

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, ET AL.,)

)

Plaintiffs,)

)

vs.)

No. 312236

)

STATE OF CALIFORNIA, DEALINE)

EASTIN, STATE SUPERINTENDENT OF)

PUBLIC INSTRUCTION, ET AL.,)

)

Defendants.)

)

DEPOSITION OF D'ANDRE DE VON LAMPKIN

Los Angeles, California

Sunday, June 10, 2001

Volume 3

Reported by:

MARIA ELLERSICK

CSR No. 10531

JOB No. 848273

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 FOR THE COUNTY OF SAN FRANCISCO
 3
 4 ELIEZER WILLIAMS, ET AL.,)
 5)
 6 Plaintiffs,)
 7)
 8 vs.) No. 312236
 9)
 10 STATE OF CALIFORNIA, DEALINE)
 11 EASTIN, STATE SUPERINTENDENT)
 12 OF PUBLIC INSTRUCTION, STATE)
 13 DEPARTMENT OF EDUCATION, STATE)
 14 BOARD OF EDUCATION,)
 15)
 16 Defendants.)

17 Deposition of D'ANDRE DE VON
 18 LAMPKIN, Volume 3, taken on behalf of
 19 Defendant State of California, at 400
 20 South Hope Street, Suite 1500,
 21 Los Angeles, California, beginning at
 22 9:50 a.m. and ending at 12:33 p.m. on
 23 Sunday, June 10, 2001, before MARIA
 24 ELLERSICK, Certified Shorthand Reporter
 25 No. 10531.

1 APPEARANCES:
 2
 3 For Plaintiffs:
 4 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
 5 BY: PETER ELIASBERG
 6 BY: GLADYS LIMON
 7 Attorneys at Law
 8 1616 Beverly Boulevard
 9 Los Angeles, California 90026
 10 (213) 977-9500
 11 For Defendant State of California:
 12 OMELVENY & MYERS
 13 BY: JENNIFER VANSE
 14 Attorney at Law
 15 400 South Hope Street
 16 Los Angeles, California 90071
 17 (213) 430-6000
 18 For Defendant Los Angeles Unified School District:
 19 LOZANO SMITH
 20 BY: JAMES B. FERNOW
 21 Attorney at Law
 22 2800 28th Street, Suite 240
 23 Santa Monica, California 90405
 24 (310) 382-5300
 25

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10 EXHIBITS
 11 (None)
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1 Los Angeles, California, Sunday, June 10, 2001
 2 9:50 a.m. - 12:33 p.m.
 3
 4 D'ANDRE DE VON LAMPKIN,
 5 having been first duly sworn, was examined and testified
 6 as follows:
 7

8 EXAMINATION
 9 BY MS. VANSE:
 10 Q Good morning.
 11 A Good morning.
 12 Q Do you remember the ground rules that apply to
 13 this deposition?
 14 A Yes.
 15 Q Okay. Is there any reason why you might be
 16 unable to testify and give your best testimony today?
 17 A No.
 18 Q Have you recently consumed any medication,
 19 alcohol, or other substance that would cloud your mind
 20 and interfere with your ability to answer my questions?
 21 A No.
 22 Q Since your last deposition, have you spoken to
 23 anyone about that deposition?
 24 A No.
 25 Q Did you prepare for your deposition today?

1 A No.

2 Q Did you review any documents to prepare for
3 your deposition today?

4 A No.

5 MR. ELIASBERG: Let's be clear. I assume that
6 that question excludes any conversations that he might
7 have had with us.

8 MS. VANSE: Yes.

9 Q During the last time we met, you described some
10 of the conditions of the bathrooms at Crenshaw.

11 A Yes.

12 Q Could you describe any of the ways your
13 education was affected by the conditions that we talked
14 about last time?

15 MR. ELIASBERG: Objection. Calls for an expert
16 opinion. He's not qualified.

17 You can answer.

18 THE WITNESS: Last time when you asked that
19 question, were you referring to the restrooms or to
20 anything in general?

21 BY MS. VANSE:

22 Q Just the restrooms.

23 A Other than the answers that I gave last time,
24 that's it.

25 Q Was your ability to concentrate affected by the

1 restroom, sometimes that's what I thought about all the
2 time. So as far as concentration, it wasn't affected a
3 great deal. But when I did have to use the restroom,
4 sometimes that's all I could really think about when I
5 had to use the restroom.

6 Q Do you remember any specific instances in class
7 when you couldn't concentrate because you had to use the
8 restroom?

9 A There was one time in my fifth period class
10 that I can remember.

11 Q Was this during your 9th or 10th grade year?

12 A 10th grade year.

13 Q Can you tell me about that time that you
14 remember?

15 A I just really had to use the restroom, and as
16 far as my concentration, it was only for like a short
17 time. Afterwards, I asked my teacher if I could use the
18 restroom. I couldn't wait anymore, and I asked her if I
19 could use the restroom, and she went ahead and told me
20 to wait for just a few more minutes, and then I was
21 excused about five minutes before the class ended to use
22 the restroom.

23 MR. FERNOW: What class was that?

24 THE WITNESS: War history, fifth period.

25 BY MS. VANSE:

1 restroom conditions you described?

2 A No.

3 Q Was your ability to do homework affected by the
4 conditions you described?

5 A No.

6 I want to go back. When you say my ability to
7 concentrate, as far as the restrooms, when I needed to
8 use the restrooms, I didn't want to use the restrooms
9 that were open in the school due to the conditions of
10 the restrooms. I just didn't want to use them. There
11 were times that I didn't want to use them. So a lot of
12 times I just went ahead and waited until I got home to
13 use the restroom.

14 Q When you were at Crenshaw, how many times did
15 you want to use the restroom but you chose not to
16 because of the conditions that the restrooms were in?

17 A Really, I can't count. Whenever I had to use
18 the restroom. It was probably maybe about once a week.

19 Q Can you remember any specific time that you
20 wanted to use the restroom or had to, but chose not to
21 because of the conditions?

22 A No.

23 Q And was your ability to concentrate in class
24 affected when you chose not to use the restroom?

25 A Sometimes when I really wanted to use the

1 Q Any other specific times you remember your
2 concentration was affected?

3 A Not that I can remember.

4 Q Did you ever discuss with other students how
5 their concentration was affected by the bathroom
6 conditions at Crenshaw?

7 A There wasn't really a discussion, but there was
8 one time where a student was saying that she needed to
9 use the restroom and she didn't want to use the
10 restrooms in school because they were too far.

11 Q Was this a student we discussed last week?

12 A The student that we discussed last week?

13 Q Who was it? Which student are you referring to
14 now?

15 A Shannon Hamilton. That was during my 9th grade
16 year of my second semester. You want me to spell it for
17 the court reporter?

18 Q Go ahead.

19 A S-h-a-n-n-o-n H-a-m-i-l-t-o-n.

20 Q And what did you discuss with her about her
21 ability to concentrate?

22 A She would just explain to me --

23 MR. ELIASBERG: Hold on one second. I believe
24 this has been asked and answered, but you can go ahead
25 and answer.

1 THE WITNESS: She was explaining to me she
2 needed to use the restroom, and the only restroom that
3 was open was on the other side of the campus. We were
4 on the other side of the campus, and we were in the
5 bungalow area. And in order for her to use the
6 restroom, she had to go all the way down to the main
7 building, all the way to the B wing, which is on the far
8 left side of the main building.

9 BY MS. VANSE:

10 Q Any other instances you can remember with you
11 discussing with another student their ability to
12 concentrate being affected?

13 A Not that I can remember.

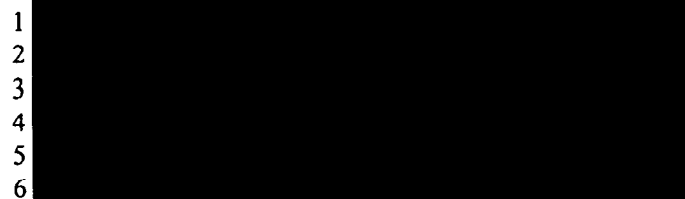
14 Q I'm going to hand you what already has been
15 marked as Exhibit B or 2 in this deposition. It's your
16 report card from Washington. Could you just take a
17 minute and review the teacher comments on that.

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7 BY MS. VANSE:

8 Q Is Washington a multi-track school?

9 A Yes.

10 Q Since you've been at Washington, have you
11 noticed any construction or repairs being done at school
12 during the school hours?

13 A Construction or repairs, yes. Some of the
14 repairs that have been taking place were -- I probably
15 mentioned this before. I think I mentioned it the last
16 time we met. During the time I was at -- well, my first
17 two days or my first week at Washington, the windows
18 were boarded up in the restrooms and a lot of the
19 windows were boarded around in the classrooms, and they
20 were taking boards down off the windows.

21 Also during my time at Washington, there was
22 repairs such as retiling the roofs of buildings. There
23 was tar being put down on top of the leadership
24 building, the English building, the biology building,
25 and the drama building. A lot of times, the areas that

1 about two or three days after I entered into Washington
2 High School.

3 Q Do you know what was being fixed?

4 A No.

5 Q How about the roof and retiling, do you know
6 how long that had been going on?

7 A That had been going on pretty much through
8 April. It took about two to three weeks.

9 Q Was the retiling of the roof separate from the
10 tar being put up on the leadership building and the
11 other buildings?

12 MR. ELIASBERG: Objection. Vague.

13 THE WITNESS: I'm about to ask you to clarify.

14 BY MS. VANSE:

15 Q I thought you had said that the windows were
16 being boarded up and there was the retiling of roofs of
17 the leadership, English, biology, and drama buildings?

18 A Yes.

19 Q I was trying to make the distinction if the
20 retiling is different from the tar.

21 A During the time that I saw the construction
22 going on, especially on the -- I'd also like to mention
23 that they were doing some retiling and putting on tar on
24 the PE office where the lockers were -- on top of the
25 locker room.

1 are in-between those buildings were blocked off, which
2 made it a longer trip to go around the buildings, and a
3 lot of times -- well, I had been told that the
4 students -- some students were late to class due to
5 those repairs because they would block off a whole
6 entire section. For example, in-between the cafeteria
7 and biology building, there was a walkway. When those
8 repairs were being made, some students went either
9 around the cafeteria building, which is connected to the
10 leadership building, or they'd have to go through the
11 biology building, which is also crowded due to the
12 amount of students going to the biology classes, and
13 they have to cut across. There's like a -- not a field
14 of dirt, but a large area of dirt that cuts across
15 there.

16 Q Anything else that you noticed?

17 A That's it.

18 Q For the windows that you saw that were boarded
19 up, do you know how long those had been in that
20 condition?

21 A I have no idea how long they had been in that
22 condition. I was told by students that the reason why
23 they were boarded up is due to something that happened
24 before I came to Washington, but I don't know exactly
25 what it was. But the boards were taken down probably

1 Q The gym locker room?

2 A Yes. And the first couple of days that I saw
3 the construction going on, they were laying down tar on
4 top of the roof. And then another day I went in, and I
5 saw them putting up new tiles -- I guess like roofing
6 tiles sort of made out of tar or whatever it's made out
7 of.

8 Q And that lasted for about the month of April,
9 two to three weeks?

10 A Yes.

11 Q Did the boarded up windows affect your
12 classroom instruction at all?

13 MR. ELIASBERG: Objection. Calls for an expert
14 opinion and speculation as to how the teacher might have
15 taught the class absent the boarding.

16 THE WITNESS: My biology class, it was located
17 closer to the entrance of the science building. And
18 right where the class was, you see a lot of times where
19 doors would be open, there were like closets in the
20 hallway where you would see like construction materials
21 such as like ladders and different materials outside the
22 door. Sometimes they had ladders in the hallway.
23 Sometimes you would hear them working on something. I
24 don't know if they were working on the bathroom at the
25 time or not, but you would hear people working upstairs

1 in a room. I'm going to say a room or wherever it was
2 upstairs from our classroom.

3 BY MS. VANSE:

4 Q So you would hear this during your class time?

5 A Yes. And there were a set of restrooms that
6 were located just above our classroom but kind of off to
7 the right.

8 Q Did you hear construction repair sounds in any
9 other class besides biology?

10 A No. Oh, my leadership class. When they were
11 working on the roof -- when they were putting up tar on
12 the roof, you would smell it. The smell comes through
13 the classroom. So a lot of times, some of the students
14 would go outside -- step outside and kind of take a
15 break sometimes, and they would ask our teacher why are
16 they working on the roof during class time, and the
17 teacher didn't have an answer for them because she
18 didn't know of the repairs, and they hadn't notified her
19 of any repairs.

20 And sometimes you would hear people working on
21 the side of where our classroom was because there's also
22 a balcony located off to the side of our classroom where
23 it was. It's a balcony that leads to an elevator. And
24 also on the other side, I guess you could see -- east
25 side of our classroom, another balcony, but it's not a

1 the hallway, that's when you would hear them hammering
2 on something or working on another part of the building.

3 Q And how many days could you hear voices of like
4 construction workers talking in your leadership class?

5 A It was probably about two to three days after
6 the tar was laid down.

7 Q You talked about some of the routes of the
8 school were blocked off by ladders and other
9 construction?

10 A It was blocked off by either yellow tape or
11 sometimes it would be like machinery or some kind of
12 truck or ground-breaking material.

13 Q Was this something that was blocked off when
14 you were there or that you heard about?

15 A Yes, it was blocked off while I was there.

16 Q How long did that last?

17 A That was about the three weeks that I explained
18 to you before.

19 Q So this would be the same situation that you
20 just talked about with your leadership class?

21 A Yes. During the time in my leadership class,
22 that happened maybe from between the end of April to the
23 beginning of May.

24 Q Were you ever late to a class because the
25 pathway was blocked off?

1 balcony for people to go up. It's like another part of
2 the roof, and there were people also working up there.

3 Q This was during your leadership class?

4 A Yes.

5 Q How many times during your biology class did
6 you hear construction noise during class time?

7 A Probably for about two or three days.

8 Q And how many times during your leadership class
9 did you experience, I guess, a tar smell?

10 A That was about a week.

11 Q So every day for one week?

12 A Yes. And also for a while, while the
13 construction was going on -- it was about a week where
14 we smelled the tar. And then there were a few more days
15 when they were still working in the same area, but I
16 don't know what they were doing, but they blocked off
17 the side of the leadership -- between the leadership
18 building and the -- they call it the cook building.
19 They blocked off an area there where students had to go
20 around the cook building to get to wherever you needed
21 to get to on the other side of the leadership building.
22 You can hear them -- you couldn't hear them working in
23 our classroom. Well, you can hear people talking on the
24 side as if they were working or talking about working or
25 something like that. And then when you stepped out into

1 A There was one time when I was late the first
2 day when they blocked off the path to the English
3 building. There was one time that I was late to my
4 English class, but I did explain to my teacher and he
5 did understand because he knew construction was going on
6 between the English building and the class I was coming
7 from.

8 Q Any other time you were late because of the
9 construction?

10 A That's it. That's all I could recall.

11 Q How about other students, did you ever hear
12 about anyone else being late because of the
13 construction?

14 A When I was walking to class, students were
15 upset because the areas were blocked off and they were
16 saying that they were going to be late, but I don't know
17 if they were late or not.

18 Q Was this something they said to you or that you
19 just overheard in passing?

20 A Just overheard.

21 Q Have you ever complained to the school or to a
22 teacher about the pathways being blocked off at school?

23 A I complained to my leadership teacher, and she
24 said there was nothing really she could do about it
25 because she has no control of when they decide to do

1 construction or not.

2 Q Anyone else?

3 A No.

4 Q Do you know if any other students have
5 complained to the school or to a teacher about the
6 pathway being blocked off?

7 A I don't know.

8 Q Do you know if any students have complained
9 about the boarded up windows outside classrooms?

10 A I don't know.

11 Q Do you know if any students have complained
12 about the retiling of the roofs?

13 A I don't know. As far as -- well, as far as
14 complaining about the retiling of the roofs, I explained
15 to you earlier that there was a student that walked out
16 of the leadership class to the hallway because of the
17 tar smell that was in the classroom, and there were
18 students who would tell the leadership teacher that they
19 wanted to go outside because of the smell or they would
20 ask the teacher why they were working on the school
21 during the time school was in session.

22 Q They asked the teacher this during class?

23 A Yes.

24 Q And what did the teacher say?

25 A Again, the teacher said she has no control over

1 Q Do you know if that tar smell happened in any
2 other classrooms at Washington?

3 A I don't know.

4 MR. ELIASBERG: Object.

5 Just slow down a little bit before you answer.

6 BY MS. VANSE:

7 Q Have you heard any Washington student comment
8 or complain about having to go to school on a
9 multi-track schedule?

10 A There have been students complaining about
11 going to multi-track schools. There have been numerous
12 students that have complained about it over a long time
13 period, since I've been, like, in middle school. It's
14 been a lot of students at different times. Students
15 have complained to me about it before I started going to
16 Washington. And so now that I go to Washington, so far
17 none of the other students have really complained to me
18 personally about it, but there have been students
19 complaining about the track system at Washington before
20 I went there.

21 Q And when was that?

22 A Probably during my 9th grade year.

23 Q And how did you hear about it?

24 A Students would just talk about it. Sometimes
25 students would ask me if Crenshaw was a track school --

1 when they decide to do construction on the school.

2 Q How many students walked out of class because
3 of the tar smell?

4 A It would be at different times. Sometimes it
5 would be one student or two students. Sometimes -- like
6 a lot of times we're out of class -- we're not out of
7 class. During leadership class, we also have to run
8 errands and go get different activities cleared by the
9 vice principal. Sometimes students would walk out to do
10 other things, but they would find something to do in
11 order to get out of the class because of the smell.

12 Q Do you know of any specific time when a student
13 walked out because of the tar smell and not for another
14 reason like to run an errand or do something else?

15 MR. ELIASBERG: Objection. Misstates his prior
16 testimony. You can answer.

17 THE WITNESS: There were not really times that
18 I can really remember. I know it was during the time
19 that the construction was going on. Like I say, it was
20 at different times. So students -- sometimes I would
21 walk out and students would be outside. So I don't know
22 if they were just outside just to be outside because
23 sometimes students would be outside working on banners
24 for different activities.

25 BY MS. VANSE:

1 like a multi-track school or just a year-round school or
2 sometimes adults would ask me at different times, just
3 depending on where I am or just the type of conversation
4 I would have. It would just come up out of nowhere.

5 Q Is this something you would discuss in the
6 community coalition?

7 A In the beginning, we did. In the beginning
8 when I first started going to community coalition, they
9 discussed it. Probably during my second semester of my
10 9th grade year, we discussed it.

11 Q You said that many students had complained
12 about multi-track schools?

13 A Yes.

14 Q And why would you say that?

15 A It would come up in conversations. Like I
16 said, it would come up in conversations where they asked
17 me if Crenshaw was a year-round school versus what was
18 Washington. Some students told me they didn't like
19 multi-track schools and how they wish that they would
20 change into a year-round school.

21 Q Were these the same students talking to you or
22 were they different students?

23 MR. ELIASBERG: Objection. Vague as to "same
24 students."

25 BY MS. VANSE:

1 Q The students that talked to you about the
2 multi-tracking, were these the same people or were they
3 different?

4 MR. ELIASBERG: Objection. Vague.

5 THE WITNESS: Different.

6 MR. ELIASBERG: Same as who and different from
7 whom?

8 THE WITNESS: It was different students. I
9 really can't count. Like I said, it was at different
10 times during my middle school years and my high school
11 years, different times. Really, nobody I can remember
12 particularly because it would just come up in
13 conversations.

14 BY MS. VANSE:

15 Q Do you attend school longer during the day at
16 Washington then you did at Crenshaw?

17 A Yes.

18 Q How much longer, if you know?

19 A Approximately about 10 to 15 minutes because
20 school at Crenshaw ends at 3:00 o'clock, 3:01, and
21 school at Washington ends at 3:20.

22 Q Do they start at the same time?

23 A No. Washington begins earlier. I mean, it
24 begins about 10 to 20 minutes earlier. The first bell
25 rings at 7:40 in the morning, and the second bell rings

1 during those 20 minutes. But now, Washington School
2 starts earlier. I have to -- I don't have to get up
3 earlier or anything because school starts earlier. I
4 have to get adjusted to making sure that I get to school
5 at 7:40. So I'm rushing to school. Even though it's a
6 short distance, I have to rush to school because I leave
7 the house like at 7:30. That's the only time that I can
8 be ready for school, is 7:30. I can't leave no earlier
9 than that. And lunch comes before fourth period. So
10 after lunch, I have to go to fourth, fifth, and sixth.
11 And by the time I get to fifth period and I'm done with
12 fifth period, I'm exhausted. I'm ready to go home, but
13 then I have to go to sixth period.

14 Q How do you get to school now that you're at
15 Washington?

16 A I walk.

17 Q And how did you get to school when you were
18 going to Crenshaw?

19 A I took the school bus.

20 Q And how long was the school bus ride?

21 A About 45 minutes.

22 Q Was that 45 minutes each way or total?

23 A 45 minutes each way.

24 Q So when you were at Crenshaw, what time would
25 you have to leave to catch your school bus?

1 at 7:50, which is the bell that tells students that they
2 ought to be in class or that they are going to be tardy
3 or put into the tardy suite.

4 Q Do you have less energy when you get home from
5 school than you used to have at Crenshaw?

6 A Yes.

7 Q And why do you say that?

8 A Because the days are longer, and we don't have
9 as many periods as we did at Crenshaw, such as the
10 nutrition time period, which is about a 15, 20-minute
11 break after the second period. We don't have that
12 anymore. We go to first, homeroom, second, then third,
13 and then comes lunch, and then there's fourth, fifth,
14 and sixth.

15 MR. ELIASBERG: Can we take a short break?

16 MS. VANSE: Sure.

17 Off the record.

18 (Recess.)

19 (Record read.)

20 BY MS. VANSE:

21 Q Is there any other reason why you think you
22 have less energy now at the end of the day than when you
23 were at Crenshaw?

24 A Like I say, because of the nutrition breaks at
25 Crenshaw, I had time to get breakfast, and I'll eat

1 A I would have to leave the house about 6:40,
2 6:50.

3 Q And on average, what time would you return?

4 A About 4:00 o'clock. I would get home about
5 4:00 o'clock in the afternoon.

6 Q You said at Washington now you have to leave
7 your house by 7:30?

8 A Yes.

9 Q And what time do you generally get home?

10 A I get home about 3:30, 3:40.

11 Q Do you receive less homework at Washington than
12 you did at Crenshaw?

13 A No. I receive more homework at Washington than
14 I did at Crenshaw.

15 Q Why is that?

16 MR. ELIASBERG: Objection. Calls for
17 speculation. You can answer.

18 THE WITNESS: I don't know.

19 BY MS. VANSE:

20 Q From what you've observed at Washington, does
21 it appear that students have less homework than the
22 students at Crenshaw?

23 A What was your question?

24 Q I mean, obviously, you know how much homework
25 you have. I'm just wondering, from what you've seen or

1 talked to with other students at Washington, does it
2 seem that the students at Washington have less homework
3 than the students at Crenshaw?

4 MR. ELIASBERG: Same objection. Calls for
5 speculation, but you can answer.

6 THE WITNESS: I don't know. There are students
7 who almost have about the same amount of classes -- the
8 same classes that I have with the same teacher. So they
9 receive the same homework that I get. But as far as
10 their other classes, which may be only one or two class
11 difference -- that is different from mine, I don't know
12 how much homework they get in those other classes.

13 BY MS. VANSE:

14 Q Would you rather attend a traditional track
15 school rather than a multi-track?

16 A I would rather attend a traditional track
17 school, a year-round school.

18 Q And just for my clarification, what do you mean
19 when you say a "year-round school"?

20 A "Year-round" is a school that doesn't have any
21 tracks. Everybody gets into the school at the same time
22 and everybody -- school closes at the same time.

23 Q And why would you rather attend a traditional
24 track school?

25 A I really don't like the track school because

1 going to be changed or when the class is going on
2 shortened.

3 Q Since you've been at Washington, how many times
4 have you had a class period shortened?

5 A Is was probably -- well, so far since I've been
6 there, they've changed the schedule about once a week.
7 Just recently in May, C track left, and then B track
8 came on. And that was about another two weeks where the
9 schedule was changed for about two weeks because there
10 was one week in C track left. So next week, B track
11 came where that was two weeks where the schedule either
12 changed or the classes were shorter, and I could
13 probably count about five to ten times where the classes
14 were shortened.

15 MR. ELIASBERG: Clarification. You mean five
16 to ten days or five to ten periods?

17 THE WITNESS: Five to ten days.

18 BY MS. VANSE:

19 Q And in general, how long are the class periods
20 shortened?

21 A Sometimes -- depending on what the schedule is
22 going to be, they're either shortened down to 45 minutes
23 or 35 minutes.

24 Q And how long are the class periods, generally?

25 A 54 minutes to an hour. There were other times

1 different tracks come at different times, and sometimes
2 when they come in -- when the other tracks come in or
3 other tracks are leaving, they have to change our
4 schedule because the other tracks have to stay in
5 homeroom longer or sometimes we get different assemblies
6 than they do. So we have to stay in our classrooms much
7 longer while they're at the assembly. Sometimes if they
8 have testing, we have to stay in our homeroom for a
9 longer period of time. And so the classes -- the rest
10 of the periods are shorter. And a lot of times when
11 they're shorter and I have assignments that I really
12 have to complete or a teacher would give us assignments,
13 I feel that I really need to complete them during that
14 class time. But because the time is shortened, then I
15 don't have enough time to complete those assignments.

16 And then a lot of times the teachers would come
17 in like -- especially my first period class, the teacher
18 would come in, and she would tell us, well, she didn't
19 know that the period was changed -- not the period, but
20 the time of the period was changed, and so a lot of
21 times she would have like a big assignment not knowing
22 that the class is shortened. So she has to kind of
23 squeeze in everything at one time to make sure everybody
24 gets their assignment done at the end of the period. So
25 the teachers don't even know when the schedules are

1 where because C track was testing for the Stafford 9,
2 they would tell us to come to school at 12:30 or
3 1:00 o'clock, and we would only go to maybe about three
4 periods a day, and it happened for about two weeks. And
5 so what they would do is mix up the schedule for that
6 week. So, for example, on Monday, we would come to
7 school at 12:30, go to first and second and third
8 period. And when we would come to school at 12:30, they
9 would automatically put us into the lunchtime period.
10 And then after that lunchtime period, which ends about
11 1:00 o'clock, we'll go to first, second, and third.

12 Then on Tuesday, it would be the same thing.
13 We go to fourth, fifth, and sixth. Sometimes it would
14 be really confusing. We would go to first, third, and
15 fifth, and the next day it would be second, fourth, and
16 sixth. And then there was one time when we went to
17 first, second, and then fifth. So we really don't know
18 what the schedule is going to be. So if we begin the
19 assignment in one class, there's no guarantee that we're
20 going to go to the same class the next day. So it would
21 be maybe two or three days until we go to that class
22 again.

23 Q And this was when you would come to school at
24 12:30. That wasn't when you had testing; correct?

25 A No. That was when C track had testing.

1 C track would come in regular time. And after testing,
2 they would have to go to the same periods that we go to.

3 Q So what would you do in the morning before
4 12:30?

5 A If we want to go to school at 8:00 o'clock,
6 they would have us sit in the gym from 8:00 o'clock till
7 12:30 or 1:00 o'clock or whenever that lunch period
8 began, which was usually at 12:30 or 1:00 o'clock, or
9 they tell you, you can stay home, but make sure you come
10 to school either during that lunch period or right
11 before the lunch period starts. So I would stay home,
12 and I would eat at home, and then -- well, I would get
13 up regular time, get breakfast, and then I would either
14 run some errands or do some chores around the house.
15 Then I would go to school and eat lunch and go to those
16 periods or whatever periods they told us to go to, or
17 sometimes I would go to the library. That's about it.

18 Q You would go to the library before you came to
19 school?

20 A Yes.

21 Q And when C track was being tested, how long did
22 that last?

23 A It lasted about a week.

24 Q When you were at Crenshaw, were you ever
25 disciplined?

1 scheduled teacher/parent conference?

2 MR. ELIASBERG: To the extent that it's calling
3 for anything other than a teacher/parent conference,
4 tardiness, or violence in the classroom, I'm instructing
5 you not to answer.

6 THE WITNESS: No.

7 MS. VANSE: I think I've exhausted my
8 questions. So I'm going to turn it over.

9 MR. ELIASBERG: Let's just take a short break.
10 (Recess.)
11

EXAMINATION

13 BY MR. FERNOW:

14 Q Hi, D'Andre. I've been here for a few days.
15 I'm James Fernow, and I'm just going to go back and
16 start from the beginning and just ask some clarifying
17 questions, if I could.

18 You testified earlier that you were contacted
19 by the ACLU in about May of 2000. Do you recall that?

20 A Yes.

21 Q And you also testified that you were contacted
22 by some persons from UCLA. Do you remember that?

23 A Yes.

24 Q Do you remember when you were first contacted
25 by someone from UCLA?

1 MR. ELIASBERG: Objection. Well, let's go off
2 the record.

3 MS. VANSE: Okay.

4 (Discussion off the record.)

5 BY MS. VANSE:

6 Q Have you ever been disciplined at Crenshaw?

7 MR. ELIASBERG: I just want to object to the
8 extent that you should only answer if -- because of the
9 scope of the protective order, you're only to talk
10 about -- or I'm going to instruct you not to answer
11 unless it's having to do with discipline for tardiness
12 or discipline for violence in the classroom. Otherwise,
13 I don't want you to answer, and I instruct you not to
14 answer.

15 THE WITNESS: No.

16 BY MS. VANSE:

17 Q While you were at Crenshaw, were you ever sent
18 to the principal's office or the vice principal's office
19 for something that happened during class?

20 A No.

21 MR. ELIASBERG: Wait a little bit. We're in a
22 tricky area here. Try to wait.

23 BY MS. VANSE:

24 Q Did anyone at Crenshaw ever call your parent or
25 guardian into school other than for a regularly

1 A Yes, very roughly. All I can remember is it
2 was about May of 2000.

3 Q Do you remember if it was before or after you
4 were first contacted by the ACLU?

5 A It was about -- during the same time. I
6 believe -- I really can't remember. I know it was about
7 the same time, but I really can't remember who I was
8 contacted by first.

9 Q Do you know if they were students from UCLA?

10 A I don't know.

11 Q Do you know if it was a faculty person from
12 UCLA?

13 A I don't know. I can't remember.

14 Q Did you have a personal conversation -- strike
15 that.

16 Did you meet someone in person from UCLA?

17 A Yes.

18 Q On how many occasions?

19 MR. ELIASBERG: This has been asked and
20 answered, but you can go ahead.

21 THE WITNESS: I can't remember.

22 BY MR. FERNOW:

23 Q Do you recall what they said to you?

24 MR. ELIASBERG: I'm going to object on the
25 attorney/client privilege basis to the extent UCLA

1 students were working or may have been working with us.

2 MR. FERNOW: And that's the problem I have.

3 Q To the extent that they were, do you understand
4 that they were acting as agents for the ACLU when you
5 first met with the person from UCLA?

6 A Yes.

7 Q Could you describe for me the activities that
8 you're involved with outside of school other than the
9 community coalition?

10 MR. ELIASBERG: This has been asked and
11 answered.

12 MR. FERNOW: It could have happened in the
13 first half hour.

14 MR. ELIASBERG: I understand that you're not
15 Jennifer. You can get a little leeway to go back over
16 things, but I do want to put my objection on the record.

17 THE WITNESS: All my activities other than
18 community coalition?

19 BY MR. FERNOW:

20 Q Yes.

21 A I can start by saying the peer mediation team.
22 I worked with them basically to facilitate me as between
23 two students who were having an argument. Basically,
24 the whole purpose was to prevent any fights or any kind
25 of violence in the school. If any students would have

1 Wednesday. At first, they were held every other
2 Wednesday. Eventually, it was every Wednesday. The
3 activities that we participate in are crowd control for
4 parades, any community-related events. We also go on
5 ride-alongs for patrol, go on patrol with other
6 deputies, different community-related events such as
7 luncheons or regarding different dinners.

8 And we also have other activities such as we go
9 to a shooting range to get firearm training. The first
10 firearm training is usually during the academy. That's
11 basic weapons training. Any other weapons training that
12 you get is usually outside the academy, which means only
13 you and your post goes to the shooting range, and
14 basically, all we do is we kind of further the
15 shooting -- the firearm training, and that's about it
16 for those activities.

17 Q Any other activities?

18 A There's also rank opportunities. You go
19 through interviews and different things to receive rank.

20 Q And that's all part of the sheriff's department
21 program?

22 A Yes.

23 Q Are there any other activities that you're
24 involved with outside of school?

25 A Any other activities?

1 any problems, they would go to the dean's office, and
2 then the dean would refer -- he would contact me or
3 another student who works with the peer mediation team,
4 and he would let us know about the two students that had
5 some kind of disagreement. And then we would go and
6 find those students, usually have a meeting with them
7 during -- for me, I had a meeting with them during my
8 fourth period class. Basically what we would do is we
9 would have them agree that they would, you know -- after
10 the peer mediation scheduling, after we talked to them,
11 they would agree not to take it any further than what it
12 had already gone. They wouldn't argue anymore or
13 anything like that, come to some kind of agreement.

14 Q How about activities outside of school?

15 A Outside of school. The sheriff's department,
16 sheriff's department Explorers Program.

17 Q And how much time does that take on average per
18 week?

19 A Per week -- the first part of it -- you have to
20 go 18 weeks to the academy. Usually they start about
21 6:00 o'clock in the morning, and you end about 3:00, and
22 that's for 18 weeks. After the 18 weeks of going
23 through that academy, you're already assigned to a post,
24 but you start working with the posts on different
25 activities. As far as me, my meetings are held every

1 Q Sports?

2 A Sports, no.

3 Q You testified earlier about the number of times
4 that teachers have been absent when you were at
5 Crenshaw, and there are a couple of teachers that we
6 didn't cover. I was wondering if we can go back over
7 that.

8 Do you recall the number of times, if any, that
9 Ms. Hill was absent during --

10 A Mr. Hill.

11 Q Mr. Hill. Do you recall?

12 A It was maybe only about one or two times, and
13 that's because he either had to leave early or something
14 happened where he was sick. Usually he came to school
15 every day. But if he wasn't there, the substitute would
16 tell us he had to leave early. He came in the morning
17 and had to do something else.

18 Q And this was one to two times your freshman
19 year?

20 A Yes.

21 Q And was the substitute prepared to teach class?

22 A Yes. The period we had Mr. Hill for -- there
23 was a teacher across the hall. As I mentioned, there's
24 only two classes in the environmental building. The
25 biology teacher, who was across the hall, she taught

1 almost every single subject of science, and she also did
2 this. She was also some kind of scientist or something
3 where she had a different -- I guess you can say cards
4 or certification cards to do different things and
5 activities such as labs or things. She would come into
6 our class and teach our class, whatever subject we were
7 learning, and that's what she stuck to.

8 Q And Ms. Amache, do you recall her being absent?

9 A Ms. Amache was probably absent two or three
10 times.

11 Q Do you know why she was absent?

12 A She was absent --

13 MR. ELIASBERG: Let me just object to the
14 extent it calls for speculation.

15 THE WITNESS: There was only one previous time
16 that she was absent that I knew of where she had to
17 visit a relative. She had a relative that died, and she
18 had to go out of the state to go visit him.

19 BY MR. FERNOW:

20 Q The two or three times Ms. Amache was absent,
21 did the class have a substitute teacher?

22 A Yes.

23 Q And was the substitute prepared to teach?

24 A Yes.

25 Q Ms. Stewart?

1 basically sit and talk with the substitute. The
2 substitute appeared as if he didn't know what he was
3 doing. So we really didn't do anything during that time
4 period.

5 Q Did you talk to anyone about the fact that the
6 substitute teacher was not prepared to teach?

7 A No.

8 Q Ms. Harris?

9 A Ms. Harris, she was absent maybe only about one
10 or two times.

11 Q And did the class have a substitute teacher
12 when she was absent?

13 A Yes.

14 Q And was the substitute teacher prepared to
15 teach?

16 A I don't know if the substitute teacher was
17 prepared to teach or not because during the time period
18 she was absent, we already had activities pending. So
19 what we did is we went ahead and continued our
20 activities, and the substitute probably already knew
21 what we were supposed to be doing. So we just continued
22 our activities. We had a lab assignment to do.

23 Q Ms. Camajian?

24 A Mr. Camajian, C-a-m-a-j-i-a-n.

25 Q Same question. Was he absent during your 9th

1 grade?

2 A Yes.

3 Q How many times, approximately?

4 A It was only about one or two times.

5 Q And did the classroom have a substitute
6 teacher?

7 A Yes.

8 Q And did the substitute teacher teach the
9 curriculum?

10 A Yes.

11 Q 10th grade, Mr. Mosbenmoche?

12 M-o-s-b-e-n-m-o-c-h-e?

13 A M-o-c-h-e, yes.

14 Q Same question. In the 10th grade, was he
15 absent?

16 A Yes.

17 Q How many times?

18 A It was only one or two times.

19 Q And did the classroom have a substitute
20 teacher?

21 A Yes.

22 Q And did the substitute teacher teach the
23 curriculum?

24 A There was nothing for the substitute teacher to
25 do because it was a leadership class. And because the

1 grade?

2 A Yes.

3 Q How many times, approximately?

4 A It was only about one or two times.

5 Q And did the classroom have a substitute
6 teacher?

7 A Yes.

8 Q And did the substitute teacher teach the
9 curriculum?

10 A Yes.

11 Q 10th grade, Mr. Mosbenmoche?

12 M-o-s-b-e-n-m-o-c-h-e?

13 A M-o-c-h-e, yes.

14 Q Same question. In the 10th grade, was he
15 absent?

16 A Yes.

17 Q How many times?

18 A It was only one or two times.

19 Q And did the classroom have a substitute
20 teacher?

21 A Yes.

22 Q And did the substitute teacher teach the
23 curriculum?

24 A There was nothing for the substitute teacher to
25 do because it was a leadership class. And because the

1 class is governed by the students, all we have to do is
2 have a full meeting and discuss what we were supposed to
3 be doing for that week or activity we were supposed to
4 be doing for that day and that's it.

5 Q You also testified that [REDACTED]
6 substitutes discussed something other than math on
7 approximately six occasions. Do you recall that?

8 A Yes.

9 Q And you identified two instances where they
10 discussed baking and goals in two classes. Do you
11 recall that?

12 A Yes.

13 Q Do you recall what the substitute teachers
14 discussed on the four other remaining class sessions
15 where the substitutes did not teach math?

16 A There were some times where there was no
17 assignments left by the teacher, and then there were
18 other times when there were assignments left by the
19 teacher, but there were some times the substitute didn't
20 know what to do with them. So a lot of times the
21 students would have to go over to her desk and show the
22 substitute exactly what we were supposed to be doing.

23 Q Out of the four remaining occasions where you
24 testified that the substitutes weren't prepared to teach
25 or didn't teach the curriculum, out of those four times,

1 Q Could you spell that, please?

2 A K-e-l-i-e-s-h-a.

3 Q Pittman?

4 A P-i-t-t-m-a-n.

5 Q And how many times do you recall that Keliesha
6 spoke with the teacher or the substitute teacher
7 regarding --

8 A Almost every time. It was either her or
9 another student. His name was Aaron. I forgot his last
10 name. I don't know his last name.

11 Q Did you ever ask anyone why [REDACTED] was
12 absent?

13 A Yes.

14 Q And who was that?

15 A I asked -- there are a few times I asked the
16 assistant principal, Ms. MacAdoo. She told us that
17 [REDACTED]' car broke down, and even after that --
18 that was during probably close to the end of the first
19 semester. And then during the time of the second
20 semester, that's when it really started getting worst.
21 We realized that her car broke down and everything, but
22 the thing is that she started coming even later. And we
23 were saying maybe she can get a ride from another
24 teacher or maybe get up to come to school earlier.

25 Q Other than the assistant principal,

1 how many times was there no assignment provided?

2 A Out of --

3 Q Out of the four times where you testified that
4 the substitutes did not teach math, you said that two
5 things happened; either there was no assignment left or
6 the substitute didn't know how to teach the curriculum.
7 Out of those four times, how many times was there no
8 assignment left?

9 A I really can't count. There were more times
10 when there wasn't an assignment left than there were
11 times where a teacher left work and the substitute
12 didn't know what to do with it.

13 Q And how do you know there were no assignments
14 left?

15 A Because most of the times the students would
16 have to go up to the teacher and tell him, well, this is
17 what we need to do. A lot of times substitutes go in
18 there, and they don't know what to do. They just sit
19 there. There was even a couple of times when a
20 substitute came in and just read a newspaper, didn't do
21 anything. That was sad.

22 Q Do you know the names of any students who spoke
23 to the substitute and had to explain what the class
24 curriculum was supposed to be?

25 A Keliesha Pittman. I mentioned her before.

1 Ms. MacAdoo, did you speak with anyone else?

2 A Mr. Pozzo, P-o-z-z-o, the other assistant
3 principal.

4 Q You testified earlier that on one occasion when
5 [REDACTED] did not show up for class, a student went
6 to the administration office. Do you know the name of
7 the student who went down to the admin. office?

8 A There were a few students who went, but I know
9 of two that went. But as far as the other students that
10 went -- they said they were going. Other students went
11 along with them, and then they all came back. So I
12 don't know what else they went to go do, but the two
13 students that did go were again Keleisha Pittman and
14 there was another girl by the name of Catalina. I
15 forgot her last name.

16 Q And these were the two students that went down
17 to the administration office on the day that
18 [REDACTED] did not show up for school?

19 A Yes. They went to get an administrator to
20 unlock the door because the doors were locked.

21 Q With your community coalition meetings, was
22 there an agenda prepared for those meetings prior to the
23 occurrence of those meetings?

24 A Yes.

25 Q And was it prepared ahead of time?

1 A Yes.
 2 Q And was it prepared for every meeting?
 3 A Yes.
 4 Q And how did you receive a copy of that agenda?
 5 A Sometimes they would ask me to facilitate those
 6 meetings. What they would do is in order to prepare the
 7 agenda, they would have the youth staff meetings and
 8 then they would have the youth workers, which were the
 9 youth who were off track, and they offered them the
 10 opportunity to work at the community coalition during
 11 the summer or whenever they were off track. So they
 12 would take those youth, along with the youth staff, all
 13 have a meeting -- put the agenda together, and they
 14 would have the meeting. And there were a few times
 15 during the summer and there were also a few times during
 16 the beginning of the school year where I was
 17 facilitating the meeting at the community coalition.
 18 Q Did you have school counselors during 9th and
 19 10th grade at Crenshaw?
 20 A Yes.
 21 Q And who was your 9th grade counselor at
 22 Crenshaw?
 23 A Ms. Silverstein.
 24 Q And who was your 10th grade counselor at
 25 Crenshaw?

1 A Ms. Silverstein for 10th grade because I was in
 2 the teacher training magnet program for the 9th and 10th
 3 grade.
 4 Q Did you meet with your counselor during 10th
 5 grade?
 6 A Yes.
 7 Q And what did you discuss during that meeting?
 8 A I discussed my grades, and I discussed any
 9 other -- well, I discussed my extracurricular activities
 10 to receive credits for being in the explorers program
 11 academy.
 12 Q Anything else?
 13 A That's it. She summoned me out of class for
 14 different trips they were having, for different
 15 activities that she wanted me to participate in, but I
 16 refused to participate in those activities -- in those
 17 extracurricular activities.
 18 Q How many times did you meet with her during
 19 10th grade?
 20 A Probably about five times. All of them weren't
 21 just to meet with her academically. Sometimes I had to
 22 go get different activities cleared for the teacher
 23 training magnet program where I would have to go talk to
 24 our house representative.
 25 Q Regarding the credentialing of teachers, do you

1 remember the testimony that you provided generally about
 2 that?
 3 A Yes.
 4 Q Do you know if -- is it Ms. Harris?
 5 A Yes.
 6 Q -- was credentialed?
 7 A I don't know.
 8 Q Did your 9th grade algebra class, first
 9 semester, have a set of textbooks in the classroom?
 10 A I don't know. I mentioned earlier during, I
 11 think, the first time I came that when we did eventually
 12 get books in our second semester, we couldn't take them
 13 home, but she told us that we could take the books out
 14 of the cabinet because they were sitting in the
 15 cabinet. That's my reason for saying I don't know,
 16 because she probably could have put them there before or
 17 after or whenever she decided when to use them.
 18 Q For your Spanish class, were there textbooks
 19 available but just not being used by your Spanish
 20 teacher?
 21 A I don't know.
 22 Q In your ECP class in 9th grade, were your
 23 assignments graded?
 24 A Yes.
 25 Q Do you know if Mr. Patrick left work for his

1 substitutes during the ECP class?
 2 A Can you clarify the question?
 3 Q You testified that he was absent on basically
 4 two occasions; a five-week period at the beginning of
 5 the semester and a five-week period at the end of the
 6 semester. Do you know if during his first absence of
 7 five weeks he left work for the substitutes?
 8 MR. ELIASBERG: Objection. Calls for
 9 speculation. You can answer if you know.
 10 THE WITNESS: For the first time, I don't
 11 know. All I know is when he eventually came back to
 12 school, I was told that all work that was given to us,
 13 we could just disregard it. He was going to start all
 14 over. So I don't know if the work that the substitute
 15 teacher was giving us was given by him or requested it
 16 be given to us or not.
 17 BY MR. FERNOW:
 18 Q You don't know?
 19 A I don't know.
 20 Q How about for his second absence, do you know
 21 if he left work for the substitute?
 22 A No.
 23 Q You don't know?
 24 A I don't know.
 25 Q For your health class, you indicated that you

1 spoke to a friend regarding not being able to take the
 2 textbook home. Do you know who that friend was that you
 3 spoke with?
 4 A Yes.
 5 Q Who was it?
 6 A Shannon Hamilton, S-h-a-n-n-o-n
 7 H-a-m-i-l-t-o-n.
 8 Q Moving on, 9th grade science, do you have
 9 specific knowledge of whether or not the teachers had to
 10 buy supplies?
 11 A I don't know.
 12 Q And that applies to both the first and second
 13 semester?
 14 A For the second semester, there was one time
 15 where the teacher had to buy art supplies for us to do
 16 our labs. That's all I know of.
 17 Q The teacher told you that she had to buy art
 18 supplies?
 19 A Yes.
 20 Q Do you know if she was reimbursed for the art
 21 supplies?
 22 A I don't know. She only had one set, but it was
 23 enough.
 24 Q Do you know the procedure by which teachers
 25 purchased supplies at Crenshaw?

1 A What was the question?
 2 Q Do you know the procedure by which teachers
 3 purchased supplies for the classroom at Crenshaw?
 4 MR. ELIASBERG: Vague and ambiguous as to
 5 "procedure."
 6 THE WITNESS: I don't know.
 7 BY MS. VANSE:
 8 Q During your second semester in science, you
 9 testified that you didn't have a textbook to take home;
 10 right?
 11 A Yes.
 12 Q Did the teacher tell you that there was a
 13 shortage of books and that's why you couldn't take the
 14 textbook home?
 15 A No.
 16 Q Did the teacher tell you the reason why you
 17 couldn't take the textbook home?
 18 A No. There were -- I also testified that there
 19 was not a set of textbooks. There were books that were
 20 in the classroom, and she told us that we were free to
 21 use them whenever we needed to use them to do our
 22 experiments or class assignments.
 23 Q You testified that students wanted to take
 24 science textbooks home during the second semester?
 25 A Yes.

1 Q Who were these student?
 2 A A student by the name of Marshana.
 3 Q Can you spell that?
 4 A I can't remember how to spell her name.
 5 Q Anybody else?
 6 A That's it that I can think of right now.
 7 Q You testified that you didn't have a textbook
 8 for PE in 9th grade?
 9 A No.
 10 Q Do you know why you didn't --
 11 A It's not required to have a textbook, just
 12 physical activities.
 13 Q And how do you know it's not required to have a
 14 textbook?
 15 A In PE, they told us -- well, in all the years
 16 I've been in PE, the teacher would tell us that
 17 basically all we need to do was to participate in the --
 18 for PE, in order to receive a grade, all we need to do
 19 is participate in the different sports activities that
 20 we were going to do. And basically, for example,
 21 basketball, all we had to do is show her a form of how
 22 to shoot a ball or different plays or setting up a play
 23 for basketball; and for example, football, creating a
 24 play for football. That's it.
 25 Q You testified that students in biology 10th

1 grade had to share textbooks; correct?
 2 A Yes.
 3 Q How many students shared textbooks?
 4 A I don't know. I know from my table -- it was
 5 about five people that sat in my table, and we only had
 6 about three books.
 7 Q And if you know, was that basically the same
 8 for the rest of the classroom?
 9 A There was one other table that was right next
 10 to our table. There were a few times when they had to
 11 share books. And basically, the reason why people had
 12 to share books is because if you came to school -- not
 13 came to school. But if you came to class -- not late.
 14 But if you weren't in class before a certain amount of
 15 people came in, then there wouldn't be enough books for
 16 everyone to use.
 17 Q Who are the students who you shared textbooks
 18 with in biology?
 19 A I don't know their names.
 20 Q Your biology teacher complained that she didn't
 21 have sufficient supplies; is that right?
 22 A Yes.
 23 Q Do you know if she ever spoke with anyone at
 24 the school district regarding the lack of supplies?
 25 A I don't know.

1 MR. ELIASBERG: Objection. Calls for
2 speculation. Answer if you know.
3 THE WITNESS: I don't know.
4 BY MR. FERNOW:
5 Q Did she complain in front of the classroom
6 about the need for students to transfer out?
7 A Yes.
8 Q And how many times did she complain?
9 A It was during the semester I was in her class.
10 It was probably for about two weeks. And after that, it
11 kind of died down a little bit. She wouldn't say
12 anything about it. And then after a while, she started
13 saying it again because again we didn't have enough
14 supplies, and we really needed all the supplies. When
15 she realized that we didn't have enough supplies, she
16 would again say that students needed to transfer out of
17 the class.
18 Q This was during the first two weeks?
19 A Yes.
20 Q Did it occur other than the first two weeks in
21 the semester?
22 A It occurred in the first two weeks, and it died
23 a little bit, and it started up again probably about the
24 fifth week or the sixth week.
25 Q Do you have a specific recollection of an

1 experiment where the class did not have sufficient
2 supplies?
3 A We were doing -- we were trying to find out
4 about different animal cells.
5 Q And what supplies was the class missing?
6 A We were missing slides, and we were missing --
7 we couldn't all do the experiment at the same time.
8 Well, it took about two or three days because we didn't
9 have enough supplies. So the supplies were again the
10 slides and microscopes.
11 Q How many times do you recall an experiment
12 occurring where you didn't have sufficient supplies?
13 A Probably about two times.
14 Q And do you recall the second time that this
15 happened?
16 A The second time was when we were doing -- we
17 were taking different measurements and basically wanted
18 to check -- we were looking at the volume and the mass
19 of different weights and water and using different
20 supplies.
21 Q And do you know when this occurred?
22 A In the first semester. That was the second
23 experiment. So I really can't remember. I know that
24 was the second experiment.
25 Q Was it towards the beginning or the end of the

1 semester?
2 A It was towards the end of the first semester.
3 Q You also testified that your class would watch
4 videos; is that correct?
5 A Yes.
6 Q What were the students -- strike that.
7 Were the videos related to the subject matter?
8 A Yes.
9 Q What topics were covered by these videos, if
10 you recall?
11 A The videos covered topics of anatomy, cells,
12 skeletal structure, anything dealing with anatomy, and
13 that's it.
14 MS. VANSE: This is just for the biology class,
15 the videos?
16 MR. FERNOW: Right.
17 THE WITNESS: Yes.
18 BY MR. FERNOW:
19 Q Sticking with biology here, you testified that
20 you had to stand during biology class two or three
21 times; is that right?
22 A Yes.
23 Q And was that the entire year or the first
24 semester?
25 A That was the entire year. Well, the first

1 semester and part of the second semester because I
2 left. I didn't stay for the whole second semester.
3 Q Do you recall if you were standing at the
4 beginning of the semester or the end of the semester?
5 A It was during the beginning of the semester and
6 one time during the second semester.
7 Q You also testified that you would see two or
8 three students always standing in the back; is that
9 right?
10 A Yes.
11 Q And do you recall the names of these two or
12 three students?
13 A No.
14 Q Can you name any student other than yourself
15 that had to stand in the back of the classroom in
16 biology class?
17 A No. I really didn't associate with the
18 students that were in the class. Sometimes they would
19 come -- I didn't know anybody by name. I just knew them
20 by face because those were the students I didn't
21 associate with outside of class.
22 Q How come?
23 A I never talked to them. All the students in
24 those classes, they weren't in any of my classes, and
25 the only time I would see those students was during that

1 class.

2 Q Did every student eventually receive a desk in
3 biology the first semester?

4 A No.

5 Q How many students would have to -- how many
6 students were left standing at the end of your first
7 semester of biology?

8 A How many students were left standing? About 35
9 students.

10 Q You testified that the teacher brought in small
11 desks into the classroom. Do you recall that?

12 A Yes.

13 Q And they were short?

14 A This is biology?

15 Q This is biology still.

16 And that they were too short and obstructed the
17 view; is that right?

18 A I testified that the desks that she brought
19 in -- the regular desks that we had in the classroom
20 were round tables. The desks that she brought in were
21 individual student desks. But where she placed them --
22 which was the only place she could place them. They had
23 counters into the rear of the room. And so where she
24 placed them between those two counters, the counters
25 would sit -- like you would be sitting on the desk, and

1 your neck is hurting from writing and looking down.

2 It's just very difficult.

3 Q You testified that there were five students
4 that transferred out of your biology class during the
5 second semester. Do you recall that?

6 A Yes.

7 Q Do you know the names of any of those students
8 that transferred out?

9 A No.

10 Q Did your teacher ever comment about the fact
11 that students were having to stand during class?

12 A Yes.

13 Q And what did she say?

14 A She said that maybe if some students check out,
15 the people in the back of class wouldn't have to stand.

16 Q Did you ever speak with the teacher
17 specifically -- just directly to her about the fact that
18 you had to stand in the back of the class?

19 A Yes.

20 Q And what did she say?

21 A I went up to her, and I told her how difficult
22 it was to stand in class and take the notes in the
23 class. She told me that she was still waiting on
24 students to check out of the class.

25 Q And when did this conversation occur?

1 the counters would be sitting high like this
2 (indicating). And so it would be hard. They sit like
3 this far apart (indicating). It would be hard to look
4 around the class or look at the board. It kind of
5 obstructed your attention.

6 Q Did you ever have to sit in those desks?

7 A Yes.

8 Q On how many occasions?

9 A Maybe one time.

10 Q And that one time, was your view obstructed?

11 A Yes.

12 Q Did you say anything to the teacher about the
13 fact that your view was obstructed when you were sitting
14 at the desk?

15 A Yes.

16 Q And what did she say?

17 A She said that that was the only desk
18 available. She said that I could stand and use the
19 counter. But then she really didn't like anybody to
20 stand and use the counter, plus I never -- I didn't like
21 doing it either because after a while, if you stand and
22 use the counter, you start getting tired of standing
23 there doing your work. You're standing about an hour
24 because every class is 54 minutes, and it gets very
25 difficult to do your work. Your leg is hurting, and

1 A During the first semester.

2 Q Do you know if it was towards the beginning or
3 end of the semester?

4 A It was towards the beginning. Sort of in the
5 middle of the semester.

6 Q And did you ever speak to her about the fact
7 that you had to continue standing in the class?

8 A No.

9 Q You also testified that you spoke to
10 Ms. Garrison about not having sufficient space in the
11 classroom; is that correct?

12 A Yes.

13 Q And what did Ms. Garrison say?

14 A Ms. Garrison, she just told me that she's
15 working on getting some of the students -- moving some
16 of the students around, and she also said that they're
17 trying to figure out the space in-between the different
18 biology classes because she was mentioning that she
19 could transfer some of the students to another class
20 which was located down the hall, which was also the
21 biology class.

22 Q And did this conversation occur at the
23 beginning or the end of the semester?

24 A It was in the middle of the semester.

25 Q And did you only speak with her that one time?

1 A Yes.
 2 Q And World History, 10th grade, do you know why
 3 you did not have a copy of your own world history
 4 textbook?
 5 A There were not enough textbooks in the
 6 classroom, and she told the class that she needed that
 7 set of textbooks for all of her classes.
 8 Q Do you know if there was a shortage of world
 9 history textbooks?
 10 A Yes.
 11 Q You do know?
 12 A Yes.
 13 Q And how did you learn that?
 14 A Because she told us that is the reason she
 15 could not get another set of textbooks for us to take
 16 home.
 17 Q Moving on to your leadership class, you
 18 testified that approximately five students stood during
 19 that class as well. Do you recall that?
 20 A Leadership class? I did not say that.
 21 Q So you don't recall testifying that
 22 approximately five students stood during that class?
 23 A No.
 24 Q You testified generally that there was a --
 25 that in some of your classrooms, there was an inability

1 your inability to receive individualized instruction?
 2 A Any other teachers in that class?
 3 Q In regard to your other classes where you
 4 didn't receive individualized instruction. Did you
 5 speak with any of your other teachers regarding your
 6 testimony that you could not receive individualized
 7 instruction?
 8 A Any other teacher? My world history teacher.
 9 It was basically the same problem except, as I mentioned
 10 earlier, that the table faced a different way. So maybe
 11 sometimes she'd be facing her direction, and I had my
 12 hand raised, and she wouldn't be able to see me because
 13 she was focussing her attention on the other side of the
 14 class.
 15 Q What did your teacher say?
 16 A I only talked to her about one or two times,
 17 and basically, just to tell her I had a question and she
 18 was not able to answer the question due to the fact that
 19 she was facing the opposite direction. And then at that
 20 point, then she would answer my question.
 21 Q What did she say, if anything, about the fact
 22 that you weren't receiving individualized instruction?
 23 A She said that she would make sure that she gets
 24 to me next time because it's hard for her to get to all
 25 the students all at once.

1 to receive individualized instruction. Do you recall
 2 that?
 3 A Yes.
 4 Q Did you ever tell any of your teachers that
 5 there was not enough time to receive individualized
 6 instruction?
 7 A Yes. I told my Spanish teacher, which was the
 8 class that I had trouble getting individualized
 9 attention in.
 10 Q Was that during your 9th or 10th year?
 11 A That was during my 10th year -- 10th grade
 12 year.
 13 Q Who was your teacher?
 14 A Ms. Ortiz, O-r-t-i-z.
 15 Q And when did you speak with Ms. Ortiz regarding
 16 the inability to receive individualized instruction?
 17 A I talked to her at different times during the
 18 first semester and part of the second semester.
 19 Q And what did she say?
 20 A She told us that she's trying to get around to
 21 everybody. She always told me that she was trying to
 22 get around to every student. That she would eventually
 23 get to them, but it was just a matter of time because
 24 there were a lot of students.
 25 Q Did you ever talk to any other teachers about

1 Q During your algebra class in 9th grade, you
 2 testified that there was some water that had flooded the
 3 classroom. Do you recall that?
 4 A Yes.
 5 Q Do you know where the leak was coming from?
 6 A When the janitors came in, they told us that
 7 definitely the leak was coming from the sink area. When
 8 they analyzed the ceiling and the sink, they realized
 9 that there were some water stains in the ceiling where
 10 the water possibly came from. But for sure, they knew
 11 it came from the sink, but days after the water would be
 12 concentrated around the sink area.
 13 Q Once they fixed the leak, according to your
 14 testimony, they plugged up the pipes --
 15 A Yes.
 16 Q -- from the sink.
 17 Did you have any further problems in that
 18 classroom with water?
 19 A With the water, no.
 20 Q You also testified that there were some
 21 cabinets in the back of the classroom that swung open
 22 and hit students in the head. Do you remember that?
 23 A Yes.
 24 Q Do you know the names of the students that were
 25 hit in the head by those cabinets?

1 A No.

2 Q You also testified that in the same algebra
3 class there was a window that would not close. Do you
4 recall that?

5 A Yes.

6 Q How do you know the window would not close?

7 A Because she would have me close the windows in
8 the morning because -- especially during the first
9 semester because it was always cold in the morning.

10 Q Who is "she"?

11 A [REDACTED] The windows would be open, and
12 sometimes [REDACTED] would tell me to close them. And
13 when I would close them, the latch you pull down to make
14 sure the window stays locked, sometimes it would not
15 close.

16 Q Okay. How many windows in your algebra class,
17 9th grade, would not close?

18 A It was only one. There were maybe about one or
19 two others that they would close. They wouldn't lock,
20 but they would close. They wouldn't reopen. So those
21 all closed, but there was one in particular where the
22 window would always swing back up.

23 Q So the window would stay open?

24 A Yes.

25 Q Did you talk to anyone about the fact that this

1 that.

2 Were you ever precluded from actually using the
3 restroom facility because there was a stall that was
4 broken or a urinal flood?

5 A There was a time when the janitor was in the
6 restroom, and the security guard that stands by the
7 front gate of the lobby area, he told me that none of us
8 can go in because the janitor was working on the
9 restroom.

10 Q But the times that you testified you went into
11 the lobby restroom and there was a stall that was
12 flooded or a urinal running, did you use the restroom?

13 A No.

14 Q Were you precluded from using the restroom
15 because of the stall being flooded?

16 A No.

17 Q Why didn't you use the restroom?

18 A I didn't use the restroom because -- well,
19 yeah, there was a time when I didn't use it because it
20 was flooded. So what I did was I went ahead and went to
21 the restroom in the environmental building.

22 Q Did you not use the restroom because it was
23 flooded? Was it because there was water on the floor?

24 A Yes.

25 Q Do you know if the other facilities in that

1 particular window would not close?

2 A No.

3 Q Moving on to restrooms, favorite topic, you
4 testified that during your first semester of your 9th
5 grade year, a stall was flooded in the lobby restroom.
6 Do you recall that?

7 A Yes.

8 Q Can you explain to me what you mean by
9 "flooded"?

10 A Sometimes when the stalls -- sometimes they
11 would be flooded with tissue, and there were other times
12 where the water would be up real high, but it wasn't
13 nothing inside the stall that you could see that was
14 visible. So a lot of times it wouldn't flush at all.
15 And there was one instance where the stall, it would
16 flood and it would just -- it would just constantly
17 flood. I don't know why.

18 Then there was another time where the toilet
19 would not stop flushing, and it wasn't like the handle
20 stayed down, but it just wouldn't stop flushing. It
21 would keep flushing over and over and over.

22 Q The time that it wouldn't stop flushing, was
23 the water coming on to the floor as a result?

24 A No.

25 Q Were you ever precluded from using -- strike

1 restroom were usable?

2 A I don't know. When I saw it flooded, I just
3 walked out.

4 Q Tell me about the flooding. How much water, if
5 you could guess -- not guess, but could you estimate how
6 much water was on the floor?

7 A It wasn't high. It wasn't like an inch. It
8 was probably like a quarter of an inch. The reason why
9 I left is because students were going in previously
10 before me, and they were slipping across the floor --
11 not slipping as they slip and fall on the floor, but
12 they would slide across the floor. So I figured it was
13 a hazard for me to go in. So what I did is I didn't go
14 in at all and went to the other restrooms.

15 Q How do you know that students were slipping on
16 the bathroom floor?

17 A There were students walking in before me. When
18 they walked in, they kind of almost slipped, and then
19 they would walk out. There were students that did go
20 ahead and went in. I didn't go in. I just walked out
21 and went to the other restrooms.

22 Q Do you know any of the names of the students
23 that were in the bathroom at the time?

24 A No. It was students I didn't even know.

25 Q Did you tell anyone about the flooding in the

1 restroom?

2 A No.

3 Q You testified that during your first semester
4 of your sophomore year, you used the lobby restroom
5 approximately one time a month. Do you recall that?

6 A Yes.

7 Q At any time that you used the lobby restroom
8 during your sophomore year, was there ever a stall
9 broken?

10 A Yes.

11 Q On how many occasions would a stall not work?

12 A Probably about every time I went in.

13 Q And how do you know?

14 A Because I would go -- the one that was mainly
15 flooded most of the time was the one -- the first one
16 where you first walk in. And when you go in, there's
17 the urinals on this side (indicating), and there's the
18 stalls on the right side when you walk in. And it was
19 always that one in particular that was always flooded.

20 Q When you say "always flooded," can you describe
21 for me what that means?

22 A Sometimes it was tissue in the toilet or
23 sometimes the water was extremely high. And then as I
24 mentioned before, in my 9th grade when it was always
25 flushing, it was that same toilet -- it was that same

1 A There was maybe one or two times where they had
2 paper towels in the sink. Any other times, there was no
3 paper towels. Not in the sink, but in the dispenser.

4 Q Toilet paper?

5 A Yes.

6 Q Do you know if the stalls had toilet paper?

7 A Toilet paper, I don't know.

8 Q When you noticed that the restrooms lacked
9 paper towels, did you say anything to anyone about that?

10 A Again to Mr. Camajian.

11 Q And what did he say?

12 A He would tell me to go to the other restroom in
13 the environmental building or go find another restroom
14 that was in the main building.

15 Q And when you noticed that the restroom did not
16 have any soap, did you speak to anyone about that?

17 A No.

18 Q Did you talk to anyone else about the lack of
19 paper towels or soap in the lobby restroom?

20 A No.

21 Q Did you ever tell any teacher or staff person
22 at Crenshaw about the graffiti that you testified
23 existed in the restroom?

24 A I talked to Mr. Kielbush, K-i-e-l-b-u-s-h, who
25 is the principal.

1 stall that was always flooded.

2 Q And did you ever tell anyone at school -- a
3 teacher, a student, the principal -- that there was a
4 stall that was broken in the lobby restroom during your
5 sophomore year?

6 A There was one time when I went to use the
7 restroom when I did go back to class, and I did let the
8 teacher know that it was flooded or the stall was
9 broken.

10 Q And who did you tell?

11 A My teacher, Mr. Camajian.

12 Q When was that?

13 A That was my 10th grade year because I went to
14 go visit him during my lunch period.

15 Q Can you be more specific with the date?

16 A Not that I can remember. It was during my
17 sophomore year, 10th grade year.

18 Q During your sophomore year. Do you know if the
19 lobby restroom had soap dispensers?

20 A Yes, they did.

21 Q And did they have --

22 A They did not have soap in it, though.

23 Q On how many occasions did they not have soap?

24 A Every time I went in.

25 Q How about paper towel dispensers?

1 Q And what did he say?

2 A He told me that they're trying to stop students
3 from tagging in the restroom, and then I explained that
4 the tagging that was in the restroom had been there for
5 a while and none of the janitors or custodians did
6 anything to take it off, that I noticed.

7 Q To the best of your knowledge, you don't know
8 if they did anything; correct?

9 A Yes.

10 Q And we're talking specifically about the lobby
11 restroom; correct?

12 A Yes.

13 Q Did you ever do anything personally about the
14 graffiti in the lobby restroom?

15 A Well, because I was in leadership, we have the
16 opportunity to make announcements in the morning. So
17 one of the things I brought up in one of our formal
18 meetings is that we need to, you know, find us a way
19 from getting the students to stop tagging the
20 restrooms. When I brought that up, we started making
21 announcements over the PA, asking the students not to
22 tag in the restrooms and keep the restrooms clean.

23 Q Anything else?

24 A That's it.

25 Q Do you know if the school did anything to

1 attempt to stop taggers from putting graffiti up on the
2 restroom?

3 A Not that I noticed.

4 Q Regarding the environmental building restrooms,
5 the one occasion that you tried to use the restroom only
6 to find it locked, do you know why the bathroom was
7 locked?

8 MR. ELIASBERG: Objection. Calls for
9 speculation. Answer if you know.

10 BY MR. FERNOW:

11 Q "Do you know," that implies -- go ahead.

12 Do you know why it was locked?

13 A Usually the restroom is locked because -- well,
14 I was told that usually the restroom is supposed to stay
15 locked, but then the teacher understood that the only
16 restroom that was available was all the way across
17 campus in the main building. So when it was locked that
18 day, he did eventually come and open the door for me so
19 I can use the restroom.

20 Q Again, do you know why it was locked that day?

21 A I don't know.

22 Q Did you ever ask anyone why that bathroom was
23 locked that day?

24 A No.

25 Q You testified that the restroom in the

1 A No.

2 Q You don't recall or you --

3 A I don't recall. When I went in, it wasn't
4 broken. It wasn't flooded, and it wasn't broken at all.

5 Q And were there soap dispensers in that
6 restroom?

7 A No. There was a soap dispenser, but there was
8 no soap.

9 Q And did you talk to anyone about the lack of
10 soap?

11 A Yes.

12 Q Who did you talk to?

13 A My teacher, Mr. Hill. He wasn't my teacher in
14 that time period, but I did talk to him about it, and he
15 always had soap and paper towels in his classroom.

16 Q Do you know why he always had soap or paper
17 towels in his classroom?

18 A Because he knew that the restroom did not have
19 any soap or paper towels, and plus, he had it available
20 so when we would do our labs, we would be able to wash
21 our hands. And he also had a sink located at the end of
22 his counter because this was a room used for laboratory
23 assignments.

24 Q Did he tell you that he kept the soap in his
25 classroom because he knew that there was no soap in the

1 environmental building had a urinal that was always
2 flooded; is that correct?

3 A In the environmental building?

4 Q Yes.

5 A I did not testify to that.

6 Q You testified that you used the restroom in the
7 environmental building one time during your sophomore
8 year. Do you recall that?

9 A Yes.

10 Q That one time, do you recall if there was a
11 stall that was broken or a urinal that was broken?

12 Just to clarify, when I say "stall being used,"
13 I'm talking about the toilet bowl as opposed to the wood
14 structure or the structure that may be around the
15 stall. Has that been your understanding as I've been
16 going through these questions --

17 A Yes.

18 Q -- that I was talking about the actual toilet?

19 A Yes.

20 Q So do you recall that one time that you were in
21 the environmental building's restroom your sophomore
22 year whether or not a toilet in the stall was broken?

23 A I never used a toilet in the stall.

24 Q Do you recall if there was a urinal that was
25 broken at one time?

1 bathroom?

2 A Yes.

3 Q Did he tell you that he kept paper towels in
4 his classroom because he knew there were no paper towels
5 in the bathroom?

6 A Yes.

7 Q You testified that you used the restroom in the
8 MPR building. Do you recall that?

9 A Yes.

10 Q You used it the first semester of your
11 10th grade year; correct?

12 A Yes.

13 Q Do you recall whether or not a toilet in the
14 stall was broken on that one visit?

15 A No.

16 Q Do you know?

17 A I don't remember.

18 Q You don't know if there was one broken. Do you
19 recall one being broken?

20 A I don't know.

21 Q Do you recall a urinal being broken?

22 A No.

23 Q I'm not assuming that there was one broken.
24 I'm asking you what was the condition of the urinals
25 when you went into the bathroom that one time?

1 A I did not see any toilet bowls or stall
 2 broken. I didn't see any of that.
 3 Q There was no flooding?
 4 A No, because that restroom was always most of
 5 the time locked. So none of the students really went
 6 in. The only time it was open is if the MPR room was in
 7 use. So if the doors to the MPR room were locked, you
 8 couldn't go use the restroom in MPR. I didn't see any
 9 stalls broken or any toilet bowls broken.
 10 Q And again, "stalls" being the toilet bowl --
 11 A Yes.
 12 Q -- being flooded or locked up?
 13 A Yes.
 14 Q So you did not see that?
 15 A I didn't go in to actually look. I didn't look
 16 that way. So I don't know if they were broken or not.
 17 Q Do you know if there were soap dispensers?
 18 A Yes.
 19 Q And was there soap in the soap dispensers?
 20 A No.
 21 Q And was there paper towel dispensers?
 22 A Yes.
 23 Q And were there paper towels in the dispensers?
 24 A Yes.
 25 Q Was there any writing on the walls?

1 A Yes.
 2 Q And what type of writing?
 3 A Graffiti.
 4 Q And where was it located?
 5 A It was located around the door, around the
 6 mirror, on the mirror, on the doors of the stall.
 7 Q Do you have a specific recollection of a
 8 student who told you that he or she did not want to use
 9 the restrooms at Crenshaw because they were too dirty?
 10 A Yes.
 11 Q And who would that be?
 12 A Shannon Hamilton.
 13 Q And how many times did that occur?
 14 A Only about one or two times.
 15 Q Was there anyone else present when she told you
 16 that she didn't want to use the restrooms because they
 17 were too dirty?
 18 A It was in the classroom. There were students
 19 around. It was during class time. So I don't know who
 20 else heard her or anything like that.
 21 Q And when did this occur?
 22 A During my second semester of my 9th grade year
 23 in health class.
 24 Q You testified that you saw teachers using
 25 restrooms that had hazard signs posted. Do you recall

1 that?
 2 A Yes.
 3 Q Do you recall which teachers used those
 4 restrooms at a time that the hazard signs were posted?
 5 A I don't know the teachers' names. They never
 6 were any of my teachers. So I didn't know them.
 7 Q How do you know they were teachers?
 8 A Because I know what classrooms they were in,
 9 but I didn't know them personally.
 10 Q Do you know what classrooms they were in?
 11 A They were in the classrooms located on the
 12 second floor of the C wing. That was across from the --
 13 they were either from across the restrooms or they were
 14 from down the hall.
 15 Q And do you know when you saw these teachers
 16 using that particular restroom?
 17 A It was usually during the time I was going on
 18 my way to my second period biology class or sometimes
 19 when I'm coming from the leadership class to go run an
 20 errand or go to the bungalows. And I would go around
 21 through that way because I would have to come from the
 22 B wing to the C wing because it was right there next to
 23 the bungalows, but all I had to do is go around the
 24 stairs. It was a much quicker direction.
 25 Q How many times did you see teachers using that

1 particular restroom when the hazard signs were posted?
 2 A It was probably about four to five times.
 3 Q And those four to five times, did they occur
 4 during your freshman or your sophomore year?
 5 A Freshman and sophomore year.
 6 Q How many times did you see that occur during
 7 your freshman year?
 8 A For my freshman year, probably about two times.
 9 Q And that would be in your sophomore year, two
 10 or three times?
 11 A Yes.
 12 Q Did you ever ask these teachers why they were
 13 using the restroom when the hazard sign was posted?
 14 A No.
 15 Q You testified that during your 9th grade
 16 English class, a student came back to the class and told
 17 a teacher about a problem in the bathroom being that
 18 there was no paper towels. Do you recall?
 19 A Yes.
 20 Q Do you know who that student was?
 21 A No.
 22 Q There was also a second occasion that you
 23 testified that a student complained about the bathroom
 24 being locked. Do you recall that?
 25 A I testified that the janitors were working in

1 the restroom and told her that she could not go to the
2 restroom.

3 Q Do you recall who that student was?

4 A No.

5 Q During your time at Crenshaw, were you ever
6 caught in the tardy suite that you testified about?

7 A No.

8 Q During your freshman year, do you know the
9 names of any students who were not permitted to use the
10 restrooms because of No-Pass Friday?

11 A If it was -- can you clarify the question?

12 Q I just want to know -- you testified that there
13 were some students who weren't permitted to use the
14 restroom or were delayed in using the restroom because
15 of No-Pass Friday. I'm just wondering if you can
16 identify for me any particular students --

17 A Any particular students?

18 Q -- that were caught in the No-Pass Friday and
19 could not use the restroom?

20 A Tova Seals, T-o-v-a S-e-a-l-s. As far as that,
21 I would hear other students say they wanted to use the
22 restroom, but they knew because it was No-Pass Friday,
23 they couldn't.

24 Q Do you know when Tova Seals was denied the
25 right to use the restroom because it was No-Pass Friday?

1 of the PE teachers did mention that one of the -- one or
2 two of the showers were broken, but the majority of the
3 showers were usable. As far as why the students didn't
4 take a shower -- as far as did students take showers, I
5 have no idea. I don't know. None of the students used
6 the showers at all.

7 Q You never tried to use the shower at a time it
8 was broken?

9 A No.

10 Q Strike that.

11 Did you ever try to use a shower and were
12 precluded to because it wouldn't work?

13 A No.

14 Q You testified that there were bathrooms opened
15 during your 9th grade year that were turned into faculty
16 restrooms later. Do you recall that?

17 A Yes.

18 Q How many restrooms were opened during your
19 9th grade year that were subsequently closed for faculty
20 use?

21 A There were three. There was the restroom in
22 the lobby, the restroom in the environmental building,
23 and the third one was the one where it was open --
24 usually students would use it. But then I noticed after
25 a while, it was always locked and then the teachers

1 A That was in my first semester of my 10th grade
2 year. There were other students, but I really can't
3 remember their names.

4 Q All I'm asking is any names that you know. So
5 is Tova the only one that you know?

6 A Yes.

7 Q How about during your sophomore year, do you
8 know the names of any students --

9 A That was during my sophomore year, first
10 semester of my sophomore year.

11 Q You testified that you didn't take showers
12 during the 9th and 10th grade PE class. Do you recall
13 that?

14 A Yes.

15 Q Did you not take showers because the showers
16 were broken?

17 A We were told some showers were broken, but they
18 were usable. It's just that, I guess -- well, none of
19 the students take showers anyway. None of the students
20 take showers.

21 Q But was it because the showers were broken?

22 A I don't know.

23 Q If they were broken, is that why you weren't
24 taking showers? That's my question.

25 A During the beginning of my 9th grade year, one

1 started using it because they had keys.

2 Q So it's your understanding that between your
3 9th and 10th grade year, three bathrooms were closed for
4 faculty use?

5 A No. It was three restrooms originally that
6 were always used by the students. One was closed, and
7 that one I just mentioned was the one that was closed to
8 be used by the faculty.

9 Q So let me see if I understand this.

10 A There was only one restroom closed.

11 Q For faculty use?

12 A Yes.

13 Q And how do you know it was closed for faculty
14 use?

15 A Because it was locked, and I mentioned earlier
16 in the first or second deposition that there was one
17 time where I did have to use the restroom, and it was
18 during the time we came back from a field trip, and the
19 restroom was open.

20 And then there was one time during my sophomore
21 year -- during the beginning of my sophomore year where
22 I had to use the restroom, and I asked the principal if
23 I could use the restroom, and he told me he had to go
24 get the key to open that restroom because it was for the
25 faculty.

1 Q Do you know how many restrooms at Crenshaw were
2 dedicated to faculty your freshman year?

3 A I really don't know. There were -- I just want
4 to mention that there are restrooms -- there are like a
5 lot of restrooms at Crenshaw, but the majority of those
6 restrooms are closed. The only ones that were open to
7 the students were the ones in the lobby and the one in
8 the environmental building.

9 Q Again, do you know how many bathrooms were
10 dedicated to faculty during your freshman year?

11 A I don't know.

12 Q Do you know how many bathrooms were dedicated
13 to faculty during your sophomore year?

14 A I don't know.

15 Q You testified that your brother saw a mouse in
16 what you believe was his English class; is that right?

17 A Yes.

18 Q Do you know when this happened?

19 A It happened during his 9th grade year, first
20 semester.

21 Q You also testified that a student told you that
22 he saw a mouse in the ECP class --

23 A Yes.

24 Q -- running across a paper?

25 A Yes.

1 A There were boards on the windows only in a few
2 classrooms, but you can see them from the outside. And
3 the way they were boarded up -- they were boarded up and
4 painted the color of the wall on the outside of the
5 building. So you can see from the outside -- I didn't
6 actually go into the classroom and see the windows
7 boarded up, but you can see from the outside of the
8 building that they were windows, but they were boarded
9 up with boards. And as far as the restrooms, I walked
10 into restrooms and the windows were boarded up and you
11 can also see from the outside that the windows were
12 boarded up.

13 Q Did you have any classrooms where the windows
14 were boarded up?

15 A No. There is one of my classrooms, which is my
16 English class, where the windows are painted black on
17 top, and it's painted like in a primer type of paint so
18 you can't see inside or outside the windows.

19 Q And what classroom is that?

20 A English.

21 Q And do you know why the windows were painted?

22 A No.

23 Q Have you ever asked anyone?

24 A No.

25 Q Approximately how many windows have you seen

1 Q Do you know when that happened?

2 A In my first semester of my 9th grade year.

3 MR. FERNOW: I want to take a quick break.

4 Off the record.

5 (Recess.)

6 BY MR. FERNOW:

7 Q You testified earlier today that while at
8 Washington, a student said that she couldn't use the
9 restroom because they were too far away from her
10 classroom?

11 A I mentioned that about Crenshaw, when we were
12 in the bungalow area.

13 Q Shannon Hamilton; correct?

14 A Yes.

15 Q Sorry about that. You testified about the
16 windows being boarded up at Washington?

17 A Yes.

18 Q See if I can understand this a bit better.

19 Were the windows boarded up when you began school at
20 Washington?

21 A Yes.

22 Q And were they subsequently taken down?

23 A Yes.

24 Q And in what classrooms were there boards on the
25 windows?

1 that are boarded up in classrooms?

2 A On my first two days there, it was maybe
3 about -- I don't know exactly like how many classrooms
4 because I only saw them from the outside. And the
5 restrooms, I can definitely say they were boarded up
6 because I saw those. I actually went in to see those.
7 As far as the classrooms, there were a few in the
8 English building area on the outside, and then there
9 were a few in the drama building.

10 Q And they have since been taken down; is that
11 correct?

12 A Yes.

13 Q You testified about certain buildings' roofs
14 being retiled. What buildings were those?

15 A It was the leadership building, the PE office,
16 and where the gym is located because the gym and the PE
17 is located together -- connected. The science building,
18 and there was the old gym. It was called the girls'
19 gym, but they just recently built a new gym. Let's
20 see. And there was one other building. You can see
21 it -- I don't know what the building is, but you can see
22 it from the outside of the school. I have no idea what
23 that building is used for.

24 And then also I forgot to mention they're
25 putting up a new fence around the school -- around the

1 side, actually, of the school -- around the side
2 entrance of the school, and this is taking place while
3 students are going in and out of that gate while it's
4 being worked on.

5 Q And do you know when they began building that
6 fence?

7 A They just currently began building that fence
8 Wednesday of last week.

9 Q And do you know why they're putting up that
10 fence?

11 A No.

12 Q Are they replacing a previously existing fence?

13 A Yes.

14 Q And does the fence go around the entire campus?

15 A No. As far as where it's going to go from,
16 wherever it's starting, all I know is right now they
17 already put up a fence around the entrance of the --
18 around the side. It's on the side entrance of the
19 school. It's in-between the auditorium and some kind of
20 like wall with a mural on it, and it's beginning to go
21 around that wall, but behind the wall.

22 Q Do you have class close to the proximity where
23 they're putting up that fence?

24 A No.

25 Q Has the construction of that fence interrupted

1 trying to continue it, we tabled it and went on to
2 another subject, such as working on whatever we needed
3 to work on in our next meeting.

4 Q Who was part of that meeting apart from
5 yourself?

6 A Our entire class, including our leadership
7 teacher, but she stepped out that day because students
8 govern those formal meetings. She really doesn't do
9 anything.

10 Q You testified that there were some students
11 that had complained about the multi-track school system?

12 A Yes.

13 Q Can you identify for me any specific students?

14 A I really can't remember any names. Like I
15 said, it was during a long period of time. It just
16 comes up in conversations whenever I talk to other
17 students. Sometimes it comes up when like, for example,
18 I was going to Autibond (phonetic). I knew a few
19 students that went to Washington, and they were my
20 friends, and they lived in the same area. And sometimes
21 we would be hanging out, and they started to compare
22 Washington to Crenshaw or compare Washington to
23 Autibond (phonetic) and stuff like that.

24 Q And who was that?

25 A Delora Jones.

1 or interfered with your instruction in class?

2 A No.

3 Q Who is your leadership teacher at Washington?

4 A Ms. Roundtree, R-o-u-n-d-t-r-e-e.

5 Q You testified that you could hear people
6 talking outside -- that people were outside of your
7 leadership class, but you could hear them inside your
8 class; correct?

9 A Yes.

10 Q And did that disrupt the teaching in the
11 classroom?

12 A Sometimes when we were having -- well, during
13 the time they were talking -- it was only one time --
14 we were having a formal meeting. And the formal meeting
15 was tabled, not because of that originally, but because
16 the students were saying that they wanted to leave the
17 class because of the tar smell that was coming through.
18 Even though the construction was already finished, you
19 could still smell the tar. The students were saying
20 that they wanted to leave or they were tired of smelling
21 it, and that's a factor of why we tabled that meeting
22 kind of early.

23 Q What other factors?

24 A People talking, lack of concentration. We
25 couldn't concentrate in the formal meeting. Instead of

1 Q Anyone else?

2 A That's it. There was one other one, Dawayne
3 Johnson, but he graduated back in '94. D-a-w-a-y-n-e
4 J-o-h-n-s-o-n.

5 Q You testified that due to the shortened class
6 times at Washington on those days that you had short
7 schedules, that you didn't have time to complete
8 assignments. Do you have a specific recollection of a
9 time that you could not finish an assignment?

10 A You mean the shortened time where we had to
11 come to school at 12:00 o'clock or during the times --

12 Q No. Actually, I think I'm talking about the
13 times that --

14 A Where the schedule was just shortened, but we
15 had a whole day of school?

16 Q Yes.

17 A The reason for that -- like sometimes --
18 especially in my English class, like the teacher -- we
19 get a lot of essays lately. Essays pile up on you on
20 top of each other. And sometimes, like, he would have
21 us to do an outline for an essay and tell us to fill out
22 the outline sheet and finish our first paragraph for our
23 outline sheet or take the outline sheet and complete the
24 first paragraph, and a lot of times I found it difficult
25 to do all of that within those 35 to 45 minutes because

1 of the amount of time that we had in class.
 2 Q How many times did that occur?
 3 A Almost every time, which was about five, ten
 4 times.
 5 Q And did you have a chance to complete that
 6 assignment in a later class?
 7 A Yes.
 8 Q You also testified that teachers did not know
 9 that the time periods had been shortened. Do you recall
 10 that?
 11 A Yes.
 12 Q How do you know that the teachers were not
 13 notified?
 14 A Because -- especially my first period class.
 15 Sometimes the schedule would be shortened in our first
 16 period class. My teacher, she would have like a set of
 17 worksheets or she had something on the board. She would
 18 have an agenda on the board of what we're going to do on
 19 that day or for that period, and there were times when
 20 she would say I didn't even know that the schedule was
 21 going to be shortened. The teachers don't even know.
 22 Q How many times did that happen?
 23 A That happened every time we had a shortened
 24 scheduled. So about five or ten times.
 25 Q So it's your testimony that every time there

1 make sure they would mention -- not before or after
 2 homeroom, but right at the beginning of homeroom, they
 3 would announce that the schedule is going to be changing
 4 or they'd mention what the schedule is going to be for
 5 the day, or as we go through the day, they'd get on the
 6 PA during the class period. They would say students
 7 should be on their way to such and such a period.
 8 Q On the days that you weren't required to come
 9 to school until 12:30 because of the Stafford 9 testing,
 10 how did you become aware of the fact that you didn't
 11 have to come to school until 12:30?
 12 A They had a bulletin put out a week before.
 13 Q Do you recall signing declarations related to
 14 the conditions of the school at Crenshaw for this case?
 15 A Yes.
 16 Q You declared that --
 17 MR. ELIASBERG: Are you going to show him
 18 copies?
 19 MR. FERNOW: No.
 20 MS. VANSE: I have copies if you want to see
 21 them.
 22 MR. ELIASBERG: Let me give you this. Why
 23 don't you take a minute to review. Take your time to
 24 review and read them over, if you would.
 25 MR. FERNOW: In fact, if you just want to focus

1 was a shortened scheduled, the teachers did not know
 2 that a shortened schedule existed?
 3 A Yes. The second period class, the teacher
 4 would say, "What time do we get out of class?" Then I
 5 would take it upon myself to find a schedule. I would
 6 go next door or down the hall to find a schedule for
 7 that teacher because my teacher would lose his agenda.
 8 They have these announcements, and they put them in the
 9 teachers' boxes, and they list the schedule. And
 10 sometimes my teacher would lose it, and he would say, "I
 11 don't know what my schedule is." And I would tell him,
 12 "I'll go find out for you." And I'll come back and
 13 write it on the board, and that's how the students found
 14 out what time class ended.
 15 Q What teacher did you have a recollection of
 16 actually losing that agenda?
 17 A [REDACTED]
 18 Q Anyone else?
 19 A That's it that I know of.
 20 Q How did the students become aware of class
 21 schedules when the Stafford 9 testing for the C track
 22 students was taking place?
 23 A Sometimes during homeroom -- they made
 24 announcements every day. Some days because of the
 25 testing, they would skip the announcements. They would

1 on the one dated January 29, 2001.
 2 MR. ELIASBERG: I gave him the wrong one to
 3 start with. Give him a second.
 4 MR. FERNOW: And I can point you to the
 5 specific area.
 6 MR. ELIASBERG: It's so short. I'll just
 7 assume that he read it over quickly.
 8 BY MR. FERNOW:
 9 Q Have you had a chance to review the
 10 January 29th declaration that you signed?
 11 A Yes.
 12 Q Can you please look at paragraph 4, third
 13 sentence. The third sentence in paragraph 4 states,
 14 "Sometimes we sit on the counters along the side of the
 15 room." Do you see that?
 16 A This is the wrong declaration.
 17 Okay. I found it.
 18 Q You found it?
 19 A Yes.
 20 Q Did you ever have to sit on the counter along
 21 the side of the classroom?
 22 A No. This was for my biology class.
 23 Q Do you know any student who had to sit on the
 24 counter along the side of the room?
 25 A None that I know by name. There were students,

1 but I don't know them by name.

2 Q How many students, if you recall, had to sit on
3 the counters?

4 A There were about two, three students.

5 Q And did these students sit on the counter along
6 the side of the room the entire semester or the entire
7 year?

8 A No. Sometimes it varied. After a few students
9 checked out during the beginning of the first semester,
10 then students no longer sat on the counter because she
11 would tell them they couldn't sit on the counters, and
12 those would be the students who would stand up and take
13 notes and then do their work.

14 MS. VANSE: When students were sitting on the
15 counters, were there also students standing at the same
16 time?

17 THE WITNESS: Yes.

18 BY MR. FERNOW:

19 Q Continuing down on paragraph 4, same line,
20 line 20, actually, it reads, "On two other occasions, it
21 was so uncomfortable standing up in the back of the
22 class, that I didn't take notes at all."

23 Do you have a specific recollection of those
24 two occurrences?

25 A Specific recollection?

1 It smelled like urine a lot of times. It was just
2 like -- it would smell real sour. It was bad.

3 Q And did the smell ever prevent you from using
4 the bathroom?

5 A Yes. That was during the time -- when it
6 especially smelled bad was when I told you about the
7 floor being wet, and I just didn't go in, and it was
8 like -- but the smell was really bad, especially on like
9 hot days because it would smell like real humid. Like
10 in the restroom, the smell would be real heavy. It
11 would smell like humid.

12 Q On how many occasions did you not use the
13 restrooms during your 9th and 10th grade year at
14 Crenshaw because of the smell?

15 A It was only one time that I mentioned.

16 MR. FERNOW: That was all the questions I had.

17 MS. VANSE: I have nothing further.

18 MR. ELIASBERG: I don't either.

19 MS. VANSE: Same stipulation as before?

20 MR. ELIASBERG: That's fine with me. We'll try
21 to get it to you within 15 days. I can't guarantee it,
22 but I'll try as hard as we could.

23 MS. VANSE: Thank you.

24 (The stipulation from the deposition
25 of D'Andre DeVon Lampkin, Volume 1, is

1 Q Yes.

2 A That was during the first semester, and I
3 mentioned to you earlier that's when we did go to the
4 teacher about standing up in class, and her answer was
5 that she was trying to get some students out of the
6 class.

7 Q Did you stop taking notes during class because
8 you were having to stand?

9 A Yes.

10 Q And did you talk to any students about getting
11 their notes from the class?

12 A Yes.

13 Q And who did you get notes from?

14 A I got notes from -- I can't remember her name
15 at the moment. Lashawn Powell, L-a-s-h-a-w-n
16 P-o-w-e-l-l.

17 Q Paragraph 7 on the second page, line 15. Look
18 at paragraph 7, second page, line 15. "The open
19 bathrooms are dirty and smell really bad."

20 On how many occasions did you enter the
21 bathrooms where the smell was really bad?

22 A Almost every time.

23 Q And can you describe for us the smell?

24 A It was sort of like sour, like something went
25 bad, or really, there's no word that I can describe it.

1 incorporated as follows:

2 "MS. VANSE: May we stipulate copies
3 of the documents attached to the
4 deposition may be used as originals?

5 "MS. LHAMON: Yes.

6 "MS. VANSE: May we stipulate that
7 the original of this deposition be
8 signed under penalty of perjury and be
9 delivered to the offices of the ACLU?

10 "MS. LHAMON: Yes.

11 "MS. VANSE: That the reporter is
12 relieved of liability for the original
13 of the deposition;

14 "That the witness will have 15 days
15 from the date of the court reporter's
16 transmittal letter to the ACLU to sign
17 and correct the deposition.

18 "And the ACLU will notify us of any
19 changes up until that time?

20 "MS. LHAMON: That's fine except
21 that we will request that there will be
22 30 days and we will do our best to get
23 it back within 15 days. But because of
24 the boys' work schedule and class
25 schedule and their mothers' work

1 schedule, we would like to have a 30-day
2 time period.

3 "MS. VANSE: I thought it was
4 stipulated that it was going to be an
5 expedited return time.

6 "MS. LHAMON: We will do our best to
7 meet the return time, but we would like
8 to stipulate to 30 days.

9 "MS. VANSE: I'm just not sure if I
10 have that kind of authority. I am not
11 sure of what is in place. I don't know
12 if I can agree to that, but if you need
13 more time, I'm sure we can work it out.

14 "MS. LHAMON: Just so you know, your
15 co-counsel in other depositions have
16 stipulated to 30 days.

17 "MS. VANSE: If that's true, then I
18 have no problem with that.

19 "MS. LHAMON: And we will do our
20 best to get it done in 15.

21 "MS. VANSE: That sounds fair.")
22
23 /
24 /
25

1
2
3
4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken
7 before me at the time and place herein set forth; that
8 any witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that a verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed
18 my name.
19

20 Dated: _____
21
22
23

24 MARIA ELLERSICK
25 CSR No. 10531

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8
9 I, D'ANDRE DE VON LAMPKIN, do hereby declare
10 under penalty of perjury that I have read the foregoing
11 transcript of my deposition; that I have made such
12 corrections as noted herein, in ink, initialed by me, or
13 attached hereto; that my testimony as contained herein,
14 as corrected, is true and correct.

15 EXECUTED this _____ day of _____,
16
17 2001, at _____,
18 (City) (State)
19
20

21 _____
22 D'ANDRE DE VON LAMPKIN
23
24
25