

Chapter 7: Employee Complaints of Susan Dutton's Harassment

D. Scott Crook (7495)
scott.crook@smithlawonline.com
Kathryn J. Steffey (10245)
ksteffey@smithlawonline.com
SMITH HARTVIGSEN, PLLC
215 S. State Street, Suite 650
Salt Lake City, Utah 84111
Telephone (801) 413-1600
Facsimile (801) 413-1620

Attorneys for Claimant

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

EMMANUEL D. KEPAS,	:	
	:	DECLARATION OF BRANDON
Claimant,	:	SCHEUERMAN
	:	
v.	:	
	:	Case No. 77 460 00465 06
EBAY, INC., a Delaware Corporation	:	
	:	
Respondent.	:	
	:	
	:	

STATE OF UTAH }
 :
SALT LAKE COUNTY }

1. I am a resident of Sandy, Utah; over the age of 18; and provide this affidavit based on my own personal knowledge and expertise.

2. I worked for eBay for a period of seven years. I was employed in eWatch during the entire time that Emmanuel Kepas was also employed there. I am no longer employed by eBay, my last week of work being the first week of June 2006.

→ 3. After I came to work for eBay in 1999, eBay held its annual Christmas party. The Christmas party was held in the eBay building. There were many employees attending the party, including directors and vice-presidents. At one point during the party, I saw Susan Dutton, who

4818-3243-5714.KE007.001

1

Chapter 7: Employee Complaints of Susan Dutton's Harassment

at that time worked in another department from me, in front of the entire party sitting on the lap of a man and giving him a lap dance. She sat in his lap facing him, moving her body and hips over him, and shaking her chest in his face. She did this in full view of all the employees present, including management.

4. During the time that I was employed at eBay, for a period from mid 2004 until February 2005, Mr. Kepas was the eWatch Manager and my direct supervisor. Mr. Kepas performed very well as the manager. The members of the team were very happy with Mr. Kepas. In fact, in January 2005, the team gave Mr. Kepas a trophy in recognition of his efforts on our behalf.

5. In February 2005, Mr. Kepas was demoted and Susan Dutton was employed as a manager in the eWatch Department and was the supervisor of my direct supervisor until I left eBay.

6. After she became the manager, the team members on the team became very dissatisfied with her management style, which I would characterize as bullying. Chris Colgan, who was Susan Dutton's supervisor and the Director in charge of eBay, held a skip-level meeting in which we discussed Ms. Dutton's performance and I and other employees expressed our dissatisfaction with Ms. Dutton's performance. Mr. Colgan told me that he would work with her or replace her and that she had been disciplined for her behavior.

7. In the fourth quarter of 2005, the eWatch team was asked to fill out an upward feedback and pulse survey. It was my understanding, and others told me that it was there understanding, that the upward feedback survey was to be answered with respect to Susan Dutton's performance despite the fact that Mr. Kepas' name was on the survey. This was because in an earlier survey conducted in the second quarter of 2005, our director, Mr. Colgan, told us that the upward feedback survey was to evaluate Ms. Dutton's performance rather than