

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor, )  
by Sweetie Williams, his )  
guardian ad litem, et al., )

Plaintiffs, )

vs. )

Case No. 312236

STATE OF CALIFORNIA; DELAINE )  
EASTIN, State Superintendent )  
of Public Education; STATE )  
DEPARTMENT OF EDUCATION; )  
STATE BOARD OF EDUCATION, )

Defendants. )

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DEPOSITION OF KRYSTAL RUIZ  
Menlo Park, California  
Saturday, June 9, 2001  
Volume 2

Reported by:  
THERESA A. DARNELL

CSR No. 9966

JOB No. 848640

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 2 COUNTY OF SAN FRANCISCO  
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 4 ELIEZER WILLIAMS, a minor, )  
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 vs. ) Case No. 312236  
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 STATE OF CALIFORNIA; DELAINE )  
 EASTIN, State Superintendent )  
 9 of Public Education; STATE )  
 DEPARTMENT OF EDUCATION; )  
 10 STATE BOARD OF EDUCATION, )  
 11 )  
 Defendants. )

12  
 13 Deposition of KRYSTAL RUIZ, Volume 2,  
 14 taken on behalf of Defendants, at 990 Marsh  
 15 Road, Menlo Park, California, beginning at  
 16 9:56 a.m. and ending at 3:13 p.m. on Saturday,  
 17 June 9, 2001, before THERESA A. DARNELL,  
 18 Certified Shorthand Reporter No. 9966.  
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 20  
 21  
 22  
 23  
 24  
 25

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 (no appearance)  
 19  
 20  
 21 Also Present:  
 22 Martha and Myra Monje  
 23  
 24  
 25

1 Menlo Park, California, Saturday, June 9, 2001  
 2 9:56 a.m. - 3:13 p.m.  
 3  
 4 KRYSTAL RUIZ,  
 5 having been first duly sworn, was examined and testified  
 6 as follows:  
 7  
 8 EXAMINATION  
 9  
 10 BY MS. KOURY:  
 11 Q Good morning, Miss Ruiz.  
 12 A Good morning.  
 13 Q This is the second part of your deposition, but  
 14 I just want to go over some of ground rules to refresh  
 15 your recollection.  
 16 Do you recall what we discussed that you're  
 17 under oath and, therefore, it's your obligation to say  
 18 the truth as if you were testifying in a court of law?  
 19 A Yes.  
 20 Q And you understand that the court reporter  
 21 cannot record nods of the head or shakes of the head, so  
 22 you need to verbalize your answers with a yes or a no.  
 23 Do you understand that?  
 24 A Yes.  
 25 Q And do you remember that we discussed that I'm

1 entitled to your best ability to answer the questions.  
 2 So if you could, give me your best estimate as opposed  
 3 to guessing. Do you understand that?  
 4 A Yes.  
 5 Q And is there any reason why you can't give your  
 6 best testimony today?  
 7 A (No audible response.)  
 8 Q Have you consumed any medication or alcohol or  
 9 any our substance that would make you unable to answer  
 10 these questions?  
 11 A No.  
 12 Q Is there any other reason why you can't testify  
 13 today?  
 14 A No.  
 15 Q On May 19th, when we had the first part of your  
 16 deposition, we were discussing some of the classes that  
 17 you took, and you had told me about your language arts  
 18 class with [REDACTED]. And you said that you had to  
 19 share your language book in that class. Do you recall  
 20 that class?  
 21 A Yeah.  
 22 Q Do you remember the name of that language book  
 23 that you had to share in [REDACTED] class?  
 24 A I don't quite remember it, but I remember the  
 25 word "language," but I don't know what the rest of the

1 words --  
 2 Q Do you know if it's called Literature of  
 3 Language?  
 4 A Because we have two, and one of them is  
 5 Literature.  
 6 Q And that one you don't share in class, and  
 7 you're able to take it home?  
 8 A Yeah.  
 9 Q But the language book, which you don't remember  
 10 the name of, you have to share in class?  
 11 A Yeah.  
 12 Q Do you still have to share it in class now?  
 13 A No, because we do not use it.  
 14 Q When's the last time you used it?  
 15 A I don't remember.  
 16 Q Did you use it this past week?  
 17 A No.  
 18 Q Did you use it last week -- the week before  
 19 that? I'm sorry.  
 20 A I don't remember.  
 21 Q The last time you used it, do you remember if  
 22 you had to share a book?  
 23 A Yeah.  
 24 Q So you did have to share a book the last time  
 25 you used it?

1 A Yeah.  
 2 Q And you had discussed the social studies class,  
 3 and you indicated to me that you had a textbook in that  
 4 class that you used about twice a week. And you said  
 5 you had your own book in that class.  
 6 Does that mean you did not share a book in the  
 7 social studies class in the 7th grade?  
 8 A No.  
 9 Q No, you did not share?  
 10 MS. WELCH: Objection, vague.  
 11 BY MS. KOURY:  
 12 Q Did you ever have to share a book in your 7th  
 13 grade social studies class?  
 14 A Yeah, sometimes we did. It depends on how many  
 15 students came that day.  
 16 Q And do you know why that was?  
 17 MS. WELCH: Objection, calls for speculation.  
 18 THE WITNESS: I really don't know.  
 19 BY MS. KOURY:  
 20 Q Do you know if [REDACTED] ever said anything  
 21 about having to share books?  
 22 A That, I can remember, no.  
 23 Q Do you remember how many times you had to share  
 24 a book in [REDACTED] class for social studies?  
 25 A That I remember, only one time.

1 Q Did you personally share a book with someone  
 2 else, or did you see two other students sharing a book  
 3 that time?  
 4 A No. Somebody was sharing a book with me.  
 5 Q Do you know why that person was sharing a book  
 6 with you?  
 7 MS. WELCH: Objection, calls for speculation.  
 8 THE WITNESS: I asked him if I could share the book  
 9 so that we -- because we didn't really understand it,  
 10 and so if that person knew something and I didn't, that  
 11 way they could tell us.  
 12 BY MS. KOURY:  
 13 Q Do you know if there were enough books in the  
 14 class for you to have your own book?  
 15 MS. WELCH: Objection, calls for speculation.  
 16 THE WITNESS: I'm sure there was.  
 17 BY MS. KOURY:  
 18 Q So you wanted to share a book in that class?  
 19 A Yeah.  
 20 Q Did you ask [REDACTED] for permission to  
 21 share a book?  
 22 A Yeah.  
 23 Q And he said it was okay?  
 24 A Uh-huh.  
 25 Q Is that yes?

1 A Yeah.  
 2 Q Okay. Other than this one time we've just been  
 3 discussing, did you ever see any other students sharing  
 4 books in [REDACTED] class in social studies?  
 5 A Not that I can remember.  
 6 Q Your 7th grade language arts class, [REDACTED]  
 7 [REDACTED] was your teacher; is that correct?  
 8 A Yeah.  
 9 Q Was he a good teacher?  
 10 MS. WELCH: Objection, asked and answered.  
 11 THE WITNESS: Yeah.  
 12 MS. KOURY: For the record, it has not been asked.  
 13 We discussed [REDACTED] as a social studies teacher  
 14 but not as a language arts.  
 15 BY MS. KOURY:  
 16 Q Go ahead.  
 17 A Yeah.  
 18 Q Why do you think he was a good teacher for  
 19 language arts in 7th grade?  
 20 A He let us work in groups with a pair, and we  
 21 would do DOWL.  
 22 Q What's that?  
 23 A Doing oral writing, I think it was language.  
 24 Q What does that DOWL do?  
 25 A He would like write a sentence or a paragraph,

1 and we have to correct it.  
 2 Q How often did you do that?  
 3 A Every day.  
 4 Q Did you have a book in this class?  
 5 A I don't remember.  
 6 Q Do you remember whether you had homework in  
 7 this class?  
 8 A I don't remember either.  
 9 Q Do you remember if you ever had any tests in  
 10 this class?  
 11 A I can't remember.  
 12 Q Do you remember what grade you got in this  
 13 class?  
 14 A [REDACTED]  
 15 Q Do you remember if you ever had any research  
 16 projects in this class?  
 17 A I don't -- I can't remember.  
 18 Q Do you remember [REDACTED] ever handing out  
 19 worksheets in this class?  
 20 A Yeah.  
 21 Q What kind of worksheets?  
 22 A Adjectives, verbs, contractions.  
 23 Q What did you do with these worksheets?  
 24 A We would have to do the worksheet and then turn  
 25 it in.

1 Q Where did you do the worksheet?  
 2 A In his class.  
 3 Q Did you ever take them home for homework?  
 4 A No.  
 5 Q You said you turned them into [REDACTED]?  
 6 A Yeah.  
 7 Q Do you know if he graded them?  
 8 MS. WELCH: Objection, calls for speculation.  
 9 THE WITNESS: I don't remember.  
 10 BY MS. KOURY:  
 11 Q Did you ever see them after you turned them  
 12 into him, see the worksheets?  
 13 A That I can remember, no.  
 14 Q Did you ever review the worksheets after you  
 15 turned them in?  
 16 A No.  
 17 Q Did he ever pass out any other types of  
 18 handouts in the class?  
 19 A I don't remember.  
 20 Q Okay. Do you remember if he used the overhead  
 21 projector in this class?  
 22 A Yeah.  
 23 Q How did he use it?  
 24 A For our DOWL, he used it.  
 25 Q Did you ever do these DOWL's for homework, or

1 were they just in class?  
 2 A They were just in class for the morning.  
 3 Q Do you remember ever taking a book home in this  
 4 class?  
 5 A No.  
 6 Q And you can't remember whether you used a book  
 7 in this class?  
 8 A No, I can't remember.  
 9 Q Okay. Do you have any recollection of kids  
 10 sharing books in this class?  
 11 A I don't -- I don't think so.  
 12 Q Does that mean you don't remember?  
 13 A I don't remember.  
 14 Q Okay. Other than the DOWL's and the worksheets  
 15 that we discussed, do you remember anything else that  
 16 [REDACTED] did to teach this class?  
 17 A No, I don't remember.  
 18 Q Other than the DOWL's, is there anything else  
 19 about Mr. Davenport that made him a good teacher?  
 20 A I don't -- I don't know quite --  
 21 Q Do you remember what classroom you had for your  
 22 language arts in 7th grade?  
 23 A What do you mean what classroom?  
 24 Q Do you remember the classroom that you were in  
 25 for your language arts class?

1 A Yeah.  
 2 Q Do you remember what number or name of the  
 3 classroom it was?  
 4 A It was P4.  
 5 Q Did you have the same classroom the entire  
 6 school year.  
 7 I'm sorry. Did you have the same classroom the  
 8 entire time in the 7th grade that you were in the  
 9 language arts? Were you always in P4?  
 10 A For language arts, yeah.  
 11 Q And you had [REDACTED] the entire school  
 12 year?  
 13 A Yeah.  
 14 Q Do you remember if there was any problems with  
 15 classroom P4, any of the conditions in that classroom  
 16 that were bad?  
 17 MS. WELCH: Objection, vague.  
 18 THE WITNESS: No.  
 19 BY MS. KOURY:  
 20 Q No, you don't remember any bad conditions?  
 21 A I don't remember.  
 22 Q Is it that you don't remember what the  
 23 classroom looked like, or is it that you don't remember  
 24 there being any bad conditions?  
 25 A I don't remember being bad conditions in the

1 A No.  
 2 Q And when I'm asking, I'm asking specifically  
 3 about your 8th grade social studies classroom. Do you  
 4 know what room number that is?  
 5 A That's P1. I thought you were talking about  
 6 last year.  
 7 Q What about 8th grade social studies P1, is  
 8 there anything that you consider to be a bad condition  
 9 in that classroom?  
 10 A Well, to me it seemed too small.  
 11 Q Anything else?  
 12 A No.  
 13 MS. WELCH: Objection, vague to the time.  
 14 BY MS. KOURY:  
 15 Q What do you mean "too small"?  
 16 A It seemed like we were all bunched up.  
 17 Q What do you mean by that?  
 18 A Because the tables were like shaped in a U. He  
 19 would put the tables -- like one was right here, another  
 20 one across, and then one facing like the other way.  
 21 Q Do you know why he set up the tables like that?  
 22 A He said so everybody could be more focused.  
 23 Q So is that Mr. Davenport who's your teacher --  
 24 Mr. Davis?  
 25 A No, it's Mr. Rosecrans.

1 class.  
 2 Q Did you like your P.E. class last year with  
 3 Mr. Manus?  
 4 A Manus, yeah.  
 5 Q Did you think Mr. Manus was a good teacher?  
 6 A Yeah.  
 7 Q Why?  
 8 A We could do any sport that we wanted to play.  
 9 Q Any other reason?  
 10 A I guess that's it.  
 11 Q Was this class taught in the gym?  
 12 A Yeah, and outside, too.  
 13 Q Where outside?  
 14 A In the front or either in the back.  
 15 Q Are there play areas in the front and the back?  
 16 A Well, when we go to the front, we either would  
 17 play football or baseball, and in the back, we would  
 18 play basketball and volleyball.  
 19 Q On May 19th, when you testified the first time  
 20 in this deposition and I had asked you about your  
 21 classrooms and I had asked specifically for your social  
 22 studies classroom, if there was anything that bothered  
 23 you about the classroom, what I meant by that question,  
 24 and I'm not sure whether you understood, were there any  
 25 conditions in that classroom that you thought were bad?

1 Q Sorry. Mr. Rosecrans.  
 2 You said that the reason why he set up the  
 3 tables that way was so that the kids could be more  
 4 focused?  
 5 A Yeah.  
 6 Q Do you know if every student in your class has  
 7 a chair to sit in?  
 8 A Yeah, they do.  
 9 Q Has any student ever not had a chair to sit in  
 10 in this class or school year?  
 11 A That I know, no.  
 12 Q How about table space, does each student in  
 13 your social studies class this year have table space?  
 14 A Yes, they do.  
 15 Q Have you ever heard a student complain about  
 16 not having space on a table this school year in your  
 17 social studies class?  
 18 A No.  
 19 Q I'm going to ask you now to just think about  
 20 your social studies class this entire school year since  
 21 September or whenever school started until now. Have  
 22 you ever had any problems or have you ever thought that  
 23 there are any problems in this classroom that are bad?  
 24 MS. WELCH: Objection, vague.  
 25 THE WITNESS: No.

1 BY MS. KOURY:  
 2 Q Okay. What about your 7th grade classroom,  
 3 were there any conditions in your 7th grade classroom  
 4 that you thought were bad?  
 5 MS. WELCH: Objection, vague.  
 6 THE WITNESS: Which subject?  
 7 BY MS. KOURY:  
 8 Q Your social studies classroom. I'm sorry,  
 9 didn't I say that?  
 10 A No, there was nothing wrong.  
 11 Q What classroom was your 7th grade classroom in,  
 12 social studies, do you remember?  
 13 A It was P4.  
 14 MS. KOURY: I'm going to show the witness what  
 15 we've marked as Exhibit 1 to her deposition transcript.  
 16 Q Krystal, I'm showing you what we've marked as  
 17 Exhibit 1. Could you read Paragraph 4, specifically the  
 18 line that begins, "In my social studies class in room  
 19 P1, one of the windows is broken."  
 20 A Uh-huh.  
 21 Q "The window has a piece of wood over it instead  
 22 of glass." What do you mean by that?  
 23 A Well, it had a wood -- a piece of wood over  
 24 the window because somebody broke the window.  
 25 Q When was that?

1 Q Do you remember whether it was after Christmas  
 2 vacation?  
 3 A Yeah, it was.  
 4 Q Do you remember if it was before Valentine's  
 5 Day?  
 6 A I don't remember.  
 7 Q Okay. So it was after Christmas vacation that  
 8 you noticed the window was broken?  
 9 A Yeah.  
 10 Q Describe to me what you mean when you say the  
 11 window was broken.  
 12 A Somebody, they don't know who, that they broke  
 13 the window, so they had to get a wood and cover it.  
 14 Q Did you ever see the window broken without the  
 15 wood covering it?  
 16 A No.  
 17 Q Were you there when the window was broken?  
 18 A No.  
 19 Q Who told you someone broke the window?  
 20 MS. WELCH: Objection, no foundation.  
 21 THE WITNESS: It was a social studies teacher.  
 22 BY MS. KOURY:  
 23 Q Do you remember what your social studies  
 24 teacher said?  
 25 A Well, the next day when we went to school, that

1 A I don't remember, but it was during -- while  
 2 they were making the -- this, the declaration  
 3 (indicating).  
 4 Q Okay. When who was making this declaration?  
 5 A Dalia, she was typing it up.  
 6 Q And how did she learn about this broken glass  
 7 with the piece of wood over it?  
 8 MS. WELCH: Objection, calls for speculation.  
 9 THE WITNESS: How did she know?  
 10 BY MS. KOURY:  
 11 Q Yes.  
 12 A Oh, because she asked me about --  
 13 MS. WELCH: And I'm going to object to the extent  
 14 that this is getting into a privileged communication.  
 15 BY MS. KOURY:  
 16 Q Go ahead.  
 17 A Okay. That --  
 18 MS. KOURY: I'm sorry. Are you instructing her?  
 19 MS. WELCH: I'm not quite sure what she's going to  
 20 say, so --  
 21 BY MS. KOURY:  
 22 Q Let me focus on that question then.  
 23 When did you first notice that the glass was  
 24 broken in your P1 classroom?  
 25 A I'm sure it was a few months ago.

1 somebody broke the window.  
 2 Q Your social studies teacher said that?  
 3 A Yeah.  
 4 Q Do you remember was it a weekday that you  
 5 showed up to school -- strike that.  
 6 Do you remember if the window was broken over  
 7 the weekend or whether it happened during the school  
 8 week?  
 9 A It happened during the school week.  
 10 Q So one day you were in the class and the window  
 11 was not broken, and the next day you came and the window  
 12 was broken?  
 13 MS. WELCH: Objection, mischaracterizes her  
 14 testimony.  
 15 THE WITNESS: No.  
 16 BY MS. KOURY:  
 17 Q What happen then?  
 18 A That day I was in my math class, and then right  
 19 before -- after school, that's when they broke it. So  
 20 the next day they said that somebody broke the window.  
 21 Q How did you know that someone broke the window  
 22 while you were in your math class?  
 23 A I went outside to go get a drink of water, and  
 24 that's when everybody -- some kids were saying that  
 25 somebody threw rocks or threw something.

1 Q Did those kids say whether it was another kid  
2 that threw rocks?  
3 A I don't remember.  
4 Q So you got a drink of water while you were in  
5 your math class, and that's when you saw the other kids  
6 talking about it?  
7 A Yeah.  
8 Q And the next day when you went to school, and  
9 you went to your social studies classroom, there was a  
10 piece of wood over the window?  
11 A Yeah.  
12 MS. WELCH: Objection, asked and answered.  
13 BY MS. KOURY:  
14 Q Was there any broken glass in the classroom?  
15 A That I can remember, no.  
16 Q Do you remember anyone getting hurt from the  
17 glass?  
18 A I don't think so.  
19 Q Do you remember how long the piece of wood  
20 stayed over the window?  
21 A No, I don't remember.  
22 Q Do you remember if it stayed that way for more  
23 than a week?  
24 A I'm not sure.  
25 Q Were you there, or did you see anyone take the

1 THE WITNESS: Yeah.  
2 BY MS. KOURY:  
3 Q So when I ask you whether there's any bad  
4 conditions, this is something that you would think is a  
5 bad condition?  
6 A Yeah, that it was.  
7 Q I'm going to ask you about your classrooms  
8 again just so that we have a clear record now that we  
9 understand.  
10 Your language class in the 7th grade, do you  
11 remember what classroom that was in?  
12 A P4.  
13 Q That's the same classroom that you had social  
14 studies in?  
15 A Yes.  
16 Q Did you have any other classrooms in the 7th  
17 grade in P4?  
18 A No.  
19 Q At any time while you were in the 7th grade, in  
20 other words, from the beginning of the school year to  
21 the end of the school year, were there any bad  
22 conditions in P4?  
23 A No.  
24 Q Are you sure?  
25 A Yeah.

1 wood off of the window?  
2 A No.  
3 Q Is there still wood on that window?  
4 A No.  
5 Q Do you remember if the wood was gone by the  
6 time you went for spring vacation, spring break?  
7 A I don't know.  
8 Q Do you remember anyone complaining about the  
9 wood covering the window?  
10 A That I know, no.  
11 Q Do you remember if anyone told or do you know  
12 if anyone told a janitor to fix the broken window?  
13 MS. WELCH: Objection, calls for speculation.  
14 THE WITNESS: I don't think so.  
15 BY MS. KOURY:  
16 Q You don't think you remember?  
17 A No, I don't think they complained.  
18 Q But do you know if any janitors -- did you ever  
19 see a janitor working on the window?  
20 A No.  
21 Q Do you consider having this -- it states in  
22 your declaration, "this window has a piece of wood over  
23 it instead of glass." Do you consider that a bad  
24 condition?  
25 MS. WELCH: Objection, vague.

1 Q What classroom did you have your math class  
2 with Mr. Deshon?  
3 A Deshon?  
4 Q Yes. Do you remember what classroom that was?  
5 A It was in P6.  
6 Q Did you have any other classes in the 7th grade  
7 in P6?  
8 A Just my elective.  
9 Q Your math elective?  
10 A Yeah.  
11 Q At any time in your 7th grade class, in other  
12 words, from the beginning of the school year to the end  
13 of the school year, were there any bad conditions in P6?  
14 A No.  
15 Q Are you sure?  
16 A Yeah.  
17 MS. WELCH: Objection, vague and calls for  
18 speculation.  
19 BY MS. KOURY:  
20 Q In your science class in 7th grade, what  
21 classroom was that in?  
22 A That's in P5.  
23 Q Did you have any other classes in P5 in the 7th  
24 grade?  
25 A No.

1 Q Throughout the 7th grade, in other words, from  
 2 the beginning of the school year to the end of the  
 3 school year, do you remember any bad conditions in P5?  
 4 A No.  
 5 Q Are you sure?  
 6 A Yeah.  
 7 MS. WELCH: Same objections.  
 8 BY MS. KOURY:  
 9 Q Beginning now with 8th grade, what classroom  
 10 did you have your language arts class in?  
 11 A In P3.  
 12 Q Did you have any other classes in P3?  
 13 A No.  
 14 Q From the beginning of your school year in 8th  
 15 grade until now, have you had any bad conditions in P3?  
 16 MS. WELCH: Objection, vague and calls for  
 17 speculation.  
 18 BY MS. KOURY:  
 19 Q Or are there any bad conditions in P3 that  
 20 you've noticed throughout the school year?  
 21 A There was one incident.  
 22 Q Tell me about it.  
 23 A Somebody broke a window, too, and there was  
 24 glass on the floor. I'm not sure if -- because there  
 25 was a few incidents, but I'm not sure if it was in the

1 A Yeah.  
 2 Q What else did he do?  
 3 A Well, so far I remember that he took pictures,  
 4 but I don't quite remember what he did after that.  
 5 Q Do you remember whether the glass was picked up  
 6 off the floor?  
 7 A I don't know.  
 8 Q Do you remember if anyone got hurt?  
 9 A That I know of, no.  
 10 Q Do you remember if the glass was fixed?  
 11 A Yeah.  
 12 Q I'm sorry. What I meant was whether the window  
 13 was fixed.  
 14 A Yeah.  
 15 Q Do you remember how it was fixed?  
 16 A No.  
 17 Q Do you remember when it was fixed?  
 18 A No.  
 19 Q Do you remember if it was fixed that school  
 20 day?  
 21 A No.  
 22 Q Do you remember sitting in class that day and  
 23 having -- was the window broken during class that day?  
 24 MS. WELCH: Objection, asked and answered.  
 25 THE WITNESS: Yeah.

1 same day. Somebody spilled oil in the classroom.  
 2 Q Anything else?  
 3 A No.  
 4 Q When you say that someone broke a window, were  
 5 you there when they broke the window?  
 6 A No.  
 7 Q How did you hear about the window being broken?  
 8 A The next day when I went to class, there was  
 9 pieces of the window on the floor.  
 10 Q Did you have this class at the beginning of the  
 11 day?  
 12 A Yeah.  
 13 Q What happened when you came into class and  
 14 there was glass on the floor?  
 15 A The teacher wanted somebody to go get the  
 16 janitor to get the broom, or he wanted somebody to go  
 17 get the principal.  
 18 Q What happened? Did someone go get the janitor?  
 19 A Yeah, they did.  
 20 Q Do you remember whether the janitor came to the  
 21 classroom?  
 22 A Yeah, he did.  
 23 Q Do you remember what the janitor did?  
 24 A He took some pictures.  
 25 Q What else did he do? Was the janitor a man?

1 BY MS. KOURY:  
 2 Q So you remember sitting in class and having the  
 3 window broken?  
 4 MS. WELCH: Asked and answered.  
 5 THE WITNESS: Yeah.  
 6 BY MS. KOURY:  
 7 Q Do you remember if the janitor put any wood in  
 8 that window?  
 9 A No.  
 10 Q Do you ever remember seeing wood on that  
 11 window?  
 12 A No.  
 13 Q Do you remember anyone explaining about the  
 14 window?  
 15 A No, I don't think so.  
 16 Q Do you remember when this was that it was  
 17 broken?  
 18 A No.  
 19 Q Was it before Christmas break?  
 20 A I don't know.  
 21 Q Was it after Christmas break?  
 22 MS. WELCH: Asked and answered.  
 23 MS. KOURY: For the record, these questions have  
 24 not been asked and answered. These are follow-up  
 25 questions.



1 BY MS. KOURY:  
 2 Q Do you remember if it was before spring break?  
 3 MS. WELCH: Asked and answered.  
 4 THE WITNESS: No.  
 5 BY MS. KOURY:  
 6 Q Is the window fixed now?  
 7 A Yeah.  
 8 Q Do you remember if the window was fixed before  
 9 you left for spring break?  
 10 MS. WELCH: Asked and answered.  
 11 THE WITNESS: I don't know.  
 12 BY MS. KOURY:  
 13 Q Do you remember being in this class before  
 14 spring break?  
 15 A Yeah.  
 16 Q Do you have any -- can you specifically recall  
 17 any time that you were in this class before spring  
 18 break?  
 19 MS. WELCH: Asked and answered.  
 20 THE WITNESS: I was in that class, but I don't  
 21 remember about the window.  
 22 BY MS. KOURY:  
 23 Q Do you think you would notice the window if it  
 24 was broken?  
 25 A Well, I didn't.

1 Q But do you think you would notice a window if  
 2 it was broken in your classroom?  
 3 MS. WELCH: Asked and answered.  
 4 THE WITNESS: I don't think so.  
 5 BY MS. KOURY:  
 6 Q You wouldn't notice if a window was broken in  
 7 your classroom?  
 8 A (No audible response.)  
 9 Q I'm sorry. Is that no?  
 10 A No.  
 11 Q Okay.  
 12 A Can we take a break?  
 13 Q Sure.  
 14 (Recess.)  
 15 BY MS. KOURY:  
 16 Q I just want to remind you you're still under  
 17 oath.  
 18 Did anything during the break trigger your  
 19 memory as to any of the questions that we've been  
 20 discussing?  
 21 A It's just that I'd like to change my answer  
 22 about the window.  
 23 Q Before you do that, did you speak to your  
 24 attorney about the questions that I was asking you?  
 25 MS. WELCH: Objection, calls for attorney/client

1 privileged information.  
 2 MS. KOURY: Are you instructing?  
 3 MS. WELCH: Yes.  
 4 BY MS. KOURY:  
 5 Q What would you like to change about your  
 6 answer?  
 7 A When you were asking me about the window, if I  
 8 would notice it if they would fix it or not, I wouldn't  
 9 really notice it. But I would notice it a little bit  
 10 because, like, when we go to class, I just see there's,  
 11 like, a hole in the window. And then I keep, like,  
 12 thinking there's a hole in the window. And then I  
 13 wouldn't notice if they changed it, or they put a new  
 14 window or not.  
 15 Q When you say "there's a hole in the window,"  
 16 what do you mean by that?  
 17 A There's like a hole in the window.  
 18 Q When this window was broken, the one that we've  
 19 been discussing in P3, the incident that you told me  
 20 about, was it just that -- how was the window broken?  
 21 A There was like a hole in the window.  
 22 Q How big was the hole?  
 23 A Like this big (indicating).  
 24 Q So smaller than a basketball?  
 25 A Yeah.

1 Q Bigger than a tennis ball?  
 2 A Yeah.  
 3 Q Okay. So about -- can you put your hands up?  
 4 A Like around this big (indicating). Not that  
 5 big, but that I can remember, it was like this big.  
 6 Q So it was about as big as a baseball?  
 7 A Yeah.  
 8 Q And so you were describing to me why you  
 9 wouldn't remember if there was a hole in the window?  
 10 MS. WELCH: Objection, mischaracterizes her  
 11 testimony.  
 12 THE WITNESS: No, I was saying that I wouldn't  
 13 notice it if they changed a window only a little bit  
 14 because I would go to my class every day, and I would  
 15 think that there's still a hole there. And then I --  
 16 and then when the window is already fixed.  
 17 BY MS. KOURY:  
 18 Q Do you know if there's ever been a window at  
 19 your school that's broken with a hole the size of a  
 20 baseball where there's wood put over it?  
 21 MS. WELCH: Objection, vague and calls for  
 22 speculation.  
 23 THE WITNESS: No.  
 24 BY MS. KOURY:  
 25 Q Have you ever seen a window at your school with

1 a hole the size of a baseball in this window without  
 2 wood on it?  
 3 MS. WELCH: Asked and answered.  
 4 THE WITNESS: The one only in my classroom.  
 5 BY MS. KOURY:  
 6 Q P3?  
 7 A Yeah.  
 8 Q Is there anything else you want to tell me  
 9 about?  
 10 A And also that it's a bad thing that, you know,  
 11 the windows are broken. And so that's a bad thing for  
 12 the classes.  
 13 Q What do you mean by that?  
 14 A By what?  
 15 Q That it's a bad thing.  
 16 A It's a bad thing because it doesn't make our  
 17 school right, doesn't make it look good.  
 18 Q Why is that a bad thing?  
 19 A Somebody could get hurt if the glass is there.  
 20 Q Anything else?  
 21 A No, that's it.  
 22 Q What do you mean it doesn't make your school  
 23 look right?  
 24 A Well, like if somebody is coming by to check  
 25 the school and the window's broken, it wouldn't look

1 right.  
 2 Q Did you speak to your lawyer during the break?  
 3 A Yeah.  
 4 Q And you said that the glass being there, it  
 5 could -- I'm sorry. I don't want to mischaracterize  
 6 your testimony, but did you say it could cause students  
 7 to get hurt?  
 8 A Yeah.  
 9 Q Have you ever heard of a student at your school  
 10 getting hurt from glass from a broken window?  
 11 A No.  
 12 Q Is there anything else that you wanted to tell  
 13 me?  
 14 A No.  
 15 Q The other thing you mentioned in P3 was that  
 16 there's spilled oil. What do you mean by that?  
 17 A There was the day -- a day of school when we  
 18 were going to class. There was oil on some books.  
 19 Q What do you mean -- was it during a school day?  
 20 A We don't know whether it happened, but the next  
 21 day that I went to school, there was oil on some books,  
 22 on some workbooks.  
 23 Q While you were in class, did you notice the oil  
 24 on the books?  
 25 A Yeah.

1 Q Where were the books when you noticed the oil  
 2 on them?  
 3 A They were near a window.  
 4 Q Were they on a shelf?  
 5 A Yeah. It was kind of like a shelf.  
 6 Q Is that where the books are usually kept?  
 7 Where you noticed the oil on the books, where the books  
 8 were, is that where they're usually kept?  
 9 A Yeah.  
 10 Q What books were these?  
 11 A They were workbooks.  
 12 Q For your language arts class?  
 13 A Yeah.  
 14 Q When you say "workbooks," did they have a soft  
 15 cover?  
 16 A (No audible response.)  
 17 Q Or did they have a hard cover like your  
 18 textbooks?  
 19 A No.  
 20 Q They had a soft cover?  
 21 A I don't remember how was it, how was the cover.  
 22 Q Okay. And do you remember what it looked like  
 23 that was on the books? You said oil. What do you mean  
 24 by that?  
 25 A It smelled like oil, and there was oil stains

1 on the books.  
 2 Q When you say "oil," describe it to me.  
 3 What color was it, if any?  
 4 A It was black.  
 5 Q So there was black oil on the books?  
 6 A Yeah.  
 7 Q Was it dry, or was it moist?  
 8 A It was, like, moist.  
 9 Q How did you notice the oil on the book?  
 10 MS. WELCH: Objection, vague.  
 11 THE WITNESS: Well, when we entered the class --  
 12 when I entered the class, because I sit near the books,  
 13 and when I was going to go sit down, I saw the books  
 14 with oil.  
 15 BY MS. KOURY:  
 16 Q Could you see any oil dripping from anywhere?  
 17 A That I can remember, no.  
 18 Q Were there any leaks from the ceiling that you  
 19 noticed?  
 20 A No.  
 21 Q Any leaks from the walls?  
 22 A I don't think so.  
 23 Q What did you do? Did you touch the workbooks?  
 24 A No.  
 25 Q So you just saw that there was black stuff on

1 top of the workbooks?  
 2 A Yeah.  
 3 Q How did you know it was oil?  
 4 A My teacher said it was oil.  
 5 Q Did he say where it came from?  
 6 A No. We don't know where did it came from or  
 7 how it happened.  
 8 Q Did you use the workbooks that day?  
 9 A No.  
 10 Q Did you smell anything?  
 11 MS. WELCH: Objection, asked and answered.  
 12 THE WITNESS: It smelled like oil from the cars.  
 13 BY MS. KOURY:  
 14 Q It smelled like oil. Did the teacher do  
 15 anything with the books?  
 16 A I don't remember if he did.  
 17 Q Do you remember if the books stayed in the  
 18 classroom with you the entire class period?  
 19 A They still are there.  
 20 Q Do you know if they have ever been -- is this  
 21 stuff, the black oil on the books still --  
 22 A Yeah.  
 23 Q How do you know that?  
 24 A Because they're still in our classroom right  
 25 now, and they still have a stain.

1 Q Have you seen them lately?  
 2 A Yeah. I see them every day.  
 3 Q Can you still smell them?  
 4 A Not really.  
 5 Q When was it that you first noticed the oil on  
 6 the books?  
 7 A What do you mean "when"?  
 8 Q The day that you walked in the class and you  
 9 noticed the black stuff on the workbooks, when was that?  
 10 A (No audible response.)  
 11 Q Was it after spring break?  
 12 A I don't think so.  
 13 Q Before spring break?  
 14 A I don't know.  
 15 Q Was it in the last couple weeks?  
 16 A No.  
 17 Q Was it something that happened further back  
 18 like in April?  
 19 A I don't know and -- I don't really know because  
 20 it must have been a few months ago, and I don't remember  
 21 what happened a few months ago from the incident.  
 22 Q Have you used the workbooks since then, since  
 23 you first noticed the black oil on them?  
 24 A No.  
 25 Q Your class -- have any of the students in the

1 class used the workbooks that you've seen?  
 2 A No.  
 3 Q And you said that it smelled like oil that  
 4 day?  
 5 MS. WELCH: Asked and answered.  
 6 THE WITNESS: Yeah.  
 7 BY MS. KOURY:  
 8 Q Did it bother you?  
 9 A A little bit.  
 10 Q Did anyone complain about the oil smell?  
 11 A Yeah.  
 12 Q What did they say?  
 13 A They said it smelled like oil.  
 14 Q Who did they say that to, you?  
 15 A The teacher.  
 16 Q Did the teacher say anything?  
 17 A I don't remember what he said.  
 18 Q Do you know, did the students complain just  
 19 that day, or have they complained on other days, too?  
 20 A I don't know if they complained any other day.  
 21 Q How about you, did you smell it any other days  
 22 besides that one day?  
 23 A It smelled a little bit.  
 24 Q When?  
 25 A A few days next.

1 Q A few days after the first time you noticed it?  
 2 A Uh-huh, yeah.  
 3 Q Do you know if your teacher did anything about  
 4 the smell?  
 5 A I don't know.  
 6 Q Did he tell you whether he told anyone about  
 7 it?  
 8 A I don't think so.  
 9 Q Other than what you've just described to me as  
 10 the oil on the books and the broken window, is there  
 11 anything else in P3 that you would consider to be a bad  
 12 condition that's happened throughout the school year?  
 13 A No.  
 14 Q What classroom do you have your science class  
 15 in?  
 16 A P2.  
 17 Q Do you have any other classes in P2 this year?  
 18 A Math and science.  
 19 Q Throughout this school year, beginning from the  
 20 beginning of your 8th grade school year until now, have  
 21 there been any bad conditions in P2?  
 22 MS. WELCH: Objection, vague, calls for  
 23 speculation.  
 24 THE WITNESS: Just when they broke the  
 25 air-conditioner.

1 BY MS. KOURY:  
 2 Q When you say they broke the air-conditioner, is  
 3 that what we talked about last time when the air  
 4 conditioning was broken in this class and your teacher  
 5 said that some joker broke it, I believe? Was that --  
 6 A Yeah.  
 7 Q Okay. So that's what we discussed last time on  
 8 May 19th; is that correct?  
 9 A Yeah.  
 10 Q And since then it's been resolved, the  
 11 air-conditioner now works; is that correct?  
 12 A Yeah.  
 13 Q And last time we discussed this, you couldn't  
 14 remember when it was broken. Do you have any  
 15 recollection of when the air conditioning was broken  
 16 now?  
 17 A No.  
 18 Q Do you have any recollection as to when it got  
 19 fixed?  
 20 A No.  
 21 Q Do you have any recollection as to how long it  
 22 was broken, how many days of school it was broken?  
 23 MS. WELCH: Objection, asked and answered.  
 24 THE WITNESS: No.  
 25 BY MS. KOURY:

1 Q P.E. this year, where do you have that class?  
 2 A In gym.  
 3 Q Do you also go outside for P.E.?  
 4 A Yeah.  
 5 Q Where?  
 6 A In the front and in the back.  
 7 Q Do you think there are any bad conditions in  
 8 the front where you play P.E.?  
 9 MS. WELCH: Objection, vague, calls for  
 10 speculation.  
 11 THE WITNESS: No.  
 12 BY MS. KOURY:  
 13 Q Have there been any bad conditions in the front  
 14 where you play P.E. throughout the school year?  
 15 MS. WELCH: Same objections.  
 16 THE WITNESS: No.  
 17 BY MS. KOURY:  
 18 Q How about in the back, have there been any bad  
 19 conditions in the back where you play P.E. throughout  
 20 the school year?  
 21 MS. WELCH: Same objections.  
 22 THE WITNESS: No.  
 23 BY MS. KOURY:  
 24 Q Have you ever heard the term "a full  
 25 nonemergency teaching credential"?

1 A No.  
 2 Q How about "a multiple subject credential"?  
 3 A I've heard the word, but not the meaning.  
 4 Q Do you know where you've heard the word?  
 5 A No.  
 6 Q Do you know if you've heard the word at school?  
 7 A I don't know.  
 8 Q Do you know if you've heard the word in  
 9 connection with this lawsuit?  
 10 A I don't remember.  
 11 Q What about "a single subject credential," have  
 12 you heard that before?  
 13 A I don't think so.  
 14 Q How about the phrase "university internship  
 15 credential," have you heard that phrase before?  
 16 A Yeah, I heard the word.  
 17 Q Where did you hear it?  
 18 A I don't remember.  
 19 Q Do you know if it was in connection with this  
 20 lawsuit?  
 21 A I don't know.  
 22 Q What about "an emergency permit," have you ever  
 23 heard that phrase?  
 24 A No.  
 25 Q Have you heard the phrase "a credential

1 waiver"?  
 2 A No.  
 3 Q Do you know if your school has an English  
 4 language learner program?  
 5 MS. WELCH: Objection, calls for speculation.  
 6 THE WITNESS: I don't -- I don't know.  
 7 BY MS. KOURY:  
 8 Q Have you ever heard the phrase "English  
 9 language learner program"?  
 10 A Yeah.  
 11 Q Where did you hear it?  
 12 A Our teacher was saying about that.  
 13 Q What teacher?  
 14 A Our language arts teacher, Mr. Carlos.  
 15 Q Do you remember what he was saying about it?  
 16 A No. He was just saying something about English  
 17 language.  
 18 Q So other than Mr. Carlos talking about English  
 19 language, is that the only way you've heard about the  
 20 English language learner program? What I mean to ask  
 21 is, do you know anything else about the English language  
 22 learner program at your school?  
 23 A No.  
 24 Q Can you describe to me any bad conditions that  
 25 you think exist in your gym?

1 MS. WELCH: Objection, vague, calls for  
 2 speculation.  
 3 BY MS. KOURY:  
 4 Q And when I ask about the bad conditions, I mean  
 5 for this school year. So from the beginning of this  
 6 school year until now, have there been any bad  
 7 conditions in your gym?  
 8 MS. WELCH: Same objections.  
 9 THE WITNESS: That I can remember now, no.  
 10 BY MS. KOURY:  
 11 Q How about last school year when you were in the  
 12 gym, were there any bad conditions throughout the 7th  
 13 grade from the beginning of the 7th grade until the end?  
 14 MS. WELCH: Same objection.  
 15 THE WITNESS: No. I'd like to change my answer on  
 16 the other one.  
 17 BY MS. KOURY:  
 18 Q Okay.  
 19 A This school year something happened when some  
 20 parts of the ceiling started to fall off.  
 21 Q Anything else?  
 22 A No. That I can remember, no.  
 23 Q What do you mean "parts of the ceiling started  
 24 to fall off"?  
 25 A Our P.E. teacher was having class, and they

1 were inside the gym, and they were playing games. And  
 2 then that's when some pieces of the ceiling started to  
 3 fall.  
 4 Q Were you in the gym when that happened?  
 5 A No, my friends were.  
 6 Q How did you hear about it?  
 7 A Because we had P.E. after recess, and they were  
 8 still in the gym. So then we went to the gym, and  
 9 that's when the teacher and my friends were saying that  
 10 parts of the ceiling were falling down.  
 11 Q Did you hear the teacher talk about it?  
 12 A Yeah. She was saying that they were just right  
 13 there, and then some pieces were falling down.  
 14 Q Did you see any of the pieces from the ceiling  
 15 on the floor?  
 16 A Yeah.  
 17 Q What did they look like?  
 18 A They looked like squares.  
 19 Q How big were the pieces?  
 20 A They were like about that big (indicating).  
 21 Q Show me again.  
 22 MS. WELCH: I think she's pointing to this  
 23 (indicating).  
 24 THE WITNESS: I'm pointing this to (indicating).  
 25 MS. KOURY: Oh, okay. So they were about the size

1 of a --  
 2 MS. WELCH: It looks like about a foot by a foot.  
 3 MS. KOURY: That's about right.  
 4 Q And do you know if anyone got hurt?  
 5 A I don't know.  
 6 Q Do you know when this was?  
 7 A I don't remember.  
 8 Q How many pieces did you see on the floor?  
 9 A Around five or six.  
 10 MS. WELCH: I'm -- just so that we're clear, was it  
 11 like the size of a piece of paper or smaller than that?  
 12 THE WITNESS: Yeah, it must have been like the size  
 13 of a piece of paper.  
 14 BY MS. KOURY:  
 15 Q When you say "the size of a piece of paper",  
 16 did it fall and break into pieces, or did it stay the  
 17 same way?  
 18 A Some pieces were like -- well, some of them  
 19 were like broken.  
 20 Q Did you see any pieces the size of a piece a  
 21 paper?  
 22 A Yeah. They were around that size.  
 23 Q And they were on the floor?  
 24 A Yeah.  
 25 Q And there were some other pieces of different

1 sizes?  
 2 A No. What I'm trying to say is they were about  
 3 the same size of the piece of paper but not quite.  
 4 Q Okay. And how many pieces do you think you saw  
 5 about?  
 6 A Like around five or six pieces.  
 7 Q Do you remember where in the gym it was?  
 8 A It was at an end, at the end of a wall.  
 9 Q Okay. When you walk into your gym, was it to  
 10 the left or to the right?  
 11 A To the right.  
 12 Q When you walk into your gym, was it close to  
 13 the front door, or was it further away from the front  
 14 door?  
 15 A It was like in the middle of the gym, but to  
 16 your right.  
 17 Q So it wasn't near any of the walls? It was in  
 18 the middle of the gym?  
 19 A Yeah.  
 20 Q And I know I asked this before. I'm not sure  
 21 if you answered. Do you remember when this happened?  
 22 A No.  
 23 Q Was this recently?  
 24 A No, I don't think so.  
 25 Q Was it before Christmas break?

1 A I don't know.  
 2 Q Do you know if the pieces got picked up, if  
 3 someone picked up the pieces?  
 4 A I don't know.  
 5 Q Are they still there?  
 6 A No.  
 7 Q When's the last time you were in the gym?  
 8 A Yesterday.  
 9 Q Do you know if the ceiling is fixed where these  
 10 pieces fell from?  
 11 A I don't know.  
 12 Q Have you noticed -- when you first saw this  
 13 when you went into the gym and there were pieces on the  
 14 floor that day, did you look up and see where they had  
 15 fallen from?  
 16 A Yeah.  
 17 Q What did it look like?  
 18 A It looked like -- what do you mean? Like  
 19 what? How did it look like?  
 20 Q You tell me. What did it look like when you  
 21 looked up?  
 22 A It looked like brown, the inside. It looked  
 23 like it was brown and some pieces wanted to fall down.  
 24 Q When you say they wanted to fall, what do you  
 25 mean by that?

1 A It looked like the pieces were like going to  
 2 fall down.  
 3 Q Did you see any pieces fall down while you were  
 4 there?  
 5 A No.  
 6 Q Was there a hole in the ceiling?  
 7 A (No audible response.)  
 8 Q Could you tell that some of the tiles from the  
 9 ceiling were missing?  
 10 A Yeah.  
 11 Q About how -- well -- about how big did it look,  
 12 the pieces that were missing?  
 13 A I don't know how -- I don't remember how big it  
 14 was.  
 15 Q Do you remember whether you noticed anyone --  
 16 have you ever noticed anyone fixing that area where  
 17 there are missing tiles?  
 18 A I don't think they have fixed it yet.  
 19 Q When's the last time that you looked up and you  
 20 saw it still there, missing tiles?  
 21 A I don't remember.  
 22 Q Do you remember if you noticed it the last time  
 23 you were in gym class?  
 24 A No, I don't think so.  
 25 Q Have you noticed it at all this semester since

1 Christmas break?  
 2 A I don't know, or I don't remember.  
 3 Q Since that one day when you saw the pieces on  
 4 the floor, do you have any memory of seeing the ceiling  
 5 missing tiles since then?  
 6 MS. WELCH: Objection, vague.  
 7 BY MS. KOURY:  
 8 Q Do you understand the question?  
 9 A Not really.  
 10 Q The day that you were in the class, you looked  
 11 up and you noticed that there were ceiling tiles  
 12 missing, right?  
 13 A Yeah.  
 14 Q After that day, do you have any memory -- do  
 15 you ever remember looking up and noticing the ceiling  
 16 was missing?  
 17 A Yeah.  
 18 Q When -- when was the last time you remember  
 19 noticing that?  
 20 A I don't remember when exactly.  
 21 Q Do you remember why you noticed it, what was  
 22 going on?  
 23 A I don't know. I just looked up, and there was  
 24 -- and pieces were still missing from the ceiling.  
 25 Q Have you ever talked to your friends about

1 that?  
 2 A No.  
 3 Q Have you ever heard anyone complain about it?  
 4 A No.  
 5 Q Have you heard of anyone getting hurt at all  
 6 from the ceiling tiles?  
 7 A That I know of, no.  
 8 Q And that day, when you came in and there were  
 9 pieces on the floor, what did your gym teacher do?  
 10 A (No audible response.)  
 11 Q Did you have gym in the gym that day?  
 12 A I don't remember if we did or not.  
 13 Q Do you remember if he moved you away from that  
 14 area?  
 15 A Yeah, I think she did.  
 16 Q Do you remember if she told anyone, if she told  
 17 a janitor?  
 18 A I don't know.  
 19 Q Did you ever tell anyone about it? Did you  
 20 tell any adults about it?  
 21 A No.  
 22 Q Is there anything else, any other bad  
 23 conditions in your gym during this school year --  
 24 MS. WELCH: Objection, vague, calls for  
 25 speculation.

1 BY MS. KOURY:

2 Q -- other than what we've just been discussing?

3 A No.

4 Q Could you look at your -- Exhibit 1, your  
5 declaration, again, and look at Paragraph 3,  
6 specifically -- I'm sorry, Paragraph 4, the last  
7 sentence -- the second to last sentence. It reads, "And  
8 in the gym a lot of the windows are broken. Instead of  
9 glass, these windows have metal on them so they look  
10 like fences. Sometimes this fencing is not put on the  
11 windows right, so birds come into the gym."

12 What did you mean by that?

13 A Well, I don't know how, but some of the windows  
14 were broken.

15 Q Where?

16 A In the gym.

17 Q How many windows?

18 A I don't remember how many.

19 Q When were they broken?

20 A I don't know.

21 Q Is it more than one window?

22 A I don't know.

23 Q Do you remember reading this declaration?

24 A Yeah.

25 Q Before you signed it, do you remember reading

1 A No.

2 Q Is it a window that is very high up in the gym

3 or a --

4 A Yeah, it's high up in the gym.

5 Q Do you know how big this window is?

6 A Not really.

7 Q So you were telling me that you saw that the  
8 window was broken, and there was glass?

9 A Yeah, I'm not sure if there was glass on the  
10 floor, or there was --

11 Q If there was what?

12 A Glass on the floor, broken glass.

13 Q You're not sure?

14 A I'm not quite sure.

15 Q Do you remember when this happened that the  
16 window was broken, this one that we're discussing?

17 A No.

18 Q Was it before Christmas break?

19 A I don't know.

20 Q Do you remember if anyone got hurt from broken  
21 glass from this window being broken?

22 A I don't think so.

23 Q Can you explain to me the situation of how you  
24 learned that the window was broken. Did you just come  
25 in class one day, and you noticed it?

1 it?

2 A I don't remember.

3 Q Do you know if the windows -- do you remember  
4 writing or telling someone about these windows being  
5 broken?

6 A Yeah.

7 Q You wrote here a lot of the windows are broken.  
8 What do you mean by "a lot"?

9 A I didn't mean to say a lot. I meant to say  
10 like some of the windows are broken.

11 Q What do you mean by "some"? Is that more than  
12 one?

13 A I guess it has to be.

14 Q Do you remember more than one window being  
15 broken in the gym?

16 A Well, that I can remember, no. I only remember  
17 one window being broken.

18 Q Tell me about that one being broken.

19 A It was like -- it was broken. I don't know how  
20 they broke it. I don't know how that person broke it,  
21 but it was broken, and I think there was some glass on  
22 the floor.

23 Q Were you there when it got broken?

24 A No.

25 Q Do you remember which window it was in the gym?

1 A Yeah.

2 Q Can you describe that to me?

3 A Well, we were just coming in class, and then I  
4 just looked up and then I saw like the window broken.

5 Q And what did you see?

6 A A broken window.

7 Q How could you tell it was broken?

8 A I don't know. I just saw it broken.

9 Q. Was there anything covering the window?

10 A Like -- they have like these metal things  
11 covering it.

12 Q What does the metal thing look like?

13 A They look like fences.

14 Q Describe it to me. Is it covering the entire  
15 window, the fence?

16 A Yeah, it looks like fences, and there could  
17 have been like each window.

18 Q So all the windows, regardless of whether  
19 they're broken, have this metal over them?

20 A Yes.

21 Q So it's not the situation where when a window  
22 is broken, then they put the metal fence over it?

23 A No.

24 Q All the windows have that?

25 A Yeah. Well, I'm not sure if all of them have

1 it. It's just that they're all like in a circle, and  
2 I'm not sure if all of them have it or just in one row  
3 have it.

4 Q Okay. You have here, "Instead of glass, these  
5 windows have metal on them, so they look like fences."

6 What does that mean? Are you referring to just  
7 the windows that are broken?

8 A No. Like the windows have like the metal  
9 things which look like fences, but --

10 Q Do you know if they also have glass on those  
11 windows?

12 A Yeah, they have a window but -- so I didn't  
13 mean -- I meant to say glass.

14 Q So here when you wrote "instead of glass,"  
15 that's not accurate? That's not correct?

16 A No.

17 Q So there is glass there, but there's also a  
18 metal fence --

19 A Yeah.

20 Q -- is that correct?

21 A Yeah.

22 Q What about this window that was broken that you  
23 said you saw, there's still the metal fence over it but  
24 you think that you saw that the glass part of the window  
25 was broken?

1 Q So do you think -- and you said before when you  
2 said "a lot," you meant to say "some"?

3 A Yeah.

4 Q And you think that "some" means more than one?

5 A Yeah, but that I can remember I only remember  
6 one window being broken.

7 Q Does it bother you that there's metal on the  
8 windows, that there's -- from what you've described, the  
9 windows have glass and metal over them. Does that  
10 bother you?

11 MS. WELCH: Objection, vague.

12 THE WITNESS: No.

13 BY MS. KOURY:

14 Q Do you think that it makes your school not  
15 right?

16 A I don't think so.

17 Q What about here, the last line, you say,  
18 "Sometimes this fencing is not put on the windows right  
19 so birds come into the gym."

20 A Uh-huh.

21 Q What do you mean by that?

22 A Like the metal, it's open. And like you can  
23 open the windows to get air, and I don't know how the  
24 birds -- but just the birds come in.

25 Q When you say you can open the windows, have you

1 A Yeah.

2 Q Do you know, is it still that way today?

3 A I don't know.

4 Q Do you remember, when you first noticed that  
5 the window was broken, did you say anything to anyone?

6 A That I can remember, no.

7 Q Do you ever remember hearing any of the other  
8 students talk about it?

9 A No.

10 Q Do you know if your teacher knew that was  
11 broken?

12 A I don't know.

13 Q And you don't know -- do you know whether it  
14 was ever fixed?

15 A I don't know.

16 Q When was the last time you were in gym?

17 MS. WELCH: Asked and answered.

18 THE WITNESS: Friday.

19 BY MS. KOURY:

20 Q Do you remember noticing it on Friday?

21 A No.

22 Q Other than this one window that you think was  
23 broken, do you remember any other windows in your gym  
24 being broken?

25 A I don't remember.

1 ever opened one of those windows?

2 A No.

3 Q Have you ever seen a teacher open one of these  
4 windows?

5 A No.

6 Q Have you ever seen the windows open?

7 A Yeah.

8 Q How can you tell the window is open?

9 A It has like an open space that you could --  
10 they have -- I don't know how, but it just --

11 Q Isn't there -- you said that there was metal  
12 fence over the window, but you can open the window even  
13 though there's metal fence there?

14 A Yeah.

15 Q How do you open the window?

16 A I don't know.

17 Q How do you know the window is open?

18 MS. WELCH: Objection, asked and answered.

19 THE WITNESS: I don't know how you can know, but I  
20 just can tell that the window is open.

21 BY MS. KOURY:

22 Q Is there anything on the glass? Is there any  
23 type of metal on the glass so that when it's open, you  
24 can see the metal on top?

25 A You can still see the metal on it, but I think



1 the metal's attached to the glass.  
 2 Q Why do you think that?  
 3 A I don't know. I just think the metal is  
 4 attached to the glass.  
 5 Q You said these windows are very high up; is  
 6 that true?  
 7 A Yes.  
 8 Q And you've never seen anyone open a window?  
 9 A No.  
 10 Q Could you reach the windows?  
 11 A No.  
 12 Q Could the teachers reach the windows?  
 13 A No.  
 14 Q Have you ever seen a bird fly through the  
 15 windows?  
 16 A Not fly in the window, but I've seen a bird in  
 17 the gym.  
 18 Q You've seen birds in the gym?  
 19 A Yeah, and in the cafeteria.  
 20 Q Have you ever seen the gym door open?  
 21 A Sometimes it's open, but not all the time.  
 22 Q Do you think the birds can get in through the  
 23 gym door being open?  
 24 A I don't know.  
 25 Q When you said that the fencing is not put on

1 right, what do you mean by that? I'm sorry. When you  
 2 wrote "the fencing is not put on the windows right,"  
 3 what do you mean by that?  
 4 A Well, that's what I was trying to say, that --  
 5 because there has some metal thing in the cafeteria,  
 6 too, and those ones --  
 7 Q Let's just talk about the gym for right now.  
 8 What do you mean by the fencing that's put on  
 9 the windows is not right in the gym? Here when you  
 10 wrote in your declaration "sometimes this fencing is not  
 11 put on the windows right so birds come into the gym,"  
 12 you're referring to the fencing on the windows in the  
 13 gym, right?  
 14 A Yeah.  
 15 Q Let's talk about that. What do you mean by  
 16 that?  
 17 A Well, what I was trying to say is that the  
 18 metal part, when they're in the window, that I don't  
 19 know how but just the birds get in. But I don't know  
 20 what -- what was I trying to say about the metal not put  
 21 right.  
 22 Q So what you really meant was just that the  
 23 birds come in?  
 24 A Yeah, when the windows are open. Not that the  
 25 metals weren't put right. I guess I didn't mean to say

1 that.  
 2 Q Okay. And then you were telling me that  
 3 there's metal in the cafeteria?  
 4 A Yeah.  
 5 Q Where is the metal in the cafeteria?  
 6 A On the windows, too.  
 7 Q Do you think that's a problem?  
 8 MS. WELCH: Objection, vague.  
 9 THE WITNESS: No.  
 10 BY MS. KOURY:  
 11 Q You wrote here in your declaration, "The  
 12 buildings at my school are in bad condition," and then  
 13 you explained about P1, the broken window and fencing on  
 14 the glass in the gym. Do you think that those  
 15 conditions are bad conditions?  
 16 MS. WELCH: Objection, vague, calls for  
 17 speculation.  
 18 BY MS. KOURY:  
 19 Q Let me ask it this way: What do you mean by  
 20 "the buildings at my school are in bad condition"?  
 21 A Well, I was trying to talk about the broken  
 22 glass so --  
 23 Q So you think broken glass is a bad condition?  
 24 A Yeah.  
 25 Q What else do you think was a bad condition?

1 What else were you trying to talk about?  
 2 A Well, I was just trying to say that the  
 3 glass -- the windows are broken.  
 4 Q And that's a bad condition?  
 5 A Yeah.  
 6 Q What about the metal in the cafeteria that you  
 7 were describing? What do you mean by that?  
 8 MS. WELCH: Objection, asked and answered.  
 9 THE WITNESS: Well, it's like the one in the gym,  
 10 it's over the window.  
 11 BY MS. KOURY:  
 12 Q Do you think that's a bad condition?  
 13 A No.  
 14 Q Is there anything wrong with it?  
 15 A No, that I -- for me, it's not a bad condition.  
 16 Q Have you heard anyone complain about it?  
 17 A No.  
 18 Q Okay. Last time, May 19th, when you were first  
 19 testifying for your deposition, I asked you what you  
 20 would want changed as a result of this lawsuit, and you  
 21 told me -- you described to me your books; that they're  
 22 torn, and they have graffiti; that you can't take your  
 23 social studies book home; that the water fountains don't  
 24 work and they're dirty; the locker room has stacked-up  
 25 desks in it; that the lockers are dirty and there's

1 white powder in the lockers, and the bathrooms hardly  
2 have soap or paper towels; that the stall doors are  
3 broken, toilet seats are broken, bathrooms are locked  
4 all the time, and you also described that there's trash  
5 around the playground and trash in the classrooms.

6 Is there anything else you'd like changed, other  
7 than what I've just listed?

8 MS. WELCH: Objection, vague, calls for  
9 speculation, calls for expert testimony.

10 THE WITNESS: No.

11 BY MS. KOURY:

12 Q Other than these things that we've just  
13 described, are there any other bad conditions at your  
14 school?

15 MS. WELCH: Same objections.

16 THE WITNESS: No, that's it.

17 BY MS. KOURY:

18 Q Okay. Let's discuss the locker room. Could  
19 you tell me, do you use the locker room this school  
20 year?

21 A No.

22 Q Did you use the locker room last school year?

23 A From the 8th grade or from --

24 Q Did you use the locker room in the 8th grade?

25 A Yeah.

1 you shower in the locker room?

2 A (Nods negatively.)

3 Q You just change into your P.E. clothes?

4 A Yeah.

5 Q Did you also change out of your P.E. clothes?

6 A Yeah.

7 Q So there were desks in the locker room?

8 A Yeah.

9 Q Other than that, is there anything else about  
10 the locker room that bothers you?

11 A About that white powder thing.

12 Q Is the white powder in the locker room or in  
13 the lockers? Do you know what a locker is?

14 A Yeah.

15 Q So when you say the white powder, do you mean  
16 that the white powder is just in the locker room, or do  
17 you mean that the white powder is in the actual lockers  
18 that you use?

19 A Some of the white powder is on the lockers.

20 Q In the lockers?

21 A Uh-huh.

22 Q And is there white powder in the locker room?

23 A On the floor.

24 Q Okay. Anything else about the locker room that  
25 bothers you?

1 Q When's the last time you used the locker room  
2 in the 8th grade?

3 A I don't remember when was the last time we used  
4 it.

5 Q Have you used it since spring break? In other  
6 words, after spring break, have you used it at all?

7 A I don't think so.

8 Q Do you remember using it after Christmas break?

9 A I don't know.

10 Q Do you remember using the locker room at all  
11 this year in 8th grade? I believe you just stated that  
12 you do remember using the locker room in 8th grade,  
13 correct?

14 A Yeah.

15 Q Can you recall any time during the 8th grade, a  
16 specific time when you actually were in the locker room?

17 MS. WELCH: Objection, vague.

18 THE WITNESS: No.

19 BY MS. KOURY:

20 Q Okay. What bothers you about the locker room?

21 A Well, what bothered me was that there were  
22 desks in the locker rooms.

23 Q What do you do in the locker room?

24 A We change.

25 Q Is that all that you do in the locker room? Do

1 A No.

2 Q Why does the white powder bother you in the  
3 locker rooms?

4 A It bothers me because -- it bothered me because  
5 it's -- it would stain my clothes, and it would be hard  
6 to come off.

7 Q Did you ever complain to anyone about that?

8 A That I remember, no.

9 Q Do you know if you told your parents about  
10 that?

11 A Yeah.

12 Q Which parent did you tell?

13 A I'm not sure if it was my mom or my dad.

14 Q Do you know if your mom or our dad ever complained  
15 to anyone at the school about that?

16 A I don't know.

17 Q And do you remember the last time that you saw  
18 the stacked-up desks in the locker room?

19 MS. WELCH: Objection, asked and answered.

20 THE WITNESS: No.

21 BY MS. KOURY:

22 Q Did you use the locker room this past week, or  
23 gym?

24 A No, we don't use it no more.

25 Q When did you stop using the locker room?

- 1 A I don't remember.  
 2 Q Do you change in your P.E. clothes still?  
 3 A No.  
 4 Q Did you change in your P.E. before clothes  
 5 spring break?  
 6 A I don't remember.  
 7 Q Do you remember changing into your P.E. clothes  
 8 after Christmas break?  
 9 A I don't know.  
 10 Q So have you -- did you stop going into the  
 11 locker room -- I'm sorry.  
 12 When you stopped changing out of your regular  
 13 clothes into P.E. clothes, did you also stop going to  
 14 the locker room?  
 15 A Yeah.  
 16 Q Can you remember any time this past -- since  
 17 Christmas break using the locker room at all, going into  
 18 the locker room?  
 19 A No, I don't remember.  
 20 Q And the last time when you did go to the locker  
 21 room, there were lockers in the locker room, right?  
 22 A Yeah.  
 23 Q So you don't use those lockers anymore, right?  
 24 A Yeah.  
 25 Q Do you have any other lockers on campus besides

- 1 the ones in the gym?  
 2 A No.  
 3 Q I'm going to ask you to read Paragraph 7 of  
 4 your declaration, "The gym is dirty and usually has  
 5 trash on the floors. There is only one trash can in the  
 6 gym and no trash cans in the girls' locker room, so  
 7 floor gets littered with trash. Also, the girls' locker  
 8 room is dirty. There is trash in the lockers, and the  
 9 trash doesn't get cleaned."  
 10 What do you mean by all that? Let's talk about  
 11 the dirty --  
 12 MS. WELCH: Objection, vague.  
 13 BY MS. KOURY:  
 14 Q Let's talk about the first two sentences first,  
 15 "The gym is dirty and usually has trash on the floors."  
 16 Is that the situation now in your gym?  
 17 A No.  
 18 Q When did that stop?  
 19 A I don't remember.  
 20 Q Do you remember it being dirty and having trash  
 21 on the floors?  
 22 A Yeah.  
 23 Q When do you remember that?  
 24 A I don't remember the last time.  
 25 Q Do you remember it happening more than once?

- 1 A Yeah.  
 2 Q Do you remember why it was happening?  
 3 MS. WELCH: Objection, calls for speculation.  
 4 THE WITNESS: People would eat seeds, and they  
 5 would spit their candy wrappers or their seeds on the  
 6 floor.  
 7 BY MS. KOURY:  
 8 Q Who are "people," other students in your class?  
 9 A Yeah.  
 10 Q Are they allowed to eat seeds in the gym?  
 11 A I don't.  
 12 MS. WELCH: Objection, calls for speculation.  
 13 THE WITNESS: I don't know.  
 14 BY MS. KOURY:  
 15 Q Has your gym teacher ever told you not to eat  
 16 in the gym?  
 17 A I don't remember.  
 18 Q Do you see a trash can in the gym now? I'm  
 19 sorry. Have you seen a trash can in the gym?  
 20 MS. WELCH: Objection, vague.  
 21 THE WITNESS: Yeah.  
 22 BY MS. KOURY:  
 23 Q On Friday when you were in gym?  
 24 A No.  
 25 Q When?

- 1 A When there was trash on the floor, there used  
 2 to be a trash can.  
 3 Q But there isn't a trash can anymore in the gym?  
 4 A Well, that I can remember, no.  
 5 Q When's the last time you remember seeing trash  
 6 on the floor in the gym?  
 7 A I don't know.  
 8 Q What about this last time you were in the gym  
 9 on Friday, was there trash on the floor?  
 10 A No.  
 11 Q How about Thursday, did you have gym on  
 12 Thursday?  
 13 A Yeah.  
 14 Q Do you remember there being trash on the floor?  
 15 A I don't think so.  
 16 Q What about this past school week at all, do you  
 17 remember there being trash on the floor when you were in  
 18 gym?  
 19 A No.  
 20 Q When's the last time you used a locker, do you  
 21 remember?  
 22 MS. WELCH: Objection, asked and answered.  
 23 THE WITNESS: I don't remember.  
 24 BY MS. KOURY:  
 25 Q Did you have a locker in the gym?

- 1 A No.  
 2 Q I'm sorry. In the locker room?  
 3 A No.  
 4 Q You never had a locker in the locker room?  
 5 A No, because they were dirty.  
 6 Q Did other -- did someone assign you a locker,  
 7 but you did not to use it?  
 8 A No, they didn't assign us lockers. If you  
 9 wanted a locker, you could get it.  
 10 Q But you never used a locker?  
 11 A No.  
 12 Q Did you ever look in the lockers?  
 13 A Yeah.  
 14 Q And what did you see?  
 15 A The white powder and some garbage in it.  
 16 Q Other than that, was there anything else?  
 17 A No.  
 18 Q Do you remember when that was that you looked  
 19 into the lockers?  
 20 A No.  
 21 Q Do you ever remember complaining to anyone  
 22 about the lockers?  
 23 A I don't remember.  
 24 Q And the white powder, is that in the gym at all  
 25 or just in the locker room?

- 1 A It's in the locker room.  
 2 Q Do you ever remember anyone else complaining  
 3 about the locker room having white powder?  
 4 A I don't know.  
 5 Q Do you know why you don't use the locker room  
 6 anymore?  
 7 MS. WELCH: Objection, calls for speculation.  
 8 THE WITNESS: No, I don't know.  
 9 BY MS. KOURY:  
 10 Q Has anyone told you that you're not going to  
 11 use the room anymore?  
 12 A No.  
 13 (Recess.)  
 14 BY MS. KOURY:  
 15 Q Let's discuss the bathrooms. You mentioned  
 16 last time you were deposed that the bathrooms hardly  
 17 have soap or paper towels and that the stall doors are  
 18 broken, the toilets seats are broken and they're locked.  
 19 Is there anything else about the bathrooms that  
 20 bothers you?  
 21 A No, that's it.  
 22 Q How many bathrooms are there at your school?  
 23 A There's three girls' bathroom and three boys'  
 24 bathrooms.  
 25 Q And the three girls' bathrooms, where are they

- 1 located?  
 2 A One of them is located near the cafeteria, and  
 3 the other one's near the playground in the front, and  
 4 the other one's near some classrooms.  
 5 Q How often do you use the bathroom near the  
 6 cafeteria?  
 7 A Not much.  
 8 Q When's the last time you used that bathroom?  
 9 A I think it was yesterday.  
 10 Q Do you remember what time of day that was?  
 11 A In the morning.  
 12 Q Was it before school started?  
 13 A No.  
 14 Q Was it during class time?  
 15 A Yeah.  
 16 Q Was the bathroom locked when you went to use  
 17 it?  
 18 A No.  
 19 Q Did you have a key for the bathroom?  
 20 A No.  
 21 Q Did you go by yourself?  
 22 A Yeah.  
 23 Q What class were you in before you used the  
 24 bathroom?  
 25 A Mr. Manning, language arts.

- 1 Q Did you ask Mr. Manning for permission to use  
 2 the bathroom?  
 3 A Yeah.  
 4 Q Was there soap in the bathroom when you used it  
 5 yesterday?  
 6 A Yeah.  
 7 Q Did you use the soap when you went?  
 8 A Yeah.  
 9 Q Do you know if there were paper towels when you  
 10 used the bathroom yesterday?  
 11 A Yeah.  
 12 Q Other than using this bathroom yesterday, do  
 13 you recall any other time you've used this bathroom this  
 14 week?  
 15 A No.  
 16 Q What about last week?  
 17 A I don't remember.  
 18 Q Do you have any recollection of using this  
 19 bathroom near the cafeteria at a time when there wasn't  
 20 any soap or paper towels?  
 21 A No.  
 22 Q So would it be accurate to say that every time  
 23 you've used the bathroom near the cafeteria, that there  
 24 has been soap and there has been paper towels?  
 25 MS. WELCH: Objection, mischaracterizes her

1 testimony.

2 THE WITNESS: No, I'm not trying to say that. When  
3 I have been to that bathroom, there has been soap and  
4 there hadn't been paper towels, or there has not been  
5 soap and there has been paper towels.

6 BY MS. KOURY:

7 Q So you have used this bathroom near the  
8 cafeteria at a time when there's either no soap or no  
9 paper towels?

10 A Yeah.

11 Q Do you remember the last time you went into  
12 that bathroom and there was no soap?

13 A I don't remember.

14 Q Can you remember any time that you've been to  
15 this bathroom and there was no soap?

16 A Yeah, but not the -- like when exactly was it.

17 Q But in your mind can you remember that  
18 happening?

19 A Yeah.

20 Q Do you remember what you did?

21 A When there's either no soap, I just rinse my  
22 hands, and then I clean it with a paper towel, or if  
23 there's no paper towel, I just wash them with soap.

24 Q I'm going to ask you to think about that one  
25 time that you used the bathroom and there was no soap.

1 Q How do you know that?

2 A Because she said that they're going to see what  
3 they're going to do.

4 Q Did she tell you that she spoke to someone in  
5 the office?

6 A No. She just said that she handed it to  
7 somebody in the office.

8 Q Do you know if there was soap there later that  
9 day?

10 A I don't know.

11 Q Do you know if anything happened after she  
12 wrote the note to somebody in the office?

13 A No.

14 Q Have you ever written a note to the someone in  
15 the office telling --

16 A No.

17 Q Do you know what a student can do if they go to  
18 the bathroom and there's no soap or paper towels?

19 A I don't know.

20 Q Have you ever asked anyone if there's something  
21 you can do?

22 A No.

23 Q How many times do you think that you've gone to  
24 this bathroom near the cafeteria and there hadn't been  
25 soap or there hadn't been paper towels?

1 Can you specifically remember what happened that day  
2 while you were in the bathroom and there was no soap?

3 MS. WELCH: I think she's already testified that  
4 she doesn't remember a specific time, so I'm not sure  
5 what you're asking her.

6 BY MS. KOURY:

7 Q Can you remember what happened that day?

8 A Not quite.

9 Q Do you remember if you've ever complained to  
10 anyone about there being no soap in the bathrooms?

11 A Not me, but a friend of mine has.

12 Q Were you there when she complained?

13 A Yeah. She went to the bathroom and she came  
14 back saying that there was no napkins or soap.

15 Q Do you remember who she told that to?

16 A Our teacher, Mr. Davis.

17 Q Do you know if Mr. Davis told her anything?

18 A Yeah. He told her to write a note and to send  
19 it to the office.

20 Q Do you know if she wrote a note?

21 A Yeah, she did.

22 Q Did you see her write the note?

23 A Yeah.

24 Q Do you know if she sent it to the office?

25 A Yeah.

1 A Quite a few times.

2 Q What's "quite a few times"?

3 A Like two or more times.

4 Q This entire school year?

5 A Yeah.

6 Q Two or more times?

7 A Yeah.

8 Q When you say "more," what do you mean? More  
9 than five times?

10 A I don't think so.

11 Q So it's been between two to five times?

12 A Yeah.

13 Q What about the bathroom near the playground,  
14 how often do you use that bathroom?

15 A Not much. I hardly go to that one.

16 Q Do you remember the last time you were in that  
17 bathroom?

18 A No.

19 Q Do you know if you used that bathroom at all  
20 this school year?

21 A Huh?

22 Q Do you know if you used the bathroom near the  
23 playground at all this school year while you've been in  
24 the 8th grade?

25 A Yeah.

- 1 Q Can you remember using it this school year?  
 2 A Well, I don't use the bathroom. I just go  
 3 either to wash my hands.  
 4 Q Have you used the bathroom near the playground  
 5 to wash your hands this school year?  
 6 A Yeah.  
 7 Q Can you remember the last time you used it to  
 8 wash your hands?  
 9 A No.  
 10 Q Do you remember ever using the bathroom near  
 11 the playground this school year and not having soap in  
 12 that bathroom when you went to wash your hands?  
 13 A No.  
 14 Q Do you ever remember using the bathroom near  
 15 the playground to wash your hands and there wasn't paper  
 16 towels to dry your hands with?  
 17 A Yeah.  
 18 Q You remember that happening this school year?  
 19 A Yeah.  
 20 Q Do you remember when?  
 21 A No.  
 22 Q Do you remember how many times that happened?  
 23 A I don't remember.  
 24 Q Do you remember if it happened more than once?  
 25 A Probably like two times, two.

- 1 Q Do you know if you -- do you remember what time  
 2 of day you would have used this bathroom near the  
 3 playground?  
 4 A In the afternoon.  
 5 Q Do you mean after lunch time?  
 6 A Yeah.  
 7 Q How often do you go to this bathroom near the  
 8 playground to wash your hands?  
 9 MS. WELCH: Objection, asked and answered.  
 10 THE WITNESS: Not very much I didn't go.  
 11 BY MS. KOURY:  
 12 Q Do you go more than once a week to wash your  
 13 hands in this bathroom?  
 14 A No. I go like two times a week and just to  
 15 wash my hands, and that's it.  
 16 Q What about the bathroom near the classrooms,  
 17 how often do you use that bathroom? And when I say  
 18 "use," I mean whether you go in there just to look in  
 19 the mirror or wash your hands or use the toilet, how  
 20 often do you go into that bathroom near the classrooms?  
 21 A Well, I mostly go to that one because it's the  
 22 closest to our classroom, but lately it has been locked.  
 23 Q So you have not been using it as much lately?  
 24 A Yeah.  
 25 Q Have you ever been into this bathroom near the

- 1 classroom and there wasn't soap?  
 2 A No.  
 3 Q Does that mean --  
 4 A No, I don't remember.  
 5 Q Okay. Every time you've used this bathroom,  
 6 was there soap?  
 7 MS. WELCH: Objection, asked and answered.  
 8 THE WITNESS: I don't remember.  
 9 BY MS. KOURY:  
 10 Q Do you ever remember a time that you used this  
 11 bathroom near the classroom and there wasn't paper  
 12 towels?  
 13 A Yeah.  
 14 Q Do you remember that happening more than once?  
 15 A Yeah.  
 16 Q Do you remember that happening more than twice?  
 17 A Yeah.  
 18 Q How many times do you remember that happening,  
 19 about?  
 20 A Like around five times.  
 21 Q This school year?  
 22 A Yeah.  
 23 Q Do you remember when the last time you used  
 24 this bathroom near the classrooms and you didn't have  
 25 paper towels?

- 1 A It was a few days ago.  
 2 Q Do you remember what happened?  
 3 A No. I just washed my hands and dried them on  
 4 my sweater.  
 5 Q Did you tell anyone that there were no paper  
 6 towels in the bathroom?  
 7 A No.  
 8 Q Have you ever complained to anyone about there  
 9 being no paper towels in the bathroom, to anyone?  
 10 A No.  
 11 Q You've never told a teacher?  
 12 A No.  
 13 Q What about toilet paper, have you ever used  
 14 this bathroom near the classrooms and there was no  
 15 toilet paper?  
 16 A That I can remember, no.  
 17 Q What about the bathroom near the cafeteria, do  
 18 you ever using that bathroom when there was no toilet  
 19 paper?  
 20 A No.  
 21 Q What about the bathroom near the playground, do  
 22 you ever remember using that bathroom when there was no  
 23 toilet paper?  
 24 A No.  
 25 Q You said the bathroom near the cafeteria, is

1 that the bathroom that was missing a toilet seat?  
 2 A Yeah.  
 3 Q Can you describe to me what was wrong with this  
 4 toilet seat?  
 5 MS. WELCH: Objection, vague.  
 6 BY MS. KOURY:  
 7 Q Do you understand the question?  
 8 A No.  
 9 Q Was the toilet seat missing, or was it broken?  
 10 A It was missing.  
 11 Q So what did you see, what's there?  
 12 A It was just the toilet and without a toilet  
 13 seat.  
 14 Q Do you remember the last time that you used  
 15 this bathroom and you noticed that there was no toilet  
 16 seat?  
 17 A No, and there still isn't.  
 18 Q When is the last time you were in this bathroom  
 19 and you noticed there wasn't any toilet seat? When you  
 20 say "there still isn't," what do you mean by that?  
 21 A The cover.  
 22 Q Were you in there on Friday?  
 23 A Yeah.  
 24 Q And you noticed that there was no toilet seat?  
 25 A Yeah.

1 that bathroom?  
 2 A No.  
 3 Q Other than this toilet seat missing, are there  
 4 any other toilet seats that have been missing in any of  
 5 the bathrooms this school year?  
 6 A No.  
 7 Q What about any broken toilet seats, have there  
 8 ever been any other bathrooms this school year that had  
 9 broken toilet seats?  
 10 A Well, no, it's just that like they're going --  
 11 it looks like they're going to break.  
 12 Q What do you mean by that?  
 13 A Like when I go use the bathroom and then I sit  
 14 down, it's like it's going to break, or it's like it's  
 15 going to fall off.  
 16 Q What do you mean by that? Is it that the  
 17 toilet seat feels loose?  
 18 A Yeah.  
 19 Q Does it move side to side?  
 20 A Yeah.  
 21 Q Does it move all the way to one side such that  
 22 it's no longer covering the toilet?  
 23 A No.  
 24 Q Have you ever sat on a toilet seat and have it  
 25 break?

1 Q Which toilet is it? How many toilets are there  
 2 in the girls' bathroom near the cafeteria?  
 3 A There's just two.  
 4 Q And is it the toilet closest to the door, to  
 5 the front door where you enter into the bathroom, or is  
 6 it the toilet further away from the door that's missing  
 7 the toilet seat?  
 8 A It's just -- it's like the big one for the  
 9 handicap, the big bathroom. Yeah, it's that one, to  
 10 your left.  
 11 Q Is there only one big -- one big toilet stall  
 12 for handicapped in that bathroom?  
 13 A Yeah.  
 14 Q Yes?  
 15 A Yeah.  
 16 Q And that's the one missing the toilet seat?  
 17 A Yeah.  
 18 Q Do you remember the first time you noticed that  
 19 the toilet seat was missing out of that toilet?  
 20 A No.  
 21 Q Do you remember if it was before Christmas  
 22 vacation?  
 23 A No.  
 24 Q Do you remember if you've ever told anyone or  
 25 complained to anyone that the toilet seat was missing in

1 A No.  
 2 Q Are the toilet seats of any of the toilets in  
 3 your school cracked?  
 4 A I don't think so.  
 5 Q So when you said that they feel like they're  
 6 going to break, you just mean that they're loose?  
 7 A Yeah.  
 8 Q Anything else with respect to the toilet seats?  
 9 A No.  
 10 Q Are there any stall doors to any of the  
 11 bathrooms -- or any stall doors in any of the bathrooms  
 12 that are broken?  
 13 A Yeah.  
 14 Q Which ones, right now that are broken, or this  
 15 last week that you've noticed?  
 16 A The one near the playground in the front, one  
 17 of the handles is broken.  
 18 Q What do you mean "handles"?  
 19 A To lock the door.  
 20 Q So you can't lock the door?  
 21 A No.  
 22 Q Can you shut the door, the stall door?  
 23 A You can close it, but it will open.  
 24 Q So when's the last time that you saw this stall  
 25 door where the lock wouldn't work? Was it this week?

1 A I don't know.  
 2 Q Do you know if it was this month that you used  
 3 this bathroom and the lock on this stall door was not  
 4 working?  
 5 A No, I don't remember when was it that I went to  
 6 the bathroom, but it doesn't have the thing -- the lock.  
 7 Q So how do you know that it's not -- do you know  
 8 if it's fixed?  
 9 A No.  
 10 Q You don't know if it's fixed?  
 11 A No.  
 12 Q Other than that, are there any other stall  
 13 doors that you've noticed that are broken, or locks to  
 14 the stall doors that are broken in any of the bathrooms  
 15 for this school year?  
 16 A Yeah, in the bathroom near the cafeteria the  
 17 lock is also broken.  
 18 Q So the same thing as the other bathroom, you  
 19 can't shut the stall door because the lock isn't  
 20 working?  
 21 A Yeah.  
 22 Q With the bathroom near the playground, which  
 23 stall door was it that was broken? Is it the stall to  
 24 the toilet -- how many toilets are there in that  
 25 bathroom?

1 A There's three, and the one way at the end.  
 2 Q When you say "end," do you mean furthest away  
 3 from the front door?  
 4 A Yeah.  
 5 Q What about the one near the cafeteria, which  
 6 stall door has the lock that's not working?  
 7 A It's the one when you enter, the small bathroom  
 8 to your right.  
 9 Q When you say "small bathroom," are there only  
 10 two toilets?  
 11 A Yeah.  
 12 Q When did you first notice that the lock to this  
 13 stall door was not working near the cafeteria, the  
 14 bathroom near the cafeteria?  
 15 A Near the cafeteria.  
 16 Q The one that you were just telling me about,  
 17 you said there's the stall door that has the lock that  
 18 doesn't work properly.  
 19 A Uh-huh.  
 20 Q When did you first notice that?  
 21 A I don't remember.  
 22 Q When's the last time that you saw this door?  
 23 A Friday.  
 24 Q On Friday, did you notice that the stall door  
 25 lock was not working?

1 A Yeah.  
 2 Q Did you use the stall?  
 3 A Yeah. I just put my hand because that was the  
 4 only bathroom that was open.  
 5 Q On Friday?  
 6 A Yeah.  
 7 Q Do you ever remember seeing this stall door  
 8 with the lock that's not working properly in the  
 9 bathroom near the cafeteria, not working before Friday?  
 10 A No.  
 11 Q So Friday was the first time you noticed it?  
 12 A No, it's been like that.  
 13 Q That's not my question. Have you ever noticed  
 14 it before Friday?  
 15 MS. WELCH: Okay, asked and answered a couple times  
 16 now.  
 17 THE WITNESS: Yeah.  
 18 BY MS. KOURY:  
 19 Q Other than on Friday, when else have you  
 20 noticed that the lock was not working properly?  
 21 MS. WELCH: Asked and answered.  
 22 THE WITNESS: I don't remember when it was.  
 23 BY MS. KOURY:  
 24 Q I'm not asking you the first time you noticed  
 25 it, but other than Friday, has there been any other time

1 that you've noticed that this stall door lock was not  
 2 working properly?  
 3 MS. WELCH: Asked and answered.  
 4 THE WITNESS: Yeah.  
 5 BY MS. KOURY:  
 6 Q When?  
 7 A I don't know.  
 8 Q Was it earlier this week?  
 9 A I don't remember.  
 10 Q Do you remember it after spring break?  
 11 MS. WELCH: Asked and answered.  
 12 THE WITNESS: I don't know.  
 13 BY MS. KOURY:  
 14 Q Do you know if you've ever told anyone that  
 15 this stall door was not working?  
 16 A No.  
 17 Q Do you know if anyone else has ever complained  
 18 about it?  
 19 A I don't know.  
 20 Q Do you know what a student can do when  
 21 something's wrong with one of the bathrooms, like a  
 22 stall door is not working properly, or there's no toilet  
 23 paper, or there is no paper towels?  
 24 MS. WELCH: Objection, calls for speculation,  
 25 vague.



1 BY MS. KOURY:  
 2 Q Has any teacher ever told you what you can do  
 3 if you have a problem with one of the bathrooms?  
 4 A No.  
 5 Q Has anyone ever told you that you can talk to  
 6 one of the custodians or the janitors?  
 7 MS. WELCH: Objection, vague.  
 8 THE WITNESS: No.  
 9 BY MS. KOURY:  
 10 Q Other than the stall doors that we've  
 11 discussed, is there anything else, are there any other  
 12 stall doors this school year that were not working  
 13 properly?  
 14 A No.  
 15 Q Any other stall doors in any of the bathrooms  
 16 that school year that were broken?  
 17 A No.  
 18 Q Any stall doors to any of the bathrooms that  
 19 were missing?  
 20 A No.  
 21 Q You said that the bathrooms are locked. Does  
 22 that bother you?  
 23 A Yeah.  
 24 Q Why does it bother you?  
 25 A Well, it bothers me because like if somebody

1 A At recess.  
 2 Q But where are the students during 10:15? Are  
 3 you in the classroom?  
 4 A No.  
 5 Q Where are you?  
 6 A I don't understand the question.  
 7 Q Are you on the playground at 10:15 during your  
 8 recess?  
 9 A We don't have a playground. We just stay in  
 10 the front.  
 11 Q Where in the front?  
 12 A In the front where there's grass, or you can  
 13 either play soccer.  
 14 Q So you're outside?  
 15 A Yeah.  
 16 Q The front of the school building?  
 17 A Yeah, because we either go to the front, or you  
 18 can stay near the classrooms because some kids stay near  
 19 the classrooms to play soccer.  
 20 Q You told me before that there's a bathroom near  
 21 the playground. Is that the playground that you were  
 22 referring to? Where is that?  
 23 A That's the front.  
 24 Q Is that where you are during recess at 10:15?  
 25 A Yeah.

1 has to go to the bathroom and in the bathrooms that are  
 2 locked, they cannot go because the bathrooms are locked,  
 3 and there's no other way they can use the bathroom.  
 4 Q When are the bathrooms locked?  
 5 A Well, during class.  
 6 Q How about during recess?  
 7 A Yeah.  
 8 Q What -- during recess -- how many recesses do  
 9 you have during the day?  
 10 A Two.  
 11 Q When's your first recess?  
 12 A At 10:15.  
 13 Q When's your second recess?  
 14 A 12:15.  
 15 Q Is lunch your second recess?  
 16 A Yeah.  
 17 Q During your first recess at 10:15, where are  
 18 you supposed to be?  
 19 MS. WELCH: Objection, vague.  
 20 BY MS. KOURY:  
 21 Q On campus?  
 22 MS. WELCH: Same objection.  
 23 THE WITNESS: At 10:15?  
 24 BY MS. KOURY:  
 25 Q Uh-huh.

1 Q So is the bathroom near the playground the  
 2 bathroom that you would use while you are at recess at  
 3 10:15?  
 4 MS. WELCH: Objection, vague.  
 5 THE WITNESS: No.  
 6 BY MS. KOURY:  
 7 Q Which bathroom would you use?  
 8 A Near the classrooms.  
 9 Q Why?  
 10 A Because that's the closest one.  
 11 Q And at 10:15 during recess, are the bathrooms  
 12 near the classrooms locked?  
 13 A Yeah.  
 14 Q Do you know, are the bathrooms near the  
 15 playground locked during your 10:15 recess?  
 16 A I don't know.  
 17 Q Do you ever use the bathroom while you're at  
 18 recess, your 10:15 recess?  
 19 A No.  
 20 Q Have you ever used the bathroom during your  
 21 10:15 recess that you can remember?  
 22 A No.  
 23 Q So you don't know what bathrooms are locked and  
 24 what bathrooms are not locked during the 10:15 recess?  
 25 MS. WELCH: Objection, mischaracterizes the

1 testimony.

2 BY MS. KOURY:

3 Q Is that correct?

4 A No, it's just that one near the classrooms that  
5 one is usually locked. And the little one near the  
6 front, we don't know -- I don't check that bathroom, if  
7 it's open or not.

8 Q When you say "near the front," which bathrooms  
9 are you referring to?

10 A The one near the playground.

11 Q Okay. Have you ever tried to use the bathroom  
12 during recess, and you weren't able to?

13 A No.

14 Q How about lunch, your 12:15 break, do you know  
15 what bathrooms are locked and what bathrooms are not  
16 locked during that recess?

17 A The one near the classes are -- well, on Friday  
18 it was locked, and I don't know about near the  
19 playground.

20 Q How do you know the one near the classes were  
21 locked?

22 A Because me and my friend were going to go to  
23 the bathroom, and it was locked.

24 Q What did you do?

25 A So we didn't go -- she just needed to get a

1 A Yeah.

2 Q Did you use the bathroom on Friday during  
3 class?

4 A Yeah.

5 Q And you said you used the bathroom -- what  
6 class was that for again?

7 A Language arts. We don't have classes no more.  
8 We just stay in the class, but we don't have the  
9 subjects.

10 Q Why --

11 A Because we're practicing for graduation.

12 Q Oh, that's right. Okay.

13 Well, then let's talk about when this was  
14 class, before you started practicing for graduation.  
15 During class time, the bathroom near the classes are  
16 locked?

17 A Yeah.

18 Q Have you ever tried to use a bathroom during  
19 class time?

20 A Yeah.

21 Q Can you remember specifically having to use the  
22 bathroom during class time?

23 A No, I don't remember.

24 Q Do you ever remember asking a teacher to use  
25 the bathroom during class time?

1 paper towel, a wet paper towel.

2 Q Did you ask any of the teachers to let you in  
3 one of the bathrooms?

4 A No.

5 Q Did you go to check if the bathrooms near the  
6 playground were unlocked?

7 A No.

8 Q Did you check whether the bathrooms near the  
9 cafeteria were unlocked?

10 A No.

11 Q Other than that time on Friday, has there been  
12 any other time during lunch break where you needed to  
13 use the bathroom but you couldn't because it was locked?

14 A No.

15 Q And you said during class all the bathrooms are  
16 locked near the classrooms, or am I mischaracterizing --

17 A Not all of them. I don't know if all of them  
18 are locked, but I know that the one near the classrooms  
19 are locked.

20 Q I don't understand that. What do you mean?

21 A What I'm trying to say, that I don't know if  
22 all of the bathrooms are locked at the same time, but I  
23 know that on Friday the one near the classes were --  
24 that one was locked.

25 Q While you were in class?

1 A Yeah.

2 Q What happened? Did you ask the teacher if  
3 could you use the bathroom?

4 A Yeah.

5 Q And what happened?

6 A Well, I went, and the bathroom was locked near  
7 the classrooms. So then I went to go check the one  
8 that's near the playground, and so that one was open, so  
9 I went there.

10 Q Do you know if the teachers in your classrooms  
11 have a key to use the bathrooms?

12 A No.

13 Q Have you ever used a key to open one of the  
14 bathrooms?

15 A No.

16 Q Do you know if the hall watchers have keys to  
17 use the bathroom?

18 A Yeah, they do.

19 Q How do you know that?

20 A Because at recess, when we have recess time,  
21 they open the bathrooms and sometimes they lock it.

22 Q You see them lock it?

23 A Yeah.

24 Q Have you ever asked one of the hall watchers to  
25 open a bathroom for you because you needed to use it?

- 1 A Yeah.  
 2 Q And what did they say?  
 3 A Well, they just opened it.  
 4 Q Have you ever had to use a bathroom and not  
 5 been able to get into a bathroom because they were all  
 6 locked?  
 7 A I don't think so.  
 8 Q When you used this bathroom that you were  
 9 telling me about during class and you went to the  
 10 bathroom near the classes and it was locked, so then you  
 11 went to the bathrooms near the playground; is that true?  
 12 A Yeah.  
 13 Q Did you tell the teacher that you had to use  
 14 the bathrooms near the playground?  
 15 A No.  
 16 Q How long does it take you to walk to the  
 17 bathrooms near the playground from your classes, or that  
 18 particular time how long did it take; do you remember?  
 19 A Like a minute.  
 20 Q So it's not far away from your classes?  
 21 A It looks far away, but it's not.  
 22 Q Have you ever heard anyone else complain about  
 23 the bathrooms being locked?  
 24 A I don't think so.  
 25 Q Do you know why they lock the bathrooms at your

- 1 when we still have class, and sometimes they have the  
 2 bathrooms locked.  
 3 Q And what happens?  
 4 A Well, then they -- I don't know what happens  
 5 because I'm in class.  
 6 Q Why do you think it's a problem that the  
 7 bathrooms are locked when the kids get out at 2:30?  
 8 A Because they need to go to the bathroom and  
 9 they're locked. And how are they going to go if they're  
 10 locked.  
 11 Q Have you ever heard anyone complain that  
 12 they're locked at 2:30 when they get out of school?  
 13 A Not that I know of, no.  
 14 Q Have you ever seen anyone looking for a  
 15 bathroom at 2:30 when they get out of class?  
 16 MS. WELCH: Objection, vague.  
 17 THE WITNESS: No.  
 18 BY MS. KOURY:  
 19 Q Have you ever seen any lines for the bathrooms  
 20 at your school?  
 21 A No.  
 22 Q Have you ever had to wait in line for a  
 23 bathroom at your school?  
 24 A No.  
 25 Q Is there any other reason why you think it

- 1 school?  
 2 A No, I don't know.  
 3 Q Have you ever seen kids playing in the  
 4 bathroom? Do you understand what I'm asking?  
 5 A I don't know if they have.  
 6 Q Did you ever see kids splashing water in the  
 7 bathroom?  
 8 A No.  
 9 Q Never?  
 10 A No, I haven't.  
 11 Q Have you ever seen kids putting graffiti in the  
 12 bathrooms?  
 13 A No.  
 14 Q Have you ever seen kids putting paper in the  
 15 sinks, clogging the sinks?  
 16 A No.  
 17 Q Do you think it would be better to keep the  
 18 bathrooms open and unlocked all the time?  
 19 A Well, not keep 'em open all the time, but when  
 20 they need to be open, yeah.  
 21 Q Do you think sometimes they're closed when they  
 22 need to be open?  
 23 A Yeah.  
 24 Q When?  
 25 A Because some kids come out at 2:30, and that's

- 1 would be better -- or is there any other time that you  
 2 think that all the bathrooms should be open other than  
 3 what you just discussed with me at 2:30 when the kids  
 4 get out of school?  
 5 MS. WELCH: Objection, vague.  
 6 THE WITNESS: When we have classes, too.  
 7 BY MS. KOURY:  
 8 Q When you're in class?  
 9 A Yeah.  
 10 Q When you're in class, you think the bathrooms  
 11 should be unlocked?  
 12 A Yeah, because sometimes -- because we have  
 13 to -- like if somebody has to go to the bathroom, you  
 14 know, they go.  
 15 Q Where do they go now when they have to go  
 16 during class?  
 17 A To the bathroom.  
 18 MS. WELCH: Objection, calls for speculation.  
 19 BY MS. KOURY:  
 20 Q Which bathrooms?  
 21 A I don't know.  
 22 Q Which bathrooms have you used during class?  
 23 MS. WELCH: Objection, asked and answered.  
 24 THE WITNESS: I use the one near the cafeteria.  
 25 BY MS. KOURY:

- 1 Q Have you ever used a bathroom near the classes  
2 during class time?  
3 A Yeah.  
4 Q Was the bathroom -- did someone have to unlock  
5 it for you?  
6 A No.  
7 Q Was that before they locked it?  
8 A I think so.  
9 Q Do you know during class whether the cafeteria  
10 bathroom is unlocked?  
11 A (No audible response.)  
12 Q Do you know whether the bathroom near the  
13 cafeteria is unlocked while you're in class?  
14 A I don't know.  
15 Q But when you have used the bathroom near the  
16 playground during class, was it unlocked?  
17 MS. WELCH: Objection, asked and answered.  
18 THE WITNESS: Sometimes it is.  
19 BY MS. KOURY:  
20 Q Have you ever tried to use the bathroom during  
21 class near the playground and it was locked?  
22 A That I remember, no.  
23 Q You say water fountains at your school don't  
24 work properly and that they're dirty.  
25 A Yeah.

- 1 A A long time ago.  
2 Q How long ago was it, before spring break?  
3 A Not even this year. It's been like the school  
4 year.  
5 Q So have you tried to use this water fountain at  
6 all this school year?  
7 A No.  
8 Q So how do you know it's not working?  
9 A Because people pass by and they like push the  
10 thing so water can come out, and it doesn't come out.  
11 Q Have you seen this happen?  
12 A Seen what happen?  
13 Q Have you seen students go by this water  
14 fountain and try to drink from it and no water comes  
15 out?  
16 A No. They just push it and the water doesn't  
17 come out, and they know that the water doesn't come out  
18 and they go to another water fountain.  
19 Q Have you ever seen that? Have you seen the  
20 students pushing it and trying to get water from it?  
21 A No.  
22 Q How do you know that students do that then?  
23 A Because some of my friends do that. They just  
24 push the water fountain.  
25 Q Have you seen them do that?

- 1 Q Is there anything else about the water  
2 fountains that bothers you?  
3 A No, it's just that they're dirty, and they  
4 don't work right.  
5 Q How many water fountains are there at your  
6 school, do you know?  
7 A Six of them, but only three of them work.  
8 Q Which three do you think work?  
9 A The one near the classes, which is near the  
10 bathroom. There's one near the office, and one near the  
11 cafeteria bathroom. Well, there's two near the  
12 cafeteria bathroom but only one of them works.  
13 Q Okay. And then the three other water fountains  
14 that you think don't work, where are they? One you said  
15 is near the cafeteria, right?  
16 A Yeah, and the two of them are in back of the  
17 gym.  
18 Q Let's talk about the water fountain near the  
19 cafeteria that you think doesn't work. What do you mean  
20 it doesn't work?  
21 A Water doesn't come out.  
22 Q There's no water that comes out of it?  
23 A No.  
24 Q When's the last time you tried to use that  
25 water fountain?

- 1 A Yeah.  
2 Q You've seen your friends push this particular  
3 water fountain?  
4 A Yes.  
5 Q And no water came out?  
6 A No.  
7 Q Did you see them do this this school year?  
8 A I don't remember.  
9 Q So you don't remember seeing your friends try  
10 to use this water fountain this school year?  
11 A No.  
12 Q What about the water fountain behind the gym.  
13 You said there's two of them?  
14 A Yeah.  
15 Q When's the last time that you used the water  
16 fountains behind the gym?  
17 A Well, I haven't used them -- well, I tried to  
18 -- because they look new, and then I pushed over them  
19 and nothing came out.  
20 Q When was this?  
21 A I think it was around -- I really don't know.  
22 I  
23 really don't remember.  
24 Q Was it this school year?  
25 A I don't remember.

1 Q You can't ever -- you can't remember using  
 2 either of these water fountains behind the gym this  
 3 school year?  
 4 A It must have been around -- around in October.  
 5 Q Of this school year?  
 6 A Yeah, in 8th grade, because that's when we were  
 7 still using the locker rooms.  
 8 Q So you were using the locker rooms in October  
 9 of 8th grade?  
 10 A Yeah.  
 11 Q Do you remember in October when you used those  
 12 water fountains, did you try both of them?  
 13 A Yeah.  
 14 Q And neither of them worked?  
 15 A No.  
 16 Q Do you remember if you told anyone?  
 17 A I don't -- I didn't.  
 18 Q Do you know if anyone's complained that these  
 19 water fountains don't work?  
 20 A I don't know.  
 21 Q Have you tried to use these water fountains  
 22 since October?  
 23 A No.  
 24 Q Have you seen anyone else try to use these  
 25 water fountains since October?

1 A No.  
 2 Q So how do you know they're not working still?  
 3 A Well, I think they're -- well, I don't know.  
 4 It's just that because they look really dried up. It  
 5 has like dirt in there.  
 6 Q Have you seen these water fountains recently?  
 7 A I see -- I think I seen 'em like the water  
 8 fountains two or three times a week.  
 9 Q When you say "dirty," what do you mean by  
 10 dirty?  
 11 A It has garbage. It looks like dust on it.  
 12 Q What kind of garbage?  
 13 A Candy wrappers.  
 14 Q Anything else?  
 15 A No. Can I take a quick break?  
 16 Q Sure.  
 17 (Lunch Recess.)  
 18 MS. WELCH: Before we start up with the  
 19 questioning, I just wanted to say for the record that my  
 20 client has told me that she feels like the questioning  
 21 today has been real repetitive and that frequently the  
 22 answer that she gives is repeated back to her in  
 23 question form, and she feels like it's an inefficient  
 24 use of everyone's time.  
 25 MS. KOURY: Is there anything else you'd like to

1 put on the record?  
 2 MS. WELCH: That's it.  
 3 BY MS. KOURY:  
 4 Q You're back from lunch break, and I just want  
 5 to remind you that you're under oath.  
 6 Did anything during lunch trigger your memory  
 7 as to any of the questions that you were answering  
 8 before lunch break?  
 9 A Yeah, about the bathrooms and the toilet  
 10 paper. And when I said -- in the declaration when it  
 11 said that there's hardly ever toilet paper, that was  
 12 like a few months there was hardly ever toilet paper,  
 13 but now they changed it, and now there's toilet paper, a  
 14 lot now.  
 15 Q What do you mean by a few months ago?  
 16 A Like a month ago, like they changed the toilet  
 17 paper. They changed it to the big kind, the big toilet  
 18 paper. So now they don't have to change it that much,  
 19 often.  
 20 Q What period of time did you find that there  
 21 was hardly any toilet paper?  
 22 A Like around January.  
 23 Q Was that the only time during the 8th grade  
 24 that you felt there was hardly any toilet paper?  
 25 A Well, like in the -- I felt like there was

1 hardly any toilet paper since the beginning of the  
 2 school. And now, like a month ago, they changed the  
 3 toilet paper to a bigger set, so now there is toilet  
 4 paper.  
 5 Q Did you feel like there was hardly any toilet  
 6 paper in the 7th grade?  
 7 A Yeah.  
 8 Q For what period of time in the 7th grade?  
 9 A Kind of like almost in the -- almost at the  
 10 end.  
 11 Q Did you feel like there was enough toilet paper  
 12 throughout the school year in the 7th grade until the  
 13 end?  
 14 A Yeah.  
 15 Q Did they change the toilet paper before spring  
 16 break, or was it after spring break?  
 17 A After spring break.  
 18 Q So did you feel like there was hardly any  
 19 toilet paper in the bathrooms during 8th grade from the  
 20 beginning of the school year until the time they changed  
 21 it?  
 22 A Yeah.  
 23 Q Do you know why they changed it, the toilet  
 24 paper?  
 25 MS. WELCH: Objection, calls for speculation.

1 THE WITNESS: No.  
 2 BY MS. KOURY:  
 3 Q I'm sorry. I didn't hear your answer.  
 4 A No.  
 5 Q Before we went for lunch break when we were  
 6 talking about the bathroom, I asked you if you've ever  
 7 used the bathroom and not had toilet paper, and you  
 8 couldn't remember specific times. Do you remember any  
 9 specific times since the lunch break that you've tried  
 10 to use the bathroom and there wasn't toilet paper?  
 11 A No.  
 12 Q So when you say that there was hardly any  
 13 toilet paper during those periods of time, what do you  
 14 mean by that?  
 15 MS. WELCH: Objection, asked and answered.  
 16 THE WITNESS: Because in the deposition that there  
 17 were -- that it says that I said that there was hardly  
 18 ever toilet paper. That was before they put the new  
 19 toilet paper.  
 20 BY MS. KOURY:  
 21 Q But what I'm asking you is when you say "hardly  
 22 any toilet paper," did you ever have any instance where  
 23 you couldn't use toilet paper, where there wasn't any  
 24 toilet paper when you wanted to use it?  
 25 A Yeah.

1 use the bathroom, or using the bathroom and there not  
 2 being any soap in one of the bathrooms?  
 3 A Yeah.  
 4 Q Do you remember when that was?  
 5 A No, not really.  
 6 Q Do you remember how many times that happened?  
 7 A Whenever I go to the bathroom. It would be  
 8 like two times a week in the 7th grade.  
 9 Q Two times a week when you would use the  
 10 bathroom in the 7th grade there wouldn't be any soap?  
 11 A Yeah.  
 12 Q Do you remember which bathrooms this would  
 13 happen in?  
 14 A The one near the playground in the front, and  
 15 the one near the classes, and the one in the cafeteria.  
 16 Q So all of the bathrooms?  
 17 A Yeah, all of 'em.  
 18 Q Can you remember the last time that this  
 19 happened in the 7th grade when you went to one of the  
 20 bathrooms and there wasn't soap?  
 21 A No.  
 22 Q Do you remember what you would do when you  
 23 go -- you would go to the bathroom and there was no  
 24 soap?  
 25 A No.

1 Q There was?  
 2 A Yeah.  
 3 Q When?  
 4 MS. WELCH: Objection, asked and answered.  
 5 THE WITNESS: I don't remember exactly when.  
 6 BY MS. KOURY:  
 7 Q Can you remember any specific instance when you  
 8 wanted to use toilet paper but you couldn't?  
 9 MS. WELCH: Asked and answered.  
 10 THE WITNESS: No.  
 11 BY MS. KOURY:  
 12 Q While you were in the 7th grade, was there ever  
 13 a time when you went to use the bathroom and there was  
 14 paper towels?  
 15 A Yeah.  
 16 Q When was that?  
 17 A I don't remember.  
 18 Q Do you remember how many times that happened?  
 19 A A couple of times.  
 20 Q What do you mean by "a couple"?  
 21 A Like around three or four times.  
 22 Q How about in the 6th grade, do you ever  
 23 remember that happening while you were in the 6th grade?  
 24 A I don't remember.  
 25 Q Do you ever remember in the 7th grade having to

1 Q Do you remember if you ever told anyone that  
 2 there was no soap in the bathroom?  
 3 A No.  
 4 Q Do you remember campus aides being in the  
 5 bathrooms while you were in the 7th grade? In other  
 6 words, did you ever see a campus aide in the bathrooms  
 7 while you were in the bathrooms?  
 8 A No.  
 9 Q How about in the 6th grade, do you ever  
 10 remember using the bathrooms in the 6th grade when there  
 11 was no soap?  
 12 A No, I don't remember.  
 13 Q And when you were in the 7th grade, do you ever  
 14 remember using a bathroom and there was a broken seat,  
 15 toilet seat?  
 16 A I don't think so.  
 17 Q Do you ever remember there being broken stall  
 18 doors while you were in the 7th grade in any of the  
 19 bathrooms?  
 20 A I don't remember.  
 21 Q When you were in the 7th grade, other than not  
 22 having soap in the bathrooms, do you remember any other  
 23 problems with the bathrooms?  
 24 A No.  
 25 MS. WELCH: No, you don't remember or, no, there

1 wasn't?

2 THE WITNESS: No, I don't remember.

3 BY MS. KOURY:

4 Q When you were in the 7th grade, do you remember  
5 any of the stall doors not locking properly?

6 A I don't remember.

7 Q How about when you were in the 6th grade, do  
8 you remember any problems with the bathrooms when you  
9 were in the 6th grade?

10 MS. WELCH: Objection, vague.

11 THE WITNESS: I don't know.

12 BY MS. KOURY:

13 Q When I say "problems," I'm referring to the  
14 problems that you talk about in your declaration, not  
15 being any toilet paper, not having paper towels, seats  
16 broken, stall doors broken, those types of problems. Do  
17 you understand what I mean by saying "problems"?

18 A Yeah.

19 Q Do you remember any problems with the bathrooms  
20 when you were in the 6th grade?

21 A No.

22 Q Do you remember anyone complaining about there  
23 being a lack of soap in the bathrooms when you were in  
24 the 7th grade?

25 A I don't know.

1 Q Was that the only time you've ever seen a  
2 janitor in the bathrooms?

3 A Yeah.

4 Q Do you know who the janitors are at your school  
5 right now?

6 A I think it's a guy named Mark.

7 Q Do you see them around campus, the janitors?

8 A Yeah.

9 Q Is there more than one that you know of?

10 A There's one that's the main one, and there's  
11 one that usually comes by to help clean.

12 Q Do you see both of these janitors around  
13 campus?

14 A Yeah.

15 Q How often do you see them?

16 A Well, I see the main one every day. And the  
17 other guy, I see him like once a week, but I hardly  
18 haven't seen him lately.

19 Q The first one that you talked about, you call  
20 him the main janitor, where do you see the main janitor  
21 on campus?

22 A Well, he's usually in the cafeteria and -- and  
23 sometimes he's out in the front picking up garbage.

24 Q Have you ever asked him -- I'm sorry. Did you  
25 ever see him in the 7th grade, this main janitor, while

1 Q Did you hear other students complain about it?

2 A No.

3 Q Did you ever see anybody cleaning the bathrooms  
4 or putting soap in the bathrooms or paper towels in the  
5 bathrooms while you've been a student at Cesar Chavez?

6 A Yeah.

7 Q Can you describe that to me. What did you see?

8 A Well, me and my friends were going to the  
9 bathroom. My friends was going to go use the bathroom,  
10 and so she asked if I wanted to go with her. And then I  
11 went with her, and so then there was no toilet paper.  
12 And so that was when the janitor was coming to put  
13 toilet paper.

14 Q Did you see the janitor putting toilet paper?

15 A Yeah.

16 Q Do you know this janitor?

17 A I don't remember him.

18 Q So you don't remember his name?

19 A No.

20 Q When was this, this school year?

21 A No.

22 Q Last school year?

23 A No.

24 Q 6th grade?

25 A I think so.

1 you were in the 7th grade?

2 A I don't think so.

3 Q Do you know if it's his responsibility to  
4 clean the bathrooms?

5 A I don't know.

6 Q Have you ever asked him for anything --

7 MS. WELCH: Objection, vague.

8 BY MS. KOURY:

9 Q -- to help you with anything?

10 A No.

11 Q Have you ever seen any of the other students  
12 ask him for help with anything?

13 A No.

14 Q You don't know?

15 A No.

16 Q Or --

17 A I don't know.

18 Q Were the bathrooms locked last year while you  
19 were in the 7th grade?

20 A I don't remember.

21 Q Do you remember if the bathrooms were locked in  
22 the beginning of the school year, during the 8th grade?

23 MS. WELCH: Objection, asked and answered.

24 THE WITNESS: I don't think so.

25 BY MS. KOURY:

- 1 Q Do you remember if they were locked while you  
2 were in the 6th grade?  
3 A I don't know.  
4 Q Do you remember if they were locked while you  
5 were in the 5th grade?  
6 A I don't think so.  
7 Q You were telling me about the water fountains,  
8 and you said there were three water fountains that don't  
9 work, one near the cafeteria, two behind the gym. And  
10 you were describing to me what the two water fountains  
11 behind the gym look like. Have you ever seen these two  
12 water fountains clean?  
13 A No.  
14 Q Have you ever complained to anyone about the  
15 water fountains being dirty?  
16 A No.  
17 Q When's the last time that you saw these two  
18 water fountains behind the gym?  
19 A Friday.  
20 Q Do you remember what they looked like?  
21 A Yeah, but it's hard to describe it.  
22 Q Was there trash in the water fountains?  
23 A Yeah.  
24 Q What kind of trash?  
25 A Candy wrappers.

- 1 Q Can you remember the last time that you saw  
2 that water fountain, the one near the cafeteria that  
3 doesn't work properly?  
4 A When was the last time I saw it?  
5 Q Uh-huh.  
6 A Friday.  
7 Q What did it look like?  
8 A Well, it has bars near it, around it, and it's  
9 -- it has -- it's like a --  
10 Q What I meant was, was there any trash in it?  
11 Was it dirty?  
12 A Yeah.  
13 Q What kind of trash?  
14 A It was like lollipop sticks, candy wrappers.  
15 Q Did you try to use it on Friday?  
16 A No.  
17 Q Other than Friday, did you see this water  
18 fountain any other time this week?  
19 A Yeah.  
20 Q When?  
21 A I see it every day.  
22 Q Other than Friday, what other day did you see  
23 it? Did you see it on Thursday?  
24 A Yeah.  
25 Q What did it look like on Thursday?

- 1 Q Have you ever seen anyone clean these water  
2 fountains, the two behind the gym?  
3 A No.  
4 Q Besides Friday, did you see them any other time  
5 this week?  
6 A Every day.  
7 Q Why do you see them every day?  
8 A We go to the gym every day.  
9 Q Do you have to pass by them?  
10 A Well, you don't. You could go through the  
11 front or to the back.  
12 Q But do you pass by them every day?  
13 A Yeah.  
14 Q Do you look in them every day?  
15 A No.  
16 Q So you see them a few times a week?  
17 A Yeah.  
18 Q How about the water fountain near the cafeteria  
19 that you said doesn't work properly, have you ever seen  
20 trash in that fountain?  
21 A Yeah.  
22 Q You said before that you can't remember the  
23 last time you saw that water fountain, though; is that  
24 correct?  
25 A (No audible response.)

- 1 A Like the same thing with garbage.  
2 Q Did you see it on Wednesday?  
3 A No.  
4 Q Did you see it on Tuesday?  
5 A No.  
6 Q How about last week, the week before this one,  
7 do you remember seeing this water fountain?  
8 A I don't remember.  
9 Q Have you ever seen anyone clean this water  
10 fountain?  
11 A No.  
12 Q Have you ever seen students throw their trash  
13 in these water fountains?  
14 A No.  
15 Q Have you ever seen students throw trash in any  
16 of the water fountains?  
17 A No.  
18 Q Have you ever thrown trash in any of the water  
19 fountains?  
20 A No.  
21 Q How about the other three water fountains,  
22 there's one near the classrooms near the bathroom.  
23 When's the last time you used that water fountain?  
24 A A few days ago.  
25 Q So this past week?



- 1 A Yeah.  
 2 Q Did it work properly?  
 3 A Not really. There's a little bit of water that  
 4 comes out.  
 5 Q What do you mean? Is the water pressure too  
 6 low?  
 7 A Yeah. So water doesn't come out that much,  
 8 only a little bit.  
 9 Q Were you able to drink from it?  
 10 A Yeah, you could -- you could get some water.  
 11 Q And did you have -- was there -- can you  
 12 describe to me the water fountain? Was there any trash  
 13 in the water fountain?  
 14 A No.  
 15 Q Was there anything else about the water  
 16 fountain that bothered you other than the water pressure  
 17 being low?  
 18 A No.  
 19 Q Do you use this water fountain often?  
 20 A No.  
 21 Q Do you know if you used it any other time this  
 22 month?  
 23 A I don't think so.  
 24 Q How about last month, do you know if you used  
 25 this water fountain?

- 1 A I don't know.  
 2 Q Can you remember any other time this school  
 3 year that you used this water fountain?  
 4 A No.  
 5 Q Do you often see this water fountain?  
 6 A Yeah.  
 7 Q What does it usually look like when you see  
 8 it? In other words, is there trash in it?  
 9 A Yeah.  
 10 Q How often?  
 11 A Not that much. Like -- it usually has garbage  
 12 like once or two times a week.  
 13 Q Do you remember seeing it once or two times  
 14 this week with trash in it?  
 15 A No.  
 16 Q How about last week?  
 17 A Last week, yeah.  
 18 Q Can you describe to me what you saw.  
 19 A There was garbage, a potato chip bag, and a  
 20 cup, and some candy wrappers.  
 21 Q Have you ever seen anyone clean this water  
 22 fountain?  
 23 A No.  
 24 Q Other than that time with the trash in it, do  
 25 you remember any other time that you saw trash in this

- 1 water fountain?  
 2 A No.  
 3 Q What about the water fountain near the office,  
 4 do you use that water fountain?  
 5 A Not really.  
 6 Q Have you ever used it?  
 7 A Yeah.  
 8 Q Do you remember the last time you used it?  
 9 A Yeah.  
 10 Q When was that?  
 11 A Friday.  
 12 Q Did it work properly?  
 13 A Yeah.  
 14 Q Was there any trash in it?  
 15 A No.  
 16 Q Do you see this water fountain often?  
 17 A Yeah.  
 18 Q Have you ever seen trash in it?  
 19 A Yeah.  
 20 Q How often?  
 21 A Not that much. Like -- probably like once or  
 22 two times a week, too.  
 23 Q When's the last time you saw it with trash in  
 24 it?  
 25 A A few days ago.

- 1 Q This week or last week?  
 2 A Last week.  
 3 Q Can you describe what kind of trash was in it?  
 4 A It had a lollipop and wrapper, and that's it.  
 5 Q Do you know -- did you see it the next day?  
 6 After that day that you saw it with the trash in it, did  
 7 you see it the following day?  
 8 A I don't remember.  
 9 Q Do you ever see anyone clean this water  
 10 fountain near the office?  
 11 A No.  
 12 Q Other than this one time that you're describing  
 13 to me when you saw trash in it, have you ever seen trash  
 14 in it any other time that you can remember?  
 15 A No.  
 16 Q How about the water fountain near the cafeteria  
 17 bathroom, do you use that water fountain?  
 18 A No.  
 19 Q Have you ever used it this school year?  
 20 A No.  
 21 Q Do you ever remember using it last school year?  
 22 A Yeah.  
 23 Q You can remember using it last school year?  
 24 A Yeah.  
 25 Q Did it work properly?

- 1 A Yeah.  
 2 Q Do you ever see this water fountain this school  
 3 year?  
 4 A Yeah.  
 5 MS. WELCH: Objection, vague.  
 6 THE WITNESS: Yeah.  
 7 BY MS. KOURY:  
 8 Q How many times have you seen it this school  
 9 year?  
 10 A I see it every day.  
 11 Q Why? Do you walk past it to --  
 12 A Yeah.  
 13 Q Do you ever see trash in this water fountain?  
 14 A Yeah.  
 15 Q When's the last time you saw trash in this  
 16 water fountain?  
 17 A A few days ago.  
 18 Q Can you describe what kind of trash you saw?  
 19 A Gum, potato chip bag, and the water fountain  
 20 was flooded.  
 21 Q What do you mean by "flooded"?  
 22 A The water, it wouldn't go down the drain, so it  
 23 got flooded.  
 24 Q Do you know if anything was clogging the drain?  
 25 A I don't know.

- 1 Q How close did you get to the water fountain?  
 2 A Like close enough, you know, like to see the  
 3 trash.  
 4 Q Could you see anything in the drain?  
 5 A No.  
 6 Q Was the water fountain running? Was it on?  
 7 A No.  
 8 Q The day after you saw the trash in the water  
 9 fountain, did you see that water fountain?  
 10 MS. WELCH: Objection, vague.  
 11 BY MS. KOURY:  
 12 Q Do you understand my question?  
 13 A No.  
 14 Q You know how you were just describing to me  
 15 right now how you saw the water fountain and there was  
 16 trash in it and it was flooded?  
 17 A Yeah.  
 18 Q The next school day after that, did you see the  
 19 water fountain?  
 20 A No.  
 21 Q Other than that one time that you described to  
 22 me where you saw this water fountain and it had trash  
 23 and it was flooded, can you remember any other time that  
 24 you've seen the water fountain with trash in it?  
 25 A No, but I remember it being flooded again.

- 1 Q When was that?  
 2 A I don't quite remember.  
 3 Q Was it before or after you saw it with the  
 4 trash in it?  
 5 A I think it was before.  
 6 Q Can you describe it. What did it look like?  
 7 A Well, it had water in it, and it looked like it  
 8 had like sand in it.  
 9 Q Was the water spilling out of the water  
 10 fountain?  
 11 A No.  
 12 Q Was the water fountain on?  
 13 A No.  
 14 Q Do you know how long it stayed that way?  
 15 A I don't know.  
 16 Q Do you remember what time of day it was that  
 17 you saw it like this?  
 18 A It was in the afternoon.  
 19 Q Did you see the water fountain the following  
 20 day after you saw it flooded?  
 21 A I don't remember.  
 22 Q Other than seeing it flooded that one time and  
 23 also seeing it with trash and flooded, do you remember  
 24 any other times that you've seen this water fountain  
 25 that it had either trash in it or it was flooded?

- 1 MS. WELCH: Asked and answered.  
 2 THE WITNESS: I don't remember.  
 3 BY MS. KOURY:  
 4 Q Other than there being trash in the water  
 5 fountains and the water fountains being flooded, have  
 6 you ever seen any other problems with these water  
 7 fountains?  
 8 A No.  
 9 Q How about in the 7th grade, while you were in  
 10 the 7th grade, which water fountains out of these water  
 11 fountains did you use while you were in the 7th grade?  
 12 A I think it was the one near the bathrooms where  
 13 the classrooms --  
 14 Q Near the bathrooms or the classrooms, which  
 15 one?  
 16 A No, near the bathroom that was near the  
 17 classrooms.  
 18 Q You used the water fountain that was near the  
 19 bathrooms that was near the classrooms?  
 20 A Yeah.  
 21 MS. KOURY: For the record, and in case the record  
 22 doesn't reflect it, sometimes the witness is difficult  
 23 to understand, and perhaps that explains why I repeat  
 24 the questions, to make sure that I understand what the  
 25 witness is testifying before asking a subsequent

1 question.  
 2 MS. WELCH: And I would disagree with that  
 3 assessment.  
 4 BY MS. KOURY:  
 5 Q Any other water fountains that you used in the  
 6 7th grade?  
 7 A No.  
 8 Q Did you ever have any problems with this water  
 9 fountain that you used in the 7th grade?  
 10 A That I can remember, no.  
 11 Q Do you ever remember there being trash in this  
 12 water fountain?  
 13 A No.  
 14 Q Do you remember this water fountain being  
 15 flooded?  
 16 A Yeah.  
 17 Q Tell me about it.  
 18 A Well, it was flooded, and then when it was  
 19 flooded, it started to spill or it was spilling, all  
 20 right, because there was water on the floor. And then  
 21 the janitor was there, and I don't know what he was  
 22 going to do.  
 23 Q Did you see the water fountain this following  
 24 day after you saw it flooded?  
 25 A No.

1 Q Anything else besides that one time that it was  
 2 flooded and the other time you've seen it flooded while  
 3 you were in the 7th grade?  
 4 A No.  
 5 Q Did you ever go to use this water fountain  
 6 while you were in the 7th grade and it didn't work?  
 7 A No.  
 8 Q What about in the 6th grade, which water  
 9 fountains did you use in the 6th grade; do you remember?  
 10 A No.  
 11 Q You don't remember about the 5th grade?  
 12 A No.  
 13 Q Do you use the cafeteria this year in the 8th  
 14 grade?  
 15 A Yeah.  
 16 MS. WELCH: Objection, asked and answered.  
 17 BY MS. KOURY:  
 18 Q Do you think the cafeteria is too crowded?  
 19 MS. WELCH: Asked and answered.  
 20 THE WITNESS: Sometimes and sometimes not.  
 21 BY MS. KOURY:  
 22 Q Have you ever not been able to find a seat in  
 23 the cafeteria?  
 24 MS. WELCH: Asked and answered.  
 25 MS. KOURY: Can we go off the record for a quick

1 second?  
 2 (Discussion held off the record.)  
 3 (Record read as requested.)  
 4 BY MS. KOURY:  
 5 Q Have you ever been able not to find a seat in  
 6 the cafeteria?  
 7 A No.  
 8 Q So you're always able to find a seat when --  
 9 A Yeah.  
 10 Q Have you ever seen any other students unable to  
 11 find a seat in the cafeteria?  
 12 A That I know of, no.  
 13 Q Have you ever heard any of the other students  
 14 complain that there weren't enough seats in the  
 15 cafeteria?  
 16 A I don't think so.  
 17 Q Is that -- is your answer true for the 7th  
 18 grade as well? In other words, when you were in the 7th  
 19 grade, did you ever have a problem finding a seat in the  
 20 cafeteria?  
 21 A (No audible response.)  
 22 Q Do you remember?  
 23 A No, I don't remember.  
 24 Q Do you remember in the 6th grade if you ever  
 25 had a problem finding a seat in the cafeteria?

1 A I don't remember either.  
 2 Q Do you remember if you heard any students  
 3 complaining about finding a seat in the cafeteria while  
 4 you were in the 6th or 7th grade?  
 5 A I don't think so.  
 6 Q Do you feel like there's a long line waiting to  
 7 get your food in the cafeteria this year, this school  
 8 year?  
 9 MS. WELCH: Objection, vague.  
 10 THE WITNESS: Well, sometimes they are long, and  
 11 sometimes they're not.  
 12 BY MS. KOURY:  
 13 Q Do you know why sometimes they're long and  
 14 sometimes they're not?  
 15 A Well, sometimes they're long because it depends  
 16 also what they're giving.  
 17 Q What do you mean by that?  
 18 A By the food.  
 19 Q Do you think sometimes it depends on what their  
 20 giving you it creates a longer line?  
 21 A Yeah.  
 22 Q How?  
 23 A I think it was Tuesday when they gave these  
 24 burritos, and the line, it was long, but it didn't take  
 25 that long.

- 1 Q What do you mean by that?  
 2 A Because usually the lines are -- they're  
 3 usually long, and on Thursday they were long, and it  
 4 seemed like it was going to take for a long time to get  
 5 the food, but it didn't. It went quick, even though the  
 6 line was long.  
 7 Q Have you ever felt like you had to rush through  
 8 your meal because the line was so long that you ran out  
 9 of time?  
 10 A Sometimes, yeah.  
 11 Q Can you remember any specific time that that  
 12 happened?  
 13 A I don't remember what date, but I remember that  
 14 we went late to lunch because we were still in class,  
 15 and it was like five or ten minutes until recess was  
 16 over, and we had to, like, rush through.  
 17 Q So that was because -- did that have anything  
 18 to do with the fact that the line in the cafeteria was  
 19 long?  
 20 A No.  
 21 Q So other than this one time that you're  
 22 describing to me, have you ever felt like you couldn't  
 23 sit down and eat your lunch comfortably, that you had to  
 24 rush through it?  
 25 A That I can remember, no.

- 1 Q Can you remember any such time while you were  
 2 in the 7th grade?  
 3 A No.  
 4 Q How about while you were in the 6th grade, can  
 5 you remember any such time?  
 6 A No.  
 7 Q You described to me that there was trash around  
 8 the playground and trash in the classrooms and that's  
 9 something you would want changed; is that true?  
 10 A Yeah.  
 11 Q What do you mean by trash around the  
 12 playground?  
 13 A Well, because there's usually like candy  
 14 wrappers on the floor and some potato chip bags or  
 15 either soda cans.  
 16 Q Do you know where around the playground the  
 17 trash is?  
 18 A Well, they're not playgrounds. It's just that  
 19 where usually like in the front and -- well, there used  
 20 to be garbage around -- in the grass, but now there's  
 21 not that much garbage.  
 22 Q Do you know why there's not that much garbage?  
 23 A No.  
 24 Q Are there trash cans outside?  
 25 A Yeah.

- 1 Q Do you know about how many trash cans are  
 2 outside?  
 3 A Around two or three.  
 4 Q You stated earlier that you see the main  
 5 janitor around campus, and I think you said you see him  
 6 picking up trash. Do you see him picking up trash this  
 7 school year?  
 8 A Yeah.  
 9 Q During the school day?  
 10 A Yeah.  
 11 Q Do you think trash around your playground or  
 12 outside as you described is a problem at your school?  
 13 MS. WELCH: Objection, vague.  
 14 THE WITNESS: Yeah.  
 15 BY MS. KOURY:  
 16 Q What do you mean by you think -- I'm sorry.  
 17 Why do you think it's a problem at your school?  
 18 A I think it's a problem because like if  
 19 somebody's coming by to visit, like the superintendent  
 20 of the district, and then she comes and she sees the  
 21 school dirty, she's going to think that our school is  
 22 not -- is not -- I can't find that word.  
 23 Q That's okay.  
 24 A Okay. Yeah, she's going to think that we're  
 25 not responsible for putting our trash in the garbage.

- 1 Q Do teachers tell you to put trash in the  
 2 garbage?  
 3 A Yeah.  
 4 Q Do the campus aides tell you to put the trash  
 5 in the garbage?  
 6 A Yeah.  
 7 Q Do you see students putting trash not in the  
 8 garbage but on the floor?  
 9 A That I have seen somebody, no.  
 10 Q What about the trash in the classrooms?  
 11 MS. WELCH: Objection, vague -- sorry.  
 12 BY MS. KOURY:  
 13 Q Do you think that that's a problem?  
 14 MS. WELCH: Vague.  
 15 BY MS. KOURY:  
 16 Q Do you still see trash in the classrooms this  
 17 school year?  
 18 A I'm not quite sure.  
 19 Q Okay. Have you seen any trash in any of the  
 20 classrooms on the floor this school year?  
 21 A Yeah. In a classroom, yeah.  
 22 Q How many times have you seen trash on the floor  
 23 in a classroom this school year?  
 24 A Not that much, but -- well, in the beginning it  
 25 was a lot because they would bring sunflower seeds and

1 eat 'em in class and just throw 'em on the floor, but  
 2 now they don't do that very often now.  
 3 Q Do you know if they're allowed to eat sunflower  
 4 seeds in the classroom?  
 5 MS. WELCH: Objection, calls for speculation.  
 6 THE WITNESS: They're not supposed to.  
 7 BY MS. KOURY:  
 8 Q How do you know that?  
 9 A The teacher said so.  
 10 Q Who's "they"? Is that other students in the  
 11 class that are eating the sunflower seeds?  
 12 A Yeah.  
 13 Q You said that now you don't see trash in the  
 14 classrooms on the floor not that much. What do you mean  
 15 by "not that much"?  
 16 A Well, there's still some candy wrappers and  
 17 some -- like some garbage on the floor.  
 18 Q Have you ever seen anyone clean the classrooms?  
 19 A Yeah. We have to clean -- our last class,  
 20 that's where we mostly have garbage, so we have to clean  
 21 the garbage out in order to get out of the class.  
 22 Q How do you do that?  
 23 A At least everybody got to pick up one or two  
 24 pieces of paper.  
 25 Q Are there trash cans in your classrooms?

1 A Yeah.  
 2 Q In all of your classrooms?  
 3 A Yeah.  
 4 Q Have you ever seen any of the janitors clean  
 5 your classrooms?  
 6 A No.  
 7 Q Earlier you said that you stopped using the  
 8 locker room in October. Do you remember, did you use  
 9 the locker room in the 7th grade?  
 10 A No.  
 11 Q You don't remember, or you didn't use it?  
 12 A No, we didn't use 'em.  
 13 Q So did you use the locker room in the 6th  
 14 grade?  
 15 A No.  
 16 Q So was it the first time that you used the  
 17 locker room was in the beginning of 8th grade?  
 18 A Yeah.  
 19 Q And you only used it from September until  
 20 October?  
 21 A No. We didn't use it until October.  
 22 Q I'm sorry. What do you mean by that?  
 23 A No. We used it like until the -- until second  
 24 quarter or third quarter.  
 25 Q So that would have been around November?

1 A No. That was like -- September and November,  
 2 that was like the first quarter. Probably like until  
 3 the middle of January until June, because when we went  
 4 third quarter, we didn't have to use the locker rooms.  
 5 Q Okay. So when you said between January to June  
 6 -- between January to June, you didn't use the locker  
 7 room?  
 8 A No. That's when we stopped using it, between  
 9 the middle of January and June.  
 10 Q So sometime between January and June, you  
 11 stopped using it?  
 12 A Yeah.  
 13 Q But you're not sure when?  
 14 A Yeah.  
 15 Q Did you ever see anyone clean the locker rooms?  
 16 A No.  
 17 Q Did you ever see any student throw trash in the  
 18 locker rooms?  
 19 A No.  
 20 Q Did you ever notice that any of the lockers  
 21 were broken or the handles weren't work properly?  
 22 A Yeah.  
 23 Q How do you see that?  
 24 A When we had to do our -- when we had to change  
 25 for P.E., we would have to -- or some student wanted to

1 put their stuff in the lockers, and so they noticed that  
 2 the lockers were dirty, and they didn't -- handles  
 3 weren't working.  
 4 Q Who's "they"?  
 5 A Some students in my class.  
 6 Q How do you know this? Did you see them trying  
 7 to use the lockers?  
 8 A Yeah.  
 9 Q Did you see that the handles were broken?  
 10 A Yeah.  
 11 Q How many times did you see that?  
 12 A Like one or two times I saw that.  
 13 Q Is there a trash can in the gym?  
 14 A Right now?  
 15 Q Yeah.  
 16 A I don't think so.  
 17 Q Have you ever seen a trash can in the gym?  
 18 A Yeah.  
 19 Q How many trash cans have you seen in the gym?  
 20 A One.  
 21 Q How about while you were in the 7th grade, do  
 22 you remember if there was a trash can in the gym?  
 23 A No.  
 24 Q You don't remember?  
 25 A. I don't remember.

1 Q How about in the 6th grade, do you remember if  
2 there was trash can in the gym?

3 A No, I don't remember.

4 Q Have you ever seen anyone clean the gym?

5 A Yeah.

6 Q Who?

7 A A student that's in one of my classes.

8 Q Have you ever seen any of the janitors clean  
9 the gym?

10 A No.

11 Can I take a five-minute break?

12 Q Sure.

13 (Recess.)

14 BY MS. KOURY:

15 Q Do you feel that your gym is dirty and has  
16 trash in it this school year?

17 A At the beginning of the school, yeah.

18 Q How about now?

19 A No.

20 Q Why do you think that it changed?

21 A I don't know.

22 Q Looking at what we've marked as Exhibit 1, your  
23 declaration, could you turn to the second page. Is that  
24 your signature?

25 A Yeah.

1 A Well, I think I signed the last -- this paper  
2 so that this lawsuit can be brought up.

3 Q Did someone tell you that you should sign it so  
4 that this lawsuit could be brought up?

5 MS. WELCH: And I'm going to instruct you not to  
6 answer to the extent that your answer comes from any  
7 conversations you've had with your lawyers. So you can  
8 answer -- outside of a conversation you've had with your  
9 lawyers, you can answer, but if not, then it's  
10 privileged.

11 THE WITNESS: Okay.

12 BY MS. KOURY:

13 Q You can't answer the question?

14 A Huh?

15 Q Let me ask another question. Do you understand  
16 what I mean when I say did you read this declaration  
17 before you signed it?

18 A Not really.

19 Q Looking at Paragraph 1, which is marked one on  
20 Page 1 of Exhibit 1 --

21 A Yeah.

22 Q -- did you read this paragraph before you  
23 signed your name (indicating)?

24 A No.

25 Q Did you read Paragraph No. 2 which starts, "I'm

1 Q Do you remember signing it?

2 A Yeah.

3 Q Did you sign it on the date that is stated  
4 there, January 3rd, 2001?

5 A Yes.

6 Q Did you read the declaration before you signed  
7 it?

8 A No.

9 MS. WELCH: Objection, vague.

10 BY MS. KOURY:

11 Q Did you read Page 1 of Exhibit 1 where it  
12 starts, "I, Krystal," and it continues through Page 1  
13 and Page 2, did you read all of that before you signed  
14 it?

15 A No.

16 Q Who was there when you signed the declaration?

17 A A guy.

18 Q Do you remember his name?

19 A No.

20 Q What he told you?

21 A No.

22 Q Do you remember why you signed your name?

23 A Why I signed my name?

24 Q Why you signed your name on Page 2 of this  
25 declaration, do you remember why you signed your name?

1 13 years old and in the 8th grade." Did you read that  
2 paragraph before you signed your name?

3 A No.

4 Q What about Paragraph No. 3 which reads, "We  
5 don't have enough books at my school in my language arts  
6 class. The books are really old and the pages and book  
7 covers are torn" and it continues.

8 Did you read this paragraph before you signed  
9 your name?

10 A No.

11 MS. WELCH: Objection, vague as to time.

12 BY MS. KOURY:

13 Q Did you ever read this declaration, anything on  
14 this declaration, before you signed your name?

15 MS. WELCH: Objection, vague.

16 THE WITNESS: No. I just read Declaration of  
17 Krystal Ruiz.

18 BY MS. KOURY:

19 Q And then what happened?

20 A And then I signed it.

21 Q Why?

22 A Well, I really don't know the answer to that  
23 right now, but --

24 Q Okay. Did you read it after you signed your  
25 name?

1 MS. WELCH: Objection, vague.  
 2 BY MS. KOURY:  
 3 Q Did you read this declaration after you signed  
 4 your name on it?  
 5 A I don't remember -- recall reading it.  
 6 Q Okay. Did anyone tell you when you signed your  
 7 name that you were signing it as if you were  
 8 testifying?  
 9 MS. WELCH: Objection, vague, and to the extent  
 10 that someone told you that who is your attorney, it's  
 11 privileged. If someone else told you that, then you can  
 12 answer. But if your attorney told you that, then it's  
 13 privileged, and you cannot answer it.  
 14 THE WITNESS: Okay.  
 15 BY MS. KOURY:  
 16 Q Can you answer that?  
 17 A What was the question?  
 18 Q Did anyone tell you that you were signing this  
 19 and that signing it was like testifying?  
 20 A That I remember, no.  
 21 Q Do you remember when you signed it whether you  
 22 knew that you were supposed to sign it --  
 23 MS. WELCH: Objection, vague.  
 24 MS. KOURY: I'm not finished, Counsel.  
 25 MS. WELCH: I'm sorry.

1 MS. KOURY: Can you read back the question?  
 2 (Record read as requested.)  
 3 BY MS. KOURY:  
 4 Q -- that you knew that you were signing it and  
 5 testifying that what was written on those pages was  
 6 true?  
 7 MS. WELCH: Objection, vague.  
 8 BY MS. KOURY:  
 9 Q Do you understand that question?  
 10 A No.  
 11 Q Do you remember when you signed this  
 12 declaration, if you knew that everything that was  
 13 written on these pages was true?  
 14 MS. WELCH: Objection, vague.  
 15 THE WITNESS: I don't really know what --  
 16 BY MS. KOURY:  
 17 Q Do you not understand my question?  
 18 A I do. It's just that I don't -- I don't think  
 19 so.  
 20 Q So you don't think you had that understanding,  
 21 that what was written on these pages was true when you  
 22 signed it?  
 23 MS. WELCH: Objection, vague.  
 24 THE WITNESS: Yeah, this is true.  
 25 BY MS. KOURY:

1 Q Why do you think it's true? Let me ask another  
 2 question. Did you think it was true when you signed it?  
 3 A Yeah.  
 4 Q Okay. Why did you think it was true when you  
 5 signed it?  
 6 A Because these are things that happened in my  
 7 school.  
 8 Q But did you read it? Did you know what was  
 9 written on the pages so that when you signed it you knew  
 10 they are true?  
 11 A Can you rephrase that?  
 12 MS. WELCH: Objection, vague.  
 13 BY MS. KOURY:  
 14 Q Sure. You said you know that what's written on  
 15 these pages is true. When you signed the declaration,  
 16 did you read what was on these pages to make sure that  
 17 they were true?  
 18 A I don't remember.  
 19 Q Okay. On May 19th, the first half of your  
 20 deposition, you testified that in social studies class  
 21 you get homework every day. That's with Mr. Rosecrans.  
 22 You testified that you get homework in terms of an  
 23 essay, reading logs, writing definitions, and the  
 24 warm-ups. Do you think you get enough homework in this  
 25 class?

1 A Yeah.  
 2 Q You also discussed the warm-ups in social  
 3 studies class. Does the teacher write the questions on  
 4 the board during your warm-ups in social studies class?  
 5 A (No audible response.)  
 6 Q Do you remember discussing warm-ups in your  
 7 social studies class this year, your social studies  
 8 class this year with Mr. Rosecrans?  
 9 A I don't understand what you're trying to say.  
 10 Q Okay. Do you have warm-ups in social studies  
 11 class with Mr. Rosecrans?  
 12 A Yeah.  
 13 Q Does he, in your warm-ups, while you do a  
 14 warm-up, does he write questions on the board?  
 15 A No.  
 16 Q So him writing questions on the board is not  
 17 part of your warm-ups?  
 18 MS. WELCH: Objection, asked and answered.  
 19 THE WITNESS: That I know of, no.  
 20 BY MS. KOURY:  
 21 Q Do you copy anything down that he writes on the  
 22 board for your warm-ups?  
 23 A Yeah.  
 24 Q What is it that he writes on the board for your  
 25 warm-ups?

1 A Some questions about what -- what do we know,  
 2 basically. Like what we went over or what do we know so  
 3 far, or he either writes a definition.  
 4 Q Do you copy down the questions and the  
 5 definitions?  
 6 A Yeah.  
 7 Q And then you study these warm-ups for your  
 8 tests in this class?  
 9 MS. WELCH: Objection, mischaracterizes her  
 10 testimony.  
 11 BY MS. KOURY:  
 12 Q That's what you testified last time; is that  
 13 true?  
 14 A Yeah.  
 15 Q You do think that writing down what he writes  
 16 on the board, the questions and the definitions, helps  
 17 you study?  
 18 A Yeah.  
 19 Q Do you think actually writing it helps you  
 20 study?  
 21 A Not really.  
 22 Q Why not?  
 23 A Well, I think -- I think not, because he says  
 24 that we have to pay attention in class and -- well, my  
 25 way of thinking is that if we have to pay attention in

1 class, why do we have to write notes. That's why we  
 2 have to pay attention in class for.  
 3 Q Does he tell you that writing notes helps you  
 4 study? "He" meaning your teacher, Mr. Rosecrans. Does  
 5 he ever say that writing the notes in class helps you  
 6 study?  
 7 A I think he has said that before.  
 8 Q Okay. Looking at your declaration again on  
 9 Page 1, Paragraph 3, you wrote, "Sometimes when we study  
 10 for a test, the teacher will write the lesson on the  
 11 overhead projector, and we have to copy the key points  
 12 on paper and use that to study at home."  
 13 Earlier in this paragraph you discussed social  
 14 studies class. This past sentence that I just read, is  
 15 that with -- are you talking about your social studies  
 16 class there?  
 17 MS. WELCH: Objection, vague.  
 18 BY MS. KOURY:  
 19 Q What are you talking about there? Explain that  
 20 sentence, "Sometimes when we study for a test, the  
 21 teacher will write the lesson on the overhead projector,  
 22 and we have to copy the key points on paper and use that  
 23 to study at home." What do you mean by that?  
 24 A Yeah. He would write the lesson on the  
 25 overhead, too, and he says it will be good to copy

1 notes, too.  
 2 Q Is that "he," Mr. Rosecrans?  
 3 A Yeah.  
 4 Q Is that your warm-ups? Is that what you're  
 5 referring to everyone?  
 6 A Yeah. Sometimes he does it on the overhead or  
 7 either on the board.  
 8 Q So what you're describing here in this  
 9 Paragraph 3 that I just read, that's warm-ups?  
 10 MS. WELCH: Objection, mischaracterizes her  
 11 testimony.  
 12 THE WITNESS: Yeah.  
 13 BY MS. KOURY:  
 14 Q Is that yes?  
 15 A Yeah.  
 16 Q I'm going to really test your memory now. Do  
 17 you remember in the 6th grade whether you had any  
 18 classes where you had to share books in class?  
 19 A No.  
 20 Q No, you don't remember?  
 21 A No.  
 22 Q Do you remember in the 6th grade -- let me ask  
 23 another question.  
 24 In the 6th grade, did you ever have a book that  
 25 you couldn't take home for homework?

1 A I don't -- I don't know.  
 2 Q Does that mean you don't remember?  
 3 A I don't remember.  
 4 Q In the 6th grade, was there any classes that  
 5 you didn't get enough homework in?  
 6 A No.  
 7 Q There were no classes where you didn't get  
 8 enough homework in?  
 9 A Yeah.  
 10 Q While you were in the 6th grade, do you ever  
 11 remember seeing other kids share books in class?  
 12 A No.  
 13 MS. WELCH: No, you don't remember or you didn't  
 14 see it?  
 15 THE WITNESS: I didn't see or remember.  
 16 BY MS. KOURY:  
 17 Q Do you think you would remember if you had seen  
 18 it?  
 19 MS. WELCH: Objection, calls for speculation.  
 20 THE WITNESS: Yeah.  
 21 BY MS. KOURY:  
 22 Q Do you remember what kind of conditions your  
 23 books were in in the 6th grade, in other words, whether  
 24 there was writing in the books or pages that were torn  
 25 or missing pages?



1 A I don't know.  
 2 Q You don't remember?  
 3 A I don't remember. I don't even remember if we  
 4 had books or not.  
 5 Q Okay. Looking again at Exhibit 1, your  
 6 declaration, Paragraph No. 4, the first sentence says,  
 7 "The buildings at my school are in bad condition."  
 8 Other than what we've discussed with the  
 9 classrooms today, is there anything else that you think  
 10 makes the buildings at your school in bad condition?  
 11 MS. WELCH: Objection, vague and asked and  
 12 answered.  
 13 THE WITNESS: No.  
 14 BY MS. KOURY:  
 15 Q What about the 8th -- sorry.  
 16 A Okay. What I was trying to say about  
 17 buildings, I was trying to say about the portables,  
 18 which is only one class separated from the other ones,  
 19 and I guess I didn't mean to say buildings, portables.  
 20 Q So when you said, "The buildings at my school  
 21 are in bad condition," you meant only the portables?  
 22 A Yeah.  
 23 Q And did you only mean one portable?  
 24 A No, because we have different -- we go to  
 25 different portables for different classes, and so we go

1 grade that you can remember?  
 2 MS. WELCH: Same objections.  
 3 THE WITNESS: That I can remember, no.  
 4 BY MS. KOURY:  
 5 Q How about in the 7th grade, can you remember  
 6 any bad conditions with any of the classrooms or  
 7 portables or buildings in the school when you were in  
 8 the 7th grade?  
 9 MS. WELCH: Objection, asked and answered, vague.  
 10 THE WITNESS: No.  
 11 MS. WELCH: Calls for speculation.  
 12 MS. KOURY: Can I take a five-minute recess?  
 13 MS. WELCH: Sure.  
 14 (Recess.)  
 15 BY MS. KOURY:  
 16 Q Looking at your declaration again, Exhibit 1,  
 17 did anyone explain it to you before you signed it?  
 18 MS. WELCH: Objection, vague.  
 19 BY MS. KOURY:  
 20 Q Did anyone read it to you?  
 21 MS. WELCH: Objection, vague.  
 22 BY MS. KOURY:  
 23 Q Do you understand what I mean by that?  
 24 A Yeah. That I can remember -- I don't know  
 25 right now. I can't --

1 to three different portables. And so I don't know about  
 2 the rest of the classes, but -- about the other kids,  
 3 but I know that there are bad conditions in the  
 4 portables that I'm in right now.  
 5 Q How many portables do you think are in bad  
 6 condition?  
 7 A Right now none of them, except for the windows  
 8 that were broken.  
 9 Q That we discussed before?  
 10 A Yeah.  
 11 Q Anything else?  
 12 A No.  
 13 Q What about when you were in the 6th grade, do  
 14 you think that any of the buildings were in bad  
 15 condition then or any of the portables or any of the  
 16 classrooms?  
 17 MS. WELCH: Objection, vague, calls for  
 18 speculation.  
 19 BY MS. KOURY:  
 20 Q Again, we stated earlier the bad conditions.  
 21 When I say "bad conditions," I mean whatever you think  
 22 when you wrote this in your declaration. So using the  
 23 term that you've written in your declaration, do you  
 24 think that any of the portables or classrooms or school  
 25 buildings had bad conditions while you were in the 6th

1 Q Do you speak Spanish?  
 2 A Yeah.  
 3 Q Do you read in Spanish?  
 4 A Yeah.  
 5 Q Do you remember if you got this declaration in  
 6 English or in Spanish when you signed it?  
 7 A I don't remember.  
 8 Q And you don't remember if anyone explained it  
 9 to you before you signed it?  
 10 A Yeah.  
 11 Q Okay.  
 12 (Recess.)  
 13 BY MS. KOURY:  
 14 Q Do you feel as if any of your classes or -- I'm  
 15 sorry, let me ask that again.  
 16 Do you think your school is overcrowded?  
 17 MS. WELCH: Objection, vague, calls for expert  
 18 testimony, calls for speculation.  
 19 THE WITNESS: Not really.  
 20 BY MS. KOURY:  
 21 Q Looking on Page 2 of your declaration,  
 22 Paragraph No. 8, you wrote, "My school is really  
 23 overcrowded."  
 24 What do you mean by that?  
 25 A Well, yeah, because at the beginning it was

1 crowded, and then right now it seems like it's not that  
 2 much because -- because -- let's see how to put it.  
 3 Well, because in the beginning we had recess all  
 4 together, and it seemed crowded. So then -- so they  
 5 organized already so it doesn't seem really crowded  
 6 right now.  
 7 Q Did it ever seem crowded like that while you  
 8 were in the 7th grade?  
 9 A No.  
 10 MS. WELCH: Objection, vague.  
 11 BY MS. KOURY:  
 12 Q What you just described to me as being crowded  
 13 at recess, did you ever find that also to be the case  
 14 when you were in the 7th grade?  
 15 A (No audible response.)  
 16 Q Did you understand my question?  
 17 A No.  
 18 Q You just described to me now that in the  
 19 beginning of the school year, during the recess,  
 20 everyone had recess together, and you felt as if it was  
 21 crowded. Did you ever feel that way in the 7th grade?  
 22 A Sometimes, yeah.  
 23 Q Do you remember when?  
 24 A In the beginning of the school, because I came  
 25 from Mexico, and then I started a few days late, so it

1 seemed -- it also seemed too overcrowded.  
 2 Q When you say "overcrowded," what do you mean?  
 3 A What I'm trying to say that because -- because  
 4 I was in Mexico still on my vacation, and I came late to  
 5 school, two or three days late, and then so I wasn't  
 6 used to seeing people, and then so it seemed too crowded  
 7 for me.  
 8 Q Other than that, what you just described to me,  
 9 in the 7th grade, did you ever feel like your school was  
 10 too crowded?  
 11 A In 7th grade?  
 12 Q During the 7th grade school year?  
 13 A Yeah, it also sometimes did.  
 14 Q When?  
 15 A I don't quite remember when.  
 16 Q Can you describe to me what made you feel as if  
 17 it was too crowded?  
 18 A Because when we would switch classes also, the  
 19 8th graders would switch classes, and it would seem like  
 20 if there was three grades, because there was a lot of  
 21 7th graders and 8th graders.  
 22 Q Was that the hallways you felt like it was too  
 23 crowded?  
 24 A Yeah, and when we would switch classes, and it  
 25 seemed like a lot a kids -- like very -- a lot of kids

1 were there, but it was just two grades that we're just  
 2 switching.  
 3 Q So was it just during this time that you felt  
 4 it was too crowded while you were switching classes?  
 5 A Yeah.  
 6 Q How long was a period? Was that -- was it a  
 7 few minutes or half an hour?  
 8 A When we were switching?  
 9 Q Yeah.  
 10 A Like one or two minutes when we would switch,  
 11 and then we would go back to class.  
 12 Q Did you feel like it was too crowded when you  
 13 were in class or just when you were switching classes?  
 14 A When we were switching classes.  
 15 Q Was there any other time in the 7th grade when  
 16 you felt your school was too crowded?  
 17 A The cafeteria.  
 18 Q What do you mean by "the cafeteria"?  
 19 A Well, last year seemed that the classes were  
 20 more bigger than they are this year.  
 21 Q But you were describing to me the cafeteria.  
 22 What do you mean by the cafeteria? Did you feel as if  
 23 it was too crowded?  
 24 A Yeah.  
 25 Q How?

1 A Well, it seemed too crowded like because they  
 2 had -- it seemed more students than there was -- than it  
 3 is this year. It seems fewer students this year than it  
 4 was last year.  
 5 Q Do you ever remember seeing students last year  
 6 in the cafeteria eating their lunch standing up?  
 7 A No, I don't remember.  
 8 Q Did you ever have a time last year in the  
 9 cafeteria where you saw a student was not able to find a  
 10 seat to sit down?  
 11 A I don't remember.  
 12 Q Did you feel as if there wasn't enough space in  
 13 the cafeteria for all the students last year?  
 14 A Yeah.  
 15 Q Why -- what about it made you feel as if there  
 16 wasn't enough space?  
 17 A Because the cafeteria's not that big, and it's  
 18 like -- it's like small, and so there was -- because we  
 19 had same lunch time with the 8th graders and 6th  
 20 graders. So it seemed like there was no room for  
 21 anybody else to get in.  
 22 Q But was there enough room for everyone that was  
 23 in the cafeteria? In other words, was there enough room  
 24 for people to sit down and eat their lunch?  
 25 A I don't -- I don't know or remember.

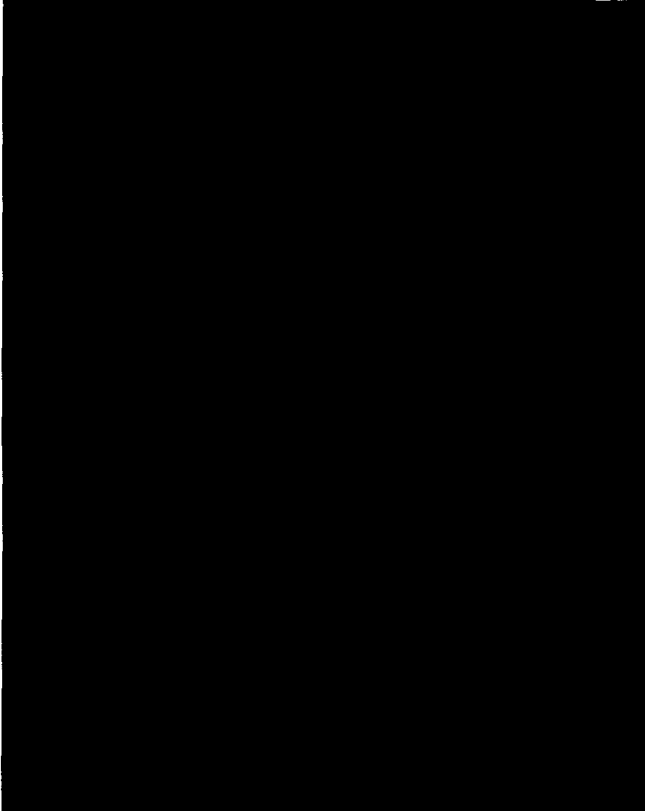
- 1 Q Do you feel -- I mean, this school year, do you  
2 eat lunch separately from the other classrooms? You  
3 said that all the classes last year ate lunch together  
4 at the same time. Is that what you said?  
5 A Yeah.  
6 Q Is it different this school year?  
7 A No, it's the same, but it seems smaller. The  
8 group seems smaller.  
9 Q Okay. And you said this school year you felt  
10 as if at the beginning it was too crowded?  
11 A Yeah.  
12 Q Do you remember when you stopped feeling as if  
13 it was too crowded?  
14 A Like around October because that's when I  
15 started to get used to my classes and used to my  
16 schedule, too.  
17 Q What made you feel it was too crowded in the  
18 beginning?  
19 A Well, it seemed to me it was too crowded  
20 because I thought it was out of control, and I don't  
21 know if there were -- if they were well put, where the  
22 kids needed to go.  
23 Q What do you mean "out of control"?  
24 A Because they would go -- let's see. Because  
25 in the beginning, they would -- they would send us this

- 1 letter saying where we go, and then they would give you  
2 a note for your schedule, and then you have to go to  
3 your other class where you're going to be, and that  
4 would be your homeroom, and I guess that was not well  
5 organized.  
6 Q Why do you think it wasn't well organized?  
7 A Because students were coming and going, coming  
8 and going.  
9 Q And that's what made you feel as if it was too  
10 crowded?  
11 A Yeah.  
12 Q Did that change in October?  
13 MS. WELCH: Objection, vague.  
14 BY MS. KOURY:  
15 Q You said it stopped feeling crowded in October.  
16 A Yeah.  
17 Q Did the schedule change in October?  
18 A No.  
19 Q What changed in October that made you feel --  
20 never mind.  
21 You said the students weren't well put. What  
22 do you mean by that?  
23 A Well, no -- no, that's what I was trying to say  
24 about the schedule.  
25 Q What about out of control, is that also about

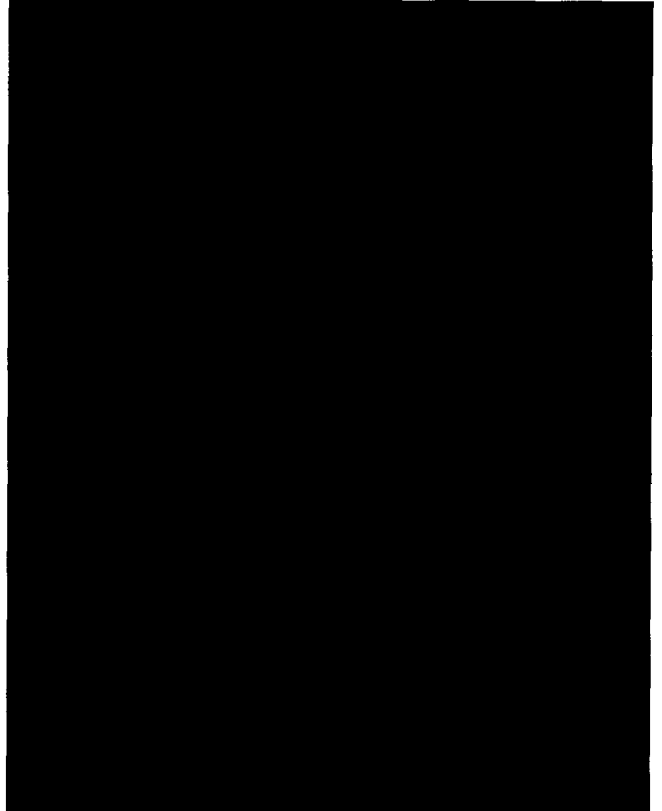
- 1 the schedule?  
2 A Yeah, when they were going up and down, up and  
3 down.  
4 Q Do they still go up and down?  
5 A No.  
6 Q Do you know why they don't anymore? Did your  
7 schedules change?  
8 A Yeah.  
9 Q When did they change?  
10 A When we started to practice for graduation.  
11 Q Other than when you -- when did you start to  
12 practice for graduation?  
13 A I think it was since last week.  
14 Q But before that, did you have the same schedule  
15 where kids were going up and down?  
16 A No. It stopped doing that until October  
17 because everybody started to get the hang of it, have  
18 the schedules and where to go.  
19 Q So before October, people didn't have the hang  
20 of their schedule?  
21 A Yeah.  
22 Q So what does that mean?  
23 A Because they would have to ask the teachers  
24 where would they go and that --  
25 Q And you think that that made the school feel

- 1 more crowded?  
2 A Yeah.  
3 Q Is there anything else that made you feel that  
4 the school was too crowded?  
5 A No, just from that -- from the schedule and  
6 from the cafeteria, that's it.  
7 Q And the cafeteria, just what we discussed  
8 before?  
9 A Yeah.  
10 Q How about in the 6th grade, do you remember if  
11 you ever felt like your school was too crowded in the  
12 6th grade?  
13 A I don't remember.  
14 Q Okay. Do you feel like any of the classrooms  
15 in your school right now are too hot?  
16 A No.  
17 Q Have you ever felt as if -- or have you ever  
18 felt too hot in one of your classrooms?  
19 A In math and science, just when they broke the  
20 AC.  
21 Q Which we've discussed?  
22 A Yeah.  
23 Q Any other classrooms?  
24 A No.  
25 Q [REDACTED]

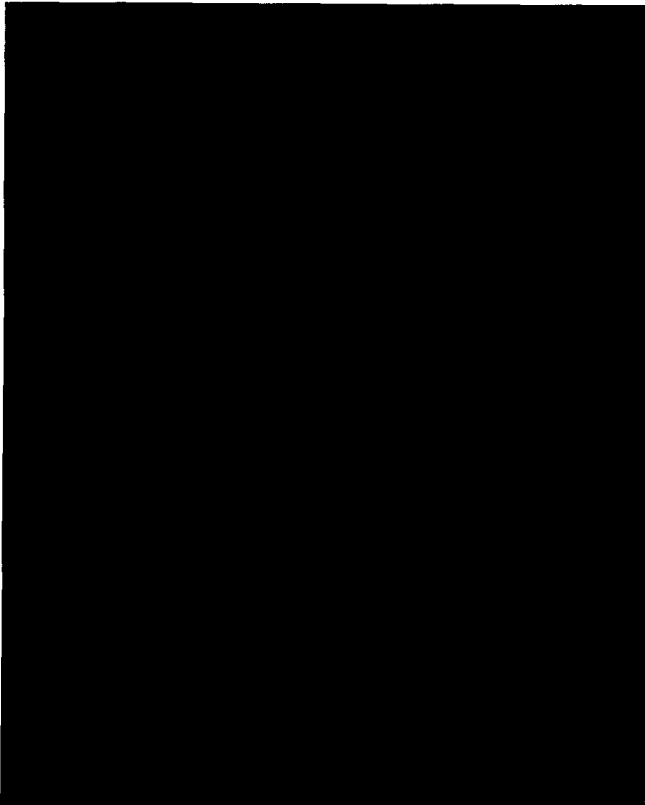
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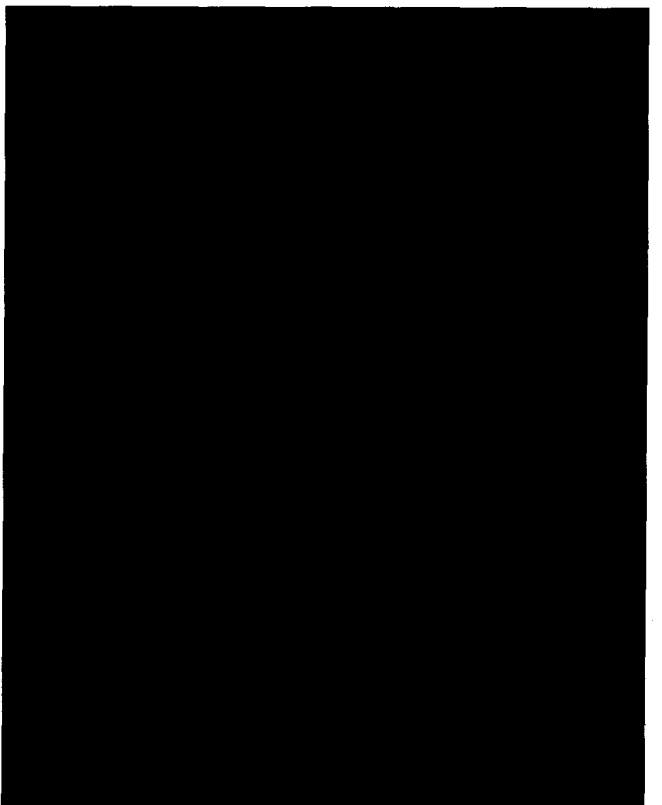
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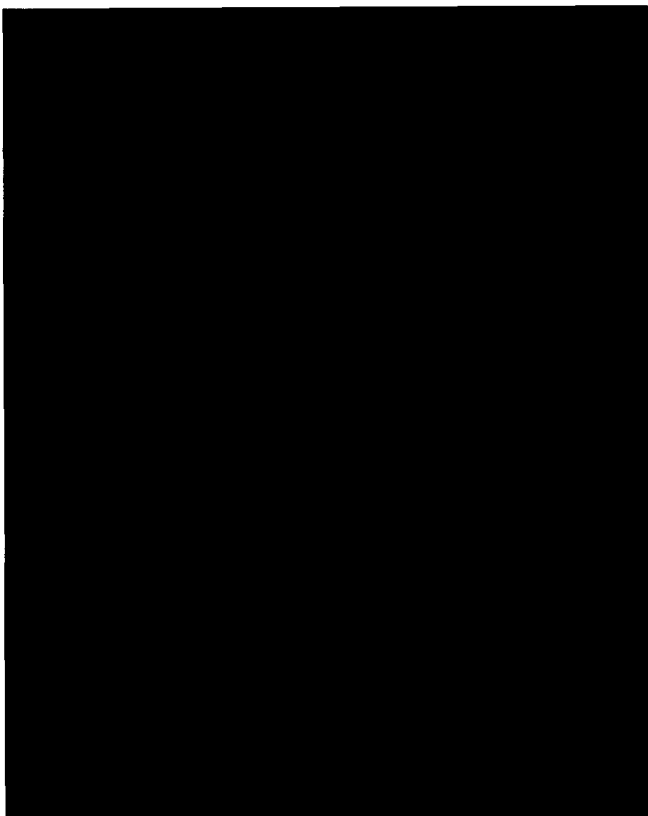
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1 row?  
2 A No.  
3 MS. WELCH: Are you talking about this year or any  
4 time?  
5 BY MS. KOURY:  
6 Q Any time while you've been at Cesar?  
7 A No.  
8 MS. KOURY: I have no further questions.  
9 MS. WELCH: I just have a few questions for you.  
10 Sorry.  
11 EXAMINATION  
12 BY MS. WELCH:  
13 Q Krystal, looking at Exhibit 1, I believe, which  
14 is your declaration, can you tell me are these -- are  
15 the paragraphs in this declaration, are these your  
16 words?  
17 A Yeah.  
18 Q Do you remember signing this declaration on  
19 January 3rd?  
20 A Yeah.  
21 Q Do you remember the day you signed it, or do  
22 you just remember that you did sign it?  
23 A I remember that I signed it.  
24 Q Do you remember anything about that particular  
25 day?

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BY MS. KOURY:

Q While you've been a student at Cesar Chavez,  
has there been a period of time where you missed school  
for more than one day in row?

A (No audible response.)

Q You told me in the beginning of the school  
year, I think it was the 8th grade or the 7th grade that  
you missed the first few days because you were still on  
vacation?

A Yeah.

Q Was that the 7th grade?

A Yeah.

Q Other than that, was there any other time where  
you've missed more than two days of school in a row that  
you can remember?

A When I had -- when I had problems with my eye.

Q Did you miss --

A I just missed two days.

Q Other than that, was there any other periods of  
time where you missed more than two days of school in a

1 A No.  
2 Q Do you know that when you signed it -- do you  
3 know whether when you signed it, all of these words that  
4 are written in the declaration were true?  
5 MS. KOURY: Objection, vague.  
6 THE WITNESS: No.  
7 BY MS. WELCH:  
8 Q Do you understand my question?  
9 A No.  
10 Q Do you remember -- are the -- okay. Let's go  
11 through the declaration then paragraph by paragraph.  
12 The second paragraph of the declaration says,  
13 "I'm 13 years old and in the 8th grade at Cesar Chavez  
14 Academy located in East Palo Alto, California."  
15 Is that paragraph true?  
16 A Yeah.  
17 Q Now, if you could just read this third  
18 paragraph to yourself and tell me if this paragraph is  
19 true after you've read it.  
20 A Yeah.  
21 Q Okay. Now, if you could just read the  
22 paragraph with the 4 in front of it and tell me if that  
23 paragraph is true after you've read it?  
24 A Yeah.  
25 Q Now, is this -- is the second sentence true

1 now, or was it true at the time that you signed your  
2 declaration?  
3 A It was true at the time I signed it.  
4 Q And has it changed -- has the window been fixed  
5 since you signed your declaration?  
6 A Yeah.  
7 Q And these other sentences in Paragraph 4, were  
8 they true at the time you signed your declaration?  
9 A Yeah.  
10 Q Now, looking at Paragraph 5, if you could,  
11 please, read that to yourself.  
12 A Okay.  
13 Q Were these sentences in Paragraph 5 true at the  
14 time you signed your declaration?  
15 A Yeah.  
16 Q Is there anything in these sentences that has  
17 changed since you signed your declaration?  
18 A About the -- oh, yeah, about the toilet paper.  
19 They changed the toilet paper into a new set.  
20 Q So they've changed the toilet paper dispensers  
21 so that now it has a larger roll of toilet paper; is  
22 that correct?  
23 A Yeah.  
24 Q So now you're not finding that the bathrooms  
25 almost never have toilet paper as you were finding when

1 Q Why don't you know about the lockers?  
2 A They cleaned the lockers out, but I don't know  
3 what they -- was happened so far.  
4 Q And why don't you know?  
5 A Because they haven't told us nothing about the  
6 lockers.  
7 Q Have you been able to get into the lockers?  
8 A No.  
9 Q And why is that?  
10 A I don't know.  
11 Q Is the locker room locked now?  
12 A Yeah, the P.E. teacher has the key to open it.  
13 Q And you don't use the locker room now for your  
14 P.E. class?  
15 A No.  
16 Q And has it been months since you've used the  
17 locker room?  
18 A Yeah.  
19 Q Okay. Now, if you could, just read Paragraph 8  
20 to yourself.  
21 A Okay.  
22 Q Was Paragraph 8 true at the time you signed  
23 your declaration?  
24 A Yeah.  
25 Q Is there anything about Paragraph 8 that's

1 you signed this?  
2 A Yeah.  
3 Q Is there anything else that's changed since you  
4 signed your declaration?  
5 A No.  
6 Q Okay. If you could, just read Paragraph 6 to  
7 yourself.  
8 A Okay.  
9 Q Was Paragraph 6 true at the time you signed  
10 your declaration?  
11 A Yeah.  
12 Q Is there anything that's changed since you  
13 signed it?  
14 A No.  
15 Q Could you read Paragraph 7 now to yourself.  
16 A Okay.  
17 Q Was Paragraph 7 true at the time you signed  
18 your declaration?  
19 A Yeah.  
20 Q Is there anything that's changed since you  
21 signed it?  
22 A The gym is not that dirty anymore.  
23 Q Anything else?  
24 A I don't know about the lockers, what they have  
25 done.

1 different now?  
2 A The school doesn't seem too overcrowded now.  
3 Q It doesn't?  
4 A No.  
5 Q Do you remember when it stopped seeming  
6 overcrowded to you? Has it been in the past few months,  
7 or do you remember?  
8 A Since October, but then I don't -- then it  
9 seemed to me it got more crowded, but it hasn't.  
10 Q So you don't remember whether it stopped  
11 seeming overcrowded to you?  
12 A Yeah.  
13 Q Okay. So Krystal, are you a plaintiff in a  
14 lawsuit called Williams versus State of California,  
15 Delaine Eastin, State Superintendent of Public  
16 Education, State Department of Education and State  
17 Board of Education?  
18 A Yes.  
19 Q Are you a class representative in this class?  
20 A Yeah.  
21 Q So are you suing the State of California, the  
22 State Superintendent, the State Department of Education  
23 and the Board of Education?  
24 A Yeah.  
25 Q Do you know why you're suing these people or

1 these entities?

2 A Well, I'm suing them because our school doesn't  
3 have what we need for -- to learn, and so the district  
4 -- the district that I'm in hasn't given us what we  
5 needed so -- and the State of California hasn't done  
6 nothing either.

7 Q Do you know if you're representing other  
8 students in the State of California with similar  
9 problems at their schools?

10 A Yeah.

11 MS. WELCH: I'm finished.

12 FURTHER EXAMINATION

13 BY MS. KOURY:

14 Q Krystal, looking once again at Exhibit 1, your  
15 declaration. At the time that you signed your  
16 declaration, were these statements all true that are  
17 written in the declaration?

18 MS. WELCH: Objection, asked and answered.

19 THE WITNESS: Yeah.

20 BY MS. KOURY:

21 Q How did you know that they were true?

22 MS. WELCH: Asked and answered.

23 BY MS. KOURY:

24 Q Did you read the declaration after you signed  
25 it?

1 A That was in January.

2 Q So did you not get homework before January in  
3 social studies class?

4 A We didn't get that much homework. But now that  
5 -- a few months ago we started to get homework because  
6 that's when we had to take some tests, and those tests  
7 would be in our report cards, and we'd have to know --  
8 because we had to take some finals, and then that's when  
9 we got -- we had to get some homework.

10 Q Did you have any tests in social studies class  
11 before Christmas break?

12 A I don't remember.

13 Q Did you ever do warm-ups in social studies  
14 class before Christmas break?

15 A Yeah.

16 Q Did you ever take the warm-ups home for  
17 homework?

18 A Yeah.

19 Q Did you have an essay in your social studies  
20 class before Christmas break?

21 A I don't remember.

22 Q Did you ever have to write definitions for  
23 homework in this class before Christmas break?

24 A I don't remember.

25 Q Did you have reading logs in this class before

1 A No.

2 Q Looking at Paragraph 3, the sentence, "We don't  
3 get much homework in that class because we can't take  
4 our book home," are you referring to your social studies  
5 class in that sentence?

6 A Yeah.

7 Q Earlier today you testified that you think you  
8 get enough homework in your social studies class this  
9 year. What do you mean by this sentence in this  
10 declaration?

11 MS. WELCH: Objection. I think the document speaks  
12 for itself.

13 THE WITNESS: What was the question?

14 BY MS. KOURY:

15 Q What did you mean by this sentence, "We don't  
16 get much homework in that class because we can't take  
17 our books home"?

18 A Well, that's what I said while they were --  
19 this, they were doing the declaration. But now we do --  
20 we have got enough homework lately because we have taken  
21 some finals and some tests that -- we have used our  
22 book, but we can't take it home.

23 Q What about in -- when were you -- when did you  
24 say this for your declaration? You just stated you said  
25 this for your declaration. When was that?

1 Christmas break?

2 A No.

3 Q In Paragraph 4 of your declaration, you stated  
4 earlier that when you wrote, quote, "And in the gym, a  
5 lot of the windows are broken," what you really meant by  
6 "a lot" was some?

7 A Yeah.

8 Q And you think "some" means more than one; is  
9 that correct?

10 A Uh-huh, yeah.

11 Q And you're not -- but you can't recall any  
12 windows being broken other than that one window being  
13 broken; is that true?

14 A Yeah.

15 Q You also said that where it says "instead of  
16 glass" in Paragraph 4 of your declaration, that you  
17 didn't mean to write that.

18 A No.

19 Q So that's not correct?

20 A No.

21 Q You also stated that sometimes --

22 MS. WELCH: Did you want to add something to  
23 that? You just looked like you were going to.

24 MS. KOURY: No.

25 MS. WELCH: Okay.

1 BY MS. KOURY:

2 Q The last sentence of that Paragraph 4 states,  
3 "Sometimes this fencing is not put on the windows  
4 right." Earlier you stated that you didn't mean to  
5 write that; is that true?

6 A No, I didn't mean to say that declaration.

7 Q So that's not accurate?

8 A No.

9 Q In Paragraph 8, where it says, "My school is  
10 really overcrowded," just now you said that you felt as  
11 if it was too crowded until October, and then it got  
12 crowded -- it stopped, and then it got crowded again at  
13 some point?

14 A No, and then it seemed more crowded to me. I  
15 don't know how, but it seemed crowded, like more people  
16 were coming; but it was the same.

17 Q When was that that it seemed more crowded?

18 MS. WELCH: Asked and answered.

19 BY MS. KOURY:

20 Q Was it after October that it seemed more  
21 crowded again, or just up until October?

22 A No, like -- because until like October,  
23 everybody got like new, where they were going to go for  
24 their classes. And I guess it was after Christmas  
25 break, because we haven't been to school for two weeks.

1 A Oh, okay.

2 MS. WELCH: Same objection.

3 BY MS. KOURY:

4 Q Let me ask another question. What do you mean  
5 when you say that you're representing other students  
6 with similar problems?

7 A Okay. Well, what I'm trying to say is that  
8 myself and some other kids have the same problems. And  
9 if they -- and like if they don't want to represent,  
10 then, you know -- and they're like at my school and they  
11 have the same problems, then somebody in our school  
12 could represent for our school.

13 Q Do you know what you have to do in order to  
14 represent these other students?

15 MS. WELCH: Objection, vague.

16 BY MS. KOURY:

17 Q Do you know if you have to do anything in order  
18 to represent them?

19 MS. WELCH: Same objection.

20 THE WITNESS: Well, I don't know the answer to that  
21 right now.

22 BY MS. KOURY:

23 Q Do you know if you have any duties as a class  
24 representative?

25 MS. WELCH: Objection, calls for a legal

1 And then we came back, and then it seemed more crowded.  
2 So we came like in the middle of January, and then it  
3 seem overcrowded.

4 Q Did it feel that way for a few weeks? How long  
5 did it feel like that?

6 A For like for a few days.

7 Q Okay. Right now you just testified that you're  
8 suing the State of California because you don't have  
9 what you need to learn. Is there anything besides what  
10 we've talked about today and on May 19th that you think  
11 you need to learn other than the conditions that you've  
12 discussed with me? Is there anything else?

13 A That I can think of right now, no.

14 Q And right. Now, you just stated earlier that  
15 you're representing other students with similar problems  
16 in this case. How are you doing that?

17 MS. WELCH: Objection, vague.

18 THE WITNESS: What was the question?

19 BY MS. KOURY:

20 Q How are you representing other students with  
21 similar problems?

22 MS. WELCH: Same objection.

23 THE WITNESS: How am I helping other students?

24 BY MS. KOURY:

25 Q No. How are you representing other students?

1 conclusion.

2 BY MS. KOURY:

3 Q Do you need me to reread that question?

4 MS. WELCH: Vague as well.

5 THE WITNESS: Yeah.

6 MS. KOURY: Can you reread that question?

7 (Record read as requested.)

8 MS. WELCH: If you don't understand the question,  
9 tell her that you don't understand it.

10 BY MS. KOURY:

11 Q Do you not understand what "duties" means, or  
12 do you not understand that question?

13 A I don't understand the question.

14 Q Do you know if there's anything that you have  
15 to do as a class representative to represent the other  
16 students?

17 MS. WELCH: Same objection, calls for a legal  
18 conclusion, vague.

19 THE WITNESS: Well, I don't know the answer to that  
20 right now.

21 MS. KOURY: Okay. I have no further questions.

22 Counsel, may we stipulate that copies to the  
23 documents attached to the deposition may be used as  
24 originals?

25 MS. WELCH: Yeah.



1 MS. KOURY: May we stipulate that the original of  
 2 this deposition be signed under penalty of perjury; that  
 3 the original will be delivered to the office of Morrison  
 4 & Foerster; that the reporter is relieved of liability  
 5 for the original of the deposition; that the witness  
 6 will have 15 days from the date of the court reporter's  
 7 transmittal of the transcript to Leecia Welch of  
 8 Morrison & Foerster to sign and correct the deposition;  
 9 Krystal Ruiz shall notify all parties in writing of any  
 10 changes in the deposition, and that if there are no  
 11 such changes communicated or signature within that time  
 12 frame, that any unsigned and uncorrected copy may be  
 13 used for all purposes as if signed and corrected?

14 MS. WELCH: I will stipulate to all, except for the  
 15 15 days. I think that we need 30 days because of  
 16 Krystal's summer break and me not knowing exactly what  
 17 the family's vacation schedule is.

18 MS. KOURY: Can we leave that open in case --  
 19 unless you determine that the vacation is not -- that's  
 20 fine. For the record, 30 days.

21 MS. WELCH: That's fine.  
 22 (Whereupon, the deposition adjourned at 3:13 p.m)

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I, the undersigned, a Certified Shorthand  
 Reporter of the State of California, do hereby certify:

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

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

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
 THERESA A. DARNELL  
 CSR No. 9966

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I, KRYSTAL RUIZ, do hereby declare under  
 penalty of perjury that I have read the foregoing  
 transcript of my deposition; that I have made such  
 corrections as noted herein, in ink, initialed by me, or  
 attached hereto; that my testimony as contained herein,  
 as corrected, is true and correct.

EXECUTED this \_\_\_ day of \_\_\_\_\_,  
 2001, at \_\_\_\_\_,  
 (City) (State)

\_\_\_\_\_  
 KRYSTAL RUIZ