

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

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ELIEZER WILLIAMS, et al., )

)

Plaintiffs, )

)

vs. )

No. 312 236

)

STATE OF CALIFORNIA, et al., )

)

Defendants. )

)

AND RELATED CROSS-ACTION. )

)

Deposition of  
REBECCA RUIZ  
December 9, 2001

REPORTED BY: Leigh Regan, CSR No. 4971

<div>Page 2</div> <div>1INDEX 2INDEX OF EXAMINATIONS 3Page 4Examination by Mr. LaCombe 4 5EXHIBITS MARKED FOR IDENTIFICATION 6No. Description Page 71 Declaration of Rebecca Ruiz, two pages 13 82 Defendant State of California's Notice of 16 Depositions of Plaintiffs, Plaintiffs' 9Guardian Ad Litem, and Non-Party Declarants; Request for Production of Documents, 12 pages 10--o0o-- 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div>	<div>Page 4</div> <div>1REBECCA RUIZ 2 3called as a witness by the Defendant State of 4California, who, having been first duly sworn, was 5examined and testified as follows: 6EXAMINATION BY MR. LACOMBE: 7MR. LACOMBE: My name is Steven LaCombe. I 8represent the State of California. 9Q. Would you please state your full name? 10A. Rebecca Ruiz. 11Q. Could you spell it for the record? 12A. R-E-B-E-C-C-A R-U-I-Z. 13Q. I'm here today to take your deposition. 14Have you ever had your deposition taken before? 15A. No. 16Q. Okay. I'm going to ask you a series of 17questions, and both my questions and your answers are 18going to be taken down by the court reporter. 19A. Uh-huh. 20Q. For the court reporter's sake, please state 21your answers clearly. 22A. Okay. 23Q. No nods or shakes of the head, because that 24can't be taken down by the court reporter. 25A. Okay.</div>
<div>Page 3</div> <div>1BE IT REMEMBERED that, pursuant to Notice, and 2on Sunday, December 9, 2001, commencing at 9:34 a.m. 3thereof, at the Law Offices of O'Melveny &amp; Myers LLP, 4990 Marsh Road, Menlo Park, California, before me, Leigh 5Regan, a Certified Shorthand Reporter, personally 6appeared 7REBECCA RUIZ 8 9called as a witness by the Defendant State of 10California, who, having been first duly sworn, was 11examined and testified as follows: 12--oOo-- 13MORRISON &amp; FOERSTER LLP, 425 Market Street, 14San Francisco, California 94105, represented by 15HELENE N. SILVERBERG and LEECIA WELCH, Attorneys at Law, 16appeared as counsel on behalf of the Plaintiffs. 17O'MELVENY &amp; MYERS, 400 South Hope Street, 18Los Angeles, California 90071, represented by 19STEVEN LACOMBE, Attorney at Law, appeared as counsel on 20behalf of the Defendant State of California. 21--oOo-- 22 23 24 25</div>	<div>Page 5</div> <div>1Q. Will you do that? 2A. Yes. 3MS. SILVERBERG: That was a trick question. 4MR. LACOMBE: Q. Also, it's hard for the 5reporter to get a clear record if more than one person 6is speaking at once, so please make sure that I stop 7speaking or Helene stops speaking before you begin your 8answer. 9A. Okay. 10Q. Will you do that? 11A. Yes. 12Q. Make sure and listen carefully to each of the 13questions that I give you. If you don't understand a 14question for any reason, tell me, and I'll do my best to 15rephrase it. 16A. Okay. 17Q. Make sure also to let me finish my questions 18before you give your answers. 19A. Okay. 20Q. Perfect. 21Now, Rebecca, please answer the questions to 22the best of your ability. If you don't know the answer 23for any reason, it's not a test, just say, "I don't 24know." There's no reason to guess at any of these; 25however, there may be times when I ask you to give an</div>

1 estimate. If you can provide one, even if you aren't  
2 completely certain, if you can provide that estimate,  
3 I'd appreciate that.

4 Will you do that?

5 A. Yes.

6 Q. Your testimony today is under oath, so it's  
7 very important that you respond to each question as  
8 fully and fairly as you can.

9 Will you do that?

10 A. Yes.

11 Q. Okay. If you need a break for any reason, let  
12 me know. I'll tell the court reporter and we can go off  
13 the record.

14 A. Okay.

15 Q. Sometimes it may happen, like later on in the  
16 day, you'll remember something to help supplement an  
17 answer that you had to a question earlier in the day, so  
18 if anything triggers your memory later on in the day  
19 about something earlier in the morning, just let me know  
20 immediately and we'll take care of it then.

21 A. Okay.

22 Q. Does that make sense?

23 A. Uh-huh.

24 Q. Everything that we say today is going to be  
25 recorded in a booklet that will be sent to you for your

1 review and your signature. When you receive that  
2 booklet, you can make any changes that you feel are  
3 necessary; however, the various lawyers in the case will  
4 be free to comment on any changes that you make later  
5 on.

6 Does that make sense?

7 A. Yes.

8 Q. Do you understand these ground rules?

9 A. Yes.

10 Q. Do you have any questions?

11 A. No.

12 Q. Okay. All right. A couple of formalities, I  
13 guess they are.

14 Have you recently consumed any medication,  
15 alcohol, or any other substance that would make it  
16 difficult for you to understand or answer my questions?

17 A. No. I just ate breakfast.

18 Q. Okay. Are you sick today?

19 A. A little.

20 Q. How are you sick?

21 A. My nose is, like, stuffed, and, like, I  
22 sometimes got to cough, like, my throat is, like -- I  
23 don't know how to say it in English. Just in Spanish.

24 MS. WELCH: A little sore?

25 THE WITNESS: Yeah.

1 MR. LACOMBE: Q. Will that affect your ability  
2 to understand my questions?

3 A. No.

4 Q. Do you need anything at all, any aspirin,  
5 anything like that?

6 A. No.

7 Q. Is there any reason that you can think of why  
8 you may not be able to answer my questions fully and  
9 fairly today?

10 A. Maybe I don't remember them. I don't know.

11 Q. Okay. Anything besides that?

12 A. No.

13 Q. Obviously, if you don't remember the answer for  
14 some reason, just state that, and if, later in the day,  
15 your memory is triggered, please do remember to bring  
16 that up to our immediate attention.

17 Will you do that?

18 A. Yes.

19 Q. Did you do anything to prepare for this  
20 deposition, Rebecca?

21 A. They -- I talked to them. That's it.

22 Q. You mean Helene and Leecia?

23 A. Yeah.

24 Q. Anything else?

25 A. They told me about what was going to happen.

1 Q. Okay.

2 A. That's it.

3 Q. Okay. Anything besides that?

4 MS. SILVERBERG: Objection. Besides --

5 MR. LACOMBE: Q. Besides meeting with Helene  
6 and Leecia.

7 A. I looked for my grades. That's it.

8 Q. Anything else? Any other documents that you  
9 looked at to prepare for this deposition?

10 A. No.

11 Q. The old first amended complaint. I think  
12 you've seen it before.

13 We've stipulated previously to not attach this  
14 as an exhibit to the deposition.

15 MS. SILVERBERG: That's fine.

16 MR. LACOMBE: Q. Rebecca, would you please  
17 look at this document briefly?

18 Have you ever seen this document?

19 A. Yes.

20 Q. When did you see it?

21 A. Friday.

22 Q. Okay. Two days ago?

23 A. Yeah.

24 Q. Had you ever seen it any time previous to  
25 Friday?

1 A. No.  
 2 Q. How did you get it?  
 3 A. They showed it to me.  
 4 Q. You mean Helene and Leecia?  
 5 A. Yes.  
 6 Q. And is there anything in particular that you  
 7 looked at in that document?  
 8 A. I don't remember. I just remember that I saw  
 9 it.  
 10 Q. Okay. On Friday, was that the first time you'd  
 11 met with Helene and Leecia?  
 12 A. Yes, in person.  
 13 Q. Had you met with any lawyers in this case  
 14 previous to that date?  
 15 A. I met Laura and some other girl, but I don't  
 16 know her name, but I talked to Gladys before.  
 17 Q. Gladys?  
 18 A. Yeah. That's it.  
 19 Q. Okay. When did you speak with Laura?  
 20 A. In the summer.  
 21 Q. Summer -- this summer?  
 22 A. Yeah. I don't remember. I remember it was in  
 23 the summer.  
 24 Q. Do you remember what Laura's last name is?  
 25 A. I've forgotten.

1 Q. Did you speak by phone with Laura?  
 2 A. No. Well, sometimes.  
 3 Q. Okay. And the times that you didn't talk with  
 4 Laura on the phone, how did you speak with her?  
 5 A. She came to my house.  
 6 Q. Any other places that you met her?  
 7 A. She -- no. Just she came to my house, and  
 8 then, like, took me and Krystal to -- to eat somewhere,  
 9 and we talked about it.  
 10 Q. Okay. And what about Gladys?  
 11 A. I just talked to her on the phone.  
 12 Q. How many times did you speak with Gladys on the  
 13 phone?  
 14 A. Like, twice.  
 15 Q. And the times that you spoke with Gladys on the  
 16 phone, was that after you'd already met Laura?  
 17 A. Yeah.  
 18 Q. Okay. How many times, total, did you talk with  
 19 Laura?  
 20 A. I don't know. It was a lot.  
 21 Q. Have you spoken with either Laura or Gladys  
 22 since the time that you knew that you'd be appearing for  
 23 this deposition?  
 24 A. I don't get your question.  
 25 Q. Okay. Since the time that you found out we

1 would have this deposition here today --  
 2 A. Uh-huh.  
 3 Q. -- have you spoken with either Laura or Gladys?  
 4 A. No.  
 5 Q. Do you know when was the last time that you  
 6 spoke with either Laura or Gladys?  
 7 A. Laura was a couple of months ago. Gladys was,  
 8 like, last month, around there. I'm not sure what date,  
 9 but last month.  
 10 Q. What did you speak with Laura about?  
 11 A. About -- I don't remember. I think about being  
 12 the witness, to do the -- oh. I remember now. To --  
 13 to -- she said I was going to see her -- she wanted to  
 14 see me on Saturday, but she ended up not being able to  
 15 come, so that's it.  
 16 Q. Which Saturday?  
 17 A. I think it was last -- yesterday. She was  
 18 going to see me, but --  
 19 MS. SILVERBERG: Is that Laura or Gladys?  
 20 THE WITNESS: Gladys, I think, yeah.  
 21 MR. LACOMBE: Q. Forgive me if -- earlier you  
 22 said you had not spoken to Gladys since you knew we were  
 23 going to have the deposition here today; is that  
 24 correct?  
 25 MS. SILVERBERG: I think what she said is a

1 long time ago, when she talked to Gladys, that Gladys  
 2 said that she would meet you.  
 3 THE WITNESS: Since I didn't know we were going  
 4 to have this, but she told me I was going to meet on  
 5 Saturday -- meet her on Saturday. I think we were going  
 6 to talk about something. I'm not sure. I forgot what.  
 7 MR. LACOMBE: This will be a true exhibit.  
 8 (Exhibit No. 1 was marked for  
 9 identification.)  
 10 MR. LACOMBE: Q. Have you seen this document  
 11 before?  
 12 A. Yes.  
 13 Q. Okay. On the last page, on the second page, is  
 14 that your signature?  
 15 A. Yes.  
 16 Q. When have you seen this document before?  
 17 A. Friday and some days -- some other days before  
 18 with Laura, and when I was checking if they wrote it  
 19 correctly, and that's it.  
 20 Q. When you reviewed it with Laura --  
 21 A. Yeah, that's when I saw it the first time, when  
 22 she told me to check it, and then I saw it another time  
 23 because they made a mistake, and then -- and then I saw  
 24 it again to -- to check if they corrected the mistake,  
 25 and then I saw it Friday with them.

1 Q. Do you remember what the mistake was?  
 2 A. No.  
 3 Q. What kind of a mistake was it?  
 4 A. Something that I had said, I think. I'm not  
 5 sure.  
 6 Q. To your knowledge, are there any mistakes in  
 7 this deposition -- in this declaration?  
 8 A. No.  
 9 Q. When you reviewed the declaration with Laura,  
 10 was that in person?  
 11 A. Yes.  
 12 Q. You met with her?  
 13 Did you play any role in the preparation of  
 14 this declaration?  
 15 A. Like, you mean -- I don't get what you mean. I  
 16 don't understand.  
 17 Q. Okay. Did you -- did you talk to somebody in  
 18 order for this declaration to be prepared?  
 19 A. I talked to them and to my mom, I think.  
 20 Q. To your mom?  
 21 A. Yeah.  
 22 Q. Is that Andrea?  
 23 A. Andrea.  
 24 Q. Okay. When you say "them," is that Laura?  
 25 A. Laura and some other lawyer, I think. I forgot

1 her name.  
 2 Q. Not Gladys?  
 3 A. No.  
 4 Q. When did you talk with Laura and the other  
 5 attorney in order to prepare this declaration?  
 6 A. The second day I met them. They told me --  
 7 they -- they typed it to -- so I could check it and see  
 8 if that's -- see that it was right.  
 9 Q. That was this summer, then?  
 10 A. Yeah.  
 11 Q. Did you have any conversations with anyone  
 12 before you signed it?  
 13 A. My mom, because she wanted to know what -- what  
 14 it was for. She wanted to make sure it was for what she  
 15 thought it was. I'm not sure. I just talked to my mom.  
 16 Q. Did your mom read the declaration?  
 17 A. No, because it was in Spanish -- it was in  
 18 English, I mean, so she couldn't read it.  
 19 Q. But you talked to your mom about it?  
 20 A. Yeah, I told her what it said.  
 21 Q. Did you translate the declaration for your mom?  
 22 A. Yeah, I told her what it said.  
 23 Q. Did she suggest any changes to the declaration?  
 24 A. No.  
 25 MR. LACOMBE: Should I hand the documents to

1 you?  
 2 MS. SILVERBERG: Yes.  
 3 MR. LACOMBE: This will be Exhibit 2.  
 4 (Exhibit No. 2 was marked for  
 5 identification.)  
 6 MR. LACOMBE: Q. Do you recognize this  
 7 document?  
 8 A. Yes.  
 9 Q. Okay.  
 10 THE WITNESS: Is that the one we saw on Friday?  
 11 MS. SILVERBERG: Yes.  
 12 MR. LACOMBE: Q. Please turn to page 7.  
 13 Down at those last four lines on the page, do  
 14 you see where I'm referring to?  
 15 A. Uh-huh.  
 16 Q. Have you read that text before?  
 17 A. Yes.  
 18 Q. On Friday?  
 19 A. Yeah.  
 20 Q. And the text asks you to find documents that  
 21 pertain to your education --  
 22 A. Uh-huh.  
 23 Q. -- including a variety of specifically named  
 24 documents.  
 25 A. Yes.

1 Q. Did you look for these documents?  
 2 A. Yes.  
 3 Q. Okay. Did you find anything?  
 4 A. No.  
 5 Q. Where did you look?  
 6 A. Because I remember putting them in my drawer,  
 7 so I looked in there and I couldn't find them, so I  
 8 looked in my -- I have a little box, so I looked in  
 9 there and couldn't find any, and I looked in my old  
 10 binder from last year and I couldn't find them.  
 11 Q. Do you know what documents you were looking  
 12 for, specifically?  
 13 A. My report card, and see if I had a progress  
 14 report, too, but I couldn't find any.  
 15 Q. Any other documents that you were looking for?  
 16 A. Not -- no, just anything that was, like, that  
 17 referred to my grades or something in eighth and seventh  
 18 grade.  
 19 Q. Did you ask your mother?  
 20 A. No.  
 21 Q. How do you receive your report cards?  
 22 A. They gave it to me, like, when they were  
 23 passing them out. They called our names and give it to  
 24 us, so I took it home and showed it to my mom when they  
 25 gave it to me.

1 Q. Does your mother take the report cards?  
 2 A. She just looks at them and tells me why did I  
 3 have that grade and if they're good or not, and then she  
 4 says I could keep them, so I keep them or I throw them  
 5 away.  
 6 Q. Do you think you kept your report cards?  
 7 A. I thought I did, but I guess I didn't, because  
 8 I remember having one, but I couldn't find it.  
 9 Q. Do I understand you correctly that you -- that  
 10 you didn't bring to the deposition today any of the  
 11 documents that are requested on this document; is that  
 12 correct?  
 13 A. Yes.  
 14 Q. What school are you going to right now?  
 15 A. Carlmont.  
 16 Q. Carlmont. That's a high school; right?  
 17 A. Yes.  
 18 Q. What do you think of Carlmont?  
 19 A. I think it's okay.  
 20 Q. Why do you say it's okay?  
 21 A. Because it's kind of boring.  
 22 Q. Okay. Do you know, does Carlmont -- does Cesar  
 23 Chavez Academy feed in to Carlmont?  
 24 A. No.  
 25 Q. How did you end up going to Carlmont?

1 A. I think they assigned me to the school, so I  
 2 just went. I could have transferred, but I just decided  
 3 to go to that school.  
 4 Q. You decided, or did your mother decide?  
 5 A. My mom said I should have gone to Los Altos,  
 6 but I told her I didn't want to go with my brother. I  
 7 would rather go with my friends, so I went with my  
 8 friends to Carlmont.  
 9 Q. Were there any other reasons you chose Carlmont  
 10 instead of Los Altos?  
 11 A. It looked nicer than Los Altos.  
 12 Q. Any other reasons?  
 13 A. Because I have been there for Compass,  
 14 summer -- in summer, and it seemed pretty nice, and when  
 15 I went to Los Altos it didn't seem that nice, and plus I  
 16 don't want to stay with my brother because he's too  
 17 mean.  
 18 Q. Is your brother involved in this case?  
 19 A. No, I don't think so.  
 20 Q. Correct me if I'm wrong: Seventh and eighth  
 21 grades, you attended Cesar Chavez Academy?  
 22 A. Yes.  
 23 Q. Are there any other schools you've attended  
 24 besides Carlmont, Cesar Chavez, and Los Altos for the  
 25 Compass program?

1 A. No, I attended Carlmont for the Compass  
 2 program.  
 3 Q. So Carlmont and --  
 4 A. Cesar Chavez.  
 5 Q. Any other schools you attended?  
 6 A. Theuerkauf, and Crittenden Middle School.  
 7 Q. Where is Crittenden?  
 8 A. Mountain View.  
 9 Q. Where is Mountain View?  
 10 I'm not from here. I don't know.  
 11 A. By Los Altos and -- and -- I'm not sure. I  
 12 don't know how to explain where it's at, but I know  
 13 where it's at.  
 14 Q. Okay. What grades did you attend Crittenden?  
 15 A. [REDACTED]  
 16 Q. No. What --  
 17 A. Oh, grade level?  
 18 Q. Yes.  
 19 A. Fifth for Crittenden.  
 20 Q. What was the other school?  
 21 A. Theuerkauf.  
 22 Q. What years was that?  
 23 A. Kindergarten to fourth grade.  
 24 Q. Where did you say that school was at?  
 25 A. In Mountain View.

1 Q. Where were you for the sixth grade?  
 2 A. I didn't go to sixth grade.  
 3 Q. Did you skip sixth grade?  
 4 A. Yes.  
 5 Q. Did you take the year off?  
 6 A. No.  
 7 Q. Did you go directly from fifth grade to seventh  
 8 grade?  
 9 A. Yes.  
 10 Q. Do you know why you skipped sixth grade?  
 11 A. No, I don't know. I don't know.  
 12 Q. Did you -- were you allowed to choose to skip  
 13 sixth grade?  
 14 A. No.  
 15 Q. Are there any other schools that you've ever  
 16 attended besides those four?  
 17 A. No.  
 18 Q. How old are you?  
 19 A. I'm 14.  
 20 Q. What city do you live in?  
 21 A. East Palo Alto.  
 22 Q. How long have you lived at the current home  
 23 address?  
 24 A. Since -- since I was born, I guess.  
 25 Q. Are you related to Krystal Monje Ruiz at all?

<p style="text-align: right;">Page 22</p> <p>1 A. No.</p> <p>2 Q. You mentioned earlier Laura meeting you and</p> <p>3 Krystal.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that the Krystal you were referring to?</p> <p>6 A. Yes.</p> <p>7 Q. Does she live with you?</p> <p>8 A. No.</p> <p>9 Q. But you met Laura at your house?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you meet with Laura and Krystal at your</p> <p>12 house?</p> <p>13 A. Yeah. She picked up Krystal and then went to</p> <p>14 my house.</p> <p>15 Q. Got it.</p> <p>16 Is there anybody besides your mother and</p> <p>17 yourself at your home that's involved in this lawsuit?</p> <p>18 A. No.</p> <p>19 Q. How do you get to and from Carlmont?</p> <p>20 A. On the bus, school bus.</p> <p>21 Q. Did you also take a school bus to get to Cesar</p> <p>22 Chavez?</p> <p>23 A. No.</p> <p>24 Q. How did you get to Cesar Chavez?</p> <p>25 A. Walked.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. The whole year, eighth grade?</p> <p>2 A. (Witness nods head.)</p> <p>3 Q. Math and science is one class?</p> <p>4 A. Yes.</p> <p>5 Q. Does it cover both math and science in one</p> <p>6 class?</p> <p>7 A. Yes.</p> <p>8 Q. Is there one teacher for that class?</p> <p>9 A. Yes.</p> <p>10 Q. In your declaration, you make some reference to</p> <p>11 an eighth-grade science class.</p> <p>12 Are you referring to your math and science</p> <p>13 class when you say that?</p> <p>14 A. Yes.</p> <p>15 Q. So you have no science class other than the</p> <p>16 math and science class, to be clear?</p> <p>17 A. Yes.</p> <p>18 Q. Thank you.</p> <p>19 Is Cesar Chavez on a semester system?</p> <p>20 A. Yes.</p> <p>21 Q. Were all of your classes two-semester classes?</p> <p>22 A. Yes.</p> <p>23 Q. I take it you have a separate teacher for each</p> <p>24 of the subjects.</p> <p>25 A. No. For math and science I have the same</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Is it a long walk?</p> <p>2 A. No.</p> <p>3 Q. Have you ever had a job?</p> <p>4 A. No.</p> <p>5 Q. Do you play any sports?</p> <p>6 A. No.</p> <p>7 Q. Any after-school activities?</p> <p>8 A. No.</p> <p>9 Q. Any clubs that you're involved in?</p> <p>10 A. Yes.</p> <p>11 Q. What is that?</p> <p>12 A. Young Latino Leaders.</p> <p>13 Q. Anything besides Young Latino Leaders?</p> <p>14 A. I've been in art club, but I just went, like,</p> <p>15 twice, and then left.</p> <p>16 Q. Young Latino Leaders, is that at Carlmont?</p> <p>17 A. Yes.</p> <p>18 Q. Did you do that at all at Cesar Chavez?</p> <p>19 A. No.</p> <p>20 Q. Could you please tell me all the classes that</p> <p>21 you took your eighth-grade year at Cesar Chavez?</p> <p>22 A. Social studies, math and science, and reading.</p> <p>23 Oh, and PE.</p> <p>24 Q. Is that everything?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 25</p> <p>1 teacher, and the other two, yes.</p> <p>2 Q. You mean social studies, you have a different</p> <p>3 teacher?</p> <p>4 A. Yeah.</p> <p>5 Q. And reading, you have a different teacher?</p> <p>6 A. Yeah.</p> <p>7 Q. What about PE?</p> <p>8 A. That, too.</p> <p>9 Q. How long are each of these classes during the</p> <p>10 day? Are they hour-long classes?</p> <p>11 A. I don't remember how long they are.</p> <p>12 Q. Do you think they were longer than an hour?</p> <p>13 A. Sometimes. Depends on our schedule. Like,</p> <p>14 Wednesdays, we had minimum day, so we have shorter, and</p> <p>15 every other day we had them longer. I'm not sure if</p> <p>16 they were hour-long.</p> <p>17 Q. Did you have every class every day?</p> <p>18 A. Yes.</p> <p>19 Q. Did you choose your classes?</p> <p>20 A. No.</p> <p>21 Q. Were you required to take social studies?</p> <p>22 A. I guess, because -- well, yes, because there</p> <p>23 wasn't any other class to take; only those.</p> <p>24 Q. The same with math and science; they're a</p> <p>25 required class?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Uh-huh.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes.</p> <p>4 Q. Reading, is that also a required class?</p> <p>5 A. Yes.</p> <p>6 Q. What about PE? Same?</p> <p>7 A. Yes.</p> <p>8 Q. Are there any electives to take at Cesar</p> <p>9 Chavez?</p> <p>10 A. In seventh grade there was, but then they</p> <p>11 stopped giving us electives.</p> <p>12 Q. Do you know why they stopped giving you</p> <p>13 electives?</p> <p>14 A. I think it was because the grades were too low.</p> <p>15 Q. What do you mean by that?</p> <p>16 A. Like, kids had bad grades to get electives, so</p> <p>17 they stopped doing electives.</p> <p>18 Q. Do you know what kind of electives you're</p> <p>19 talking about?</p> <p>20 A. I don't remember what kind.</p> <p>21 Q. How about the seventh grade? What classes did</p> <p>22 you take?</p> <p>23 A. Same thing.</p> <p>24 Q. Exact same thing?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 like, reading club, and I had another elective.</p> <p>2 Q. Did you say a reading club?</p> <p>3 A. I guess it was a reading club, kind of, yeah,</p> <p>4 because we -- everyone had to read a certain book and we</p> <p>5 talked about it and stuff, so it was kind of like</p> <p>6 reading class, but different.</p> <p>7 Q. Any other electives you took?</p> <p>8 A. I had one on stocks.</p> <p>9 Q. Like economics?</p> <p>10 A. Uh-huh, I guess.</p> <p>11 Q. Anything else?</p> <p>12 A. No.</p> <p>13 Q. You referred to it as a club before, but was</p> <p>14 there homework in these elective classes?</p> <p>15 A. No.</p> <p>16 Q. Do you know if there was any grades in those</p> <p>17 elective classes?</p> <p>18 A. Yes.</p> <p>19 Q. Since they took the electives away, did you</p> <p>20 ever get a final grade for either of those electives?</p> <p>21 A. No. Actually, yes.</p> <p>22 Q. For both of them?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And let's talk about what you're currently</p> <p>25 taking at Carlmont.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. You didn't take any electives your</p> <p>2 seventh-grade year?</p> <p>3 A. Seventh grade, there was electives, but they</p> <p>4 took them off. Eighth grade, there wasn't any</p> <p>5 electives.</p> <p>6 Q. I understand electives were available your</p> <p>7 seventh-grade year, but did you take any?</p> <p>8 A. I had some, but then they stopped giving us</p> <p>9 electives, so then I didn't have any more electives.</p> <p>10 Q. When did you have the electives?</p> <p>11 A. Like, they gave it to us, like, in the middle</p> <p>12 of the school year, and then they took them away because</p> <p>13 of our grades.</p> <p>14 Q. So middle of the school year, you mean starting</p> <p>15 second semester?</p> <p>16 A. Yeah.</p> <p>17 Q. How long did you have the electives before they</p> <p>18 took them away?</p> <p>19 A. For, like, two -- two or one month. I'm not</p> <p>20 sure.</p> <p>21 Q. Two months or one month?</p> <p>22 A. Yeah.</p> <p>23 Q. What elective did you take before they took it</p> <p>24 away, or electives?</p> <p>25 A. I had a reading elective. We had -- we were,</p>	<p style="text-align: right;">Page 29</p> <p>1 What classes do you have?</p> <p>2 A. English 1, PE, World Studies 1 and 2, and AVID,</p> <p>3 and fine arts, and then Algebra .5.</p> <p>4 Q. Any other classes?</p> <p>5 A. Advanced integrated science.</p> <p>6 Q. Seven classes?</p> <p>7 A. Yes.</p> <p>8 Q. Do you have every class every day?</p> <p>9 A. Uh-huh. Yes.</p> <p>10 Q. Did you pick all those classes?</p> <p>11 A. Fine arts, I was supposed to get Spanish, but</p> <p>12 they gave me fine arts instead.</p> <p>13 Q. Why didn't you get Spanish?</p> <p>14 A. I don't know. I guess it was full, so they had</p> <p>15 to change it.</p> <p>16 Q. Can you take Spanish -- is it also a semester</p> <p>17 system at this high school?</p> <p>18 A. Yes.</p> <p>19 I'm going to change it to Spanish as soon as</p> <p>20 the semester finishes.</p> <p>21 Q. Is the fine arts a one-semester class?</p> <p>22 A. I'm not sure.</p> <p>23 Q. What is AVID?</p> <p>24 A. It's a class to help -- help kids get into</p> <p>25 college.</p>



1 Q. Do you know what AVID stands for?  
 2 A. No.  
 3 MR. LACOMBE: Do you remember what it stands  
 4 for, Leecia?  
 5 MS. WELCH: Can't remember. Sorry.  
 6 MR. LACOMBE: Q. You said you're taking  
 7 Algebra .5.  
 8 A. Yes.  
 9 Q. Is this your first algebra class?  
 10 A. No.  
 11 Q. You took algebra at Cesar Chavez?  
 12 A. At Cesar Chavez, I had pre-algebra.  
 13 Q. Is the first semester done for your ninth grade  
 14 yet?  
 15 A. No.  
 16 Q. When does it finish?  
 17 A. I'm not sure. Around January. They told me to  
 18 change -- if I wanted to change my Spanish, to go  
 19 schedule to change it on -- as soon as we get back from  
 20 the winter break, which is, like -- I guess the semester  
 21 finishes at the winter break. I'm not sure.  
 22 Q. Did you have a favorite subject at Cesar  
 23 Chavez?  
 24 A. No. Actually, world studies.  
 25 Q. Is that your social studies?

1 A. Yeah. I meant social studies.  
 2 Q. It's world studies you're taking now, but it  
 3 was social studies --  
 4 A. Yeah, social studies.  
 5 Q. Why do you say you preferred that class?  
 6 A. Because we got to do more stuff, and plus it  
 7 was easier for me.  
 8 Q. What do you mean, you got to do more stuff?  
 9 A. We got to do, like, more projects in that class  
 10 than the other ones.  
 11 Q. Why do you think it was easier for you?  
 12 A. Because I got better grades there.  
 13 Q. Did you have a least favorite class?  
 14 A. Reading.  
 15 Q. Why do you say that?  
 16 A. Because I did not like the teachers, some of  
 17 the teachers, that I had for that class.  
 18 Q. I understand you had a permanent teacher and  
 19 then a series of substitutes.  
 20 A. Yes.  
 21 Q. Is that only in your eighth-grade year?  
 22 A. Yes.  
 23 Q. Did you have one teacher the whole year your  
 24 seventh-grade year?  
 25 A. Actually, for science we had a teacher, but

1 then -- I don't know why, but she left. Then we had a  
 2 substitute.  
 3 Q. This is your seventh-grade year?  
 4 A. Yeah, and then our substitute became our  
 5 permanent teacher.  
 6 Q. Do you know when your science teacher left your  
 7 seventh-grade year?  
 8 A. No.  
 9 Q. Do you remember if it was first semester or  
 10 second semester?  
 11 A. I think it was second semester. Yeah, I think  
 12 so.  
 13 Q. Did you have any substitutes other than the one  
 14 that took over the class?  
 15 A. I don't remember. I think --  
 16 Q. Go ahead.  
 17 A. I think we did, but I don't remember who they  
 18 were.  
 19 Q. What makes you think that you had other  
 20 substitutes?  
 21 A. Because I remember some other teachers, but I  
 22 don't remember if they -- if they were in -- if they  
 23 were my substitutes for that class.  
 24 Q. Okay. You said you didn't like math -- sorry.  
 25 You said you didn't like reading this year

1 because of the -- of all the teachers you had.  
 2 A. In eighth grade?  
 3 Q. Yes.  
 4 Was there any other reason you didn't like  
 5 reading?  
 6 A. No, besides that it was fun because we actually  
 7 didn't do that much work, so...  
 8 Q. The -- the permanent teacher that you had that  
 9 ended up leaving in reading class, did you like that  
 10 teacher?  
 11 A. Yeah.  
 12 Q. The teachers you didn't like were the  
 13 substitutes; is that correct?  
 14 A. Yes.  
 15 Q. Okay. Let's talk more about that reading  
 16 class.  
 17 Can you tell me about that class? What did you  
 18 do in that class?  
 19 A. Our permanent teacher gave us a workbook to do,  
 20 but we didn't do it that much because he ended up  
 21 leaving, so we started -- when we had different  
 22 substitutes, sometimes we watched movies. Sometimes we  
 23 went to our other teachers because we didn't have  
 24 substitutes sometimes, and -- and then sometimes we just  
 25 hanged around and talked, and sometimes we actually did

1 work, and then other times we just played around again.  
 2 Q. You said that sometimes you talked, sometimes  
 3 you worked, sometimes you --  
 4 A. Yeah.  
 5 Q. Are you talking about the times when the  
 6 permanent teacher was gone?  
 7 A. Yeah.  
 8 Q. Let me confine the question. Let's talk about  
 9 the time when the regular teacher was there.  
 10 What did you do in class then?  
 11 A. He gave us a workbook. We did, like, a couple  
 12 of pages, and then -- then we just talked for the rest  
 13 of the period until we finished, and sometimes we -- we  
 14 did a letter to -- I think to old people, to senior  
 15 center, and we sent it to them, and we read some -- some  
 16 stories in our book, and that's it.  
 17 Q. Did you have any book other than the workbook?  
 18 A. Our reading book. It was a big book. It had a  
 19 couple of stories in it.  
 20 Q. So you had a workbook and reading book?  
 21 A. Yeah.  
 22 Q. Anything else?  
 23 A. For that class?  
 24 Q. Yes.  
 25 A. No.

1 Q. When you said that you would do the workbook  
 2 and then talk, what -- what do you mean, you would talk?  
 3 A. When we finished doing the work, he said we  
 4 could talk, and sometimes we had to read -- read out of  
 5 the reading book, and then class would be over, because  
 6 we -- I don't know. That class would just be over.  
 7 Q. Is this social talking?  
 8 A. Social.  
 9 Q. Are you talking about the materials at all?  
 10 A. Sometimes. Sometimes, if we read a story, we  
 11 would talk about it, but if we just did our work, we  
 12 were just -- when we finished, we would start talking  
 13 socially to other students.  
 14 Q. Can you explain to me what the materials were  
 15 like in the workbook?  
 16 A. It had -- you had to correct some sentences,  
 17 the grammar and the, like, the -- you had to put commas  
 18 and stuff, and we had to do -- sometimes we had spelling  
 19 words and we had to do, like, a packet of them to -- to,  
 20 like, learn the meaning and the ways you could use it as  
 21 a verb or a noun or adverb, whatever.  
 22 Q. The spelling packet, was that separate from the  
 23 workbook?  
 24 A. Sometimes. Sometimes -- sometimes he gave us  
 25 words from the book that was from the packet, or

1 sometimes he gave us separate words that we did in a  
 2 different packet. He made a packet and gave it to us.  
 3 Q. Besides packets for spelling, did he give out  
 4 any other sorts of packets besides the workbook and  
 5 reading book?  
 6 A. No.  
 7 Q. Let's talk briefly about that -- the book. You  
 8 said the reading book had some stories in it.  
 9 A. Yeah.  
 10 Q. Did it have anything other than stories in it?  
 11 A. Some -- some projects we could do, like some  
 12 art projects and sometimes some writing projects we  
 13 could do after you read the story.  
 14 Q. Were those projects ever assigned by the  
 15 teacher?  
 16 A. Maybe once or twice.  
 17 Q. In the whole year?  
 18 A. Like, in the semester, once or twice, and the  
 19 second semester -- second semester, we didn't do  
 20 anything because we didn't have a teacher, so -- so,  
 21 like, probably more than five times, I think. I don't  
 22 know.  
 23 Q. More than five times?  
 24 A. Yeah, like five -- probably around ten times --  
 25 that's it -- out of the first semester.

1 Q. Let me be clear.  
 2 You think now it's ten times?  
 3 A. Yeah.  
 4 Q. Could it have been more than ten times?  
 5 A. No, I don't think so.  
 6 Q. Is eighth-grade reading any different than  
 7 seventh-grade reading?  
 8 A. Yes.  
 9 Q. How is it different?  
 10 A. In eighth grade -- I mean ninth grade, we -- we  
 11 read a whole chapter, and then we have a study guide to  
 12 answer some questions about it, and then we have to  
 13 write an essay about it, and then we do vocabulary words  
 14 in the packet, and we have another -- we have a reading,  
 15 a separate book that we choose, science fiction or  
 16 mystery and sometimes some other biographies, and then  
 17 we have to do a project about that one and turn it in,  
 18 finish reading the book by -- by January. We have to  
 19 finish reading it, and then we have to do our -- she'll  
 20 tell us how to -- what the project we will have to do  
 21 about the book, and then we have to turn it in and do a  
 22 presentation about it. So far, that's all we're doing  
 23 in ninth grade.  
 24 Q. That's ninth grade?  
 25 A. Yeah.

1 Q. Okay. I was talking between eighth and seventh  
 2 grades, if there's a difference between eighth and  
 3 seventh grades.  
 4 A. I don't remember having a reading teacher in  
 5 seventh grade. We had three teachers.  
 6 Q. Earlier you said you had a reading class, but  
 7 you don't remember the teacher.  
 8 A. For seventh grade?  
 9 Q. Yes.  
 10 A. Yeah, I don't remember the teacher.  
 11 Q. Do you remember if you had a teacher?  
 12 A. For reading? I don't think so. I don't  
 13 remember. I just remember having three teachers:  
 14 Mr. Davenport for social studies; Ms. Winter, which she  
 15 then left, for science; and then Mr. Dasjun for math.  
 16 That's all. I don't remember having a reading  
 17 teacher.  
 18 Q. Earlier we talked about math and science, and  
 19 you said it was one class with one teacher.  
 20 A. That was one teacher. That was eighth grade.  
 21 Q. What was the name of the eighth-grade teacher  
 22 for math and science?  
 23 A. Mr. Davis.  
 24 Q. Math and science, seventh grade, you had  
 25 Ms. Winter?

1 A. For science.  
 2 Q. Somebody else for math?  
 3 A. And then Mr. Dasjun for math in seventh grade.  
 4 Q. So you had two teachers for that one class; is  
 5 that right?  
 6 A. Uh-huh.  
 7 Q. Reading, you don't remember your teacher, but  
 8 you don't remember if you had a teacher.  
 9 A. I don't remember if I had a reading class for  
 10 seventh grade. I don't think so.  
 11 Q. So now you think you didn't even have a class  
 12 for reading?  
 13 A. Yeah. We probably had it with Mr. Davenport  
 14 for social studies, probably had him, because we had  
 15 vocab words with him sometimes, but they were on social  
 16 studies, so...  
 17 Q. Did you have PE your seventh-grade year?  
 18 A. Yes.  
 19 Q. Who was the teacher for that?  
 20 A. Mr. Mamis.  
 21 Q. Let's get all your teachers' names at Cesar  
 22 Chavez.  
 23 Eighth-grade social studies?  
 24 A. Mr. Rosenkrantz.  
 25 Q. What about eighth-grade reading, the one that

1 you had --  
 2 A. We had lots of teachers for that one.  
 3 Q. But the person you had before --  
 4 A. That was supposed to be our permanent teacher?  
 5 Q. Yes.  
 6 A. Mr. Carlos.  
 7 Q. Do you know why Mr. Carlos left?  
 8 A. No, I don't know.  
 9 Q. Did you have any warning in advance that he  
 10 would leave?  
 11 A. No.  
 12 Q. Did you have any understanding that Mr. Carlos  
 13 would ever return?  
 14 A. First we thought he was, but then we figured  
 15 out that he wasn't going to come back.  
 16 Q. Did anybody ever explain to the students why  
 17 Mr. Carlos was no longer there?  
 18 A. No.  
 19 Q. Who was your teacher for PE, eighth grade?  
 20 A. Miss Swan.  
 21 Q. Did you have a favorite teacher at Cesar  
 22 Chavez?  
 23 A. In eighth grade?  
 24 Q. Either year.  
 25 A. Eighth grade, my favorite teacher was

1 Mr. Davis. Seventh grade, my favorite teacher was Miss  
 2 Hudson. She became our permanent teacher for science.  
 3 Q. This was the permanent substitute?  
 4 A. Uh-huh.  
 5 Q. And taking over for Ms. Winter?  
 6 A. Uh-huh.  
 7 Q. We may have covered this already, but do you  
 8 know when Ms. Winter left?  
 9 A. Like around -- close to the second semester.  
 10 I'm not sure.  
 11 Q. Okay. In your eighth-grade reading class, did  
 12 you ever read any novels?  
 13 A. No.  
 14 Q. You talked about your ninth-grade class where  
 15 you read biographies and did book reports and things  
 16 like that.  
 17 A. Uh-huh.  
 18 Q. Anything like that in your eighth-grade reading  
 19 class?  
 20 A. No. Probably did once. We probably had to --  
 21 we only did, like, two book reports on, probably,  
 22 like -- yeah, probably two novels we read for book  
 23 reports.  
 24 Q. In the eighth grade?  
 25 A. Yeah.

1 Q. Do you remember what novels you read?  
 2 A. The Ruby Raven, and I don't remember the other  
 3 one.  
 4 Q. Did you read one novel per semester?  
 5 A. I guess. I'm not sure.  
 6 Q. Did you do the book report on the book?  
 7 A. Yeah.  
 8 Q. Besides those two novels, were there any other  
 9 materials that you read for reading class that weren't  
 10 in the reading book?  
 11 A. No.  
 12 Q. What do you think of Mr. Carlos as a teacher?  
 13 A. I think he was funny, and as a teacher he  
 14 was -- he -- he knew how to get us to work, because  
 15 sometimes we didn't listen, but he knew how to make us  
 16 start getting to work.  
 17 Q. Do you know how many kids were in that class?  
 18 A. Twenty-seven. Around there. Twenty-seven,  
 19 twenty-four. Around there. I don't know.  
 20 Q. Did the number of students ever change?  
 21 A. Yeah, because some left and some -- and some  
 22 came in to our class, changed their schedule.  
 23 Q. Okay. Some -- some left, some came in.  
 24 Did the total number increase or decrease over  
 25 time?

1 A. Probably stayed the same, because some left and  
 2 then some, like, came and took their place, so...  
 3 Q. Was there ever a time in your reading class  
 4 when there were more students than desks?  
 5 A. My reading class? I don't think so, because we  
 6 had, like, big tables, and we each stayed on one side  
 7 and then the other side, and we all had a place to sit  
 8 and to work.  
 9 Q. So there was no desks; just tables?  
 10 A. Yeah.  
 11 Q. How did you get your books in eighth-grade  
 12 reading?  
 13 A. They passed them out, and then he told us to  
 14 put our names on it, and he said those are going to be  
 15 our books from now on for that class.  
 16 Q. Correct me if I'm wrong. You were assigned a  
 17 particular copy of both the reading book and the  
 18 workbook for your own; is that correct?  
 19 A. Yes.  
 20 Q. Did you keep that -- did you return your copy  
 21 at the end of the year?  
 22 A. My reading book, yes, but our workbook, we  
 23 could stay with that one.  
 24 Q. You could what?  
 25 A. We could have -- we could have stayed with it

1 or thrown it away.  
 2 Q. Okay. It was yours to do whatever you wanted?  
 3 A. Yeah.  
 4 Q. What about the two novels that you read? How  
 5 did you get those?  
 6 A. I went to the library and rented them to read.  
 7 Q. Was there any limitation on what novels you  
 8 could do for your book report?  
 9 A. I don't remember.  
 10 Q. Did you pick those books yourself?  
 11 A. Yeah.  
 12 Q. Did every student in your reading class have a  
 13 reading book of their own?  
 14 A. Sometimes, no.  
 15 Q. What do you mean by "sometimes"?  
 16 A. Because in the beginning there wasn't enough  
 17 books, so we had to share, and then, later on, they gave  
 18 us a book, and sometimes the kids just forgot to bring  
 19 it to school, so they had to share a book.  
 20 Q. What about the workbook? Was there a copy for  
 21 each student of the workbook?  
 22 A. No, because I remember that some -- some kids  
 23 copied it from the -- the work from some other person to  
 24 do it because sometimes they didn't have them.  
 25 Q. Do you know if that was because they were not

1 ever assigned a workbook?  
 2 MS. SILVERBERG: Objection. Calls for  
 3 speculation.  
 4 MR. LACOMBE: Q. Only if you know.  
 5 A. Could you repeat that question?  
 6 Q. Do you know if the reason that they were  
 7 copying from another person was because they were not  
 8 given a workbook to begin with?  
 9 A. I remember one person that didn't have one, and  
 10 then the other one -- the other people, I'm not sure if  
 11 it was because they didn't have one or they just copied  
 12 it.  
 13 Q. The one person that you know didn't have one,  
 14 do you know if that person was never given one to begin  
 15 with?  
 16 A. She was never given one because she came late  
 17 to class -- to school, so they had to order one for her,  
 18 and it came late.  
 19 Q. So she transferred in to school --  
 20 A. Yeah.  
 21 Q. -- after school started?  
 22 A. Uh-huh.  
 23 Q. Do you know when she transferred in to school?  
 24 A. No.  
 25 Q. Do you know how long it was until she got a

1 workbook, how long it took to order the book?  
 2 A. No, I don't remember.  
 3 Q. You mentioned earlier that at first they didn't  
 4 have enough of the reading books for every student.  
 5 Do you know how many students did not have  
 6 reading books at the beginning of the class?  
 7 MS. SILVERBERG: Objection. Calls for  
 8 speculation.  
 9 You can answer.  
 10 THE WITNESS: Like, three or four of them  
 11 didn't have a book.  
 12 MR. LACOMBE: Q. Do you know how long it was  
 13 before those three or four students were given books?  
 14 A. No, I don't remember.  
 15 Q. Do you have an estimate about how long it was?  
 16 A. Like, one month, probably.  
 17 Q. Do you know what those students did in order to  
 18 do the assignments?  
 19 MS. SILVERBERG: Objection. Calls for  
 20 speculation, but you can answer.  
 21 THE WITNESS: They borrowed the teacher's book  
 22 or copied -- got somebody else to help them and copied  
 23 the work.  
 24 MR. LACOMBE: Q. And when you say they  
 25 borrowed the teacher's book, was that for use in class?

1 A. Yes.  
 2 MS. SILVERBERG: Objection. Calls for  
 3 speculation.  
 4 THE WITNESS: Yes.  
 5 MR. LACOMBE: Q. Do you know if they were ever  
 6 allowed to take a copy of the textbook home?  
 7 A. No.  
 8 MS. SILVERBERG: Objection. Calls for  
 9 speculation.  
 10 THE WITNESS: No.  
 11 MR. LACOMBE: Q. Okay. You don't know; is  
 12 that what you're saying?  
 13 A. I don't know.  
 14 MS. SILVERBERG: It's been about an hour.  
 15 Maybe we should take a quick break.  
 16 MR. LACOMBE: We can do that. Let's do that.  
 17 MS. SILVERBERG: Okay.  
 18 (Whereupon, a recess was taken.)  
 19 MR. LACOMBE: Q. We were talking about your  
 20 eighth-grade reading class and specifically the books  
 21 that you had in there.  
 22 Now, you mentioned that three or four students  
 23 didn't get reading books at the beginning of the year;  
 24 is that correct?  
 25 A. Uh-huh.

1 Q. Were you one of those three or four?  
 2 A. No.  
 3 Q. Did you receive your own reading book?  
 4 A. Yeah.  
 5 Q. Could you take that home at night?  
 6 A. Sometimes.  
 7 Q. Why do you say "sometimes"?  
 8 A. Because he said if we didn't finish reading we  
 9 had to take it home, but if we did we had to leave it,  
 10 because then we'll lose it.  
 11 Q. It's Mr. Carlos?  
 12 A. Yeah.  
 13 Q. What about when you had substitute teachers?  
 14 Did they let you take it home?  
 15 A. Same thing. They said the same thing.  
 16 Q. Did the teacher ever check to see whether you'd  
 17 finished the reading in order to let you take the book  
 18 home?  
 19 A. Yeah, because we had to, like, write down some  
 20 questions that were behind the reading material. We had  
 21 to answer them. If we didn't answer them, we had to  
 22 take the book home and finish it.  
 23 Q. These were questions printed in the reading  
 24 book itself?  
 25 A. Yeah.

1 Q. Do you remember how often you took your reading  
 2 book home in the eighth grade?  
 3 A. A lot of times. I don't remember how much.  
 4 Q. Every time you had to take your book home, were  
 5 you allowed to?  
 6 A. Yes.  
 7 Q. Did you ever have to share your reading book in  
 8 class?  
 9 A. Yes.  
 10 Q. Did you volunteer to share your book?  
 11 A. Sometimes, no.  
 12 Q. How often did you have to share your book in  
 13 class?  
 14 A. I didn't have to share it because I was the one  
 15 that didn't take it to class sometimes, so someone had  
 16 to share it with me.  
 17 Q. Did you ever share your book with somebody else  
 18 in class?  
 19 A. Yes, like -- probably, like, four times.  
 20 Q. Over the course of the year?  
 21 A. Yeah.  
 22 Q. When you share a book, are you both -- does  
 23 that mean both students are reading the same text at the  
 24 same time?  
 25 A. Yeah.

<p style="text-align: right;">Page 50</p> <p>1 Q. Have you had any other classes at Cesar Chavez 2 where there was not enough books for every student? 3 A. Science and world studies and math. All of 4 them, basically. 5 Q. World studies? Do you mean social studies? 6 A. Yeah, I mean social studies. 7 Q. Was that your seventh- or eighth-grade year, or 8 both, in social studies? 9 A. Social studies, both. 10 Q. What about for math? 11 A. Mostly eighth grade. 12 Q. What about for science? 13 A. Both. 14 Q. Let's talk about each one. 15 You said about math it was mostly in your 16 eighth-grade year. 17 A. Yeah. 18 Q. What about in the seventh-grade year? Were 19 there more students than books at the beginning of the 20 seventh-grade year in science -- excuse me -- math? 21 A. I don't remember. 22 Q. You said mostly in your eighth-grade year in 23 math. 24 A. Yeah. 25 Q. That means there were times in the</p>	<p style="text-align: right;">Page 52</p> <p>1 eighth-grade year, were there any students who didn't 2 get books at the beginning of the year? 3 A. Yes. 4 Q. Do you know how many students that was? 5 A. A lot. I don't remember how much, but I know 6 it was a lot. 7 Q. Did you get a book at the beginning of the 8 year, the eighth grade? 9 A. Yes. 10 Q. And did you ever have to share your book with 11 anybody in the class? 12 A. Yes. 13 Q. How many times? 14 A. Ten times. About there. 15 Q. Was there ever a point when, in your 16 eighth-grade math class, where every student had a book 17 of his or her own? 18 A. Yes. When it was getting close to the end, the 19 only -- the only way that they wouldn't have their book 20 is if they left it at home or lost it. 21 Q. What do you mean by towards the end? 22 A. Towards the end of the school year, everybody 23 had a school book unless they lost it or left it at 24 home. 25 Q. Do you know at what point in the school year</p>
<p style="text-align: right;">Page 51</p> <p>1 seventh-grade year where there was -- 2 A. Probably, like, two -- no. Probably, like, 3 four times, but in eighth grade I had to share it 4 with -- lots more times. 5 Q. In the seventh grade, was it because -- was 6 there sharing because students didn't bring their books 7 to class? 8 MS. SILVERBERG: Objection. Calls for 9 speculation. 10 THE WITNESS: I don't know. I think it was 11 because of that, or sometimes -- no. In the beginning, 12 like, one or two kids didn't have their books, so we had 13 to share. 14 MR. LACOMBE: Q. This is in seventh-grade 15 math? 16 A. Yeah. 17 Q. One or two kids didn't -- didn't get books at 18 the beginning? 19 A. Yeah. 20 Q. Do you know when they got books? 21 A. No. 22 MS. SILVERBERG: Objection. Calls for 23 speculation. 24 THE WITNESS: No. 25 MR. LACOMBE: Q. Okay. And then math in your</p>	<p style="text-align: right;">Page 53</p> <p>1 every student had a book of his or her own? 2 A. No. 3 Q. All right. Do you know what the number of 4 students -- do you know if the number of students in 5 your eighth-grade math class ever changed over the year? 6 MS. SILVERBERG: Objection. Calls for 7 speculation. 8 THE WITNESS: I don't know. 9 MR. LACOMBE: Q. Do you know if the school 10 ordered any extra books for your eighth-grade math 11 class? 12 MS. SILVERBERG: Objection. Calls for 13 speculation. 14 THE WITNESS: Yes, they did. They did order 15 some. 16 MR. LACOMBE: Q. Okay. How do you know that? 17 A. Because I just remember that part. I don't 18 know why. 19 Q. Did somebody tell you they'd ordered textbooks? 20 A. Yeah. My teacher said he was going to order 21 some more because some students didn't have them, but 22 whoever lost theirs had to pay for it and they would 23 order some more for them, yeah. 24 Q. Do you know when those textbooks arrived? 25 A. No.</p>

<p style="text-align: right;">Page 54</p> <p>1 MS. SILVERBERG: Objection. Calls for 2 speculation. 3 MR. LACOMBE: Q. Let's talk about social 4 studies, seventh-grade social studies. 5 At the beginning of the year, was every student 6 given a textbook of his or her own? 7 A. I don't know. I think they were. 8 Q. Did you get a textbook of your own? 9 A. Yes. 10 Q. What makes you say that you think that every 11 student got one of their own? 12 A. Because -- I'm not sure. I don't know if they 13 all got one, but I thought they did. I think they did, 14 because sometimes they didn't have a book and some of 15 them did, so I don't know if they just left it at home 16 or didn't get one. 17 Q. What about eighth-grade social studies? 18 A. Yes, everybody had a book. 19 Q. The last subject is science, seventh-grade 20 science. 21 Was every student given a book of their own, if 22 you know, at the beginning of the year? 23 A. No. 24 Q. Do you know how many students didn't get 25 textbooks at the beginning of the year?</p>	<p style="text-align: right;">Page 56</p> <p>1 everybody got a book either, so we had to share again. 2 MR. LACOMBE: Q. Was this a brand-new 3 textbook? 4 A. Yeah, a new science book. 5 Q. How many students didn't get, in the second 6 semester, a copy of their own textbook? 7 A. I don't know. 8 Q. Did you get a copy of your own of that new 9 textbook? 10 A. Yes. 11 Q. Do you have any understanding of how it was 12 determined which students would not get a textbook? 13 MS. SILVERBERG: Objection. Calls for 14 speculation. 15 THE WITNESS: They would pass it out, and 16 whoever didn't -- they had them all stacked up, and they 17 put numbers on them so they could keep track of them, 18 and depends upon your alphabetical order, the name, when 19 they called them off, and the last people, if there 20 wasn't any more books, they would have to order some 21 more for them. 22 MR. LACOMBE: Q. If I understand correctly, 23 the people whose last names were at the bottom of the 24 alphabet were the most likely to not get a textbook? 25 A. Yeah.</p>
<p style="text-align: right;">Page 55</p> <p>1 MS. SILVERBERG: Objection. Calls for 2 speculation. 3 THE WITNESS: We didn't get books. There was 4 books there that we could use for class, and then the 5 teacher would have copied the reading thing, the reading 6 material, from the book and gave us the package to do, 7 but we didn't get a book. 8 MR. LACOMBE: Q. What about eighth-grade 9 science? Did you have a textbook in that class? 10 A. Yes, I did. 11 Q. Did every student in that class receive a copy 12 of his or her own at the beginning of the year? 13 A. No. Some kids, like, about three, I think, 14 didn't have a book. 15 Q. Do you know when they got a textbook? 16 A. No. 17 MS. SILVERBERG: Objection. Calls for 18 speculation. 19 THE WITNESS: No. 20 MR. LACOMBE: Q. Do you know if extra science 21 textbooks were ordered? 22 MS. SILVERBERG: Objection. Calls for 23 speculation. 24 THE WITNESS: Yes, because in the second 25 semester we got a different book, a new book, and not</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. That's a little rough. 2 Is that -- was that true in every class? 3 A. Yeah, because they always called by 4 alphabetical order. 5 Q. You received your textbooks in the classroom? 6 A. Yeah. 7 Q. In science class, you mentioned that you had, 8 at least in seventh grade, you had a textbook you 9 couldn't take home; is that correct? 10 A. Yeah. 11 Q. Would you use the textbook itself in class? 12 A. Yes. 13 Q. Then you also had photocopied packets? 14 A. Yeah. 15 Q. Was that for take-home? 16 A. Yeah. 17 Q. In seventh-grade science, when you had the 18 textbooks for in-class use only, was each student 19 assigned a textbook of their own to use in class? 20 A. Could you repeat the question? 21 Q. In seventh-grade science, did each student have 22 a textbook that was their own to use every day in class? 23 A. Not everybody, because some got lost and they 24 had to share, and when you said how they got the books, 25 sometimes they called only by table and the last table</p>

1 was most likely not to get it sometimes, not  
 2 alphabetical.  
 3 Q. If I understand correctly, in some classes,  
 4 they assigned the textbooks in alphabetical order, and  
 5 some they did it by table?  
 6 A. Yeah.  
 7 Q. Any other methods that you know of?  
 8 A. No.  
 9 Q. What about at Carlmont? Do you have any  
 10 classes where not every student has a textbook of his or  
 11 her own?  
 12 MS. SILVERBERG: Objection. Vague as to class,  
 13 as to time.  
 14 MR. LACOMBE: Q. Amongst the classes that  
 15 you're taking now in the ninth grade at Carlmont, is  
 16 there any of those classes where not every student has a  
 17 book of their own?  
 18 A. No.  
 19 Q. I guess I'm excepting PE, because PE doesn't  
 20 have a book; right?  
 21 A. Huh-uh.  
 22 Q. Do you have a book in AVID?  
 23 A. In AVID, we don't have a book. We get some  
 24 packets to work on.  
 25 Q. In fine arts, no book in there?

1 A. No.  
 2 Q. So I assume there's a textbook in English 1; is  
 3 that correct?  
 4 A. Yes.  
 5 Q. What about world studies?  
 6 A. Yes.  
 7 Q. Algebra .5?  
 8 A. Yes.  
 9 Q. Advanced integrated science?  
 10 A. No.  
 11 Q. No textbook?  
 12 A. Huh-uh.  
 13 Q. Is there any other kind of instructional  
 14 material that you use besides a textbook in science?  
 15 A. In science, packets he gives us.  
 16 Q. To be clear, at Carlmont, in English 1, world  
 17 studies, and Algebra .5, does every student have a copy  
 18 of his or her own --  
 19 A. Yes, unless they lose it.  
 20 Q. Have you ever lost a textbook?  
 21 A. Yes.  
 22 Q. What class is that?  
 23 A. Science.  
 24 Q. What year?  
 25 A. Eighth grade.

1 Q. What happened after you lost the science book?  
 2 A. I had to pay for it.  
 3 Q. Did you get a new copy?  
 4 A. Yeah.  
 5 Q. How long did it take before you got a new copy?  
 6 A. I don't remember. I don't remember.  
 7 Q. Do you know if it was longer than a week?  
 8 A. Yeah.  
 9 Q. Was it longer than a month?  
 10 A. I don't think so. I don't know.  
 11 Q. Do you have an estimate of how many weeks it  
 12 was?  
 13 A. Three.  
 14 Q. Did you pay for the textbook immediately?  
 15 A. When I told the teacher, he told me to pay for  
 16 it. I don't remember when he said it was, the last day  
 17 I could pay for it, but he said to pay for it.  
 18 Q. Did you pay for the textbook before you  
 19 received your replacement?  
 20 A. Oh, yeah.  
 21 Q. Did you have to pay for the textbook before you  
 22 would receive a replacement?  
 23 A. Yes.  
 24 Q. Do you know how much time it took after you  
 25 paid the fine for the textbook before you received your

1 replacement?  
 2 A. Like, about three weeks.  
 3 Q. Okay. Let's go back to reading class, and one  
 4 of the things that you mentioned was that Mr. Carlos  
 5 left, and you had a series of substitute teachers after  
 6 that; is that right?  
 7 A. Uh-huh. Yes.  
 8 Q. And you mentioned a while back that sometimes  
 9 you went to other teachers that you had during that  
 10 class; is that correct?  
 11 A. Yes.  
 12 Q. What do you mean by that?  
 13 A. Like, if the substitute didn't come, we got  
 14 split up, and half of the class went in to my social  
 15 studies class and then the other half went in to the  
 16 math and science class.  
 17 Q. Was there another class going on at the same  
 18 time?  
 19 A. Yes.  
 20 Q. Did you -- when you -- if you went in to the  
 21 social studies class, for instance, would it be  
 22 Mr. Rosenkrantz's social studies class?  
 23 A. Yes.  
 24 Q. If you went in to the math and science, it  
 25 would be --



1 A. Mr. Davis.  
 2 Q. -- Mr. Davis's?  
 3 How many times did you go to either social  
 4 studies or math and science instead of reading because  
 5 there wasn't a substitute?  
 6 A. Four times. About there. I'm not sure.  
 7 Q. And did you -- you personally, did you go to  
 8 the social studies all four times, or what?  
 9 A. Since reading wasn't my first class, I stayed  
 10 in social studies, and then, like, that class, we had  
 11 that class for a long time, and then went to PE, like,  
 12 on normal schedule, and then went to Mr. Davis, but  
 13 instead of going to reading, we stayed with Mr. Davis  
 14 for even a longer time.  
 15 Q. So that means, if I'm understanding you  
 16 correctly, you personally, instead of -- for the four  
 17 times in which -- where you went to another teacher, it  
 18 was all four times with Mr. Davis?  
 19 A. No. I stayed with Mr. R for -- Mr. Rosenkrantz  
 20 for, like, two periods, and then I went to PE for, like,  
 21 one period, and then social -- Mr. Davis for, like,  
 22 another two periods, and then had lunch -- no. Wait.  
 23 Had lunch after PE.  
 24 Q. You mentioned that sometimes the substitutes  
 25 showed movies.

1 A. Yeah.  
 2 Q. Do you know how many of the substitutes showed  
 3 movies?  
 4 A. Three of them showed movies.  
 5 Q. Three teachers?  
 6 A. Yeah.  
 7 Q. How many days did you watch movies, if you  
 8 remember?  
 9 A. I don't remember.  
 10 Q. Was it more than three days?  
 11 A. Yes.  
 12 Q. Do you have any kind of estimate?  
 13 A. About six times.  
 14 Q. Could it have been more than six?  
 15 A. Yes.  
 16 Q. Could it have been more than ten?  
 17 A. I don't know.  
 18 Q. Do you know why the substitutes showed movies?  
 19 MS. SILVERBERG: Objection. Speculation.  
 20 THE WITNESS: Probably because they didn't have  
 21 any work to give us. I don't know.  
 22 MR. LACOMBE: Q. Of those -- the three  
 23 substitutes who showed movies, was there any time they  
 24 appeared that they didn't show movies?  
 25 A. Yes.

1 Q. How many times was that?  
 2 A. I don't know.  
 3 Q. Do you know what they did instead of showing  
 4 movies?  
 5 A. Made us read or let us talk with our friends.  
 6 Q. Anything else?  
 7 A. No.  
 8 Q. In your declaration, you mentioned James Bond  
 9 movies and a Star Trek movie.  
 10 A. Uh-huh.  
 11 Q. Were there any other movies that you saw?  
 12 A. James Bond and Next Friday. They only showed  
 13 us -- they only showed us part of that one because --  
 14 because we weren't supposed to be watching that kind of  
 15 movie, so -- something with Halloween, another movie.  
 16 It's scary. And this boring movie; I don't remember the  
 17 name. And The Patriot.  
 18 Q. Did you watch any educational movies at all?  
 19 A. Yeah. The boring one. I don't know the name.  
 20 MS. SILVERBERG: That was definitely coming.  
 21 MR. LACOMBE: Q. Do you know what it was  
 22 about?  
 23 A. No. I didn't pay attention.  
 24 Yes, I do. It was about the sea or something.  
 25 It was about fishes.

1 Q. Are those all the movies that you remember?  
 2 A. Yeah -- no. Actually, there was more, but I  
 3 just don't remember the name. It was, like, some other  
 4 boring movie, two other boring ones, and -- oh, yeah,  
 5 there was an Egypt one. That's all.  
 6 Q. Is that also an educational movie?  
 7 A. Yeah.  
 8 Q. Both of the boring ones were educational?  
 9 A. Yeah.  
 10 Q. Do you know who picked what the movie would be?  
 11 MS. SILVERBERG: Objection. Calls for  
 12 speculation.  
 13 THE WITNESS: The teacher would bring some  
 14 movies, and sometimes the kids would have movies because  
 15 they would know we were going to have a substitute, so  
 16 we would ask them if we could put them on and they would  
 17 say no, no, no, and we just kept asking them and asking  
 18 them and they finally put it on, so...  
 19 MR. LACOMBE: Q. Do you remember if the  
 20 students brought the James Bond movies to class?  
 21 A. No. That movie, the teacher brought.  
 22 Q. What about the Star Trek movie?  
 23 A. Star Trek? The teacher.  
 24 Q. What about Next Friday?  
 25 A. A student.

1 Q. What about the Egypt movie?  
 2 A. The teacher.  
 3 Q. The sea movie, the movie about the sea?  
 4 A. A teacher.  
 5 He had this one cartoon movie. It was boring,  
 6 too.  
 7 Q. What cartoon was that?  
 8 A. I don't know. I remember cartoons.  
 9 Q. Why was it boring?  
 10 A. I don't know. I just wasn't paying attention  
 11 to it. First it was funny. Then it got boring, so I  
 12 just started talking to my friends.  
 13 Q. Was it an educational movie?  
 14 A. No.  
 15 Q. Did any of the substitute teachers, besides  
 16 having you read in class, did they teach you any  
 17 reading?  
 18 A. Yes. Mr. Chow, Cho -- I don't know -- tried  
 19 to, but the kids wouldn't listen to him, so not really,  
 20 and Mr. -- I forgot his name -- would -- he would give  
 21 us the packet, I think, a packet to do, and we had to  
 22 study the words, and Miss Hudson, we had her for,  
 23 like -- she was another substitute for eighth grade. We  
 24 would -- she would make us do work, lots of it, and if  
 25 we didn't, we would have to stay there for -- late,

1 until we would stay quiet for the minutes we took over  
 2 of her time. So that's all I remember.  
 3 Q. How many times did Mr. Cho teach?  
 4 A. I don't know.  
 5 Q. Do you have an estimate of how many times?  
 6 A. Like, two months and a half, but -- and then he  
 7 left. He was supposed to be a permanent teacher, but he  
 8 left, another permanent teacher.  
 9 Q. I understand Mr. Carlos was gone for three  
 10 months; is that correct?  
 11 A. I guess. I don't know.  
 12 Q. You don't know?  
 13 Please look at your Exhibit 1, which is right  
 14 next to you. It's your declaration. Line 13 --  
 15 A. Line 13?  
 16 Q. Yes. It says, "In my eighth grade reading  
 17 class in the 2000-2001 school year, we did not have a  
 18 teacher for three months."  
 19 A. Yeah. We had substitutes, I guess.  
 20 Q. This is Mr. Carlos's class you're referring to  
 21 in the declaration; right?  
 22 A. Uh-huh.  
 23 Q. Do you believe it's correct that it was a  
 24 three-month period that you didn't have a permanent  
 25 teacher?

1 A. Probably more.  
 2 Q. Why do you say "probably more"?  
 3 A. Because it was more than three months that we  
 4 had substitutes. I know that. I don't know.  
 5 Q. Did Mr. Carlos leave in the second semester?  
 6 A. Like, probably a little bit before, I think. I  
 7 don't know. A little bit before second semester.  
 8 Q. So in the first semester you think he left?  
 9 A. I think. I'm not sure I remember.  
 10 Q. You said Mr. Cho taught for two and a half  
 11 months.  
 12 A. I guess. I think. I think he did. Could have  
 13 taught less, but I'm not sure.  
 14 Q. Did he take over the class immediately after  
 15 Mr. Carlos left?  
 16 A. No.  
 17 Q. Do you know which two and a half months he  
 18 taught?  
 19 A. It was getting close to the end of the school  
 20 year, and -- well, we had, like, one or two months left,  
 21 I think, and he was teaching.  
 22 Q. I'm sorry. Do you mean he left when you had  
 23 one or two months left, or --  
 24 A. Yeah. I said I think.  
 25 Q. Did Mr. Cho ever show movies?

1 A. Probably, like, one or two boring movies.  
 2 Q. Educational movies?  
 3 A. Yeah.  
 4 Q. How long did Miss Hudson teach the class?  
 5 A. Just a couple of days, like, seven days,  
 6 probably.  
 7 Q. Were those seven days in a row?  
 8 A. No.  
 9 Q. Seven days here and there?  
 10 A. Yeah.  
 11 Q. All right. Did she ever show a movie?  
 12 A. Once or twice, probably.  
 13 Q. Do you know which movies those were?  
 14 A. No. She probably showed one once, because she  
 15 was very strict, so probably once.  
 16 Q. Now, you also mentioned, in your math and  
 17 science class, that Miss Winter left, and Miss Hudson  
 18 took over the class.  
 19 A. Yeah.  
 20 Q. How many different substitute teachers did you  
 21 have that year after Miss Winter left, besides  
 22 Miss Hudson?  
 23 A. Three, probably.  
 24 Q. Does that include Miss Hudson, or --  
 25 A. No.

1 Q. And how long did the other two substitute  
2 teachers teach the science class?  
3 A. I don't remember.  
4 Q. Would it have been more than a couple of days  
5 each?  
6 A. Probably.  
7 Q. Did they ever show any films?  
8 A. Probably two or one.  
9 Q. Why do you say "probably"?  
10 A. Probably -- I remember watching the movie in  
11 seventh grade, but I'm not sure.  
12 Q. Do you know what movie that was?  
13 A. No -- oh, yeah. It's called Urban Legend.  
14 Q. Was that -- that was one of the two substitute  
15 teachers besides Ms. Hudson in science class?  
16 A. Miss Hudson showed us that one because we were  
17 having a party, because it was a holiday, I think.  
18 Yeah, I remember that.  
19 Q. Was that during class time?  
20 A. Yeah -- no, lunchtime. If you wanted to come  
21 at lunchtime, you could come watch it. Then we would  
22 finish watching it during class time, and if we didn't  
23 finish, we wouldn't watch it again.  
24 Q. Besides Urban Legend, were there any other  
25 movies you watched during seventh --

1 A. Yeah, probably two more.  
2 Q. What classes were those in?  
3 A. We watched an educational movie in  
4 Mr. Davenport's, and I watched probably two other movies  
5 in Mr. Dasjun's classroom.  
6 Q. That's math?  
7 A. Yeah.  
8 Q. Were those -- were those substitutes showing  
9 those films, or did he show the films?  
10 A. He showed it.  
11 Q. Were those educational films?  
12 A. I don't remember. Probably one of them. I  
13 don't know.  
14 Q. Do you remember any specific non-educational  
15 film shown in that class?  
16 A. The Outsiders, but that was for -- for my  
17 elective, but besides that, I don't remember any other  
18 ones.  
19 Q. Was that your reading elective?  
20 A. Yeah.  
21 MR. LACOMBE: Why don't we take a brief break.  
22 MS. SILVERBERG: Sure.  
23 (Whereupon, a recess was taken.)  
24 MR. LACOMBE: Q. Now that you've been at  
25 Carlmont, has there ever been a time where, in a class,

1 you've been shown a non-educational film?  
2 A. No.  
3 Q. What about educational films?  
4 A. I haven't seen any -- actually, yes, I have.  
5 I've seen one in finance. It's about this art -- art  
6 school that we could sign up to go to. That's the only  
7 movie I've seen.  
8 Q. When you watched -- you mentioned before you  
9 watched part of Next Friday.  
10 A. Yeah.  
11 Q. How much of Next Friday did you watch?  
12 A. I don't remember how much, because I've seen it  
13 before, so I don't know how much I've seen in the  
14 school.  
15 Q. Was it shown for the whole class period?  
16 A. It was, but then they stopped it and they  
17 forwarded it through some parts, and then we kept  
18 watching it, and he just turned it off and made us read  
19 our science book.  
20 Q. Do you have any estimate of how much of the  
21 class period was spent watching the movie?  
22 A. Like, half of it, probably.  
23 Q. When you watched the Star Trek movie, did you  
24 watch the whole movie?  
25 A. We just got -- we just saw as much as we could

1 have seen in the class period, because we had to change  
2 classes, so we didn't get to see all of it.  
3 Q. So you never saw the end of it?  
4 A. No.  
5 Q. You mentioned before that sometimes your class  
6 periods are shorter, like on a Wednesday.  
7 A. Yeah.  
8 Q. Sometimes they're longer?  
9 A. Uh-huh.  
10 Q. The time you watched the Star Trek video, was  
11 this a longer class period?  
12 A. I think it was a Wednesday or a Thursday,  
13 around there, close to the weekend.  
14 Q. Do you know about how long of a class period it  
15 was, then?  
16 A. I don't remember.  
17 Q. And the James Bond movies, how many different  
18 James Bond movies did you watch?  
19 A. We saw two of them.  
20 Q. Did you watch the whole movies?  
21 A. We saw as much as we could have seen for a  
22 class period. Then the next day we finished watching  
23 it.  
24 Q. So both of them you watched in two days?  
25 A. Uh-huh. Yes.

1 Q. Let's talk about your eighth-grade math and  
2 science class.

3 Tell me about that class. What did you do in  
4 that class?

5 A. We read this -- he gives us a chapter to read.  
6 He tells us to read the sections, because after we read  
7 one section, there's questions as soon as the end, just,  
8 like, questions for section 1, to review it and we have  
9 to answer them for each chapter or section we do, and  
10 for the math, on the book, there's examples of the kind  
11 of problems we're going to be doing, and then we have to  
12 change the page and look at the -- because here's  
13 examples and down here is, like, the problems that we  
14 have to do, so we just do the problems, and if we need  
15 help we ask him, and before we start doing it he  
16 explains what we're going to be doing and then we just  
17 get to doing our work. Then he gives us homework to  
18 finish it, for the math.

19 Q. For the record, the witness was pointing to the  
20 top half of a page and then the second half of a page,  
21 the bottom half of a page.

22 Correct me if I'm wrong, but were math and  
23 science taught as separate subjects in that class?

24 A. Yes.

25 Q. Did you receive one final grade in that class?

1 around 30. Math and science were together.

2 Q. Do you know if there were more than 30 kids in  
3 any of those classes?

4 A. I don't know.

5 Q. Did the number of kids in your math and science  
6 class ever change over the course of the year?

7 A. Yes.

8 Q. How so?

9 A. Some left. Some came in, some transferred in  
10 to school. So there was more, and sometimes there was  
11 less.

12 Q. Now, I believe you said earlier that, in  
13 science, you had a textbook, and it was --

14 A. For which grade?

15 Q. Eighth-grade science.

16 A. Yes.

17 Q. It was one you could take home as well in  
18 eighth grade?

19 A. Yes.

20 Q. Can you describe the condition of those books?

21 A. Some had ripped pages, and there was writing on  
22 them, and the edges of the book were, like, kind of  
23 turned -- like, ripping, and they were dirty, and  
24 sometimes, if you were lucky, you could get a new and  
25 clean book.

1 A. No. On our report card, it had English -- I  
2 mean reading and the grade we got, social studies, the  
3 grade we got, math and the grade we got for that  
4 subject, and science and the grade we got for that  
5 subject. He did not combine them in to one.

6 Q. Mr. Davis taught both subjects?

7 A. Yeah.

8 Q. Your seventh-grade year, you had two different  
9 teachers, one teaching each subject; right?

10 A. Yeah.

11 Q. Were both teachers in the classroom at the same  
12 time, your seventh-grade --

13 A. Both teachers?

14 Q. Yes. Ms. Winter and Dasjun.

15 A. No, they had separate classrooms.

16 Q. Were they two separate classes, then?

17 A. They were portables.

18 Q. How many kids were in your eighth-grade math  
19 and science class?

20 A. There was 30, around 30, yeah, because there  
21 was, like -- like, around 30 in each class, so there was  
22 big classes.

23 Q. What do you mean by "each class"?

24 A. Like, for -- for reading class, there was,  
25 like, around 30. Math, around 30. Social studies,

1 Q. Is that the class where you got brand-new  
2 textbooks in the second semester?

3 A. Yes.

4 Q. I take it those -- when you described the  
5 textbooks as having pages ripped and some were dirty,  
6 you're referring to the first-semester textbooks; is  
7 that correct?

8 A. Yeah.

9 Q. I assume that the new textbooks you got in the  
10 second semester, those were in perfect condition?

11 A. Some of them were used, though. Some of them  
12 were old.

13 Q. Were they -- were the old -- of the new  
14 textbooks you got in the second semester, some of them  
15 were used, some of them were brand-new, but were they  
16 the same edition?

17 A. Yeah.

18 Q. Let's talk about the first-semester books,  
19 then.

20 What do you mean by -- when you say some of the  
21 books were dirty?

22 A. Like, some kids would have dropped them and  
23 then they would have gotten all dirty, and when you get  
24 them back, like, when they handed them out, there  
25 were -- sometimes some of them were dirty.

1 Q. Are you talking about the exterior of the book,  
2 the cover?

3 A. Yeah, the outside, and we put book covers on  
4 them so they wouldn't get dirty, but sometimes the  
5 inside was dirty, too, so it had, like, whiteout on it,  
6 sometimes, where it covered parts of the words you were  
7 reading.

8 Q. When you say that the inside was sometimes  
9 dirty, do you mean actual, like, dirt from outside?

10 A. Sometimes, a little bit.

11 Q. Besides dirt on the ground, what do you mean by  
12 "dirty"?

13 A. Like, had whiteout on it, and sometimes, I  
14 don't know why, but sometimes it had grass in it, and  
15 leaves. Like, I only found one leaf in one of my books.

16 Q. Do you know how many of the books were dirty?

17 MS. SILVERBERG: Objection. Calls for  
18 speculation.

19 THE WITNESS: No.

20 MR. LACOMBE: Q. Was your copy dirty?

21 A. Some parts of it. Like, the front was dirty  
22 and it had writing all over it, and, like, in the  
23 middle, if you opened it up, the middle page, the one  
24 right in the center had a little dirt in it. I don't  
25 know why.

1 Q. You said the front of it had -- was dirty.

2 A. Yeah, the cover was all dirty.

3 Q. Did any of the writing cover up the text in  
4 your copy?

5 A. It was mostly, like, on the cover, you know,  
6 you open it up, and it's blank. It was mostly right  
7 there.

8 Q. The writing, you mean?

9 A. Yeah. Sometimes it would be in the parts you  
10 were reading, but not mostly.

11 Q. When it was in the parts you were reading, did  
12 it ever cover the text?

13 A. Yes.

14 Q. Were there any parts of the text that you were  
15 unable to read?

16 A. Yes.

17 Q. How many parts?

18 A. I don't remember.

19 Q. Did your copy have any pages ripped out?

20 A. It -- mine didn't have the whole page ripped  
21 out, but it had, like, a corner ripped out, but that's  
22 it.

23 Q. When the corner was ripped out, was any of the  
24 text ripped out?

25 A. Yes, like -- like, the three words on the side.

1 Q. The witness is pointing to Exhibit 1 as an  
2 example.

3 When you were unable to read the text either  
4 because of writing or it was ripped out or whatever  
5 reason, what did you do?

6 A. I told my friend to see if I could look at her  
7 book.

8 Q. This is during class?

9 A. Yes.

10 Q. Did you ever do your reading for science at  
11 home?

12 A. Yes.

13 Q. Was there ever a time when you were reading at  
14 home that there was text that you couldn't read?

15 A. Yes.

16 Q. What did you do then?

17 A. I called my friend on the phone and I told her  
18 that -- to look at her book and tell me what it said.

19 Q. And in the second semester, when you got the  
20 new books, was there ever any text in that book that you  
21 were unable to read?

22 A. No, I don't think so.

23 Q. Do you know how old the books were that you had  
24 the first semester?

25 MS. SILVERBERG: Objection. Calls for

1 speculation.

2 THE WITNESS: Maybe, like, four or five years  
3 late -- old, because on the back of the cover it had the  
4 names and the years that people had it, so probably,  
5 like, four or five years old.

6 MR. LACOMBE: Q. Did you ever check the  
7 copyright date on the book?

8 A. No.

9 Q. Are you aware -- in any of your -- let me start  
10 over again.

11 Did you have any other class at Cesar Chavez  
12 where the books were dirty?

13 A. No.

14 Q. Did you have any other class at Cesar Chavez  
15 where pages were ripped out of the textbook?

16 A. Reading.

17 Q. Is this your eighth-grade reading class?

18 A. Yes.

19 Q. Are you referring to your reading book?

20 A. Huh?

21 Q. Are you referring to your reading book?

22 A. Yes.

23 Q. Okay. And are you referring to your own copy  
24 of that book?

25 A. No.

1 Q. Okay. Whose books are you referring to?  
 2 A. My friends'.  
 3 Q. Do you know how many books had pages ripped out  
 4 in that class?  
 5 MS. SILVERBERG: Objection. Calls for  
 6 speculation.  
 7 THE WITNESS: I know three people that had  
 8 their books ripped. I don't know how much people had it  
 9 actually ripped.  
 10 MR. LACOMBE: Q. Do you know of any book in  
 11 that class where more than one page was ripped out?  
 12 MS. SILVERBERG: Objection. Calls for  
 13 speculation.  
 14 THE WITNESS: One of my friends had three pages  
 15 ripped out.  
 16 MR. LACOMBE: Q. Did you ever see that book?  
 17 A. Yeah.  
 18 Q. Did you see that there was three pages missing,  
 19 ripped out?  
 20 A. Yes.  
 21 Q. What about at Carlmont? Have you ever had a  
 22 class where the books are in dirty condition?  
 23 A. No -- actually, yes.  
 24 Q. What is that?  
 25 A. In my English class, we had this chapter book.

1 The front cover was -- it's because the book is very  
 2 old. The front cover was almost ripped half off, and  
 3 the page was ripped, but they taped it together, so you  
 4 could read it.  
 5 Q. Okay. Any other book in that -- at Carlmont?  
 6 A. No.  
 7 Q. Earlier you mentioned you had about 30 students  
 8 in your math and science class in the eighth grade.  
 9 A. Yes.  
 10 Q. You said, over the course of the year,  
 11 sometimes students would drop in and drop out of the  
 12 class.  
 13 A. Yes.  
 14 Q. Do you know how many desks there were in that  
 15 class?  
 16 A. No.  
 17 Q. Did you use desks in that class?  
 18 A. Yes.  
 19 Q. Do you know if the number of desks in the  
 20 classroom ever changed over the course of the year?  
 21 MS. SILVERBERG: Objection. Calls for  
 22 speculation.  
 23 THE WITNESS: Yes, they were changed.  
 24 MR. LACOMBE: Q. How did it change?  
 25 A. Because sometimes, when the other classes came

1 into one room, they would bring chairs and there would  
 2 be extra chairs, or they would take chairs and there  
 3 would be less chairs, and the desks, sometimes they got  
 4 the -- the -- like, the -- what's it called? -- the --  
 5 the leg that holds it up would, like, get messed up, so  
 6 they would take it out and they were going to bring a  
 7 new one, but it usually takes a long time, so...  
 8 Q. Was there ever a time when there were more  
 9 students than desks?  
 10 A. Yes.  
 11 Q. When was that?  
 12 A. I don't remember the date, but I do know  
 13 that -- in my classroom, my second-period class.  
 14 Q. You're referring to eighth-grade math and  
 15 science?  
 16 A. Yeah.  
 17 Q. Was the class more than one period, or was it  
 18 just second period?  
 19 A. It was just second period -- no, it was third  
 20 period for me.  
 21 Q. Did the students have assigned desks in that  
 22 class?  
 23 A. Yes. They would tell us where to sit, but  
 24 sometimes there wasn't enough places to sit so they had  
 25 to sit on, like, the side of the -- we had to make --

1 get four desks and make it into a table and they had to  
 2 sit on the side.  
 3 Q. Do you know how the -- how desks were assigned  
 4 to students?  
 5 MS. SILVERBERG: Objection. Calls for  
 6 speculation.  
 7 THE WITNESS: I think the teacher assigned it  
 8 by how we act and stuff with the certain kids. Like, he  
 9 wouldn't let you sit with your friends, so he would put  
 10 you somewhere else far away, so that's how they did it.  
 11 MR. LACOMBE: Q. Did the desk assignments ever  
 12 change over the course of the year?  
 13 A. Yes.  
 14 Q. How often did they change?  
 15 A. Two, three -- wait. Twice a semester,  
 16 probably.  
 17 Q. And some desks I've seen, it's one desk with a  
 18 chair attached to it.  
 19 Is that how the desks were in that class?  
 20 A. No. It was just a desk, and you have to get a  
 21 chair and get it close to it or whatever.  
 22 Q. How many students didn't have desks in that  
 23 class?  
 24 A. Five.  
 25 Q. What makes you say five?

1 A. Because there was three by where I was sitting  
 2 on the side on the table, and there were two other ones  
 3 by the door.  
 4 Q. You said before the number of students changed  
 5 and there were desks that changed. I assume the number  
 6 five also changed.  
 7 A. Sometimes there was more, but sometimes there  
 8 was also less, so I don't know.  
 9 Q. Was there ever a time when there was a desk for  
 10 every student?  
 11 MS. SILVERBERG: This goes to any time?  
 12 MR. LACOMBE: Q. This is in eighth grade and  
 13 math and science.  
 14 A. In the beginning of the school year.  
 15 Q. In the beginning of the school year, there was  
 16 a desk for every student?  
 17 A. Uh-huh.  
 18 Q. Do you know when there stopped being a desk for  
 19 every student?  
 20 A. No.  
 21 Q. Did you ever not have a desk in that class?  
 22 A. Yes.  
 23 Q. Was that by assignment? You were assigned to  
 24 not have a desk?  
 25 A. No. The other class came in, some other

1 class -- no. It was some kids that were misbehaving in  
 2 the other class, so they came into the class, and I went  
 3 to class late, so I didn't get a seat.  
 4 Q. How many times did that happen?  
 5 A. Once or twice.  
 6 Q. And when that happened, was that only for,  
 7 like, one day?  
 8 A. Just for that class period.  
 9 Q. Did you have any other classes at Cesar Chavez  
 10 where there were more students than desks?  
 11 A. Social studies.  
 12 Q. Was that your seventh-grade year or  
 13 eighth-grade year?  
 14 A. Eighth.  
 15 Q. Eighth?  
 16 A. Yeah.  
 17 Q. When were there more students than desks?  
 18 A. Normally, daily there was it, because I  
 19 remember my friend sat by the couches and did her work  
 20 there.  
 21 Q. So there were couches in the class?  
 22 A. There was a couch -- not a couch, but, like, a  
 23 beanbag where we could, like, hang out when we finished  
 24 doing our work. She sat there and did her work.  
 25 Q. Just one beanbag?

1 A. There was, like, a couple of them.  
 2 Q. Did she have an assigned desk?  
 3 A. Yes, but she was misbehaving, so they moved her  
 4 and someone else took her seat, and then she ended up  
 5 just staying there because the room got crowded.  
 6 Q. Do you know how long she sat by the beanbag?  
 7 A. Like, the rest of the second semester, because  
 8 she liked it because she got away from the teacher, and  
 9 I don't know...  
 10 Q. Besides your friend who sat by the beanbag,  
 11 were there any other students that didn't have desks in  
 12 that class?  
 13 A. Oh, yeah, two others. There was two chairs by  
 14 the door, and they had to sit there and do work.  
 15 Q. Every day?  
 16 A. Yeah.  
 17 Q. Was there ever a time when they had a desk?  
 18 A. When somebody was absent.  
 19 Q. So how often were they able to get a desk?  
 20 A. I don't remember.  
 21 Q. I take it that, besides your eighth-grade  
 22 social studies and your eighth-grade math and science,  
 23 there was no other classes at Cesar Chavez where there  
 24 was more students than desks?  
 25 A. No.

1 Q. What about at Carlmont?  
 2 A. There's lots of chairs and desks.  
 3 Q. Does that mean that there's --  
 4 A. Everybody gets a seat.  
 5 MR. LACOMBE: It's noon.  
 6 (Whereupon, a recess was taken  
 7 from 12:05 to 1:01 p.m.)  
 8  
 9 ---o0o---  
 10  
 11 AFTERNOON SESSION 1:01 P.M.  
 12 EXAMINATION BY MR. LACOMBE (RESUMED):  
 13 MR. LACOMBE: We're returning from lunch at one  
 14 o'clock.  
 15 Q. I want to turn to paragraph 6 of your  
 16 declaration, which is Exhibit 1, and on line 23, you  
 17 state that, "There were several non-English speaking  
 18 students in my classes last year."  
 19 When you state "last year," which year are you  
 20 referring to?  
 21 A. Eighth grade.  
 22 Q. Did you have any non-English-speaking students  
 23 in any of your classes in the seventh grade?  
 24 A. I think so.  
 25 Q. What makes you say you think so?

<p style="text-align: right;">Page 90</p> <p>1 A. Because there's -- there's this one guy that  2 was in my eighth grade and seventh grade, so...  3 Q. Same student?  4 A. So yeah.  5 Q. Any others besides that one guy?  6 A. Yes, three -- no, two more.  7 Q. These were people who didn't speak English at  8 all?  9 A. Uh-huh.  10 Q. Make sure and say "yes" or "no."  11 A. Yes.  12 Q. And do you know in which of your seventh-grade  13 classes those students were?  14 A. They were in my math and science class.  15 Q. All three were in that one class?  16 A. Two of them were in that class, and the other  17 one was in my reading class.  18 Q. Earlier you said in your seventh-grade year you  19 weren't sure if you had a reading class or not.  20 Do you think you now had a reading class?  21 A. I think I -- it probably was with  22 Mr. Davenport.  23 Q. And does Mr. Davenport speak Spanish?  24 A. No.  25 Q. Do you know if any of your seventh-grade math</p>	<p style="text-align: right;">Page 92</p> <p>1 A. I know what it means, but I don't know what it  2 is, like. Yeah, I know what it is.  3 Q. Do you know if Cesar Chavez has any programs  4 for non-native English speakers?  5 A. I don't think so.  6 MS. SILVERBERG: Calls for speculation.  7 THE WITNESS: I don't think so.  8 MR. LACOMBE: Q. What makes you say you don't  9 think so?  10 A. Because there isn't any -- I don't know. I  11 just don't think there's any because there's no -- like,  12 the teachers that are there, they don't know English --  13 I mean Spanish, so they can't, like, help them very  14 well. If they do know Spanish, they -- they just ignore  15 them, sort of.  16 Q. Do you know of any techniques that the teachers  17 use to teach Spanish-speaking students?  18 MS. SILVERBERG: Objection. Calls for  19 speculation.  20 THE WITNESS: They just get some other student  21 that knows Spanish and English to translate.  22 MR. LACOMBE: Q. Now, at Carlmont, do you have  23 students in your classes who don't speak English?  24 A. In my PE class.  25 Q. In your PE class?</p>
<p style="text-align: right;">Page 91</p> <p>1 and science teachers speak Spanish?  2 MS. SILVERBERG: Objection. Calls for  3 speculation.  4 THE WITNESS: They don't speak Spanish.  5 MR. LACOMBE: Q. Do you know if any of your  6 teachers are specially qualified to teach  7 non-native-speaking students?  8 MS. SILVERBERG: Objection. Calls for  9 speculation.  10 THE WITNESS: I don't think so.  11 MR. LACOMBE: Q. What makes you say you don't  12 think so?  13 A. Because they don't know Spanish. They say they  14 just know a little. Only one of them says he knows a  15 little, but he doesn't really know.  16 Q. Which one is that?  17 A. Mr. Davis.  18 Q. Does he ever speak to the Spanish-speaking  19 students in Spanish?  20 A. He tries, but he can't really say very good, so  21 we don't understand him.  22 Q. Do you know what an English language learner  23 program is?  24 A. No.  25 Q. Or English language development?</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Uh-huh.  2 Q. Any classes besides PE?  3 A. No.  4 Q. Does your PE teacher speak Spanish?  5 A. No.  6 Q. Is there any time where the students translate  7 what the teacher says to Spanish for those students?  8 A. Yes.  9 Q. Is there any time either at Cesar Chavez or at  10 Carlmont that you've done translation?  11 A. Yes.  12 Q. What classes?  13 A. I've done translation in Carlmont, in PE, to  14 translate for my friend because she doesn't know  15 English, and in the eighth grade, I translated what this  16 one boy said -- I don't know his name. I forgot his  17 name -- to Mr. Davis.  18 Q. Do you ever translate their homework for them?  19 A. Sometimes. In Crittenden I did -- I mean  20 Carlmont. I translated -- I told my friend what the  21 homework was and what to study for the test that we were  22 going to have in PE.  23 Q. Do you know how many restrooms there are at  24 Cesar Chavez?  25 MS. SILVERBERG: Objection. Calls for</p>



<p style="text-align: right;">Page 94</p> <p>1 speculation.</p> <p>2 THE WITNESS: Counting the boys' and the</p> <p>3 girls'?</p> <p>4 MR. LACOMBE: Q. Sure. Just for students; not</p> <p>5 faculty.</p> <p>6 A. Five, counting the -- the other two in the</p> <p>7 girls' locker room, one in the girls' locker room and</p> <p>8 one in the boys' locker room, so it's six, seven.</p> <p>9 Q. Seven?</p> <p>10 A. Yeah.</p> <p>11 Q. Are those seven pairs, or --</p> <p>12 A. Seven total.</p> <p>13 Q. Is there an extra girls' bathroom?</p> <p>14 A. Extra?</p> <p>15 Q. There's seven. I presume that means there's</p> <p>16 three boys' and four girls'.</p> <p>17 A. I meant six. Sorry.</p> <p>18 Q. Does that mean there's three of each?</p> <p>19 A. Yeah. Yes.</p> <p>20 Q. And that includes the locker rooms?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Does that include any bathrooms for students</p> <p>23 that are locked?</p> <p>24 A. Yes.</p> <p>25 Q. Are there any bathrooms that are locked?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you know how many toilets there are</p> <p>3 in each one?</p> <p>4 MS. SILVERBERG: Objection. Calls for</p> <p>5 speculation.</p> <p>6 THE WITNESS: One of them, there's two, and</p> <p>7 then the other one, there is three, I think, and the</p> <p>8 other one, by the lunchroom, is two, and one in the</p> <p>9 girls' locker room -- I do not know how much.</p> <p>10 MR. LACOMBE: Q. I think you just went through</p> <p>11 four; is that correct?</p> <p>12 A. Yeah -- wait. Three.</p> <p>13 Q. You mentioned one near the lunchroom.</p> <p>14 A. There is four.</p> <p>15 Q. You think there's four boys' bathrooms?</p> <p>16 A. Yeah.</p> <p>17 Q. So eight, total?</p> <p>18 A. Uh-huh.</p> <p>19 Q. You said there's two in the lunchroom, the one</p> <p>20 by the lunchroom?</p> <p>21 A. Uh-huh.</p> <p>22 Q. How many in the girls' locker room?</p> <p>23 A. I don't know how much in the girls' locker</p> <p>24 room.</p> <p>25 Q. You mentioned two others; one having three and</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I haven't been there, but when I was there,</p> <p>2 two -- two pairs of them were locked. The girls' is</p> <p>3 locked -- two of the girls' bathrooms are locked and two</p> <p>4 of the boys' bathrooms were locked, so there was only</p> <p>5 one bathroom for the girls to go and one for the boys.</p> <p>6 Q. When was the last time you were at Cesar</p> <p>7 Chavez?</p> <p>8 A. Since eighth grade.</p> <p>9 Q. So when did you end the eighth grade?</p> <p>10 A. January 13th.</p> <p>11 Q. January?</p> <p>12 A. Yeah.</p> <p>13 MS. WELCH: Do you mean June?</p> <p>14 THE WITNESS: Yeah, June.</p> <p>15 MS. SILVERBERG: I was waiting to see if</p> <p>16 something else was...</p> <p>17 MS. WELCH: Sorry.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. LACOMBE: Q. I take it you've never been</p> <p>20 in any of the boys' bathrooms at Cesar Chavez.</p> <p>21 A. No.</p> <p>22 MS. SILVERBERG: That one really calls for</p> <p>23 speculation.</p> <p>24 MR. LACOMBE: Q. Have you been in all of the</p> <p>25 girls' bathrooms for students at Cesar Chavez?</p>	<p style="text-align: right;">Page 97</p> <p>1 one having two toilets.</p> <p>2 A. Yeah.</p> <p>3 Q. Where are those two located, generally?</p> <p>4 A. I don't know how to explain it, but there's a</p> <p>5 building going this way right here, and there's a</p> <p>6 bathroom right here. There's a building going this way,</p> <p>7 and another building this way, so it's right here.</p> <p>8 That's the one that has three.</p> <p>9 Q. She's drawing kind of an L-shape with her</p> <p>10 finger and putting the -- indicating that the bathroom</p> <p>11 with three toilets is at the -- one end of the bottom of</p> <p>12 the L, I guess.</p> <p>13 A. Okay.</p> <p>14 Q. And then where is the bathroom with the two</p> <p>15 stalls?</p> <p>16 A. Right here.</p> <p>17 Q. It's on the other --</p> <p>18 A. Yeah, the other side of the L.</p> <p>19 Q. The other wing.</p> <p>20 Where is the lunchroom? Is it separate from</p> <p>21 that building?</p> <p>22 A. If you're going down the hall and -- there's a</p> <p>23 bathroom for boys there, and then one for the girls.</p> <p>24 Q. It's actually like a T; is that right?</p> <p>25 A. Yeah.</p>

1 Q. Okay. It appears that the bathroom with the  
 2 three stalls is at one end of the T, the cross of the T.  
 3 A. Uh-huh, and one right here.  
 4 Q. The one with the two stalls is -- would be on  
 5 the leg of the T, I guess, more or less. The lunchroom  
 6 is on the other side of the cross of the T.  
 7 Is the gymnasium a separate building?  
 8 A. Huh-uh. You keep going down the T and there's  
 9 a big building right there and that's the -- the gym.  
 10 Q. How often did you go to the bathrooms?  
 11 A. Mostly never. I only been there, like,  
 12 twice -- twice.  
 13 Q. In the two years?  
 14 A. Oh, in two years?  
 15 Q. Were you talking about the eighth grade?  
 16 A. Yes.  
 17 Q. Twice in the eighth grade?  
 18 A. Yeah.  
 19 Q. What about the seventh grade?  
 20 A. Four, probably, or five. Around there.  
 21 Q. It sounds -- if you only went twice in the  
 22 eighth grade, I take it that you didn't visit all three  
 23 bathrooms.  
 24 A. Huh-uh.  
 25 Q. Or all four of them --

1 A. No.  
 2 Q. -- in your eighth-grade year.  
 3 Which two did you go to, or one?  
 4 A. When I went to the bathrooms, I just went to  
 5 wash my hands because -- wait. You're talking, like,  
 6 when I went into them, like, every time I went into  
 7 them, just went into them to, like, look at the mirror  
 8 or something? Lots of times, but I never -- lots of  
 9 times. I don't know how much times. I don't know how  
 10 much. Like, I don't know.  
 11 Q. And if you had PE class every day, were you in  
 12 the girls' locker room every day?  
 13 A. Yes, except for Wednesdays. Wednesdays, we  
 14 didn't change to our clothes.  
 15 Q. And were the girls' locker-room bathrooms, were  
 16 those attached to where you changed?  
 17 A. Yes.  
 18 Q. Okay. Describe the condition of the girls'  
 19 locker-room bathrooms.  
 20 A. The bathrooms? They smelled, smelled like  
 21 fish. I don't know why. They looked dirty. There was  
 22 writing on the walls.  
 23 Q. Anything else?  
 24 A. And there was toilet paper all over the floor,  
 25 lots of dirt, messy.

1 Q. Did the condition of the girls' locker-room  
 2 bathroom ever change?  
 3 MS. SILVERBERG: Objection. Vague as to time.  
 4 THE WITNESS: Sometimes it did, but not --  
 5 normally, no.  
 6 MR. LACOMBE: Q. Under what circumstances  
 7 would the condition of the bathrooms change, of the  
 8 locker-room bathrooms?  
 9 MS. SILVERBERG: Objection. Calls for  
 10 speculation.  
 11 THE WITNESS: I don't know.  
 12 MR. LACOMBE: Q. What do you mean, that the  
 13 condition would change? How so?  
 14 A. Like, sometimes they would get cleaned, but  
 15 some other times they wouldn't.  
 16 Q. How often did it appear that they got cleaned?  
 17 MS. SILVERBERG: Objection. Calls for  
 18 speculation.  
 19 THE WITNESS: About six times.  
 20 MR. LACOMBE: Q. Is that over the course of  
 21 both years?  
 22 A. One year.  
 23 Q. Which year are you referring to?  
 24 A. Eighth grade.  
 25 Q. What about your seventh-grade year?

1 A. Seventh grade, we didn't even go to the  
 2 lockers. We didn't have to change.  
 3 Q. Did you ever go in the girls' bathroom at  
 4 the -- in the locker room your seventh-grade year?  
 5 A. No.  
 6 Q. Never went in there?  
 7 The six times it appeared it was clean, how was  
 8 it cleaned?  
 9 MS. SILVERBERG: Objection. Calls for  
 10 speculation.  
 11 THE WITNESS: The toilet paper would be picked  
 12 up, and it would have been swept up, and there would  
 13 have been toilet paper in the -- what's it called? --  
 14 the stall. I don't know what it was called. There  
 15 would be soap to wash your hands and stuff like that.  
 16 MR. LACOMBE: Q. What about the bathroom --  
 17 excuse me -- the bathroom next to the lunchroom? How  
 18 does the condition of that bathroom differ, if at all?  
 19 A. Different?  
 20 Q. How does it differ, if it does at all?  
 21 MS. SILVERBERG: Vague as to time. Objection.  
 22 THE WITNESS: I don't know. I don't understand  
 23 your question.  
 24 MR. LACOMBE: Q. How about if you describe the  
 25 condition of that bathroom.

1 A. It smelled, too. Sometimes it was closed, or  
2 actually mostly it was closed, and the toilet paper  
3 would have been thrown on the floor. There would have  
4 been water all over. That's all I remember. Oh, yeah,  
5 and writing on the walls.

6 Q. Do you think it was dirty?

7 A. Yes.

8 Q. You said it was usually closed.

9 What do you mean by that?

10 A. They usually close it. They locked it so we  
11 wouldn't go in.

12 Q. Do you mean all day long?

13 A. Yes.

14 Q. Under what circumstances, if at all, would it  
15 be open?

16 MS. SILVERBERG: Objection. Calls for  
17 speculation.

18 THE WITNESS: If you go ask the yard duty to  
19 open it, she'll open it, maybe, if she thought it was  
20 necessary.

21 MR. LACOMBE: Q. Did you ever see the bathroom  
22 by the lunchroom open under any other circumstances?

23 A. Yes.

24 Q. What would that be?

25 A. Sometimes at lunchtime it would be open.

1 Q. What do you mean by "sometimes"?

2 A. Sometimes. Like, once, or, like, three times  
3 it would be open in the whole year.

4 Q. Three times a year?

5 A. Yeah.

6 Q. Do you have any understanding of why that  
7 bathroom is usually closed?

8 MS. SILVERBERG: Objection. Calls for  
9 speculation.

10 THE WITNESS: No.

11 MR. LACOMBE: Q. Did you ever ask anybody?

12 A. No.

13 Q. Was there ever any time that you went into that  
14 bathroom that it appeared to have been cleaned?

15 A. Yes.

16 Q. How many times is that?

17 A. Like, two times.

18 Q. What about the condition of the bathroom made  
19 it appear that it had been cleaned?

20 A. The toilet paper would be picked up. Oh, yeah,  
21 they would have mopped the floor, put soap in the soap  
22 thing, and put toilet paper in the thing where it was  
23 supposed to go.

24 Q. Was there any of -- any bathroom in particular  
25 that was dirtier than the others?

1 A. Yes.

2 Q. Which would that be?

3 A. The one with the two stalls.

4 Q. Not the one by the lunchroom?

5 A. Huh-uh.

6 Q. Was that bathroom usually open?

7 MS. SILVERBERG: Vague as to "that bathroom."

8 MR. LACOMBE: Q. The one with the two stalls.

9 A. Yes -- actually, no, it would be closed.

10 Q. Do you mean it was closed more often than not?

11 A. Yes.

12 Q. How do you mean it was dirtier than the other  
13 ones?

14 A. There would be -- you know when you get toilet  
15 paper, you wet it and throw it up? There would be lots  
16 of those stuff. One of the windows was broken, and the  
17 toilet paper would be out over the floor, and nasty  
18 stuff, too, and it would be all dirty and graffiti all  
19 over it, and that's it.

20 Q. And did you ever go in there and it appeared to  
21 have been cleaned?

22 A. Maybe, like, once or twice.

23 Q. How many times did you go in there, total?

24 A. I don't know. I don't remember.

25 Q. And was there any of the four cleaner than the

1 others?

2 A. Yes.

3 Q. Which would that be?

4 A. The one -- did I say there was one with four  
5 stalls?

6 Q. No.

7 A. The one that was down here, that one had four  
8 stalls, whatever. That one was the cleanest one.

9 Q. That's the one at the end of the cross of the  
10 T?

11 A. Uh-huh.

12 Q. I think you said it had three stalls before.

13 A. Yeah, but I just remember it had four.

14 Q. It had four?

15 A. Yeah.

16 Q. That was the cleanest?

17 A. (Witness nods head.)

18 Q. Was that bathroom usually open?

19 A. Yes, that's the one that was open all the time.

20 Q. Did you ever see toilet paper on the floor in  
21 that bathroom?

22 A. Yes, but not as much as the others.

23 Q. Was there any writing on the wall in that  
24 bathroom?

25 A. Yes, like, a little.

1 Q. Did it smell at all?  
 2 A. No.  
 3 Q. How often did it appear to have been cleaned?  
 4 A. I don't know, but a lot.  
 5 Q. Do you have any understanding of why that  
 6 was -- that bathroom was cleaner than the others?  
 7 MS. SILVERBERG: Objection. Calls for  
 8 speculation.  
 9 THE WITNESS: No.  
 10 MR. LACOMBE: Q. Do you know any custodians  
 11 they have at Cesar Chavez?  
 12 MS. SILVERBERG: Objection. Calls for  
 13 speculation.  
 14 THE WITNESS: I know one of them, but I don't  
 15 know his name.  
 16 MR. LACOMBE: Q. Are there more custodians  
 17 than the one that you know?  
 18 A. I don't know.  
 19 Q. Have you ever seen him cleaning a bathroom?  
 20 A. Yes, I seen him cleaning the one that I said  
 21 was cleanest.  
 22 Q. How often have you seen him clean that  
 23 bathroom?  
 24 A. Four times.  
 25 Q. Have you ever seen him cleaning the boys'

1 bathrooms?  
 2 A. Yes, the one next to that one.  
 3 Q. How many times have you seen him clean the  
 4 boys' bathroom?  
 5 A. About four times, too.  
 6 Q. How do the bathrooms at Carlmont compare to the  
 7 condition of the bathrooms at --  
 8 A. The bathrooms at Carlmont are very -- they're  
 9 cleaner, and there's not graffiti all over, and there's  
 10 couches in there, and they're fixing them right now,  
 11 though, so kind of messy.  
 12 Q. Did you say they're kind of messy?  
 13 A. Yeah, because they're fixing them.  
 14 Q. Do any of the bathrooms at Carlmont look dirty?  
 15 A. Yes. The one with a couch has a dirty couch.  
 16 Q. Besides the couch, any other aspect of it look  
 17 dirty?  
 18 A. It doesn't have a mirror, and sometimes there's  
 19 toilet paper on the floor.  
 20 Q. On your declaration, on page 2, lines 3 to 4,  
 21 you say, "I try not to go to the bathroom at school,  
 22 because I think it's unsanitary."  
 23 A. Okay.  
 24 Q. That refers to Cesar Chavez?  
 25 A. Yeah.

1 Q. Is that true at Carlmont? Do you try not to go  
 2 to the bathroom?  
 3 A. No. Maybe -- no, unless I don't want to be  
 4 late to class.  
 5 Q. Do you believe that the bathrooms at Carlmont  
 6 are sanitary?  
 7 A. Yes.  
 8 "Sanitary" means clean; right?  
 9 Q. Uh-huh.  
 10 A. Yes.  
 11 Q. How many times at Cesar Chavez have you -- have  
 12 you seen a toilet stall without toilet paper?  
 13 A. Lots of times. I don't remember, but it was a  
 14 lot, like, about -- more than 20 times or 15 times.  
 15 Q. Now, you mention that you've only actually used  
 16 the bathrooms twice in the eighth grade and four times  
 17 in the seventh grade.  
 18 I assume --  
 19 A. Uh-huh.  
 20 Q. I assume, when you say 15 to 20 times, that's  
 21 not necessarily when you're using the bathrooms.  
 22 A. No. I just looked to see if it's dirty or not.  
 23 Q. What about in the -- in the bathroom with four  
 24 stalls that you say is the cleanest? Have you ever seen  
 25 any of the stalls in there without toilet paper?

1 A. Yes.  
 2 Q. How many times?  
 3 A. Four.  
 4 Q. When was the last time you've been in a  
 5 bathroom at Cesar Chavez?  
 6 MS. SILVERBERG: Objection. Vague as to "in a  
 7 bathroom."  
 8 MR. LACOMBE: Q. Just in.  
 9 A. About -- I forgot your question. What was it?  
 10 Q. When was the last time you've been in a  
 11 bathroom at Cesar Chavez?  
 12 A. Last year. June. Like, around June 14th.  
 13 Around there.  
 14 Q. Why do you say June 14th?  
 15 A. Because it was after -- June 15th, probably,  
 16 because on June 13th I graduated, and the other kids  
 17 that didn't graduate had school, still had school, so I  
 18 went and -- to see my cousins, and I saw the bathrooms.  
 19 Q. Have you ever seen a broken toilet at Cesar  
 20 Chavez?  
 21 A. Yes.  
 22 Q. How many times?  
 23 A. Two.  
 24 Q. How was it broken?  
 25 A. It was all flooded and -- it was nasty. It was

1 flooded. I'm just going to say it was flooded.  
 2 Q. Both times it was flooded?  
 3 A. (Witness nods head.)  
 4 Q. Was that in one bathroom, or two?  
 5 A. The one that has two stalls, yeah.  
 6 Q. Both times in that one?  
 7 A. Uh-huh.  
 8 Q. Was it the same toilet that you saw both times?  
 9 A. Yes.  
 10 Q. Do you know how long it was broken?  
 11 A. No.  
 12 MS. SILVERBERG: Objection. Calls for  
 13 speculation.  
 14 MR. LACOMBE: Q. Have you ever seen a broken  
 15 sink at Cesar Chavez?  
 16 A. No.  
 17 Q. Have you ever reported to any school employee  
 18 about a lack of any bathroom supply, whether it be  
 19 toilet paper or soap?  
 20 A. Yes.  
 21 Q. How many times have you done that?  
 22 A. Three times.  
 23 Q. Who have you told?  
 24 A. The yard duty. I told her, and she said they  
 25 were going to go clean it -- I mean put toilet paper in

1 there.  
 2 Q. Did they put toilet paper in it?  
 3 A. No.  
 4 Q. Who is the yard-duty person?  
 5 A. I don't know her name.  
 6 Q. Is it a teacher?  
 7 A. It's a lady that just works there.  
 8 I'm sleepy.  
 9 Q. That was about toilet paper each time?  
 10 A. No. Actually, I told them about the toilet  
 11 that was broken.  
 12 Q. Is that a fourth time?  
 13 A. I just thought it was the third time.  
 14 Q. Okay. Do you know if they repaired the toilet  
 15 after you reported it?  
 16 A. The second day.  
 17 Q. You mean two days after?  
 18 A. Yeah.  
 19 Q. Is there any way in which the conditions of the  
 20 bathrooms have affected your ability to learn?  
 21 A. No.  
 22 MS. SILVERBERG: Objection. Calls for expert  
 23 testimony.  
 24 MR. LACOMBE: Q. What did you say?  
 25 A. Actually, yes, because one time I needed to go

1 to the bathroom and I couldn't concentrate.  
 2 Q. So what did you do?  
 3 A. I didn't go. I stayed in there. Then I  
 4 went -- when I went home, I went to the bathroom.  
 5 Q. Any time other than that one time?  
 6 MS. SILVERBERG: Vague as to "any time other  
 7 than that one time."  
 8 Is the question as to it affecting her  
 9 education?  
 10 MR. LACOMBE: Yes.  
 11 MS. SILVERBERG: I object. It calls for expert  
 12 testimony.  
 13 THE WITNESS: Yes. When I was in my social  
 14 studies class in seventh grade, I couldn't go, again. I  
 15 didn't want to go because the bathroom was too dirty,  
 16 plus I have to do my work, and I couldn't because --  
 17 because -- it did affect me because I couldn't  
 18 concentrate as well as I usually did because -- because  
 19 I was, like, trying to hurry up and I went through it  
 20 fast.  
 21 MR. LACOMBE: Q. You went what?  
 22 A. Went through my work fast and didn't take as  
 23 much time as I should have.  
 24 Q. You discussed the water fountains at school.  
 25 You say there's not enough water fountains at school.

1 A. Uh-huh.  
 2 Q. You can reference your declaration. It's line  
 3 6.  
 4 MS. SILVERBERG: Right on this page.  
 5 THE WITNESS: Okay.  
 6 MR. LACOMBE: Q. What do you mean, there's not  
 7 enough water fountains?  
 8 A. There is three water fountains, and in my class  
 9 there's one that's closed, but that one is, like, messed  
 10 up. When you push the buttons so the water could come  
 11 out, the water doesn't come out. It's, like, very hard  
 12 to drink out of it, so they need to fix it and put  
 13 another one that's closer to the portables, and --  
 14 because if you really want to drink water, you have to  
 15 go to the farthest one to drink some, and sometimes  
 16 people put stuff on it, so it's nasty.  
 17 Q. What do you mean by "stuff"?  
 18 A. Like, they put, like, trash on it, and  
 19 sometimes they put, like, some soda or something all  
 20 over it, and you can't drink it.  
 21 Q. Okay. In your declaration, also on line 6 of  
 22 page 2, you say there's six water fountains.  
 23 A. Six?  
 24 Q. Is that correct?  
 25 A. There's not six. There's about three of them.

1 That's not correct.  
 2 Q. Have you ever seen a broken water fountain?  
 3 A. Yes.  
 4 Q. How many times?  
 5 A. Once. It's always the same one -- actually,  
 6 no, I seen it four times, and it's always the same one.  
 7 Q. How long does it take for it to get repaired?  
 8 MS. SILVERBERG: Objection. Calls for  
 9 speculation.  
 10 THE WITNESS: I don't know.  
 11 Actually, there's five, not six. I just  
 12 remembered one by the gym -- actually, two by the gym.  
 13 MR. LACOMBE: Q. So there's five?  
 14 A. Yeah, not six.  
 15 Q. Do you ever use the water fountains at school?  
 16 A. No.  
 17 Q. Did you ever at Cesar Chavez?  
 18 A. Yes, the one by the lunchroom.  
 19 Q. Was it dirty?  
 20 A. Sometimes.  
 21 Q. Are there water fountains at Carlmont?  
 22 A. I only seen one.  
 23 Q. Have you ever used it?  
 24 A. Yes.  
 25 Q. Was it dirty at all?

1 A. No.  
 2 Q. How did you first get involved in this case?  
 3 A. My friend told me about it.  
 4 Q. Who is your friend?  
 5 A. Krystal.  
 6 Q. Okay. What did she tell you?  
 7 A. That there -- okay. That there -- that they  
 8 are trying to help get the State -- get the State of  
 9 California to fix up the schools, to make it better for  
 10 the kids that are going there, so she said if you want  
 11 to help, and I said yeah.  
 12 Q. How did she suggest you could help?  
 13 A. Saying how the school was for me and how it  
 14 affected me.  
 15 Q. How did you get in contact with the counsel,  
 16 the attorneys for this case?  
 17 A. Krystal introduced me to Laura, and then --  
 18 then she introduced me to Gladys, and then Gladys, you  
 19 know -- and then I guess Gladys talked to them and they  
 20 called me to be -- yeah.  
 21 MS. SILVERBERG: Do you want to take a break?  
 22 THE WITNESS: Yes. I'm sleepy.  
 23 (Whereupon, a recess was taken.)  
 24 MR. LACOMBE: Q. I believe you mentioned that  
 25 one of the reasons you may have gotten involved in this

1 case is because you want the State to improve conditions  
 2 at Cesar Chavez Academy.  
 3 A. Yeah.  
 4 Q. Is that fair?  
 5 Are there any conditions at Cesar Chavez  
 6 Academy that you think the State should improve besides  
 7 what's listed in your declaration?  
 8 MS. SILVERBERG: Objection. Calls for expert  
 9 testimony.  
 10 THE WITNESS: The food.  
 11 MR. LACOMBE: Q. Okay. Anything else?  
 12 A. The locker room is very, very not clean. It's  
 13 messy and dirty. Oh, and the gym is so small. It  
 14 should be bigger. There shouldn't be no portables.  
 15 There should be all -- make a building instead of all  
 16 the portables. They should -- I don't know. No, I  
 17 don't have no more things.  
 18 Q. Is that everything?  
 19 A. Yeah.  
 20 Q. Think hard.  
 21 MS. SILVERBERG: I'm also going to object on --  
 22 that it calls for a legal conclusion.  
 23 THE WITNESS: There should be a teacher to help  
 24 the kids that don't speak English very well, and there  
 25 should be less substitutes coming in and out, at least

1 one stay there for a long time until they find a  
 2 permanent teacher, and they should keep the bathrooms  
 3 and stuff all clean instead of messy and dirty.  
 4 That's all, I think.  
 5 MR. LACOMBE: Q. What about the teachers? Are  
 6 you happy with the teachers that you had at Cesar  
 7 Chavez?  
 8 MS. SILVERBERG: Objection. Calls for expert  
 9 testimony and legal conclusion.  
 10 MR. LACOMBE: Q. I'm asking about the  
 11 permanent teachers, not the substitutes.  
 12 MS. SILVERBERG: Objection. Calls for expert  
 13 testimony and legal conclusion.  
 14 THE WITNESS: I think the teachers that are  
 15 there could have taught us more, and, like, in PE, they  
 16 didn't really prepare us for high-school PE, because in  
 17 high school you have to run way more than in middle  
 18 school, and they should really prepare the students in  
 19 eighth grade for going to high school more than they do  
 20 already, than they do right now.  
 21 MR. LACOMBE: Q. Is that a condition that you  
 22 believe the State should improve about Cesar Chavez?  
 23 A. Yes.  
 24 MS. SILVERBERG: Objection. Calls for expert  
 25 testimony and legal conclusion.

1 THE WITNESS: Yes.  
 2 MR. LACOMBE: Q. You talked about improving  
 3 the food.  
 4 What did you mean by that?  
 5 A. The food is very nasty. It gets burned.  
 6 There's not that very good a food, and when there is  
 7 good food, they burn it or something, and when it's hot,  
 8 they give -- wait. When it's cold, they give ice  
 9 things, instead of making -- giving us something warm,  
 10 and when it's hot, they don't give us anything cold or  
 11 anything to eat that's cold. It's messed up.  
 12 Q. So the locker room is dirty.  
 13 What do you mean by that?  
 14 A. There's a whole bunch of stuff in the locker  
 15 rooms when I was there. There was a whole bunch of  
 16 stuff in the locker rooms, instead of being lockers and  
 17 stuff. It was supposed to be a locker room, but there  
 18 wasn't lockers or anything. There was a whole bunch of  
 19 tables and stuff there, and there's dust all over,  
 20 like -- it was not a good place to change.  
 21 Q. Did you say there were no lockers there?  
 22 A. There was no lockers. Supposed to be a locker  
 23 room, but there wasn't any lockers or anything.  
 24 Q. Do you know if there's lockers there now?  
 25 MS. SILVERBERG: Objection. Calls for

1 speculation.  
 2 THE WITNESS: I don't think so.  
 3 MR. LACOMBE: Q. Did they ever remove the  
 4 tables?  
 5 MS. SILVERBERG: Objection. Calls for  
 6 speculation. Vague as to time.  
 7 THE WITNESS: I don't know.  
 8 MR. LACOMBE: Q. Was there ever a time, then,  
 9 during the eighth grade when the tables weren't there?  
 10 A. When they did a haunted house in the locker  
 11 room they took out every table, but besides that, no.  
 12 Q. You said the gym was small.  
 13 A. Yeah.  
 14 Q. What do you mean by that?  
 15 A. Like, it was crowded. It's small for a gym.  
 16 It was crowded, like -- I don't know. It's just small.  
 17 I've been to other gyms, gyms for other schools, and  
 18 they're very bigger than that one.  
 19 Q. Did you use the gym during PE?  
 20 A. Yes.  
 21 Q. What did you use the gym for in PE?  
 22 A. Played volleyball, indoor soccer sometimes,  
 23 badminton, and dances.  
 24 Oh, you said PE.  
 25 Oh, yeah, when we took the test for PE to see

1 if we could do pull-ups and push-ups and stuff, and we  
 2 played basketball in there, and that's pretty much it.  
 3 Q. What do you mean, it was crowded?  
 4 A. Like, we had lots of students, and when we had  
 5 dances, it got full. It was pretty small.  
 6 Q. Was it crowded when you played -- when you --  
 7 for PE?  
 8 A. Well, yeah, for PE, too, because when we played  
 9 badminton the ball goes sometimes everywhere, and it's,  
 10 like, you turn around and there's somebody there.  
 11 Q. Is there more than one basketball court in the  
 12 gymnasium?  
 13 A. There's one long one that goes this way, and  
 14 that's it, I think. I don't remember very well, but I  
 15 know it's small.  
 16 Q. You talked about portables.  
 17 A. Yeah.  
 18 Q. Do you know how many portables there are at the  
 19 school?  
 20 MS. SILVERBERG: Objection. Calls for  
 21 speculation.  
 22 THE WITNESS: Six -- eight -- seven, I mean.  
 23 There's another one.  
 24 MR. LACOMBE: Q. Do they all have classrooms  
 25 in them?

1 A. Only six of them. The other seven -- the other  
 2 one doesn't.  
 3 Q. Do you know what it has in it?  
 4 A. Huh-uh.  
 5 Q. Of the six that have classrooms in them, does  
 6 each contain only one classroom?  
 7 MS. SILVERBERG: Objection. Calls for  
 8 speculation.  
 9 THE WITNESS: In one of them is where I had my  
 10 science and math class, and I don't know where the  
 11 seventh graders have their reading class, but I think  
 12 they're going to have it in another portable, the same  
 13 as another class.  
 14 MR. LACOMBE: Q. Of your -- of the classes you  
 15 took at Cesar Chavez, how many of them were in  
 16 portables?  
 17 A. All of them, except for PE.  
 18 Q. You never had a class, other than PE, that was  
 19 in a permanent building?  
 20 A. No.  
 21 Q. Was there any construction going on at Cesar  
 22 Chavez while you were attending?  
 23 A. No.  
 24 Q. Okay. Let's talk a little about Carlmont.  
 25 Are there any conditions about Carlmont that

1 you think the State should improve?  
 2 MS. SILVERBERG: Objection. Calls for expert  
 3 testimony and legal conclusion.  
 4 THE WITNESS: The gym lights and -- no, I don't  
 5 have any more.  
 6 MR. LACOMBE: Q. What do you mean by the "gym  
 7 lights"?  
 8 A. The gym lights, they're -- they're not very --  
 9 they look orange, not very good light for when you play  
 10 basketball or something, or volleyball.  
 11 Q. Have you talked to anybody at the school about  
 12 that?  
 13 A. No.  
 14 Q. What do you think are the good qualities of  
 15 Cesar Chavez Academy, if any?  
 16 MS. SILVERBERG: Objection. Calls for expert  
 17 testimony and legal conclusion.  
 18 THE WITNESS: It has a big field.  
 19 Oh, another thing that I should say about Cesar  
 20 Chavez is there should be more trees, because it's too  
 21 hot in the summer and no shade for anything.  
 22 I don't know what to say that's good about  
 23 Cesar Chavez.  
 24 MR. LACOMBE: Q. How do you think the quality  
 25 of Cesar Chavez compares to the quality of Carlmont?

1 MS. SILVERBERG: Objection. Calls for expert  
 2 testimony and legal conclusion.  
 3 THE WITNESS: Carlmont is very clean, neat, and  
 4 big. Cesar Chavez is small, dirty, and not that good to  
 5 go to school because there's a lot of things that  
 6 distract you at Cesar Chavez.  
 7 MR. LACOMBE: Q. What did you say, there was a  
 8 lot of things that distract you?  
 9 A. Yeah.  
 10 Q. What do you mean by that?  
 11 A. There's lots of fights over there, like, that  
 12 distract you, and the fact that the bathrooms are all  
 13 dirty, and the food, like, when you're at Cesar Chavez  
 14 you start arguing too much about how it looks and the  
 15 food, and you forget about your homework and stuff.  
 16 Q. Do you think there are distractions at  
 17 Carlmont?  
 18 A. Yes, there is some, but I just can't -- I don't  
 19 know how to say them. I don't know how to describe  
 20 them.  
 21 Q. What do you mean?  
 22 A. I just can't describe how they distract you,  
 23 but there are some.  
 24 MR. LACOMBE: Let's take a five-minute break.  
 25 I want to look through my outline.

1 MS. SILVERBERG: Sure.  
 2 (Whereupon, a recess was taken.)  
 3 MR. LACOMBE: May we stipulate that copies of  
 4 the documents attached to the deposition may be used as  
 5 originals?  
 6 MS. SILVERBERG: Yes.  
 7 MR. LACOMBE: May we stipulate that the  
 8 original of this deposition be signed under penalty of  
 9 perjury; that the original be delivered to the office of  
 10 Helene Silverberg at the American Civil Liberties Union.  
 11 MS. WELCH: Morrison & Foerster.  
 12 MS. SILVERBERG: Morrison & Foerster. I'm at  
 13 Morrison & Foerster.  
 14 MR. LACOMBE: You are? I thought you were at  
 15 the ACLU.  
 16 The reporter is relieved of liability for the  
 17 original of the deposition. The witness will have 30  
 18 days from the date of the court reporter's transmittal  
 19 letter to Helene Silverberg to correct and sign the  
 20 deposition. Helene Silverberg shall notify all parties  
 21 in writing of changes to the deposition and what they  
 22 are, if there are any. If there are no such changes  
 23 communicated or signature within that time, any unsigned  
 24 or uncorrected copy may be used for all purposes as if  
 25 signed and corrected.

1 MS. SILVERBERG: Yes. That's fine.  
 2 (Whereupon, the deposition was  
 3 adjourned at 2:15 p.m.)  
 4 --oOo--  
 5 I declare under penalty of perjury that the  
 6 foregoing is true and correct. Subscribed at  
 7 \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_,  
 8 2001.  
 9  
 10  
 11  
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 13 \_\_\_\_\_  
 14 Signature of the witness  
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CERTIFICATE OF REPORTER

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

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

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

DATED: \_\_\_\_\_, 2001.

\_\_\_\_\_  
Leigh Regan, CSR 4971