say.
8 Q Okay. Is that after bedtime?
9 A No.
10 Q Didn't you attempt to call Sarah about pushing back the
11 stores' opening time on April 6th at 10:15 p.m.?
12 A It's very possible, yes.
13 Q And you called all of the other openers around that same
14 time, 10:15 p.m. that night, right?
15 A If it was to talk about the plan to open the store, I
16 would've contacted everyone who's involved in opening the store
17 so they all knew the plan.
18 Q Even if it was past 10 p.m.?
19 A Yes. Because it was important to opening the store.
20 Q Okay. And looking at Respondent Exhibit 14, which is a
21 text message.
22 A Okay.
23 Q It looks like you attempted to text her at 10:20 p.m.?
24 A Um-hum.
25 Q Sarah?

1 A Yes.
2 Q And just keep that handy. We'll talk about it again in a
3 minute.
4 MS. DEVLEMING: Although this may be a decent breaking
5 point? Or I could kind of go out of order. There's one set of
6 documents I need to organize, Your Honor.
7 MS. STROESCU: We're happy to keep going, Your Honor.
8 JUDGE MONTEMAYOR: Say that again. I'm sorry.
9 MS. DEVLEMING: I just have a set of documents to organize
10 that would kind of come up here in the chronology, but I can do
11 if we prefer to keep going. But this would be a -- a fair
12 stopping point, I would say.
13 JUDGE MONTEMAYOR: We can keep going. I'm fine with you
14 keeping going.
15 MS. DEVLEMING: Okay.
16 Q BY MS. DEVLEMING: Okay. Let's pull out General Counsel
17 Exhibit 30(a). I mean, sorry -- 30(a) through (b) -- the whole
18 big stack of disciplines.
19 A Sorry. We're done with these?
20 Q I think so.
21 A Okay.
22 Q We might have to go a little out of order after lunch,
23 but.
24 A General Counsel --
25 Q 30.

1 A 30.
2 Q It's a big stack.
3 A Got it.
4 Q Okay. So let's look at 30(a) first. This is another copy
5 of, I think, something we've already looked at, which is --
6 looks to be at least a draft of a documented coaching dated
7 March 9th, 2022 for Sarah Pappin. Do you see that?
8 A Correct.
9 Q Do you recall -- well, I think we've kind of hammered that
10 home.
11 MS. DEVLEMING: Sorry. Let me find my spot again, Your
12 Honor.
13 Q BY MS. DEVLEMING: Okay. Scratch that. Let's start with
14 30(b). This one is date created 3/21/22, partner name Laurelle
15 Manriquez-Flores. Also not signed. Do you have a recollection
16 of presenting this to Ms. Manriquez-Flores?
17 A I don't recall.
18 Q Okay. Okay. How about 30(c)? Do you recall presenting
19 this to Tawny Cross?
20 A I recall presenting corrective actions to Tawny Cross. I
21 don't recall if this was the one or not.
22 Q Okay. Do you have any specific recollection of presenting
23 this one that's date created March 21st that talks about
24 incidents on February 2nd, 17th, 27th, March 2nd, and March
25 19th?

1 A I don't recall, no.
2 Q How about 30(d)? Do you recall presenting a discipline
3 with this substance? To what's reflected here in the date
4 created discipline of 3/23 to Aldrich Lapid?
5 A I do recall delivering this to Aldrich Lapid, yes.
6 Q And how did Aldrich respond when you presented this to --
7 is it him?
8 A Him, yes. He acknowledged, and to my kno -- I don't
9 recall if he signed it or not.
10 Q Okay. Did he explain why he wasn't signing?
11 A I don't recall if he signed or refused.
12 MS. DEVLEMING: Your Honor, I'd ask that an adverse
13 inference be drawn that there is no signed copy in the
14 production.
15 Q BY MS. DEVLEMING: How about 30(e)? Do you recall
16 presenting this to Shar -- Sarah Renshaw?
17 A I don't recall if I delivered this to Sarah Renshaw.
18 Q How about 30(f)? Do you recall presenting this to
19 Severina Schulz?
20 A Same thing. I don't recall.
21 Q We can skip 30(g). I see a signature. Skip 30(h), 30(i),
22 30(j), 30 -- 30(k) has names typed in, but I don't see a
23 signature. Is -- what do you take from that?
24 A This one, I believe, I was -- I believe I was leaving the
25 store not too long after this, and I believe I gave this to the

1 other store manager to deliver.
2 Q Okay.
3 A The -- the one taking over my place.
4 Q Who was that?
5 A Christy Ferguson.
6 Q Why is your name typed into it?
7 A I had doc -- I had written up the document as is common
8 with store managers, and then I said, here's the document that
9 I planned to present to her. So I asked Christy to do that.
10 Q Did you participate in the meeting where Chrisny --
11 Christy presented this to Julietta Zhu?
12 A I did not, no.
13 Q Did Christy tell you whether she had presented this to
14 Julietta Zhu?
15 A She did not, no.
16 Q She didn't tell you or she didn't do it?
17 A I don't recall her ever telling me that she did or not.
18 Q Do you have a -- sitting here today, do you know whether
19 she presented it to Julietta Zhu?
20 A I don't know.
21 Q Okay. Looking through -- skipping the ones with
22 signatures --
23 A It looks like there is one to Julietta from Christy
24 Ferguson with the same dates on it.
25 Q Same dates? Okay. Wait. What number is that?

1 A 30(m) as in Mary.
2 Q So this looks like it adds in dates, and it's dated a
3 different date created. Do you see those?
4 A Yes, correct.
5 Q Okay. So the -- the one reflected in 30(k), that is date
6 created August 2nd, and it has one, two, three, four, five,
7 six, seven, eight purported instances of tardiness.
8 A Correct.
9 Q None of your previous answers have been changed by seeing
10 30(m)?
11 A Sorry. Can you clarify what you --
12 Q Yeah. I mean, we can whiz through the questions again,
13 but the one that we talked about that says "date created August
14 2nd" that's not signed that has -- I'm sorry -- one, two,
15 three, four, five, six, seven, eight listed instances all in
16 the month of July of Julietta apparently being late. This one
17 you don't -- you -- your recollection is that you handed it off
18 to Christy to present, and you don't know if Christy ever did?
19 A No. But then you asked me if I -- to the -- to this day
20 if I knew, and I see a document before me that shows that she
21 did.
22 Q Okay. But I'm distinguishing. This document says, "Date
23 created: August 2nd". The document you're pointing to says,
24 "Date created: August 10th".
25 A Correct.

1 Q And it has additional instances in August?
2 A Correct.
3 Q Okay. So looking at General Counsel 30(k), the August 2nd
4 document with eight instances only in July, your testimony is
5 that you handed this off to Christy --
6 A Correct.
7 Q And you don't know whether this exact document -- whether
8 Christy ever presented this document to Julietta?
9 A Correct.
10 Q Okay. Now, we can talk about 30(m). This one, obviously,
11 it looks like, I see the signature from Christy. She presented
12 this one to Julietta Zhu. If the August 2nd discipline for
13 Julietta had been presented, would you have -- would Christy
14 have duplicated it in the August 10th version?
15 MS. STROESCU: Objection. Speculation.
16 Q BY MS. DEVLEMING: In your experience --
17 JUDGE MONTEMAYOR: Sus --
18 Q BY MS. DEVLEMING: -- as a store manager?
19 JUDGE MONTEMAYOR: Sustained. Objection sustained.
20 You're rephrasing the question. Go ahead.
21 Q BY MS. DEVLEMING: In your experience as a store manager,
22 if you had issued one discipline with eight instances of
23 tardiness, would you, eight days later, issue a second, listing
24 all those same instances and a couple more?
25 A I might reference -- I would -- I would most likely

1 reference the previous corrective action and say, in addition
2 to these dates, which we have already talked about, here are
3 more.
4 Q Okay. And --
5 A But it would probably just be a reference.
6 Q And General Counsel 30(m) -- oh, sorry. 30 -- yeah, M. I
7 don't see a reference to an earlier corrective action. Do you?
8 A I mean, I see the same dates.
9 Q Right. But your testimony is that you would've referenced
10 an earlier corrective action?
11 A With those dates, yes.
12 Q Uh-huh. And this one is a documented coaching. That's
13 the first step on the documented corrective action scale?
14 A Correct.
15 Q Okay. Let's talk about April 7th.
16 MS. DEVLEMING: And you know, stop me when we're ready for
17 a lunch break.
18 Q BY MS. DEVLEMING: Let's talk about April 7th. On that
19 date, due to staffing constraints, you decided to push back the
20 store's opening time, right?
21 A If I recall the date -- I'd have to look at the date.
22 Q Yeah. I might --
23 A I think -- I feel like we've talked about that, but I --
24 Q Okay.
25 A I think that's the date. Yes. That's correct.

1 Q Is that right?
2 A Yes.
3 Q How did you confirm that? Just so I can confirm it too?
4 Ah. Well, okay. So I guess I'll rephrase. On April 6th, in
5 the evening, you decided you needed to push back the store's
6 opening time on the 7th?
7 A Correct.
8 Q Is that right? And you needed to push it back by four-
9 and-a-half hours?
10 A I believe the time was get there at 9, open at 10, I
11 think. So yeah, roughly, yeah.
12 Q And around what time the night before did you make that --
13 make that decision?
14 A It was late in the evening, I remember. I was waiting on
15 phone calls from partners and talking to everyone involved.
16 Q And what time were the first openers scheduled to start
17 the next morning?
18 A I believe we -- we opened at 5 and started at 4:30, if I
19 remember correctly.
20 Q Okay. And so you -- when you made the decision, you
21 called and either spoke to or left a voice mail for several of
22 the openers, right?
23 A Sorry. Can you repeat?
24 Q When you decided to push back the store's opening time the
25 next morning, you called and either spoke to or left a voice

1 mail for Josh Nagy?
2 A I don't recall if I left a voice mail. I know I
3 communicated to him through text, I believe.
4 Q Okay. What about for Andy?
5 A I believe it was a text to all of them at once.
6 Q Oh, one group text?
7 A To the people that were opening, I believe it was.
8 Q But Sarah wasn't on that group text?
9 A Yes. I would've sent it to Sarah because she was opening.
10 Q Is that reflected -- the group text -- with other names --
11 A I don't recall if it was a group. I just know I texted
12 each partner.
13 Q You called Sarah at 10:15, and she didn't answer. But you
14 didn't leave a voice mail?
15 A I don't recall if I called her. I -- I know I did a text
16 message. I don't -- I might've called her. It's possible.
17 Q Okay.
18 A If I did leave a voice mail -- that's possible. I --
19 probably that's why I texted her after that, just so she would
20 have the message.
21 Q Would it be out of the ordinary for you to call and not
22 leave a voice mail?
23 A Would it be out of the ordinary? No.
24 Q Why would you call and not leave a voice mail?
25 A I -- for most of the partners at that store we had, like,

1 a text, kind of relationship as far as communication goes. We
2 decided that was -- that worked for most of us. So since we
3 communicated that way in the past, I chose to do it again
4 this -- this time.
5 Q You texted about all kinds of store-related issues?
6 A As did she, yes.
7 Q Right.
8 A We texted each other.
9 Q Were you expecting her to be awake at 10:15 p.m.?
10 A Not necessarily, but I just wanted her to know the plan so
11 that when -- either she saw it then or in the morning she would
12 know what to do.
13 Q Let's look at Respondent's Exhibit 14, a text message.
14 Okay. So we talked about the text in the middle of the field
15 here. It looks like it's time-stamped 10:20 p.m. that starts,
16 "Okay. Plan is to get there at 9"? Do you see that?
17 A Correct.
18 Q And right next to 10:20 p.m. it says, "SMS". Do you know
19 what that means?
20 A I don't know what it stands for, but it's something to do
21 with messaging on a phone.
22 Q Okay. And the text above I don't see SMS below -- or
23 below?
24 A When you -- when I touch the bubble, it comes up with a
25 time-stamp and the SMS appears. So when I was looking to see

1 what time this was sent, I clicked on it to see that. If I
2 clicked on any of their bubbles it would've done the same
3 thing.
4 Q Okay. So you're telling me -- who -- who took this
5 screenshot?
6 A I did.
7 Q So when you're taking a screenshot, how do you --
8 mechanically -- how do you take a screenshot?
9 A It's -- my phone -- it's volume down and the power button
10 together at the same time.
11 Q So different buttons, and you're simultaneously holding
12 down all --
13 A No, no.
14 Q -- the text messages?
15 A You don't need to hold it down. I -- if I -- if I tap the
16 bubble, it will show the time stamp and just stay there.
17 Q Why did you do that for this particular text?
18 A I was curious when -- when I sent it.
19 Q Do you and Sarah have -- have you noticed before in
20 texting Sarah that if you hold down on a text message it says
21 "SMS"?
22 A I don't recall doing that before.
23 Q Do you and Sarah have the same kind of, like, both
24 Androids -- both Apple pho -- iPhones?
25 A I don't know what kind of phone Sarah has.

1 Q Are you aware that often when you send a text message that
2 doesn't go through the color and maybe the indication might
3 change?
4 A No. On my phone, this indicates that the message was sent
5 through. That's how I know it was.
6 Q Have you ever had an issue with Sarah not receiving your
7 text messages before?
8 A Not that I recall.
9 Q You're aware that Sarah claims she didn't receive that
10 text message?
11 MS. STROESCU: Objection to the extent the question asks
12 for attorney/client privilege conversations.
13 JUDGE MONTEMAYOR: Objection's overruled. She asked if
14 he's aware.
15 Q BY MS. DEVLEMING: Are you aware that Sarah claims she did
16 not receive that text message?
17 A From looking at the document of her screenshot, I would
18 ascertain -- is that the right word -- that she did not receive
19 the text message.
20 Q She did -- never raised that with you?
21 A No.
22 Q Did you ever discuss with Sarah at least Sarah's
23 perspective that she had not been notified about the change to
24 the store hour?
25 A No.

1 Q You never had a discussion with Sarah about that?
2 A I believe there was a text message the next morning from
3 Sarah saying, what's the plan? And I think I said something to
4 the effect of I texted you, or -- I'd have to look at the --
5 the document that.
6 Q So let's look at Respondent Exhibit 3. I'm on the second-
7 to-last page that says "51 out of 60" in the bottom --
8 A Um-hum.
9 Q -- corner.
10 A Yes.
11 Q And I see the second column in the second row is an April
12 6th text from yourself to Sarah at 10:20, "Okay. Plan's to get
13 there at 9". That's the same text we've been talking about?
14 A Correct.
15 Q And then the next morning, 4:15 a.m., Sarah texts, "Hey,
16 what's the plan for today"?
17 A Correct.
18 Q Is that the one you mentioned where she texted?
19 A Yes.
20 Q I don't see a text here with you responding.
21 A No. I don't believe I responded in text.
22 Q Okay. Did you respond in person?
23 A I -- I believe we either talked on the phone later that
24 day or talked in person at the store when we next saw each
25 other.

1 Q And what do you recall discussing with Sarah with respect
2 to her asking what's the plan for today, currently not
3 receiving your text?
4 A She -- I don't recall her -- if she said she did not
5 receive the text or not. I just remember something about her
6 reiterating this message of what was the plan. And I
7 reiterated that I sent it to Josh and all of them and together.
8 So.
9 Q And it looks like Sarah's text said, "Hey, what's the plan
10 for today. I just talked to Josh, and he sent me the text you
11 sent him last night. But I didn't get a text or voice mail
12 from you". So she did raise with you that she never got your
13 text?
14 A Yes.
15 Q And she raised it again in person?
16 A It's possible. I -- I think we had that conversation. I
17 feel like that happened.
18 Q But you shifted that conversation pretty quickly to a
19 coaching conversation, right, about her swearing?
20 A I don't recall that being the same day.
21 Q Oh, those were different days?
22 A I don't recall.
23 Q Do you recall that the April 4th -- the day that Sarah
24 said the day had "fucking sucked" was the same day that Howard
25 Schultz came back to Starbucks?

1 A I was not aware of that.
2 Q And that evening after she said it -- "the day had fucking
3 sucked", you didn't call her out on her swearing in the moment?
4 A I believe I told her something to the effect that we would
5 talk about it at a later time.
6 Q Talk about the swearing?
7 A Talk about the day.
8 Q So you didn't say anything about the swearing
9 specifically, that evening?
10 A I don't believe in the moment I sai -- in -- at -- during
11 the conversation, I did.
12 Q You swear at work, right?
13 A Not commonly. It's possible in my 19-year career that I
14 have, but it's not a common occurrence for me.
15 Q Okay. Would I surprise you that many of your former
16 employees have testified that you do?
17 A It would surprise me just with the fre -- saying that I do
18 it more than -- I might occasionally, but I don't even recall
19 the last time I have, honestly.
20 Q You've never gotten in trouble or gotten written up for
21 swearing?
22 A No.
23 Q Who did you consult with about the decision to issue Sarah
24 a written warning over the cursing incident?
25 A I consulted with Amy Quesenberry and partner relations.

1 Q Ad what did they say?
2 A They determined that my determination of the corrective
3 action was supported.
4 Q So it was your recommendation to issue a written warning,
5 and they agreed?
6 A We talked about -- I think I -- yeah, I -- I believe I
7 recommended. That was my recommendation, and then they
8 supported that.
9 Q Okay. Do you recall the partners at 5th & Pike went on
10 their very first strike the very day after you issued the
11 written warning to Sarah?
12 A I remember the strike happened the next day.
13 MS. DEVLEMING: Your Honor, I've got three or four more
14 pages, and several documents I need to organize to get through
15 cross of this witness. It will take me at least another hour.
16 Should we break for lunch now?
17 JUDGE MONTEMAYOR: Well, we're at 12:27. I'm -- I'm okay
18 with continuing for another hour. That will take us to 1:30
19 and then redirect, well -- so we probably won't get to lunch
20 maybe until like 2:00; I don't know.
21 MS. STROESCU: That's fine with us, Your Honor.
22 MS. DEVLEMING: There's just -- I'm going to need at least
23 one break to organize a set of exhibits before I finish cross.
24 JUDGE MONTEMAYOR: Okay. Well, this is probably a good
25 place to take a break. I think the witness probably could use

1 a break and some time to stretch here. So we're at 12 -- we'll
2 call it 12:30. We'll take ten minutes here and we'll return.
3 We'll go off the record.
4 (Off the record at 12:28 p.m.)
5 JUDGE MONTEMAYOR: Back on the record. We will continue
6 with the cross-examination of the witness. You may continue.
7 MS. DEVLEMING: Thank you, Your Honor.
8 **RESUMED CROSS-EXAMINATION**
9 Q BY MS. DEVLEMING: Jer, let's -- do you still have
10 Respondent Exhibit 3 handy?
11 A Yes.
12 Q So it's your testimony you made this log?
13 A Yes.
14 Q And what is SyncTech?
15 A Something I found on the internet. I plug in my phone and
16 it puts my text messages that I select a conversation, and then
17 it goes into PDF format.
18 Q Do you have prior experiences with -- experience with
19 SyncTech?
20 A No, I do not. This was the first time.
21 Q Why did you pull the texts this way?
22 A I thought it was easier to read. When I tried to do it
23 this way, it cut off a lot of things, and it was extremely
24 tedious to do for all the conversations. So I thought this was
25 a much easier to read, helpful way to do it.

1 Q Can you dig in your pile for General Counsel Exhibits 49,
2 52, and 55, and I can remind you of the numbers. 55 and 49.
3 Let's see if I can find 49.
4 A 49.
5 Q 52 and 55.
6 A Okay.
7 Q Take a minute to look at these three documents, if you
8 like, and then my question is, did you also produce these
9 charts?
10 A Yes, I believe I did. This looks like I produced
11 basically any conversations that we had in text message. And
12 there was a couple group texts that these were and so yeah, I
13 believe I did share -- share these, or produce them you said,
14 sorry.
15 Q Did you use SyncTech for these as well?
16 A Yes.
17 Q Were there other documents that you pulled using SyncTech?
18 A No, just the text messages.
19 Q So for the ones reflected in 49, 52, and 55, these are
20 just one or two text messages, right -- each?
21 A Yes.
22 Q Why couldn't you have screenshotted these?
23 A I just felt better to keep it all in the same format for
24 readability.
25 Q Can you read the strike notice on General Counsel 49?

1 A 49. I could read some of it.
2 Q Not very readable; would you say?
3 A Sure.
4 Q Can you read the strike notice on General Counsel 52?
5 A That one's a little easier to read, yes.
6 Q Is it the most readable format?
7 A I mean I can read it.
8 Q Is it the most readable format?
9 A In my opinion, yes.
10 Q The most readable is this format. Okay. How about
11 General Counsel 55, the strike notice in all black; can you
12 read that one?
13 A Yeah. For the most part, yes.
14 Q Is that the most readable format?
15 A Yeah.
16 Q Okay. Let's look at -- back to Respondent 3, and I'm
17 looking at the first page that in the bottom right corner it
18 says, 1 out of 60. And then the second page it says, 44 out of
19 60; do you see that?
20 A Uh-huh.
21 Q So the first page ends August 14, 2020, and the second
22 page begins February 26, 2022; do you see that?
23 A Correct.
24 Q So first question, the 2020 text on page 1, are these from
25 when you worked with Sarah at the earlier store?

1 A Yes, it is. Correct.
2 Q Okay. And then why do the texts start on page 2 on
3 February 26th?
4 A I pulled my entire text log -- just straight. I selected
5 Sarah, selected the entire conversation, so it just took over
6 everything that was in there. That was probably, most likely
7 the first conversation I had with Sarah, via text, at 5th &
8 Pike.
9 Q So between when you started in October, 2021, and the
10 February, 2022, you and Sarah had no text message exchange?
11 A It appears we did not.
12 Q And then on the last page of this exhibit, which in the
13 bottom corner it says, 52 out of 60, it looks like the last
14 text reflected is dated May 3rd, 2022. Why didn't you include
15 any texts after that date?
16 A Like I said, I included all the texts that were in my
17 phone for conversation with Sarah Pappin.
18 Q You didn't have a single text message exchange with Sarah
19 after May 3rd?
20 A I don't recall if I did or not.
21 MS. STROESCU: Your Honor, may I clarify something for the
22 record? The whole text message conversation that's being
23 referenced by General Counsel was produced in this matter.
24 Respondent's Exhibit 3 is an excerpt of what was produced.
25 MS. DEVLEMING: The witness created it. I'm asking the

1 witness how he created it.
2 JUDGE MONTEMAYOR: Well, she's just clarifying for the
3 record, and the question to the witness is nonobjectionable.
4 Okay? Continue.
5 Q BY MS. DEVLEMING: Jer, before the petition was filed in
6 late January, 2022, you hadn't fired anyone at 5th & Pike at
7 all, right?
8 A Correct.
9 Q You hadn't fired anyone for time and attendance issues,
10 specifically?
11 A Correct.
12 Q Are you aware of anyone being fired for time and
13 attendance between January, 2021, and when you started the
14 store in October, 2021?
15 A I don't recall anyone -- hearing about anyone being
16 separated.
17 Q You're aware that partners on -- at the store went out on
18 their second strike on June 25th?
19 A Yes.
20 Q Do you recall that you fired Nelson Hoang only four days
21 later?
22 A I believe the date was the 28th, or yeah.
23 Q Three or four days later? Do you recall your meeting with
24 Sarah Pappin, where you had her review and signoff on the time
25 and attendance policy?

1 A Yes.
2 Q Who all was present for that meeting?
3 A I believe that we had a conversation as supervisors and
4 myself, but there were other conversations that were
5 individual, because I don't believe all of them could attend
6 the first one.
7 Q Do you remember if Sarah could attend or couldn't?
8 A I -- I honestly don't recall.
9 Q Do you recall during that conversation with Sarah, whether
10 it was in a group setting, or one-on-one, her raising a concern
11 about how openers would be treated if you were to level set on
12 the time and attendance policy?
13 A It -- I believe we talked about that, and I reiterated
14 that it would come down to the reason that you couldn't make
15 your shift, just like I would do with any other partner. Like
16 why -- why were you late, you know?
17 Q So were there reasons for openers that would be, you know,
18 justifiable reasons for them to be late?
19 A Like any other time, anything that would be outside their
20 control.
21 Q Okay. You, yourself, are late to work on occasion, right?
22 A In my 19-year career I have been late before, yes.
23 Q How many times?
24 A In 19 years I'd -- I'd say several times.
25 Q Do you remember Sarah, at some point, talking to you about

1 how your own tardiness might look like kind of con --
2 contradictory of a level set on time and attendance?
3 A Yes.
4 Q What did Sarah tell you?
5 A Just that -- I remember that conversation happening where
6 she raised the statement that -- what you just said.
7 Q And how did you respond?
8 A I told her that I, you know, talked to my next level
9 leaders, and then know when I'm late as well, and I'm held
10 accountable the same way.
11 Q Have you been written up for tardiness?
12 A In the past, yes.
13 Q When?
14 A Before 5th & Pike.
15 Q Were you written up for the tardies that Sarah was
16 pointing out during that conversation?
17 A No, I was not.
18 Q Do you recall that you issued the time and attendance
19 related corrective action to Sarah on July 13th, yet again, the
20 very day after the stores' partners had gone on strike?
21 A Sorry. Say again.
22 Q Do you recall that you issued the time and attendance
23 discipline to Ms. Pappin on July 13th, which was the very day
24 after the partners had gone on a third strike?
25 A For corrective action?

1 Q Um-hum.
2 A Yeah, if that's the date that it says, then yes.
3 Q Do you remember that timing?
4 A Not specifically.
5 Q Who did you consult with before issuing her the July 13th
6 final written warning for the two tardies?
7 A If it was a final written warning it would have been Amy
8 Quesenberry and partner relations.
9 Q What was your recommendation?
10 A My recommendation was to be consistent with my approach to
11 holding partners accountable that it would be a final as well.
12 Q Okay. And how did Amy and partner relations respond?
13 A They agreed.
14 Q The -- if you remember, and we can pull it out if you
15 like, but the -- there were two tardies listed in that final
16 written warning. One in May, and one in July, I believe.
17 Well, let me grab on it. I don't want to mischaracterize.
18 Yeah. It is Respon -- sorry, General Counsel Exhibit 14, which
19 I have in front of me. You can grab it if you like. It has
20 two incidents of tardies, one on 5/20, May 20th; and one on
21 June 28th. If Sarah was tardy in late June, why wasn't she
22 written for this until July 13th?
23 A Sorry. With -- which one are you referring to?
24 Q We are looking at General Counsel Exhibit 14.
25 A Okay.

1 Q And I'm -- when I refer to July 13th, I'm looking at the
2 signature page.
3 A Got you.
4 Q And the date this was presented to Sarah; is that
5 accurate?
6 A Yes.
7 Q Okay. So this July 13th final written warning, has two
8 instances of time and attendance issues. The first being on
9 May 20th; do you see that?
10 A Yep.
11 Q So why was Sarah not written up for almost two months
12 after -- until almost two months after?
13 A It was mainly a timing thing. There was a lot of going
14 back and forth with partner relations and the people involved
15 that honestly took far too long.
16 Q But they just agreed with your recommendation. Why did --
17 what took so long?
18 A Not until I got an answer from the -- like the
19 conversation didn't happen until shortly before I delivered the
20 corrective action. So that -- in that time, I was waiting to
21 hear back.
22 Q Does it normally take that long to hear back?
23 A Occasion -- on some -- some of them it did, yeah.
24 Q Okay. So are you in the habit, as a store manager, of
25 disciplining things -- people for things that happened two plus

1 months before?
2 A I wouldn't say it's a habit.
3 Q Okay. So it's rare?
4 A No. I would say it's because of the situation. Like of
5 what I had to do to get the guidance, and then doc, you know,
6 write the document, and then deliver the corrective action.
7 Q And back to you waited - what about after June 28th, were
8 you still, I guess, do I take it that you had submitted this
9 sometime in -- after the first incident listed here?
10 A Correct.
11 Q You were going to write her up over just the one incident?
12 A Yes. Because it was a no call/no show, and to be
13 consistent, that would be a final written warning, and so I was
14 waiting to hear back, and then by 6/28 it happened again. So
15 then I didn't want to issue two corrective actions back to
16 back. I thought that would be inconsistent with the approach I
17 had taken with everyone else. And so I put them on the -- the
18 two on the same one, and after getting guidance from the
19 partner relations that this would be like -- that moving
20 forward what we would do.
21 Q Okay. But you had submitted this as just pertaining to
22 the May 20th to partner relations before the June 28th
23 incident?
24 A I believe so. Yeah.
25 Q And was your recommendation for that a final written

1 warning?
2 A I don't believe I received guidance until after the 6/28
3 incident.
4 Q Okay. But what was your recommendation when this was in
5 draft form, and pertained only to the May 20th incident; final
6 written warning?
7 A Yes.
8 Q And then -- so do I take it you updated partner relations
9 with this new draft with the June 28th incident --
10 A Yes.
11 Q -- listed. And then it took them at least two weeks to
12 get back to you?
13 A Yes.
14 Q You hadn't heard from them at all, in the interim, until
15 you heard them on the -- the version with two listed in it?
16 A There may have been conversations in between; I don't
17 recall exactly the dates, but I didn't hear a final
18 recommendation until before I delivered the corrective action.
19 Q And in fact on the same very dates that you presented this
20 to Sarah Pappin, July 13th, I think you admitted on direct, you
21 went and changed the time clock entry for the swearing incident
22 at issue in her written warning?
23 A As directed by partner relations, yes.
24 Q Did partner relations explain why they were directing you
25 to change the time clock entry?

1 A Yes. Because she had clocked out for the day, and that's
2 because I had said, let's talk about it tomorrow since you've
3 already clocked out. And then she said, no; let's talk about
4 it now. So because we went ahead and talked about it that was
5 a work conversation, so she should be paid for that time.
6 MS. DEVLEMING: Your Honor, I have presented the witness
7 with what's been marked for identification as General Counsel
8 Exhibit 57.
9 Q BY MS. DEVLEMING: And Jer, just directing your attention
10 to kind -- the two -- well, three texts toward the bottom that
11 are all dated, well, three inputs into this chart that are
12 dated July 13th; do you see those?
13 A Correct. Yes.
14 Q Do you recognize these texts?
15 A Yes.
16 Q What are they?
17 A This is a text from Sarah showing me a screenshot of the
18 edited punch which partners get, and then they can acknowledge
19 or dispute it, and then her asking me why it was edited, and
20 then my answer.
21 Q Did you -- the final July 13th text says we can talk more
22 about it tomorrow. Did you talk to Sarah about it the next
23 day?
24 A No, I did not. She didn't approach me about it.
25 Q Did you ever talk to Sarah about it?

1 A I don't believe we ever -- it was ever brought up again.
2 Q Did partner relations explain to you the timing? Why was
3 it necessary to do this on July 13th?
4 A They just said it should be done immediately.
5 Q Even though the punch was from April 4th?
6 A Yes. Because the sensitivity of making sure a partner is
7 paid for time -- time worked is time paid. They wanted to make
8 sure I did that immediately.
9 Q That sensitivity takes three and half months?
10 A From the -- I didn't realize that before I should have put
11 that punch in until I talked to partner relations, and was
12 guided to do that.
13 MS. DEVLEMING: Your Honor, I'd offer General Counsel
14 Exhibit 57.
15 JUDGE MONTEMAYOR: Any objection to 57?
16 MRS. STROESCU: No objection.
17 JUDGE MONTEMAYOR: 57 will be admitted.
18 **(General Counsel Exhibit Number 57 Received into Evidence)**
19 MS. DEVLEMING: Just a quick minute to make sure I got
20 everything.
21 Q BY MS. DEVLEMING: Just one quick thing. Can you pull up
22 General Counsel Exhibit 40?
23 A Okay.
24 Q And actually, you might want to compare it to General
25 Counsel 21, or -- or 21(a), or 22, or 23? If you can find any

1 one of those good enough for me.
2 A Sorry. Say again.
3 Q 21 through 23.
4 A Got it.
5 Q Okay. So these are already in the record, but I guess
6 looking first at General Counsel 21 through 23. If you look in
7 the bottom left corner, it says REV .02.07.2022; do you see
8 that?
9 A Um-hum, yes.
10 Q Does that mean this was revised February 7th, 2022?
11 A Yes.
12 Q And this is a copy of the partner resources manual?
13 A Correct.
14 Q The one that these particular policies you had employees
15 at 5th & Pike signoff on?
16 A Correct.
17 Q Okay. Let's compare that to General Counsel 40.
18 A Okay.
19 Q This one in the bottom left corner says REV .03.21.2022;
20 do you see that?
21 A Yes.
22 Q And at the top, this is also a version of the partner
23 resources manual?
24 A Correct.
25 Q Do you take this to mean that this was revised in March --

1 March 21st, 2021?
2 A Yes.
3 Q So like a month and a half later, it was revised?
4 A Yes.
5 Q In your 19 years with Starbucks, how often is the partner
6 resources manual revised?
7 A It can vary. I've seen it revised every couple of months.
8 I've seen it revised after six months; it just depends on what
9 needs to be revised.
10 Q So lots of times. This is the only time you're aware of
11 that it's been revised in your 19 years with Starbucks it's
12 been revised lots of times?
13 A Correct, yeah.
14 MS. DEVLEMING: No further questions, Your Honor.
15 JUDGE MONTEMAYOR: Any questions from the Union?
16 MR. KAPLAN: None, Your Honor.
17 JUDGE MONTEMAYOR: Redirect.
18 MS. STROESCU: Briefly, Your Honor.
19 **REDIRECT EXAMINATION**
20 Q BY MS. STROESCU: Jer, when you conduct your levels as the
21 store manager, is it required for you to consult with your
22 superiors about them doing a level set?
23 A No.
24 Q Is a level set a job duty or requirement that lies with
25 the store manager?

1 A Yes.
2 Q Can you pull out General Counsel's Exhibit 47, as well as
3 Respondent's Exhibit 15?.
4 JUDGE MONTEMAYOR: I'm sorry. Respondent's Exhibit?
5 MS. STROESCU: 15.
6 Q BY MS. STROESCU: Just let me know whenever you're ready,
7 take your time.
8 A I got a little out of order. General Counsel 47 and --
9 Q Respondent's Exhibit 15.
10 A Okay.
11 Q So there was some discussion on cross-examination on
12 General Counsel's Exhibit 47 under Nelson. The bottom four
13 bullet points about unions; do you recall that?
14 A Yes.
15 Q And those same bullet points are also reflected in
16 Respondent's Exhibit 15 regarding your notes for Nelson; is
17 that right?
18 A Correct. Yes.
19 Q Did you talk to Nelson about unions?
20 A I asked him if he understood how to fill out the card, and
21 if he had any questions about the filling out the card, and
22 that if he had any general questions about the process, that he
23 could do his own research. Let me know if there's anything I
24 could answer from the Starbucks side of things, if he wanted.
25 But to just encourage him to do his research and to understand

1 the process.
2 Q Based on your conversation with Nelson, did he know that
3 there was union organizing activity going on?
4 A He said yes.
5 Q Again, looking at Respondent's Exhibit 15, if you could
6 turn to the second page. And if you could review that -- the
7 first two sentences where it says Nelson dash and let me know
8 when you are ready.
9 A Okay.
10 Q Do your notes indicate that Nelson said he wasn't feeling
11 well, and that's why he would be out on June 20th?
12 MS. DEVLEMING: Objection. Best evidence rule.
13 JUDGE MONTEMAYOR: I'll allow the question. Overruled.
14 You can ask him again, Counsel.
15 THE WITNESS: Are you asking me to answer?
16 Q BY MS. DEVLEMING: Do your notes indicate whether you
17 talked to Nelson on June 20th about whether or not he felt okay
18 to come in to work?
19 A Yes.
20 Q And what -- what do your notes indicate?
21 A It says when -- when we called him, he said he slept
22 through his alarms. Then when asked if he would still be
23 coming in, he said no, he did not -- he did -- no, he did feel
24 well. I think I meant he did not feel well.
25 Q And just to be clear, did Nelson state during the

1 termination meeting that he didn't feel well?
2 A No.
3 Q And looking at General Counsel's Exhibit 48.
4 A Okay.
5 Q There was some discussion on cross-examination about the
6 phrase in this exhibit, "feels like too much but I just don't
7 know with her". Do you recall talking about that?
8 A Yes.
9 Q Did you have concerns about having one-on-one
10 conversations with Sarah Pappin?
11 A Yes.
12 Q Why?
13 A Sarah had made it very clear that -- we had had several
14 conversations that were tense. It seemed upsetting. So I
15 felt, you know, it best to reach out for guidance before having
16 a conversation with her.
17 Q Was Sarah disrespectful to you in these conversations?
18 MS. DEVLEMING: Objection. Leading.
19 JUDGE MONTEMAYOR: Sustained.
20 Q BY MS. STROESCU: When you issue a corrective action, do
21 you have to note, is it required that you note all instances of
22 for example, time and attendance in that corrective action?
23 A It is best practice to put in all the occurrences that you
24 are writing the document for.
25 Q But is it required?

1 A No.
2 Q Okay. And finally pulling out Respondent's Exhibit 14,
3 screenshot of the text messages. When General Counsel asked
4 you about these, I believe she stated you intended to send this
5 message at 10:20 p.m. For clarification purposes, did you send
6 this message at 10:20 p.m. on Oct -- on April 6th?
7 A I did send the message, yes.
8 Q And do you have an iPhone?
9 A No.
10 Q Do you have iMessage?
11 A No.
12 Q So when you send a text message, it shows up as a text
13 message, not an iMessage?
14 A Correct.
15 Q And is SMS shorthand for text message?
16 A I don't remember what it stands for exactly, but I know
17 it's -- something -- the end is messaging, I believe, or
18 message.
19 MS. STROESCU: No further questions, Your Honor.
20 MS. DEVLEMING: Nothing.
21 JUDGE MONTEMAYOR: Thank you much for coming and spending
22 time with us today. We appreciate your -- taking time of your
23 day.
24 THE WITNESS: Sure.
25 JUDGE MONTEMAYOR: You're excused; you're all done.

1 THE WITNESS: Do I need to do anything with this?
2 JUDGE MONTEMAYOR: No. Enjoy the rest of your day.
3 THE WITNESS: Okay. Thanks so much.
4 JUDGE MONTEMAYOR: Thank you so much. We'll go off the
5 record.
6 (Off the record at 1:07 p.m.)
7 JUDGE MONTEMAYOR: On the record. We finished up with
8 Respondent's last witness. Do you have any other witness that
9 you would like to call, Counsel?
10 MS. STROESCU: We do not, Your Honor.
11 JUDGE MONTEMAYOR: And Counsel for the General Counsel, do
12 you have any other witnesses that you'd like to call?
13 MS. DEVLEMING: Yes, Your Honor. Just one rebuttal
14 witness. General Counsel recalls Sarah Pappin.
15 Whereupon,
16 **SARAH PAPPIN**
17 having been previously sworn, was called as a rebuttal witness
18 herein and was examined and testified as follows:
19 JUDGE MONTEMAYOR: Ms. Pappin, you were previously sworn,
20 I want to remind you that you're still under oath. Do you
21 understand?
22 THE WITNESS: Yes.
23 JUDGE MONTEMAYOR: Okay. You may begin.
24 MS. DEVLEMING: Thank you, Your Honor.
25 **DIRECT EXAMINATION**

1 Q BY MS. DEVLEMING: Sarah, hi again. First things first.
2 Can you find Respondent Exhibit 14?
3 A Yes.
4 Q Oh, you've got right on top. Perfect. And I think we
5 talked about the substance of what's shown in Respondent 14
6 through the use of a different document that was not yet in the
7 record during your direct testimony. But just zeroing in on
8 this text in the middle of the page underneath which it says
9 10:20 p.m. SMS. It's a blue text starting, "Okay. Plan is to
10 get there at 9". Do you see that?
11 A I do.
12 Q Did you receive this text message?
13 A I did not.
14 Q Okay. We on -- during the direct examination of Jer
15 Mackler, we heard some testimony about a video about voting in
16 a union election that Jer had showed to various 5th & Pike
17 partners. Do you remember him testifying to that effect?
18 A I do.
19 Q Did Jer show you that video?
20 A No, he did not.
21 Q Were you ever shown a Starbucks how to vote in a union
22 election video by any manager?
23 A No. I was not.
24 Q What did you think when you learned that your coworkers
25 had been shown this video and you had not been?

1 MS. STROESCU: Objection. Relevance. The lack -- the
2 video is not part of the complaint.
3 MS. DEVLEMING: They opened the -- I agree. But they
4 opened the door talking about the video. This goes to animus
5 and knowledge of --
6 JUDGE MONTEMAYOR: Overruled.
7 MS. DEVLEMING: -- their union activities.
8 A I thought it was weird. We, you know, had meetings going
9 on all week, and so I heard about the content of the meetings
10 from my coworkers as they had them. And so when I had my
11 meeting I was anticipating being shown this video, and then
12 they just never did, or discussed the Union at all. So I just
13 found that to be really weird that they would talk to everybody
14 else about this but not to me.
15 Q And I know this was all the back last Tuesday when you
16 were testifying on direct examination, but you, and some of
17 your coworkers who testified after that, spoke about how Amy
18 Quesenberry's visits to the store, or her presence at the
19 store, increased after the filing of the Union petition; do you
20 remember that testimony?
21 A I do.
22 Q Some management witnesses testified that that began when
23 Jer Mackler, a new store manager came on in about October,
24 2021, months before the petition.
25 A Uh-huh.

1 Q Can you clarify for us when Amy Quesenberry's presence at
2 the store increased?
3 A So it increased after, I would say, the Union petition
4 especially during the meetings. I also note that -- so I
5 worked in the mornings, it's been well established. And it was
6 pretty frequent -- it was relatively common for her to come in
7 in the morning for visits because that's like our peak
8 business, but not as much during the afternoon. And I know
9 from like that -- I kept hearing the -- the closers complaining
10 about how Amy was just like hovering around at the store all
11 the time, and that started after the petition.
12 Q At some point, was there a meet the manager meeting for
13 Jer Mackler?
14 A There was.
15 Q When was that held?
16 A That was early February 2022 I believe.
17 Q What did you think about that timing?
18 A It was very strange that he had been our manager for, I
19 think, at least four months at that point, and they were doing
20 an introduction video.
21 Q Did Amy Quesenberry attend or run that meeting?
22 A She did. She facilitated the meeting.
23 Q Can you pull out General Counsel Exhibit 5?
24 A Yes.
25 Q And we've heard a lot of testimony about this. I'm just

1 going to get straight to the point. If you know, is this a
2 picture of a customer order?
3 A Yes. This is a picture of a mobile order.
4 Q Okay. So where it says Union Strong, who would have typed
5 in that -- those words?
6 A It was a -- a mobile order, so it's an order that a
7 customer placed on their personal device, so they would have
8 typed their name in.
9 Q Can you think of any other occasions after the petition
10 was filed where customer orders mentioned the Union?
11 A Yes, it happens probably at least once a week.
12 Q Still to date?
13 A Um-hum.
14 Q Do you -- can you think of any other occasions where a
15 customer order mentioning the Union was posted as the store
16 iPad's background?
17 A I think it happened once with a picture of the label that
18 originally printed out, when like the customer ordered, and
19 then there was a second time where the photo that had the
20 picture of the label had been like taken off of the iPad. And
21 so then someone had gone and used the -- our computer, the POS
22 system, point of sale, to pull that order back up and then took
23 a photo of the screen, which is what is -- this is a picture
24 of.
25 Q This being General Counsel 5?

1 A Yes.
2 Q Okay. So before this was there a -- the original mobile
3 order was set as the store iPad background?
4 A That's what I -- yeah. That's my recollection.
5 Q A couple things relating to the April 4th swearing
6 incident when you said the day had fucking sucked. As you were
7 leaving that day, did Jer tell you he wanted to talk to you
8 about your swearing?
9 A No, he did not.
10 Q Your testimony last week on direct was that he did bring
11 it up on April 8th after you asked about the shift of the
12 store's opening time. Do you remember that?
13 A Yes.
14 Q Did he bring it up on April 6th -- or April 5th?
15 A Not that I recall.
16 Q April 6th?
17 A Not that I recall.
18 Q April 7th?
19 A Not that I recall.
20 Q Is April 8th the first time you remember him saying
21 anything about the swearing?
22 A Yes. It was very memorable.
23 Q And on that point, could you pull out General Counsel
24 30(a)? It's the big stack, but it's the first page of the
25 stack.

1 A Got it.
2 Q Just to make crystal clear the record is clear, have you
3 ever seen this document before this hearing?
4 A No. I have never seen this before.
5 Q Was this ever presented to you by Jer Mackler?
6 A No.
7 Q Or any other manager at 5th & Pike?
8 A No.
9 Q We heard some testimony on direct with Jer Mackler about
10 his admission that he changed the time clock entries for the
11 day of your swearing incident. Do you remember that?
12 A I do.
13 Q Did he ever explain to you why he had done that?
14 A I don't recall him ever explaining. I had texted him and
15 asked him to explain, but I don't recall if we ever spoke in
16 person about it.
17 Q I've presented the witness with what's been marked as
18 General Counsel Exhibit 59. I know I'm skipping 58, but I'll
19 get right back to it. Sarah, do you recognize this document?
20 A I do.
21 Q What is this?
22 A This is a screenshot I took of my text message exchange
23 with Jer where I asked him why my punch had been edited.
24 MS. DEVLEMING: Your Honor, I would offer General Counsel
25 Exhibit 59 as a native file version of what we've seen just for

1 completion of the record.

2 JUDGE MONTEMAYOR: Any objection to 59?

3 MS. STROESCU: I would object that this is not relevant.

4 I realize that I put on testimony about this today, but that

5 was only to impeach a witness that had testified about this

6 last week. And calling a rebuttal witness or a new witness to

7 testify on behalf of General Counsel's case is not relevant.

8 MS. DEVLEMING: Your Honor, Respondent's Exhibit 3

9 includes -- purports to include the exact same text message.

10 There was ample testimony about it on direct with Jer Mackler.

11 This is perfect rebuttal.

12 JUDGE MONTEMAYOR: Correct. 59 will be admitted.

13 **(General Counsel Exhibit Number 59 Received into Evidence)**

14 Q BY MS. DEVLEMING: Okay, Sarah. Transitioning now to the

15 crew board issue. Are you familiar with what was, at least

16 before November 2022, the store's crew board?

17 A I am.

18 Q We heard some testimony last week from district -- former

19 district manager Ryan Lassiter that the crew board he removed

20 was under-utilized and full of trash. Do you remember that

21 testimony?

22 A I do.

23 MS. DEVLEMING: So I have presented the witness with

24 what's been marked for identification as General Counsel

25 Exhibit 58.

1 Q BY MS. DEVLEMING: Sarah, do you recognize this document?
2 A I do.
3 Q What is this?
4 A This is a photo of the crew board that I took.
5 Q Do you remember when you took this photo?
6 A I took it in early May.
7 Q Of what year?
8 A Of 2022.
9 Q Do you see anything you consider trash posted on the crew
10 board in this picture?
11 A No.
12 MS. DEVLEMING: Your Honor, before talking about the
13 document much more, I will offer General Counsel Exhibit 58.
14 JUDGE MONTEMAYOR: Any objection to 58?
15 MS. STROESCU: No objection, Your Honor.
16 JUDGE MONTEMAYOR: 58 will be admitted.
17 **(General Counsel Exhibit Number 58 Received into Evidence)**
18 Q BY MS. DEVLEMING: Sarah, still looking at General Counsel
19 58, in the bottom right I see a note below a picture of a
20 broom. Do you see that?
21 A I do.
22 Q Can you make out or do you remember what that note says?
23 A It says -- so it's an attribution like you would see at an
24 art museum to the person who took the photograph. So it says
25 Starbucks partner -- and then I can't make out the next word,

1 but then the name of the partner is Sarah Renshaw. And the
2 caption says Broom-Hilda 2022, ink on paper, and then it says
3 statement on American working class.
4 Q And do you know what this picture is?
5 A The picture is of a broom that is standing upright in the
6 middle of our lobby.
7 Q What does that refer to?
8 A It was just a -- a meme that the closers did one night.
9 It was the day that our store filed to petition. They -- the
10 closers left a broom standing up in the middle of the lobby.
11 They like balanced it and thought it was funny, and it was
12 still there when we got in to open the next day. And Sarah,
13 who was one of the closers, had taken this photo of it.
14 Q What is a meme?
15 A Sorry, can you --
16 Q A meme.
17 A A meme, it's a -- it's a joke.
18 Q And do you know why the closers had put the broom in the
19 middle of the floor?
20 A I'm assuming because they found it entertaining.
21 Q And in the middle, toward the left middle but kind of
22 toward the middle, I see a Post-it note it looks like. It says
23 service with a smile?
24 A Yes.
25 Q Do you see that? What does that refer to?

1 A It's a doodle that one of our employees, Severina, had
2 written. It is a sort of general play on the -- the sort of
3 normal phrase in the service industry of service with a smile,
4 then with a doodle of a mouth smiling that is very
5 intimidating.
6 Q And did you say you -- your coworker, Severina, posted
7 that?
8 A Yes.
9 Q And then what about right below that there is a picture of
10 someone wearing a mask, and it says dead or alive, wanted,
11 10,000 bean reward?
12 A That's a photo of my coworker, Andy.
13 Q And why -- what does this mean?
14 A It's a joke.
15 Q Okay. Can you -- do you remember what the joke was about?
16 A I think it was just being -- like a reference to a wanted
17 poster.
18 Q And 10,000 beans, does that refer to coffee beans?
19 A Yes.
20 Q And then in the top right I see a Post-it with the name
21 Phil (phonetic throughout) and what looks like a phone number?
22 A Yes. So we had a customer whose name was Phil. He would
23 get a mobile order once a morning, and it was a pretty large
24 mobile order. It was like ten food items and like a traveler,
25 which is like the box of coffee that you get. And there were

1 times where we had like staffing disruptions, you know? And so
2 we might open late or have to close, or like things would just
3 happen. And so I had gotten his phone number from him at one
4 point so that if things happened and I knew that he needed to
5 order from the next Starbucks because we weren't going to be
6 open, I could just like send him a text and give him a heads
7 up, because he'd end up running late otherwise.
8 Q Looking at this picture that you took in May 2022 of the
9 crew board, did -- is this -- let me rephrase. Did the crew
10 board, did people take stuff down regularly such that you would
11 see a lot less on it, or is this kind of a good demonstration
12 of what crew board would look like?
13 A It's pretty close. People really only added to it.
14 Nobody really ever took anything off. So when it was taken
15 down, it would have had basically all of this stuff on it plus
16 other stuff that had been added in the meantime.
17 Q And were there ever specifically union-related things
18 posted on the crew board?
19 A Yes. After we won our election, the local Seattle DSA
20 wrote us like a congratulations card, and we put it on the crew
21 board. We also at various times put Union Strong like
22 stickers. I know sometimes some people put actual like union
23 information, things that were going on, like updates, on it.
24 Q What is DSA?
25 A Democratic Socialists of America.

1 Q And when you put these union things up on the board, were
2 they -- did they stay up?
3 A Some did, some didn't. The card stayed up. That was --
4 would have still been on there when it was thrown away. Things
5 that were pretty obviously, like Union Strong stickers or like
6 in -- updates that were union related were usually taken down
7 very quickly.
8 Q I don't see the card on here, but is it buried? It looks
9 like there's layers of stuff.
10 A This just would have been -- this was taken in early May,
11 and our election was in early June, so this photo was just
12 taken before --
13 Q Ah, after the election --
14 A -- that card got put on there.
15 Q -- not after the petition?
16 A Correct, yes.
17 Q My mistake. And Ryan Lassiter also testified that at
18 least his understanding was that only one partner at 5th & Pike
19 was upset about the loss of the crew board. Do you remember
20 hearing him say that?
21 A I do, yeah.
22 Q Do you agree?
23 A No. I -- pretty much everybody who worked there, and
24 especially those of us who had been there for a long time, were
25 really upset that this was gone, and we didn't have any way to

1 recover any of these items. If you look in the picture, like
2 you can see there's photos that we, you know, took while we
3 were working holidays together and celebrating with each other.
4 And you know, there's a lot of photos and things from people
5 that don't work in the store any more, and so that was kind of
6 the only thing that we, you know, had left of that person
7 around. So it was -- it was very upsetting. And myself and
8 most of the partners that -- at the store, unless they were
9 like very new and just didn't have context, were upset.
10 Q Did you ever express to management how important the crew
11 board was to you?
12 A I did. When Christy Ferguson first started at 5th & Pike,
13 I had worked with Christy off and on many times over the -- the
14 years, and I knew that she's a purger. And so she was coming
15 in and starting to like throw stuff out, and so I very early on
16 told her like this is the one thing you just don't touch.
17 This -- everybody loves this, but please do not touch it. And
18 I told her that it was really important to all of us, and she
19 agreed not to move it.
20 Q And that was when the crew board was still up?
21 A Correct.
22 Q Okay. Let's look at Respondent Exhibit 5, this packet of
23 pictures.
24 A Okay.
25 Q I'm going to turn to the fourth picture, so it looks like

1 this. It's got some coats hanging and a bulletin board in the
2 left middle.
3 A Yes.
4 Q Do you recognize this boar -- bulletin board in the left
5 middle?
6 A Wait, sorry. Am I looking at the right one?
7 Q Fourth picture in the packet.
8 A Yes. So there's two bulletin boards in this photo.
9 There's one --
10 Q Oh, true.
11 A -- up and one on the floor.
12 Q Okay, the lower one that's on the floor.
13 A Yes, I do.
14 Q What is that?
15 A That is a board that we used as a green apron board. It
16 was in the hallway previously. If you look at -- if you look
17 at the first photo where there's a bulletin board off to the
18 right of the whiteboard and then like space below. So the
19 board that's in the fourth photo on the floor was previously
20 underneath the board that is in photo 1, but the delivery guys
21 at some point, you know, carrying the delivery down the hallway
22 had like knocked it off, and we -- like they'd busted the
23 fasteners that it goes on the wall by, so we took it down.
24 We -- well, it was down, and we haven't been able to put it
25 back up yet.

1 Q Out of curiosity, do you know who took it down?
2 A It wasn't like taken down. It was like it fell off. Like
3 so -- like the delivery guys like knocked it off the wall.
4 Q Oh, got it. Okay. And when did this happen?
5 A That was pretty recent, like maybe a couple weeks ago.
6 Q So these pictures must be within the last few weeks.
7 A Oh, yeah. Definitely.
8 Q And if you take a minute to look -- flip through all the
9 pictures, I think I see at least three bulletin boards, maybe
10 more. One -- the one on the floor I'm counting, the one above
11 it I'm counting.
12 A Um-hum.
13 Q So I see three. As to those other bulletin boards
14 pictured throughout Respondent's 5, are partners allowed to
15 post materials on those bulletin boards?
16 A No. We were expressly told that we are not allowed to
17 po -- that only management is allowed to post on not only those
18 boards but anywhere.
19 Q Who told you that?
20 A I was told that by Jer, and it was reiterated by Christy.
21 Q And before November 2022, did nonmanagement partners at
22 the store use any of these boards to share notes or things with
23 each other like they used the crew board?
24 A Sorry, you said nonmanagement partners?
25 Q Right.

1 A No. They -- we didn't use the bulletin boards except for
2 the crew board.
3 Q We heard testimony about Ryan Lassiter placing an order
4 for the new coatrack. Do you remember that?
5 A I do.
6 Q Did he give you or any of your coworkers notice when he
7 placed that order?
8 A Not that I'm aware of.
9 Q Do you know when the new coatrack arrived in the store?
10 A I don't remember exactly when, but I do recall that it was
11 sitting around in the break room for like several weeks before
12 it got put up.
13 Q Did you discuss that with management?
14 A I asked -- I asked management what it was. When it was
15 like sitting, like at an angle, I actually didn't recognize it
16 as a coat hook, so I was like what is this random metal object
17 doing in the break room. And they were like it's another
18 coatrack.
19 Q Who did you ask that question to?
20 A I believe it was Christy Ferguson.
21 Q Did Christy mention anything to you about a plan -- timing
22 of when it might be installed?
23 A No.
24 Q Did she mention that it would replace the crew board?
25 A She did not.

1 Q Have your store managers at 5th & Pike ever moved or
2 removed bulletin boards in the store themselves?
3 A Yes. They've moved the bulletin boards around a couple of
4 times.
5 Q And who's they?
6 A So Jer when he first took over moved around the bulletin
7 boards that had been in place and added new bulletin boards.
8 When Christy took over, she moved the bulletin boards around
9 again. Yeah, those are the two times.
10 Q And you mentioned a green apron board. And I think we
11 heard mention of that from Christy Ferguson as well last week.
12 What is a green apron board?
13 A A green apron board is a board that has a little slot for
14 every person who works in the store, and we have little green
15 apron cards, which are like business card sized cards that
16 they'll have like a little prompt like creating a culture of
17 warmth on it, and then you fill out the card for some --
18 basically it's a recognition card that you give to somebody and
19 say like, hey, I saw how you did a really good job connecting
20 with that customer today, amazing. Or like thank you so much
21 for like helping me when I wasn't feeling well. And then you
22 would like put it in their little box so that they would see
23 it.
24 Q Are the cards visible to other partners?
25 A No, you face them so that the writing is faced like

1 towards the pocket.
2 Q All right. Is that a direct substitute for your crew
3 board?
4 A Not at all. We actually -- the crew board did start
5 originally as a green apron board, and then it devolved over
6 time to the point that it was here. And when Jer wanted to
7 have a green apron board again, like a proper one, we got an
8 additional bulletin board to put a green apron board on so to
9 not replace this.
10 Q The subject of swearing in the service industry, at
11 Starbucks, have you ever had any other conversations with
12 managers about swearing at Starbucks?
13 A I've -- after being written up, yes.
14 Q Okay. Tell us about that.
15 A When Christy first started at the store, like I mentioned,
16 we've known each other for a very long time. We go back a long
17 ways, and I have known her to swear quite frequently in other
18 stores. And when she first started at 5th & Pike there -- one
19 of our like first conversations we were in the back, and she
20 started to say a curse word and caught herself, and then said,
21 oh, I have to be really good about that here. And yeah. I
22 basically understood that she meant that there was a stricter
23 policy here than in other stores that we have worked at
24 together.
25 MS. STROESCU: Objection. Speculation.

1 MS. DEVLEMING: That's the witness's understanding.
2 JUDGE MONTEMAYOR: Overruled.
3 Q BY MS. DEVLEMING: Have you discussed the subject of
4 swearing at 5th & Pike with your current store manager, Jeremy
5 Strickland?
6 A I have, yeah.
7 Q What did Jeremy say?
8 A He --
9 MS. STROESCU: Objection. Relevance. This is not part of
10 the complaint.
11 JUDGE MONTEMAYOR: What's the relevance, Counsel?
12 MS. DEVLEMING: It shows the tolerance for swearing at 5th
13 & Pike.
14 JUDGE MONTEMAYOR: Overruled.
15 THE WITNESS: He doesn't really care about swearing. He
16 has the same kind of understanding that I testified to
17 previously, which is that there's decorum of you don't swear in
18 front of customers and don't swear at each other, but if you're
19 like blowing off steam and talking in the back of house, it
20 doesn't -- he really doesn't care.
21 Q BY MS. DEVLEMING: How did that subject come up?
22 A When he -- there was a time where he was doing -- looking
23 at edited time punches, and he saw the edited time punch from
24 my April 4th shift. And he asked me why that shift had been
25 edited three months later, and I explained to him the story

1 that we're all pretty familiar with now of that incident that
2 happened and then that Jer was instructed to change my time
3 card to reflect that I was, you know, according to Starbucks
4 policy apparently, still on the clock for that conversation.
5 Q And how did Jeremy respond to that?
6 A He thought it was incredibly ridiculous.
7 Q What do you mean by that? What did he say?
8 MS. STROESCU: Objection. Relevance, speculation, not
9 part of the complaint.
10 MS. DEVLEMING: Same response. Goes to the tolerance --
11 MS. STROESCU: Hearsay.
12 MS. DEVLEMING: -- for swearing at the store.
13 MS. STROESCU: Hearsay as well, Your Honor.
14 MS. DEVLEMING: It's the condition of the party opponent.
15 JUDGE MONTEMAYOR: Overruled.
16 A He said that's incredibly ridiculous. That's a direct
17 quote. Sorry, I wasn't summarizing his point.
18 MS. DEVLEMING: No further questions.
19 MS. STROESCU: May I have a moment, Your Honor?
20 JUDGE MONTEMAYOR: Sure.
21 (Counsel confer)
22 **CROSS-EXAMINATION**
23 Q BY MS. STROESCU: Ms. Pappin, you've been sitting here for
24 a week in this hearing with us, right?
25 A Yes.

1 Q You're sitting here as the corporate representative?
2 MR. KAPLAN: Objection.
3 MS. DEVLEMING: Objection. Mischaracterizes her role.
4 JUDGE MONTEMAYOR: Objection sustained.
5 Q BY MS. STROESCU: You've been sitting here as a
6 representative?
7 A Yes.
8 MR. KAPLAN: Objection. Vague. A representative of -- of
9 what?
10 MR. KIBBE: The Union. Does that help?
11 MR. KAPLAN: Well, if you --
12 MS. STROESCU: Party representative.
13 MR. KAPLAN: -- if you were the one asking the question,
14 then -- you didn't ask the question.
15 JUDGE MONTEMAYOR: Overruled.
16 Q BY MS. STROESCU: You've been sitting here as the Union
17 representative?
18 A Yes.
19 Q You've heard everything that's been said?
20 A Yes.
21 Q You disagree with things that have been said?
22 A Certainly.
23 Q That's why you're sitting here again, right?
24 A I'm sitting here again because --
25 Q Because you disagree --

1 A -- Counsel asked me to.
2 Q -- with previous testimony.
3 A I'm testifying to what questions I've been asked.
4 Q You're not a store manager, right?
5 A Correct.
6 Q You're not a district manager?
7 A Correct.
8 Q You're not privy to the conversations among the management
9 team?
10 A Not unless they made me privy to them, no.
11 Q For General Counsel's Exhibit 5 that you were just
12 testifying about, the iPad photo, can you pull that out?
13 A Yes. Maybe. Got it.
14 Q You noticed these union photos on the iPad, right?
15 A Yes.
16 Q Did you remove them?
17 A No.
18 Q So you did not follow Starbucks policy, right?
19 A When they were on the iPad, I was not aware that that was
20 Starbucks policy.
21 Q An expectation of the shift supervisor is to be aware of
22 Starbucks policies and procedures, correct?
23 A Yes.
24 Q This time stamp that we keep talking about, your testimony
25 under oath at this hearing is that you were never aware of why

1 the time stamp was changed?
2 A Sorry, which time stamp?
3 Q Related to your April 4th conversation.
4 A I am aware that it was changed because I had a work
5 conversation like -- sorry. Let me clarify. I spoke to a
6 partner from partner resources about the -- I think I mentioned
7 that I appealed this, and that was part of what ultimately led
8 to the time stamp changing was partner resources looking into
9 it. So I spoke with a representative from partner resources
10 who explained that that was why the time punch was changed.
11 Q And then you asked Jer for a conversation?
12 A No, I asked Jer first.
13 Q And just to be clear, this appeal that you're talking
14 about, you did not win the appeal? The corrective actions
15 still stood?
16 A Correct.
17 Q Look at General Counsel's Exhibit 58. Why did you take
18 this photo?
19 A I had talked about this board with some other union
20 partners from different stores, and I wanted to show it to
21 them.
22 Q These photos on the board, were they taken with the store
23 iPad?
24 A Some of them were taken with the store iPad, some of them
25 are Polaroids.

1 Q The large photos were taken with the store iPad?
2 A Correct.
3 Q And the small photos were taken with the Polaroids?
4 A Yes.
5 Q The photos taken with the iPad, did you go back to the
6 iPad to see if the photos were still there after the bulletin
7 board was taken down?
8 A We do not have those iPads anymore. During -- I believe
9 sometime in the summer of 2022 they updated our iPads, so the
10 iPads that had those photos on them were all sent back, and we
11 got new ones.
12 Q And looking at General Counsel's Exhibit 58, if you look
13 right in the middle here, it looks like someone took a coffee
14 hand holder and made it into a crown?
15 A Yes.
16 Q That's not trash?
17 A No.
18 Q Looking at the top -- excuse me, bottom right corner.
19 It's a Post-it note of a ghost that says live footage. That's
20 not trash?
21 A No.
22 Q Would you take that home and put that somewhere safe?
23 A I would actually, yeah.
24 Q Where?
25 A I don't know exactly, but I wouldn't throw it out.

1 Q You don't know because it's trash.
2 A It's not trash.
3 MS. DEVLEMING: Objection, Your Honor. Asked and
4 answered. Overly argumentative.
5 MS. STROESCU: So you just testified --
6 JUDGE MONTEMAYOR: Objection sustained.
7 Q BY MS. STROESCU: You just testified on direct examination
8 that there were union -- pro-union items on this bulletin board
9 at one point?
10 A Correct.
11 Q Did you put them there?
12 A Some of them.
13 Q And you know that that's a violation of Starbucks policy?
14 A I was not aware of that policy that -- I was not aware the
15 things that I put on the board being in violation of Starbucks
16 policy.
17 Q Could you pull out General Counsel's Exhibit Number 21 for
18 me?
19 A Yes.
20 Q You previously testified that this is a policy that you
21 had signed off on, right?
22 A Correct.
23 Q This was during a level set meeting, right?
24 A Correct.
25 Q In spring of 2022?

1 A Correct.
2 Q And this policy that you were -- that you reviewed said --
3 had a policy about soliciting and distribution notices, right?
4 A Correct.
5 Q So you were aware of this policy?
6 A I was aware that there was a solicitation policy.
7 Q And then you violated that policy when you put pro-union
8 items on the crew board?
9 A I did not consider the items that I was putting on the
10 board to be solicitation.
11 Q But that was your opinion?
12 A It was my understanding.
13 Q You're aware of that policy now?
14 A Yes.
15 Q And so today under oath you're admitting to violating the
16 Starbucks policy?
17 MS. DEVLEMING: Objection.
18 MR. KAPLAN: Objection.
19 MS. DEVLEMING: Argumentative. Relevance.
20 JUDGE MONTEMAYOR: Objection sustained.
21 Q BY MS. STROESCU: You mentioned green -- green apron
22 boards, right?
23 A Correct.
24 Q And those green apron -- apron boards were a board to --
25 to post achievements of various partners in the store, right?

1 A It's not like posting because you can't see what other
2 people have put. It's like a personal message to that person
3 directly.
4 Q But it's still encouraging, a fun way for partners to have
5 achievements, right?
6 A Correct.
7 Q No further questions.
8 MS. DEVLEMING: Nothing.
9 JUDGE MONTEMAYOR: Okay.
10 THE WITNESS: Okay.
11 JUDGE MONTEMAYOR: You may sit down.
12 THE WITNESS: Thank you.
13 JUDGE MONTEMAYOR: No other witnesses, Counsel?
14 MS. DEVLEMING: No, Your Honor. Rebuttal over.
15 JUDGE MONTEMAYOR: So let's go off the record for a
16 minute.
17 (Off the record at 2:35 p.m.)
18 JUDGE MONTEMAYOR: We're coming back on the record.
19 General Counsel has indicated no further witnesses, so we're
20 going to close out the proceedings. These -- the parties will
21 provide -- will be provided up till -- up until July 5th to
22 file post-hearing briefs. The briefs should be filed directly
23 with the Division of Judges office in San Francisco, regardless
24 of whether they are e-filed or mailed. See sections 102.2
25 through 102.5 of the Board's rules for filing and service

1 requirements. Any requests for extension of time for the
2 filing of briefs must be made in writing to the Associate Chief
3 Judge in San Francisco and served on the other parties. The
4 positions of the other parties regarding the extension should
5 be obtained and set forth in the request. It is the policy of
6 the Division of Judges to grant discretionary extensions --
7 extensions only when they are clearly justified. Requests for
8 extension must contain specific reasons and show that the
9 requesting party cannot reasonably meet the current deadline.
10 Please refer to the Board's rules and regulations for further
11 information regarding the filing of briefs and proposed
12 findings for my consideration and regarding procedures before
13 the Board after the issuance of my decisions.
14 There being nothing further, this hearing is now closed,
15 and we'll go off the record.
16 **(Whereupon, the hearing in the above-entitled matter was closed**
17 **at 2:40 p.m.)**
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1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Case Number
4 19-CA-292276, Starbucks Corporation and Workers United Labor
5 Union International, affiliated with Service Employees
6 international Union, held at the National Labor Relations
7 Board, Region 19, 915 2nd Avenue, Room 2948, Seattle,
8 Washington 98174, on May 31, 2023, at 9:00 a.m. was held
9 according to the record, and that this is the original,
10 complete, and true and accurate transcript that has been
11 compared to the reporting or recording, accomplished at the
12 hearing, that the exhibit files have been checked for
13 completeness and no exhibits received in evidence or in the
14 rejected exhibit files are missing.
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BRUCE CARLSON

Official Reporter