

Chapter 13: Deposition of Joyce Whalen, former eBay Director

Deposition of Joyce Whalen

1 Q. Anyone else that you discussed it with?
2 A. I don't recall.
3 Q. What was the substance of the conversation
4 with Tim?
5 A. General around, you know, inappropriate
6 language behavior, et cetera. I think it actually arose
7 because an employee had talked with me about Susan and
8 Monica sitting at their desk together having fairly
9 private conversations and that others could hear and that
10 at one time they were talking about an employee who --
11 and saying something negative about that employee. And
12 so I talked with Tim about, "Hey, maybe they need to tone
13 that stuff down just because other people can hear and
14 find a conference room if it's anything confidential."
15 Q. Was Tim Susan's supervisor?
16 A. Tim was, yes.
17 Q. Do you know what, if anything, he did about
18 these comments?
19 A. I don't know.
20 Q. Tell me about this conversation between
21 Ms. Dutton and Ms. Paluso. You didn't hear it yourself?
22 A. I did not hear it, no.
23 Q. Where did you hear about it?
24 A. I heard it from one of my employees, Kelly.
25 I can't remember Kelly's last name. And she said, "Hey,
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1 sounds like a great thing." And he said, "Yeah, well,
2 there were a lot of incidents at that party, here's one
3 of them," and he talked about Susan.
4 Q. Did he tell you about any others?
5 A. I don't recall any others.
6 Q. Now, what year would it have been that this
7 party occurred?
8 A. I think it would have been 2000 or 2001.
9 Q. Okay. Was anyone else present when Joe Wood
10 told you about this situation?
11 A. No. Oh, I do remember hearing it from one
12 other person, Richard Nelson.
13 Q. Tell me about your conversation with Richard
14 Nelson. Who was Richard Nelson?
15 A. Richard was one of my direct reports. He
16 worked in the Training Department. He left after a while
17 to go and work for Keith and just would talk about the
18 wild times, what eBay used to be like, what the old
19 culture was like, how much more informal I guess it was.
20 Q. When did this conversation occur?
21 A. My guess is sometime in 2002.
22 Q. And was anyone else present for this
23 conversation?
24 A. No.
25 Q. When did the Joe Wood conversation occur?
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1 listen, this is what I overheard and maybe you can talk to
2 these guys, Joyce, and get them to stop having
3 conversations that are so public."
4 Q. Do you know who they were talking about?
5 A. I don't.
6 Q. Are you aware of them having any such
7 conversations after the point in time that you spoke with
8 Tim Payne?
9 A. Conversations about another employee?
10 Q. Yes.
11 A. No.
12 Q. You weren't present at the Christmas party
13 where Susan Dutton allegedly danced seductively?
14 A. It was before I arrived.
15 Q. Have you identified everyone from whom you
16 have heard that allegation?
17 A. I think I have.
18 Q. When did Joe Wood tell you about this?
19 A. After I arrived at eBay, I think it was when
20 we were planning the next year's Christmas party for all
21 employees, and Joe was recapping the previous one and how
22 much money eBay had spent on this and that he felt that
23 Keith, No. 6 employee of eBay, had also contributed a lot
24 of his money to it, black tie, very formal event up in
25 Park City. And I was saying, "It sounds really cool, it
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1 A. In 2002.
2 Q. How about your conversation with Lynn Hardin?
3 When did that occur?
4 A. My best estimate is 2002.
5 Q. And what did Lynn tell you exactly?
6 A. That the previous parties at eBay could
7 sometimes get pretty rowdy with a lot of drinking and a
8 lot of partying and sometimes inappropriate displays.
9 Q. And what did Lynn tell you specifically about
10 Susan Dutton?
11 A. He wasn't as specific as the others. He just
12 said that everyone had a lot to drink and Susan acts kind
13 of wild when she drinks and that she acted kind of wild
14 at this party.
15 Q. Did he give you any additional specifics?
16 A. No.
17 Q. What did Joe Wood tell you?
18 A. I think he was the first person to describe
19 it as a lap dance.
20 Q. Tell me exactly what you recall him telling
21 you.
22 A. That Susan was flirting fairly heavily with
23 Maynard Webb and at one time started dancing directly in
24 front of him and dancing very suggestively.
25 Q. Have you ever met Maynard Webb?
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1 A. Yes, I have.
2 Q. What did Keith tell you?
3 A. That it was a great party, not to have been
4 missed, and that there were lots of stories of crazy
5 things. And his specific example was again Susan dancing
6 in front of him.
7 Q. How did he describe it?
8 A. I think he described it as, "It was a great
9 party, we don't have parties like that anymore. Things
10 have changed so much. This one in Park City was just a
11 blast. Everyone had a lot of fun and you weren't worried
12 about corporate rules as eBay was migrating to a larger
13 corporation." And I don't remember what the lead in was,
14 but he said everyone was having a great time. It was a
15 pretty wild party. And then somewhere along the way he
16 said, "You will have to find out more about Susan and her
17 dance. She really did a number for Maynard Webb."
18 Q. When did that conversation occur?
19 A. 2002.
20 Q. And was anyone else present?
21 A. No.
22 Q. You didn't attend the eBay gala event in New
23 Orleans, correct?
24 A. I did not.
25 Q. But you have told me everything you know
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1 Brad.
2 Q. Okay. And she told you about this
3 conversation, correct?
4 A. Correct.
5 Q. And she said it was about the improper use of
6 humor in the workplace?
7 A. I think her words were, "Brad just yelled at
8 me for the past two hours."
9 Q. Did you have an understanding of whose
10 conduct Brad was talking about when he talked to Wendy?
11 A. Yes, that he was referring to Wendy's
12 behavior and how he had to do cleanup when she came to
13 visit.
14 Q. And do you know what the situation was, what
15 the humor was that had led to this conversation?
16 A. I don't believe there was one specific thing.
17 It was more a series of things where again Wendy would I
18 believe in a joking way say something about an employee
19 in their presence, hoping it was a joke.
20 But again, the levels in the organization made
21 people very sensitive if they are at a manager level or a
22 supervisor level and the VP says something, they don't
23 have a relationship, they are just meeting each other,
24 and that Brad would have to do the cleanup, damage
25 control after Wendy left because he would have the
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1 about what happened at that event although you weren't
2 there?
3 A. Correct.
4 Q. You have testified about Susan and Wendy --
5 Susan Dutton and Wendy Jones' relationship. How often
6 did you hear them talk to each other?
7 A. Well, I'd say Wendy came to visit the Salt
8 Lake office at least once a month and she would stay for
9 a day or two. And my observing them talking to each
10 other, probably once every two months I would see them.
11 Q. Do you know how old Wendy Jones is?
12 A. I do not.
13 Q. You mentioned Janet. Do you remember Janet's
14 last name?
15 A. Fargo.
16 Q. How old is Janet?
17 A. I don't know.
18 Q. What is your best estimate?
19 A. Forty.
20 Q. How about Brad Krinhop?
21 A. I think I already estimated him at 35.
22 Q. You indicated that when you were up in
23 Vancouver, you came to talk to Wendy Jones and she was on
24 the telephone with Brad Krinhop?
25 A. She had just gotten off the telephone with
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1 directors or the managers coming to him.
2 Q. Is it fair to say that you don't really know
3 the specifics of what the use of humor was?
4 A. I don't know the specific example, but I do
5 know it was generally about levels of employees and what
6 would be inappropriate to say to different levels.
7 Q. Do you know of any specific employees who had
8 complained about Wendy's use of humor in the workplace?
9 A. No, I don't.
10 Q. Did you ever complain to anyone about Wendy's
11 use of humor in the workplace?
12 A. Yes.
13 Q. When did you complain and to whom?
14 A. I complained to HR when Wendy in a speech to
15 all of the customer service group referred to women as
16 chicks. And there was another event where one of my
17 trainers -- my training manager actually at the time,
18 they had a similar outfit on, khaki pants and striped
19 shirt, and she asked Thomas to stand up and said, "Look,
20 we are even dressing alike now," and he felt very
21 uncomfortable about that.
22 Q. How do you know he felt uncomfortable?
23 A. He came to me and told me.
24 Q. So did you make one report to HR about those
25 two incidents or was it two separate reports?
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