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17 Attorneys for Plaintiffs Eliezer Williams, et al.

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF SAN FRANCISCO

20 ELIEZER WILLIAMS, a minor, by Sweetie
Williams, his guardian ad litem; *et al.*, each
21 individually and on behalf of all others similarly
situated,

22 Plaintiffs,

23 v.

24 STATE OF CALIFORNIA; DELAINE EASTIN,
State Superintendent of Public Instruction;
25 STATE DEPARTMENT OF EDUCATION;
STATE BOARD OF EDUCATION,

26 Defendants.

Case No. 312236

[CLASS ACTION]

**DECLARATION OF MATTHEW I.
KREEGER IN SUPPORT OF PLAINTIFFS'
REPLY IN SUPPORT OF MOTION FOR
CLASS CERTIFICATION**

Hearing Date: September 13, 2001
Time: 8:30 a.m.
Department: 16, Hall of Justice
Judge: Hon. Peter J. Busch

Date Action Filed: May 17, 2000

1 I, MATTHEW I. KREEGER, declare as follows:

- 2 1. I am an attorney licensed to practice before the courts of the State of California, and I am a
3 member of Morrison & Foerster LLP, one of the counsel of record for Plaintiffs Eliezer Williams,
4 *et al.* (“plaintiffs”). I make this declaration in support of Plaintiffs’ Reply in Support of Motion
5 for Class Certification. I have personal knowledge of the matters stated in this declaration and, if
6 called as a witness, I could and would competently testify as to the facts set forth herein.
- 7 2. Attached hereto as Exhibit 1 is a chart that summarizes certain factual inaccuracies found in the
8 “Chart of Allegations” attached to the State’s Opposition.
- 9 3. Attached hereto as Exhibit 2 is a chart that summarizes plaintiffs’ factual support for the
10 conditions at the class representative schools.
- 11 4. Balboa High School: Attached hereto as Exhibit 3 are true and correct copies of documents cited
12 in plaintiffs’ factual support charts and brief regarding the conditions at Balboa High School in
13 the San Francisco Unified School District, including:

14 **Media/Internet Documents:**

- 15 • Bernice Yeung, *Hard Lessons*, SF WEEKLY, Oct. 11, 2000;
- 16 • 2000 Academic Performance Index Base Report for Balboa High School (Jan. 17, 2001)
17 *available at* [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=3830288&](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=3830288&DistCode=68478&AllCds=38684783830288)
18 [DistCode=68478&AllCds=38684783830288](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=3830288&DistCode=68478&AllCds=38684783830288)
- 19 • Nanette Asimov, *Rojas’ Record Can’t Be Denied*, S.F. CHRONICLE, June 21, 1999 at A1.

20 **Defendant-Produced Documents:** DT-SF 55-60

21 **Deposition Excerpts:**

- 22 • Deposition of Patricia Gray - volume 1 (in unofficial, manuscript form), 5/24/01;
23 volume 2, 7/18/01.
- 24 • Deposition of Alondra Jones - volume 1, 5/16/01; volume 2, 5/25/01; volume 3, 6/17/01;

25 **Declarations:**

- 26 • Alondra Jones - 8/14/00, 2/7/01.
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1 5. Bryant Elementary School: Attached hereto as Exhibit 4 are true and correct copies of documents
2 cited in plaintiffs' factual support charts and brief regarding the conditions at Bryant Elementary
3 School in the San Francisco Unified School District, including:

4 **Defendant-Produced Documents**: DT-SF 81, 85, 87, 89-90, 92-94, 96-99, 101-114, 116-
5 117, 1072-1076

6 **Deposition Excerpts**:

- 7 • Deposition of Larry Alegre - volume 1, 6/11/01; volume 2, 6/27/01
8 • Deposition of Carlos Ramirez - volume 1, 5/19/01; volume 2, 5/28/01; volume 3, 6/21/01

9 **Declarations**:

- 10 • Carlos Ramirez -5/3/00
11 • Richard Ramirez - 5/3/00.
12

13 6. Luther Burbank Middle School: Attached hereto as Exhibit 5 are true and correct copies of
14 documents cited in plaintiffs' factual support charts and brief regarding the conditions at Luther
15 Burbank Middle School in the San Francisco Unified School District, including:.

16 **Defendant-Produced Documents**: DT-SF 119, 917-923, 1166

17 **Deposition Excerpts**:

- 18 • Deposition of John Michaelson - volume 1, 6/13/01; volume 2, 6/22/01
19 • Deposition of Silas Moultrie - volume 1, 5/18/01; volume 2, 5/25/01

20 **Declarations**:

- 21 • Silas Moultrie - 4/30/00, 9/9/900.
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1 7. Cahuenga Elementary School: Attached hereto as Exhibit 6 are true and correct copies of
2 documents cited in plaintiffs' factual support charts and brief regarding the conditions at
3 Cahuenga Elementary School in the Los Angeles Unified School District, including:

4 **Media/Internet Documents:**

- 5 • 2000 Academic Performance Index Base Report for Cahuenga Elementary School (Jan.
6 17, 2001) *available at*
7 [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6016232&](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6016232&DistCode=64733&AllCds=19647336016232)
8 [DistCode=64733&AllCds=19647336016232](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6016232&DistCode=64733&AllCds=19647336016232)
- 9 • 1999-2000 CDE/Ed-Data Partnership School Profile Report for Cahuenga Elementary
10 School *available at* <http://www.ed-data.k12.ca.us/dev/School.asp> (last modified Aug. 15,
11 2001).

12 **Deposition Excerpts:**

- 13 • Deposition of Lloyd Houske - volume 1, 6/14/01; volume 2, 6/20/01; volume 3, 7/20/01
- 14 • Deposition of Rosa Tellechea - volume 1, 5/20/01

15 **Declarations:**

- 16 • Rosa Tellechea - 1/30/01.

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18 8. Cesar Chavez Academy: Attached hereto as Exhibit 7 are true and correct copies of documents
19 cited in plaintiffs' factual support charts and brief regarding the conditions at Cesar Chavez
20 Academy in the Ravenswood City Elementary School District, including:

21 **Deposition Excerpts:**

- 22 • Deposition of Krystal Ruiz - volume 1, 5/19/01; volume 2, 6/9/01
- 23 • Deposition of Carla Walden - volume 1, 6/1/01; volume 2, 6/8/01

24 **Declarations:**

- 25 • Krystal Ruiz - 1/3/01.

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1 9. Crenshaw Senior High School: Attached hereto as Exhibit 8 are true and correct copies of
2 documents cited in plaintiffs' factual support charts and brief regarding the conditions at
3 Crenshaw Senior High School in the Los Angeles Unified School District, including:

4 **Media/Internet Documents:**

- 5 • 2000 Academic Performance Index Base Report for Crenshaw Senior High School (Jan.
6 17, 2001) *available at*
7 [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=1932128&](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=1932128&DistCode=64733&AllCds=19647331932128)
8 [DistCode=64733&AllCds=19647331932128](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=1932128&DistCode=64733&AllCds=19647331932128)

9 **Defendant-Produced Documents:** DT-LA 2994-2996, 3002, 3016, 3018-3020, 3024, 5440,
10 5444, 5447, 5453-5464, 8092, 8137, 8141, 8170, 8174, 8186, 8232, 8245, 8376, 8465, 8488,
11 8491, 8514, 8519, 12712-12845

12 **Deposition Excerpts:**

- 13 • Deposition of D'Andre Lampkin - volume 1, 5/20/01; volume 2, 5/27/01; volume 3,
14 6/10/01
- 15 • Deposition of Delwin Lampkin - volume 1, 5/27/01; volume 2, 6/17/01; volume 3,
16 6/24/01; volume 4, 7/11/01
- 17 • Deposition of Travis Kiel - volume 1, 5/30/01; volume 2, 6/29/01; volume 3, 7/3/01;
18 volume 4, 7/19/01

19 **Declarations:**

- 20 • D'Andre Lampkin - 8/11/00, 1/29/01
- 21 • Delwin Lampkin - 8/11/00, 1/29/01.

1 10. Edison-McNair Academy: Attached hereto as Exhibit 9 are true and correct copies of documents
2 cited in plaintiffs' factual support charts and brief regarding the conditions at Edison-McNair
3 Academy in the Ravenswood City Elementary School District, including:

4 **Media/Internet Documents:**

- 5 • 2000 Academic Performance Index Base Report for Edison-McNair Academy (Jan. 17,
6 2001) *available at* [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=
7 6044333&DistCode=68999&AllCds=41689996044333](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6044333&DistCode=68999&AllCds=41689996044333)

8 **Deposition Excerpts:**

- 9 • Deposition of Carlos Santos - volume 1, 6/3/01; volume 2, 6/10/01
10 • Deposition of Mary Seiersen - volume 1, 6/18/01; volume 2, 6/27/01

11 **Declarations:**

- 12 • Carlos Santos - 9/8/00, 1/30/01.
13

14 11. Fremont Senior High School: Attached hereto as Exhibit 10 are true and correct copies of
15 documents cited in plaintiffs' factual support charts and brief regarding the conditions at Fremont
16 Senior High School in the Los Angeles Unified School District, including:

17 **Media/Internet Documents:**

- 18 • Doug Smith, *Students Seek More Teachers, Counselors*, L.A. TIMES, Sept. 29, 1999.
19 • 2000 Academic Performance Index Base Report for Fremont (John C.) Senior High
20 School (Jan. 17, 2001) *available at*
21 [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=1933118&
22 DistCode=64733&AllCds=19647331933118](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=1933118&DistCode=64733&AllCds=19647331933118)
23 • Bill Boyarsky, *Students' Gripe About Schools Bring Results*, L.A. TIMES, Feb. 9, 1998.
24 • Jevallier Jefferson, *Multi-Ethnic Groups File Suit Against State; Educational Funding*
25 *Challenged*, L.A. SENTINEL, May 31, 2000.

26 **Defendant-Produced Documents:** DT-LA 3919, 3922, 3928-3939, 4115-4118, 4121, 4124-
27 4125, 4129-4131, 4136-4139, 4141, 4148-4152, 4159-4161, 4164-4165, 4172, 4176-4179,
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1 4181-4182, 4184, 4187-4191, 5412-5437, 14329, 14333, 14342, 15715-15718, 17713, 17719-
2 17720, 17722-17723, 17799, 17801-17802, 17804, 17822, 17840-17841, 17845, 17847

3 **Deposition Excerpts:**

- 4 • Deposition of Cindy Diego - volume 1, 5/26/01; volume 2, 6/2/01; volume 3, 6/5/01;
5 volume 4, 6/19/01
6 • Deposition of Marcia Hines - volume 1, 6/18/01; volume 2, 7/5/01; volume 3, 8/10/01;
7 excerpts from Leadership Council Minutes, attached within Exhibit 13 to Hines Dep.
8 • Deposition of Margaret Roland - volume 1, 6/20/01; volume 2, 8/2/01

9 **Declarations:**

- 10 • Cindy Diego - 8/9/00, 9/7/00.
11

12 12. Helms Middle School: Attached hereto as Exhibit 11 are true and correct copies of documents
13 cited in plaintiffs' factual support charts and brief regarding the conditions at Helms Middle
14 School in the West Contra Costa Unified School District, including:

15 **Media/Internet Documents:**

- 16 • 2000 Academic Performance Index Base Report for Helms Middle School (Jan. 17, 2001)
17 available at [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6057228&](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6057228&DistCode=61796&AllCds=07617966057228)
18 [DistCode=61796&AllCds=07617966057228](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=6057228&DistCode=61796&AllCds=07617966057228)

19 **Defendant-Produced / Plaintiff-Produced Documents:**

- 20 • DT-WC 18-21, 351-355, 416-418, 431-432, 479-481, 504-508, 520-521
21 • PLTF 1830-1839, 1848-1850

22 **Deposition Excerpts:**

- 23 • Deposition of Moises Canel - volume 1, 5/12/01; volume 2, 5/13/01; volume 3, 6/25/01
24 • Deposition of Steven Muzinich - volume 1, 6/18/01

25 **Declarations:**

- 26 • Moises Canel - 5/00, 1/28/01.
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1 13. Huntington Park Senior High School: Attached hereto as Exhibit 12 are true and correct copies
2 of documents cited in plaintiffs' factual support charts and brief regarding the conditions at
3 Huntington Park Senior High School in the Los Angeles Unified School District, including:

4 **Defendant-Produced Documents**: DT-LA 3703-3708, 3710-3714, 3716-3717, 3719, 3721-
5 3722, 3727, 3735-3745, 3747-3748, 3752, 3754-3761, 3770-3775, 6289-6290, 6303, 6318-
6 6322, 6326-6328, 6333, 6360-6364, 6368-6370, 6373-6378

7 **Deposition Excerpts**:

- 8 • Deposition of Emilio Garcia - volume 1, 6/21/01
9 • Deposition of Lizette Ruiz - volume 1, 5/20/01; volume 2, 6/10/01; volume 3, 7/2/01

10 **Declarations**:

- 11 • Lizette Ruiz - 8/23/00, 1/28/01.
12

13 14. Tenaya Middle School: Attached hereto as Exhibit 13 are true and correct copies of documents
14 cited in plaintiffs' factual support charts and brief regarding the conditions at Tenaya Middle
15 School in the Merced City Elementary School District, including:

16 **Correspondence**: Letter from Pam Atkinson to Scot Yarnell, April 30, 2001, as attached to
17 letter from S. Yarnell to C. Lhamon, May 30, 2001.

18 **Defendant-Produced Documents**: SC-ME-TM 105, 129, 130, 145, 147-148, 153, 156, 158

19 **Deposition Excerpts**:

- 20 • Deposition of Pamala Atkinson - volume 1, 5/9/01
21 • Deposition of Keith Ensminger - volume 1, 5/15/01

22 **Declarations**:

- 23 • Keith Ensminger - 7/31/00.
24

25 15. Watsonville High School: Attached hereto as Exhibit 14 are true and correct copies of documents
26 cited in plaintiffs' factual support charts and brief regarding the conditions at Watsonville High
27 School in the Pajaro Valley Unified School District, including:
28

1 **Media/Internet:**

- 2 • 2000 Academic Performance Index Base Report for Watsonville High School (Jan. 17,
3 2001) *available at*
4 [http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=4437901&](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=4437901&DistCode=69799&AllCds=44697994437901)
5 [DistCode=69799&AllCds=44697994437901](http://api.cde.ca.gov/api2000base/2000Base_Sch.asp?SchCode=4437901&DistCode=69799&AllCds=44697994437901)

6 **Defendant-Produced Documents:** DT-PV 11-12, 117-120, 215, 231, 311, 316, 356, 410-
7 412, 775-776, 1497, 1538, 1566-1567, 1546-1562, 1889, 1963-1964, 1976-1977

8 **Deposition Excerpts:**

- 9 • Deposition of Jose Banda - volume 1, 6/18/01; volume 2, 6/19/01
10 • Deposition of Lawrence Lane - volume 1, 6/1/01; volume 2, 6/25/01
11 • Deposition of Manuel Ortiz - volume 1, 5/27/01; volume 2, 6/10/01

12 **Declarations:**

- 13 • Jose Banda - 5/24/01
14 • Manuel Ortiz - 2/5/00, 7/31/00, 9/9/00.

15
16 16. Attached hereto as Exhibit 15 are true and correct copies of excerpts from the deposition of
17 Paul Warren.

18 17. Attached hereto as Exhibit 16 are true and correct copies of excerpts from the deposition of
19 Susan Lange.

20 18. Attached hereto as Exhibit 17 are true and correct copies of excerpts from the deposition of
21 Eleanor Clark-Thomas.

22 19. Attached hereto as Exhibit 18 are true and correct copies of excerpts from the deposition of
23 Leslie Fausset.

24 20. Attached hereto as Exhibit 19 are true and correct copies of excerpts from the deposition of
25 Laurene Burnham-Massey.

26 21. Attached hereto as Exhibit 20 are true and correct copies of excerpts from the deposition of
27 Thomas Henry.

1 22. Attached hereto as Exhibit 21 is a true and correct copy of a fund-raising letter from Gray
2 Davis to "Fellow Democrat."

3 23. Attached hereto as Exhibit 22 are true and correct copies of excerpts from the California
4 Department of Education, 2000-2001 California Year-Round Education Directory

5 24. Attached hereto as Exhibit 23 are true and correct copies of excerpts from the *Applicant*
6 *Handbook: State School Building Lease-Purchase Program, Quality Control and Public Response*
7 Unit, Office of Local Assistance, State of California Department of General Services,
8 (January 1992).

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I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed this 7th day of September, 2001 at San Francisco, California.

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Matthew I. Kreeger

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