

ORIGINAL

Kim Dockstader, ISB No. 4207  
Gregory C. Tollefson, ISB No. 5643  
STOEL RIVES LLP  
101 South Capitol Boulevard, Suite 1900  
Boise, ID 83702-5958  
Telephone: (208) 389-9000  
Fax Number: (208) 389-9040  
kdockstader@stoel.com  
gctollefson@stoel.com

Attorneys for Defendant Micron Electronics, Inc.

U.S. DISTRICT COURT  
CLERK  
IDAHO

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINCKLEY, JACQUELINE T.  
HLADUN, MARILYN J. CRAIG,  
JEFFERY P. CLEVINGER, and  
TIMOTHY C. KAUFMANN, individually  
and on behalf of those similarly situated,

Plaintiffs,

v.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**AFFIDAVIT OF KIM DOCKSTADER IN  
SUPPORT OF DEFENDANT MICRON  
ELECTRONICS, INC.'S MOTION TO  
STRIKE CONSENTS AND DISMISS  
CLAIMANTS DESTINY J. BAXTER,  
DON HOPKINS AND CAMILLE  
WOODWORTH**

**AFFIDAVIT OF KIM DOCKSTADER IN SUPPORT OF DEFENDANT MICRON  
ELECTRONICS, INC.'S MOTION TO STRIKE CONSENTS AND DISMISS  
CLAIMANTS DESTINY J. BAXTER, DON HOPKINS AND CAMILLE  
WOODWORTH - 1**

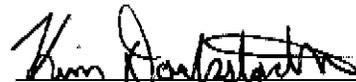
230



5. On July 19, 2004, we received a one page facsimile from Ms. McPherson to inform us that Camille Woodworth had opted out of the lawsuit. A true and correct copy of the facsimile is attached hereto as **Exhibit B**. Based on this information, we agreed to call off the deposition of Ms. Woodworth, which was scheduled for July 23, 2004.

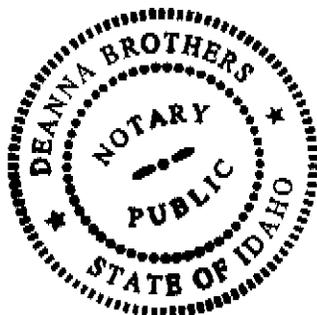
6. On July 22, 2004, I informed Dan Williams that we would proceed with filing a motion to strike the consents and dismiss claimants Destiny J. Baxter, Don Hopkins and Camille Woodworth. Mr. Williams indicated that Plaintiffs likely would not oppose such a motion, but he was going to double-check information with his staff relating to the identity of these claimants as the individuals whose dismissal from this action would be appropriate for the reasons stated. I informed Mr. Williams that I would be out of the office on July 23, 2004, and he indicated that he would get back to me after reviewing a copy of the subject motion.

Dated this 23<sup>RD</sup> day of July, 2004.

  
\_\_\_\_\_  
Kim Dockstader

SUBSCRIBED AND SWORN TO BEFORE ME this 23rd day of July, 2004.

  
\_\_\_\_\_  
Notary Public of Idaho  
Residing at: Boise, ID  
My Commission Expires: 08/19/06



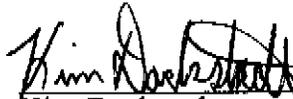
**AFFIDAVIT OF KIM DOCKSTADER IN SUPPORT OF DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE CONSENTS AND DISMISS CLAIMANTS DESTINY J. BAXTER, DON HOPKINS AND CAMILLE WOODWORTH - 3**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of July, 2004, I caused to be served a true copy of the foregoing **AFFIDAVIT OF KIM DOCKSTADER IN SUPPORT OF DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE CONSENTS AND DISMISS CLAIMANTS DESTINY J. BAXTER, DON HOPKINS AND CAMILLE WOODWORTH** by the method indicated below, and addressed to each of the following:

William H. Thomas  
Daniel E. Williams  
Christopher F. Huntley  
HUNTLEY PARK LLP  
250 South 5th Street  
P.O. Box 2188  
Boise, Idaho 83701-2188

U.S. Mail  
 Hand Delivery  
 Overnight Delivery  
 Facsimile

  
\_\_\_\_\_  
Kim Dockstader

**AFFIDAVIT OF KIM DOCKSTADER IN SUPPORT OF DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE CONSENTS AND DISMISS CLAIMANTS DESTINY J. BAXTER, DON HOPKINS AND CAMILLE WOODWORTH - 4**

**EXHIBIT A**

this is a test.

THE WITNESS: Yes.

Q. BY MR. TOLLEFSON:  
(Exhibit \*-00 marked?)

Q. BY MR. TOLLEFSON: Ms. Baxter, could you please state your full name for the record, pleads.

A. Destiny Johnson Baxter.

Q. (GET SPELLING) do you understand that you're here today for your should be short deposition in this case against Micron Electronics?

A. Yes.

Q. Do you understand that I'm an attorney and that I represent Micron Electronics?

A. Yes.

Q. Would you take a look at what's been marked as exhibit 270. Is that your signature on that document?

A. Yes.

Q. Did you fill out that document?

A. Yes.

Q. Did you right there where it says job title?

A. Customer service assisting sales for

A. I don't recall the day but July 2001.

Q. And you worked in customer relations and customer service at certain periods of time during your employment?

A. Correct.

Q. And you were also a sales assistant?

A. Correct.

Q. In any of those positions did you ever earn any commissions?

A. No.

Q. Did you ever sell any computers, computer hardware, software over the telephone (or)?

A. I did. It was called parts sales, so not whole computers, but I did sell parts, yeah.

Q. Do you remember what time period? Was there a stern time period within which you sold parts?

A. Yes. It was the last (certain) I would say the last I don't know three to six months. It was the last part of my tour of duty.

Q. Okay. Do you remember what your job title was at the last part?

A. That was the customer service assisting sales. That was on the government sales team.

1 the commercial and government sales teams.

2 Q. Do you see up above where it says by  
3 signing that you represent you were an inside  
4 sales representative?

5 A. Oh. Do I see?

6 Q. Do you see where it says?

7 A.

8 Q. By my signature?

9 A. Yeah.

10 Q. Is that correct? Were you an inside  
11 sales representative at any time between June 1st  
12 of '98 and May 31st of 2001?

13 A. I'll say no. But I mean, I didn't read  
14 it. I'm sorry when I filled it out.

15 Q. That's fine.

16 A. Obviously.

17 Q. Did you ever earn any commissions when  
18 you worked for Micron Electronics?

19 A. No.

20 Q. You were employed at Micron Electronics  
21 approximately October of '98. Is that when you  
22 started work?

23 A. Yes.

24 Q. And what was the last day your  
25 employment was with Micron?

1 And I sold parts for the government sales parts  
2 team.

3 Q. Do you have a supervisor during that  
4 period?

5 A. Well, the customer service supervisor  
6 was my direct supervisor.

7 Q. And what was that?

8 A. Her name was case I. I don't remember  
9 her last name (GET SPELLING).

10 Q. Was it cash?

11 A. Case I cash, yeah.

12 Q. Were you paid hourly? Did you get paid  
13 by the hour?

14 A. Yes.

15 Q. Tell me just briefly when you did sell  
16 parts, how did that work? Did you make calls to  
17 solicit customers? How did that --

18 A. No, twat direct incoming calls. It was  
19 an inside sales facility so it was inside sales.  
20 The people call in to get parts and warrantys and  
21 they were shorthanded.

22 Q. During that time that you did sales in  
23 parts, your title was, was it sales assistant?

24 A. It was yeah, they -- it depends. You  
25 know, I thought my title was customer

1 service

2 assisting sales. I don't know what the  
3 salespeople thought I was.

4 Q. Right. Tell me what was your  
5 understanding of your job responsibilities as a  
6 customer service assisting sales.

7 A. Customer service -- okay. Let me think  
8 before I -- what my job responsibilities was the  
9 commercial team all the sales guys on the  
10 commercial team and the government sales team,  
11 they had their own like in commercial they had  
12 their own customers like Albertson's or their own  
13 commercial customers. And so they like to keep  
14 their customers happy and not have their clients  
15 have to call in to like the 1800 customer service  
16 number. So they would refer their customer  
17 service issues to me personally and I would talk  
18 to their customers and help them out a lot of it  
19 was, same with government sales, they had their  
20 own little government departments like department  
21 of defense or whatever that they really cod wild  
22 and handled with kid gloves. That's why they  
23 wanted their own customer service person. And a  
24 lot of it was presales, too, making sure that the  
25 customers' contracts were being up head. A lot of

1 them getting paid for stuff or got extra stuff or  
2 their shipping expedited or things, you know. A  
3 lot of it was presales to land the job or  
4 whatever, hit their numbers and stuff so it was a  
5 lot of presale stuff but customer  
6 ^ certify ^ search have I service. I didn't sell  
7 anything on those teams.

8 Q. Did you ever have any requirements or  
9 goals as far as sales?

10 A. I did not.

11 Q. So if you made some parts sales to a  
12 customer, did you get any sort of credit for that  
13 in any way?

14 A. No.

15 Q. It didn't have any affect at all on  
16 your compensation?

17 A. No.

18 Q.

19 (Exhibit \*-00 marked?)

20 Q. BY MR. TOLLEFSON: Ms. Baxter, I've  
21 handed you what's been marked as exhibit 271.  
22 It's a two-page document. Have you seen this well  
23 the first page before?

24 A. I'm sure I did. It has my signature on  
25 it.

Q. Okay. That is your signature where it  
says team member?

A. Yes.

Q. Actually, what I wanted to check with  
you here was did you see -- well what's your  
understanding of what this document is, the first  
page?

A. This looks like a -- they were  
documenting a reprimand.

Q. Okay. Do you see kind of in the middle  
of the page where it says accident I must?

A. Immediately.

Q. Right. Adhere to the expectations and  
it says to see the attached document?

A. Um-hmm.

Q. That's actually what I wanted to direct  
your attention to on the next page where it says  
basic expectations. Do you know what O O P  
supervisor stands for?

A. Yes. This is when -- it was office --  
oh heck what was it? Office of the president. It  
was office of the president.

Q. Okay.

A. I don't remember what the two Os mean.

Q. What I wanted to ask you if you want to

1 just take a moment and read through this. My  
2 question is going to be is there anything listed  
3 on these basic expectations that you do not  
4 believe was part of your job responsibilities?

5 A. Well, this, the office of the  
6 president, this doesn't have anything to do  
7 with -- I mean of course everything has to do with  
8 everything, right, in one company, but this is  
9 more -- okay. The 1800 pool, if you will, for  
10 like Joe blow users just home users, if they  
11 escalate, if they called 1800 and they were  
12 totally upset they want today speak to the  
13 president, then they got us. So this was like --  
14 this wasn't the same thing as this (indicating).  
15 I did this for just a short period of time. And  
16 then I moved onto the sales team.

17 Q. Okay. So the basic expectations that  
18 are listed on this exhibit 271, those are --

19 A. The different departments.

20 Q. That's a for a different department?

21 A. Um-hmm.

22 Q. That's when you were a customer  
23 relations specialist?

24 A. Um-hmm. This was the 1800 number that  
25 just the normal person calls.

1  
2 Q. At any time when you worked at Micron,  
3 did you ever have any requirements as to talk time  
4 requirements? Do you know what I mean by that  
5 term?

6 A. Um-hmm. Like on the phone. When I  
7 first got hired in customer service, the pool  
8 customer service 800 line, yeah, there were, yeah.  
9 I don't remember them.

10 Q. Right.

11 A. I got out of that as soon as I could.

12 Q. Okay. In customer service, is that  
13 different than the expectations that are outlined  
14 on exhibit 271 or is that similar to what you were  
15 doing in customer service?

16 MR. WILLIAMS: I don't understand your  
17 question, Greg. I can just object or you can --

18 Q. BY MR. TOLLEFSON: Mrs. Baxter, do you  
19 understand the question?

20 A. No, I don't. That's why I was kind of  
21 looking.

22 Q. Sure. Let me try and ask it a  
23 different way.

24 Is your testimony that customer service  
25 as you were describing it a moment ago is

1 talk time in customer relations.

2 Q. Okay. Let me step back a moment. When  
3 you said in customer service when you were saying  
4 you had a talk time, you were supposed to keep the  
5 calls under a certain duration?

6 A. I think that's what it was, yeah.

7 Q. Did you have a customer service any  
8 requirement that you had to spend you were  
9 supposed to spend a certain number of hours each  
10 day on the phone or is that basically what you did  
11 all day?

12 A. Yes. No, you were required to spend a  
13 certain amount of hours on the phone a day. You  
14 were required to keep your talk time under a  
15 certain time.

16 Q. Under a certain time per call?

17 A. Um-hmm.

18 Q. Sorry. If you can, if you're trying to  
19 answer the question yes or no try and use if you  
20 say uh-huh or huh-uh it's harder sometimes for the  
21 court reporter.

22 A. Sure sgli I didn't warn you about that  
23 at the beginning. So that's okay. So the  
24 question was you were required to keep your talk  
25 time under a certain time per call?

1 different than the job that you held as reflected  
2 on exhibit 270 of customer relations specialist?

3 MR. WILLIAMS: 271.

4 MR. TOLLEFSON: Thank you very much. 271.

5 THE WITNESS: And you're not talking about  
6 customer service assisting sales?

7 Q. BY MR. TOLLEFSON: Yes.

8 A. That's a different --

9 Q. Let me try and make this a little more  
10 clear. Is there a difference to you between when  
11 you were working in customer service and as a  
12 customer relations specialist? Are those jobs  
13 different?

14 A. Yes, they're different.

15 Q. Okay. Can you tell me how they are  
16 different.

17 A. Well, customer relations in the office  
18 of the president, we had to use different  
19 databases like the VAX, and I don't remember what  
20 all this stuff is, but I remember we had to  
21 document our calls in an escalation bank where  
22 they didn't in customer service. Customer service  
23 they had to -- they had a call quota and talk  
24 time, you know keep it under 60 seconds or  
25 something. I don't remember. We didn't have a

A. Yes.

Q. I didn't warn you about that at the  
beginning. So that's okay. So the question was  
you were required to keep your talk time under a  
certain time per call?

A. Yes.

Q. So when you were in customer service  
assisting sales, for a time you assisted the  
commercial group; is that correct?

A. Yes.

Q. And then at a later time at the end of  
your employment you assisted the government group?

A. Yes.

Q. Did you ever assist both groups at the  
same time?

A. Unofficially, yes.

Q. Did you have any sort of assigned  
territory as a customer service assisting sales?

A. Yes.

Q. Would it be the same territory as the  
group you were assigned to or tell me what you  
were referring to?

A. Say that again.

Q. I'm sorry. Go ahead and scomplin to  
me. You said yes you did have an assigned

1 territory?

2 A. Like I said before, the commercial,  
3 they would have their like let's say government  
4 because it's easier to explain, but they had like  
5 government as far as defense department of  
6 defense, and like military, a team to do that.  
7 And then like nonprofit and teaching facilities.  
8 And I was on the -- oh what do you call that?  
9 What did we do? I guess everything else. No, I'm  
10 kidding. It was called something, though.  
11 Civilian. The civilian team. And then in  
12 commercial it was whatever the commercial guys  
13 were assigned. I don't --

14 Q. Just so I understand, when you say when  
15 you supported the government team, did you support  
16 the whole like a bunch of different government  
17 teams or were you only assigned to one team of say  
18 eight or ten people?

19 A. One team of say eight or ten.

20 Q. It was the same in the commercial  
21 group?

22 A. Right.

23 Q. You worked with one team?

24 A. One team.

25 Q. When you worked in the government --

work like early or late or through their lunches.  
And they were like required to work early or late  
or through their lunches to hit their numbers and  
that but they never got paid for it.

Q. Do you ever remember hearing any  
supervisors saying anything to any of the inside  
sales reps about whether overtime was authorized  
or had to be preapproved?

A. Right, yes.

Q. Let's break those up. Do you remember  
which supervisors do you remember saying anything  
about to inside sales reps about whether overtime  
had to be authorized before you could work it?

A. I remember Todd. There was a lot of  
talk with Todd in commercial and then there was  
another sales rep in commercial that I assisted  
some of his guys, too. His name was Brandon.  
Greg. I think Greg brand on was a supervisor.  
And he (Brandon) I think that was one of the  
reasons why he quit doing management was because  
there was so much about working overtime and not  
being paid. And then in government it was mark  
Cox.

Q. Okay. What do you remember -- you  
don't remember what Todd's is that his first or

1 when you were assisting the government sales team,  
2 who was the -- do you remember who the supervisor  
3 was of the team you assisted?

4 A. What was his name? Todd. I think  
5 Todd.

6 Q. What about when you assisted the  
7 commercial team, do you remember the name of the  
8 supervisor of the team you assisted?

9 A. Mark Cox was my sales team and Tim  
10 snooks was my parts sales (gET SPELLING) team  
11 manager. I want to say Todd for commercial, but I  
12 think it was Todd.

13 Q. Did you attend any sort of team  
14 meetings with sales reps in either the commercial  
15 or the government groups?

16 A. No.

17 Q. Do you have any knowledge about  
18 whether -- did you ever hear anything from either  
19 when you assisted either the government or the  
20 commercial sales groups about inside sales reps  
21 working overtime, anything in that --

22 A. Yes.

23 Q. What do you remember hearing?

24 A. I remember the sales team, you know,  
25 there was -- arguing you know because they had to

1 his last name?

2 A. I think that was his first name. Todd.  
3 And I didn't really pay attention to him a lot.

4 Q. Okay. Do you remember anything  
5 specific that Todd said? Again, what I'm asking  
6 you for just to make clear is when you were  
7 actually present and you heard?

8 A. I was going say I don't remember a lot  
9 of specifics. I don't. Just because I didn't pay  
10 a lot of attention to Todd. I didn't like him.  
11 No, I'm kidding.

12 Q. That's fine.

13 A. I just didn't. He wasn't there a lot,  
14 so I didn't pay a lot of attention to him.

15 Q. What about Greg brand on, do you  
16 remember anything?

17 A. No, I don't remember him saying  
18 anything as a manager to any of his people.

19 Q. What about mark Cox?

20 A. No. Him I sat next to mark Cox so I  
21 heard a lot of arguing coming from him, but I  
22 don't recall specific words. I just remember that  
23 was an issue.

24 Q. Tell me what you -- I'm grog to break  
25 up what you said. You said you heard a lot of

arguing coming from him. What are you referring to there?

A. Not mean arguing. Just like I'm sorry. I can't. I can't you know I can't approve overtime. Stuff like that.

Q. Anything else you can remember hearing mark Cox -- if you can't remember the specific words that's okay but anything general you remember him discussing with sales reps about overtime?

A. Just that they needed to work, you know, koun in early or stay late, whatever it took to make their numbers but sorry, yeah overtime wasn't approved.

Q. But you (come) don't specifically remember mark Cox ever telling someone they had to come in early or stay late? And I realize I'm going back and forth between general and specific but I'm trying to just get the full extent of what you do remember.

MR. WILLIAMS: Object to the form. Go ahead.

Q. BY MR. TOLLEFSON: So my question is do you specifically ever remember mark Cox telling someone that they had to come in early or stay

1 late and that overtime wasn't approved?

2 A. You mean specifically to a specific  
3 person?

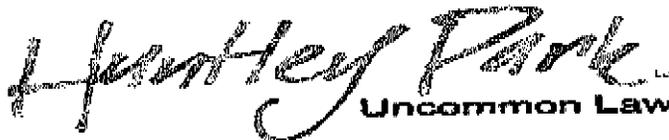
4 Q. Let's start with that. Yes.

5 A. You know, I don't remember. I don't  
6 remember to a specific person, no. Just -- I mean  
7 there was walls separating our desks so I didn't  
8 like look over the wall to see who he was talking  
9 to, so no.

10 Q.



**EXHIBIT B**



Telephone (208) 345-7800 Fax (208) 345-7894

DATE: July 19, 2004
TO: Deanna Brothers or Charlotte Vollet
FAX NO: 389-9040
FROM: Glenys
RE: Smith, et al. v. Micron Electronics

YOU WILL RECEIVE 1 PAGES OF COPY - INCLUDING THIS COVER SHEET. (If you do not receive all pages, please call the above telephone number as soon as possible.)

MESSAGE: This is to inform you that Camille Woodworth has opted out of the lawsuit.

\*\*\*IMPORTANT MESSAGE\*\*\*

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

X Original will not follow. Please call upon receipt.