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2 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
3 IN AND FOR THE COUNTY OF SAN FRANCISCO

4 --oOo--

5  
6 WILLIAMS, et al., ) Case No. 312236  
7 Plaintiffs, ) CLASS ACTION  
8 vs. )  
9 STATE OF CALIFORNIA, et al., )  
10 Defendants. )  
11 ----- )

12  
13 DEPOSITION OF  
14 PEDRO MONJE ROBLES

15 -----  
16 January 12, 2002

17  
18 REPORTED BY: DELAINE HALL, CSR 10164 JOB 5-115683  
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22  
23  
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I N D E X

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1 WELCH, Attorney at Law, appeared as counsel on behalf of  
2 the Plaintiffs.  
3 O'MELVENY & MYERS, LLP, 400 South Hope  
4 Street, Los Angeles, California 90071, represented by  
5 STEVEN LACOMBE, Attorney at Law, appeared as counsel on  
6 behalf of the Defendants.  
7 ALSO PRESENT: MARIA YANEZ, Spanish  
8 Interpreter; KATHLEEN DUFFY, Morrison & Foerster  
9 --oOo--  
10 (The questions were put to the witness  
11 in the English language, and the answers  
12 thereto were given by the witness through  
13 the interpreter, Maria Yanez.)  
14 --oOo--  
15 (The interpreter, Maria Yanez, was duly  
16 sworn to translate from the English  
17 language to the Spanish language.)  
18 --oOo--  
19  
20  
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10 )  
11 Defendants. )  
12 \_\_\_\_\_)  
13 --oOo--  
14 BE IT REMEMBERED that, pursuant to Notice,  
15 and on Saturday, January 12, 2002, commencing, at 9:28  
16 a.m., thereof, at 990 Marsh Road, Menlo Park,  
17 California, before me, DELAINE HALL, a Certified  
18 Shorthand Reporter, personally appeared  
19  
20 PEDRO MONJE ROBLES  
21 \_\_\_\_\_  
22 called as a witness by the Defendants, who having been  
23 first duly sworn, was examined and testified as follows:  
24 --oOo--  
25 MORRISON & FOERSTER, LLP, 425 Market Street,  
San Francisco, California 94105, represented by LEECIA

1 January 12, 2002 PROCEEDINGS 9:28 a.m.  
2 EXAMINATION BY MR. LACOMBE  
3 MR. LACOMBE: Q. Good morning.  
4 A. Good morning.  
5 Q. My name is Steven LaCombe. I represent the  
6 State of California.  
7 Would you please state and spell your full  
8 name for the record?  
9 A. Pedro, P-e-d-r-o. The last names too?  
10 Q. Yes, please.  
11 A. Monje, M-o-n-j-e, Robles, R-o-b-l-e-s.  
12 Q. What is the proper way for me to refer to  
13 you? Mr. Monje?  
14 A. As you like.  
15 Q. Fair enough. Pedro?  
16 A. Yes.  
17 Q. Call me Steve.  
18 A. Thank you.  
19 Q. I'm here to take your deposition. Have you  
20 ever had your deposition taken before?  
21 A. No.  
22 Q. I'll ask you a series of questions, and my  
23 questions and your answers will be recorded by the court  
24 reporter. That's Delaine. For the court reporter's  
25 sake and for the translator's, please state your answers

1 clearly. Nods or shakes of the head cannot be recorded  
 2 by the court reporter. Will you do that?  
 3 A. Yes.  
 4 Q. Also, it's hard for the court reporter to get  
 5 a clear record when more than one person is speaking at  
 6 once. I'll do my best to start my questions after you  
 7 finish your answers. Please wait for me to finish my  
 8 questions before you begin your answers. Will you do  
 9 that?  
 10 A. Let's hope to God, yes.  
 11 Q. Please listen carefully to each question.  
 12 Please tell me if you do not understand a question, and  
 13 I will do my best to rephrase.  
 14 A. That's fine.  
 15 Q. Answer the questions to the best of your  
 16 ability. If you do not know the answer, say "I don't  
 17 know." There's no need to guess. However, even if you  
 18 aren't completely certain, I may ask you for your best  
 19 estimate if you have one. Will you do that?  
 20 A. Yes.  
 21 Q. Your testimony today is under oath, so it's  
 22 very important that you respond to each question as  
 23 fully and fairly as you can. Will you do that?  
 24 A. Yes.  
 25 Q. If you need a break, let me know. I'll tell

1 the court reporter to go off the record. Sometimes it  
 2 happens you will give an answer as completely as you can  
 3 and then later on you remember some additional  
 4 information in response to that earlier question or  
 5 perhaps some clarification. If that happens to you,  
 6 Pedro, just tell us that you would like to add something  
 7 to your earlier answer, and we can do that right then  
 8 while it's on your mind. Will you do that?  
 9 A. Yes.  
 10 Q. Everything we say today will be transcribed  
 11 into a booklet for your review and signature. When you  
 12 receive the booklet you can make changes that you feel  
 13 are necessary, however, the various lawyers in the case  
 14 will be free to comment on any changes later on. Does  
 15 that make sense?  
 16 A. Yes.  
 17 Q. Do you understand these ground rules?  
 18 A. Yes.  
 19 Q. Do you have any questions?  
 20 A. No.  
 21 Q. Pedro, have you recently consumed any  
 22 medication, alcohol or any other substance that would  
 23 make it difficult for you to understand or answer my  
 24 questions?  
 25 A. No.

1 Q. Are you sick today?  
 2 A. I don't believe so.  
 3 Q. Is there any reason you can think of why you  
 4 may not be able to answer my questions fully and fairly?  
 5 A. Perhaps a little bit nervousness because this  
 6 is the first time I come to a thing like this.  
 7 Q. I understand. I'm nervous, too, but it  
 8 doesn't affect my ability to ask questions. I hope  
 9 you'll be able to answer them.  
 10 A. That's fine.  
 11 Q. Let's talk a little bit about language at the  
 12 beginning. Is there any language besides Spanish that  
 13 you have any ability in?  
 14 A. I understand a little English.  
 15 Q. Anything besides English?  
 16 A. No.  
 17 Q. How is your English?  
 18 A. Well, I believe that I can just communicate a  
 19 little bit with people a little.  
 20 Q. I understand that you've taken English  
 21 classes at Cesar Chavez.  
 22 A. Yes.  
 23 Q. When did you start those classes?  
 24 A. The classes in English were at the beginning  
 25 of '99. No, not at the beginning of the '99. At the

1 end of '99. But they were stopped because of problems  
 2 with the classrooms. That is why I started learning --  
 3 noticing that there were problems with the schools.  
 4 Q. With Cesar Chavez?  
 5 A. Yes.  
 6 Q. Have you taken any English classes -- have  
 7 you taken any other English classes besides the classes  
 8 you took at Cesar Chavez?  
 9 A. I don't remember what year I was studying in  
 10 English at Redwood City, but I stopped because it was  
 11 too far and I was working.  
 12 Q. Can you estimate about when those classes  
 13 were?  
 14 A. I'm not sure exactly. I'm not sure which  
 15 year it was.  
 16 Q. Was it before you took the classes at Cesar  
 17 Chavez?  
 18 A. Yes.  
 19 Q. How long did you take those classes at  
 20 Redwood City?  
 21 A. For some several months.  
 22 Q. Did you complete the classes?  
 23 A. No.  
 24 Q. Talk about the classes at Cesar Chavez. You  
 25 say they began at the end of '99. Do you know what

1 month they began?  
 2 A. No, not exactly.  
 3 Q. And how long did the classes go?  
 4 A. The classes continued not at Cesar Chavez  
 5 when they ended there because of the problems with the  
 6 classrooms. And since I was looking at the problems, I  
 7 went to this area and there was some groups of older  
 8 people. And that's where I started to get involved.  
 9 Q. If I understand you correctly, the classes  
 10 were originally at Cesar Chavez but they moved to a  
 11 different location; is that correct?  
 12 A. Yes.  
 13 Q. Where at Cesar Chavez? What classroom were  
 14 the English classes held?  
 15 A. The rooms, they are like trailers. They are  
 16 not classrooms.  
 17 MS. WELCH: Portables.  
 18 THE INTERPRETER: Something like that.  
 19 MR. LACOMBE: Q. Were the classes held in  
 20 one classroom at Cesar Chavez?  
 21 A. There were different groups because there  
 22 were different people with different capabilities.  
 23 Q. The classes that you took at Cesar Chavez,  
 24 were they all in one classroom?  
 25 A. For me the classes I took, yes, they were in

1 one classroom. But since the tutors or the teachers  
 2 would not be there, then we would be sent to another  
 3 one.  
 4 Q. Do you remember how many different classrooms  
 5 you had English class in at Cesar Chavez?  
 6 A. Two, seems like two.  
 7 Q. How long were the classes held at Cesar  
 8 Chavez before they were relocated?  
 9 A. When I started going to those classes, the  
 10 classes had already started. And a little bit after I  
 11 went there, they were already having problems. That's  
 12 why they stopped.  
 13 Q. Since the time that you began taking English  
 14 classes at Cesar Chavez until they relocated to a  
 15 different location, how much time was that?  
 16 A. I'm not completely sure when we stopped going  
 17 to the classes. When I found the group where I went I  
 18 heard lot of things that motivated me towards the  
 19 community, and we decided to have a retreat.  
 20 Q. What do you mean by retreat?  
 21 A. Like how to plan how to work with the  
 22 community, to see which are the problems that affect us.  
 23 And we planned it and then we went to our retreat.  
 24 Q. Who is we?  
 25 A. It was the base group from East Palo Alto. I

1 believe it's called Base Community.  
 2 MR. LACOMBE: The witness has opened a black  
 3 binder and looked at a page.  
 4 THE WITNESS: Yes. That's the name of my  
 5 group, the one I'm talking to you about.  
 6 MR. LACOMBE: Q. What did you look at,  
 7 Pedro?  
 8 A. Can I show it to you?  
 9 Q. Please. Appears to be a handwritten note.  
 10 A. Yes, I wrote it.  
 11 Q. When did you write it?  
 12 A. Last night because --  
 13 Q. Because why?  
 14 A. Because I was looking at what I took in the  
 15 retreat, like a movie where you take.  
 16 Q. How did you find out about Base Community?  
 17 A. Because I attend the Catholic church that we  
 18 have in East Palo Alto.  
 19 Q. Is it a church group?  
 20 A. Well, those people work in the group for the  
 21 community.  
 22 Q. Did the retreat concern conditions at Cesar  
 23 Chavez Academy?  
 24 A. Well, since we got so many -- we made so many  
 25 conclusions and we saw that the education is pretty bad.

1 Q. You're referring to the education  
 2 specifically at Cesar Chavez?  
 3 A. All of the schools have education problems,  
 4 but since my children are in that particular school I  
 5 focused myself in Cesar Chavez.  
 6 Q. Were there any other parents of students  
 7 attending Cesar Chavez at that retreat?  
 8 A. I don't remember exactly if there was someone  
 9 else whose children were going to Cesar Chavez or they  
 10 had been there. I don't know.  
 11 Q. Did you ever discuss the conditions at Cesar  
 12 Chavez specifically at that retreat?  
 13 A. Well, we touched on different topics, and we  
 14 knew they didn't listen to us at the school whenever we  
 15 asked for something. And that's why we were working on  
 16 things to do with education.  
 17 Q. Let's return to the subject of the English  
 18 classes that you took at Cesar Chavez.  
 19 MS. WELCH: I'd like to say that I'm not  
 20 going to instruct Mr. Robles not to answer these  
 21 questions, but I do object to the relevancy. And I  
 22 would hope we could finish up this line of questioning  
 23 pretty quickly because I don't see how it's at all  
 24 relevant to his testimony here today.  
 25 THE WITNESS: That's fine.

1 MR. LACOMBE: Q. Did the retreat take place  
2 before the classes relocated from Cesar Chavez to the  
3 other location?  
4 A. The retreat, is my understanding, we had it  
5 in February.  
6 Q. February of 2000?  
7 A. Yes.  
8 Q. And was that before or after the classes  
9 moved from Cesar Chavez?  
10 A. After.  
11 Q. Do you know how long after?  
12 A. Of when we did the retreat?  
13 Q. Yeah. How long before you did the retreat  
14 did the classes move?  
15 A. We continue on with the classes. The  
16 classes, as I said, they stopped at the end of '99.  
17 When the classes stopped, I didn't go to them anymore.  
18 I completely moved away from those classes because I  
19 felt really bad for what they were doing in school.  
20 When we came back from the retreat, we decided to work  
21 on education.  
22 Some of the people took charge of -- some of  
23 the people were in charge of education. Other people  
24 were in charge of to help in immigration, like on how to  
25 help those people who have problems with immigration,

1 like where to send them. And since the thing with the  
2 education was what attracted me, I tried to work on  
3 education and see how we could bring students who would  
4 want to have an education.  
5 Q. What do you mean bring students who would  
6 want an education?  
7 A. Parents who do not know how to introduce  
8 themselves or how to speak with the teachers, like  
9 whenever they ask something to the personnel in the  
10 schools, the schools don't listen to them because they  
11 cannot communicate. And we brought in quite a few  
12 people, thank God.  
13 Q. What people did you bring in?  
14 A. Adults.  
15 Q. Adults from schools?  
16 A. Parents, parents. I mean, at church you meet  
17 people and you have to seek them out to find out what  
18 their necessities are. And communication in English is  
19 what we are lacking most of us, the parents. That's why  
20 I am quite motivated in that and I want to continue  
21 working in that, and I believe that this is going to  
22 help me go on. It's giving me more strength.  
23 Q. Are you still involved with Base Community?  
24 A. Right now we have a relationship. Last year  
25 since we changed the people in the board, because we do

1 that every year, the group is called Community Alliance.  
2 And every year we were going to change so that we could  
3 attract people.  
4 Q. Does that mean you are still associated with  
5 Base Community?  
6 A. I work in different groups, not just that  
7 one. Right now I'm a little -- I moved away a little  
8 bit from that one.  
9 Q. I'm sorry. Is Community Alliance a separate  
10 group from Base Community?  
11 A. Base Community was the one that we went to  
12 the retreat from. And from there, from the retreat, the  
13 group that we made that we decided to have it for our  
14 education we named it Community Alliance.  
15 Q. He's showing us a bag that says "Alianza  
16 Comunitaria."  
17 A. When we had the classes, as I told you  
18 before, we gather quite a bit of people, like about 70  
19 people, adult people. But since there had been problems  
20 before at school and there was someone who works at the  
21 district -- she was teaching classes at Cesar Chavez. I  
22 don't know if it was with children, but she was also  
23 working with adults. She promised the group, the stars,  
24 that she was going to help us to work with the students  
25 and how to work in the classrooms in Cesar Chavez. But

1 everything was quite different.  
2 When we had those people, the students, she  
3 took a group. Then some students started to go with  
4 them and we had two teachers. And those two teachers  
5 were teaching classes to the rest of the students. And  
6 our project started losing students. They started at 70  
7 and they started going down because she was taking them.  
8 Q. Who is she?  
9 A. I don't remember her name exactly, but she  
10 was working at the district. I don't know if she's a  
11 teacher. I saw her some four times.  
12 Q. These 70 people, were these fellow students  
13 in the English classes at Cesar Chavez?  
14 A. Yes. They were the ones we gathered up to  
15 try to assist them in their English classes.  
16 MS. WELCH: Could we take a break? I don't  
17 know if you have another follow-up question. When  
18 you're ready, I'd like to take a break.  
19 MR. LACOMBE: Go ahead.  
20 MS. WELCH: Thanks.  
21 (Recess taken.)  
22 MR. LACOMBE: Q. Ready?  
23 A. Yes.  
24 Q. If you want anything, feel free. We've got  
25 pop and stuff in the pantry.

1 A. Thank you. When I get more nervous I'm going  
2 to go out there and eat.

3 Q. Good. I want to recap some stuff we talked  
4 about earlier. Make sure we're on the same page. I  
5 understand that you took classes in English at Cesar  
6 Chavez at the end of 1999.

7 A. Yes.

8 Q. And there were problems with the classrooms,  
9 so those classes ended.

10 A. That's right.

11 Q. And you stopped taking those English classes  
12 at that time.

13 A. That's right.

14 Q. If I understand you correctly, the English  
15 classes continued at a different location even though  
16 you didn't continue on with them?

17 MS. WELCH: Objection; mischaracterizes  
18 testimony.

19 MR. LACOMBE: Q. Is that correct?

20 A. What do you mean what I said about the  
21 classes? Could you repeat that again, please?

22 MR. LACOMBE: Would you read it back?  
23 (Record read.)

24 MS. WELCH: Same objection.

25 THE WITNESS: Does she have the same what?

1 MS. WELCH: Objection.

2 MR. LACOMBE: Q. Is that correct?

3 A. I believe that part I've already said, we've  
4 already talked about it and that the classes continued.  
5 But perhaps I didn't specify because when they  
6 continued, I stopped going to the classes because they  
7 had already stopped at Cesar Chavez. I believe that's  
8 what I told you. But when they continued on that was  
9 when we pulled out from the group and the classes  
10 continued. That's what -- I stopped going to the  
11 classes because the classes were where I was going in  
12 the group. And that's when they gathered the other  
13 people when they were talking.

14 Q. When the classes continued, that was the 70  
15 people that you pulled out that you talked about before?

16 A. Yes.

17 Q. I understand now, thanks. When you had the  
18 classes at the end of '99 at Cesar Chavez, how often  
19 were the class sessions?

20 A. I remember that it was about two times a  
21 week.

22 Q. Was it at night?

23 A. Yes.

24 Q. Not during school hours?

25 A. No.

1 Q. How long was each class session?

2 A. About two hours.

3 Q. Do you know how many class sessions you  
4 attended?

5 A. Not exactly because it was almost when I just  
6 started going there when they stopped.

7 Q. Do you have an estimate of about how many  
8 weeks you were able to take classes before it stopped?

9 A. Perhaps four.

10 Q. Did you pay for these classes?

11 A. No. Not that I remember, no.

12 Q. What did you learn exactly in those classes?

13 A. In those classes I learned how a teacher  
14 teaches to adult students.

15 Q. Were you learning how to be an English  
16 teacher?

17 A. I learned how a teacher teaches, how a  
18 teacher handles adult people and people from other  
19 cultures. What it is that other cultures have, people  
20 from other countries.

21 Q. Why did you take the classes?

22 A. Because I was interested in learning English.

23 Q. Did your English improve because of the  
24 classes?

25 A. Well, perhaps a word or two.

1 Q. You mentioned earlier that you do speak a  
2 little bit of English.

3 A. Yes. I believe I've made more progress  
4 because I work at the Stanford University, and I  
5 communicate with the students and they also help me out  
6 a little bit.

7 Q. What do you do at Stanford?

8 A. I'm a janitor.

9 Q. How long have you been doing that?

10 A. Nine years as permanent and three -- about  
11 three years that I was temporary.

12 Q. I take it you were temporary before you were  
13 permanent?

14 A. That's right.

15 Q. Under what circumstances do you speak  
16 English?

17 MS. WELCH: Objection; vague.

18 THE WITNESS: I didn't understand the  
19 question.

20 MR. LACOMBE: Q. What occasions do you speak  
21 English?

22 A. What do you mean at what occasions?

23 Q. Any sort of examples in which you use  
24 English.

25 A. To communicate to a student who asks me

1 something or my supervisor.  
 2 Q. Can you read English?  
 3 A. Very little.  
 4 Q. Can you read an English-language newspaper?  
 5 A. I can read, but I don't understand everything  
 6 it says.  
 7 Q. Do you receive any written communications  
 8 from the school that is in English?  
 9 MS. WELCH: Objection; vague as to time.  
 10 THE WITNESS: Papers from the school?  
 11 MR. LACOMBE: Q. Are you asking me?  
 12 A. Yes. For example, papers from what schools?  
 13 Specify what papers?  
 14 Q. Papers from Cesar Chavez, whether it be a  
 15 letter or report card, academic transcript.  
 16 A. Only the ones that we could get would be  
 17 these.  
 18 Q. What are these?  
 19 MS. WELCH: You can let the record reflect  
 20 he's pointing to the documents he provided the State  
 21 today, report cards of his children that are both in  
 22 English and in Spanish.  
 23 MR. LACOMBE: Q. Have you ever received any  
 24 written materials from the school that you were unable  
 25 to understand?

1 A. Well, we hardly get any papers from school.  
 2 If we do, my wife looks at them. She speaks English.  
 3 Q. Do you know if there are any employees at  
 4 Cesar Chavez who speak Spanish?  
 5 A. Employees of what department?  
 6 Q. Of any department.  
 7 A. Well, yes, they do have employees who speak  
 8 Spanish.  
 9 Q. Have you spoken with any of them?  
 10 A. No, not exactly. Having a conversation, no.  
 11 Just hello.  
 12 Q. Do you know if the principal speaks Spanish?  
 13 MS. WELCH: Vague as to time.  
 14 THE WITNESS: No.  
 15 MR. LACOMBE: Q. Have you ever met the  
 16 principal of Cesar Chavez, the current one?  
 17 A. The present time which is the one who is  
 18 there now?  
 19 Q. Yes.  
 20 A. I've seen her at occasions only. I've only  
 21 talked to her a little bit. That's all.  
 22 Q. Did you do anything to prepare for this  
 23 deposition?  
 24 A. Only to think about what you're going to ask  
 25 me.

1 Q. You mentioned that you watched a movie last  
 2 night.  
 3 A. A little bit of it.  
 4 Q. Why did you watch that movie?  
 5 A. Because I had it in the cassette since long  
 6 time ago, and I wanted to see if it was working so I saw  
 7 a little bit of it.  
 8 Q. Did you review any documents to prepare for  
 9 today's deposition?  
 10 A. I've only seen the one I have.  
 11 Q. What one?  
 12 A. Could I show it to you?  
 13 MS. WELCH: You want to show me? Sure.  
 14 MR. LACOMBE: Q. The witness has handed me a  
 15 black binder and has what appears to be the declaration  
 16 of Pedro Monje Robles.  
 17 THE WITNESS: Yes, because I have to have it.  
 18 I have to look at it and put it in there.  
 19 MR. LACOMBE: Q. Okay. And did you read  
 20 this in anticipation of today's deposition?  
 21 A. Last night I perused it.  
 22 MR. LACOMBE: Let me introduce that as an  
 23 exhibit.  
 24 (Whereupon, Deposition Exhibit 1  
 25 was marked for identification.)

1 MR. LACOMBE: Q. Now, on page 2 is that your  
 2 signature?  
 3 A. Yes.  
 4 Q. When was the first time that you saw this  
 5 declaration?  
 6 A. When I saw it?  
 7 Q. Yes.  
 8 A. When it was given to me.  
 9 Q. When was that?  
 10 A. On the 11th of August of 2000.  
 11 Q. I take it, then, you signed this declaration  
 12 the day that you received it for the first time?  
 13 A. I signed it.  
 14 Q. And how did you get the declaration?  
 15 A. Well, they came to my house and I signed it.  
 16 Q. Who was that?  
 17 A. A person. I don't know. I don't remember  
 18 exactly.  
 19 Q. Male or female?  
 20 A. Seems like it was a man.  
 21 Q. Just one?  
 22 A. I believe so, yes.  
 23 Q. Had you seen this person before?  
 24 A. I don't believe so.  
 25 Q. Have you seen him since?

1 A. No, I don't remember.  
 2 Q. Did you read the declaration before you  
 3 signed it?  
 4 A. No. I just looked at it.  
 5 Q. What do you mean looked at it?  
 6 A. Just looked at it. I saw my name, the name  
 7 of my children and then I knew it was coming.  
 8 Q. How did you know it was coming?  
 9 A. Because I had been told.  
 10 Q. By whom?  
 11 A. The person that was going to send it to me.  
 12 Q. The same man who came to your house?  
 13 A. No.  
 14 Q. You mentioned that you perused it last night.  
 15 A. Yes.  
 16 Q. Has there been any time where you've read it  
 17 in full?  
 18 A. Yes, one time.  
 19 Q. When was that?  
 20 A. Last night I saw this part, and before I had  
 21 seen this other one.  
 22 Q. What part did you see last night?  
 23 A. The front.  
 24 Q. What was the other part that you saw?  
 25 A. Where the signature is.

1 Q. Did you have any conversations with anybody  
 2 before you signed the declaration? Let me rephrase the  
 3 question slightly.  
 4 Did you have any conversations with anybody  
 5 after you received the declaration and before you signed  
 6 it?  
 7 MS. WELCH: I'm going to object to the extent  
 8 that his answer would call for attorney-client  
 9 communications and instruct him not to answer any  
 10 questions about conversations he had with his attorneys.  
 11 THE WITNESS: That's right.  
 12 MR. LACOMBE: Q. What's right?  
 13 A. Well, I spoke with --  
 14 MS. WELCH: If he can only answer the  
 15 question by talking about conversations he had with his  
 16 attorneys --  
 17 MR. LACOMBE: He can say whether there was a  
 18 conversation with an attorney.  
 19 THE WITNESS: That's right. I spoke with the  
 20 attorney before.  
 21 MR. LACOMBE: Q. What attorney was that?  
 22 A. I don't remember with my attorney, the one  
 23 that is present here, or the attorneys from before.  
 24 MS. WELCH: I'm not sure I understand.  
 25 THE WITNESS: I spoke with my attorney, the

1 one that I'm with right now.  
 2 MR. LACOMBE: Leecia Welch?  
 3 MS. WELCH: I think that the question has  
 4 become confused. I think you should ask a new question.  
 5 MR. LACOMBE: Q. I'm asking about the time  
 6 when you received the declaration and before you signed  
 7 it. Did you have any conversations with anybody?  
 8 A. Before signing it?  
 9 Q. Yes.  
 10 A. Yes.  
 11 Q. And who was that?  
 12 MS. WELCH: I think this is the part where he  
 13 doesn't remember the name.  
 14 THE WITNESS: I don't remember the name of  
 15 the person.  
 16 MR. LACOMBE: Q. Was this the man who  
 17 brought the declaration?  
 18 A. No, I don't believe so. It was a woman with  
 19 whom I spoke.  
 20 Q. How did you speak with the woman? Over the  
 21 phone?  
 22 A. That's right.  
 23 Q. On the phone, okay. Did she call you?  
 24 A. Yes.  
 25 Q. Do you know who that was?

1 A. The person that works with the attorney.  
 2 MR. LACOMBE: Let me introduce this. This  
 3 will be Exhibit 2, I guess.  
 4 (Whereupon, Deposition Exhibit 2  
 5 was marked for identification.)  
 6 MR. LACOMBE: Q. Have you ever seen this  
 7 document before, Pedro?  
 8 A. What's this one? It's the same one, right,  
 9 the one that's in Spanish.  
 10 Q. You're referring to your declaration?  
 11 A. Yes. It's in English.  
 12 Q. Have you seen this document before?  
 13 A. Yes. But I don't know how to read it, how to  
 14 understand it.  
 15 Q. When did you see it before?  
 16 A. When I received it.  
 17 Q. When was that?  
 18 A. I don't remember exactly.  
 19 Q. Was it after you signed your Spanish-language  
 20 declaration?  
 21 MS. WELCH: Objection; asked and answered.  
 22 When I make my objections, you can still  
 23 answer the question if you understand it.  
 24 Just so that the record is clear, could you  
 25 explain that?



1 THE WITNESS: I don't remember if I -- I  
2 don't remember if it was the same one that came  
3 together.

4 MR. LACOMBE: Q. Do you mean that there was  
5 an English translation of the declaration that you  
6 received at the same time as the Spanish version?

7 A. What I'm referring to is that you're asking  
8 me if I received it when I got that. That's what I  
9 understand.

10 Q. Are you able to understand anything on the  
11 English-language declaration?

12 A. Some.

13 Q. Did you review any other documents besides  
14 the Spanish-language declaration in preparation for  
15 today's deposition?

16 A. No.

17 Q. Without disclosing what was said, have you  
18 met with your attorney in preparation for this  
19 deposition?

20 A. Not to prepare ourselves. I just knew that I  
21 was going to come to the deposition.

22 MS. WELCH: I'm not sure if he understands  
23 your question or if there was an issue with the  
24 translation. I would maybe ask the question a different  
25 way.

1 A. Since the classes ended at Cesar Chavez.

2 Q. You knew about this case since at least that  
3 time?

4 A. I already knew that there were problems, but  
5 I didn't get involved because of work.

6 Q. And have you met with any attorneys involved  
7 in this case, other than Leecia Welch?

8 MS. WELCH: Objection; vague as to  
9 "involved."

10 THE WITNESS: I don't know. I did not have  
11 the great opportunity to know -- to meet the other  
12 attorney, the one for the community.

13 MR. LACOMBE: Q. When was the last time you  
14 met with Leecia Welch prior to today's deposition?

15 A. This week.

16 Q. When was that?

17 A. I don't remember the day.

18 Q. How long did you meet with her?

19 A. Perhaps an hour, an hour and a half.

20 Q. Was that in person?

21 A. Of course.

22 Q. Who was present?

23 A. My wife, me. I don't remember her co-worker.  
24 Kathleen.

25 Q. Anybody else?

1 MR. LACOMBE: Q. Have you met with Leecia  
2 Welch any time prior to today?

3 A. Yes.

4 Q. When was the first time that you met with  
5 Leecia Welch?

6 A. I know her from some time ago. Who worked on  
7 my daughter's case.

8 Q. Is that Kristal?

9 A. Yes.

10 Q. Is that a case that relates to the case that  
11 we're having the deposition on?

12 A. That's right.

13 Q. How many times have you met Leecia Welch, if  
14 you know?

15 A. Well, at some occasions she has come to my  
16 house to speak to my daughter, and I also speak to her.

17 Q. Tell me how you personally got involved in  
18 this case.

19 A. Personally because from the beginning I was  
20 interested in education, ever since I was a child and I  
21 never had it. And now I see that education in my  
22 community is very poor, and that is why here I am in  
23 front of you.

24 Q. When did you decide to personally become  
25 involved in this case?

1 A. My children were there, but they weren't  
2 where we were.

3 Q. They were -- where were you?

4 A. In the living room.

5 Q. You mean your children were in the house?

6 A. Yes.

7 Q. What did you talk about?

8 MS. WELCH: I'm going to object on the basis  
9 of attorney-client communication and instruct the  
10 witness not to answer anything about what we discussed.

11 THE WITNESS: Yes, it was a personal subject.

12 MR. LACOMBE: Q. So you accept your  
13 attorney's instruction not to answer?

14 A. That's right.

15 Q. According to your declaration you have three  
16 school-aged children. And how do you pronounce the name  
17 of your youngest daughter?

18 A. Myra.

19 Q. Okay. Besides Eric, Kristal and Myra, do you  
20 have any other school-aged children?

21 A. Yes.

22 Q. Who are they?

23 A. I have a son who only carries my last name.

24 Excuse me. A child only has the mother's last name  
25 because it belongs to someone else who is not with me.

1 Q. I'm sorry. Does that child live with you?  
 2 A. Yes, a boy.  
 3 Q. How old is he?  
 4 A. He's going on 17.  
 5 Q. Does he attend school?  
 6 A. Yes, high school.  
 7 Q. Where is that?  
 8 A. He goes to Carlmont High School.  
 9 Q. What year in school is he?  
 10 A. He's supposed to have been in tenth but  
 11 supposedly he's in ninth. According to his age he was  
 12 supposed to be in 10th, but something like that, nine  
 13 and ten.  
 14 Q. What is his name?  
 15 A. Julio Cesar Vasquez.  
 16 Q. Do you have any other children?  
 17 A. Eric Monje, Kristal Monje, they are the ones  
 18 that are with me. And Myra. The four of them are with  
 19 me.  
 20 Q. And Eric, Kristal and Myra, are they all  
 21 attending Cesar Chavez presently?  
 22 A. At the present time there's only Myra  
 23 attending Cesar Chavez.  
 24 Q. Are all three presently in school?  
 25 MS. WELCH: Objection; vague.

1 THE WITNESS: Well, supposedly not right now  
 2 they are not in class, but yes, they do attend classes.  
 3 MR. LACOMBE: Q. Besides Carlmont High  
 4 School, what are all the schools that Julio Cesar  
 5 Vasquez has attended since kindergarten?  
 6 A. It is my understanding this child -- I had  
 7 never had him with me. This is a little personal, but  
 8 I'm going to give you a little bit.  
 9 Q. Okay.  
 10 A. His mother has had him since he was in her  
 11 womb. She's always had him with her that I remember. I  
 12 never saw him until about a couple of years ago, thank  
 13 God.  
 14 Q. Do you know what schools he attended?  
 15 A. No.  
 16 Q. What about Eric? What schools has he  
 17 attended since kindergarten?  
 18 A. Cesar Chavez was his school since he was very  
 19 young.  
 20 Q. And since then?  
 21 A. Now it's East Palo Alto High School.  
 22 Q. So if I understand you correctly, Eric has  
 23 attended no other school besides Cesar Chavez and East  
 24 Palo Alto High School?  
 25 A. I remember when I understood that he was

1 going to finish his 8th grade he was going to go on to  
 2 high school, but he had to make credits in order to pass  
 3 the year. And he decided to go to Carlmont High School  
 4 because his dream was to go to Carlmont High School to  
 5 get his credits.  
 6 Q. Was that summer school?  
 7 A. Summer school, excuse me.  
 8 Q. So if I understand you correctly, for the  
 9 summer between the 8th grade at Cesar Chavez and the  
 10 ninth at East Palo Alto he attended summer school at  
 11 Carlmont High School?  
 12 A. He went to Carlmont for school summer school  
 13 because he thought he was going to graduate. But since  
 14 we did not have any specific information as to what  
 15 specific school he was going to go to get his summer  
 16 classes, that is why he took the classes in Carlmont.  
 17 Q. To be clear, it was the summer that he took  
 18 the classes at Carlmont that was the summer between his  
 19 eighth and ninth grade; is that correct?  
 20 MS. WELCH: I'm going to object that that  
 21 mischaracterizes his testimony.  
 22 THE WITNESS: In the eighth grade.  
 23 MR. LACOMBE: Q. And what year in school is  
 24 Eric at now?  
 25 A. Ninth.

1 Q. So this is his first year at East Palo Alto?  
 2 A. Yes.  
 3 Q. And what about Kristal? What schools has she  
 4 attended since kindergarten?  
 5 A. That school, Cesar Chavez and East Palo Alto  
 6 High School.  
 7 Q. Just those two schools?  
 8 A. It seems like it, yes.  
 9 Q. What about Myra? Has she attended any other  
 10 schools besides Cesar Chavez?  
 11 A. Years ago she went to -- I don't remember  
 12 what the name of the -- I don't know what the name of  
 13 the school was, but it's where the high school is right  
 14 now. She attended there. I don't remember what that  
 15 group was called, those classes that she was getting.  
 16 Q. Was this before she started at Cesar Chavez?  
 17 A. No. This is when Cesar Chavez takes children  
 18 to other schools so that they can continue working so  
 19 that they can advance. I believe that's what it is.  
 20 That's what my understanding is.  
 21 Q. You said it was a school located at the site  
 22 of the high school; is that correct?  
 23 A. Yes.  
 24 Q. Which high school?  
 25 A. It's East Palo Alto High School before it

1 was -- I don't remember what the name of the school was  
2 before.

3 Q. Do you know why she attended school at this  
4 other school?

5 A. She was interested in going there. We saw  
6 that she was interested in it and so we allowed her to  
7 do so.

8 Q. How long did she attend that other school?

9 A. I don't remember exactly for how long.

10 Q. Was it for a full school year?

11 A. I don't remember.

12 Q. What grade is Myra in right now?

13 A. Fourth.

14 Q. And besides Cesar Chavez and the other school  
15 that you don't remember the name of, has there been any  
16 other schools that she's attended since kindergarten?

17 A. No. Not that I remember, no.

18 Q. Has your wife ever been to Cesar Chavez?

19 A. Oh, yes, of course.

20 Q. Is there anybody else who lives at your house  
21 who has ever been to Cesar Chavez? This is besides  
22 yourself, your wife and Eric, Kristal and Myra.

23 A. Well, we're the only ones who live in the  
24 house.

25 Q. How far do you live from Cesar Chavez?

1 A. Four, five minutes walking depending on how  
2 fast you walk.

3 Q. And when Eric, Kristal and Myra were  
4 attending Cesar Chavez, did they walk to school?

5 A. Sometimes they walked or we take them.  
6 Depended on the weather.

7 Q. And how long have you lived where you are  
8 presently located?

9 A. About -- just so I don't lie, about some five  
10 years in that same place where we live right now.

11 Q. Generally where did you live before that?

12 A. In [REDACTED]

13 MR. LACOMBE: Why don't we take a break.  
14 (Recess taken.)

15 MR. LACOMBE: Q. You mentioned earlier that  
16 the classroom -- the classes that you were taking at  
17 Cesar Chavez in English ended because there were  
18 problems with the classroom. What were those problems  
19 specifically, if you know?

20 A. I don't have an idea of what the correct or  
21 exact problems were, but I knew that there were problems  
22 with the classrooms and the people who were teaching the  
23 classes.

24 Q. Do you know if these were problems with the  
25 classroom facilities?

1 A. It was the classrooms themselves because they  
2 would put us in one, then the other and then the other  
3 and then the other. And that's why I stopped going  
4 there and that's why a lot of people started leaving.

5 Q. You mentioned before that you personally took  
6 classes in two different classrooms; is that correct?

7 A. Yes, because they would have us going from  
8 one to the other, from here to there, from here to  
9 there.

10 Q. You mentioned that when you attended those  
11 classes because of the conditions of the classrooms you  
12 decided to get involved with this retreat.

13 MS. WELCH: Objection; mischaracterizes his  
14 testimony.

15 THE WITNESS: That's right. It wasn't  
16 exactly because of that.

17 MR. LACOMBE: Q. In your declaration  
18 paragraph 5, lines 19 and 20, on line 20 you say when  
19 you took those English classes that "I was surprised at  
20 the poor condition of the school." Was that the first  
21 time you had been to Cesar Chavez?

22 A. I had gone there before. And when I was  
23 going to those classes in the afternoon, that's when I  
24 saw a lot of graffiti on the walls of the school when I  
25 was going to those classes.

1 Q. You say you were surprised. Why were you  
2 surprised?

3 MS. WELCH: And I just want to say for the  
4 record that the lines are different from the English to  
5 the Spanish, so you might want to clarify the Spanish  
6 lines.

7 MR. LACOMBE: Q. Oh, yes. On the Spanish  
8 declaration I'm referring to line 23 where it says "fui  
9 sorprendido."

10 A. I was surprised because I started looking  
11 around, and I saw things that I had not paid attention  
12 to before.

13 Q. These things in the classroom?

14 A. Inside, outside and you could say everywhere.

15 Q. Have you ever been to Cesar Chavez during  
16 school hours?

17 A. With the children? When the children are in  
18 their classes; is that what you're referring to?

19 Q. Yes.

20 A. When I've gone there to pick up my little  
21 girl, to the office sometimes.

22 Q. Have you ever been in any of the classrooms  
23 during school hours?

24 A. Not exactly inside, at the door because for  
25 me it's bad manners to just go in there at the time when

1 classes are being held and interrupt.  
 2 Q. During the English classes you mentioned that  
 3 you saw graffiti on the walls.  
 4 A. Yes.  
 5 Q. Please describe to me what you saw.  
 6 A. Bad words written, like also the gangs, like  
 7 signs belonging to gangs. That's it. Lots of writing  
 8 with markers and stuff.  
 9 Q. Was this writing in English?  
 10 A. I believe so, yes.  
 11 Q. Did you notice any that was in Spanish?  
 12 A. I don't remember.  
 13 Q. Did you understand the writing?  
 14 A. Like gang signals, the bad words.  
 15 Q. What are all the locations where you saw the  
 16 graffiti?  
 17 A. There was some where they drink water, where  
 18 the trash cans are, on the walls where they took the  
 19 classes. And now I don't know how it is.  
 20 Q. Anywhere else that you saw graffiti besides  
 21 on where they get the water, the trash cans and the  
 22 class walls?  
 23 A. I believe in one of the bathrooms there was  
 24 some when I entered one of the bathrooms.  
 25 Q. Anywhere else?

1 A. Well, that I remember in those areas. I  
 2 didn't want to go looking for any more because maybe I  
 3 would find more.  
 4 Q. In which classrooms did you see graffiti?  
 5 A. In the -- where they were holding English  
 6 classes. I don't remember what it's called. Just like  
 7 those areas that sometimes they move them. They are  
 8 moveable. They don't have coasters or tires.  
 9 MS. WELCH: Portables.  
 10 THE WITNESS: They are not stable.  
 11 MS. WELCH: Portables.  
 12 THE WITNESS: Portables, something like that.  
 13 That's what they call them.  
 14 MR. LACOMBE: Q. Portable classrooms?  
 15 A. That's right.  
 16 Q. You're referring to the classrooms that you  
 17 took English classes in?  
 18 A. Yes, because also the children take classes  
 19 there.  
 20 Q. Your children?  
 21 A. They would take them there too.  
 22 Q. Those were two classrooms?  
 23 A. It seems like it. There are two or three,  
 24 but they are the kind that we mentioned.  
 25 Q. Both or all the classrooms had graffiti in

1 them?  
 2 A. I'm referring to the outside where it's  
 3 visible. Are you referring to the inside or what was  
 4 your question?  
 5 Q. Was there any graffiti on the inside of the  
 6 two or three classrooms that you took English in?  
 7 A. It's outside of the classrooms. In the  
 8 outside where it's visible where everyone can see it.  
 9 Q. To be clear, there was no graffiti on the  
 10 inside of the classrooms?  
 11 A. No, I didn't see any inside. I was referring  
 12 to the walls of the classrooms, but I didn't specify. I  
 13 didn't say inside.  
 14 Q. Have you seen graffiti on the inside of any  
 15 classroom at Cesar Chavez?  
 16 MS. WELCH: Objection; calls for speculation.  
 17 THE WITNESS: I don't remember.  
 18 MR. LACOMBE: Q. Have you ever seen graffiti  
 19 in the interiors of any school buildings at Cesar  
 20 Chavez?  
 21 MS. WELCH: You mean other than what he's  
 22 already testified to?  
 23 MR. LACOMBE: Q. Other than the bathroom.  
 24 A. I don't remember.  
 25 Q. The trash cans that you saw graffiti on, were

1 those outside?  
 2 A. Yes, the big ones.  
 3 Q. And the place where they get the water, I  
 4 assume that's a water fountain?  
 5 A. That's right.  
 6 Q. Those water fountains that had graffiti on it  
 7 that you saw, were those outside?  
 8 A. They are in the hallway where they go by to  
 9 the hall, go to the office or to eat or something like  
 10 that.  
 11 Q. Besides the graffiti that you saw on the  
 12 water fountains, did you see any other graffiti in the  
 13 hallways of Cesar Chavez?  
 14 A. I don't remember if there was more.  
 15 Q. What was the first time that you noticed  
 16 graffiti at Cesar Chavez?  
 17 A. The first time when I started going to take  
 18 the English classes.  
 19 Q. Have you ever noticed that any the graffiti  
 20 that you've seen has been removed?  
 21 A. It seems like one, but if you were like this  
 22 (indicating), you could see it.  
 23 Q. If you were like how?  
 24 A. To stand in front of it and you could still  
 25 identify it.

- 1 Q. Could you tell what had been done to try to  
2 remove the graffiti?  
3 A. Perhaps they tried to cover it up with paint,  
4 or I don't know what, but it looks like they tried to  
5 remove it.  
6 Q. Have you ever seen graffiti at Stanford  
7 University?  
8 A. Yes.  
9 Q. How many times have you seen graffiti at  
10 Stanford?  
11 A. That I remember, one time.  
12 Q. You mentioned that you were a janitor at  
13 Stanford.  
14 A. That's right.  
15 Q. Is it part of your job to remove graffiti if  
16 there is any?  
17 A. If I'm told to. If my supervisor tells me to  
18 do it, I do it. If that is part of my job. If it is  
19 not part of my job, then no.  
20 Q. Have you ever removed graffiti at Stanford  
21 University?  
22 A. That I remember, one time.  
23 Q. What did you do to remove it?  
24 A. A liquid, there's a liquid to remove it.  
25 Q. Did that completely remove the graffiti?

- 1 A. Yes, you remove it and then you repaint.  
2 Q. Did you also repaint at that time?  
3 A. No.  
4 Q. The graffiti at Cesar Chavez can you tell --  
5 for example, sometimes graffiti is with pen, sometimes  
6 with spray paint, markers. What was used for the  
7 graffiti that you've seen at Cesar Chavez?  
8 A. It seems like some was markers and others  
9 were very thin, like pens, or I don't know what.  
10 Q. Have you ever seen any spray paint graffiti  
11 at Cesar Chavez?  
12 A. I don't remember if the one that was on the  
13 trash can was of paint because it was very big.  
14 Q. Besides the one on the trash can, have you  
15 seen any other graffiti that was or may have been by  
16 spray paint?  
17 A. No, I don't believe so. I don't remember  
18 that.  
19 Q. Have you ever seen any graffiti on any of the  
20 tables at Cesar Chavez?  
21 A. I don't remember.  
22 Q. What about on the desks?  
23 A. I don't remember.  
24 Q. What about the chairs?  
25 A. Neither.

- 1 Q. Can you describe to me the graffiti you saw  
2 in the bathroom?  
3 A. I don't remember exactly, but it was like on  
4 the mirror and it said like "fuck."  
5 Q. Was there any other graffiti in the bathroom  
6 that you saw?  
7 A. I don't remember. I just know that they do  
8 not work on the bathrooms when I went in there to  
9 relieve myself.  
10 Q. What time of the day did you go into the  
11 bathroom?  
12 A. It was when we had meetings. We used to have  
13 meetings there to work with the community.  
14 Q. Do you know how many times you went into that  
15 particular bathroom?  
16 A. Several times because we had different --  
17 like every month we had meetings. Sometimes we would go  
18 there, and then sometimes we would go someplace else  
19 that was not Cesar Chavez.  
20 Q. Did you ever go in any other bathrooms, other  
21 than the one that you saw writing on the mirror at Cesar  
22 Chavez?  
23 A. No, only in that one. I believe that was the  
24 only one that was available for us.  
25 Q. Was there any time that you went into the

- 1 bathroom that that writing was not on the mirror?  
2 A. Yes.  
3 Q. When was that?  
4 A. It was before the beginning, I believe, of  
5 one of the meetings.  
6 Q. Was there any time that you entered the  
7 bathroom after you first noticed the writing on the  
8 mirror that it was no longer there?  
9 A. Because the mirror was broken and I don't  
10 know if it is still broken.  
11 Q. How do you know it was broken?  
12 A. I don't know. Like they hit it real hard.  
13 There was a hole like this (indicating).  
14 Q. How big was the hole?  
15 A. Like this (indicating) I believe.  
16 Q. He's making a sign about the size of an  
17 apple?  
18 A. Perhaps.  
19 Q. Was the mirror broken the first time you  
20 noticed the writing on the mirror?  
21 A. Later on when I went back to the meeting, I  
22 found that it was broken.  
23 Q. Do you know if that mirror was ever fixed?  
24 A. I don't know because I have not gone in there  
25 anymore.

1 Q. When was the last time you were in that  
2 bathroom?  
3 A. I don't remember exactly since I went to so  
4 many meetings. I don't remember. I don't know.  
5 Q. Do you have an estimate at all how long ago  
6 it was?  
7 A. I don't know if -- I don't remember if it  
8 was -- might have been last year.  
9 Q. Last year being the 1999-2000 school year --  
10 or sorry. Bad math. 2000-2001.  
11 A. Last year.  
12 Q. You mean last school year?  
13 A. Yes.  
14 Q. After the mirror was broken could you still  
15 read the writing on it?  
16 A. Well, no. It was pieces.  
17 Q. Did you tell any school employees about the  
18 graffiti that you saw?  
19 A. Not employees. I mentioned it to a teacher  
20 or tutor. I don't know what he was, but he was giving  
21 us classes.  
22 Q. The teacher of your English class?  
23 A. To one of them and to another teacher who  
24 belonged to Cesar Chavez.  
25 Q. Which teacher was the one that you talked to

1 who belonged to Cesar Chavez?  
2 A. I don't remember his name, but I asked him  
3 what could be done to take that off and he said "I can't  
4 do anything," because I had thought about having some  
5 kind of relationship with the upper people there to see  
6 if I could either remove it myself or do something to  
7 take it off of there.  
8 Q. Did you suggest to anybody at the school that  
9 they use the liquid to remove the graffiti?  
10 A. I don't remember if I told someone or not.  
11 Q. When you told your English teacher and the  
12 other teacher who works at Cesar Chavez about the  
13 graffiti, was this in Spanish?  
14 A. It seems like one would say in Spanglish  
15 because he also spoke a little bit of Spanish.  
16 Q. The Cesar Chavez teacher you spoke with, was  
17 that one of your children's teachers?  
18 A. It seems like it, yes.  
19 Q. Did you attempt to speak to anybody else who  
20 works at the school about graffiti?  
21 A. I don't remember.  
22 Q. Did either of the two teachers you spoke with  
23 about the graffiti, did they explain why nothing could  
24 be done about the graffiti?  
25 A. No. Perhaps it was not their job. What do I

1 know?  
2 Q. Have you ever seen anybody put graffiti on  
3 the walls at Cesar Chavez?  
4 A. No, no.  
5 Q. In paragraph 5 of your declaration you say  
6 that "allowing graffiti to stay on the school walls sets  
7 a very poor example for our children."  
8 A. To me, yes, I believe so.  
9 Q. What makes you say that?  
10 A. Because if you don't learn from when you're  
11 young and you're looking at that there, then you're just  
12 going to go on thinking this is something you could do  
13 or that it could be done anywhere.  
14 Q. Besides it setting a poor example for the  
15 kids, do you believe that the graffiti on the walls  
16 affects the ability to learn?  
17 MS. WELCH: Objection; vague and calls for  
18 expert testimony.  
19 THE WITNESS: To me, it could be.  
20 MR. LACOMBE: Q. How so?  
21 A. Because if the children continue with that  
22 example and they continue seeing that where are they  
23 going to end up when juvenile hall calls it to their  
24 attention? Or where are they going to be taken?  
25 Q. Do you believe that it affects their ability

1 to do the homework?  
2 MS. WELCH: Objection; calls for speculation,  
3 calls for expert testimony and vague.  
4 THE WITNESS: I can't answer that.  
5 MR. LACOMBE: Q. When you were taking  
6 classes in English at Cesar Chavez, did the graffiti  
7 affect your ability to learn?  
8 MS. WELCH: I have the same objections to  
9 that question.  
10 THE WITNESS: To say one thing, I believe so,  
11 yes.  
12 MR. LACOMBE: Q. How so?  
13 A. Because it made me think that the principals  
14 or the superintendents don't do anything to remedy that  
15 problem.  
16 Q. How did thinking about those things affect  
17 your ability to learn, if at all?  
18 MS. WELCH: Same objections.  
19 THE WITNESS: Because I felt sad, and at the  
20 same time I felt like why do these people not try to  
21 remove that? And to continue thinking that and I still  
22 think that, there was a problem there.  
23 MR. LACOMBE: Q. In paragraph 6 of your  
24 declaration the first sentence says: "Another concern  
25 of mine is that the lights in the classroom don't work

1 the way they should." What do you mean when you say the  
2 lights in the classrooms don't work the way they should?

3 A. Because one light is on and the other light  
4 is off. I mean, the bulbs are out, burnt.

5 Q. Did you observe any other problems with the  
6 lights, other than that some of them were burnt out?

7 A. In one of the classrooms the window was  
8 broken.

9 Q. I'm asking about the lights specifically.  
10 Were there any problems with the lights besides the ones  
11 that were burned out?

12 A. I don't remember.

13 Q. Do you know what kind of lights they were in  
14 the classroom?

15 A. It seems like -- I'm not sure if they were  
16 the long ones.

17 Q. Were they fluorescent lights?

18 A. Perhaps.

19 Q. How many lights have you seen at Cesar Chavez  
20 that don't work?

21 A. Are you referring to in general or only --

22 Q. Let's stick with classrooms.

23 A. Well, in several of them when they do the  
24 open house you go in and you can see that there is one  
25 light missing here and another one over there.

1 A. The edges of the floor, the edges where  
2 you're walking.

3 Q. Besides the classrooms and the hallways, is  
4 there any other place in Cesar Chavez where you've seen  
5 a broken light?

6 A. Yes, only the hallways. The sign that they  
7 have that says "Cesar Chavez," that was broken. The  
8 lights that don't go on, they are burnt. Or I don't  
9 know if they fixed them or not.

10 Q. Were there any broken lights in the classroom  
11 that you took English classes in?

12 A. I don't remember there.

13 Q. Are you aware of any instance where you've  
14 seen a broken light and later you've seen that it's been  
15 fixed or replaced at Cesar Chavez?

16 A. I don't know. It's been some time since I've  
17 been there. I don't know if they've been replaced or  
18 not, but my children do tell me there are lights that do  
19 not go on. My little girl, not my children.

20 Q. When is the last time you've been to Cesar  
21 Chavez?

22 A. I don't remember specifically because I was  
23 going to go work on a group. But since I was very busy,  
24 I could not.

25 Q. When was that?

1 Q. You ever seen a light that wasn't working in  
2 the hallways, in any of the hallways?

3 A. Many of them.

4 Q. Have you seen any lights that aren't working  
5 in any of the bathrooms?

6 A. I don't remember that exactly.

7 Q. Have you been in the library at Cesar Chavez?

8 MS. WELCH: Objection; assumes facts.

9 THE WITNESS: I couldn't respond.

10 MR. LACOMBE: Q. Why not?

11 A. Because I don't remember.

12 Q. Have you ever been in the cafeteria?

13 A. I don't know which is the cafeteria. I  
14 remember we would go to where they would play basketball  
15 and where they hold the graduation.

16 Q. Was that a gymnasium?

17 A. I believe so, a gym. I think so.

18 Q. Did you ever see any lights that weren't  
19 working in the gym?

20 A. I did not pay much attention when I went in  
21 there, but when I went in there it was not well taken  
22 care of.

23 Q. What do you mean by that?

24 A. You could see junk, dirt on the edges.

25 Q. On the edges of what?

1 A. Last year.

2 Q. Do you know if it was in the spring of last  
3 year?

4 A. No, I don't know.

5 Q. When was the first time that you noticed a  
6 broken light at Cesar Chavez?

7 A. When we had the meetings, the groups, the  
8 meetings we had there when we were going to make a group  
9 for One East Palo Alto.

10 Q. When was that?

11 A. Well, we started there. Like I told you, we  
12 would have some meetings there and someplace else, but  
13 we started, it seems like, in 2000. 2000, I believe,  
14 when we had some meetings there.

15 Q. You noticed no broken lights in '99 when you  
16 had your classes in English at Cesar Chavez?

17 MS. WELCH: Objection; mischaracterizes  
18 testimony, asked and answered.

19 THE WITNESS: That's right.

20 MR. LACOMBE: Q. That's right is the answer  
21 to my question?

22 A. What she says. When I started going to the  
23 English classes I had noticed that there were broken  
24 lights. When I started going to the other group I also  
25 noticed it.

1 Q. When was the first time that you noticed a  
2 broken light at Cesar Chavez?  
3 A. When I started seeing that things were  
4 lacking when I started having the English classes.  
5 MS. WELCH: Are you close to a good breaking  
6 point?  
7 MR. LACOMBE: Yeah. Let's go to lunch.  
8 MS. WELCH: Great.  
9 (Lunch recess taken.)  
10 AFTERNOON SESSION  
11 MR. LACOMBE: Q. Now, return to the broken  
12 lights. Did you ever tell anybody at the school that  
13 you had been seeing broken lights? Somebody who works  
14 at the school.  
15 A. I don't remember.  
16 Q. Have you ever seen anybody fall in the  
17 hallways?  
18 A. No.  
19 Q. Have you heard of anybody falling in the  
20 hallways at Cesar Chavez?  
21 A. Not specifically, but -- no.  
22 Q. Have you ever seen a classroom at Cesar  
23 Chavez where there were no lights working at all?  
24 A. No, because I did not have -- I was not  
25 curious enough to go into all the classrooms.

1 Q. Do you believe for any reason there is  
2 classroom at Cesar Chavez where none of the lights work?  
3 MS. WELCH: Objection; calls for speculation.  
4 THE WITNESS: I don't know.  
5 MR. LACOMBE: Q. Have you been in a  
6 classroom at Cesar Chavez where a majority of the lights  
7 do not work?  
8 A. Perhaps there were lights that weren't  
9 working. That's what I remember.  
10 Q. When you've been in a classroom where one or  
11 more lights was not working, did it affect your ability  
12 to see?  
13 A. Perhaps for me, yes, because perhaps for me  
14 to write something, yes.  
15 Q. Has there ever been a time in a classroom at  
16 Cesar Chavez where you were unable to read because of  
17 the broken lights?  
18 A. I'm referring to the classrooms that belong  
19 to the students, not where I was going to the class.  
20 Q. Has there been a time where you've been in a  
21 classroom at Cesar Chavez where you attempted to read  
22 something and have not been able to because of the  
23 broken lights?  
24 A. I didn't have that opportunity because  
25 whenever they had the open house then we would get up

1 close to the blackboard where they do things, or like  
2 things, figures, that they make or paper cuttings,  
3 things like that.  
4 Q. You were able to read everything?  
5 A. No, because I just looked at them. I didn't  
6 read them.  
7 Q. But you were able to see them?  
8 A. Well, yes, you can see them, of course.  
9 Q. Have any of your children had any vision  
10 problems?  
11 MS. WELCH: Objection; vague.  
12 THE WITNESS: I think that's personal.  
13 MR. LACOMBE: Q. Have any of your children  
14 ever complained to you that they cannot read in class  
15 because of broken lights?  
16 A. That I remember, no.  
17 Q. In paragraph 7 of your declaration you  
18 mention broken windows in classrooms.  
19 A. That's right.  
20 Q. Can you describe for me what you saw.  
21 A. A window up high, one of the upper ones, it  
22 was completely shattered.  
23 Q. How many broken windows have you seen at  
24 Cesar Chavez in classrooms?  
25 A. At that time I saw that one and others that

1 didn't work well at -- where? Where they play ball.  
2 Q. You referring to the place that we called the  
3 gymnasium before?  
4 A. Perhaps that's the one, yes.  
5 Q. And you say the windows there did not work  
6 well; is that right?  
7 A. That's right.  
8 Q. What do you mean they didn't work well?  
9 A. Because in the wintertime if they were open,  
10 they didn't close them. When it's hot if one of them is  
11 open, perhaps that's fine. But when it's hot, well, it  
12 gets really hot.  
13 MS. WELCH: Can we take a quick break?  
14 MR. LACOMBE: Okay.  
15 (Recess taken.)  
16 MR. LACOMBE: Q. Besides the upper window  
17 that you saw that was completely shattered, were there  
18 any other windows at Cesar Chavez you saw where the  
19 glass was broken?  
20 A. I don't remember.  
21 Q. As for the upper window that you say is  
22 completely shattered, was the glass of the window still  
23 in the frame?  
24 A. Yes, still there. It was in a lot of pieces,  
25 but it was still there attached.



1 Q. Did you see any pieces of glass on the ground  
2 near that window?

3 A. No. I didn't want to get close to it because  
4 I didn't want to be there in case there was a temblor  
5 and it would fall on me. I just saw it.

6 Q. And this window was in a classroom?

7 MS. WELCH: Objection; asked and answered.

8 THE WITNESS: It seems like it, yes.

9 MR. LACOMBE: Q. In what classroom was it?

10 A. I don't remember.

11 Q. Was it a classroom -- was it one of the  
12 classroom you took your English language classes in?

13 A. No.

14 Q. Do you know if it was a classroom that any of  
15 your children had classes in?

16 A. No, not that I remember, no.

17 Q. When was the first time that you noticed that  
18 that window was shattered?

19 A. I don't remember specifically, but one time I  
20 went there and I looked up and I saw that the window was  
21 broken.

22 Q. Was it day or night?

23 A. In the afternoon.

24 Q. Have you ever seen that window when it was  
25 not shattered?

1 many windows are in the gymnasium, what we call the  
2 gymnasium?

3 A. I haven't the faintest idea.

4 Q. Do you know what is the most number of  
5 windows you've seen open in the gymnasium at any time?

6 A. No, I know that. There were some open. I  
7 don't know how many exactly. I know that there were  
8 some open.

9 Q. In paragraph 7 of your declaration you  
10 mention that broken windows presented danger to the  
11 children. What do you mean by that?

12 A. Well, in that case that one window that is  
13 like there, if there are children in the classroom if at  
14 any time there's a temblor where's all of that glass  
15 going to go to?

16 Q. I assume you're talking about an earthquake  
17 here.

18 A. Well, because that window at any moment if  
19 there was any kind of movement, I believe the glass  
20 would be able to come down.

21 Q. Have you heard of anybody at Cesar Chavez  
22 that has been hurt by a broken window?

23 A. No, I have not and I hope not.

24 Q. Is there anything else you've seen at Cesar  
25 Chavez besides the windows and the lights that was

1 A. No.

2 Q. Did you ever tell anybody who works at the  
3 school about the shattered window?

4 A. No, I don't remember.

5 Q. How many times have you seen that shattered  
6 window?

7 A. Well, at that time I saw it perhaps two  
8 times.

9 Q. When was the last time that you saw it?

10 A. I don't remember exactly when it was.

11 Q. Do you know if anyone else saw the broken  
12 window?

13 MS. WELCH: Objection; calls for speculation.

14 THE WITNESS: I don't know if anyone else.

15 More than one person perhaps saw it. It was in the  
16 classroom.

17 MR. LACOMBE: Q. You also mentioned the  
18 windows that don't work well in the place where they  
19 play ball. Have you ever seen anybody close those  
20 windows?

21 A. No.

22 Q. Has there ever been a time where you've been  
23 in there and all the windows have been shut?

24 A. No, I don't remember.

25 Q. Do you know what is the most number of -- how

1 broken?

2 A. Could you repeat that again, please.

3 (Record read.)

4 THE WITNESS: In one of the hallways, I don't  
5 know exactly which one, one of the lights in the ceiling  
6 it seems like it was broken, the glass was broken. The  
7 glass or -- what is it that you call it? I don't know  
8 if that's glass or it's like a screen from the windows.  
9 I don't know what it was, but it was missing. There was  
10 a part missing there.

11 MR. LACOMBE: Q. When was the first time  
12 that you noticed that?

13 A. Of the light, well, when I went there to the  
14 English classes.

15 Q. This was in late '99?

16 A. That's right.

17 Q. When was the last time that you saw it?

18 A. When I stopped going to school.

19 Q. Did the absence of the screen or whatever it  
20 was, did it affect the ability to see in the hallway?

21 A. Perhaps yes, if the lights weren't working.

22 Q. How so?

23 A. Well, perhaps the lightbulb was burnt out.

24 Q. Was the lightbulb burnt out when you were in  
25 the hallway?

1 A. Well, there are a lot of the lightbulbs in  
2 the hallway that did not have any light.  
3 Q. Specifically the lightbulb that was lacking  
4 whatever it was that it was lacking.  
5 A. I don't remember if it was shining.  
6 Q. Did you complain to anybody who works at the  
7 school about that light?  
8 A. No, I don't believe so.  
9 Q. Does Cesar Chavez -- do you know if Cesar  
10 Chavez has janitors?  
11 A. I've seen one or two people who are working  
12 there, perhaps. I don't know.  
13 Q. Do you know their names?  
14 A. No.  
15 Q. Have you ever spoken with them?  
16 A. Only just hello and that's it and good night.  
17 Q. Have you ever seen them cleaning anything at  
18 the school?  
19 A. I just know that they are there, but I have  
20 not seen them working.  
21 Q. You mentioned earlier that the bathrooms  
22 appear to have not been taken care of; is that correct?  
23 A. Well, from what you can see, the dirt, I  
24 don't know what the maintenance was.  
25 Q. Besides the writing on the mirror that you

1 saw in the bathroom and the dirt, was there anything  
2 else about the bathroom that made you believe that they  
3 were not taken care of?  
4 A. Well, it could be that they are being  
5 maintained, but you cannot see something that is clean.  
6 Q. Have you ever been in the bathroom at Cesar  
7 Chavez where it has appeared that it has been recently  
8 cleaned?  
9 A. Well, that was the only bathroom that we had  
10 access to and the mirror was broken. I don't know the  
11 ones for the students. Those are locked when we would  
12 have our meetings there.  
13 Q. The bathroom that you used when you had your  
14 meetings, was that a student bathroom during school  
15 hours?  
16 MS. WELCH: Objection; calls for speculation.  
17 THE WITNESS: It could be.  
18 MR. LACOMBE: Q. You also mentioned that the  
19 place they play ball in that you saw junk along the  
20 side. How many times did you see junk there?  
21 A. There's two things here: Where they play  
22 ball inside, the inside where they call it gym. I don't  
23 know what it is. And outside where they play ball,  
24 basketball.  
25 Q. In which of those two places did you see the

1 junk and the dirt around the sides?  
2 A. On the outside there was trash. It was  
3 dirty. In the inside you could see that it is clean,  
4 but it's not really clean. It's not clean.  
5 Q. Have you ever seen junk inside the gymnasium?  
6 A. Well, that time they had trash cans. I don't  
7 know whether they brought them outside or not. That one  
8 time they had -- it was from whenever they do their  
9 events.  
10 Q. Have you seen trash cans out in the outside  
11 area where they play ball?  
12 A. I don't remember.  
13 Q. Since your children have attended Cesar  
14 Chavez are you aware of any maintenance that has been  
15 done to the school?  
16 A. I'd like to know like what type of  
17 maintenance. Could you explain to me a little bit or  
18 use another word?  
19 Q. Any kind of work, like mechanical work, on  
20 the air conditioning or work on the roof, painting,  
21 anything like that.  
22 A. And you're talking about since my children  
23 started to attend school there?  
24 Q. Yes.  
25 A. Well, I've just heard that someone who does

1 maintenance works there, but I don't know if they do  
2 anything or not.  
3 Q. Paragraph 3 it says: "I'm very concerned  
4 about my children's progress in school." Why are you  
5 concerned?  
6 A. I am -- well, I've been concerned about  
7 education all the time but more when there are problems  
8 in a school.  
9 Q. What problems are you referring to?  
10 A. Because when one wants to talk to someone who  
11 is in a position, like, for example, a principal or a  
12 superintendent, when you want to ask something,  
13 sometimes they are not there or they don't have time.  
14 Q. Is there anything else that you're concerned  
15 about in your children's progress in school besides your  
16 inability to talk to or reach school officials?  
17 MS. WELCH: Objection; mischaracterizes his  
18 testimony.  
19 THE WITNESS: I can't -- can I answer?  
20 MS. WELCH: Yes.  
21 MR. LACOMBE: Q. Yeah.  
22 A. Could you tell me again, please.  
23 MR. LACOMBE: Go ahead.  
24 (Record read.)  
25 THE WITNESS: For example, just that -- I

1 forgot what you asked me.  
 2 (Record read.)  
 3 THE WITNESS: Well, at that time they didn't  
 4 have their notebooks, their books, special books for  
 5 them to study.  
 6 MR. LACOMBE: Q. Anything else?  
 7 A. The teachers.  
 8 Q. Is that everything?  
 9 MS. WELCH: You mean in addition to what's  
 10 already in his declaration and what he's already  
 11 testified to?  
 12 MR. LACOMBE: Well, in addition to  
 13 communications with school officials and not having  
 14 notebooks and teachers.  
 15 THE WITNESS: Can I take a break? My head  
 16 has gone crazy.  
 17 MR. LACOMBE: Okay.  
 18 (Recess taken.)  
 19 MR. LACOMBE: Q. When we left off there was  
 20 a question pending. And I asked -- let me walk away  
 21 from that question.  
 22 MS. WELCH: He was confused by that. I'll  
 23 represent that he was confused by that question. You  
 24 might want to ask it another way, which sounds like  
 25 you're already going to do. So that's great.

1 MR. LACOMBE: Q. When you say you were  
 2 concerned about your children's progress, what do you  
 3 mean by saying your children's progress in school?  
 4 A. Because they come to their parents and they  
 5 say "the teachers abandon us. They leave. They are  
 6 fired or the principals don't pay attention to us." And  
 7 we as parents they have to listen to us, and sometimes  
 8 they don't listen to us. I believe they have to have  
 9 someone who -- I don't know what this person is  
 10 called -- psychologist so that whenever there's a  
 11 problem they can help the children, of which they do not  
 12 have.  
 13 Q. Are you referring to a counselor?  
 14 A. That's right.  
 15 Q. Are there any counselors at Cesar Chavez?  
 16 A. I was told that -- I believe, no, they did  
 17 not have one.  
 18 Q. Who told you that?  
 19 A. There at the school. It seems like I've  
 20 heard it at the school.  
 21 Q. You mentioned teachers abandon the students.  
 22 What do you mean by that?  
 23 A. Well, if they are fired, they are abandoned.  
 24 To me it means that they are abandoned. And then they  
 25 bring in a substitute who is not going to be the same

1 for the children.  
 2 Q. Have any of your children ever had a teacher  
 3 who was fired in the middle of the school year?  
 4 A. I don't remember, but my little girl I  
 5 believe has been placed in another classroom, or they've  
 6 brought in someone else to substitute because they take  
 7 them away for a while. I don't know exactly.  
 8 Q. Did that happen this year?  
 9 A. No.  
 10 Q. Do you know when it was?  
 11 A. Not specifically, no.  
 12 Q. Have you met any of your children's teachers  
 13 at Cesar Chavez?  
 14 A. I've talked to -- I spoke with the one that  
 15 my daughter has right now, but I don't remember what his  
 16 name is.  
 17 Q. Does he speak Spanish?  
 18 A. I don't know.  
 19 Q. Do you think he's a good teacher?  
 20 A. From what it appears, perhaps. I believe so,  
 21 yes.  
 22 Q. Have any of your children had a teacher at  
 23 Cesar Chavez who you believe was not qualified to teach?  
 24 MS. WELCH: Objection; vague.  
 25 THE WITNESS: I cannot answer that question

1 because I don't remember exactly in concrete things.  
 2 MR. LACOMBE: Q. Are you thinking of a  
 3 particular teacher?  
 4 A. Perhaps, yes, that's right.  
 5 Q. Could it be more than one teacher?  
 6 A. It could be that there are more two three  
 7 four five. It could you be that there's more.  
 8 Q. Are you aware of any teachers at Cesar Chavez  
 9 who completely lack training or education in teaching?  
 10 MS. WELCH: Objection; vague.  
 11 THE WITNESS: It could be that there are  
 12 teachers, because when your son tells you that the  
 13 teachers says "if you don't learn, I don't care," he's  
 14 being paid. I feel bad when a teacher tells that to a  
 15 student.  
 16 MR. LACOMBE: Q. Do you know of any teacher  
 17 who said that to a student at Cesar Chavez?  
 18 A. One of the teachers told that to my son.  
 19 That's why I say it. But I don't remember who, which  
 20 teacher.  
 21 Q. Said that to Eric?  
 22 A. I don't remember to which one of the two it  
 23 was told because they are both in the same grade.  
 24 Q. Are you sure it was at Cesar Chavez?  
 25 A. That's right.

1 Q. In paragraph 4 of your declaration, let's go  
2 to line 19 through 20 of the Spanish one. I think the  
3 translation is a little different. In the Spanish one  
4 it says "Cesar Chavez tiene a muchos maestros con poca  
5 experiencia." And on the English it says "little  
6 training."

7 THE INTERPRETER: Should be little  
8 experience.

9 MR. LACOMBE: Q. What do you mean when you  
10 say that the teachers have little experience?

11 A. How to talk to the students, how to motivate  
12 them so that they could make progress in the studies. I  
13 believe a teacher has to have experience as to how to  
14 treat the children. To me it's like lack of respect  
15 when they say it doesn't matter to me if you don't  
16 learn. To me it means that they have no experience on  
17 how to work with students.

18 Q. In the same sentence it says that the  
19 teachers have little education on how to teach children.  
20 What makes you say that?

21 A. Because if one has sufficient education as to  
22 how to work with the children, the students, perhaps  
23 that person, that teacher, will motivate them or give  
24 them -- to bring up their self-esteem, to boost them and  
25 help them get a better future.

1 A. Because that's how I understand it to be.

2 Q. Did somebody tell you that?

3 A. It seems like it, yes.

4 Q. Do you know who that was?

5 A. Yes.

6 Q. Who was that?

7 A. It's personal. It's a personal thing.

8 Q. Why do you say it's a personal thing?

9 A. Because it's a teacher.

10 Q. A teacher at Cesar Chavez?

11 A. That's right.

12 Q. Besides what a teacher at Cesar Chavez told  
13 you, is there any other reason why Cesar Chavez has more  
14 teachers that lack training than any other school?

15 A. Yes.

16 Q. What is that?

17 A. In the group that we have from the retreat,  
18 people who know more of the community, more of what is  
19 happening, that's also where I heard it.

20 Q. Any person in particular that you're thinking  
21 of?

22 A. We brought it in for a discussion within the  
23 group because we went to see what the necessities were  
24 for East Palo Alto within this group.

25 Q. And during those discussions were Cesar

1 Q. Do you know how much experience any of the  
2 teachers at Cesar Chavez have in teaching?

3 A. No.

4 Q. Do you know how much teacher education any of  
5 the teachers at Cesar Chavez have?

6 MS. WELCH: Objection; vague, calls for  
7 speculation.

8 THE WITNESS: I cannot answer the question  
9 because I don't remember it right now.

10 MR. LACOMBE: Q. Did you used to know how  
11 much teacher education any of the teachers at Cesar  
12 Chavez has had?

13 A. Not exactly.

14 Q. Do you know what is required by law for a  
15 teacher to be qualified to teach in the state of  
16 California?

17 MS. WELCH: Objection; calls for a legal  
18 conclusion.

19 THE WITNESS: I believe I do not have the  
20 faintest idea, but if you tell me.

21 MR. LACOMBE: Q. At the end of paragraph 4,  
22 lines 20 through 21 on the Spanish version, Exhibit 1,  
23 it says that Cesar Chavez has more teachers that lack  
24 training than other schools do. What makes you say  
25 that?

1 Chavez teachers specifically discussed?

2 A. We talked about different types of topics and  
3 we arrived at the conclusion of making different groups  
4 of the necessities that were within our society within  
5 East Palo Alto.

6 Q. What do you mean by different groups?

7 A. For example, we have the group that was where  
8 we got Alianza Comunitaria and the one that was working  
9 as Base Community and Young People for Christ in Church  
10 or Young People in Christ, something like that,  
11 education and there's more around there.

12 Q. You mentioned that one of Myra's teachers  
13 left in the middle of the school year.

14 A. I didn't say it was one of Myra's teachers.  
15 I don't remember having said it was Myra's teacher.

16 Q. I believe it was one of your children's  
17 teachers.

18 A. It was a -- I remember that a teacher, he was  
19 fired. I don't know.

20 Q. Were any of your children in that teacher's  
21 class?

22 A. I believe one of my sons was in one of the  
23 classes that the teacher taught.

24 Q. Do you know which child it was?

25 A. I don't know which one of the two, the two

1 oldest ones. I don't know which one exactly.  
 2 Q. Do you know why that teacher left?  
 3 A. I would like to know also.  
 4 Q. Did you ask anybody?  
 5 A. No. Not that I remember, no.  
 6 Q. Have you ever met the teacher who left?  
 7 A. Yes.  
 8 Q. When did you meet him?  
 9 A. I don't remember exactly, but it seems like  
 10 it was when I went to see something that the children do  
 11 or when you go and they give you the report, show you  
 12 what they are working on, or when they do the open  
 13 house.  
 14 Q. Was that the same year that he left?  
 15 A. I don't remember.  
 16 Q. Do you remember what time of the year it was  
 17 when he left?  
 18 A. No.  
 19 Q. Do you know if it was closer to the end of  
 20 the school year?  
 21 A. I don't know, but if I learn it, I'll send  
 22 you a letter.  
 23 MS. WELCH: I can represent that I'll send  
 24 the letter.  
 25 THE WITNESS: Okay.

1 MR. LACOMBE: Q. Have you heard of any other  
 2 teachers leaving Cesar Chavez?  
 3 A. Yes. But I did not have any relationship  
 4 with them, so I didn't even know who they were.  
 5 Q. Have any of your other children's teachers  
 6 left Cesar Chavez?  
 7 A. What I can tell you is that every year the  
 8 children have different teachers. I don't know.  
 9 Q. You mean your children specifically have  
 10 different teachers every year?  
 11 A. I believe so. They did have different  
 12 teachers.  
 13 Q. After the teacher left during the course of  
 14 the school year, who was teaching the class of one of  
 15 your two older children? Do you know who taught the  
 16 class for the remainder of the year?  
 17 A. No.  
 18 MS. WELCH: I just want to clarify something  
 19 for the record when you asked before if his children had  
 20 different teachers every year, I think that something is  
 21 getting lost in the translation. I know I'm confused if  
 22 you're trying to get at teacher turnover or if you're  
 23 just trying to -- I just think that there may be some  
 24 need for clarification because I think the record is  
 25 going to be pretty blurry on the issue. You might want

1 to point him to his declaration.  
 2 MR. LACOMBE: That's what I was going to do.  
 3 Q. In paragraph 4 in the first sentence it says:  
 4 "Cesar Chavez also does not seem to have teachers that  
 5 stay at the school very long." What do you mean by not  
 6 very long?  
 7 A. That they don't have a contract with them  
 8 perhaps for three years or, who knows, four years.  
 9 Perhaps they are only hired for the period of one year.  
 10 And if the superintendent wants that teacher, then they  
 11 keep him, otherwise they let him go. If the teacher  
 12 sees that he is well received with the principal and the  
 13 superintendents, and instead what they do is they leave.  
 14 Q. What makes you believe that the teachers do  
 15 not stay at Cesar Chavez very long?  
 16 A. Because we've seen the teachers -- you'll see  
 17 them this year and then next year they've disappeared.  
 18 Q. Have any of your children's teachers left  
 19 after one year at Cesar Chavez?  
 20 A. This question is a little confusing to me.  
 21 How is it then in Spanish? I don't understand the  
 22 meaning of it well. After one year, after the one year  
 23 they still continue or then they leave after the one  
 24 year. That's what I don't understand.  
 25 Q. I'm asking if there's -- if any of your

1 children's teachers have taught for a year and have not  
 2 come back the next year.  
 3 A. I don't know exactly if that has occurred,  
 4 but the children sometimes tell me now we have another  
 5 teacher.  
 6 Q. When your children sometimes tell you now  
 7 they have a different teacher, what time of the school  
 8 year is that?  
 9 A. I don't remember.  
 10 Q. Is it at the beginning of the school year?  
 11 MS. WELCH: Objection; asked and answered.  
 12 THE WITNESS: I don't remember.  
 13 MR. LACOMBE: Q. In paragraph 4 from line 16  
 14 to 17 it says that "Cesar Chavez should be able to  
 15 attract teachers that were as good as teachers at any  
 16 other school." What do you think about Cesar Chavez  
 17 makes it an attractive place for teachers to teach at?  
 18 MS. WELCH: Objection; assumes facts and  
 19 lacks foundation.  
 20 THE WITNESS: I believe that if the district  
 21 has money, they have to bring in qualified teachers.  
 22 MR. LACOMBE: Q. Is it your understanding  
 23 that the district pays less to its teachers than other  
 24 districts?  
 25 A. That is my understanding.

1 Q. What do you think, if anything, makes  
2 teachers not want to come to Cesar Chavez?  
3 A. Perhaps money.  
4 MS. WELCH: Calls for speculation.  
5 MR. LACOMBE: Q. Anything else?  
6 A. I've forgotten the question.  
7 (Record read.)  
8 MS. WELCH: Same objection.  
9 THE WITNESS: I can't answer it. Could you  
10 ask me another question?  
11 MR. LACOMBE: Q. All right. The next  
12 sentence in paragraph 4 says: "Cesar Chavez should also  
13 have an environment that will make them want to stay on  
14 as teachers at the school." Do you believe that Cesar  
15 Chavez does not have an environment that makes teachers  
16 want to stay on?  
17 A. Perhaps, yes.  
18 Q. Why do you say that?  
19 A. Because of the -- perhaps the communication  
20 with -- sometimes the parents want to have a  
21 relationship with the teachers and sometimes that  
22 doesn't exist. And they, well, perhaps seem confused in  
23 East Palo Alto.  
24 Q. Are you saying that the fact that the parents  
25 want to have relations with the teachers makes teachers

1 not want to stay on at Cesar Chavez?  
2 MS. WELCH: Objection; mischaracterizes his  
3 testimony.  
4 THE WITNESS: That was not my point.  
5 MR. LACOMBE: Q. Could you explain?  
6 A. That when a parent wants to have a  
7 relationship or starts to have a relationship with the  
8 teachers, sometimes they are let go. Teachers have been  
9 afraid sometimes when they meet with parents who want to  
10 have some type of action, they don't feel comfortable  
11 because they could be fired because they don't have  
12 their credential or, I don't know, union.  
13 Q. What do you believe can be done, if anything,  
14 to change that environment?  
15 A. To work united with the heads of the school  
16 district.  
17 Q. Who do you believe should work united with  
18 the heads of the school district?  
19 A. Them with us and us with them.  
20 Q. You mean the parents?  
21 A. Of course.  
22 Q. Is there any other aspect about the  
23 environment at Cesar Chavez that you believe makes  
24 teachers not want to stay on?  
25 A. I don't know. I don't know it.

1 Q. Are you aware of any ways in which the  
2 education of your children has been affected by the  
3 turnover of teachers?  
4 MS. WELCH: Objection; calls for speculation,  
5 calls for expert testimony.  
6 THE WITNESS: To me personally, yes.  
7 MR. LACOMBE: Q. How?  
8 A. It's like if you had -- you have your house  
9 right now. Tomorrow you don't have it. Where are you  
10 going to go? How are you going to feel? Someone else  
11 new is going to start. And to me that's what affects  
12 them a lot.  
13 Q. Has there ever been a time in which any of  
14 your children at Cesar Chavez has had the same teacher  
15 from one year to the next?  
16 A. I don't remember.  
17 Q. Do you know what an English language learner  
18 program is, also called ELL?  
19 A. Can you tell me that again? It seems like  
20 this is new for me.  
21 Q. Let me ask a different question. Do you know  
22 if Cesar Chavez has any program for students who are  
23 non-native English speakers?  
24 A. I remember -- I don't know if it's the  
25 program called ELAC or something like that.

1 Q. How do you spell ELAC?  
2 MS. WELCH: I think he's talking about  
3 English Language Advisory Committee, ELAC.  
4 THE WITNESS: It seems like that's the one.  
5 I've heard of it only, but I have not been in it  
6 indepth. I participated in the group a little bit  
7 because supposedly they used to say they were going to  
8 give money to that group. Something like that.  
9 MR. LACOMBE: Q. Are you aware of any other  
10 programs at Cesar Chavez for non-native English  
11 speakers?  
12 A. I don't remember because it's just been a  
13 little while since I started to get involved in this  
14 education thing.  
15 Q. Do you know if any of your children's  
16 teachers are specially qualified to teach non-native  
17 English speakers?  
18 MS. WELCH: Objection; calls for speculation.  
19 THE WITNESS: I don't know.  
20 MR. LACOMBE: Q. In paragraph 3 it says:  
21 "Last year I decided to get involved in the school."  
22 What year was that specifically?  
23 A. It seems like it was during the year when I  
24 left the English classes.  
25 Q. Says you began attending parent meetings.

1 A. Yes.  
 2 Q. What are you referring to specifically?  
 3 A. There it was a group that was for the -- I  
 4 can't remember the name. It was the group for Base  
 5 Community.  
 6 Q. Have you attended any other parent meetings  
 7 besides the ones for Base Community?  
 8 A. In this group, Base Community, in that school  
 9 it is like a child care and it's the Montessori school.  
 10 That's where we would have our meetings for Base  
 11 Community, Young People for Christ, Alianza Comunitaria.  
 12 We would discuss the ELAC, the group for ELAC.  
 13 Q. What about ELAC did you discuss?  
 14 A. The district -- I don't know the person who  
 15 was working there at the district. It was an  
 16 administrator or someone, but he wanted parents -- after  
 17 we would have our meetings, then he would call us, one  
 18 or two people, to let us know that the state was going  
 19 to give money. And he wanted us to sign for that group  
 20 for the ELAC. That is what my understanding is.  
 21 Q. When you refer to general meetings, what do  
 22 you mean by that?  
 23 MS. WELCH: In your declaration.  
 24 MR. LACOMBE: Q. In the Spanish language it  
 25 says "reuniones sobre la escuela."

1 A. In the meetings that we would have, we would  
 2 touch on different subjects.  
 3 Q. You're referring to the meetings at school?  
 4 A. The meetings we had in school. We would have  
 5 different types of meetings like I told you at the  
 6 beginning, meetings for One East Palo Alto and the ones  
 7 that I've just mentioned to you. That's why I'm  
 8 confused and I don't know specifically which school  
 9 you're referring to.  
 10 Q. I was asking what your declaration was  
 11 referring to. In your declaration it says: "I began  
 12 attending parent meetings and general meetings  
 13 frequently." What do you mean by "frequently"?  
 14 A. Because this is when we started to have  
 15 different meetings. That's why it was frequently.  
 16 Q. Has the frequency of your attendance at these  
 17 meetings changed since you started?  
 18 A. Of course, yes.  
 19 Q. How so?  
 20 A. Because now we are holding them in longer  
 21 lengths. This is what he's saying. Before we used to  
 22 make them often. I would have to attend to meetings  
 23 with Alianza Comunitaria, or meetings with the CDI,  
 24 OEPA. I would have to run around going from one place  
 25 to the other.

1 Q. What is CDI?  
 2 A. It's an organization. I believe it's  
 3 nonprofit.  
 4 Q. Does it concern education?  
 5 A. According to me, yes, because we would talk  
 6 about subjects that would take you to education, which  
 7 right now we have East Palo Alto High School.  
 8 Q. Do you have any involvement directly with any  
 9 organization associated with Cesar Chavez?  
 10 MS. WELCH: Objection; vague, assumes facts.  
 11 THE WITNESS: I can't answer.  
 12 MR. LACOMBE: Q. Why is that?  
 13 A. Could you tell me that again, please?  
 14 (Record read.)  
 15 THE WITNESS: No, I don't believe so. My  
 16 wife is the one that is involved.  
 17 MR. LACOMBE: Q. Have you ever attended any  
 18 PTA meetings?  
 19 MS. WELCH: In Cesar Chavez? So it's clear.  
 20 THE WITNESS: Yes.  
 21 THE INTERPRETER: That was not yes to your  
 22 question.  
 23 MR. LACOMBE: Q. Have you attended any PTA  
 24 meetings in Cesar Chavez?  
 25 MS. WELCH: Objection; assumes facts, lacks

1 foundation.  
 2 THE WITNESS: I don't know what it is.  
 3 MS. DUFFY: PTA might not be the Spanish  
 4 acronym.  
 5 MR. LACOMBE: Q. Parent teacher association.  
 6 A. I remember I went to a meeting last year to  
 7 Cesar Chavez, but I didn't want to participate in that  
 8 group because I thought about this.  
 9 Q. Thought about what?  
 10 A. In the -- what do you call it?  
 11 MS. WELCH: Lawsuit.  
 12 THE WITNESS: Yes.  
 13 MR. LACOMBE: Q. Why did thinking about the  
 14 lawsuit not want to make you participate in that?  
 15 A. Because I didn't feel like I was competent to  
 16 be there and over here.  
 17 Q. What group was it?  
 18 A. It's a new group that just started forming  
 19 last year, the parents. I don't know if it's the same  
 20 one or -- I don't know, but it was my wife who ended up  
 21 in that group. They wanted me to be there, but I told  
 22 them I couldn't because I'm in here. Many of the other  
 23 meetings where I'm going, it's just a lot of running  
 24 around.  
 25 Q. Is your wife still in that group?

1 A. Yes.  
 2 Q. Do you know what the group does?  
 3 A. They want to make it better with the parents  
 4 and the principals of the schools. I don't know what.  
 5 Q. Are you talking about the relationship  
 6 between the parents and the school?  
 7 A. I believe so, yes, because, well, the  
 8 district has been in a large problem.  
 9 Q. What problem is that?  
 10 A. How the schools are. How the students are.  
 11 All of that is a very serious problem for the community.  
 12 Q. Do you think the group has improved  
 13 conditions at Cesar Chavez?  
 14 A. Perhaps, yes. Or I don't know because it  
 15 just started at the end of last year.  
 16 Q. When you attended the meeting, did you say  
 17 anything to the group during the meeting?  
 18 A. Yes.  
 19 Q. What did you say?  
 20 A. To speak up, not to stay quiet, because if  
 21 one doesn't talk, no one will listen. And no one wanted  
 22 to take charge of the board, so my wife did it. I was  
 23 going to be the vice president there, but then I said I  
 24 have this case here. And then all of the other  
 25 meetings, they don't allow me to do so.

1 Q. Paragraph 8 of your declaration says: "The  
 2 school needs to have better security to make sure people  
 3 don't enter at night." What do you mean by better  
 4 security?  
 5 A. To have their fences fixed up, the doors  
 6 fixed. That way -- or that they should have a schedule  
 7 as to when it's going to be open and what time it's  
 8 going to be closed, because the main entrance was always  
 9 open. Whenever we had our meetings, it was always open.  
 10 What type of security do they have there?  
 11 Q. Why are you concerned about people entering  
 12 the school after night?  
 13 A. Thousands of things could be done -- breaking  
 14 windows, going into the classrooms, writing all over,  
 15 stealing computers. And how are the children going to  
 16 study?  
 17 Q. What do you mean by that, how are the  
 18 children going to study?  
 19 A. Well, if the computers are stolen, where are  
 20 they going to work or do anything there?  
 21 Q. Are you aware of any computers having been  
 22 stolen from the school at night?  
 23 A. Well, there had been rumors that something  
 24 had been stolen there. I don't know exactly in concrete  
 25 what it was.

1 Q. Where did you hear those rumors?  
 2 A. From students.  
 3 Q. Are you aware of any windows that have been  
 4 broken at night?  
 5 A. Not that I'm aware of, but I've heard the  
 6 comment.  
 7 Q. From students?  
 8 A. I don't know. You mean the comments?  
 9 Q. Yeah.  
 10 A. Students.  
 11 Q. You say that the school has a weak chain link  
 12 fence.  
 13 A. It's tore up.  
 14 Q. What do you mean by that?  
 15 A. Well, it's tore up and the kids go in with  
 16 their bicycles. To me, that's weak.  
 17 Q. How tall is the fence?  
 18 A. Perhaps six feet. I don't know.  
 19 Q. What's the biggest hole that you've seen in  
 20 the fence?  
 21 A. Well, it could be lifted from below, and the  
 22 wires is cut like this (indicating).  
 23 Q. Does the fence completely surround the  
 24 school?  
 25 A. This is the fence that is close to the main

1 street that's close to the school.  
 2 Q. Does it encircle the entire school?  
 3 A. On the other side there's homes and then on  
 4 the other one it's like a nursery. I don't know. Then  
 5 next to it is where they take care of children,  
 6 Montessori. And behind Montessori is where they play  
 7 ball, basketball and that.  
 8 Q. How many gates are there on the fence?  
 9 A. That chain link fence has two sheets that  
 10 open. And when they open, they end up separated. You  
 11 can push yourself in and go in because they put a chain  
 12 around it, but one can go in with a bicycle.  
 13 Q. Are there any other gates?  
 14 A. I believe there's the main one over there  
 15 where you enter to go to the parking lot of the school.  
 16 Q. Do you know if there's any additional  
 17 security during school hours?  
 18 A. I don't know.  
 19 Q. Do you know if they have any security guards  
 20 at the school?  
 21 A. I don't believe so. Perhaps janitors are  
 22 working as security guards.  
 23 Q. Do you know if there's any teachers that  
 24 patrol the school grounds?  
 25 A. Up until now, I don't know anything about



1 that.

2 Q. Do you think your children are safe when they  
3 are at school?

4 MS. WELCH: Objection; calls for speculation.

5 THE WITNESS: Safe. Could you specify in  
6 which way? Could you explain to me a little more how  
7 safe?

8 MR. LACOMBE: Q. I'll just move on. How do  
9 you think, if at all, the security of the school can be  
10 improved?

11 A. By fixing what's broken, what's not working  
12 right and by working with the community.

13 Q. What do you mean by working with the  
14 community?

15 A. That the district should have a good  
16 relationship with the parents; that they should listen  
17 and that they should work on positive things for the  
18 community, which are the students, our children, who  
19 need the studies.

20 Q. Do you think another fence needs to be built?

21 A. Perhaps to me, yes. Or I'll leave it up to  
22 you.

23 MR. LACOMBE: Why don't we take a little  
24 break.

25 (Recess taken.)

1 no textbook at all?

2 A. I don't remember.

3 Q. And did -- have your children had any class  
4 where they did have a textbook that they could take  
5 home?

6 A. No, I don't remember.

7 Q. Have you ever seen any of your children's  
8 textbooks from their classes?

9 A. I don't remember.

10 Q. When you said that you're concerned about  
11 your children's progress at school, do you believe that  
12 your children are progressing at school?

13 MS. WELCH: Objection; vague.

14 THE WITNESS: Perhaps now they are  
15 progressing.

16 MR. LACOMBE: Q. Why do you say now?

17 A. Because I see them and they are motivated.

18 Q. Was there a time when your children were not  
19 motivated?

20 A. Of course, yes.

21 Q. What do you mean by "motivated"?

22 A. When I say motivated I mean when you pay --  
23 when you interested in studying because you see  
24 something that is positive. You see that you're going  
25 to have something good or you're having something

1 MR. LACOMBE: Q. Earlier when we were  
2 talking about ways in which you were concerned about  
3 your children's progress in school you said that there  
4 was a time where the students didn't have their  
5 notebooks or special books.

6 A. That's right.

7 Q. What do you mean by that?

8 MS. WELCH: Object to the extent that

9 mischaracterizes earlier testimony.

10 THE WITNESS: That's what I heard from my  
11 children.

12 MR. LACOMBE: Q. What notebooks do you mean?

13 A. Books where they study, they have to leave  
14 them behind in school.

15 Q. What do you mean by special books?

16 A. Well, if you are studying science, you have  
17 to have your book with you, and I believe they only had  
18 that one in school.

19 Q. Was this true for your children in their  
20 classes?

21 MS. WELCH: Objection; vague.

22 THE WITNESS: Well, that is how I understood  
23 it from them.

24 MR. LACOMBE: Q. Do you know if any of your  
25 children ever had a class at Cesar Chavez where they had

1 better.

2 Q. When do you think your children became  
3 motivated?

4 A. Last year.

5 Q. Why do you believe that your children were  
6 not motivated before last year?

7 MS. WELCH: Objection; mischaracterizes his  
8 testimony.

9 THE WITNESS: Well, could you imagine how I  
10 would feel when a principal -- a principal, the  
11 superintendent, they don't listen to us when we go  
12 looking for assistance? How does a student feel when he  
13 is not heard?

14 MR. LACOMBE: Q. What do you think changed,  
15 if anything, to cause your children to become motivated?

16 MS. WELCH: Object to the extent this  
17 mischaracterizes his testimony.

18 THE WITNESS: To work a lot, it costs a lot.  
19 I worked so much with them and I continue working. I  
20 didn't just leave them to the district.

21 MR. LACOMBE: Q. What do you mean you worked  
22 with them?

23 A. To motivate them for their future. What  
24 happened, happened. You're never going to recover that.  
25 We have to work, to go on, ask God for strength and to

1 change their mentality.  
 2 Q. Do you consider your children to be good  
 3 students?  
 4 MS. WELCH: Objection; vague.  
 5 THE WITNESS: I don't say that they are  
 6 number one, but they are showing me more than what they  
 7 had shown me before.  
 8 MR. LACOMBE: Q. How are they showing you?  
 9 A. Grades, communication which before was  
 10 different.  
 11 Q. To your knowledge have any of your children  
 12 been disciplined for missing school?  
 13 A. Disciplined, what do you mean with that?  
 14 What's the meaning of that, discipline?  
 15 Q. Any kind of school discipline.  
 16 A. I don't know what discipline means in  
 17 Spanish.  
 18 Q. Punishment.  
 19 A. I don't remember.  
 20 Q. Have any of them ever been disciplined for  
 21 missing classes?  
 22 A. I don't remember.  
 23 Q. To your knowledge have any of your children  
 24 ever been disciplined for disrupting class?  
 25 MS. WELCH: Objection; I think that question

1 exceeds the scope of the parties' agreement in terms of  
 2 what is permissible.  
 3 MR. LACOMBE: My understanding that as long  
 4 as it's referring only to disruption during class time.  
 5 MS. WELCH: What we've agreed to is that, and  
 6 what the protective order says is that questions  
 7 regarding discipline for missing school or missing class  
 8 or tardiness are permissible, but anything outside of  
 9 those areas we've consistently been instructing clients  
 10 not to answer.  
 11 MR. LACOMBE: Are you going to instruct him  
 12 not to answer now?  
 13 MS. WELCH: Yeah.  
 14 THE WITNESS: I don't know.  
 15 MR. LACOMBE: Q. Since the time your  
 16 children have been attending Cesar Chavez, has there  
 17 ever been a time when they weren't attending school when  
 18 school was in session?  
 19 A. Perhaps sometimes due to illness or personal  
 20 problems.  
 21 Q. Why did you join this lawsuit?  
 22 A. Because I saw the necessity our children were  
 23 suffering the consequences for which, and that the  
 24 district was not paying attention to the community.  
 25 Q. What do you hope to achieve by participating

1 in this lawsuit?  
 2 MS. WELCH: Object to the extent it calls for  
 3 a legal conclusion.  
 4 THE WITNESS: That the district gets better,  
 5 that the schools get better, the education.  
 6 MR. LACOMBE: Q. Are there any ways in which  
 7 you hope that Cesar Chavez improves, other than the  
 8 topics we've already discussed today?  
 9 A. Perhaps, yes.  
 10 Q. What are those?  
 11 A. That there's a new change in the district.  
 12 Q. Anything else?  
 13 A. So that the education gets better, that they  
 14 improve education.  
 15 Q. What about the education specifically to  
 16 improve?  
 17 A. To have teachers, good principals who know  
 18 how to understand the necessities of the parents and the  
 19 students' necessities.  
 20 Q. Do you think that the current principal at  
 21 Cesar Chavez is not a good principal?  
 22 MS. WELCH: Objection; vague as to "good."  
 23 THE WITNESS: I don't know. Just starting.  
 24 MR. LACOMBE: Q. What changes in the  
 25 district are you referring to?

1 A. Well, that the people who are up above who  
 2 control where the money is going to go, that something  
 3 has to -- I believe that they have to monitor these  
 4 people and not leave them with the money.  
 5 Q. Monitor for what?  
 6 A. So that they know of the progress that's  
 7 being made and what they do in the community, what are  
 8 the students grades, many things that there are.  
 9 Q. Is it your understanding that the district is  
 10 not currently doing such monitoring?  
 11 A. As of now I don't know because this is a new  
 12 year.  
 13 Q. Do you think that in previous years the  
 14 district has not been doing such monitoring?  
 15 A. From what I saw before the school was falling  
 16 down, there were holes here, holes there, spoiled food  
 17 that the children get there. I don't understand it.  
 18 What is the principal's responsibility or the  
 19 superintendent's?  
 20 Q. Have you seen spoiled food at Cesar Chavez?  
 21 A. Not me with my own eyes. I have not seen it.  
 22 But if I saw it, I would call wherever you have to call  
 23 so that they could go there immediately.  
 24 Q. Do you think there are any good qualities to  
 25 Cesar Chavez?

1 MS. WELCH: Objection; vague.  
 2 THE WITNESS: I don't know.  
 3 MR. LACOMBE: Q. Do you believe the  
 4 conditions at Cesar Chavez have improved over the time  
 5 your children have been attending the school?  
 6 MS. WELCH: Objection; vague as to time.  
 7 THE WITNESS: At what time are you referring  
 8 to?  
 9 MR. LACOMBE: Q. Over the time that your  
 10 children have attended Cesar Chavez?  
 11 MS. WELCH: Same objection.  
 12 THE WITNESS: Could you tell me the question  
 13 again?  
 14 (Record read.)  
 15 THE WITNESS: They were going there -- at  
 16 that time when the three of them were there?  
 17 MR. LACOMBE: Q. Over the time that any --  
 18 that you've had any child attending the school.  
 19 MS. WELCH: Vague.  
 20 THE WITNESS: No, I don't know it  
 21 specifically.  
 22 MR. LACOMBE: Q. Since 1999 when you took  
 23 the English classes, do you believe that conditions at  
 24 Cesar Chavez have improved since then?  
 25 MS. WELCH: Objection; same objection.

1 THE WITNESS: I don't know because there's a  
 2 new principal, so perhaps they are making new changes,  
 3 perhaps.  
 4 MR. LACOMBE: Q. How do you think that the  
 5 quality of East Palo Alto High School compares to Cesar  
 6 Chavez?  
 7 MS. WELCH: Vague as to "quality."  
 8 THE WITNESS: I'm confused on this question.  
 9 MR. LACOMBE: Q. We've discussed a variety  
 10 of conditions at Cesar Chavez such as the facilities,  
 11 teachers, et cetera. How do those conditions at East  
 12 Palo Alto compare to those at Cesar Chavez?  
 13 MS. WELCH: East Palo Alto High School?  
 14 THE WITNESS: Are you referring to the  
 15 community or East Palo Alto High School?  
 16 MR. LACOMBE: East Palo Alto High School.  
 17 THE WITNESS: Now I got it. I was completely  
 18 lost. Now could you repeat that again, please?  
 19 (Record read.)  
 20 THE WITNESS: Now I understand. Well, East  
 21 Palo Alto High School, we understand that it's the first  
 22 year.  
 23 MR. LACOMBE: Q. The first year of the high  
 24 school?  
 25 A. Yes. For me personally it was success. It's

1 a success.  
 2 Q. You mean the school is a success?  
 3 A. For me. For me it has been a success, the  
 4 school.  
 5 Q. Why do you say that?  
 6 A. Because as a community we fought to have it.  
 7 Q. How does the quality of the facilities at  
 8 East Palo Alto compare to those at Cesar Chavez High  
 9 School?  
 10 A. Well, I'm not saying that it's brilliant or  
 11 very poor, but I know that we are working together in  
 12 school. In the elementary schools we are working  
 13 together. We didn't have this relationship.  
 14 Q. When you say "work together," you're  
 15 referring to the parents working together with the  
 16 school?  
 17 A. I'm referring to when I say working together,  
 18 to organize things, for example, things that are  
 19 lacking, to clean, to put in benches, to help move  
 20 furniture around. We are more like a family.  
 21 Q. In your observation is East Palo Alto High  
 22 School cleaner than Cesar Chavez?  
 23 A. Well, I believe so since it's new. It's just  
 24 organizing.  
 25 Q. Have you ever seen graffiti at East Palo Alto

1 High School?  
 2 A. I don't remember having seen graffiti in East  
 3 Palo Alto, but there are wooden benches that were  
 4 written on, and before they moved them we cleaned them  
 5 all. We sand them down with a machine.  
 6 Q. You say "we." Do you mean that you  
 7 participated in sanding down the benches?  
 8 A. That's right.  
 9 Q. Aside from the writing that was on the  
 10 benches, have you seen any other graffiti at East Palo  
 11 Alto High?  
 12 A. Not that I remember. I haven't seen any.  
 13 Q. What about broken windows?  
 14 A. Neither I have not seen them. I haven't paid  
 15 attention.  
 16 Q. How do the quality of the teachers compare at  
 17 East Palo Alto High to Cesar Chavez?  
 18 MS. WELCH: Objection; vague, calls for  
 19 speculation.  
 20 THE WITNESS: I believe for me this is a  
 21 little bit more personal.  
 22 MR. LACOMBE: Q. Why do you say that?  
 23 A. Because that's how I feel it.  
 24 Q. What do you mean by its being personal?  
 25 A. Because I believe I don't have the

1 authorization of talking about the teachers who are  
 2 there.  
 3 Q. Do you know how the level of teaching  
 4 experience of the teachers at East Palo Alto High  
 5 compares to that of the teachers at Cesar Chavez?  
 6 A. I don't have the correct word to say it. I  
 7 don't know.  
 8 MR. LACOMBE: I think I'm done.  
 9 MS. WELCH: Can we take a quick break?  
 10 (Recess taken.)  
 11 EXAMINATION BY MS. WELCH  
 12 MS. WELCH: Q. I just have a couple of  
 13 questions.  
 14 Do you understand that it's normal for  
 15 students to be assigned new teachers at the beginning of  
 16 a school year?  
 17 A. Yes.  
 18 Q. Do you think that's a problem?  
 19 A. No.  
 20 Q. Is there anything else that you haven't  
 21 testified about that you would like to say on the  
 22 record?  
 23 A. Yes. I would like to say that if the state  
 24 or to whom we are -- what do you call it? the  
 25 proposition -- or what is it? a proposition, that if

1 they can or they have or that they send people to the  
 2 school so that once in awhile they check the food two,  
 3 three times per year to see what type of food they are  
 4 providing our children, but that they are not told, they  
 5 are not forewarned telling them we're going to be there  
 6 such a day. Because then that's just like telling them  
 7 clean up because we're going to be there. That's one.  
 8 I remember something. I don't know if you  
 9 guys were talking about lice. One day I felt sad. My  
 10 daughter, the youngest one, I don't remember which one,  
 11 had them. Someone came and was cutting her hair and  
 12 didn't tell us until later. I felt really bad because  
 13 this person was doing that. Perhaps I would like also  
 14 that these people be told about it so that they do not  
 15 act that way because my little girl was sad.  
 16 And I hope that they listen to us because I  
 17 believe this is a responsibility since they are the ones  
 18 who hold the money so that they know what it is that is  
 19 happening with their money. And I hope personally that  
 20 all of this changes and I hope to progress even more on  
 21 what I'm working because I want to continue working with  
 22 my community. And for God to help us all. That's all.  
 23 MR. LACOMBE: All done?  
 24 MS. WELCH: I'm done.  
 25 MR. LACOMBE: Stipulations?

1 MS. WELCH: Sure.  
 2 MR. LACOMBE: 30 days?  
 3 MS. WELCH: 30 days is fine.  
 4 MR. LACOMBE: And to you?  
 5 MS. WELCH: Yes, please.  
 6 MR. LACOMBE: May we stipulate that copies of  
 7 the documents attached to the deposition may be used as  
 8 originals?  
 9 MS. WELCH: Yes.  
 10 MR. LACOMBE: May we stipulate that the  
 11 original of this deposition be signed under penalty of  
 12 perjury; that the original be delivered to the office of  
 13 Leecia Welch at Morrison & Foerster; that the reporter  
 14 is relieved of liability for the original of the  
 15 deposition; that the witness has 30 days from the date  
 16 of the court reporter's transmittal letter to Ms. Welch  
 17 to sign and correct the deposition. Ms. Welch shall  
 18 notify all parties in writing of any changes in the  
 19 deposition and what they are, if there are any. If  
 20 there are no such changes communicated or signature  
 21 within that time that any unsigned or uncorrected copy  
 22 may be used for all purposes as if signed and corrected.  
 23 MS. WELCH: Yes to all of those things.  
 24 --oOo--  
 25 (Whereupon, the deposition was

1 adjourned at 5:05 p.m.)  
 2 --oOo--  
 3  
 4 I declare under penalty of perjury that the  
 5 foregoing is true and correct. Subscribed at  
 6 \_\_\_\_\_, California, this \_\_\_\_\_ day of  
 7 \_\_\_\_\_, 2002.  
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 12 Signature of Witness  
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CERTIFICATE OF REPORTER

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I, DELAINE HALL, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: January 21, 2002

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DELAINE HALL, CSR 10164