

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON ROWELL,)
)
Plaintiff,)
) CIVIL ACTION
vs.)
) NO. 1:12CV-0491-WSD-RGV
METROPOLITAN LIFE INSURANCE)
COMPANY,) VOLUME II
)
Defendant.)

- - -

Continuation of the deposition of
BRANDON ROWELL, taken on behalf of the
Defendant, pursuant to the stipulations agreed
to herein, before Suzanne Beasley, Registered
Professional Reporter and Notary Public, at
1201 West Peachtree Street, One Atlantic Center,
Suite 2800, Atlanta, Georgia, on the 13th
day of November, 2012, commencing at the hour
of 8:54 a.m.

		Page 322
1	INDEX TO EXAMINATION	
2		
3	Examination	Page No.
4		
5	By Mr. Konn	326
6	By Ms. Miller	406
7	By Mr. Konn	482
8		
9		
10	INDEX TO EXHIBITS	
11		
12	Exhibit No.	Page No.
13		
14	Defendant's Exhibit No. 22	338
15	Plaintiff's Responses to Defendant's First Set of Interrogatories to Plaintiff	
16	Defendant's Exhibit No. 23	338
17	Plaintiff's Initial Disclosures	
18	Defendant's Exhibit No. 24	388
19	2010 Tax Return	
20	Defendant's Exhibit No. 25	389
21	2010 Tax Return	
22	Defendant's Exhibit No. 26	482
23	Resignation e-mail	
24	Plaintiff's Exhibit No. 1	426
25	Scorecard	
	Plaintiff's Exhibit No. 2	443
	Brokerage Firm Listing	

		Page 323
1	INDEX TO EXHIBITS	
2	Exhibit No.	Page No.
3		
4	Plaintiff's Exhibit No. 3	446
5	Brokerage Report	
6	Plaintiff's Exhibit No. 4	450
7	Quote History by Broker	
8	Plaintiff's Exhibit No. 5	453
9	2006 Productivity Tracking	
10	Plaintiff's Exhibit No. 6	455
11	Answer	
12	Plaintiff's Exhibit No. 7	458
13	List of Sold Business for 2007	
14	Plaintiff's Exhibit No. 8	475
15	E-mail correspondence with top e-mail dated 10/3/08 from Mr. Trinkwon to Mr. Rowell	
16	Plaintiff's Exhibit No. 9	477
17	E-mail correspondence with top e-mail dated 10/30/07 from John Catania to Brandon Rowell and others	
18		
19		
20		
21		
22		
23		
24		
25		

		Page 324
1	APPEARANCES OF COUNSEL:	
2	On behalf of the Plaintiff:	
3	JAMIE G. MILLER, Esq.	
4	Law Office of Jamie Miller	
5	The Lenox Building	
6	3399 Peachtree Road, N.E.	
7	Suite 400	
8	Atlanta, Georgia 30326	
9	██████████	
10	██████████.com	
11		
12	On behalf of the Defendant:	
13	JAMIE M. KONN, Esq.	
14	DLA Piper LLP	
15	1201 West Peachtree Street	
16	Suite 2800	
17	Atlanta, Georgia 30309	
18	██████████	
19	██████████.com	
20		
21	Videographer: Michael McElroy	
22		
23	- - -	
24		
25		

		Page 325
1	THE VIDEOGRAPHER: Good morning.	
2	This is the beginning of volume two, tape	
3	number one in the deposition of Brandon	
4	Rowell, in the matter Brandon Rowell versus	
5	Metropolitan Life Insurance Company, case	
6	number 1:12CV-0491-WSD-RGV.	
7	Today's date is November the 13th,	
8	2012. The time on the monitor is 8:54 a.m.	
9	My name is Michael McElroy, and I'm the	
10	videographer. The court reporter is	
11	Suzanne Beasley. We are with Huseby Court	
12	Reporting.	
13	Counsel, please introduce yourselves,	
14	after which the court reporter will swear	
15	in the witness.	
16	MR. KONN: Jamie Konn with the law	
17	firm DLA Piper representing defendant	
18	Metropolitan Life Insurance Company, which	
19	I'll refer to as MetLife throughout the	
20	deposition.	
21	MS. MILLER: Jamie Miller	
22	representing Mr. Rowell, and I'm with the	
23	law firm of Jamie G. Miller.	
24	(The signature of the witness to the	
25	deposition was reserved.)	

Page 326

1 BRANDON ROWELL,
2 having been duly sworn, was examined and testified
3 as follows:
4 CONTINUED EXAMINATION
5 BY MR. KONN:
6 Q. Mr. Rowell, last time we were together we
7 wrapped up around 6:00 p.m. on Friday, November
8 10th [sic]. It is now Tuesday morning at just about
9 9:00 a.m.
10 I'd like to know since that time on Friday
11 when we wrapped up until today, have you spoken to
12 anyone about your deposition on Friday?
13 A. At minimum.
14 Q. Well, have you?
15 A. Yes.
16 Q. Who have you spoken with?
17 A. My mom and my dad.
18 Q. What did you tell your mom and your dad?
19 A. That it went okay.
20 Q. What did you tell them specifically?
21 A. That it went okay.
22 Q. You said it went okay, and you hung up the
23 phone?
24 A. They were in town. I spoke to them
25 face-to-face.

Page 327

1 Q. Okay. So you walked away after you told
2 them it was okay? Did you tell them anything else?
3 A. We were having dinner. Then the subject
4 changed.
5 Q. Did you talk to anyone else about your
6 deposition since Friday?
7 A. No.
8 Q. Your attorney?
9 A. No.
10 Q. Did you review any documents from the end
11 of our session on Friday through today to help you
12 prepare for your deposition this morning?
13 A. No.
14 Q. All right. When we left on Friday,
15 Mr. Rowell, we were talking about your employment
16 with MetLife. We had last discussed the performance
17 improvement plan you were placed on.
18 I'd like to now talk about the internal
19 complaint you filed with MetLife, okay?
20 A. All right.
21 Q. On March 10 you called MetLife's employee
22 relations consulting services hot line; is that
23 right?
24 A. I'm relying on your date, but it sounds
25 about right.

Page 328

1 Q. In that call, you complained generally of
2 racial discrimination; is that right?
3 A. That's correct.
4 Q. At some later date, you provided a written
5 complaint for that discrimination; is that correct?
6 A. Could very well be.
7 Q. Did you provide a written complaint --
8 A. Yes.
9 Q. -- to MetLife? I believe -- you tell me,
10 sir. This has already been marked as Rowell
11 Deposition Exhibit Number 2. Is that the written
12 complaint you filed with MetLife?
13 A. It is.
14 Q. When did you provide that to MetLife?
15 A. I don't have a date offhand.
16 Q. Did you provide it to them after you
17 called and complained?
18 A. I don't recall.
19 Q. So it may have been before or after,
20 you're not sure?
21 A. I'm not positive right now.
22 Q. Did you provide this complaint to someone
23 specific, or did you send it over to the employee
24 relations department?
25 A. I don't recall.

Page 329

1 Q. Your internal complaint was investigated
2 by senior employee relations consultant [REDACTED]
3 Tate-Gowans; is that right?
4 A. Yes.
5 Q. And Ms. [REDACTED] a black female; is
6 that right?
7 A. As far as I'm aware.
8 Q. She works for the MetLife employee
9 relations consulting services out of the benefit
10 sales group; is that right?
11 A. That's what I have been told.
12 Q. But she does not work for the benefit
13 sales group?
14 A. That's correct.
15 Q. And she doesn't work in the Atlanta
16 office?
17 A. No.
18 Q. She works in St. Louis, Missouri?
19 A. Again, I don't have that information.
20 Q. But you do know she does not work in
21 Atlanta, and she does not work for the benefit sales
22 group?
23 A. Correct.
24 Q. And you were involved in Ms. [REDACTED]
25 investigation?

1 A. Yes.

2 Q. Can you tell me, what was your
3 involvement?

4 A. I provided my complaint.

5 Q. Did you provide her with anything else?

6 A. Not that I recall at this time.

7 Q. So when you say your complaint, you're
8 talking about what's been marked as Rowell Deposition
9 Exhibit 2?

10 MS. MILLER: Excuse me. I don't have
11 a copy.

12 MR. KONN: This is from the session
13 on Friday.

14 MS. MILLER: The last exhibit I had
15 was 21.

16 MR. KONN: It was Number 2, so it
17 would have been --

18 MS. MILLER: Oh, it was Number 2? I
19 though you said 22. I got it.

20 BY MR. KONN:

21 Q. Well, you discussed your allegations with
22 Ms. Tate Gown, is that right, in person or at least
23 on the phone?

24 A. On the phone.

25 Q. Did you also discuss them by e-mail?

1 A. I would have to look to see.

2 Q. Do you recall e-mailing Ms. [REDACTED]
3 about your complaint?

4 A. Not right now.

5 Q. Or about her investigation?

6 A. At this time, I don't.

7 Q. But you did provide information to
8 Ms. Tate-Gowans to support your allegations of race
9 discrimination; is that right?

10 A. Yes.

11 Q. And in fact, you e-mailed her some of that
12 documentation; is that right?

13 A. Could very well be.

14 Q. And Ms. [REDACTED] actually asked you to
15 provide her with all documentation or information to
16 support your charges; is that right?

17 A. I don't recall.

18 Q. Did she ask you to provide her with
19 information to support your charge?

20 A. She did.

21 Q. So she did ask you to provide information
22 to support your charge?

23 A. Yes.

24 Q. And you did?

25 A. Yes.

1 Q. Did you provide her with all the
2 information you had to support your complaint?

3 A. I'm sure she didn't receive everything,
4 no.

5 Q. So you think you sent her things she
6 didn't receive, or you didn't provide her with
7 everything?

8 A. I provided her with information necessary
9 to get the ball rolling.

10 Q. What does that mean?

11 A. I gave her this three-page document, which
12 I feel outlines my complaint very specifically.

13 Q. Did you provide her with anything else?

14 A. I don't recall at this time.

15 Q. You also provided Ms. [REDACTED] with
16 names of a number of individuals who you believe
17 would support your claim of discrimination; is that
18 right?

19 A. Yes.

20 Q. And are you aware that Ms. [REDACTED]
21 interviewed those individuals?

22 A. Yes.

23 Q. Mr. Rowell, how often during the
24 investigation did you communicate with
25 Ms. [REDACTED]?

1 A. I don't recall.

2 Q. Once a week? Once a month?

3 A. More frequently than once a month.

4 Q. Although MetLife was investigating your
5 complaint, you nevertheless went ahead and filed your
6 EEOC charge while that investigation was pending; is
7 that right?

8 A. I believe so.

9 Q. In fact, you filed your EEOC charge on
10 April 15, 2010, correct?

11 A. Sounds about right.

12 Q. The MetLife investigation of your
13 complaint didn't conclude until the end of May 2010;
14 is that right?

15 A. Could be.

16 Q. Do you have any reason to doubt that, sir?

17 A. Not at this time.

18 Q. But you do know that you filed your EEOC
19 charge before the MetLife internal complaint
20 investigation concluded?

21 A. I think so, yes.

22 Q. And after the MetLife investigation
23 concluded, Ms. [REDACTED] you spoke; isn't that
24 right?

25 A. Yes.

1 Q. And she explained to you that there was no
2 evidence to substantiate your complaint of
3 discrimination; isn't that right?

4 A. I don't recall that specific wording, but
5 it's possible.

6 Q. Did she tell you you were not racially
7 discriminated against?

8 A. In so many words.

9 Q. What did she tell you?

10 A. She didn't find evidence supporting. I
11 believe that may have been her words, but I'm
12 paraphrasing. I don't recall the specific.

13 Q. But did she tell you that she closed her
14 complaint investigation and that she didn't believe
15 you had been discriminated against?

16 A. That's correct.

17 Q. In fact, she told you that what you had
18 complained of as discrimination is likely just the
19 fact that you didn't like your manager
20 Jeff Trinkwon's management style; is that right?

21 A. Yeah, I think so.

22 Q. Is there any reason to believe that
23 Ms. Tate-Gowans is biased against you?

24 A. No.

25 Q. And you resigned from MetLife two months

1 after the investigation concluded, MetLife
2 investigation concluded; isn't that right?

3 A. Yes.

4 Q. And the resignation was -- I think we
5 talked about this earlier. I apologize repeating
6 from Friday, but just to make sure we're fresh on
7 everything.

8 You resigned from MetLife on July 16,
9 2010. And you had actually, when you resigned, said
10 I'm giving two weeks' notice, resignation will be
11 effective July 30th, 2010?

12 A. I didn't say that.

13 Q. What did you say?

14 A. Please consider this my two weeks' notice.

15 Q. And so on July 16th, you say consider this
16 my two weeks' notice, and your resignation was
17 effective July 30th, 2010?

18 A. Correct.

19 Q. And you were paid from the point of
20 July 16th through July 30th?

21 A. Yes.

22 Q. And your discrimination charge was still
23 pending at the EEOC when you resigned?

24 A. Yes.

25 Q. And your manager, Jeff Trinkwon, had

1 actually resigned two months before that; is that
2 right?

3 A. I don't have the date.

4 Q. Did he resign before you resigned, sir?

5 A. He did.

6 Q. Did he resign in May 2010?

7 A. I would have to guess. I'm not sure. I'm
8 sure you have that information.

9 Q. Did he resign -- are you aware that he
10 resigned prior to MetLife closing its investigation
11 of your complaint?

12 A. Didn't happen.

13 Q. So you are saying he resigned following
14 the close of the investigation?

15 A. That's correct.

16 Q. But shortly after Mr. Trinkwon did resign,
17 you called Ms. [REDACTED]; you told her that you
18 no longer thought it was Trinkwon who had been
19 discriminating against you; is that right?

20 A. Not just him.

21 Q. So it was not just him?

22 A. Yes.

23 Q. Okay. So what did you tell

24 Ms. [REDACTED]

25 A. Robert Johnson was involved as well.

1 Q. So at that point, you believed it was both
2 Trinkwon and Robert Johnson?

3 A. I believed it was both of them from long
4 before that.

5 Q. And did Ms. [REDACTED] remind you that
6 she'd already finished her investigation and
7 concluded that you had not been racially
8 discriminated against?

9 A. Yes.

10 Q. By the time you resigned in July 2010, you
11 actually had a different manager. [REDACTED] Blackburn
12 was the regional director at that time; is that
13 right?

14 A. Yes.

15 Q. And you had no reason to believe that
16 Mr. Blackburn discriminated against you in any way?

17 A. No.

18 Q. And actually the day before you resigned,
19 you had a meeting with [REDACTED] Blackburn; is that
20 right?

21 A. Yes.

22 Q. And at that meeting, he told you your
23 sales performance was subpar and you needed to
24 improve; is that right?

25 A. I recall meeting with both he and

1 Robert Johnson.

2 Q. Okay. In that meeting you were told your
3 sales performance was subpar and needed to improve?

4 A. Possibly.

5 Q. What were you told? What do you recall
6 being told?

7 A. That he looked forward to continuing our
8 conversation by electronics.

9 Q. So there was no conversation about your
10 sales performance?

11 A. I don't recall the specifics.

12 Q. Were you told that your sales performance
13 needed to improve?

14 A. I don't recall.

15 Q. Nevertheless, the very next day, you quit?

16 A. Yes.

17 (Defendant's Exhibits 22 and 23 were
18 marked for identification.)

19 BY MR. KONN:

20 Q. Mr. Rowell, you've been handed what's been
21 marked as Rowell Deposition Exhibit Number 22. These
22 are your initial disclosures in this case. I'm
23 sorry, these are your responses to the first set of
24 interrogatories in this case.

25 If you look at interrogatory number one

1 and your response, which is on -- the pages aren't
2 numbered, but if you look at interrogatory number one
3 and your response -- I think that's page three and
4 four -- MetLife asked you to identify every person
5 you believed had knowledge or information concerning
6 your complaint and for you to list those people.

7 Your response was simply that you referred
8 to your initial disclosures, and that's disclosure
9 number three. So I'm going to hand you what will now
10 be marked as Rowell Deposition Exhibit Number 23,
11 which was your initial disclosures.

12 Mr. Rowell, you have in front of you
13 what's been marked as Rowell Deposition Exhibit
14 Number 23. These are your initial disclosures in
15 this case filed February 16th, 2012. If you look at
16 initial disclosure three and your response, you list
17 off a number of individuals. And per your response
18 to interrogatory number one, you believe that each of
19 these individuals has knowledge or information
20 regarding your complaint.

21 So I'd like to walk through this list and
22 I'd like for you to tell me exactly what knowledge or
23 information you believe each of these individuals has
24 as listed in initial disclosure number three, so
25 starting with Robert Johnson.

1 A. The office was run by him. Jeff ran
2 management decisions through him.

3 Q. Anything else?

4 A. He worked more closely together than he
5 told Ms. [REDACTED]

6 Q. Jeffrey Trinkwon is the next person on the
7 list. Tell me what knowledge or information you
8 believe he has that relates to your complaint.

9 A. He made the assignments.

10 Q. Next is Jim [REDACTED] manager in
11 Cleveland. Tell me more about him, please.

12 A. He's known me since November of 2002.

13 Q. And what information do you believe he has
14 that supports the allegations in your complaint?

15 A. He was my hiring manager in September of
16 2006 and can testify to my ability as a rep.

17 Q. And that's ability as an account
18 executive? Am I correct you were an account
19 executive for Mr. [REDACTED]

20 A. Yes.

21 Q. And you were not a client executive when
22 working for him; is that right?

23 A. That's correct.

24 Q. Next person listed on your disclosure is
25 [REDACTED] in Cleveland, a

1 manager. What information or facts do you believe
2 Mr. [REDACTED] as that supports the allegations in your
3 complaint?

4 A. He was my manager when I qualified for
5 leaders.

6 Q. And when was that?

7 A. Sales year 2003.

8 Q. And at that point you were a sales
9 representative; is that right?

10 A. Yes.

11 Q. So not account executive and not client
12 executive?

13 A. That's correct.

14 Q. And you were working in the small market;
15 is that right?

16 A. Yes.

17 Q. Anything else?

18 A. He was my manager.

19 Q. Okay. Next person on your list is
20 Tom [REDACTED] listed as a Cleveland interim manager.

21 What information or facts do you believe Mr. Mole has
22 that would support your allegations in your
23 complaint?

24 A. His confidence in my ability.

25 Q. Can you explain that, please?

1 A. As a regional vice president, he hired me
2 into Cleveland and approved promotion to account
3 executive.

4 Q. So he's not a Cleveland interim manager,
5 he's a -- I'm sorry, you said regional vice
6 president?

7 A. He was.

8 Q. So what is he now? So now he's interim
9 manager?

10 A. He's no longer at MetLife.

11 Q. And he was responsible for hiring you. Is
12 that what you said?

13 A. Twice.

14 Q. In 2002, and what was the second?

15 A. 2006.

16 Q. Were you -- you were already with MetLife
17 in 2006; is that right?

18 A. He promoted me.

19 Q. Okay. You believe Mr. Mole has any
20 information that would support the allegations in
21 your complaint?

22 A. He may be able to testify to my
23 assignment, but I can't guarantee that.

24 Q. To your what, sir?

25 A. My assignment.

1 Q. Your assignment. That's pretty broad.
2 You mean your assignment when you moved to Atlanta?
3 Your assignments when you were at Cleveland?

4 A. Working for the African-American-owned
5 agency outside of my territory.

6 Q. Is that again in Cleveland? In Atlanta?

7 A. Cleveland.

8 Q. And what assignment was that? You mean
9 Morehouse College we talked about some on Friday?

10 A. We also talked about Pinkney-Perry Agency.

11 Q. Pinkney-Perry?

12 A. Pinkney-Perry.

13 Q. No, I do not recall our conversation about
14 Pinkney Perry, so if you can tell me some more about
15 that, I would appreciate it. When were you assigned
16 to work with Pinkney-Perry?

17 A. Within a handful of months of receiving my
18 territory in 2002, early 2003 at the latest.

19 Q. And you are alleging, Mr. Rowell, that
20 your assignment to work with Pinkney-Perry in 2002,
21 2003 was racially discriminatory?

22 A. It was suggestive.

23 Q. Of what?

24 A. Being treated differently because of my
25 race.

1 Q. So are you telling me that your assignment
2 to Pinkney-Perry is the basis for your racial
3 discrimination complaint filed in February 2012?

4 A. It just adds to the modus operandi.

5 Q. What do you mean, sir?

6 A. The treatment that I received while
7 working at MetLife.

8 Q. I'm asking you again, do you believe your
9 assignment to work with Pinkney-Perry -- they are a
10 broker; is that right?

11 A. Yes.

12 Q. To work with Pinkney-Perry as a, at that
13 point, sales representative in 2002-2003 is evidence
14 to support your current racial discrimination claims?

15 A. Yes.

16 Q. And who assigned you to work with
17 Pinkney-Perry?

18 A. [REDACTED]

19 Q. And what reason do you have to believe
20 that your assignment by [REDACTED] Pinkney-Perry
21 in 2002-2003 was racially discriminatory?

22 A. Because I was assigned them because of my
23 race.

24 Q. And why do you say that?

25 A. Because he told me that they are an

1 African-American-owned agency.

2 Q. Anything else?

3 A. No.

4 Q. The time you were assigned to
5 Pinkney-Perry, you were a sales representative; is
6 that right?

7 A. Yes.

8 Q. So you would normally be assigned brokers?

9 A. That's correct.

10 Q. And how was your assignment to
11 Pinkney-Perry different from your assignment to any
12 other broker?

13 A. Sales reps were assigned geographical
14 territories.

15 Q. And again, how was your assignment to
16 Pinkney-Perry different than your assignment to other
17 brokers?

18 A. It wasn't in my geographical territory.

19 Q. Did you complain to anyone at MetLife
20 about your assignment to work for Pinkney-Perry and
21 your belief that it was racially discriminatory?

22 A. I did not.

23 Q. Did you complain or file a charge of
24 discrimination with the EEOC about your assignment to
25 work for Pinkney-Perry in 2002-2003?

Page 346

1 A. No.
2 Q. Do you believe any of your other
3 assignments while you were working in Cleveland were
4 racially discriminatory?
5 A. They assigned me another
6 African-American-owned agency.
7 Q. What is that?
8 A. Washington Insurance.
9 Q. And who assigned you to that agency?
10 A. I don't recall.
11 Q. And when was that?
12 A. 2005 maybe.
13 Q. And they were minority-owned?
14 A. They were.
15 Q. What about that assignment was racially
16 discriminatory, Mr. Rowell?
17 A. When I received the assignment, I was
18 unaware that they were African-American.
19 Q. Was it an African-American-owned company?
20 A. It is.
21 Q. Anything else about the assignment that
22 you believe is racially discriminatory?
23 A. No.
24 Q. So just the fact that they're a
25 minority-owned or a black-owned company led you to

Page 347

1 believe it was a racially discriminatory assignment?
2 A. And that was noted upon assignment, yes.
3 Q. What was noted upon assignment?
4 A. The fact that they're African-American
5 owned.
6 Q. So the fact that someone told you they're
7 minority-owned or African-American-owned is the basis
8 for your belief the assignment to that account was
9 racially discriminatory?
10 A. I believe it was the basis for the
11 assignment.
12 Q. Did you sell any products through
13 Washington Insurance, Mr. Rowell?
14 A. No.
15 Q. Did you have any quote activity through
16 Washington Insurance?
17 A. Yes.
18 Q. Did you sell any accounts through
19 Pinkney-Perry?
20 A. Yes.
21 Q. Did you make commissions through accounts
22 you sold Pinkney-Perry?
23 A. That's correct.
24 Q. Did you have quote activity with
25 Pinkney-Perry?

Page 348

1 A. Yes.
2 Q. Substantial quote activity?
3 A. No.
4 Q. Did your assignment to work with
5 Washington Insurance in 2005 while working in
6 Cleveland form the basis for your racial
7 discrimination complaint filed in February 2012?
8 A. No.
9 Q. But you think your assignment to
10 Pinkney-Perry in 2002-2003 does form some basis for
11 your complaint, or do you not think it forms a basis
12 for your complaint February 2012?
13 A. It adds to.
14 Q. And the activity was seven or eight years
15 earlier than any activity alleged in the complaint
16 that you believe is racially discriminatory?
17 A. I also alleged that was racially
18 discriminatory.
19 Q. I'm sorry, that the Pinkney-Perry
20 assignment --
21 A. That's correct.
22 Q. But that -- make sure I'm correct -- that
23 Pinkney-Perry assignment was seven or eight years
24 earlier than the racially discriminatory activity you
25 allege in the complaint.

Page 349

1 A. That's alleged in the complaint.
2 Q. But that specific component occurred seven
3 to eight years earlier than any of the other racially
4 discriminatory activity you alleged in the complaint?
5 A. That would be correct.
6 Q. The next person on your list is
7 [REDACTED]eweling. What information or facts do you
8 believe Ms. Leweling has to support the allegations
9 in your complaint?
10 A. Per your response was that rep was hired
11 to take my accounts.
12 Q. I'm sorry, what's that? She was hired to
13 take your accounts? That's your belief?
14 A. She was.
15 Q. Ms. Leweling was hired while you were out
16 on disability leave; is that right?
17 A. Yes.
18 Q. And do you believe her hiring was racially
19 discriminatory?
20 A. No.
21 Q. Did you believe the assignment of accounts
22 to her while you were out on leave and unable to work
23 was racially discriminatory?
24 A. I do not.
25 Q. The next person on your list is

1 [REDACTED] Blackburn, listed as an Atlanta area sales
2 representative. What information or facts do you
3 believe Mr. Blackburn has to support the allegations
4 in your complaint?

5 A. He's aware of the quote activity and
6 opportunity with the reps in our office.

7 Q. Can you elaborate for me, Mr. Rowell?
8 What exactly do you mean? What information does he
9 have?

10 A. [REDACTED] as a good sense of who has
11 opportunity and who doesn't.

12 Q. And you're not alleging Mr. Blackburn
13 racially discriminated against you?

14 A. No.

15 Q. We talked actually about Mr. Blackburn
16 some on Friday. He is a -- well, currently he's a
17 regional director, but when you worked with him at
18 MetLife, he was an account executive; is that right?

19 A. Yes.

20 Q. With substantial prior experience, or
21 substantial experience?

22 A. Yes.

23 Q. He'd been with MetLife for some number of
24 years. You and I weren't sure of the exact number,
25 but possibly ten years or more with MetLife or the

1 prior company before you joined?

2 A. Yes. No.

3 Q. What do you understand his history to be?

4 A. Seven years.

5 Q. The next person on your list is Ed Ryan,
6 listed as an Atlanta area sales representative. What
7 information or facts do you believe Mr. Ryan has to
8 support your allegations in your complaint?

9 A. He can explain why he gave me the accounts
10 that he did.

11 Q. And when you say why Mr. Ryan gave you the
12 accounts, do you mean the accounts that were assigned
13 to you when you became -- when you joined the Atlanta
14 office in 2008 as a client executive?

15 A. Yes.

16 Q. And Mr. Ryan was the other client
17 executive when you joined; is that right?

18 A. Yes.

19 Q. And several of his accounts were
20 reassigned from Mr. Ryan to you, several of his
21 clients?

22 A. Yes.

23 Q. And are you alleging that the assignment
24 of accounts to you when you joined the Atlanta office
25 as a client executive was racially discriminatory?

1 A. I'm alleging that there wasn't any
2 opportunity in that broker business.

3 Q. Are you alleging that the assignment of
4 accounts to you was racially discriminatory?

5 A. No.

6 Q. The next person on your list is
7 [REDACTED] Vietri, listed as an Atlanta area sales
8 representative. What facts or information do you
9 have -- do you believe Mr. Vietri has to support the
10 allegations in your complaint?

11 A. He can describe his opportunity.

12 Q. And Mr. Vietri was with MetLife in the
13 sales group in Atlanta prior to your joining the
14 office in 2008?

15 A. Correct.

16 Q. And he was an account executive when you
17 joined as a client executive?

18 A. I think he was a trainee.

19 Q. He was an account executive while you were
20 serving as a client executive?

21 A. Sure.

22 Q. Well, was he?

23 A. Yes.

24 Q. And his territory, at least initially, was
25 the rural parts of Georgia and surrounding states?

1 A. Yes.

2 Q. He worked with a lot of smaller brokers as
3 a result of being in the rural areas of Georgia and
4 the surrounding states?

5 A. Correct. Tennessee.

6 Q. Thank you. The next person on your list
7 is [REDACTED] [REDACTED] listed as an Atlanta area
8 sales representative. What information or facts do
9 you believe Mr. Rosenfeld has to support the
10 allegations in your complaint?

11 A. He can describe his opportunity.

12 Q. What opportunities did -- first, I'm not
13 familiar with Mr. Rosenfeld. Tell me who he is.

14 A. He reported to Jeff in Alabama.

15 Q. What was his position?

16 A. Account executive.

17 Q. So he was an account executive in the
18 benefit sales group and the Southeast reporting to
19 Mr. Trinkwon?

20 A. Yes.

21 Q. Do you have the dates of his employment?

22 A. No.

23 Q. Was he an account executive the entire
24 time you were with MetLife in Atlanta?

25 A. Yes.

1 Q. Are you aware if Mr. Rosenfeld was
2 assigned to work in rural parts of Alabama?
3 A. I believe he was.
4 Q. Was he assigned to work any -- with any
5 brokers in Atlanta?
6 A. Not to my knowledge.
7 Q. The next person on your list is
8 John Ehrlich, listed as a life insurance wholesaler
9 and former client executive. What facts or
10 information do you believe Mr. Ehrlich has to support
11 the allegations in your complaint?
12 A. He can speak to constructive termination.
13 Q. And that's because you believe Mr. -- you
14 were treated the same as Mr. Ehrlich?
15 A. Because he was constructively terminated
16 himself.
17 Q. So you believe you were treated the same
18 as Mr. Ehrlich?
19 A. I believe we shared things in common.
20 Q. I'm asking you if you believe you were
21 treated the same as Mr. Ehrlich?
22 A. With the exception of him receiving
23 accounts specific to his identity, yes.
24 Q. And what does that mean?
25 A. He didn't receive -- and I don't know what

1 particular religion he may be, but I received
2 accounts because I was black. He didn't get that
3 treatment.
4 Q. So when you say with the exception of
5 the -- your assignment to work with Morehouse,
6 Atlanta Life and ██████████ you were treated the
7 same as Mr. Ehrlich; is that correct?
8 A. Yes.
9 Q. And how was Mr. Ehrlich treated that you
10 believe is the same as how you were treated?
11 A. He received a high goal with not enough
12 opportunity.
13 MS. MILLER: I'm sorry, I couldn't
14 hear you. He received a --
15 THE WITNESS: Large goal.
16 BY MR. KONN:
17 Q. Did you say with not enough opportunity?
18 And Mr. Ehrlich was a client executive working in the
19 Atlanta office for Mr. Trinkwon?
20 A. Yes.
21 Q. When do you believe he was -- or when did
22 he resign?
23 A. I don't recall.
24 Q. But while you were working in Atlanta or
25 before that?

1 A. He changed to a life wholesaler prior to
2 my arrival.
3 Q. So you believe he was -- he resigned from
4 his position as a client executive and came in as a
5 life insurance wholesaler?
6 A. Yes.
7 Q. And Mr. ██████████ a white male?
8 A. He is.
9 Q. The next person on your list is
10 ██████████ ██████████ ed as a regional sales
11 coordinator. What information or facts do you
12 believe Ms. ██████████ as to support the allegations in
13 your complaint?
14 A. She can speak to how much opportunity I
15 had versus everybody else.
16 Q. And what is Ms. ██████████ ple with MetLife?
17 A. Regional sales coordinator.
18 Q. I'm sorry, what does that mean? What is
19 her job?
20 A. To coordinate quotes.
21 Q. You have to give me some more information.
22 Was she support staff? Did you work for her? Did
23 she work for you?
24 A. Support staff.
25 Q. So if a quote came in, she would help

1 arrange the numbers, figures? What exactly was she
2 doing?
3 A. She made sure underwriting got it.
4 Q. Sorry, made sure what?
5 A. Underwriting.
6 Q. Did you tell Ms. Pries you thought you
7 were being racially discriminatory against?
8 A. No.
9 Q. Did the two of you ever discuss that?
10 A. No.
11 Q. The next person on your list is
12 ██████████ ██████████ sted as a sales specialist. What
13 facts or information do you believe Ms. Mercer has to
14 support the allegations in your complaint?
15 A. The affidavit I got on Friday.
16 Q. That was an affidavit from Ms. Mercer
17 regarding a conversation she allegedly had with
18 Jeff Trinkwon; is that right?
19 A. Yes.
20 Q. Do you believe Ms. Mercer has any other
21 information?
22 A. She can discuss how she was discriminated
23 against.
24 Q. What was Ms. Mercer's position? What did
25 she do in that position?

Page 358

1 A. Post sale assistance.
2 Q. What does that mean?
3 A. She assisted the reps with accounts that
4 were already on the books.
5 Q. So she assisted you in your role as both a
6 client executive and account executive or just as a
7 client executive?
8 A. She was not my assistant.
9 Q. You had just told me she assisted reps, so
10 I'm asking you if she assisted you in your role as
11 client executive and account executive?
12 A. She wasn't my assistant.
13 Q. So she assisted others?
14 A. Correct.
15 Q. So you didn't work directly with
16 Ms. Mercer?
17 A. No.
18 Q. Next person listed on your
19 complaint -- I'm sorry, on your initial disclosures
20 is Lyvetta Thornton, listed as a former Dallas area
21 sales specialist. What information or facts do you
22 believe Ms. Thornton has to support the allegations
23 in your complaint?
24 A. She can talk about how she was
25 discriminated against.

Page 359

1 Q. And Ms. Thornton worked for MetLife?
2 A. She did.
3 Q. And she no longer works for MetLife?
4 A. No.
5 Q. When did she resign, or was she discharged
6 from MetLife?
7 A. I don't have the date.
8 Q. Do you have a year?
9 A. No.
10 Q. Did she quit?
11 A. I believe she did.
12 Q. And she worked in Dallas; is that right?
13 A. She did.
14 Q. Was she supervised by Mr. Trinkwon?
15 A. No.
16 Q. She was a sales specialist as well, so she
17 had the same role as Ms. Mercer?
18 A. She was small market.
19 Q. But she was support staff?
20 A. That's correct.
21 Q. She was assisting reps with their sales?
22 A. Yes.
23 Q. And how do you know Ms. Thornton?
24 A. We worked in the same office.
25 Q. So she used to work in Cleveland or used

Page 360

1 to work in Atlanta?
2 A. I used to work in Dallas.
3 Q. So this was in 2002 you used to work in
4 Dallas?
5 A. Yes.
6 Q. And Ms. Thornton told you in 2002 that she
7 was discriminated against?
8 A. She -- then and since then.
9 Q. When?
10 A. Throughout her tenure at MetLife.
11 Q. Did you tell Ms. Thornton you believed you
12 were being racially discriminatory against?
13 A. Yes.
14 Q. When?
15 A. I don't recall.
16 Q. What did you tell her?
17 A. That I was discriminated against.
18 Q. What specifically did you tell her?
19 A. That I wasn't getting the same opportunity
20 everybody else was.
21 Q. So this would have been in 2010? 2009?
22 A. About.
23 Q. Were you complaining about your
24 assignments as a client executive.
25 A. Not specifically.

Page 361

1 Q. Were you complaining about your
2 assignments as an account executive?
3 A. I don't recall.
4 Q. Well, what were you complaining about to
5 Ms. Thornton when you spoke to her?
6 A. That I hadn't seen the same opportunity
7 everybody else has.
8 Q. Did you provide Ms. Thornton with any
9 documents --
10 A. No.
11 Q. -- or e-mails? Did you e-mail with her?
12 A. I did not.
13 Q. Did you speak with her on the phone or in
14 person?
15 A. On the phone.
16 Q. And Ms. Thornton -- is Ms. Thornton a
17 black female, African-American?
18 A. She is.
19 Q. Ms. Mercer as well?
20 A. She's white.
21 Q. And Ms. [REDACTED] is she white or black?
22 A. White.
23 Q. You told me that Ms. Mercer told you she'd
24 been discriminated against. Did she allege she'd
25 been discriminated against on the basis of her race?

Page 362

1 A. Age.
2 Q. Next person on your list is [REDACTED] [REDACTED]
3 listed as a current or former MetLife employee. What
4 information do you believe Mr. [REDACTED] as that
5 supports the allegations in your complaint?
6 A. He can speak to selective assignments.
7 Q. How can he speak to them? What's his
8 basis of that information?
9 A. He was a sales rep.
10 Q. Where?
11 A. New York.
12 Q. What kind of sales rep?
13 A. Small market.
14 Q. Client executive? Account executive?
15 A. Mid-large.
16 Q. So in a small market, you do both?
17 A. You have to rephrase that question.
18 Q. I asked you if he was a client executive
19 or an account executive, and your response was simply
20 he was in the small market. So I'm asking you if in
21 a -- when you work in the small market territory or
22 that's your assignment, are you filling the role of
23 client executive and account executive?
24 A. The title of small market is sales rep.
25 Q. And are you filling the role as both

Page 363

1 client executive and account executive?
2 A. You're bringing new business and manage
3 existing.
4 Q. How long was Mr. [REDACTED] with MetLife?
5 A. Three or four years, I believe.
6 Q. Do you have the years?
7 A. 2002 to approximately 2005.
8 Q. Those were all in the New York office?
9 A. Yes.
10 Q. Or New York? And all as a small market
11 rep?
12 A. Correct.
13 Q. And was Mr. [REDACTED] supervised by
14 Mr. Trinkwon?
15 A. No.
16 Q. Mr. Johnson?
17 A. No.
18 Q. Did Mr. [REDACTED] resign from MetLife?
19 A. He did.
20 Q. Did we discuss Mr. [REDACTED] on Friday,
21 Mr. Rowell, if you recall?
22 A. We did.
23 Q. In fact, I thought I recognized the name.
24 I just wanted to make sure so I won't waste our time
25 going back over him, okay?

Page 364

1 The next person on your list is
2 [REDACTED] [REDACTED] as a current or former MetLife
3 employee. What facts or information do you believe
4 Mr. [REDACTED] as to support the allegations in your
5 complaint?
6 A. He can speak to selective assignments.
7 Q. So am I correct to assume that Mr. [REDACTED]
8 worked for MetLife?
9 A. He did.
10 Q. Where and during that years?
11 A. New York, 2002 to maybe 2004.
12 Q. What was his role in New York?
13 A. Sales rep.
14 Q. Small markets?
15 A. Yes.
16 Q. You said 2002 to 2004?
17 A. That's my belief.
18 Q. Did he resign?
19 A. Yes.
20 Q. Was he supervised by Mr. Trinkwon or
21 Mr. Johnson?
22 A. No.
23 Q. Have you and Mr. [REDACTED] discussed this
24 case?
25 A. No.

Page 365

1 Q. So why do you believe that Mr. [REDACTED] as
2 information to substantiate your claims?
3 A. I believe he could speak to the way he was
4 treated at MetLife.
5 Q. So did he complain to you about his
6 treatment at MetLife?
7 A. Indirectly.
8 Q. How so?
9 A. I was told through [REDACTED] [REDACTED] o
10 worked alongside him, about the territory that
11 Brandon received.
12 Q. So you have third-party information about
13 Mr. [REDACTED] assignments?
14 A. And some first party too.
15 Q. So you did speak to Mr. [REDACTED] directly?
16 A. Yes.
17 Q. And what did Mr. [REDACTED] tell you?
18 A. That there was shoot-outs in his
19 territory.
20 Q. That -- sorry?
21 A. There was shooting in his territory.
22 Q. He was assigned to territory in New York?
23 A. Yes.
24 Q. New York City?
25 A. Yes, Harlem.

1 Q. Next person on your list is Moe [REDACTED]
 2 listed as a former MetLife employee. What
 3 information or facts do you believe Mr. [REDACTED] as
 4 to support your allegations?
 5 A. He can speak to assignments.
 6 Q. Where did Mr. [REDACTED] work?
 7 A. New York.
 8 Q. In what role?
 9 A. Sales rep.
 10 Q. What kind of market?
 11 A. Small.
 12 Q. What years?
 13 A. 2003 to approximately 2006.
 14 Q. Was he supervised by Mr. Trinkwon or
 15 Mr. Johnson?
 16 A. No.
 17 Q. And why do you believe that Mr. [REDACTED]
 18 has information to support your complaint?
 19 A. He can speak to how MetLife viewed
 20 non-white employees.
 21 Q. Have you spoken with Mr. [REDACTED]
 22 A. Not regarding this.
 23 Q. Have you spoken to Mr. [REDACTED] regarding
 24 how MetLife treats non-white employees?
 25 A. I believe so.

1 Q. What did you discuss with him?
 2 A. There was a conversation between Tony, he
 3 and myself, if I'm not mistaken.
 4 Q. I'm sorry. Who's Tony?
 5 A. [REDACTED]
 6 Q. And who's Tony [REDACTED]
 7 A. [REDACTED]
 8 Q. Okay. What did the three of you discuss?
 9 A. That an Arab-American employee at MetLife
 10 was apparently never to see the streets.
 11 Q. I'm sorry, that an Arab-American employee?
 12 A. Yes.
 13 Q. And what do you mean when you say never
 14 see the streets? I don't understand.
 15 A. He wasn't to receive a territory.
 16 Q. And when was -- when was this discussion?
 17 A. I don't recall.
 18 Q. Was this discussion while both Mr. [REDACTED]
 19 and Mr. [REDACTED] were still working with MetLife?
 20 A. Yes.
 21 Q. So at a minimum, it would have to be
 22 before 2005?
 23 A. I believe so.
 24 Q. Have you discussed this case with
 25 Mr. [REDACTED]

1 A. No.
 2 Q. Have you discussed your EEOC charge or
 3 internal complaint at MetLife with Mr. [REDACTED]
 4 A. Not that I recall.
 5 Q. The next person listed on your initial
 6 disclosures is [REDACTED] listed as a former
 7 MetLife employee. What information or facts do you
 8 believe Mr. [REDACTED] as to support your allegations in
 9 the complaint?
 10 A. Selective assignments.
 11 Q. And if you could tell me, as with the
 12 other individuals, where he worked and in what role
 13 and in what market?
 14 A. Houston, as a sales rep in the small
 15 market.
 16 Q. What years?
 17 A. 2004 maybe to 2006, my guess.
 18 Q. Was he supervised by Jeff Trinkwon or
 19 Robert Johnson?
 20 A. No.
 21 Q. And why do you believe Mr. [REDACTED] as
 22 information to support your complaint?
 23 A. I was told that he resigned because of his
 24 lack of opportunity. And actually he and I spoke
 25 about it on one occasion.

1 Q. What did you and he speak about?
 2 A. That he wasn't receiving the same
 3 opportunity.
 4 Q. And he thought it was because of his race,
 5 or he told you that?
 6 A. That was implied.
 7 Q. Did Mr. [REDACTED] tell you he wasn't
 8 receiving the same opportunities because of his race?
 9 He at least thought that?
 10 A. Yes.
 11 Q. Did Mr. [REDACTED] tell you that?
 12 A. I would have to -- I don't know for sure.
 13 Q. Do you have e-mail communications between
 14 any of Mr. [REDACTED] Mr. [REDACTED]. [REDACTED]
 15 Mr. [REDACTED]
 16 A. No.
 17 Q. Text message communications?
 18 A. I have one.
 19 Q. Between you and whom?
 20 A. [REDACTED] [REDACTED]
 21 Q. The last person listed on your
 22 list -- listed on your list of disclosures is
 23 Derek Rowell, listed as a former MetLife employee.
 24 That's your brother; is that right?
 25 A. Correct.

1 Q. What information or facts do you believe
 2 Mr. Rowell, Derek Rowell, has to support the
 3 allegations in your complaint?
 4 A. He can speak to assignments.
 5 Q. And where did Mr. Rowell work for MetLife?
 6 A. Chicago.
 7 Q. And what role?
 8 A. Small market.
 9 Q. As a sales rep?
 10 A. Yes.
 11 Q. How long? For what years was he with
 12 MetLife?
 13 A. I think he was '04 to '06.
 14 Q. So he actually joined MetLife after you
 15 did?
 16 A. Yes.
 17 Q. Was he supervised by Jeff Trinkwon or
 18 Robert Johnson?
 19 A. No.
 20 Q. And have you spoken with [REDACTED] [REDACTED]
 21 about your case, this case?
 22 A. Yes.
 23 Q. And you also spoke with him about your
 24 EEOC charge and the internal MetLife investigation;
 25 is that right?

1 A. At least the EEOC charge.
 2 Q. And did you e-mail with him about those
 3 things?
 4 A. No.
 5 Q. Did you text message with him about those
 6 things?
 7 A. No.
 8 Q. So all in-person or on-the-phone
 9 conversations?
 10 A. That's correct.
 11 Q. Did you provide any documents to Mr. [REDACTED]
 12 [REDACTED]
 13 A. No.
 14 Q. And am I correct that each of Mr. [REDACTED]
 15 Mr. [REDACTED] Mr. [REDACTED] [REDACTED]
 16 are all African-American males?
 17 A. Yes.
 18 Q. But none of them worked in the Atlanta
 19 office in the group benefit sales?
 20 A. That's correct.
 21 Q. And none of them were supervised by
 22 Jeff Trinkwon or Robert Johnson?
 23 A. That's also correct.
 24 Q. And they all resigned on or prior to 2006?
 25 A. That's my belief.

1 Q. So just one person I didn't ask about the
 2 resignation was [REDACTED] [REDACTED] He also resigned?
 3 A. He did.
 4 Q. You can put aside Rowell Deposition
 5 Exhibit 23 and turn back to Rowell Deposition
 6 Number 22, which is your responses to
 7 interrogatories.
 8 Interrogatory number three asks you to
 9 identify all employers, employment agencies,
 10 et cetera, to or through which you applied for
 11 employment since ending your employment with
 12 Met -- excuse me, since ending your employment with
 13 MetLife in July 2010, and to provide a significant
 14 amount of detail for each of those employers or
 15 employment agencies.
 16 You answered only that you were presently
 17 employed by Atlanta Community Health Partners and
 18 that your compensation is based on commissions.
 19 First, are you still employed by Atlanta
 20 Community Health Partners?
 21 A. I am.
 22 Q. How long have you been working there?
 23 A. 2010, I suppose.
 24 Q. What month in 2010?
 25 A. August 1st.

1 Q. So you started with Atlanta Community
 2 Health Partners the day after your resignation was
 3 effective with MetLife?
 4 A. That's correct.
 5 Q. When did you first apply to work at
 6 Atlanta Community Health Partners?
 7 A. June or -- June or July.
 8 Q. Of 2010?
 9 A. Yeah.
 10 Q. So you were interviewing to work
 11 with -- sorry. You had at least applied to work for
 12 Atlanta Community Health Partners prior to your
 13 resignation from MetLife?
 14 A. Yes.
 15 Q. Had you applied to work for Atlanta
 16 Community Health Partners before the MetLife internal
 17 investigation was concluded?
 18 A. Not to my knowledge.
 19 Q. Were you interviewing with Atlanta
 20 Community Health Partners while you were still
 21 employed with MetLife?
 22 A. Yes.
 23 Q. When was your first interview with Atlanta
 24 Community Health Partners?
 25 A. ACHP is a company that I went into joint

1 ownership with through Klonowski because he was a
2 broker of mine in Ohio. Klonowski,
3 K-l-o-n-o-w-s-k-i.

4 Q. So you formed Atlanta Community Health
5 Partners?

6 A. That's correct.

7 Q. So you didn't actually apply to work with
8 them at all because you formed the company?

9 A. I applied through Scott Klonowski, the
10 owner of Klonowski Agency, to help me start ACHP.

11 Q. So you're the sole owner of ACHP?

12 A. Yes.

13 Q. Were you applying for a job with Klonowski
14 in June or July of 2010? I just don't -- I don't
15 entirely understand the process, so maybe if you can
16 just fill me in on the process, that would be
17 helpful.

18 A. He and I agreed to start an agency.

19 Q. But when you first reached out to him, you
20 were applying for a job with him?

21 A. A partnership.

22 Q. So when you first reached out to him, your
23 intent was to form a partnership to start a new
24 agency?

25 A. That's correct.

1 Q. And that was in June or July 2010?

2 A. Yes.

3 Q. Had you previously reached out to anyone
4 else for employment?

5 A. Yes.

6 Q. And who was that?

7 A. Tom [REDACTED]

8 Q. And Tom [REDACTED] had you reached out to him
9 to work for him or to start a partnership with him?

10 A. To work for his company.

11 Q. And what company did he work for or does
12 he work for?

13 A. Cigna.

14 Q. And when did you reach out to Tom [REDACTED] to
15 work with Cigna?

16 A. Fourth quarter of 2009.

17 Q. And that's while you were out on
18 disability leave; is that right?

19 A. As while I was out.

20 Q. Yes. Were you offered a job with Cigna?

21 A. No.

22 Q. Do you know why not?

23 A. I can guess.

24 Q. Go ahead.

25 A. Because I had the opportunity to work for

1 the same hiring manager here in Atlanta prior to me
2 moving to Atlanta with MetLife. I declined that
3 opportunity.

4 Q. I'm not sure I follow you. So you had the
5 opportunity to work for Cigna?

6 A. The same hiring manager in Atlanta.

7 Q. And who was that?

8 A. First name is Eddie. Taylor is the last
9 name, best of my recollection.

10 Q. So if you had joined Cigna, you would have
11 been working for Eddie Taylor at Cigna?

12 A. Yes.

13 Q. And you declined that opportunity?

14 A. In 2008.

15 Q. I'm sorry, Mr. Rowell, I'm just not
16 following. I apologize. In 2008, what opportunity
17 did you decline?

18 A. The opportunity to work for Cigna.

19 Q. So you were offered a job to work for
20 Cigna in 2008?

21 A. I broke off negotiations to pursue the
22 opportunity I got through MetLife.

23 Q. So in 2008, you had applied to work for
24 Cigna in Atlanta?

25 A. Correct.

1 Q. But instead, you decided to join MetLife
2 in the Atlanta office sales group as an account
3 executive?

4 A. Of MetLife.

5 Q. Of MetLife. And then when you reapplied
6 to Cigna in Q4 2009, you believe you were not hired
7 because you previously declined the job offer they
8 had given you in 2008?

9 A. There was never an offer on the table, but
10 I didn't receive a call back from Eddie Taylor
11 because it's my belief I broke off negotiation in the
12 past.

13 Q. Did you apply anywhere else for employment
14 between mid 2009 until your employment with -- until
15 you resigned from MetLife in 2010?

16 A. No.

17 Q. So the first place you applied or
18 attempted to find work was with Klonowski; is that
19 how you say it? Klonowski, in June of July 2010?

20 A. Yes.

21 Q. And when was ACHP formed?

22 A. Shortly thereafter.

23 Q. Prior to August 1, 2010?

24 A. It had to be shortly thereafter.

25 Q. I'm sorry. You told me you started

Page 378

1 working there August 1, 2010. Had the company been
2 formed prior to your start date?
3 A. No. It's possible we began paperwork in
4 the last two weeks of July.
5 Q. While you were still with MetLife?
6 A. After I put in my resignation.
7 Q. What is ACHP?
8 A. Atlanta Community Health Partners.
9 Q. I'm sorry. What do they do?
10 A. Insurance broker.
11 Q. So they are a broker?
12 A. I am.
13 Q. Can you tell me just basically what that
14 means in simplest of terms? I just want to make a
15 clear record.
16 A. To bring in business, whether individual
17 or group.
18 Q. What insurance companies' products do you
19 sell?
20 A. Health insurance, life insurance,
21 short-term and long-term disability. Also property
22 and casualty.
23 Q. For which companies? Am I correct Atlanta
24 Community Health Partners is not an insurance
25 company, they sell products for other companies?

Page 379

1 A. That's correct.
2 Q. What companies' products do you sell?
3 A. Blue Cross, Humana, Kaiser, Coventry.
4 Q. Any others?
5 A. Those would be the main.
6 Q. And what's your role with ACHP?
7 A. I own it.
8 Q. And you serve as a broker with ACHP?
9 A. I do.
10 Q. So you're responsible for bringing in new
11 business with clients?
12 A. (Witness nods head affirmatively.)
13 Q. Is that a yes?
14 A. Yes.
15 Q. Since your leaving MetLife in July of
16 2010, have you applied for any other jobs through
17 present?
18 A. No.
19 Q. So when you quit MetLife in July, July 16,
20 2010, you already knew you'd be joining and forming
21 ACHP?
22 A. That's correct.
23 Q. And you've been working, or you've owned
24 and been working for ACHP since that time?
25 A. Yes.

Page 380

1 Q. Interrogatory number four asks whether
2 you've received any payments, salary or other
3 compensation since ending your employment with
4 MetLife and to provide details about those payments.
5 You answered only that you were receiving
6 commissions which vary depending on the productivity.
7 I'd like some more specifics on that, Mr. Rowell.
8 So I guess first the commissions you
9 mentioned in response to interrogatory four, those
10 are commissions you earned as a broker for ACHP?
11 A. That's correct.
12 Q. Did you earn any other compensation or
13 benefits from ACHP?
14 A. No.
15 Q. Health insurance?
16 A. That's it.
17 Q. Company car?
18 A. No.
19 Q. Vacation?
20 A. No.
21 Q. No salary?
22 A. No.
23 Q. How much did you earn from ACHP in 2010?
24 A. 45,000.
25 Q. How much did you invest in ACHP in 2010?

Page 381

1 A. Zero.
2 Q. So it was zero startup costs?
3 A. I had a partner.
4 Q. So Mr. -- I apologize. His name was?
5 A. Klonowski.
6 Q. So Mr. Klonowski invested all the money
7 associated with ACHP?
8 A. That's correct.
9 Q. How much money was that?
10 A. I don't know.
11 Q. How much partnership interest do you and
12 Mr. Klonowski respectively have in ACHP?
13 A. One hundred percent.
14 Q. You are 100 percent?
15 A. I am.
16 Q. Did you buy Mr. Klonowski out?
17 A. Yes.
18 Q. When was that?
19 A. September of last year.
20 Q. For how much?
21 A. A hundred dollars.
22 Q. And you don't know how much Mr. Klonowski
23 invested initially in the company?
24 A. No.
25 Q. Do you know how much Mr. Klonowski

Page 382

1 invested in the company from the time it was created
2 on or around July 2010 through its sale to you in
3 September 2011?
4 A. He paid me an \$80,000 salary.
5 Q. So he did pay you a salary?
6 A. Yeah.
7 Q. And when was that salary?
8 A. August 1st, 2010.
9 Q. It was a single \$80,000 payment, or was
10 the salary paid through the course of the year?
11 A. Over the course.
12 Q. So you earned the salary of 80,000 plus
13 commissions?
14 A. Functioned as a draw.
15 Q. Just explain it to me then. How did that
16 work?
17 A. Draws are where you receive a guaranteed
18 payment. Commission is offset.
19 Q. And what if your commission exceeded the
20 guaranteed payment; would you also earn additional
21 monies?
22 A. Yes.
23 Q. Did your commission exceed your guaranteed
24 payment?
25 A. No.

Page 383

1 Q. In 2010?
2 A. No.
3 Q. 2011?
4 A. No.
5 Q. This year?
6 A. No.
7 Q. So your salary -- your guaranteed payment
8 at ACHP, was it \$80,000 a year in 2010?
9 A. That's correct.
10 Q. Did it increase in 2011 or 2012?
11 A. No.
12 Q. So in each of 2010, 2011, 2012, your
13 guaranteed salary with ACHP was \$80,000?
14 A. We separated last year.
15 Q. I'm sorry. So in September 2011, you
16 separated. So in 2010 and 2011, your guaranteed
17 salary was \$80,000?
18 A. From August 1st of 2010 to September of
19 2011, it was \$80,000.
20 Q. And did you receive any other monies for
21 working at the ACHP other than the \$80,000 draw
22 between August 2010 and September 2011?
23 A. \$10,000 severance.
24 Q. When was that?
25 A. September or October of 2011.

Page 384

1 Q. And why did you receive a severance
2 payment?
3 A. Scott was taking his company in a
4 different direction.
5 Q. That's Scott Klonowski?
6 A. Yes.
7 Q. But you continued to work for ACHP after
8 September 2011?
9 A. It's mine.
10 Q. So what were you terminated from to
11 receive a \$10,000 severance payment?
12 A. I was no longer to receive salary.
13 Q. How much have you received in compensation
14 from ACHP or any other employer since September 2011?
15 A. 15,000, 20 maybe.
16 Q. And that's all been commissions?
17 A. Yes.
18 Q. Do you have any employees?
19 A. No.
20 Q. You're the sole owner and sole employer of
21 ACHP?
22 A. That's correct.
23 Q. How much have you invested in ACHP since
24 September of 2011?
25 A. 80,000.

Page 385

1 Q. And that 80,000 came from revenue
2 generated by ACHP?
3 A. No.
4 Q. Where did the 80,000 come from?
5 A. My retirement account.
6 Q. And that was a retirement account funds
7 that were generated while you were working for
8 MetLife?
9 A. That's correct.
10 Q. Have you received any other compensation
11 we haven't already detailed after you left MetLife?
12 A. I have not.
13 Q. Are you receiving benefits from ACHP
14 still?
15 A. Yes.
16 Q. Health, life, dental? What are you
17 receiving?
18 A. The three.
19 Q. Health, life and dental?
20 A. Yes.
21 Q. Short-term disability?
22 A. No.
23 Q. Long-term?
24 A. No.
25 Q. Vision?

Page 386

1 A. There's a benefit associated with my
2 insurance health plan.
3 Q. Have you received any other compensation
4 of any kind since leaving MetLife that we haven't
5 already discussed?
6 A. No.
7 Q. While you were working for MetLife, did
8 you receive any other compensation other than from
9 MetLife?
10 A. No.
11 Q. If you look at interrogatory number six,
12 it asks about medical, psychological treatment,
13 counseling you've had since July 2002 in connection
14 with any claimed injury or condition named in your
15 complaint and to provide details about any such
16 treatment or counseling.
17 You listed two instances. One, that you
18 were seen at Oak Grove Family Medicine in Atlanta,
19 and you were seen by Dr. Smith in Ohio. If you could
20 tell me more about each of those, starting first with
21 Oak Grove Family Medicine.
22 A. That was where I went for my stress.
23 Q. When was that?
24 A. The first quarter of 2010.
25 Q. Do you have any more specific date than

Page 387

1 just first quarter 2010? January, February, March?
2 A. It's in my medical records.
3 Q. Do you know the answer?
4 A. I can give it to you.
5 Q. But do you know the answer?
6 A. Not off top of my head.
7 Q. And what was the result of your visit to
8 Oak Grove in Atlanta in 2010?
9 A. Test came back negative.
10 Q. And what exactly were you tested for?
11 A. I was given a standard blood test.
12 Q. For stress?
13 A. We had the discussion Friday. You can't
14 diagnose whether or not somebody's stressed through
15 labs.
16 Q. So what were you tested for?
17 A. Any abnormalities.
18 Q. Was that your one and only time going to
19 Oak Grove facility in Atlanta?
20 A. Yes.
21 Q. What is the claimed injury or condition
22 named in your complaint for which you were seen by
23 Dr. Smith in Ohio?
24 A. I ruptured my achilles tendon.
25 Q. And you're alleging that MetLife is

Page 388

1 responsible for your ruptured achilles tendon?
2 A. No.
3 Q. Are you claiming that any other injury or
4 condition was caused by MetLife?
5 A. No.
6 (Defendant's Exhibit 24 was marked
7 for identification.)
8 BY MR. KONN:
9 Q. Mr. Rowell, you've been handed what's been
10 marked as Rowell Deposition Exhibit Number 24. This
11 was produced by you to MetLife earlier in the case.
12 Appears to me to be your year 2010 tax return; is
13 that correct?
14 A. Yes.
15 Q. Did you receive any payments, wages or
16 other compensation other than that which is listed on
17 your 2010 tax returns?
18 A. No.
19 Q. How much of this -- you list on line
20 seven, wages, salaries, et cetera, \$109,621. How
21 much of that income came from MetLife?
22 A. I --
23 Q. What's that?
24 A. I'd have to look it up.
25 Q. But approximately \$45,000 of that came

Page 389

1 from ACHP?
2 A. It's best guess.
3 (Defendant's Exhibit 25 was marked
4 for identification.)
5 BY MR. KONN:
6 Q. Mr. Rowell, you've been handed what's been
7 marked as Rowell Deposition Exhibit Number 25. It
8 appears to be your 2011 individual tax return; is
9 that correct? This is a document produced by you to
10 MetLife?
11 A. Yes.
12 Q. Do you have a more legible copy of this
13 document?
14 A. I'm sure that I do.
15 Q. If you can provide that to us, we'd
16 appreciate it. I mean, it's very hard for -- well,
17 it's impossible for me to tell what the numbers are
18 on this document.
19 Do you recall, sir, how much income you
20 earned in 2011, or if you could tell me what the
21 number on line seven is?
22 A. Looks to be 66,200.
23 Q. And did all that income come from ACHP?
24 A. I separated from Scott in 2011, so a large
25 chunk of it's from him.

Page 390

1 Q. Where did the remainder come from?
2 A. Commission ACHP.
3 Q. So it was either ACHP guaranteed draw or
4 commission or severance? It was one of those three?
5 A. Yes.
6 Q. So it all came from ACHP?
7 A. Correct.
8 Q. How much have you already earned in 2012?
9 A. 5,000. Ten maybe.
10 Q. Is that all from ACHP?
11 A. Yes.
12 Q. I'm very close to being done, so we don't
13 have time pressure.
14 The last thing I want to talk to you
15 about, Mr. Rowell, the second to last thing, are your
16 damage claims in this case. If you look at Rowell
17 Deposition Exhibit Number 21, I think. Maybe it's
18 23. Your initial disclosures. Yeah, 23.
19 Number six asks about your alleged damage
20 in this case. Your total alleged damages was
21 1.5 million. I just want to work through each part
22 of your alleged damages to make sure I understand
23 exactly what your calculation is based on, okay?
24 A. Okay.
25 Q. First component of that is back pay. It

Page 391

1 says here that your back pay -- well, am I correct
2 that your back pay calculation is based on your
3 \$145,000 first year guaranteed salary?
4 A. Yes.
5 Q. But that's not the salary you were
6 earning -- or sorry, that salary was only guaranteed
7 to you during the first year you moved to Atlanta; is
8 that right?
9 A. That's correct.
10 Q. And after the first year, the guarantee
11 was removed, and you were on a \$65,000 salary plus
12 commissions?
13 A. Yes.
14 Q. And during the year following the time the
15 first year guarantee ended, so July 2009 through June
16 2010, you actually earned total compensation much
17 closer to a hundred thousand dollars; is that
18 correct?
19 A. It sounds about right.
20 Q. Shouldn't that be the figure used for your
21 back pay calculation?
22 A. That didn't take into account sales
23 opportunity.
24 Q. But you do agree that \$145,000 was only in
25 place for the first year you were at MetLife as part

Page 392

1 of the first year guarantee?
2 A. You misstated.
3 Q. How?
4 A. The 145 was based on my commission my last
5 year in Ohio.
6 Q. But it was only in place as per your
7 June 16, 2008, offer letter for the first year in
8 which you were in Atlanta?
9 A. Yes.
10 Q. And after that time, you will be paid
11 exclusively base salary of \$65,000 plus commission?
12 A. Yes.
13 Q. What is the basis for your evaluation of
14 back benefits at \$75,000?
15 A. I believe the estimate was thirty-seven
16 five per year.
17 Q. And you've been receiving benefits through
18 ACHP since leaving MetLife?
19 A. I have.
20 Q. So you've actually received all your
21 benefits since you left MetLife and are still
22 receiving benefits?
23 A. They're not the same.
24 Q. What benefits are you not receiving to
25 constitute the thirty-seven five per year?

Page 393

1 A. I believe it's in the estimate determined
2 by my previous attorney as to what it cost to provide
3 an employee's insurance.
4 Q. I'm asking you what the basis for that
5 number is, since you are or have received back
6 benefits or received benefits since you left MetLife
7 on August 1, 2010?
8 A. The benefits aren't the same.
9 Q. So you've received \$75,000 less in
10 benefits since leaving MetLife?
11 A. I would have to do the long math, but it's
12 not the same as what I was getting when I was working
13 with MetLife.
14 Q. Is it \$75,000 less?
15 A. Could be.
16 Q. So you have no evidence to substantiate
17 your \$75,000 claim for back benefits?
18 A. I would have to look it up. Again, it was
19 based on recommendation of an attorney.
20 Q. Do you believe you're entitled to \$75,000
21 in back benefits?
22 A. I don't believe that it would cost the
23 same to achieve those benefits now.
24 Q. Just going back to your back pay. We've
25 discussed you've been employed since leaving MetLife

Page 394

1 through present, correct?
2 A. Yes.
3 Q. And you actually -- you've been earning
4 income since that time through present, correct?
5 A. Yes.
6 Q. Your next component of your damages is
7 front pay calculation of 725,000. Is that front pay
8 calculation also based on the \$145,000 first year
9 guaranteed salary?
10 A. I believe that it is.
11 Q. And as we discussed, that number was only
12 in place during the first year you were in Atlanta;
13 is that right?
14 A. That was my first year compensation when I
15 was in Atlanta.
16 Q. For how many years are you seeking front
17 pay?
18 A. Per my documents, I would have worked at
19 that job as long as I lived.
20 Q. Per what documents?
21 A. An e-mail.
22 Q. What e-mail?
23 A. The one that was presented on Friday.
24 May 10th was the date.
25 Q. May 10th, what year?

Page 395

1 A. 2009.
2 Q. That's an e-mail we discussed on Friday?
3 A. You presented it as an exhibit.
4 Q. And I don't recall what e-mail said you
5 were guaranteed employment for the rest of your life,
6 so if you could give me more information.
7 A. I didn't say I was guaranteed employment.
8 I said I would have done that job as long as I lived.
9 Q. So you would have liked to have done the
10 job, not that you were guaranteed that job?
11 A. That's correct. It was my dream job.
12 Q. So as of May 2010 --
13 A. I'm halfway.
14 Q. So as of May 2010, you were working your
15 dream job?
16 A. 2009.
17 Q. Okay. As of May 2009, you were working
18 your dream job?
19 A. Halfway.
20 Q. Half away?
21 A. Halfway. A client executive and account
22 executive are very similar. My dream job was account
23 executive, but client executive was a very close
24 second.
25 Q. So as of May 2010, you were happy with

Page 396

1 your position at MetLife? The only thing you would
2 have wanted more was that you wanted to become an
3 account executive?
4 A. The only thing I really wanted more aside
5 from account executive was opportunity.
6 Q. Okay. Now, go back to my first question,
7 which is for how many years are you seeking front
8 pay?
9 A. According to this, I believe it's five.
10 Q. And you're already working full-time for
11 another employer, right?
12 A. I am.
13 Q. And you've been doing that since August 1,
14 2010, the day after you resigned -- left MetLife?
15 A. Yes.
16 Q. So on what basis are you claiming damages
17 for front pay?
18 A. Because I'm not making anywhere near that.
19 Q. And your compensation at ACHP is based on
20 your performance as a salesperson?
21 A. Commission.
22 Q. But it's based on your performance as a
23 salesperson?
24 A. You could say that.
25 Q. Well, I'm asking you if you would say

Page 397

1 that?
2 A. Sure.
3 Q. What is the valuation of -- what's the
4 basis for your evaluation of front benefits at
5 \$240,000?
6 A. Again, that was determined by my attorney.
7 Q. Do you know how many years that's based
8 on?
9 A. I think it's five.
10 Q. Would that also be thirty-seven five a
11 year as the calculation used for that?
12 A. The math is short. It doesn't add up.
13 Q. And you've received benefits, though,
14 health, life, dental, since leaving MetLife?
15 A. I have.
16 Q. And you still are receiving benefits?
17 A. I pay for them.
18 Q. ACHP pays for them?
19 A. Yeah.
20 Q. So on what basis are you claiming front
21 benefits?
22 A. The fact that I would have had them.
23 Q. But you have them now?
24 A. It's not the same.
25 Q. What's not the same?

Page 398

1 A. The caliber.
2 Q. You haven't told me what was different
3 about them yet, Mr. Rowell, so please tell me what's
4 different about them.
5 A. Are you familiar with health insurance?
6 Q. I am.
7 A. Are you familiar with HSA plans?
8 Q. Yes.
9 A. That's what I have now.
10 Q. An HSA is a health savings account, for
11 the record.
12 A. Yes.
13 Q. Okay. So what's -- I'm asking you. You
14 have a claim for something that's at \$240,000.
15 You've also told me that since leaving MetLife,
16 you've received health, life, dental and vision
17 through your current employer, which you own, ACHP.
18 I'm asking what the basis is for your
19 claim for front benefits when you in fact are
20 receiving benefits now?
21 A. The benefits aren't the same.
22 Q. I'm not asking how they're different.
23 A. The cost is substantially less, what I'm
24 getting, because the caliber of what I'm getting is
25 not the same as what I received at MetLife.

Page 399

1 Q. And you think it's \$37,500 difference per
2 year?
3 A. Based on the calculation from my attorney.
4 Q. What do you think?
5 A. I don't believe they would cost that much
6 for five years, but I also do believe that I was in a
7 job I would have worked at until I was no longer
8 able.
9 Q. To me that's two different issues,
10 Mr. Rowell. You are currently paying for your
11 benefits through ACHP, correct?
12 A. Yes.
13 Q. You own ACHP. They pay for your benefits?
14 A. I pay for my benefits.
15 Q. ACHP or you individually?
16 A. As Mitt Romney would say, I'm the company.
17 Q. And how much do your benefits cost through
18 ACHP?
19 A. About 20 bucks a month.
20 Q. And how much do you think it would cost to
21 have the same level of benefits you had while you
22 were at MetLife?
23 A. I don't know.
24 Q. You're in health insurance sales now?
25 A. Yeah.

Page 400

1 Q. You don't know the difference between two
2 cost points?
3 A. I'm very familiar with it.
4 Q. So how much is the difference?
5 A. About 4,000, \$5,000 different.
6 Q. Per month?
7 A. Total. That obviously changes as you get
8 older.
9 Q. So the difference between the benefits you
10 were receiving at MetLife and the ones you're
11 currently receiving will cost about \$4,000 a year?
12 A. Ballpark.
13 Q. So not 37,500?
14 A. No.
15 Q. You're also seeking \$300,000 in
16 compensatory or punitive damages, and on what basis
17 are you seeking damages?
18 A. Because I was taken out of a position that
19 I worked very hard for for no reason that I can see
20 besides my race and disability.
21 Q. And when you say you were taken out of
22 your position, do you mean you were removed from the
23 client executive position, or do you mean something
24 else?
25 A. I was constructively terminated.

Page 401

1 Q. Any other basis for additional
2 compensatory damages or punitive damages?
3 A. I believe based on what happened, it was a
4 deliberate attempt to harm me.
5 Q. What information do you have to support
6 your belief that it was a deliberate attempt to harm
7 you?
8 A. My job was threatened.
9 Q. And that was in July or August of 2009?
10 A. That's correct.
11 Q. And that was when Mr. Trinkwon offered you
12 additional sales opportunities and you declined?
13 A. I was physically unable.
14 Q. So that was when Mr. Trinkwon offered you
15 additional job opportunities and you declined?
16 A. Because of my knees.
17 Q. It's a yes or no question. Is that in
18 July or August 2009 when Mr. Trinkwon offered you
19 additional job responsibilities and you declined?
20 A. For the record, I declined because of my
21 inability to do so.
22 Q. So you declined?
23 A. I was forced to.
24 Q. And at that point, you allege that
25 Mr. Trinkwon threatened your job?

Page 402

1 A. He did.
2 Q. So he threatened your job because you
3 declined the opportunities?
4 A. That's correct.
5 Q. Not because of your race?
6 A. Yeah, because I was physically unable to
7 do so.
8 Q. And last question on damages, I just want
9 to confirm the only injury you're alleging to
10 MetLife, or the only injury you're alleging that was
11 caused by MetLife is stress?
12 A. A lot of it.
13 Q. What do you mean, a lot of it?
14 A. I've been through a very stressful period
15 over the last couple of years, three, four maybe.
16 Q. And you went to a doctor, and it was
17 determined that the tests that he ran indicated that
18 there was no abnormality causing the stress; is that
19 right?
20 A. As far as I can read.
21 Q. And you've not seen any other doctor
22 regarding the elevated level of stress you attribute
23 to MetLife?
24 A. No.
25 Q. Last line of questioning, just simply

Page 403

1 about your preparation for the deposition. Really
2 more on Friday, because we spoke about the
3 deposition, your preparation for today earlier.
4 Did you speak with anyone about your
5 deposition before coming on Friday to testify? I'm
6 not interested in communications you had with your
7 attorney, but I am interested in knowing if you spoke
8 with her. I want to know the substance of those
9 communications.
10 A. We spoke.
11 Q. And when was that, again, about this
12 deposition preparation?
13 A. Wednesday, I think.
14 Q. So Wednesday before the Friday deposition?
15 A. Yes.
16 Q. How long?
17 A. A couple of hours.
18 Q. Did you meet in person, or was it on the
19 phone?
20 A. Person.
21 Q. Did you review any documents during that
22 meeting?
23 A. If we did, it was minimal.
24 Q. Did you review any documents, as far as
25 you recall?

Page 404

1 A. No.
2 Q. Did you talk to anyone else about this
3 deposition before Friday?
4 A. I told my pastor I was going for it.
5 Q. What did you tell your pastor?
6 A. When?
7 Q. Yeah, what and when?
8 A. I told him I was going for my -- things
9 were coming to a head.
10 Q. So you previously discussed the case with
11 your pastor?
12 A. I let him know that I was a plaintiff in a
13 lawsuit.
14 Q. What else did you tell him?
15 A. That I was a plaintiff in a lawsuit.
16 Q. That's all you told him? You didn't tell
17 him the basis for the complaint?
18 A. No.
19 Q. What's that?
20 A. No.
21 Q. Had you previously discussed with him at
22 all?
23 A. No.
24 Q. Did you review any documents before coming
25 either here today to testify or on Friday to testify?

Page 405

1 A. I reviewed my file.
2 Q. Your file? And what's in your file? Just
3 generally, you can tell me what's in your file.
4 A. E-mails.
5 Q. E-mails between you and other people, or
6 e-mails you sent yourself?
7 A. E-mails that were provided to you.
8 Q. So everything in your file was produced as
9 part of your production in this case?
10 A. I can't say for 100 percent certain, but a
11 good chunk of it, yes.
12 Q. Are you aware that -- are you aware of
13 documents that were withheld other than
14 non-privileged documents that were in your file you
15 reviewed prior to this deposition?
16 A. I printed off an e-mail this morning.
17 Q. What was that e-mail about?
18 A. Text message.
19 Q. Text message. Was that the text message
20 with Mr. [REDACTED]
21 A. Yes.
22 Q. Is it a chain of text messages?
23 A. It's one.
24 Q. When was that?
25 A. January -- July 10th, 2010.

Page 406

1 Q. And what did you and Mr. ██████ ext
2 message about?

3 A. I sent a text telling him I was preparing
4 to resign.

5 MR. KONN: Okay. No further
6 questions. I'd like to just make sure that
7 we have all the exhibits on the record. I
8 think the last one was around 24.

9 MS. MILLER: Let's go off the record
10 for a moment. We're off the record.

11 MR. KONN: Go ahead and read us off.

12 THE VIDEOGRAPHER: The time is
13 10:26 a.m. We're now off the record.

14 (A recess was taken.)

15 THE VIDEOGRAPHER: Stand by, please.
16 The time is 10:40 a.m. We're back on the
17 record.

EXAMINATION

18
19 BY MS. MILLER:

20 Q. Yes. Mr. Rowell, it's now my turn to ask
21 you some questions. And in doing so. I'm going to
22 be not only asking you questions, but I'll be
23 referring to certain exhibits and certain documents
24 that you have brought with you that have already been
25 produced to the defendants in response to the

Page 407

1 discovery production request.

2 But the first thing I'm going to do is ask
3 you some questions regarding Defendant's Exhibit 2,
4 and so I would like for you to put that in front of
5 you.

6 Now, my understanding from your testimony,
7 you have talked about, when you were talking about
8 various individuals that you had concerns, and you
9 used the word "selective assignments" over and over
10 and over in this deposition.

11 Would you please explain exactly what did
12 you mean when you were referring to "selective
13 assignments"?

14 A. They were received opportunities
15 specifically because of their race.

16 Q. So when you used the word "selective
17 assignments" when you were referring to various
18 witnesses, you were indicating that those
19 African-Americans as well as you were assigned
20 specific accounts based upon your race?

21 A. Yes.

22 Q. And based upon your testimony, am I
23 correct in saying that this not only took place in
24 the Atlanta office, but it took place in other
25 offices?

Page 408

1 A. That's correct.

2 Q. And am I correct in listening to your
3 testimony that this not only occurred in the Atlanta
4 office before you arrived, but you experienced this
5 in your prior years working with MetLife?

6 A. Yes.

7 Q. And when you say that you were given
8 certain accounts because of your race, what exactly
9 did you mean by that?

10 A. I received assignments to
11 African-American-owned companies because they're
12 African-American owned.

13 Q. And you would be given these assignments
14 whether they were in your geographic territory or not
15 in your geographic territory?

16 A. I was to receive them because management
17 thought it was a good idea that they partnered us.

18 Q. Okay. And when you say "partnered us,"
19 what do you mean?

20 A. To assign an African-American face to an
21 African-American-owned prospect.

22 Q. All right. And when we go and look at
23 your complaint, which is Exhibit 2 to the first
24 Rowell deposition, you say in there that you
25 overheard conversations between other reps in my

Page 409

1 office claiming that my accounts had come from a rep,
2 ██████ Ryan, that claimed he was going to dump his
3 s-h-*-t accounts on me. Tell me a little bit about
4 that, what you overheard.

5 A. I attempted to correct this on Friday.

6 Q. Pardon?

7 A. This needed to be corrected.

8 Q. What needed to be corrected?

9 A. It wasn't a conversation I overheard.

10 Q. It was somebody directly told you?

11 A. That's correct.

12 Q. All right. And my question to you, did
13 you in fact receive a lot of your accounts from
14 Mr. Ryan?

15 A. Yes.

16 Q. Okay. And would you agree with the
17 assessment that these accounts were s-h-*-t accounts?

18 A. Yes.

19 Q. And why would you agree with that?

20 A. There was limited opportunity.

21 Q. Okay. And when you say "limited
22 opportunity," will you explain -- please explain to
23 us for the record, what do you mean by "limited
24 opportunity"?

25 A. There was very little white space.

Page 410

1 Q. Okay. Well, then what do you mean by
2 "white space"?

3 A. There was little opportunity to sell
4 products that they didn't already have.

5 Q. Okay. And when you are talking about
6 limited opportunity, am I correct in stating when you
7 say limited opportunity, you mean limited opportunity
8 to make any money?

9 A. Yes.

10 Q. And isn't -- isn't it true the basis of
11 your complaint is that because of your race, you were
12 given less opportunities to make money than your
13 white counterparts?

14 A. Yes.

15 MR. KONN: Just to be clear, we've
16 used the word "complaint" in two different
17 ways. Are you talking about the --

18 MS. MILLER: You're right.

19 MR. KONN: Are you talking about the
20 complaint that's his internal complaint,
21 Rowell 2, or his complaint to the EEOC,
22 Rowell 1, or the federal court complaint,
23 which is Rowell --

24 BY MS. MILLER:

25 Q. Well, we'll start. Isn't that the basis

Page 411

1 of your complaint in your --

2 MR. KONN: Seven?

3 MS. MILLER:

4 Q. -- complaint that we've marked as
5 Exhibit 2, your internal complaint?

6 A. I was treated differently because of my
7 race.

8 Q. I know that you were treated differently
9 based upon your race, but isn't your complaint based
10 on you were treated differently as compared to white
11 individuals and the ability to be given opportunities
12 to make money?

13 A. Yes.

14 Q. And isn't that the basis of your complaint
15 to the EEOC?

16 A. Yes.

17 Q. And wasn't it also the basis of the
18 complaint, which is the reason why we're here today?

19 A. Yes.

20 Q. All right. Do you remember any of the
21 names of any of the accounts that you got from
22 Mr. Ryan that would be classified as, quote, s-h-*t
23 accounts?

24 A. I do.

25 Q. Okay. What are the names of those

Page 412

1 accounts?

2 A. Caterpillar Dealers Trust.

3 Q. Okay. And if you look on the second page
4 of your complaint that you've got before you as
5 Defendant's Exhibit 2, that might help you with the
6 names.

7 Why do you believe that Caterpillar
8 Dealers Trust was a -- instead of always referring to
9 it as a s-h-*t account, I'm going to refer to it as
10 a low financial opportunity account. Why was that?

11 A. Because there was little opportunity aside
12 from what I was able to develop.

13 Q. When you say little opportunity, you mean
14 a little opportunity to make any money?

15 A. It was a high-risk account.

16 Q. Okay. And what do you mean by high-risk
17 account?

18 A. It was one that would be easy to lose,
19 tough to maintain, and without maintaining, I would
20 have lost income and received a negative review.

21 Q. Were you able to make any money off
22 Caterpillar Dealers Trust?

23 A. Yes.

24 Q. Do you know if Mr. Ryan made any money
25 prior to you on Caterpillar Dealers Trust?

Page 413

1 A. Not to my knowledge.

2 Q. Cherokee County Schools, why have you
3 included that in your internal complaint?

4 A. I included this because there was no white
5 space on that account.

6 Q. And by no white space, you mean no
7 opportunity to make any money?

8 A. There was no opportunity to sell any new
9 products.

10 Q. Okay. And in order to make money, you had
11 to sell the products, right?

12 A. After receiving the renewal commission.

13 Q. Right. Okay. So was this Mr. Ryan's
14 account prior to when it was yours?

15 A. No. It was ██████████kelley's.

16 Q. ██████████kelley's. Okay. And do you know
17 if Ms. Skelley had made any commission on this
18 particular account?

19 A. Outside of renewal, I do not.

20 Q. And do you make more money when you sell a
21 renewal or when you sell a new product?

22 A. New product.

23 Q. So it's preferable to have accounts that
24 will give you the opportunity to sell new product
25 than just renewal accounts?

Page 414

1 A. That's correct.
2 Q. All right. What about Children's
3 Healthcare? You've listed that in this complaint.
4 Who did you receive that account from?
5 A. ■Ryan.
6 Q. Okay. And is that one of the low
7 opportunity accounts? And by that, meaning low
8 opportunity to produce income?
9 A. I believe they had two products.
10 Q. And you say in this account that it was
11 ultimately lost. And why was it lost?
12 A. Because they were unhappy with the rates
13 that MetLife provided.
14 Q. So were you able to earn any income off of
15 this account?
16 A. I renewed it once, maybe twice.
17 Q. But you were not able to sell any new
18 products to this account?
19 A. That's correct.
20 Q. All right. What about ChoicePoint?
21 A. Before we continue away from Children's
22 Healthcare of Atlanta --
23 Q. Yes.
24 A. -- the two products that I was unable to
25 sell to them were largely because of industry.

Page 415

1 Q. What do you mean about that -- by that?
2 A. MetLife has a strong distaste for
3 hospitals when it comes to disability.
4 Q. When it comes to disability insurance?
5 A. Yes.
6 Q. Okay. And that was the product that was
7 needed to be sold to Children's Healthcare?
8 A. In order for me to come closer to hitting
9 my goal, yes.
10 Q. And why do you say they have a strong
11 dislike?
12 A. It's very well known internally that their
13 pricing is uncompetitive.
14 Q. And when you say their pricing, you mean
15 MetLife's pricing?
16 A. Yes.
17 Q. And that's what you heard from Children's
18 Healthcare?
19 A. That's what my experience has shown me.
20 Q. Okay. But isn't it true that you lost
21 that account because they -- because MetLife refused
22 to lower the rates?
23 A. I approached Jeff Trinkwon after resolving
24 all their service issues to let him know that
25 Children's Healthcare of Atlanta was at risk because

Page 416

1 they were unhappy with their dental rates.
2 Q. Okay. All right. I'm just trying to
3 confirm, the account was lost because there was a
4 refusal to lower rates on behalf of MetLife?
5 A. By Jeff Trinkwon, yes.
6 Q. What about ChoicePoint?
7 A. That was an account I had received
8 negative review based on this complaint for lost
9 revenue. However, that company was bought out by a
10 larger company.
11 Q. All right. And where did you get that
12 account from?
13 A. ■Ryan.
14 Q. All right. And do you know if Mr. Ryan
15 was ever able to generate any income off of that
16 account?
17 A. Not to my knowledge.
18 Q. And you were not able to generate any
19 income on that account?
20 A. I was not, aside from renewal, I don't
21 believe, no.
22 Q. Let's go with Cobb County Schools. Who
23 did you get that account from?
24 A. I am not positive.
25 Q. All right. Well, would you consider the

Page 417

1 Cobb County Schools an account that offered you new
2 business opportunities?
3 A. They had the biggest opportunity I had.
4 Q. Okay. And what happened with that biggest
5 opportunity?
6 A. New York was unwilling to take the risk.
7 Q. Okay. And they were unable to take the
8 risk. What do you mean by unable to take the risk?
9 A. There was an opportunity to flip their
10 self-insured dental insurance to fully insured, which
11 would have resulted in a large increase to the bottom
12 line.
13 Q. Okay. And how large are we talking about?
14 A. \$6 million.
15 Q. All right. And what would that have meant
16 to you?
17 A. It would have eclipsed my goal.
18 Q. And -- but who did you have to submit your
19 proposal to in order to get this piece of business?
20 A. To the broker of record, consultant.
21 Q. And the ultimate result, it was turned
22 down by MetLife?
23 A. It was declined by Cobb County.
24 Q. It was declined by Cobb County. So you
25 did make a proposal to Cobb County, and they declined

Page 418

1 it?

2 A. That's correct.

3 Q. Okay. And do you know why they declined

4 the proposal?

5 A. They had more competitive quotes other

6 places, in addition to the fact that they wanted

7 additional guarantees on the fully insured rates,

8 which was what MetLife was unwilling to provide.

9 Q. Crawford & Company, where did you get that

10 account from?

11 A. ■Ryan.

12 Q. All right. And would you agree with the

13 comment or statement that Crawford & Company

14 represented a low income producing opportunity for

15 you?

16 A. They did.

17 Q. Okay. And why was that?

18 A. There was no real opportunity aside from

19 what Jeff Trinkwon evaluated as a pension transfer.

20 Q. All right. And what was the problem with

21 that?

22 A. They didn't qualify.

23 Q. Okay. And what do you mean by they didn't

24 qualify?

25 A. Unless I'm mistaken, they didn't have

Page 419

1 enough money in their pension to make it holdable for

2 MetLife.

3 Q. Okay. So if -- even if you had gotten the

4 pension transfer, MetLife wouldn't have accepted the

5 deal, right?

6 A. That's correct.

7 Q. Fruit of the Loom, who did you get that

8 from?

9 A. ■Remus.

10 Q. And who is ■Remus?

11 A. He was an account executive when I

12 transferred to Atlanta.

13 Q. And were you supposed to get all of his

14 accounts?

15 A. Just a handful.

16 Q. Just a handful. And Fruit of the Loom,

17 would you consider that a -- having potential for

18 producing income?

19 A. The only opportunity was disability, and

20 they were more than satisfied with the carrier that

21 they had.

22 Q. Gentiva Healthcare Systems, who did you

23 get that from?

24 A. May have come from ■kelley.

25 Q. All right. And would you classify this as

Page 420

1 having, this account having a lot of opportunity to

2 sell new product?

3 A. Potentially.

4 Q. Potentially. Okay. And what happened

5 with them? Were you able to make any sales to them?

6 A. At first, I had to keep them on the books.

7 Q. Okay. And why was that?

8 A. They wanted to go to Delta.

9 Q. Okay. And why was that?

10 A. They had a previous experience with them,

11 and that's where they wanted to be.

12 Q. Okay. And how were you able to keep them

13 on the books?

14 A. I serviced them.

15 Q. Okay. Had they complained about the

16 service they had been receiving prior to you?

17 A. No, but they were happy with what I had

18 done. I've got an e-mail showing such.

19 Q. Okay. And so when you left, as far as you

20 know, they were still a MetLife customer?

21 A. They -- yes.

22 Q. Were you able to produce any income for

23 yourself as far as commissions out of this client?

24 A. No.

25 Q. Okay. Gwinnett County Schools?

Page 421

1 A. I made a renewal. Go ahead.

2 Q. You made a renewal. Okay. And Gwinnett

3 County Schools, where did you get this account from?

4 A. I don't recall.

5 Q. All right. What was your responsibility

6 with Gwinnett County Schools, that account?

7 A. They wanted something MetLife had only

8 done once before.

9 Q. And what was that?

10 A. Direct reimbursement.

11 Q. All right. And were you able to make that

12 happen for them?

13 A. Not really.

14 Q. And why was that?

15 A. Because MetLife had only done it once

16 before at the national account level and they had

17 little experience on mid-large.

18 Q. Were you able to make any sales that

19 resulted from that account?

20 A. No.

21 Q. Did you see a lot of opportunities to make

22 any sales with that account?

23 A. There wasn't time.

24 Q. Huh?

25 A. No.

Page 422

1 Q. There wasn't time? What do you mean by
2 that, there wasn't time?
3 A. By the time we had got the issue resolved,
4 they had transferred to national accounts.
5 Q. And you were just mid -- mid-level
6 accounts?
7 A. Correct.
8 Q. Okay. When you were assigned your
9 accounts here in Atlanta, were you given a geographic
10 territory?
11 A. No.
12 Q. Okay. So you were just -- you were
13 assigned accounts from all over?
14 A. I was given accounts from reps in the
15 office.
16 Q. Okay. And as far as you know, were
17 the -- did the reps have to voluntarily give up these
18 accounts?
19 A. I believe Jeff asked people to do so, yes.
20 Q. So when you accepted the position, you
21 accepted the position not knowing what accounts you
22 would be assigned?
23 A. That's correct.
24 Q. What was your expectation when you
25 accepted the position?

Page 423

1 A. That I'd have an opportunity to succeed.
2 Q. Okay. And how -- what would you need when
3 you accepted that position to have an opportunity to
4 succeed?
5 A. The number of accounts with sales
6 opportunities.
7 Q. And did you ever have a discussion with
8 anybody at Atlanta about that?
9 A. With Jeff Trinkwon.
10 Q. Okay. And what was your understanding as
11 a result of your conversations with Jeff Trinkwon?
12 A. The first year he told me he didn't expect
13 me to hit my goal.
14 Q. All right. Anything else?
15 A. I was -- upon first assignment, there was
16 a subsequent conversation when he -- when he assigned
17 me my second one.
18 Q. Okay. And what was the conversation?
19 A. I discussed with him what I'd found based
20 on the assignments that he'd given me.
21 Q. Uh-huh.
22 A. His response to me was, if you think I'm
23 f-*c-k-i-n-g you, you're entitled to your own
24 opinion.
25 MR. KONN: Can I, just for the

Page 424

1 record, he said, do you think I'm -- you're
2 fucking him? I mean, I'm -- like, he
3 didn't say f-*c-k-i-n-g, correct?
4 THE WITNESS: No, he said, and I
5 quote --
6 MR. KONN: You can say the word. I'm
7 not going to -- it's not going to offend
8 me, and it's the truth, if that's what he
9 said. Tell us what he said, please.
10 THE WITNESS: He told me, "If you
11 think that I'm fucking you, you're entitled
12 to your own opinion."
13 BY MS. MILLER:
14 Q. And what was your response?
15 A. My quote was I never said that.
16 Q. Okay. And what was said after that
17 meeting, I mean, after that?
18 A. That was the end of the meeting.
19 Q. All right. So you just walked out with it
20 unresolved?
21 A. He walked out of my office.
22 Q. He walked out of your office. Did
23 you -- after you had that meeting, did you get
24 any -- well, let's go back to that meeting. What
25 prompted you to have the meeting with Jeff Trinkwon?

Page 425

1 A. Because I investigated the opportunity
2 he'd given me upon return from disability.
3 Q. And did you ask for the meeting, or did
4 this meeting just happen?
5 A. That was taken as part of the PIP.
6 Q. As part of the PIP?
7 A. Performance improvement plan. It was in
8 response to being placed on a performance improvement
9 plan.
10 Q. All right. So it was in response of being
11 placed on the PIP, and so y'all were meeting about
12 the PIP?
13 A. We were meeting to discuss the opportunity
14 I'd been given.
15 Q. All right. And what did you say to him?
16 A. I explained to him what I found.
17 Q. And what did you find?
18 A. Nothing.
19 Q. Well, when you found nothing, you mean no
20 opportunity?
21 A. That's correct.
22 Q. All right. And his -- that's when he
23 re -- okay, that's when he responded, "If you think
24 I'm fucking you, you're entitled to your own
25 opinion"?

1 A. Yes.

2 Q. All right. And is there anything else you
3 can remember about that meeting?

4 A. He didn't just walk out. He said that
5 this is pointless, and then walked out.

6 Q. Was it after that or prior to that you
7 filed your written complaint about opportunity as
8 compared to others in the office?

9 A. It was after.

10 Q. Now, do you have any documents that you
11 contend evidence that you had a lack of opportunity?

12 A. Absolutely.

13 Q. Okay. And what are the names of those
14 documents?

15 A. Scorecard.

16 Q. And what is a scorecard?

17 A. It's a snapshot of sales and
18 opportunities.

19 MS. MILLER: Well, let's make this
20 Plaintiff's first exhibit to deposition
21 two.

22 (Plaintiff's Exhibit 1 was marked for
23 identification.)

24 BY MS. MILLER:

25 Q. Okay. The document before you is

1 Plaintiff's 1 to the Rowell second deposition. And
2 is this the document that you're referring to?

3 A. It is.

4 Q. Okay. And is this called a scorecard?

5 A. It is.

6 Q. Okay. Explain to us what is relevant on
7 this document that shows that you had less
8 opportunity than others.

9 A. It shows each rep that reported up through
10 Atlanta, including management, and it shows
11 year-to-date how many quotes we had all received.

12 Q. Okay. And what is the importance of
13 quotes?

14 A. Those are your opportunities to make
15 sales.

16 Q. All right. And are we looking down -- do
17 you -- strike that.

18 Do you contend that the most relevant part
19 of this document is down under metric snapshot, where
20 it says active reps?

21 A. Yes.

22 Q. All right. And are those
23 individuals -- Blackburn through Vietri, are those
24 individuals the reps and management that were in your
25 department?

1 A. Yes.

2 Q. And were all those individuals reporting
3 to Jeff Trinkwon?

4 A. Through Jeff and up to Robert.

5 Q. Okay. And we've got the names
6 [REDACTED] Blackburn, Robert Johnson, [REDACTED] Jeweling,
7 [REDACTED] [REDACTED] [REDACTED] Brandon Rowell,
8 [REDACTED] Ryan, Jeff Trinkwon and [REDACTED] Vietri.

9 Of the individuals I named, who were
10 African-American?

11 A. Myself.

12 Q. Anybody else?

13 A. No.

14 Q. Okay. And what was -- can you just go
15 down the list and tell me at this time were they an
16 account executive or a client representative?

17 A. [REDACTED] Blackburn was an account executive.

18 Q. Okay.

19 A. Robert Johnson was zone vice president.

20 [REDACTED] Jeweling is an account executive. Jay O'Leary
21 is an account executive, cross-market, if I'm not
22 mistaken. [REDACTED] [REDACTED] an account
23 executive. I was an account executive. Ed Ryan was
24 a client executive. Jeff Trinkwon was a zone
25 director. And [REDACTED] Vietri was an account executive.

1 THE VIDEOGRAPHER: We have one minute
2 max.

3 BY MS. MILLER:

4 Q. Okay. And when I look at your name, I see
5 that in 2009, how many quotes were you able to get?

6 A. Four.

7 Q. All right. Was there any other account
8 executive who had lower quotes than you?

9 A. [REDACTED] Jeweling, but she wasn't hired at
10 this time.

11 Q. Okay. All right. So when we go back and
12 look at the year-to-date 2010, who had the lowest
13 number of quotes?

14 A. [REDACTED] Jeweling.

15 Q. In 2010 -- all right. We're going to have
16 to --

17 THE VIDEOGRAPHER: This is the end of
18 tape number one in the deposition of
19 Brandon Rowell. The time is 11:07 a.m.
20 We're now off the record.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: Stand by, please.
23 This is the beginning of tape number two in
24 the deposition of Brandon Rowell. The time
25 is 1:05 p.m. We're now on the record.

Page 430

1 BY MS. MILLER:
2 Q. Okay. Mr. Rowell, when we broke, we were
3 looking at Plaintiff's Exhibit 1, which is a
4 scorecard. And it looks like to me -- this is at the
5 very top. It says, sales as of July 9th. Do you
6 know if that is -- I guess that would just be
7 July 9th, 2010?
8 A. Correct.
9 Q. Okay. Well, please explain to us why you
10 believe that this document supports your claims that
11 you were denied financial opportunities based upon
12 your race.
13 A. As the only African-American individual on
14 this report, I've got substantial less opportunity
15 than my peers.
16 Q. Okay. And what do you look at to make
17 that statement?
18 A. Quotes.
19 Q. Okay. And so you're looking at the quotes
20 for 2010 and 2009?
21 A. Yes.
22 Q. All right. And explain what do you see
23 under quotes that supports your claim that you have
24 less financial opportunity than your peers?
25 A. There's a seven percent closing ratio

Page 431

1 nationwide.
2 Q. Okay. And how do you know that number's
3 correct, the seven percent?
4 A. That's what we've been told since I
5 started at MetLife.
6 Q. Okay. And what does that mean?
7 A. For every 100 opportunities that you see,
8 you're expected to close seven.
9 Q. All right.
10 A. With 20 here, I was expected to close 1.4.
11 Q. Okay. And the 20, where are you looking
12 at the 20?
13 A. Immediately to the right of my name.
14 Q. Okay. Under metrics snapshot?
15 A. That's correct.
16 Q. Okay. And you're going to have to explain
17 that, because none of us here are in your business.
18 And for future reference, a judge is not going to be
19 in your business. So explain how the 20 quotes in
20 comparison to your comparators means that you have
21 less opportunities for business.
22 A. One point four is what I would have closed
23 on based on national closing ratio.
24 Q. Okay.
25 A. One point four accounts, at \$400,000 as

Page 432

1 the average size of an account, that puts it at
2 560,000.
3 Q. And what were your goals?
4 A. Well over 4 million.
5 Q. And who set those goals?
6 A. Jeff Trinkwon.
7 Q. So are you stating that based upon the
8 number of quotes you received, that there was no way
9 for you to reach the 4 million goal?
10 A. It's mathematically impossible.
11 Q. Well, is there any way that you could have
12 increased the number of quotes that you received?
13 A. That was what the purpose of my assignment
14 was.
15 Q. Was to increase your quotes?
16 A. And sales.
17 Q. Well, explain to us how you were -- strike
18 that.
19 Explain to us how you failed to meet your
20 goals based upon the number of quotes you received,
21 if you were the person who was responsible for
22 increasing the number of quotes.
23 A. The people I was supposed to see were to
24 drive that activity.
25 Q. Okay. Well, explain to us what you mean

Page 433

1 by the people that you were supposed to see were to
2 drive the activity.
3 A. From assignments like getting the
4 Yellow Pages --
5 Q. Uh-huh.
6 A. -- I was to find brokers in there who have
7 business of 500 employees up to 25,000 to tip that up
8 from 20 to 21 to 22 and so on.
9 Q. And when you say tip that up to 21, 22 and
10 so on, what are you talking about? The number of
11 quotes?
12 A. Correct.
13 Q. Well, how many quotes would you have had
14 to have in order to reach a goal of \$4 million? You
15 can just estimate.
16 A. I'd have to have four -- I'd have to have,
17 what was that, ten cases? So divide that by seven.
18 Q. Divide that by seven?
19 A. Three hundred.
20 Q. Three hundred? You'd have to have about
21 300 quotes?
22 A. Let me do the math again. Yeah, about 250
23 to 300.
24 Q. Okay. And when I'm looking at the number
25 of quotes, the only individuals I see that have the

1 number of quotes are [REDACTED] [REDACTED] He had
2 345. [REDACTED]lackburn, 354, and [REDACTED]etri, 315.

3 A. Sixteen.

4 Q. Three hundred sixteen, excuse me. So I
5 think we'd talked about -- was [REDACTED] [REDACTED]
6 account executive or was he part of management?

7 A. He was an account executive.

8 Q. And [REDACTED]lackburn, he was an account
9 executive?

10 A. That's correct.

11 Q. And so was [REDACTED]etri, he was an
12 account executive?

13 A. That's true.

14 Q. And all of these individuals are white?

15 A. Yes.

16 Q. Well, what advantage did [REDACTED]etri
17 get that you did not get in order for him to get
18 those 316 quotes?

19 A. He was assigned them by Jeff Trinkwon, and
20 despite defense's supposition that because they're
21 rural brokers, they would have less opportunity, the
22 report clearly shows to the contrary.

23 Q. So he was assigned territory by
24 Jeff Trinkwon that was rural territory?

25 A. That's what defense claims.

1 Q. Okay. Well, I'm not asking what defense
2 claims. I'm asking based upon your personal
3 knowledge, what advantage was he given so he would be
4 able to have 316 quotes?

5 A. He was assigned brokers who had business
6 prepared to quote.

7 Q. Okay. And do you know if he had
8 more -- he was assigned more businesses than you as
9 far as number?

10 A. He was assigned far more brokers than I
11 was.

12 Q. And how do you know that?

13 A. Because of the report.

14 Q. And do we have that report?

15 A. We do.

16 Q. Okay. Well, we'll go to that report after
17 we finish with this report.

18 So you assert that [REDACTED]etri had an
19 advantage because of the number of accounts he was
20 assigned, and, two, the accounts had business to be
21 quoted upon right then? Is that my understanding?

22 A. You've got it mostly correct.

23 Q. All right. Well, please correct whatever
24 I don't have correct.

25 A. He was assigned brokers with existing

1 business eligible to be quoted and sold by MetLife.

2 Q. And did he have less experience than you?

3 A. Yes.

4 Q. How much less experience?

5 A. About six years.

6 Q. And were you hired to work in the Atlanta
7 office before he was?

8 A. No.

9 Q. So he was already working in the Atlanta
10 office when you came on board?

11 A. That's correct.

12 Q. Okay. What about -- I think we had talked
13 about [REDACTED]lackburn at length, but what was the
14 advantage he had over you where he could have 354
15 quotes?

16 A. He had the best of the brokers in the
17 area.

18 Q. But it was true that he had more
19 experience than you in the Atlanta office?

20 A. Yes.

21 Q. And did you have any knowledge that when
22 you came on board in Atlanta if you were given any of
23 the accounts that [REDACTED]etri had?

24 A. No.

25 Q. Is that answer no, you have no knowledge,

1 or no, you were not given any accounts from
2 [REDACTED]etri's accounts?

3 A. When I transferred to Atlanta, [REDACTED]etri
4 was still training.

5 Q. So he had not been assigned any accounts
6 yet?

7 A. Not to my knowledge.

8 Q. So is it your contention that some of the
9 accounts that [REDACTED]etri was assigned, that you
10 could have been assigned those accounts?

11 A. Had I been an account executive, yes.

12 Q. Well, did [REDACTED]etri immediately go
13 into an account executive position?

14 A. He did.

15 Q. Well, isn't the normal process that you
16 become a -- I think the word is client executive or
17 client -- okay. What is the normal process?

18 A. That's a good question, because most of
19 the time when people are hired into sales positions,
20 they don't change.

21 Q. Oh, okay.

22 A. They're either a sales rep, account
23 executive, a client executive. That's what they are
24 as long as they're in sales.

25 Q. All right, sir.

1 A. And in fact, there was an issue with
 2 somebody in the Mid Atlantic region trying to make
 3 the change from small market to mid-large and was
 4 unsuccessful.
 5 Q. Isn't it true that you made that change
 6 when you came to Atlanta and prior to? What reason
 7 were you made somewhat of an exception by being able
 8 to jump up to the account executive position?
 9 A. Management saw ability in me.
 10 Q. So it was management's desire to move you
 11 up to an account executive position?
 12 A. That's correct.
 13 Q. And that was true even when you were moved
 14 up to an account executive position in Atlanta?
 15 A. When I transferred to be a client
 16 executive, I received high praise, and I have plenty
 17 of documentation to prove that.
 18 Q. Okay. But my question to you was you were
 19 offered the account executive position in Atlanta
 20 after -- is it your contention after management
 21 recognized your potential?
 22 A. Yes.
 23 Q. Okay. Is it your contention that you
 24 should have had as many quotes as ██████lackburn?
 25 A. I feel as though I would have at least had

1 enough to be successful.
 2 Q. And how many quotes do you feel that you
 3 needed to have to be successful?
 4 A. At least 250.
 5 Q. And were you used to having that many
 6 quotes when you were in Cleveland?
 7 A. They're different markets, but I always
 8 had enough to hit my goal.
 9 Q. So you believe that if you had enough
 10 business that generated 250 quotes, that you would
 11 have been able to attain the goals that had been set
 12 for you?
 13 A. It would have mathematically speaking been
 14 all right, yes.
 15 Q. All right. I'm next going to look at
 16 ██████ ██████ Do you see his name?
 17 A. Yes.
 18 Q. All right. He has 352 quotes. What
 19 advantages, if any, do you believe Mr. Rosenfeld had
 20 over you as far as receiving quotes?
 21 A. Territory.
 22 Q. Territory. And what territory was he
 23 assigned?
 24 A. The entire state of Alabama.
 25 Q. When you became an account executive, did

1 you get any accounts from Mr. Rosenfeld?
 2 A. No.
 3 Q. And I think you -- did you get any
 4 accounts from Mr. ██████lackburn?
 5 A. No.
 6 Q. Is there anybody on this list that you
 7 received accounts from?
 8 A. No. Maybe ██████jeweling, but I can't
 9 name them.
 10 Q. Do you know what territory or what kind of
 11 accounts ██████as assigned?
 12 A. Consultants, primarily.
 13 Q. When you were given the account executive
 14 assignment, where did your accounts come from?
 15 A. I kept a small portion of what I had as a
 16 client executive and was given brokers that weren't
 17 being called on.
 18 Q. And do you know how many accounts or
 19 brokers that were not being called upon?
 20 A. I think that was approximately six or
 21 seven.
 22 Q. And did you feel that put you at a
 23 disadvantage?
 24 A. Because there was no legitimate
 25 opportunity there, it did.

1 Q. Well, how did you find out there was no
 2 legitimate opportunity?
 3 A. Because I called and visited.
 4 Q. And were these particular accounts that
 5 you were actually assigned?
 6 A. Yes.
 7 Q. So these were not accounts that you were
 8 trying to find in the Yellow Pages?
 9 A. That's correct.
 10 Q. Do you know of any other account executive
 11 who was assigned to look for accounts by cold calling
 12 through Yellow Pages?
 13 A. There was none other.
 14 Q. And your contention is that you were given
 15 this Yellow Page assignment based upon your race?
 16 A. Yes.
 17 Q. Now, on the back of your complaint, back
 18 to Defendant's Exhibit 2 where you listed
 19 Caterpillar, Cherokee, we'd already gone through
 20 those accounts, were those accounts that were
 21 assigned to you after you became an account
 22 executive?
 23 A. These were other accounts I had as a
 24 client executive.
 25 Q. So these were accounts that you had that

1 were initially assigned to you when you came on board
2 at MetLife or later?

3 A. When I moved to Atlanta, I got at least
4 most of these.

5 Q. Okay. Well, can you identify any of the
6 ones that you did not get?

7 A. By looking.

8 Q. Just by looking.

9 A. I didn't get Gentiva Healthcare Systems
10 right away.

11 Q. Uh-huh. Any others?

12 A. Not that I recall. And Gwinnett came on a
13 little later too.

14 Q. And when you were an account executive,
15 you were able to -- you still had these accounts to
16 service as well?

17 A. No, not necessarily.

18 Q. Well, which accounts did you have to give
19 up when you became an account executive of this list?

20 A. I wound up without Gwinnett, Gentiva.
21 Crawford possibly. Cobb was us. ChoicePoint sold
22 out. Children's Healthcare of Atlanta didn't renew,
23 and Caterpillar is dissolved.

24 Q. All right. You can put Exhibit 2 away.
25 What other documents do you believe will

1 assigned to them.

2 Q. Okay.

3 A. If you look at the reps in my office,
4 former office, and count them up, you'll see that
5 [REDACTED] lackburn has 18, [REDACTED] veling has 11,
6 [REDACTED] Vietri has 89, and I had seven.

7 Q. And who made the assignments of these
8 accounts?

9 A. Jeff Trinkwon.

10 Q. Now, of any of the accounts that is on
11 this list, this brokerage firm listing, were any of
12 these accounts minority-owned accounts or businesses
13 that you believe that you were assigned this
14 particular account because of your race?

15 A. [REDACTED] consulting.

16 Q. Say that again.

17 A. [REDACTED]

18 Q. And that's the one that has the firm ID of
19 350?

20 A. Correct.

21 Q. And is there anything unusual about that
22 as far as that being out of your assigned territory
23 or anything like that?

24 A. It's at discretion of Jeff Trinkwon to
25 make the assignments. What was suspect was me having

1 demonstrate that you were given less opportunity than
2 whites in order to meet your goals?

3 A. I've got the broker listing --

4 Q. Uh-huh.

5 A. -- as well as a contact listing.

6 Q. All right. And so can you pull out the
7 broker listing? We'll discuss that.

8 A. Absolutely.

9 (Plaintiff's Exhibit 2 was marked for
10 identification.)

11 BY MS. MILLER:

12 Q. Okay. We're going to mark a document
13 that's titled Broker Firm Listing as Plaintiff's
14 Exhibit 2. Okay. Do you have this Plaintiff's 2 in
15 front of you, Mr. Rowell?

16 A. I do.

17 Q. Please explain how you contend that this
18 document supports your claims that you were given
19 less financial opportunity than white employees in
20 your same position.

21 A. These are all the brokers that MetLife had
22 affiliation with for the Southeastern region.

23 Q. Okay.

24 A. You see the name of the agency, their
25 address, city and state, as well as the rep that's

1 that assignment as a client executive.

2 Q. Okay. And why? Because this was a
3 consulting group?

4 A. Because as a client executive, you work
5 directly with companies that the brokers are
6 associated with. They just gave me this extra
7 assignment.

8 Q. And so this was not a company, but it was
9 a broker?

10 A. Correct.

11 Q. Okay. And that's what was unusual? Do
12 you know of that happening with any of the white
13 consultants?

14 A. It did not, as far as I'm aware.

15 Q. Okay. Are there any other assignments
16 that are included in this brokerage firm listing that
17 you think are suspect or would indicate favoritism
18 towards the white employees other than the number?

19 A. The next question would be the ability or
20 size of the agency that's assigned.

21 Q. Right.

22 A. And for that, I would have to defer to the
23 next report.

24 MS. MILLER: Okay. Well, let's find
25 this next report. We're now going to mark

Page 446

1 Plaintiff's Exhibit 3, which is a --
2 (Plaintiff's Exhibit 3 was marked for
3 identification.)
4 BY MS. MILLER:
5 Q. Plaintiff's Exhibit 3 I have is an 18-page
6 report starting on the first page identifying the
7 first brokerage firm as Alexander & Company, and then
8 on the last page at 176, Wells Fargo at the top of
9 the page. All right?
10 A. Yes.
11 Q. Okay. In looking at Plaintiff's
12 Exhibit 3, what information contained in this report
13 do you contend supports your claims that you were
14 treated differently than the white account executives
15 in receiving assignments where the whites received
16 greater opportunity with their assignments?
17 A. A broker assignment is just that. It's an
18 agency. The agency can consist of one individual or
19 it can consist of a lot. Obviously the more people
20 they have as contacts within that company, the
21 greater they are as far as opportunity.
22 Q. Okay. And how does this report support
23 your claims?
24 A. If you count the number of contacts that
25 were assigned by agency, you'll see that I had 51

Page 447

1 people to talk to.
2 Q. And what did you, I'll call them,
3 comparators -- what did the other white executives,
4 what was the number that they had to talk to?
5 A. [REDACTED] had 166.
6 Q. Okay.
7 A. [REDACTED] had 129. And despite his year and a
8 half or two years of experience, [REDACTED] had 343.
9 Q. So your contention is the more individuals
10 that you had assigned to you as contacts, the greater
11 the opportunity for sales?
12 A. Yes.
13 Q. And would you just explain that, why
14 that's so?
15 A. For example, Willis here has approximately
16 25 different people working there, and you would need
17 about that many people to service a larger block of
18 business. If it's just one person working there,
19 chances are there's not enough business to hire
20 anybody else and they can handle it by themselves.
21 Q. [REDACTED] Consulting Group, how many
22 people did you have to contact there?
23 A. Three.
24 Q. All right. And could you identify your
25 other accounts and how many that you had to contact?

Page 448

1 A. Alexander & Company, which was probably
2 the largest opportunity. It's the same one that had
3 the scholarship opportunity. I'm looking for --
4 Q. Uh-huh.
5 A. -- I ballparked them at 11, maybe 14.
6 Q. So if I'm correct, is pages one and two of
7 this exhibit your contact list, because I see where
8 on the second page, it says "Brandon 51"?
9 A. That's correct.
10 Q. All right. And then pages three, four,
11 five and six is [REDACTED] Leweling. Is that the last
12 name? How is it pronounced?
13 A. There's a G on the end.
14 Q. Leweling?
15 A. Yes.
16 Q. And then the next six pages of this
17 exhibit represents Ms. Leweling's contact list, and
18 you counted it. And you've marked it as [REDACTED] 66,
19 so she had 166 contacts?
20 A. Three times what I did.
21 Q. And then the next four pages, you've got
22 [REDACTED] marked on there. His contacts start with
23 Alliant Insurance Services. Then it goes through
24 184, Willis, and [REDACTED] as 129 contacts. And what
25 was [REDACTED] last name?

Page 449

1 A. Blackburn.
2 Q. Blackburn. So he had more contacts than
3 you.
4 Then the next -- the final eight pages
5 represents all the contacts for [REDACTED] and I'm sorry,
6 I can't remember his last name.
7 A. Vietri.
8 Q. And he had 343 contacts?
9 A. That's correct.
10 Q. And he had 343 contacts, yet he was in
11 training when you came on board to the Atlanta
12 office; is that correct?
13 A. Yes, it is. Seven times my opportunity.
14 Q. Pardon?
15 A. Seven times my opportunity.
16 Q. And we're talking about [REDACTED]
17 A. Right.
18 Q. Are there any other documents that you
19 have and haven't disclosed that you feel support your
20 claims that you received less financial opportunities
21 than whites in your same position?
22 A. The remaining reports have not been
23 provided.
24 Q. And the remaining reports have not been
25 provided because you don't have possession of them or

Page 450

1 because defendants have possession of them?
2 A. The latter.
3 MS. MILLER: Okay. All right. And
4 I'm going to go off the record for just a
5 moment.
6 THE VIDEOGRAPHER: The time is
7 1:37 p.m. We're now off the record.
8 (Off-the-record discussion.)
9 MS. MILLER: We're going to go back
10 on the record.
11 THE VIDEOGRAPHER: Stand by. The
12 time is 1:38 p.m. We're back on the
13 record.
14 MS. MILLER: All right. We're going
15 to mark another exhibit. It's going to be
16 Plaintiff's Exhibit 4.
17 (Plaintiff's Exhibit 4 was marked for
18 identification.)
19 BY MS. MILLER:
20 Q. Okay. Mr. Rowell, what is Plaintiff's
21 Exhibit 4?
22 A. Quote history by broker.
23 Q. And I know the print is sort of small
24 here. What is the relevance that you claim this
25 document has to your claims that you received less

Page 451

1 opportunity to -- financial opportunity than your
2 white employees in your same position?
3 A. Essentially what this is is a document
4 that takes a snapshot of an agency and the business
5 they've submitted to MetLife as a quote during a
6 three-year period.
7 Q. So if we looked at this document, we could
8 go look at the accounts or the business that you were
9 assigned to, and we would find what?
10 A. It would be a really good idea of how many
11 quotes I would see going forward.
12 Q. Going forward or you had received?
13 A. The potential pool of opportunity from the
14 brokers I was assigned.
15 Q. So this would represent potential
16 opportunity from the business that you've been
17 assigned, correct?
18 A. Yes.
19 Q. Okay. And would it show that you had less
20 opportunities than individuals that would be
21 considered your comparators, your white comparators?
22 A. If the rest of the reports say what they
23 do, that is in fact true.
24 Q. Well, what do you mean, the rest of the
25 reports?

Page 452

1 A. We've seen where I'd been outnumbered 11
2 to one in some cases for brokers, three and seven
3 times the number of customer contacts, and 20 divided
4 by 350 is 15, 16 --
5 Q. Uh-huh.
6 A. -- 17 maybe times the amount of quotes
7 coming in the door.
8 Q. Okay. And if we looked at this and looked
9 at your comparators, we would see that they had an
10 advantage as far as potential quotes they could
11 expect from the customers? They would have been
12 accounts they had been assigned?
13 A. They would have seen quite a bit more
14 opportunity.
15 Q. Is there anything else you would like for
16 us to know about Plaintiff's Exhibit 4?
17 A. Just that it's impossible to compare
18 because defense has refused to provide it.
19 Q. Refused to provide what?
20 A. This report for my comparators.
21 MR. KONN: Just for the record,
22 defense only received document request last
23 week.
24 MS. MILLER: Yeah, so you haven't had
25 an opportunity --

Page 453

1 MR. KONN: So we have not refused to
2 produce anything.
3 THE WITNESS: It was part of the
4 original request from the EEOC in 2010.
5 BY MS. MILLER:
6 Q. So your statement is that they did not
7 produce this information to the EEOC, and you
8 requested the EEOC to request this information?
9 A. Absolutely.
10 MS. MILLER: Let's mark this as
11 Plaintiff's Exhibit 5.
12 (Plaintiff's Exhibit 5 was marked for
13 identification.)
14 MS. MILLER: Let's go off the record
15 for a moment.
16 THE VIDEOGRAPHER: The time is
17 1:42 p.m. We're now off the record.
18 (Off-the-record discussion.)
19 MS. MILLER: Back on the record.
20 THE VIDEOGRAPHER: Stand by. The
21 time is 1:44 p.m. We're back on the
22 record.
23 BY MS. MILLER:
24 Q. I'm going to ask you to look at
25 Plaintiff's 5, please, Mr. Rowell. And, Mr. Rowell,

Page 454

1 how do you contend that this document supports your
2 claims that you were given less financial opportunity
3 based upon your race?
4 A. This was actually a document showing my
5 ability when I had an opportunity to succeed.
6 Q. And this represents productivity that you
7 had in 2006?
8 A. Yes.
9 Q. And this represents productivity you had
10 prior to being assigned to the Atlanta office?
11 A. That's correct.
12 Q. And this represents productivity that you
13 had prior to being assigned to an office where
14 Jeff Trinkwon gave you your account assignments?
15 A. That's correct. This document is
16 important because in the response by the defense to
17 point number nine of the complaint, they --
18 Q. You mean complaint or the answer?
19 A. The answer fails to recognize or denies, I
20 suppose you could say, that I sold over a hundred
21 percent of my objective in nine months of production.
22 Q. Okay. I guess I'm not following you. Are
23 you saying that in the answer that was submitted by
24 the defendant, they indicated that you did not meet
25 your goals in 2006?

Page 455

1 A. In so many words.
2 Q. Okay. So you're using this document to
3 respond to an answer that was filed by the defendant?
4 A. The exact words are MetLife is without
5 knowledge or information sufficient to form a belief
6 as to the remaining allegations in paragraph nine.
7 Q. Okay. Well, I think we're going to have
8 to put the answer in as an exhibit, so I'm going to
9 mark this Plaintiff's Exhibit 6. And actually that's
10 my copy.
11 A. I'll get you a new one.
12 (Plaintiff's Exhibit 6 was marked for
13 identification.)
14 BY MS. MILLER:
15 Q. Okay. We're back on the record, and we've
16 marked the defendant's answer to plaintiff's
17 complaint as Plaintiff's Exhibit 6 to the Rowell two
18 deposition. Okay.
19 And you're saying that Plaintiff's
20 Exhibit 5 disputes what the defendant says in what
21 paragraph of their answer?
22 A. Nine.
23 Q. Okay. Now, what were you informed in your
24 hiring class of 2002 which was related to your race?
25 A. That it was the largest single hire of

Page 456

1 African-Americans in MetLife's history with respect
2 to their sales organization.
3 Q. And how many African-American hires were
4 there?
5 A. Four.
6 Q. And that was the largest in MetLife
7 history?
8 A. For institutional, yes.
9 Q. And when you say "institutional," what do
10 you mean?
11 A. Companies as opposed to individuals.
12 Q. Who made that statement at that class?
13 A. One of the trainers.
14 Q. Do you remember the trainer's name?
15 A. Tanya.
16 Q. And do you remember her last name?
17 A. I do not.
18 Q. Was she African-American or Caucasian?
19 A. African-American.
20 Q. And she was not one of the individuals
21 hired, she was a trainer?
22 A. That's correct.
23 Q. And did she say this to just a group of
24 African-Americans, or did she say it to the
25 whole -- the entire number of individuals hired in

Page 457

1 that training class?
2 A. African-Americans.
3 Q. And so did y'all have some special meeting
4 that was just African-Americans that she made this
5 statement to? How did that come about?
6 A. Trainings took place a week at a time for
7 four weeks. And during that time, there was down
8 time both between sessions as well as get-togethers,
9 and it was in one of the off sessions.
10 Q. So it was one of these side get-togethers?
11 A. A break from class.
12 Q. A break from class. And had all the
13 African-Americans grouped together in the break in
14 class, or was she just saying this to you?
15 A. There was more than myself there when that
16 comment was made.
17 Q. And once she made that comment, what was
18 your response?
19 A. I wasn't shocked.
20 Q. You said, I was not shocked?
21 A. That wasn't my response. I just kind of
22 took it for what it was worth.
23 Q. Did anybody else make any statement to
24 Tanya when she made this statement?
25 A. Not that I recall.

1 Q. Do you have any information or proof to
2 dispute MetLife's claim that they don't have
3 knowledge or information that you sold 95 percent of
4 your objective in the first year production in the
5 mid-large market and received a reward?

6 A. I received the account executive of the
7 year silver, and here's the -- sold business for
8 2007.

9 MS. MILLER: Okay. Well, we want to
10 mark that as an exhibit, please.

11 (Plaintiff's Exhibit 7 was marked for
12 identification.)

13 BY MS. MILLER:

14 Q. So Plaintiff's Exhibit 7 is your evidence
15 to show that you sold 95 percent of your objective in
16 the first year of production in the mid-large
17 markets?

18 A. That's correct.

19 MR. KONN: Can I get a copy for me?

20 THE WITNESS: Yes.

21 MR. KONN: Thank you.

22 THE WITNESS: And to further rebut
23 point nine of the answer, I received
24 Leaders.

25 ///

1 BY MS. MILLER:

2 Q. You received Leaders? What are Leaders?

3 A. It's an award.

4 Q. Did you receive any awards once you were
5 transferred and you worked under Jeff Trinkwon?

6 A. I did not.

7 Q. Are you aware of a database of active
8 accounts or customers from which a past data set can
9 be pulled?

10 A. There are PDFs produced every month. They
11 pay reps according to their activity, and at the very
12 least, you can extract the database from that.

13 Q. Now, was your compensation ever \$144,996?

14 A. Yes.

15 Q. And what period of time was that?

16 A. That was calendar year, if I'm not
17 mistaken, 2007.

18 Q. Now, at any time do you believe you
19 received more opportunities than your coworkers?

20 A. Once.

21 Q. Okay. And when was that?

22 A. When I hit my goal in nine months.

23 Q. And was that when you were in Atlanta or
24 Cleveland?

25 A. Cleveland.

1 Q. So is there any time that you felt like
2 you received more opportunities than your coworkers
3 when you were working in Atlanta?

4 A. No.

5 Q. Okay. Why did you believe when you were
6 working in Cleveland you received more opportunities
7 than your coworkers?

8 A. I had earned it.

9 Q. You had earned it? And how did you earn
10 it?

11 A. I showed management what I was able to do,
12 and I went to work.

13 Q. And who was management that was assigning
14 you those opportunities when you were in Cleveland?

15 A. The person who assigned me that
16 opportunity was Mark [REDACTED]

17 Q. Now, being promoted to an account
18 executive, is that considered a promotion in your
19 industry or not?

20 A. It's certainly more responsibility.

21 Q. It's more responsibility.

22 MR. KONN: If you don't mind, than
23 what? More responsibility than what?

24 MS. MILLER: Oh, okay.

25 ///

1 BY MS. MILLER:

2 Q. More responsibility than what?

3 A. You're handling larger size accounts than
4 you would as a small-market rep.

5 Q. I'm looking back to Plaintiff's Exhibit 6
6 in paragraph 22.

7 A. There's at least a part in here that's
8 just false.

9 Q. Okay. Well, I haven't asked a question,
10 but you have a problem with their answer in paragraph
11 22. What is it?

12 A. It says, MetLife admits as a result of
13 Rowell's poor reviews, customer complaints and
14 failure to meet his sales objectives, Rowell was
15 transferred back to the position of an account
16 executive.

17 Q. Okay. And what do you say -- what's not
18 true about it?

19 A. I was never told any of that.

20 Q. When you got the transfer, you were never
21 told that you were being placed as an account
22 executive based upon poor reviews, customer
23 complaints and failure to meet your sales objectives?

24 A. Jeff's comment to me in the e-mail was
25 strategic needs. I think Exhibit --

Page 462

1 Q. Well, and I guess my question to you, it
2 seems to me if you're being placed in an account
3 executive position, if this was a position of more
4 responsibility, would you agree based upon your
5 experience that you would not put a person in the
6 position of an account executive position because of
7 poor performance?
8 A. That's certainly a good point.
9 Q. Well, do you agree with that point?
10 A. I don't see why they would make that type
11 of change except for the fact that as a client
12 executive, you're managing bigger business. An
13 account executive is bringing in as opposed to
14 managing.
15 Q. So based upon what you said were strategic
16 needs, they put you in a position of account
17 executive in early January 2010 to bring in business?
18 A. That's correct.
19 Q. Okay. And isn't it also true that you
20 claim that once they put you in that position, you
21 were given assigned accounts that hindered you from
22 bringing in business?
23 A. I was assigned responsibilities.
24 Q. Okay. You were assigned responsibilities
25 to do what?

Page 463

1 A. The responsibilities I received were
2 essentially cold calling.
3 Q. And how long had it been since you had
4 done cold calling to drum up business?
5 A. 2002.
6 Q. And 2002 was when you first were hired at
7 MetLife?
8 A. Yeah. And for the record, I did some in
9 2003 as well.
10 Q. Do you have any other documentation that
11 shows or that -- strike that.
12 Do you have any other documentation that
13 evidences that the white employees in your similar
14 position were getting more financial opportunities
15 than what you have, other than what we've already
16 seen?
17 A. Those reports have been requested.
18 Q. Okay. Who is Anthony Nugent?
19 A. Senior vice president.
20 Q. And are you aware of any comments that
21 Mr. Nugent made that supports you, your claim, or the
22 reasons you made this claim?
23 A. I'd be paraphrasing, but he was attempting
24 to figure out why black reps didn't come and stay at
25 MetLife.

Page 464

1 Q. Okay. And what was his comment?
2 A. Try to figure it -- I have to guess to
3 give you something to work with, but in a meeting
4 here in Atlanta, he pulled all the African-American
5 employees from the Alpharetta office at that time to
6 discuss diversity.
7 Q. Okay. And how do you know this took
8 place?
9 A. I was there.
10 Q. All right. And so there was a meeting
11 where Mr. Nugent met with just African-American
12 employees?
13 A. Yes.
14 Q. To discuss what?
15 A. Diversity.
16 Q. Okay. And when you say "diversity," do
17 you mean he was trying to get information as to why
18 MetLife could not maintain a diverse work force?
19 A. That was part of it, but he was also
20 trying to discuss how important it is.
21 Q. Were there any white employees at this
22 meeting?
23 A. Aside from him, I don't recall.
24 Q. So you didn't see Jeff Trinkwon there, did
25 you?

Page 465

1 A. He was not there.
2 Q. And Jeff Trinkwon's superior wasn't there,
3 was he?
4 A. No.
5 Q. And what were some of the -- I mean, was
6 this a conversation, or was this a speech?
7 A. A conversation.
8 Q. And how many employees were at this
9 meeting?
10 A. Ballpark, 25.
11 Q. Okay. And do you remember when this
12 meeting took place?
13 A. It had to have been at the end of 2008.
14 Q. And how long had you been with MetLife in
15 Atlanta at the end of 2008 when this meeting took
16 place?
17 A. About five or six months.
18 Q. Did you make any comments at this meeting?
19 A. I told him that I was ready for that
20 conversation, considering my background.
21 Q. I'm sorry?
22 A. I was ready for that conversation,
23 considering my experience.
24 Q. Did you explain to him what your
25 experience was?

1 A. I gave him a handful of nuggets,
2 essentially that I'm from one of the whitest suburbs
3 in the nation and went to an all-black school and
4 then studied abroad in Mexico and Spain.

5 Q. And when y'all were having this
6 conversation, was he -- were you in a room, or you
7 were all sitting in chairs?

8 A. It was a conference room.

9 Q. And were y'all sitting around a table?

10 A. We were.

11 Q. And was this conversation -- do you have
12 any knowledge that this conversation was being
13 recorded?

14 A. I don't think that it was.

15 Q. And when you told him your background,
16 what was his response?

17 A. He was excited when I said the word
18 "Morehouse."

19 Q. And how do you know he was excited?

20 A. Because he commented on it.

21 Q. And what did he say?

22 A. That I'm a Morehouse man.

23 Q. Well, at any time did anyone discuss
24 difficulties they were having succeeding at MetLife
25 because of diversity or lack of diversity?

1 A. Not in that meeting.

2 Q. Was there any meeting later where that was
3 discussed?

4 A. I understand that there was a meeting
5 between Tony Nugent and human resources discussing or
6 trying to discuss why it was that black reps didn't
7 stay at MetLife.

8 Q. Okay. And was this with the human
9 resources here in Atlanta, or was this national human
10 resources?

11 A. National.

12 Q. And how do you know this meeting took
13 place?

14 A. One of the people at the meeting told me.

15 Q. And who was that person?

16 A. Tiffany.

17 Q. And what was Tiffany's last name?

18 A. [REDACTED]

19 Q. And what was her position?

20 A. She was in charge of diversity recruiting.

21 Q. And what did Tiffany Glen tell you about
22 this meeting?

23 A. Essentially Tony was pounding his hand on
24 the desk trying to figure out why people don't stay.

25 Q. And did Tiffany tell you any of the

1 responses Tony got to his pounding on the desk asking
2 why African-Americans weren't staying?

3 A. No.

4 Q. Did she tell you anything else about that
5 meeting?

6 A. No.

7 Q. And when did you have this conversation
8 with Tiffany [REDACTED]?

9 A. 2009, I think.

10 Q. And where were you when you had this
11 conversation with Tiffany [REDACTED]?

12 A. My office in Atlanta.

13 Q. And why were you meeting with Ms. [REDACTED] in
14 your office in Atlanta?

15 A. It was over the phone.

16 Q. Oh, it was over the phone. And who made
17 the phone call?

18 A. I don't recall.

19 Q. Did you know Ms. [REDACTED] prior to the time
20 that you -- I mean prior to being transferred here to
21 Atlanta?

22 A. Yes.

23 Q. And where did you first meet Ms. [REDACTED]?

24 A. At Morehouse.

25 Q. So she was a Morehouse graduate as well?

1 A. She was there attending on MetLife's
2 behalf as well.

3 Q. I'm sorry?

4 A. She was representing MetLife.

5 Q. So she was -- they were doing a recruiting
6 function, and she was representing MetLife?

7 A. Alongside me.

8 Q. So Ms. [REDACTED] had worked with you with your
9 responsibilities of trying to recruit
10 African-American employees from Morehouse College?

11 A. That's correct.

12 Q. And how long had you worked with Ms. [REDACTED]
13 on that project?

14 A. We had just met there, and at the time of
15 that conversation, we had been speaking back and
16 forth maybe two or three years.

17 Q. Is there anything else regarding the
18 conversation you had with Ms. [REDACTED] regarding
19 Tony Nugent's conversation with HR that you would
20 like to mention or have not mentioned?

21 A. Not that I can recall.

22 Q. Okay. Since that conversation in 2009,
23 have you had any other conversations with Ms. [REDACTED]
24 regarding diversity or lack of diversity within
25 MetLife?

Page 470

1 A. I let her know I was frustrated before I
2 left.
3 Q. And how long before you left did you let
4 her know that?
5 A. Within months.
6 Q. Did you let her know that you had filed an
7 EEOC charge?
8 A. I did.
9 Q. Pardon?
10 A. Yes.
11 Q. And did you let her know that you'd filed
12 a lawsuit?
13 A. I may have told her that I was preparing
14 to.
15 Q. Now, I think you have testified that
16 Mr. Trinkwon would actually assign you business and
17 actually mention that it was an African-American
18 business that he was assigning you to?
19 A. Correct.
20 Q. Did Mr. Johnson ever assign you business
21 and mention the fact that he was assigning you to an
22 African-American business?
23 A. He mentioned that he could use assistance
24 with Morehouse.
25 Q. And when he was saying "assistance with

Page 471

1 Morehouse," was he talking about the recruiting to be
2 done at Morehouse or business opportunities at
3 Morehouse?
4 A. Recruiting.
5 Q. And how much time did you have to spend
6 with your recruiting responsibilities with Morehouse?
7 A. As needed.
8 Q. Okay. Well, was it something you had to
9 do on a monthly basis or a yearly basis, or how often
10 did you have to expend hours doing that?
11 A. At least quarterly.
12 Q. Okay. And how many hours at least
13 quarterly did you spend?
14 A. Fifteen to twenty.
15 Q. And is this fifteen or twenty hours that
16 if you did not have this assignment, you could have
17 then spent trying to take advantage of any financial
18 opportunities that you had?
19 A. Yes.
20 Q. Do you know of any other white individuals
21 in your same position with MetLife that were assigned
22 to do recruiting at a particular college?
23 A. No.
24 Q. Okay. Now, how many financial
25 opportunities did you get by working with Atlanta

Page 472

1 Life?
2 A. They didn't bring me any. I bought them
3 one or two.
4 Q. Did any of them actually come to fruition
5 where you earned any kind of income?
6 A. No.
7 Q. And that was an assignment that, based
8 upon your earlier testimony, that you were given
9 based upon your race?
10 A. Yes.
11 Q. Do you believe that your time would have
12 been better spent if you'd been assigned a different
13 assignment that had nothing to do with your race?
14 A. Yeah. From a production standpoint,
15 absolutely.
16 Q. And at any time were you made aware that
17 African-Americans who were assigned to
18 African-American businesses had produced more
19 financial revenue than a white individual assigned to
20 a minority business?
21 A. Never showed any evidence of that.
22 Q. Did you ever -- you were never shown any
23 kind of document to support that?
24 A. No, ma'am.
25 Q. Based upon your experience, did you ever

Page 473

1 come to that conclusion?
2 A. I can't say definitively that is the case.
3 Q. Now, what kind of coaching did
4 Jeff Trinkwon try to conduct with you, if any?
5 A. The closest coaching came was in the form
6 of the way he treated me in the meetings.
7 Q. And how did he treat you in the meetings?
8 A. Tried to pick me apart.
9 Q. And how did he try to pick you apart?
10 A. He tried to hammer on anything that he
11 didn't necessarily agree with.
12 Q. Well, okay. I mean, you're giving me a
13 lot of descriptive generalities. Give me an example.
14 A. If one comes to mind, I'll let you know.
15 I can say specifically that the opening of our sales
16 meetings, which was rare that we had them, he would
17 pose a topic and then immediately question me about
18 it.
19 Q. Did he ever question anybody else about a
20 topic?
21 A. Not like he did me.
22 Q. What is the difference that you saw on how
23 he questioned you?
24 A. Aggressive.
25 Q. What did he do that exhibited

Page 474

1 aggressiveness?

2 A. Rather than, say, for example, in the case

3 of ██████ Blackburn, he said what he had to say and

4 moved on, he continued to hammer me to try to get me

5 to, A, give him the wrong answer or, B, slip up.

6 Q. Did you ever either, A, give him the wrong

7 answer, or, B, slip up?

8 A. No.

9 Q. Was there anything else that he did that

10 you would consider attempts by -- when I say he did,

11 I mean Mr. Trinkwon, do that you would consider

12 attempts at coaching you?

13 A. Truth be told, it was surprising to me to

14 see the wording in the answer, because I'm not aware

15 of any coaching that I refused.

16 Q. Are you aware of any coaching that you

17 received? And by that, I mean positive coaching. I

18 don't mean giving you a performance review, a PIP.

19 A. He sent me several e-mails indicating that

20 I was doing a good job.

21 Q. When did you receive these e-mails?

22 A. All right. Here's a really good one on

23 October 3rd.

24 MS. MILLER: So on October 3rd, he

25 sent you an e-mail. And we're going to

Page 475

1 make that e-mail part of the record. All

2 right. Let's go off the record for a

3 moment.

4 THE VIDEOGRAPHER: The time is 2:14.

5 We're now off the record.

6 (Plaintiff's Exhibit 8 was marked for

7 identification.)

8 MS. MILLER: We can go back on the

9 record.

10 THE VIDEOGRAPHER: Stand by. The

11 time is 2:16 p.m. We're back on the

12 record.

13 BY MS. MILLER:

14 Q. We're going to be looking at Plaintiff's

15 Exhibit 8. Do you have Plaintiff's Exhibit 8 in

16 front of you, Mr. Rowell?

17 A. I do.

18 Q. And what is Plaintiff's Exhibit 8?

19 A. It's from Jeff Trinkwon to myself and

20 copied to Robert Johnson. The note says, "Brandon,

21 as we discussed, I was very impressed with the way

22 you handled this situation. You presented multiple

23 potential solutions, ultimately the one that we will

24 go with, and positioned/tested the waters with the

25 broker in a way that gave us direction and

Page 476

1 maneuverability that was just first rate."

2 Q. When you received this e-mail, dated --

3 A. A little bit more to add.

4 Q. Okay.

5 A. "Better damn impressive actually and

6 clarifies that you have learned your craft well, and

7 that we made a fantastic decision when we moved you

8 down to the ATL."

9 Q. All right. The date on this e-mail is

10 October 3rd, 2008, and how long was that after you

11 initially came on board in Atlanta?

12 A. About three months.

13 Q. And when you made these recommendations of

14 potential solutions, what was this referring to, what

15 piece of business?

16 A. It was a renewal, the likes of which I'd

17 have to look up.

18 Q. Okay.

19 MS. MILLER: I want to go off the

20 record and have a short break with my

21 client.

22 THE VIDEOGRAPHER: Stand by. The

23 time is 2:18 p.m. We're now off the

24 record.

25 (A recess was taken.)

Page 477

1 MS. MILLER: Okay. We're back on the

2 record.

3 THE VIDEOGRAPHER: Stand by. The

4 time is 2:31 p.m. We're back on the

5 record.

6 BY MS. MILLER:

7 Q. Mr. Rowell, do you contend that if you'd

8 received legitimate opportunities when you had your

9 positions here in the Atlanta office, that you would

10 have thrived?

11 A. Yes.

12 Q. What do you have to support your claim?

13 A. I can give you some documents.

14 (Plaintiff's Exhibit 9 was marked for

15 identification.)

16 BY MS. MILLER:

17 Q. I'm going to ask you now to look at

18 Plaintiff's Exhibit 9. And when you were asked what

19 proof you have that you could thrive in the position

20 with MetLife if you were given legitimate

21 opportunity, you have given us a series of documents,

22 which are e-mails beginning on page one of

23 10/30/2007. And the last page being the start of a

24 document, which says dental plan 10/29/2007,

25 9:20 a.m., and this is a one, two, three, four, five,

Page 478

1 six, seven, eight, nine, ten, eleven-page document;
2 is that correct?
3 A. Yes.
4 Q. Okay. And how do you contend that these
5 e-mails for this period of time is evidence that you
6 could thrive in your position at MetLife?
7 A. Well, I have to take the time to read
8 these, if it's all right.
9 Q. Go ahead.
10 A. Thank you so much. This is from the --
11 Q. I'm not going to ask you to read it, okay.
12 We're not going to read these into the record because
13 they are in the record as exhibits.
14 My question to you is how do you contend
15 that these are evidence that you thrive in your
16 position with MetLife?
17 A. The documentation here states as much.
18 Q. Okay. And what is it stating? Well,
19 isn't it true that this documentation is giving you
20 recognition and thanking you for the great job that
21 you did?
22 A. Yeah, at least in part.
23 Q. And what is the other part?
24 A. Well, this one's from the underwriting
25 manager talking about how an underwriter and myself

Page 479

1 came together to work out a case solution that
2 benefits everybody.
3 Q. And that's page one of Plaintiff's
4 Exhibit 9?
5 A. There's a page three and page four, an
6 e-mail from my regional vice president at the time
7 talking about the great press that her team was
8 getting with higher management, and it references my
9 name, having sold my third case within five days.
10 Q. And that's three and four?
11 A. That also goes to exposure to the company,
12 opportunity to do bigger and better things in my life
13 because my name is circulating amongst higher
14 management.
15 Q. And what else do these documents show?
16 A. The next page shows a \$1.1 million sale.
17 Q. And that's page five of the document?
18 A. And this must be seven, where I took an
19 optional life case we remolded based on discretion
20 and we were able to bump it from a \$63,000 annual
21 premium to \$223,00 annual premium, so it's a
22 53 percent jump.
23 Q. Anything else?
24 A. The last one, this example is how we took
25 a \$40,000 ASO case and flipped it to a million

Page 480

1 dollars.
2 Q. And that is the e-mail dated October 29th,
3 2007, to John [REDACTED]
4 A. It's from my previous manager
5 Jim [REDACTED] to John [REDACTED] was the
6 underwriting manager; Rebecca [REDACTED] who was the
7 regional vice president; Shari [REDACTED] who was vice
8 president and service.
9 Q. And that was dated October 29th, 2007?
10 A. That's correct. That's only a year.
11 Q. So you contend that the performance that
12 you did in one year with all these e-mails that are
13 praising you is evidence to show that if you were
14 getting -- if your --
15 A. Ability.
16 MS. MILLER: Let's go off the record.
17 Were you able to get this?
18 THE VIDEOGRAPHER: Yes.
19 MR. MILLER: Oh, okay. Back on the
20 record.
21 BY MS. MILLER:
22 Q. Is evidence that you can perform at a very
23 high level if you're given the opportunity?
24 A. Yes.
25 MS. MILLER: I'm going to mark this

Page 481

1 as an exhibit.
2 THE VIDEOGRAPHER: The time is 2:38.
3 We're now off the record.
4 (Off-the-record discussion.)
5 (Document was not marked.)
6 MS. MILLER: I have just one more
7 question, and we can go back on the record
8 now.
9 THE VIDEOGRAPHER: Stand by, please.
10 Stand by. The time is 2:51 p.m. We're
11 back on the record.
12 BY MS. MILLER:
13 Q. Mr. Rowell, I have one last follow-up
14 question to your deposition today. We have seen
15 documentation from your immediate supervisor or
16 director Jeff Trinkwon where he is praising you for
17 the job that you did. If that is the case, on what
18 do you base your claim that Mr. Trinkwon was
19 discriminating against you based on your race?
20 A. Because I didn't receive the same
21 opportunity as the white people in the office.
22 MS. MILLER: I don't have any further
23 questions.
24 MR. KONN: I do have some follow-up,
25 so give me 30 seconds. Can you mark this,

Page 482

1 please?
2 (Defendant's Exhibit 26 was marked
3 for identification.)
4 FURTHER EXAMINATION
5 BY MR. KONN:
6 Q. Mr. Rowell, I'm handing you what's been
7 marked as Rowell Deposition Exhibit 26. That's a
8 document you and your counsel provided to me during a
9 break today. Can you please tell us what that is?
10 A. It's a text message I sent to
11 [REDACTED]
12 Q. And that's the text message we discussed
13 at some point when we were together here on Friday as
14 well as a little bit earlier today; is that right?
15 A. Yes.
16 Q. And when was that text message sent?
17 A. July 10th.
18 Q. And to paraphrase, you were telling
19 Mr. [REDACTED] you were resigning as of July 16th and you
20 were going to work for the agency while pursuing a
21 lawsuit against MetLife; is that correct?
22 A. Yes.
23 Q. So as of July 10th or earlier, you knew
24 you would be resigning from MetLife?
25 A. That's correct.

Page 483

1 Q. And what is the agency?
2 A. Atlanta Community Health Partners.
3 Q. So as of mid July, you'd already formed
4 Atlanta Community Health Partners?
5 A. No. It was a decision I'd made.
6 Q. So you'd already made the decision to
7 leave MetLife and open your own agency?
8 A. Correct.
9 Q. When did you make that decision?
10 A. On or before July 10th.
11 Q. You don't have a specific date?
12 A. No.
13 Q. And at or around the time you sent that
14 text message to Mr. [REDACTED] you already intended to
15 file a lawsuit against MetLife?
16 A. Yes.
17 Q. At that time, your EEOC charge was still
18 pending?
19 A. Yes.
20 Q. And the final word in that text message is
21 ZING, capital Z-I-N-G, followed by three exclamation
22 points. What did you mean by that?
23 A. That was what was next.
24 Q. Sorry?
25 A. Instead of dropping the suit, I was

Page 484

1 intending to pursue it.
2 Q. But what did you mean when you said ZING,
3 exclamation, exclamation, all caps?
4 A. Exactly what I just said.
5 Q. So you had no additional meaning when you
6 said ZING, I mean, because you're already saying in
7 the text message that you're resigning and going to
8 pursue the lawsuit. I'm just trying to figure out
9 what the additional phrase at the end, what that
10 means and why you said that.
11 A. I already answered you.
12 Q. So no additional meaning other than what's
13 already in the text message?
14 A. Yes.
15 Q. It was just surplusage?
16 A. You can say that.
17 Q. Well, I'm asking you. Does it mean
18 anything else other than what it already says in the
19 text message?
20 A. It means exactly what I told you it means.
21 Q. And that is?
22 A. That I intended to continue with the
23 lawsuit.
24 Q. Well, you intend to file a lawsuit because
25 at that point you had not filed one, correct?

Page 485

1 A. No, in July I think I already had.
2 Q. This is July 2010?
3 A. Yes.
4 Q. Is there another lawsuit against MetLife
5 I'm not aware of?
6 A. No. I considered the complaint to the
7 EEOC to be the beginning of the lawsuit.
8 Q. So when you filed your charge with the
9 EEOC in March or April of 2010, you already had the
10 intent to sue MetLife?
11 A. Yes.
12 Q. And you expected to recover \$250 million?
13 A. I do.
14 Q. You do. And on what basis do you expect
15 to recover \$250 million from MetLife?
16 A. Aside from the damage it would cause
17 MetLife's reputation, I was strongly harmed.
18 Q. So you simply just want to harm MetLife's
19 reputation?
20 A. I have no intention on doing that. What I
21 expect is for the situation to be rectified.
22 Q. And you think \$250 million would rectify
23 the situation?
24 A. I think it would help a lot of people.
25 Q. So the \$250 million is not based on any

1 damage calculation for yourself, it's just what you
 2 think MetLife owes the black population generally?
 3 A. I think it's about how much MetLife would
 4 lose.
 5 Q. Would lose for what?
 6 A. Lack of business.
 7 Q. If --
 8 A. Coca-Cola, amongst others, walk.
 9 Q. I just don't understand, Mr. Rowell. You
 10 told me you -- in April 2010 you were planning on
 11 filing a lawsuit and recovering \$250 million. I'm
 12 trying to understand what the basis is for your
 13 belief that MetLife owes you \$250 million.
 14 A. Because they took away the job that I
 15 dreamed about and put me in a position where I had to
 16 find a new dream.
 17 Q. So you ascribe a value of \$250 million for
 18 your lost dream of working as an account executive in
 19 the Atlanta office?
 20 A. Yes.
 21 Q. But it has nothing to do with race
 22 discrimination?
 23 A. What?
 24 Q. The \$250 million number.
 25 A. I think it does.

1 Q. Mr. Rowell, I have a number of follow-up
 2 questions based on the question and answers between
 3 you and Ms. Miller. I'm just going to try and go
 4 through them in the order that the two of you went
 5 through them.
 6 Very early on in her questioning, you
 7 stated that you had received assignments because of
 8 race. I'd like to know which assignments those are.
 9 Is that the Morehouse College, Atlanta Life and
 10 ██████ assignments you discussed with us?
 11 A. Yes.
 12 Q. Any other assignments you believe you
 13 received because of race?
 14 A. No, not in Atlanta.
 15 Q. Where else do you think you received
 16 assignments because of race?
 17 A. Pinkney-Perry Agency in Cleveland.
 18 Q. And we discussed that at some length this
 19 morning; is that right?
 20 A. And Friday.
 21 Q. Just for some background, when you were
 22 working -- when you started MetLife in 2002 as a
 23 sales -- in sales; is that right?
 24 A. Yes.
 25 Q. And you became a sales representative in

1 small market accounts?
 2 A. Yes.
 3 Q. In 2006, you became an account executive
 4 also in mid-large accounts in Cleveland?
 5 A. Yes.
 6 Q. And you worked in that role until you
 7 transferred to the Atlanta office in mid 2008?
 8 A. Correct.
 9 Q. And when you transferred -- well, first
 10 you requested the transfer to Atlanta?
 11 A. Yes.
 12 Q. And when you transferred, you actually
 13 became a client executive, because that was the only
 14 position available in Atlanta at that time?
 15 A. Correct.
 16 Q. And you accepted the position?
 17 A. Yes.
 18 Q. As a client executive, you performed or
 19 had a different role than as an account executive?
 20 A. Different titles.
 21 Q. Well, I'm asking was the role different?
 22 A. Yes.
 23 Q. And as a client executive, you serviced
 24 existing MetLife clients, you didn't sell new
 25 business?

1 A. Not to new accounts, no.
 2 Q. So your primary role as a client executive
 3 at MetLife when you joined through the end of 2009
 4 was to service current accounts, current clients?
 5 A. As well as grow them.
 6 Q. Well, that is part of servicing the
 7 account?
 8 A. Well, there's servicing, and there's
 9 sales, and there's both.
 10 Q. When you joined, were there any other
 11 client executives -- sorry. When you joined the
 12 group at its sales office in Atlanta in mid 2008,
 13 were there any other client executives in the office
 14 at that time?
 15 A. I think you asked the question on Friday,
 16 and the answer is yes, ██████ Ryan.
 17 Q. He was the only other client executive at
 18 that time; is that right?
 19 A. Correct.
 20 Q. So any accounts that you received or any
 21 clients you received when you became a client
 22 executive when you were new to Atlanta would have had
 23 to have come from Mr. Ryan's clients?
 24 A. No.
 25 Q. Where else would they have come from?

Page 490

1 A. The people that Jeff requested to consider
2 giving up a piece of their business.
3 Q. So Jeff asked Mr. Ryan, who was a client
4 executive, as well as other account executives in the
5 office to turn over clients so you could service
6 them?
7 A. Correct.
8 Q. And did the other representatives -- so
9 did any account executives turn clients over so you
10 could service them?
11 A. They did.
12 Q. And Mr. Ryan gave up some of his clients
13 so that you could service them?
14 A. Yes.
15 Q. Do you know how many clients Mr. Ryan gave
16 up so you could service?
17 A. Three to five.
18 Q. Did Mr. Ryan ever tell you he was giving
19 you the shit accounts?
20 A. No.
21 Q. Who told you that Mr. Ryan said he was
22 giving you his shit accounts?
23 A. ■■■ Remus.
24 Q. Sorry, ■■■ Remus?
25 A. R-e-m-u-s.

Page 491

1 Q. And who is ■■■ Remus?
2 A. He was an account executive.
3 Q. And is your assertion that Mr. Ryan told
4 Mr. Remus that Mr. Ryan was giving you his shit
5 accounts?
6 A. Yes.
7 Q. Is that what Mr. Remus told you?
8 A. Yes.
9 Q. Are you aware of Mr. Ryan selling any
10 account renewals or earning any compensation from the
11 three to five accounts he transferred to you?
12 A. They're on the books, the renewal.
13 Q. So Mr. Ryan had received compensation for
14 the accounts he transferred to you?
15 A. Yes.
16 Q. Had he sold any new products to those
17 accounts?
18 A. I don't know.
19 Q. So on what basis do you believe those
20 three to five accounts were shit accounts, or do you
21 not believe that?
22 A. I believe there is very little opportunity
23 in what I was assigned.
24 Q. I'm talking specifically about the ones,
25 clients transferred from Ryan, ■■■ Ryan, to you.

Page 492

1 A. Holds true.
2 Q. And who were those three to five accounts
3 that came from ■■■ Ryan?
4 A. Caterpillar Dealers Trust, Crawford &
5 Company, Children's Healthcare of Atlanta, if I'm not
6 mistaken, as well as the Presbyterian Church of
7 America.
8 Q. Did you receive any other accounts when
9 you became a client executive that were previously
10 serviced by Mr. Ryan?
11 A. Possibly ChoicePoint.
12 Q. Besides those five accounts that you
13 received or that were previously serviced by
14 Mr. Ryan, did you receive any other -- or were you
15 assigned to work on any other clients as a client
16 executive when you joined the Atlanta office in 2008?
17 A. From whom?
18 Q. Anyone.
19 A. Was I assigned other accounts?
20 Q. Yes.
21 A. Yes.
22 Q. How many others accounts?
23 A. They're on the complaint. Maybe 11.
24 Q. They're on the what?
25 A. Complaint.

Page 493

1 Q. There was multiple complaints so far.
2 Which complaint?
3 A. The one that I initially gave to MetLife
4 as well the EEOC.
5 Q. So your internal complaint?
6 A. Exhibit 2.
7 Q. And are those the only accounts you
8 received when you became a client executive?
9 A. Yes.
10 Q. There were no others?
11 A. No.
12 Q. For Caterpillar Dealers Trust, you receive
13 renewal commissions?
14 A. Yes.
15 Q. Did you sell any new products to them?
16 A. Yes.
17 Q. For Children's Healthcare of Atlanta, do
18 you receive renewal commissions?
19 A. I did.
20 Q. Did you sell any products to them?
21 A. No.
22 Q. They left because MetLife didn't provide
23 competitive rates?
24 A. Correct.
25 Q. For ChoicePoint, you received renewal

Page 494

1 commissions for that client account?
2 A. Probably.
3 Q. Did you receive any -- did you make any
4 new sales to them?
5 A. No.
6 Q. For Crawford & Company, did you receive
7 renewal commissions?
8 A. Yes.
9 Q. Did you sell them any new products?
10 A. No.
11 Q. For Presbyterian Church of Atlanta, do you
12 receive renewal commissions?
13 A. Yes.
14 Q. Did you sell them any new products?
15 A. Yes.
16 Q. To what extent did you sell them new
17 products?
18 A. A very small life policy.
19 Q. Other than the ten or so clients
20 identified in your internal complaint, were you at
21 any point as a client executive assigned additional
22 clients to work with?
23 A. No.
24 Q. When you returned from disability in
25 January 2010, you became an account executive,

Page 495

1 correct?
2 A. Yes.
3 Q. At that point, you were assigned a number
4 of brokers to work with; is that right?
5 A. Yes.
6 Q. And you were already also -- did you keep
7 any of the clients you previously worked with as
8 well?
9 A. Yes.
10 Q. So you were able to continue receiving
11 renewal commissions on those clients?
12 A. Correct.
13 Q. And continue to try and sell them new
14 business?
15 A. Yes.
16 Q. And you also had the opportunity to sell
17 new business as a client -- sorry, as an account
18 executive through brokers?
19 A. Yes.
20 Q. Did clients you were assigned -- sorry,
21 the brokers or consultants you were assigned as an
22 account executive, did those come from -- or were
23 those previously serviced by other account
24 executives?
25 A. The brokers and clients I was assigned as

Page 496

1 a client executive, did they come from --
2 Q. No, as an account executive. In
3 January 2010, you became an account executive. There
4 was some discussion a little earlier about you being
5 assigned brokers or consultants. I'm asking you if
6 those brokers or consultants you were assigned when
7 you became an account executive, if those were
8 previously serviced or other agents previously worked
9 with those brokers?
10 A. Maybe one or two.
11 Q. How many brokers were you assigned?
12 A. Seven.
13 Q. So the other five were not -- did not have
14 a relationship with MetLife?
15 A. Correct.
16 Q. Who did those -- who previously serviced
17 those ones, your clients?
18 A. One of them was [REDACTED] ie
19 second was worked through [REDACTED] Kelley, if I'm not
20 mistaken.
21 Q. You mentioned a meeting you had with
22 Mr. Trinkwon in which he told you -- I apologize if I
23 don't have this quote exactly right -- but you allege
24 he told you that, "If you think I'm fucking you, then
25 quit." When was that meeting?

Page 497

1 A. First quarter 2010.
2 Q. So it was right after you returned from
3 leave?
4 A. Yes.
5 Q. And that was the meeting in which you were
6 placed on the performance improvement plan?
7 A. No.
8 Q. No? When was that meeting?
9 A. Afterwards.
10 Q. This was a follow-up to being placed on
11 the performance improvement plan?
12 A. Yes.
13 Q. Looking at Plaintiff's Exhibit 1, this is
14 the scorecard document you introduced, Mr. Rowell.
15 Do you know when this document was created?
16 A. As of May 31st until July 9th, it had to
17 be around that time.
18 Q. So around July 9th, 2010?
19 A. Sure.
20 Q. So fair to say it was through Q10, 2010?
21 A. I'm not aware of ten quarters.
22 Q. Q2 in 2010.
23 A. Yes.
24 Q. And we had some discussion about the
25 metrics snapshot for year-to-date 2010 and

1 year-to-date 2009 at the bottom of the page, and so I
2 am clear, the year-to-date 2009 quotes, those all
3 would have been quotes, or at least the numbers for
4 you would have been quotes while you were a client
5 executive?

6 A. Yes.

7 Q. And then your quotes has -- in the
8 year-to-date 2010 category, would those be quotes you
9 had as a client executive or an account executive or
10 a combination thereof?

11 A. Account executive.

12 Q. So if you had in 2009 a quote for a policy
13 implemented in 2010, where would that show up on this
14 chart?

15 A. 2009.

16 Q. So looking at 2009, you were a client
17 executive. The only other client executive on this
18 list of names is ■■■Ryan; is that correct?

19 A. Yeah.

20 Q. So for 2009 you had four quotes, and
21 Ed Ryan had 16; is that correct?

22 A. Yes.

23 Q. Does that look right? But the other
24 people on this here that have higher numbers of
25 quotes were account executives?

1 A. Yes.

2 Q. So they were performing a different role
3 than you were?

4 A. That's correct.

5 Q. And you testified earlier that you would I
6 think need somewhere upwards of 300 something quotes
7 to meet a \$4 million sales goal. Do you remember
8 that?

9 A. I recall the conversation, but the math
10 I'm sure is off.

11 Q. Well, how many quotes do you think you
12 would need to reach a \$4.4 million sales goal?

13 A. 157.

14 Q. And in 2009, you had four quotes?

15 A. Yes.

16 Q. And in 2009, Mr. Ryan had what appears to
17 be 16, maybe 18 quotes. I think it's 16. Do you see
18 that?

19 A. Yeah.

20 Q. And Mr. Ryan had a total of \$4.8 million
21 in sales based on those 16 quotes?

22 A. That's the difference, right.

23 Q. Sorry?

24 A. You're correct.

25 Q. So Mr. Ryan eclipsed what would otherwise

1 be a \$4 million goal with only 16 quotes?

2 A. Yes.

3 Q. So you don't need however many hundreds of
4 quotes you just told me to actually sell well over
5 \$4 million worth of sales?

6 A. It's a higher closing ratio if you're
7 talking to existing customers.

8 Q. So -- well, the closing ratio here says
9 zero percent for Mr. Ryan.

10 A. And clearly, it's wrong.

11 Q. Okay. So when you were a client
12 executive, your closing ratio should be
13 significantly higher?

14 A. Depends on the opportunity.

15 Q. So do you tell me, Mr. Rowell, that you
16 still think that as a client executive in 2009 you
17 needed to have upwards of 150 quotes in order to hit
18 \$4 million in sales?

19 A. One quote which I got, which wasn't
20 approved by New York.

21 Q. That's not what I asked you, sir.

22 A. Well, it's a different role.

23 Q. So the 2009 numbers really have no bearing
24 on your allegation that you didn't have sufficient
25 opportunities to meet your numbers as an account

1 executive in 2010?

2 A. You're correct.

3 Q. For 2010 as of end of Q2, ■■■Roweling
4 had eight quotes. Do you see that?

5 A. Yes.

6 Q. And somewhere on the order of \$220,000 in
7 sales. Do you see that?

8 A. Yes.

9 Q. And you had at that time 20 quotes, but
10 only \$200,000 in sales; is that right?

11 A. Yes.

12 Q. So you had more than twice as many sales,
13 but a third or less of the total sales?

14 A. You just contradicted yourself.

15 Q. Sorry. You had more than double the
16 number of quotes, but less than a third of the number
17 of sales?

18 A. Primarily I'm quite sure because she had
19 extensions on her existing book of business.

20 Q. So, Mr. Rowell, when you told us earlier
21 that when you were looking specifically at numbers,
22 is it fair to say that the number of quotes isn't the
23 only indicator of what your total sales will be,
24 there are lots of factors that need to be looked at?

25 A. None more important than quotes.

1 Q. So again, Ms. Leweling had only eight
2 quotes, but \$700,000 in sales. You had 20 quotes and
3 \$200,000 in sales. I mean, you see that?

4 A. I've seen it.

5 Q. It looks like based on Ms. Leweling's
6 numbers, she was averaging a hundred thousand dollars
7 in sales per quote. Do you see that? Does that
8 sound about right?

9 A. Yes.

10 Q. So to meet your \$4 million target, you
11 really only would have to have 40 quotes?

12 A. If you're going to use that logic, apply
13 it to Vietri.

14 Q. I'm not asking you to apply it to
15 Vietri. You told me earlier, you testified
16 earlier that Leweling was a comparator, meaning
17 that you think she's someone who was treated
18 differently than you, although she shouldn't have
19 been, you should have been treated the same. It
20 looks like that she had eight quotes, or it says she
21 had eight quotes and \$720,000 in sales. Very rough
22 math on that is per quote, she had somewhere on the
23 order of \$90,000 in sales. Does that sound right to
24 you?

25 A. Sure.

1 Q. You said your sales goal that was
2 unattainable was \$4 million, give or take?

3 A. Okay.

4 Q. In order to hit \$4 million at
5 Leweling's rate of earnings, she would need
6 only 45 quotes?

7 A. According to her rate of earnings.

8 Q. Okay. And at this point in mid 2010, you
9 already had 20 quotes?

10 A. Yes.

11 Q. And if you just extrapolate that out very
12 basically to the end of the year, double that number,
13 you would have had 40 quotes?

14 A. Fair to say.

15 Q. So you easily could have hit your
16 \$4 million number?

17 A. Not true, no.

18 Q. So you don't think Leweling is
19 comparable to you?

20 A. I think there are factors, but the rest of
21 which are still held by the defendant.

22 Q. Is it fair to say, Mr. Rowell, that the
23 numbers don't tell you everything? For example,
24 Mr. Blackburn and Mr. Vietri had close to the same
25 number of quotes in the three hundreds as well as

1 Mr. Rosenfeld in the three hundreds, but their sales
2 numbers are staggeringly different? Is that fair?

3 A. Very. Experience plays a part.

4 Q. And at this point in 2010, you'd only been
5 an account executive in the Atlanta office for six
6 months?

7 A. Yes.

8 Q. said worked
9 exclusively in Alabama; is that right?

10 A. Yes.

11 Q. So he actually worked a territory, not
12 necessarily specific brokers?

13 A. Yes.

14 Q. And Vietri was assigned a territory
15 of rural Georgia, and at this point also it included
16 parts of Tennessee; is that right?

17 A. As well as Atlanta.

18 Q. So he worked a territory, not specific
19 brokers?

20 A. Yeah.

21 Q. So just Leweling worked specific
22 brokers like you?

23 A. Blackburn too.

24 Q. And we talked extensively about
25 Mr. Blackburn's experience; is that right?

1 A. That's correct.

2 Q. Plaintiff Exhibit Number 2, I just want to
3 confirm that was a list of brokers for the Atlanta
4 office as of January 2010; is that right? The cover
5 e-mail is January 14, 2010. We just didn't have a
6 date on it.

7 A. Yes.

8 Q. In addition to the brokers listed on this
9 exhibit that were assigned to you, Mr. Rowell, you
10 were also assigned work with all other brokers in the
11 Atlanta metro area who did not currently have a
12 relationship with MetLife?

13 A. That's correct.

14 Q. And you were also assigned to MetLife's
15 three strategic initiatives?

16 A. I was.

17 Q. Plaintiff's Exhibit Number 3 was a list of
18 broker contacts by agency. Do you have a date on
19 that exhibit, sir?

20 A. No.

21 Q. Would this have been while you were a
22 client executive or an account executive?

23 A. Account.

24 Q. So this would have had to have been
25 sometime in 2010?

Page 506

1 A. Yes.
2 Q. Actually I recognize this document from
3 your production, and it was part of an e-mail sent in
4 January 2010. Does that sound right to you, sir?
5 A. Yes.
6 Q. Plaintiff's 4 was a quote history by
7 broker. Are these the brokers to which you were
8 assigned when you became an account executive, or are
9 there other brokers on this list as well?
10 A. Those are the ones.
11 Q. And if you could, I was a little unclear
12 on exactly what this showed, but am I correct that so
13 each entry, for example, the first ones are for
14 multiple benefit services, each entry on this chart
15 shows a prior sale of some MetLife product to them in
16 the prior three years?
17 A. No.
18 Q. No? What does it show?
19 A. Quotes.
20 Q. So this is quote activity for each of the
21 brokers to which you were assigned; is that right?
22 A. The same report I requested of you, yes.
23 The same report that I already requested, yes.
24 Q. And in the middle of the chart, there
25 are -- it says rep name. Is that the name of the rep

Page 507

1 who was previously servicing the broker --
2 A. Yes.
3 Q. -- before it was assigned to you? Yes?
4 A. Yes.
5 Q. So that is the account executive from whom
6 the account was transferred when it became your new
7 account?
8 A. Yes.
9 Q. So some of these accounts came from --
10 strike that.
11 This also shows sales, is that correct,
12 the very last column?
13 A. Yes.
14 Q. Plaintiff's Number 5 is titled "2006
15 Productivity Tracking." This is a document that
16 details your sales history in 2006; is that correct?
17 A. Yes.
18 Q. And that's when you were serving as a
19 sales representative and an account executive at
20 MetLife in Cleveland?
21 A. During that year.
22 Q. This is the year you transitioned from a
23 sales representative to an account executive; is that
24 right?
25 A. Yes.

Page 508

1 Q. So some of these sales would have been
2 while you were a sales representative in small
3 markets?
4 A. All of them.
5 Q. All of them would have been? So all of
6 these sales were when you were in a position to which
7 you did not work at all while you worked in the
8 Atlanta office?
9 A. That's correct.
10 Q. And in a market which is not the market
11 you worked in when you were in Atlanta?
12 A. That's correct.
13 Q. Plaintiff's 7 is a -- can you tell me what
14 Plaintiff's 7 is? I'm sorry.
15 A. Sold business.
16 Q. This is business you sold that became
17 active in 2007; is that right?
18 A. Yes.
19 Q. This is business you sold as an account
20 executive in Cleveland in large markets?
21 A. Yes.
22 Q. How many quotes did you have for 2007?
23 A. Don't know.
24 Q. Would this have been business actually
25 quoted in 2006?

Page 509

1 A. Some of it.
2 Q. So some of this could have been sales in
3 2006 that was actually implemented in 2007?
4 A. Well, it's a January 1st prior to date,
5 probably, yes.
6 Q. How many brokers were you working with
7 when you were in Cleveland?
8 A. I would have to look it up.
9 Q. Do you have an estimate?
10 A. I can give you a definitive.
11 Q. What is it?
12 A. Eighteen.
13 Q. You worked with 18 brokers while you were
14 in Cleveland?
15 A. Agencies.
16 Q. Agencies. How many broker contacts was
17 that total?
18 A. Ballpark, 50.
19 Q. As I recall, when you became an account
20 executive in Atlanta, you had 51 broker contacts; is
21 that right?
22 A. Yes.
23 Q. You testified that in 2007 when you hit
24 your sales goal, you were given more opportunities;
25 is that correct?

Page 510

1 A. I didn't hit my goal in 2007.
2 Q. You did not hit your goal? When did you
3 hit your goal, 2006?
4 A. One of the years.
5 Q. What's that?
6 A. That's one of the years.
7 Q. So when you did hit your sales goal, you
8 were given more responsibility; is that right?
9 A. You have to rephrase that question.
10 Q. Why?
11 A. I was given more opportunities, and
12 therefore, I hit my goals.
13 Q. You testified there was more
14 responsibility as an account executive than as a
15 sales representative. What about between an account
16 executive and a client executive, same amount of
17 responsibility?
18 A. You could make that argument.
19 Q. I'm asking you.
20 A. Depends on what the assignments are.
21 Q. So in some instances, client executives
22 would have more responsibilities?
23 A. Yes.
24 Q. What about your services as a client
25 executive? Did you have more responsibilities in

Page 511

1 that role than you did as an account executive?
2 A. Yes.
3 Q. Plaintiff's 8 was an example you provided
4 of Jeff Trinkwon commending your performance; is that
5 right?
6 A. Yes.
7 Q. In fact, Mr. Trinkwon sent you multiple
8 e-mails over the time you were in Atlanta commending
9 your performance; is that right?
10 A. Yes.
11 Q. Just like the e-mails you received when
12 you were working in Cleveland that were commending
13 your performance?
14 A. Yes.
15 MS. MILLER: Can we take a short
16 break?
17 MR. KONN: Yeah.
18 THE VIDEOGRAPHER: This is the end of
19 tape number two.
20 MR. KONN: I'm sorry. Don't end the
21 tape.
22 THE VIDEOGRAPHER: The time is
23 3:30 p.m.
24 MR. KONN: Let's stay on. I have
25 less than five minutes. Sorry, Michael.

Page 512

1 THE VIDEOGRAPHER: No problem.
2 BY MR. KONN:
3 Q. Mr. Rowell, your 2009 sales objective was
4 \$6.5 million approximately; is that right?
5 A. Yes.
6 Q. And the other individual who was an
7 account executive at that time was Ed Ryan?
8 A. Yes.
9 Q. And his sales objective was higher than
10 yours; it was \$7.6 million?
11 A. Sounds right.
12 Q. And in 2010, your sales objective was
13 \$4.4 million?
14 A. Yes.
15 Q. And Blackburn's sales objective was
16 \$6.1 million?
17 A. Apparently.
18 Q. And Rosenfeld's sales objective was also
19 higher than yours, over \$6 million?
20 A. Okay.
21 Q. Does that sound right to you? Do you
22 dispute that?
23 A. I don't dispute it. I just don't have it
24 in front of me.
25 Q. And Mr. Vietri's sales objective was also

Page 513

1 higher than yours of over \$6 million; is that right?
2 A. I rely on your word.
3 Q. It's a term of art in your business,
4 "block of business." Do you understand what that
5 term means?
6 A. Yes.
7 Q. Your block of business in 2009 was
8 \$33 million. Does that sound right?
9 A. Yes.
10 Q. And that block was -- do you allege that
11 your block of business was smaller or larger or that
12 you were discriminatorily assigned a block of
13 business in 2009?
14 MS. MILLER: I don't --
15 MR. KONN: Yeah, that's a bad
16 question. I apologize.
17 MS. MILLER: That was multiple
18 questions, or form or something I object
19 to, so rephrase.
20 BY MR. KONN:
21 Q. You were assigned a block of business when
22 you joined MetLife in 2008; is that right?
23 A. Yes, when I joined MetLife in Atlanta.
24 Q. Are you alleging that your assignment of
25 that block of business was done on a discriminatory

Page 514

1 basis?

2 A. Yes.

3 Q. And are you aware that your block of

4 business was larger than others in the office?

5 A. I'm unaware.

6 MR. KONN: That's all I have. I just

7 want to make sure we have Rowell Deposition

8 Exhibits 1 through 26.

9 MS. MILLER: I have no further

10 questions.

11 THE VIDEOGRAPHER: This is the end of

12 volume two, tape number two in the

13 deposition of Brandon Rowell. The time is

14 3:33 p.m. We're now off the record.

15 (Deposition concluded at 3:33 p.m.)

16

17

18

19

20

21

22

23

24

25

Page 516

1 Page_____ Line_____ should read:_____

2 Reason for change:_____

3

4 Page_____ Line_____ should read:_____

5 Reason for change:_____

6

7 Page_____ Line_____ should read:_____

8 Reason for change:_____

9

10 Page_____ Line_____ should read:_____

11 Reason for change:_____

12

13 Page_____ Line_____ should read:_____

14 Reason for change:_____

15

16 Page_____ Line_____ should read:_____

17 Reason for change:_____

18 Signature _____

19 Sworn to and Subscribed before me

20 _____, Notary Public.

21 This _____ day of _____, ____.

22 My Commission Expires: _____

23

24

25

ESB

Page 515

1 ERRATA SHEET

2 Pursuant to Rule 30(e) of the Federal Rules of

3 Civil Procedure and/or the Official Code of Georgia

4 Annotated 9-11-30(e) any changes in form or substance

5 which you desire to make to your deposition testimony

6 shall be entered upon the deposition with a statement

7 of the reasons given for making them.

8

9 To assist you in making any such corrections,

10 please use the form below. If supplemental or

11 additional pages are necessary, please furnish same

12 and attach them to this errata sheet.

13 - - -

14 I, the undersigned, BRANDON ROWELL, do hereby

15 certify that I have read the foregoing deposition and

16 that to the best of my knowledge said deposition is

17 true and accurate (with the exception of the

18 following corrections listed below).

19

20 Page_____ Line_____ should read:_____

21 Reason for change:_____

22

23 Page_____ Line_____ should read:_____

24 Reason for change:_____

25

26

27

28

29

30

31

32

33

34

35

Page 517

1 CERTIFICATE

2

3 G E O R G I A:

4 FULTON COUNTY:

5

6 I hereby certify that the

7 foregoing deposition was reported, as

8 stated in the caption, and the questions

9 and answers thereto were reduced to the

10 written page under my direction; that the

11 foregoing pages 321 through 514 represent a

12 true and correct transcript of the evidence

13 given. I further certify that I am not in

14 any way financially interested in the

15 result of said case.

16 Pursuant to Rules and Regulations

17 of the Board of Court Reporting of the

18 Judicial Council of Georgia, I make the

19 following disclosure:

20 I am a Georgia Certified Court

21 Reporter. I am here as an independent

22 contractor for Huseby, Inc.

23

24

25

1 I was contacted by the offices
2 of Huseby, Inc. to provide court reporting
3 services for this deposition. I will not
4 be taking this deposition under any
5 contract that is prohibited by O.C.G.A.
6 15-14-37 (a) or (b).

7 I have no written contract to
8 provide reporting services with any party
9 to the case, any counsel in the case, or
10 any reporter or reporting agency from whom
11 a referral might have been made to cover
12 this deposition. I will charge my usual
13 and customary rates to all parties in the
14 case.

15 This, the 26th day of November, 2012.

16 

17
18 _____
19 SUZANNE BEASLEY, B-1184
20 My commission expires on the
21 19th day of September, 2014.
22
23
24
25