

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

ELIEZER WILLIAMS, et al.,)
)

Plaintiffs,)

vs.)

No. 312 236)

STATE OF CALIFORNIA,)

DELAINE EASTIN, State)

Superintendent of Public)

Instruction; STATE)

DEPARTMENT OF EDUCATION;)

STATE BOARD OF EDUCATION,)

Defendants.)

DEPOSITION OF MOISES B. CANEL
San Francisco, California
Sunday, May 13, 2001
Volume II

Reported by:
CASSANDRA HARPER
CSR No. 11934
JOB No. 847528

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 CITY AND COUNTY OF SAN FRANCISCO
 3
 4 ELIEZER WILLIAMS, et al.,)
)
 5 Plaintiffs,)
)
 6 vs.) No. 312 236
)
 7 STATE OF CALIFORNIA,)
 DELAINE EASTIN, State)
 8 Superintendent of Public)
 Instruction; STATE)
 9 DEPARTMENT OF EDUCATION;)
 STATE BOARD OF EDUCATION,)
 10)
 Defendants.)
 11 _____)
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Deposition of MOISES B. CANEL,
 Volume 2, taken on behalf of Defendant
 State of California, at 275 Battery
 Street, San Francisco, California,
 beginning at 9:13 a.m. and ending at
 12:38 p.m., on Sunday, May 13, 2001,
 before CASSANDRA HARPER, Certified
 Shorthand Reporter No. 11934.

1 APPEARANCES:
 2
 3 For Plaintiffs:
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 12
 13 Also Present:
 14 SARA CANEL
 JULIO CANEL
 15
 16
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 3 MOISES B. CANEL
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BY MS. KOURY 245

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report; 6 pages	

INSTRUCTION NOT TO ANSWER

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1 San Francisco, California, Sunday, May 13, 2001
 2 9:13 a.m. - 12:38 p.m.
 3

4 MOISES B. CANEL,
 5 having been first duly sworn, was examined and
 6 testified as follows:
 7

EXAMINATION


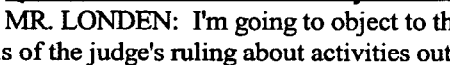
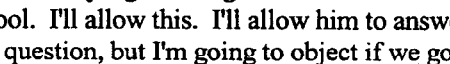

9 BY MS. KOURY:

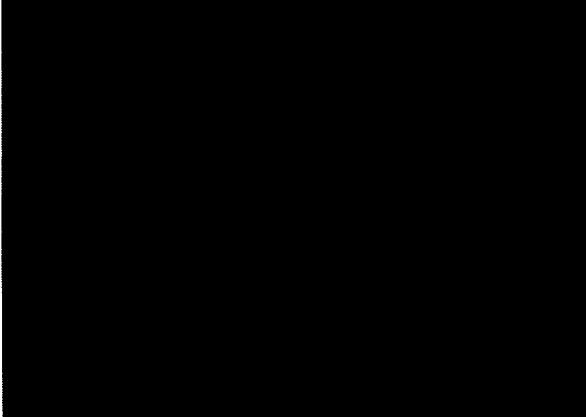
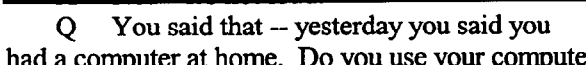

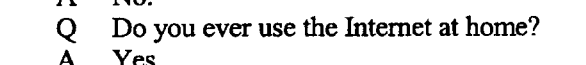
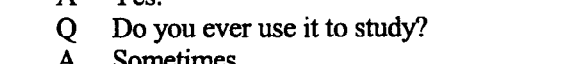
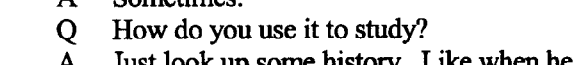
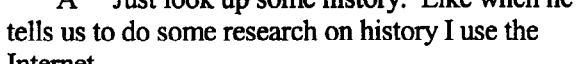


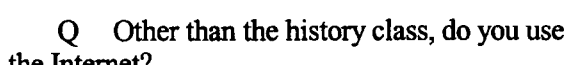
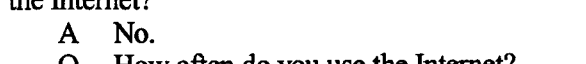
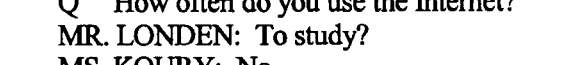
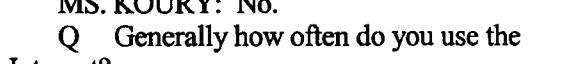
10 Q Good morning.
 11 A Good morning.
 12 Q Would you please state and spell your
 13 full name.
 14 A The first name is Moises spelled
 15 M-o-i-s-e-s -- last name Canel, C-a-n-e-l.
 16 Q Do you remember the stipulations
 17 regarding the deposition proceeding that we went
 18 through yesterday?
 19 A Yes.
 20 Q I'm going to briefly describe them once
 21 again. And if you have any questions, just let me
 22 know.

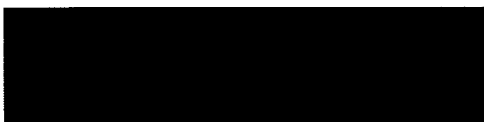
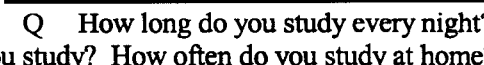
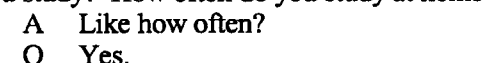
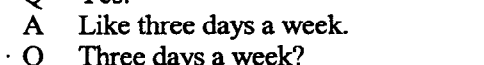
23 MR. LONDEN: I think for the second time we can
 24 forgo that. He says he remembers.

25 BY MS. KOURY:

1 Q I just want to remind you that you're
 2 still under oath. So anything you testify to is
 3 subject to all of the penalties of perjury; do you
 4 understand that?
 5 A Yes.
 6 Q Did you recently consume any medication
 7 or any alcohol?
 8 A No.
 9 Q Anything else that would interfere with
 10 your ability to answer these questions?
 11 A No.
 12 Q Did you do anything to prepare for
 13 today's deposition?
 14 MR. LONDEN: Since yesterday?
 15 MS. KOURY: Since yesterday.
 16 THE WITNESS: Yes.
 17 BY MS. KOURY:
 18 Q What did you do?
 19 A Not really -- I just thought about, you
 20 know, like my schooling, the memory of the bad stuff.
 21 That's all.
 22 Q Other than remembering the bad stuff, did
 23 you do anything else?
 24 A No.
 25 Q Did you talk to anyone?

1 A No.
 2 Q What bad stuff did you think of?
 3 A The ceilings.
 4 Q Where were these ceilings?
 5 A Next to the library.
 6 Q Anything else that you thought of?
 7 A No.
 8 Q Yesterday we were discussing some of your
 9 classes and some of your teachers. We're going to
 10 discuss a little more about that. I wanted to ask
 11 you -- to start off, where do you normally study when
 12 you're not in class?
 13 A At home.
 14 Q Where in your home do you study?
 15 A My room.
 16 
 17 
 18 
 19 MR. LONDEN: I'm going to object to this on the
 20 basis of the judge's ruling about activities out of
 21 school. I'll allow this. I'll allow him to answer
 22 this question, but I'm going to object if we go into
 23 matters that are outside the school.
 24 Go ahead and answer that question, though.
 25 

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 14 Q You said that -- yesterday you said you
 15 had a computer at home. Do you use your computer to
 16 study?
 17 A No.
 18 Q Do you ever use the Internet at home?
 19 A Yes.
 20 Q Do you ever use it to study?
 21 A Sometimes.
 22 Q How do you use it to study?
 23 A Just look up some history. Like when he
 24 tells us to do some research on history I use the
 25 Internet.

1 Q Other than the history class, do you use
 2 the Internet?
 3 A No.
 4 Q How often do you use the Internet?
 5 MR. LONDEN: To study?
 6 MS. KOURY: No.
 7 Q Generally how often do you use the
 8 Internet?
 9 A Once a week.
 10 
 11 
 12 
 13 
 14 Q How long do you study every night? Do
 15 you study? How often do you study at home?
 16 A Like how often?
 17 Q Yes.
 18 A Like three days a week.
 19 Q Three days a week?
 20 A (No audible response.)
 21 Q Generally what days are these?
 22 A Monday, Wednesday, Thursday.
 23 Q How long do you study for?
 24 A An hour.
 25 Q What do you do?

- 1 A I, um -- I check -- I check and I review
2 my homework.
- 3 Q Well, this semester what do you do --
4 what classes do you check and review?
- 5 A French and history.
- 6 Q Why do you think you get better grades in
7 some of your classes than you do in other classes?
8 What do you think makes the difference in those
9 grades?
- 10 A Some classes I like more than other
11 classes, and other classes are easier for me.
- 12 Q Why do you like some classes more than
13 others?
- 14 A Because -- because one might be easier
15 than the other one.
- 16 Q What makes one class easier than another
17 class?
- 18 A The teacher.
- 19 Q And why is it that one teacher is easier
20 than the other? What makes one teacher easier than
21 the other?
- 22 A Their attitude and -- their attitude.
- 23 Q What do you mean by "attitude"?
- 24 A The way they teach and -- by the way they
25 teach.

- 1 Q Do you mean all of the things that we
2 discussed yesterday when you refer to your teachers'
3 attitude?
- 4 A Yes.
- 5 Q Other than the Stanford 9, have you taken
6 any other types of school-wide tests?
- 7 A Yes.
- 8 Q What tests are those?
- 9 A Assessment tests.
- 10 Q Are there any others other than the
11 assessment tests?
- 12 A No.
- 13 Q Do you know your grades on the assessment
14 tests?
- 15 A No.
- 16 Q Do you know if your school has those
17 grades?
- 18 A Yes.
- 19 Q How do you know that?
- 20 A Because they never return it -- they
21 never show you your grade when you do that test.
- 22 Q Do you know who makes the assessment test
23 questions?
- 24 A No.
- 25 Q Have you ever asked to see your grades on

- 1 the assessment tests?
- 2 A No.
- 3 Q Have you ever received any information
4 about how your school does on these assessment tests?
- 5 A No.
- 6 Q Have you seen your Stanford 9 scores?
- 7 A No.
- 8 Q We talked about textbooks yesterday, and
9 we discussed the textbooks in your various classes.
10 Do you know who's responsible for taking care of the
11 textbooks?
- 12 A No.
- 13 Q You told me that some of the textbooks
14 are yours and you keep them in your backpack.
- 15 A Yes.
- 16 Q For example, with your math textbook, who
17 gives you the math textbook?
- 18 A The teacher.
- 19 Q When?
- 20 A When?
- 21 Q Yes.
- 22 A The beginning of the school year.
- 23 Q What does the teacher say when they give
24 the students the textbooks at the beginning of the
25 year? What did your math teacher tell you?

- 1 A To put a book cover and to bring them to
2 school everyday.
- 3 Q Did your math teacher say anything else?
- 4 A No.
- 5 Q Did you put a book cover on your math
6 book?
- 7 A Yes.
- 8 Q Do you know if the other students have
9 book covers on their math books?
- 10 A No.
- 11 Q No, you don't know?
- 12 A No.
- 13 Q Do the math teacher or any other teacher
14 tell you how to take care of your textbooks?
- 15 A No.
- 16 Q Do you know if there are any rules at
17 your school about taking care of textbooks?
- 18 A No.
- 19 Q What's the other class that you get to
20 take your textbook home other than math?
- 21 A French.
- 22 Q Did your French teacher say anything to
23 you about taking care of your textbook?
- 24 A She just said put on a book cover.
- 25 Q Anything else?

- 1 A And bring it everyday.
 2 Q Anything else?
 3 A No.
 4 Q Did you put a book cover on your French
 5 book?
 6 A Yes.
 7 Q Do you know if other students do?
 8 A Yes.
 9 Q How do you know?
 10 A Because I saw them.
 11 Q Other than your math and French books,
 12 are there any other books that you take home?
 13 A No.
 14 Q Those are the only two books?
 15 A Yes.
 16 Q Have you ever seen how the other students
 17 treat their textbooks?
 18 A No.
 19 Q Have you ever seen students with
 20 textbooks without book covers?
 21 A Yes.
 22 Q What types of books are these?
 23 A French.
 24 Q Anything else?
 25 A And math.

- 1 know why. And they started throwing the book on the
 2 floor and started kick.
 3 Q What about the third time? What
 4 happened?
 5 A Um -- I forgot.
 6 Q Are you sure you've only seen someone
 7 throw a textbook three times?
 8 A Probably two.
 9 Q Two?
 10 A Yeah.
 11 Q Have you ever seen a student tear the
 12 pages in their books?
 13 A No.
 14 Q Have you ever seen textbooks left outside
 15 by themselves?
 16 A No.
 17 Q Have you ever seen textbooks in the rain?
 18 A No.
 19 Q Have you ever seen someone play games
 20 with their textbooks, play catch with their textbooks
 21 throwing them back and forth?
 22 A No.
 23 Q Have you ever seen anyone step on a
 24 textbook or jump on a textbook?
 25 A Yeah -- not really step. He was sitting

- 1 Q Do you know whether these French and
 2 bath -- I'm sorry -- French and math books are
 3 supposed to have covers on them?
 4 A Yes.
 5 Q Are they supposed to have covers on them?
 6 A Yes.
 7 MR. LONDEN: Asked and answered.
 8 BY MS. KOURY:
 9 Q How did the students in your school treat
 10 their books?
 11 A They treated -- I really don't know.
 12 Q Have you ever seen a student throw a
 13 textbook?
 14 A Yes.
 15 Q How many times?
 16 A Three times.
 17 Q Tell me about the last time.
 18 A Some kid he was -- he was playing
 19 basketball. And like he had no backpack, so he always
 20 carries his book around and his binder. So he just
 21 threw his book on the floor.
 22 Q What is the other time you saw someone
 23 throw a book?
 24 A They got mad because -- because -- I
 25 forgot. They got mad because of some reason. I don't

- 1 down. He just put the book under his foot and put his
 2 foot over the book, and that's it.
 3 Q Any other times?
 4 A No.
 5 Q Have you ever seen students write in
 6 their textbooks?
 7 A No.
 8 Q Do you know what the rules are about
 9 returning your textbooks at the end of the school
 10 year?
 11 A No.
 12 Q When do you return your textbooks?
 13 A At the end of the school year, I think.
 14 Q How?
 15 A Give it back to the teacher.
 16 Q Why?
 17 A So he could have the book back.
 18 Q How do you know that he wants the book
 19 back?
 20 A Because we couldn't take it home.
 21 Q How do you know that?
 22 A Because the books are for the kids for
 23 the next year.
 24 Q At the beginning of the year in your
 25 French class when your teacher gave you the textbook,

- 1 did she say anything about when you would have to
 2 return that textbook?
 3 A No.
 4 Q At the end of the year, did you return
 5 your book for math last year?
 6 A Math.
 7 Q Uh-huh.
 8 A I didn't have my own book.
 9 Q I'm sorry. What books did you have last
 10 year -- your own books?
 11 MR. LONDEN: Asked and answered.
 12 BY MS. KOURY:
 13 Q You can go ahead. Do you remember what
 14 books you had -- your own books last year?
 15 MR. LONDEN: Meaning to take home?
 16 MS. KOURY: To take home.
 17 Q You didn't take your math book home last
 18 year?
 19 A Just once.
 20 Q Just once. Did you take home your
 21 science book?
 22 A No.
 23 Q Did you take home your English book?
 24 A No.
 25 Q Did you take home your world history

- 1 friends or other students at your school getting in
 2 trouble for misusing their textbooks?
 3 A No.
 4 Q We're going to talk about teachers a
 5 little bit now.
 6 Do you know what a full non-emergency
 7 teaching credential is?
 8 A No, not really.
 9 Q Have you ever heard that term being used?
 10 A No.
 11 Q Do you know what a multiple-subject
 12 credential is?
 13 A No.
 14 Q Have you ever heard that term?
 15 A No.
 16 Q Do you know what a single-subject
 17 credential is?
 18 A No.
 19 Q Have you ever heard that term?
 20 A No.
 21 Q How about a university internship
 22 credential; have you ever heard that term?
 23 A No.
 24 Q An emergency permit, have you ever heard
 25 that term?

- 1 book?
 2 A No.
 3 Q But this year you have your own French
 4 book?
 5 A Yes.
 6 Q And has anyone said anything to you about
 7 when you would have to return that French book?
 8 A No.
 9 Q Has anyone said anything to you about the
 10 condition your French book should be in when you
 11 returned it?
 12 A No.
 13 Q Do you know if your school has any rules
 14 about returning the textbooks?
 15 A No.
 16 Q Do any of your teachers have rules about
 17 returning the textbooks?
 18 A No.
 19 Q What do you think the school could do to
 20 avoid having textbooks with writing inside of them?
 21 A I don't know.
 22 Q What do you think the school could do to
 23 keep books in better condition?
 24 A I don't know.
 25 Q Have you ever heard of any of your

- 1 A An emergency permit?
 2 Q Uh-huh.
 3 A Yes, but I don't know what that means.
 4 Q Where did you hear that term?
 5 A Where?
 6 Q Yes.
 7 A I don't know. I just heard it somewhere.
 8 Q Do you remember who told you the term?
 9 A No.
 10 Q Do you remember when you heard it?
 11 A No.
 12 Q Was it this year?
 13 A No.
 14 Q Was it last year?
 15 A Yes.
 16 Q Was it before Christmas break last year?
 17 A I don't know.
 18 Q Was it during the school year?
 19 A Yes.
 20 Q Was it at school that you heard the term?
 21 A I don't know.
 22 Q Do you remember if it was after Christmas
 23 break?
 24 MR. LONDEN: Asked and answered.
 25 BY MS. KOURY:

1 Q Before Christmas break?
 2 MR. LONDEN: Asked and answered.
 3 BY MS. KOURY:
 4 Q Go ahead.
 5 A No.
 6 Q Have you ever heard the term credential
 7 waiver?
 8 A No.
 9 Q Do you know whether any of the teachers
 10 that teach at your school have emergency permits?
 11 A No, I don't know.
 12 Q Do you know if your school has an English
 13 language learner program?
 14 A No.
 15 Q Yesterday you told me that in preparing
 16 for the deposition you went and checked out some
 17 classrooms on Friday. Could you tell me why you did
 18 that?
 19 A So I could see the bad things.
 20 Q Why did you want to see the bad things?
 21 A So I could explain it to you.
 22 Q Why did you feel like you had to see them
 23 to explain them to me?
 24 MR. LONDEN: Assumes facts.
 25 BY MS. KOURY:

1 looked at the tables, the walls and the windows; you
 2 went into the U.S. history room and you looked at the
 3 books and the windows and the roof; you went into the
 4 French classroom and you looked at the desk, the
 5 windows and the roof, and in the cafeteria you looked
 6 at the tables, walls, windows and the expired milk; is
 7 that right?
 8 A Yes.
 9 Q Did you find any bad conditions in any of
 10 those rooms?
 11 A Yes.
 12 Q What conditions?
 13 A In my math class some windows were
 14 cracked and the desks had writing on them. They had
 15 writing but it was carved in the desk. And my science
 16 class the desks had writing in them and the window was
 17 cracked.
 18 Q How many windows?
 19 A One.
 20 Q Was the glass protruding?
 21 A What do you mean by that?
 22 Q Was there glass sticking out?
 23 A No. It just looked like it was going to
 24 break.
 25 Q How could you tell that it looked like it

1 Q Go ahead.
 2 A So I could tell you. That's the only
 3 reason.
 4 Q Did anyone tell you to go look at the bad
 5 things?
 6 A No.
 7 Q What gave you the idea?
 8 A Nothing, just myself.
 9 Q What conditions were you looking for, or
 10 what bad things were you looking for?
 11 A The ceiling.
 12 Q In which room?
 13 A It's not a room. It's in the hallways in
 14 front of the library.
 15 Q Yesterday you gave me a list of the
 16 things that you looked for. I'm going to repeat them
 17 and ask you to tell me if they're accurate.
 18 You said you went into the math classroom
 19 and you looked at the windows and you looked at the
 20 desks; you went into the science classroom and you
 21 looked at the windows, the desks and the floor; you
 22 went into the English classroom and you looked at the
 23 books on the shelf, the windows and the roof; you went
 24 into the gym and you looked at the roof, the walls and
 25 the bleachers; you went in the cafeteria and you

1 was going to break?
 2 A Because somebody shot like a bullet, and
 3 it looked like it was going to break.
 4 Q How do you know someone shot a bullet?
 5 A Because you could see the hole through
 6 the window.
 7 Q So you didn't see anyone shoot a bullet?
 8 A No.
 9 Q And no one told you anyone shot a bullet
 10 into the window?
 11 A Yes.
 12 Q Yes no one told you?
 13 A Yes, they told me.
 14 Q Who told you?
 15 A My friends. And I think the teacher did.
 16 Yeah, the teacher did.
 17 Q What did they say?
 18 A They said somebody shot a bullet through
 19 the window.
 20 Q Did they say when?
 21 A No.
 22 Q How long has that window been cracked?
 23 A Since March.
 24 Q Did you tell anyone that the window was
 25 cracked?

1 A No.
 2 Q Do you know if anyone else told anyone to
 3 fix the window?
 4 A No.
 5 Q Did you ask your teacher whether he was
 6 going to ask or she was going to ask someone to fix
 7 the window?
 8 A No.
 9 Q What else did you see? You were telling
 10 me about your math class that has windows cracked and
 11 writing on the desk. You told me about your science
 12 class that has writing on the desk and the window
 13 that's cracked.
 14 A In my English class the desk has a lot of
 15 writing in it carved inside the desk. And there's gum
 16 underneath the desk. There's sometimes gum on the
 17 seats.
 18 Q On top of the seats or under the seats?
 19 A On the seats.
 20 Q What else?
 21 A That's it.
 22 Q Tell me all the problems at your school
 23 that you think affect you or your ability to learn.
 24 A The writing on the desk, the writing on
 25 the books, the pages ripped out from the books, the

1 A The locker rooms -- there's graffiti in
 2 the locker rooms. They sometimes take clothes away
 3 from kids and hang it on top of the roof.
 4 Q Who's they?
 5 A Kids.
 6 Q Kids at your school?
 7 A Yes.
 8 Q Anything else?
 9 A Security don't do anything when they see
 10 kids like who are about to fight or are fighting or
 11 who are throwing bottles in the hallways.
 12 Q Is there anything else?
 13 A And the bleachers in the gym -- there's
 14 gum on the bleachers, so it's hard to find a spot to
 15 sit down.
 16 Q Is there anything else?
 17 A No.
 18 Q When you went through your classrooms
 19 last Friday in preparation for the deposition, were
 20 there any bad conditions that you found or any
 21 problems there other than the ones you just expressed
 22 to me, which I'll repeat right now.
 23 In the math room windows were cracked.
 24 And there was writing on desks in the science class;
 25 also, there was writing on the desks and the window

1 covers ripped out from the books, the expired milk.
 2 Q Are there any other problems at your
 3 school?
 4 A That affect me?
 5 MR. LONDEN: Vague.
 6 THE WITNESS: That affect me or any other
 7 problems?
 8 BY MS. KOURY:
 9 Q Any other problems at your school that
 10 you want to that affect you.
 11 A Okay. The roof on the library by the
 12 library it's broken. It's falling apart. The lines
 13 for lunch are too long. Sometimes you don't get to
 14 eat because of that. And the bathrooms are dirty.
 15 They don't have toilet paper. They don't have soap or
 16 the towels to wipe your hands. There's graffiti on
 17 the walls in the hallways, the gym, and the bathrooms.
 18 Q Anything else?
 19 A There's always garbage in the hallways on
 20 the floors. And sometimes the trash cans are knocked
 21 over and all the garbage comes out. It stays like
 22 that for days. There's garbage on the floor outside.
 23 Q Okay. Anything else?
 24 A There's a lot of garbage on the field.
 25 Q Anything else?

1 was cracked. In the English class there was writing
 2 on the desks and gum and there was gum on the seats.
 3 Is there anything else from the
 4 classrooms that you saw on Friday that was problematic
 5 or had problems?
 6 A In the U.S. history class the books
 7 were -- the pages inside were written on. The desks
 8 there was writing. There's gum underneath the seats.
 9 Q Anything else?
 10 A That's it.
 11 Q Let's talk about the bathrooms. How many
 12 bathrooms are there in the main building of your
 13 school?
 14 A Four.
 15 Q Are there four boy bathrooms or --
 16 A Four boy bathrooms and two girl
 17 bathrooms.
 18 Q How many bathrooms are there in the 400
 19 building?
 20 A None.
 21 Q Where else are there bathrooms other than
 22 the ones you just told me about?
 23 A I made a mistake. In the main building
 24 there are three boy bathrooms, and there are three
 25 girl bathrooms.

- 1 Q Where are the three boys' bathrooms?
 2 A There's one bathroom on the second floor,
 3 one bathroom on the first floor, and far away from the
 4 first floor bathroom there's another bathroom.
 5 Q What is that bathroom next to?
 6 A Next to -- close to the -- to the
 7 driveway where the cars come out.
 8 Q Is it inside or outside the building?
 9 A Inside.
 10 Q So there's a boys' bathroom on the second
 11 floor, a boys' bathroom on the first floor and another
 12 boys' bathroom on the first floor near the driveway?
 13 A Yes.
 14 Q Where else are there boys' bathrooms?
 15 A In the cafeteria.
 16 Q How many bathrooms?
 17 A One.
 18 Q Where else?
 19 A There's a girls' bathroom in the
 20 cafeteria, too.
 21 Q Where else is there another boys'
 22 bathroom?
 23 A In the locker rooms.
 24 Q How many boys' bathrooms are there in the
 25 locker room?

- 1 A Just one.
 2 Q Where else are there any boys' bathrooms?
 3 A That's it.
 4 Q Let's talk about the boys' bathroom on
 5 the second floor of the main building. How many
 6 stalls are there; do you know?
 7 A Stalls?
 8 Q How many toilets are there --
 9 A On the second floor there's --
 10 Q -- in the second floor boys' bathroom?
 11 A There's two.
 12 Q Two toilets?
 13 A (No audible response.)
 14 Q How many urinals are there?
 15 A There's like five.
 16 Q When was the last time you were in that
 17 bathroom?
 18 A Friday.
 19 Q This last Friday?
 20 A Yes.
 21 Q How often do you use this bathroom?
 22 A Like one day every week.
 23 Q Describe to me all of the problems that
 24 you think this bathroom has.
 25 A They took -- they took like three urinals

- 1 off when there was more. There's no, um -- like no
 2 toilet paper. There's no soap for you to wash your
 3 hands. There's no hot water. There's no towels to
 4 wipe your hands. The floors are always wet. The
 5 toilets are always -- not always but mostly --
 6 flooded. There's graffiti on the walls.
 7 Q Anything else?
 8 A That's it.
 9 Q Okay. So you said they took -- there are
 10 urinals that they took off?
 11 A Yes.
 12 Q There's no toilet paper, there's no soap,
 13 there's no hot water, there's no paper towels, the
 14 floors are always wet, the toilets are mostly flooded,
 15 and there's graffiti on the walls?
 16 A Yes.
 17 Q Is there anything else?
 18 A No.
 19 Q When you said the urinals -- I'm sorry.
 20 When you said they took off urinals, what
 21 did you mean by that?
 22 A There are urinals like in a straight
 23 line.
 24 Q How many are there?
 25 A There's supposed to be like nine.

- 1 Q What happened?
 2 A They took like three or four off.
 3 Q How did they take them off?
 4 A I don't know. They just took them off
 5 and they were never there.
 6 Q Did you see anyone take them off?
 7 A No.
 8 Q Are the urinals completely gone?
 9 A Not all of them.
 10 Q I'm sorry. There are five urinals there
 11 now?
 12 A Five.
 13 Q So the other urinals that used to be
 14 there are no longer there?
 15 A No.
 16 Q Do you know why they took them out?
 17 A No.
 18 Q Has anyone told you why they took them
 19 out?
 20 A No.
 21 Q Have you asked anyone why they're gone?
 22 A No.
 23 Q Do you know if there were any problems
 24 with those urinals when they took them out?
 25 A No.

1 Q Did you ever see anything in the urinals
2 to indicate that there was a problem?
3 A No.
4 Q Were those urinals working before they
5 took them out?
6 A Yes.
7 Q How do you know that?
8 A Because when you flushed it flushed. The
9 urinals would work perfectly.
10 Q When is the last time you saw those
11 urinals there?
12 A Since February.
13 Q Do you know when in February? Was it
14 before Valentine's Day or after Valentine's Day?
15 A Before.
16 Q Did you use those urinals in February?
17 A No.
18 Q When was the last time you flushed the
19 urinals or you saw them being flushed -- the urinals
20 that they took out?
21 A February.
22 Q Do you ever have to wait in line when you
23 use the bathroom on the second floor?
24 A Yes.
25 Q How often?

1 Q How long was the line?
2 A Oh, like three or -- three or two people
3 were waiting in line.
4 Q Do you know how long they had to wait?
5 A No.
6 Q When was the second time that you saw a
7 line for the second floor bathroom?
8 A It was in the same month -- April.
9 Q How many people were in line?
10 A Like three.
11 Q Do you know how long they had to wait?
12 A No.
13 Q Have you ever heard anyone complain about
14 the line waiting for the bathroom on the second
15 floor -- the boys' bathroom?
16 A No.
17 Q Have you ever seen a line on the second
18 floor bathroom other than the two times you just told
19 me about?
20 A No.
21 Q And you've never had to wait in line for
22 the bathroom except for the one time you told me
23 about?
24 MR. LONDEN: Asked and answered.
25 THE WITNESS: Yes.

1 A Just once. It happened once.
2 Q When?
3 A March I think. Yeah, March.
4 Q Do you remember when in March?
5 A No.
6 Q Was it the beginning of March?
7 A Yes.
8 Q How long did you have to wait in line?
9 A Like 30 seconds.
10 Q What time of day was it?
11 A Lunchtime.
12 Q Is that the only time you've waited in
13 line for the bathroom on the second floor?
14 A Yes.
15 Q Why do you think it's a problem that they
16 took those urinals out?
17 A Why? Because people -- more people
18 wouldn't have to wait in line.
19 Q Have you ever seen students waiting in
20 line on the second floor?
21 A A couple of times.
22 Q How many times?
23 A Two times.
24 Q When?
25 A April.

1 BY MS. KOURY:
2 Q You said there's no toilet paper in the
3 second floor boys' bathroom?
4 MR. LONDEN: Asked and answered.
5 THE WITNESS: Yes.
6 BY MS. KOURY:
7 Q What do you mean there's no toilet paper?
8 A There's no toilet paper on the side of
9 the toilet where there is supposed to be toilet paper.
10 There's none ever there.
11 Q On the side of the toilet there's
12 supposed to be toilet paper? What do you mean by that
13 that there's supposed to be toilet paper? Is there a
14 plastic or steel container where the toilet paper is
15 supposed to be held?
16 A Yes.
17 Q Is there a container for each toilet?
18 A No.
19 Q I'm not asking whether there's toilet
20 paper for each. I'm just asking if there's a
21 container. How many toilet paper containers are there
22 for the toilet?
23 A One on each side.
24 Q Each side of what?
25 A Of the toilets.

- 1 Q And there are how many toilets?
 2 A Two.
 3 Q So there's only two containers for toilet
 4 paper?
 5 MR. LONDEN: Ambiguous.
 6 BY MS. KOURY:
 7 Q Go ahead.
 8 How many toilet paper holders are there
 9 in the bathroom?
 10 A There's one.
 11 Q What does it look like?
 12 A Like any other regular toilet paper
 13 holder.
 14 Q What do you mean when you said that there
 15 were two on each side?
 16 A No, some -- on one side there wasn't
 17 any -- not even a holder for the toilet. Because they
 18 had took it off or something, or it had got burnt. So
 19 one side only has one toilet paper holder with no
 20 toilet paper inside.
 21 Q Is there any toilet paper near the
 22 urinals?
 23 A No.
 24 Q Are there any other toilet paper holders
 25 in the bathroom at all?

- 1 the one that set the fire?
 2 A The principal announced it.
 3 Q Do you know if they found out the name of
 4 the student who set the fire?
 5 A No, they never found out. The kid did it
 6 two times.
 7 Q Was the fire -- you said before that the
 8 kid put fire to the holder. What do you mean by "the
 9 holder"?
 10 A The holder.
 11 Q Describe it.
 12 A I don't know if it was exactly the
 13 holder. He probably must have put a lot of paper on
 14 the floor and just lit it up and from that there was a
 15 big fire.
 16 Q How do you know that?
 17 A How do I know?
 18 Q Have you ever seen anyone at your school
 19 set fire to toilet paper?
 20 A No.
 21 Q Have you ever heard the students talking
 22 about it?
 23 A No.
 24 Q What makes you think that that's how he
 25 set the fire?

- 1 A No.
 2 Q So there's only one toilet paper holder
 3 near one toilet?
 4 A Yes.
 5 Q What happened to the toilet paper holder
 6 near the other toilet?
 7 MR. LONDEN: Asked and answered.
 8 BY MS. KOURY:
 9 Q Go ahead.
 10 A It got burnt.
 11 Q Do you know how it got burnt?
 12 A There was a fire like in February, I
 13 think.
 14 Q Do you know what happened? How did the
 15 fire start?
 16 A Not that much. I heard that a kid he
 17 lighted up the toilet paper -- the toilet -- like --
 18 he lighted up something on the -- on the holder thing.
 19 And then off of that there was a big fire in the whole
 20 bathroom. It was covered with smoke, and all the kids
 21 had to come out from the building.
 22 Q Do you know if this kid was a student at
 23 your school?
 24 A Yes.
 25 Q Who told you that a kid at your school is

- 1 A There's no other way you can think of him
 2 setting the fire up.
 3 Q Can you describe to me the holder -- the
 4 toilet paper holder?
 5 MR. LONDEN: Asked and answered.
 6 THE WITNESS: The toilet paper holder is -- it
 7 covers -- supposedly cover the toilet paper. And then
 8 there's a little strip hanging out. And I guess you
 9 could get the toilet paper there.
 10 BY MS. KOURY:
 11 Q Do you know what type of material it is?
 12 Is it made of plastic, wood, or steel?
 13 A It's plastic.
 14 Q What happened when the fire got set to
 15 the bathroom?
 16 MR. LONDEN: Lacks foundation.
 17 Go ahead.
 18 THE WITNESS: What happened? Ask the question
 19 again.
 20 BY MS. KOURY:
 21 Q What happened to the bathroom after it
 22 got set fire to?
 23 A The toilets were all black with smoke.
 24 The next day it smelled like smoke. The walls were
 25 black.

- 1 Q Do you know when this was?
 2 MR. LONDEN: Asked and answered.
 3 THE WITNESS: It was around February.
 4 BY MS. KOURY:
 5 Q Was the bathroom closed for some time?
 6 A After the fire?
 7 Q Right.
 8 A Yeah. It was closed just when they were
 9 working fixing it.
 10 Q How long did it take them to fix it?
 11 A Just the rest of the school day when the
 12 fire went out, and the next day it was open.
 13 Q You said the last time you went to this
 14 bathroom was on Friday, May 11th on the second
 15 floor -- the second floor bathroom.
 16 A Yes.
 17 Q Was there any toilet paper?
 18 A No, there wasn't no toilet paper.
 19 Q Did you look? Where did you look for
 20 toilet paper?
 21 A Where?
 22 Q Yes.
 23 A I just went to go check it out just to
 24 see, and I just went back to my class.
 25 Q Why did you go check out the bathroom?

- 1 A Because I was checking out the school.
 2 Q Why?
 3 A So I could tell you.
 4 Q Why did you think you needed to check out
 5 the school to tell me?
 6 MR. LONDEN: Asked and answered.
 7 Go ahead.
 8 THE WITNESS: I don't know. I just wanted to.
 9 BY MS. KOURY:
 10 Q Were you worried about anything?
 11 A No.
 12 Q Did you think that maybe things had
 13 changed?
 14 A No. I just wanted to go check it out.
 15 Q When was the last time you used the
 16 second floor bathroom?
 17 A Wednesday.
 18 Q Wednesday, May 9th?
 19 A Yes.
 20 Q What time?
 21 A Like around -- like around 1:00 o'clock.
 22 Q Was there any toilet paper?
 23 A No.
 24 Q Where did you look for the toilet paper?
 25 A Where did I look for it?

- 1 Q Yes.
 2 A I wasn't looking for it. I just happened
 3 to go in the bathroom and wash my hands.
 4 Q So did you look in the toilets to see if
 5 there was toilet paper?
 6 A No.
 7 Q Did you look near the urinals to see if
 8 there was toilet paper?
 9 A No.
 10 Q So how do you know there was no toilet
 11 paper?
 12 A Because there never is.
 13 Q When you went to check out the bathroom
 14 on May 11th, you didn't use the bathroom that day,
 15 right?
 16 A No.
 17 Q Did you look in the toilets to see if
 18 there was toilet paper?
 19 A Yes.
 20 Q Was there?
 21 A No.
 22 Q Did you look near the urinals?
 23 MR. LONDEN: Asked and answered.
 24 BY MS. KOURY:
 25 Q Was there toilet papers near urinals on

- 1 May 11th?
 2 A No.
 3 MR. LONDEN: Asked and answered.
 4 BY MS. KOURY:
 5 Q Before May 9th, when was the last time
 6 you used this bathroom?
 7 A Last Friday.
 8 Q So that would have been Friday May 4th.
 9 Do you remember about what time you used
 10 the bathroom?
 11 A Like around lunchtime.
 12 Q Was there toilet paper when you used the
 13 bathroom on May 4th?
 14 A No.
 15 Q Did you go into the stalls -- into the
 16 toilet stalls?
 17 A No.
 18 Q Are there toilet stalls?
 19 A Toilet stalls?
 20 Q Yeah. Are there stalls where the toilet
 21 is inside in this bathroom?
 22 A No, I didn't go inside.
 23 Q What I'm asking is are there --
 24 A There is.
 25 Q So there are two stalls and each has a

- 1 toilet inside of it?
 2 A Yes.
 3 Q One stall has a holder for toilet paper,
 4 and the other one used to have a holder that's
 5 somewhat burnt now; is that correct?
 6 A Yes.
 7 Q On May 4th you did not go into either
 8 stall?
 9 A Yes, I did not go into either stall.
 10 Q So you do not know if there was toilet
 11 paper in those stalls?
 12 A No.
 13 Q Did you look for toilet paper near the
 14 urinals?
 15 A No.
 16 Q So how did you know there was no toilet
 17 paper?
 18 MR. LONDEN: Argumentative.
 19 THE WITNESS: Because there never is.
 20 BY MS. KOURY:
 21 Q What happens when you -- have you ever
 22 asked someone for toilet paper when you go to use the
 23 bathroom on the second floor?
 24 A No.
 25 Q Why not?

- 1 A No, not anymore.
 2 Q When was the last time you saw the soap
 3 container?
 4 A Like around February.
 5 Q Was it before the fire?
 6 A Yes.
 7 Q Did you see the soap container after the
 8 fire?
 9 A No.
 10 Q Do you know what happened to the soap
 11 container?
 12 A No.
 13 Q Did anyone talk about the soap container?
 14 A No.
 15 Q Do you know what kind of material the
 16 soap container was made of?
 17 A Plastic.
 18 Q Is it affixed to the wall?
 19 A Yes.
 20 Q On May 11th when you went to check out
 21 this bathroom, did you check to see if there was soap?
 22 A No.
 23 Q On May 9th when you used this bathroom,
 24 did you check to see if there was soap?
 25 A Yes.

- 1 A Because I never have to use the toilet.
 2 Q What do you do in this bathroom? Do you
 3 generally just wash your hands in there?
 4 A Yes.
 5 Q Okay. Do you know if any of your friends
 6 have ever asked about -- asked to get toilet paper for
 7 this bathroom?
 8 A No.
 9 Q Have you ever heard any of your friends
 10 or other students at the school complain that there's
 11 no toilet paper in this bathroom?
 12 A No.
 13 Q Have you ever complained to anyone about
 14 no toilet paper being in this bathroom?
 15 A No.
 16 Q Have you ever seen toilet paper on the
 17 floor in this bathroom when you go in?
 18 A No.
 19 Q You said there was no soap in this
 20 bathroom on the second floor; what do you mean by
 21 that?
 22 A There's like -- like a container. You
 23 just push it with your hand and the soap comes out.
 24 And there never is soap.
 25 Q Is the container still there?

- 1 Q What happened?
 2 A I went to go wash my hands and I checked
 3 to see if there was soap and there wasn't, so I just
 4 put water.
 5 Q How did you check?
 6 A I was looking for it. I didn't see
 7 anything.
 8 Q What were you looking for?
 9 A The soap container.
 10 Q And you didn't see the container at all?
 11 A No.
 12 Q Have you ever seen any soap bars in this
 13 bathroom?
 14 A No.
 15 Q Have you ever heard that there are soap
 16 bars in this bathroom?
 17 A No.
 18 Q How about May 4th when you went to use
 19 this bathroom, did you check to see if there was soap?
 20 A No.
 21 Q Why not?
 22 A Because I didn't see it.
 23 Q You didn't see what?
 24 A The soap container.
 25 Q How about in February; do you remember

- 1 the last time you used the bathroom before the fire?
 2 A No.
 3 Q You can't specifically remember any time
 4 that you used this bathroom before the fire?
 5 A Yes, but I don't know when.
 6 Q You can specifically remember a time that
 7 you used this bathroom before the fire?
 8 A Yes.
 9 Q Tell me about it. What did you do?
 10 A What did I do?
 11 Q You went into the bathroom; did you check
 12 to see if there was soap that day?
 13 A Yes.
 14 Q How?
 15 A There was a container, but there was no
 16 soap inside the container.
 17 Q What did you do?
 18 A I just washed my hands with regular
 19 water.
 20 Q Did you tell anyone?
 21 A No.
 22 Q Have you ever complained that there's no
 23 soap in this bathroom?
 24 A Yes.
 25 Q To who?

- 1 A To the janitor.
 2 Q What's the janitor's name?
 3 A I don't know.
 4 Q Where were you when you told the janitor?
 5 A I was in the hallway.
 6 Q When was this?
 7 A Around February.
 8 Q What did you say to him?
 9 A I said that the -- how come there's never
 10 any soap in the soap container.
 11 Q What did he say?
 12 A He said, oh, because probably we run out
 13 of soap -- we ran out of soap.
 14 Q Was this before the fire or after the
 15 fire?
 16 A Before.
 17 Q How did you know he was the janitor?
 18 A Because I was always seeing him clean up
 19 the floors -- mopping up the floors.
 20 Q Where did you see him doing that?
 21 A Where?
 22 Q Yes.
 23 A In the hallway.
 24 Q When?
 25 A When?

- 1 Q Yes. Is it during the school day?
 2 A Yes, during the school day.
 3 Q How often?
 4 A Twice a week.
 5 Q How long does he mop the floors for?
 6 A I don't know.
 7 Q What else do you see him do?
 8 A That's it.
 9 Q You've only seen him mop the floors and
 10 that's it?
 11 A Yes.
 12 Q Have you ever seen him pick up trash?
 13 A No.
 14 Q Have you ever seen him empty trash cans?
 15 A No.
 16 Q Is that the only janitor you've ever seen
 17 at your school?
 18 A Yes.
 19 Q You've never seen any other janitors at
 20 your school?
 21 MR. LONDEN: Asked and answered.
 22 THE WITNESS: No.
 23 BY MS. KOURY:
 24 Q You said there's no paper towels in the
 25 bathroom on the second floor; what did you mean by

- 1 that?
 2 A There was no paper towels for you to go
 3 wash your hands. There's nothing for you to dry your
 4 hands with.
 5 Q Have you ever seen paper towels in this
 6 bathroom?
 7 A No.
 8 Q Is there somewhere where the paper towels
 9 should be? Is there a paper towel dispenser?
 10 A No.
 11 Q Is there a hand dryer in this bathroom?
 12 A Yeah, but it doesn't work.
 13 Q When you went into the bathroom to check
 14 it out on May 11th, did you check to see if the hand
 15 dryer worked?
 16 A No.
 17 Q Do you know how many hand dryers there
 18 are in this bathroom?
 19 A This bathroom?
 20 Q Yes.
 21 A Just one.
 22 Q On May 9th when you used this bathroom,
 23 did you check to see if this hand dryer worked?
 24 A Yes.
 25 Q What happened?

- 1 A It didn't work.
 2 Q How do you know?
 3 A Because I pushed it and no air came out.
 4 Q What did you do?
 5 A I just went to my classroom.
 6 Q Did you tell anyone?
 7 A No.
 8 Q On May 4th when you went to use this
 9 bathroom, do you know if the hand dryer worked?
 10 A No.
 11 Q How come you don't know? What happened
 12 that day?
 13 A May 4th?
 14 Q May 4th did you try to use the hand
 15 dryer?
 16 A No.
 17 Q What about in April; did you use this
 18 bathroom in April?
 19 A In April?
 20 Q In April.
 21 A Yeah, a couple of times.
 22 Q Did you try to use the hand dryer when
 23 you used the bathroom in April?
 24 A Yes.
 25 Q How many times did you try to use the

- 1 Q Did you tell anyone?
 2 A No.
 3 Q Have you ever heard anyone complain about
 4 the hand dryer in this bathroom not working?
 5 A No.
 6 Q Have you ever complained to anyone about
 7 the hand dryer not working?
 8 A No.
 9 Q How many times have you used this
 10 bathroom and the hand dryer worked?
 11 A Two times.
 12 Q In April you only used this bathroom
 13 twice, right?
 14 A Yes.
 15 Q How many times did you use it in May?
 16 You checked it out on May 11th?
 17 A Yes.
 18 Q May 9th?
 19 A Yes.
 20 Q And May 4th?
 21 A Yes.
 22 Q Any other times?
 23 A No.
 24 Q How about March; how many times did you
 25 use this bathroom?

- 1 hand dryer in April?
 2 A Two times.
 3 Q What happened the first time you tried to
 4 use it?
 5 A It didn't work.
 6 Q How do you know?
 7 A Because there's a button -- like a big
 8 thing for you to push for air to come out. It never
 9 comes out.
 10 Q What did you do?
 11 A I went back to my class.
 12 Q Did you tell anyone?
 13 A No.
 14 Q Do you know when in April this was?
 15 A No.
 16 Q How about the next time that you used the
 17 bathroom in April?
 18 A It didn't work.
 19 Q How do you know?
 20 A Because for the same reason.
 21 Q Did you tell anyone?
 22 A No.
 23 Q When you used the bathroom in April, was
 24 there any soap in the bathroom?
 25 A No.

- 1 A A few times.
 2 Q How about February?
 3 A Three.
 4 Q January?
 5 A Two.
 6 Q When you used this bathroom in January,
 7 did you try to use the hand dryer?
 8 A Yes.
 9 Q The first time in January what happened?
 10 A The hand dryer didn't work.
 11 Q What did you do?
 12 A I went back to my class.
 13 Q Did you tell anyone?
 14 A No.
 15 Q How about the second time in January;
 16 what happened?
 17 A The hand dryer didn't work.
 18 Q And you didn't tell anyone?
 19 A No.
 20 Q How about in February the first time that
 21 you used this bathroom; what happened? Did you try to
 22 use the hand dryer?
 23 A Yes.
 24 Q What happened?
 25 A It didn't work.

- 1 Q How about the second time?
 2 A It didn't work.
 3 Q The third time?
 4 A It didn't work.
 5 Q How about in March? How about the first
 6 time you used this bathroom in March?
 7 A It didn't work.
 8 Q How about the second time?
 9 A Didn't work.
 10 Q How about the third time?
 11 A Didn't work.
 12 Q And we know you used it twice in April.
 13 And it didn't work in April, right?
 14 A No.
 15 Q How about in December; how many times did
 16 you use this bathroom?
 17 A About two times.
 18 Q What happened? Did you try to use the
 19 hand dryer?
 20 A Yes.
 21 Q Did it work?
 22 A No.
 23 Q Do you remember there ever being paper
 24 towels in this bathroom or paper towel dispenser?
 25 A No.

- 1 Q Did you use this bathroom your first year
 2 at Helms when you were -- your first year at Helms?
 3 A No.
 4 Q And your first year at Helms is when you
 5 were in the 7th grade, right?
 6 A Yes.
 7 Q So you never used this bathroom last
 8 year?
 9 MR. LONDEN: Objection. Asked and answered.
 10 THE WITNESS: No.
 11 BY MS. KOURY:
 12 Q How about November; how many times did
 13 you use this bathroom in November?
 14 A Like two times.
 15 Q What happened? Did the hand dryer work
 16 either time?
 17 A No.
 18 Q How about October?
 19 A I used the bathroom two times.
 20 Q What happened?
 21 A And the hand dryer worked.
 22 Q Which time?
 23 A The first time.
 24 Q When was that?
 25 A October.

- 1 Q The beginning or before Halloween or
 2 after Halloween?
 3 A After Halloween.
 4 Q After Halloween? So it was in November?
 5 A It was before Halloween.
 6 Q When?
 7 A I don't know.
 8 Q How about the second time you used it?
 9 A It didn't work.
 10 Q How about in September; how many times do
 11 you think you used this bathroom?
 12 A Like three.
 13 Q What happened?
 14 A The hand dryer worked.
 15 Q How many times?
 16 A Three times.
 17 Q Have you ever seen any of the kids
 18 playing with the hand dryer?
 19 A No.
 20 Q Have you ever seen any of the kids using
 21 the hand dryer?
 22 A Yes.
 23 Q Have you ever seen the hand dryer working
 24 when you were using the bathroom or when you checked
 25 out the bathroom in May -- on May 11th?

- 1 A No.
 2 Q Was there anyone else in the bathroom
 3 with you on May 11th when you checked it out?
 4 A No.
 5 Q Have you ever heard of students playing
 6 with the hand dryer and getting into trouble?
 7 A No.
 8 Q Do you know why the hand dryer didn't
 9 work?
 10 A No.
 11 Q Have you ever asked anyone?
 12 A No.
 13 Q You said that the floors are always wet;
 14 what do you mean by that?
 15 A There are always spills from the sink.
 16 The sink is flooded and then the water comes out.
 17 Q Why does the sink get flooded?
 18 A Because there's always paper clogged up
 19 inside the sink.
 20 Q What typed of paper?
 21 A Paper to write on like binder paper --
 22 like a whole bunch stuck inside.
 23 Q Do you ever see anyone put the paper into
 24 the sinks?
 25 A No.

- 1 Q How do you think it gets there?
 2 MR. LONDEN: Lacks foundation.
 3 THE WITNESS: The kids. The kids. And I guess
 4 they put it -- they put it all the way inside. They
 5 let the water go on for a long time.
 6 BY MS. KOURY:
 7 Q Have you ever seen the water on with the
 8 paper inside of it?
 9 A Yes.
 10 Q How often?
 11 A Like about every month. Every month I go
 12 to the bathroom.
 13 Q How many times a month?
 14 A That I see that?
 15 Q Yes.
 16 A Like once.
 17 Q You see it about once a month?
 18 A Uh-huh.
 19 Q What do you do?
 20 A I stop it from -- I stop the water from
 21 running.
 22 Q What else do you do?
 23 A That's it.
 24 Q Do you ever tell anyone?
 25 A No.

- 1 Q The last time you were in the bathroom on
 2 May 11th, what did the floor look like?
 3 A Wet.
 4 Q What do you mean "wet"?
 5 A Muddy.
 6 Q Describe it. How wet was it?
 7 A It was wet near the sinks.
 8 Q Was the water only near the sinks?
 9 A And near the urinals.
 10 Q How deep was the water?
 11 A It wasn't deep. It was just wet.
 12 Q Is there a drain in the bathroom -- a
 13 circular drain in the bathroom?
 14 A No.
 15 Q There's no drain anywhere on the floor in
 16 the bathroom?
 17 A I haven't seen any.
 18 Q Have you looked for a drain?
 19 A No.
 20 Q Has anyone slipped on the floor in the
 21 bathroom?
 22 A A couple of times.
 23 Q Tell me about them.
 24 A They come running into the bathroom and
 25 then they make like a turn, and then they just slip

- 1 and they fall. They get all wet.
 2 Q Where do they run into? Where is it that
 3 they're running into?
 4 A To the urinals.
 5 Q Where do they slip?
 6 A By the urinals.
 7 Q How many times have you seen this happen?
 8 A Two times.
 9 Q When?
 10 A No, I only seen it one time.
 11 Q When?
 12 A Around March.
 13 Q What happened after he slipped or she
 14 slipped? I take it it was he -- a boys' bathroom.
 15 A He got up. I guess he cleaned himself.
 16 I don't know.
 17 Q What was on him?
 18 A Water and other stuff like urine.
 19 Q How wet was he?
 20 A Huh?
 21 Q How wet was he?
 22 A He wasn't really wet.
 23 Q Do you know what he did after that?
 24 A No. I just got out of the bathroom and
 25 went to my class.

- 1 Q Did you see him leave the bathroom?
 2 A Huh?
 3 Q Did you see him leave the bathroom?
 4 A No.
 5 Q Did you see him the rest of the day?
 6 A No.
 7 Q How about on May 9th when you used the
 8 bathroom; what did the floor look like?
 9 A It looked wet.
 10 Q How wet did it look?
 11 A The way it always looks -- the whole
 12 floor is covered with wetness.
 13 Q The whole floor is covered with wetness?
 14 A Yes.
 15 Q Describe that to me.
 16 A The whole floor like everywhere.
 17 MS. KOURY: Can we take a ten-minute break?
 18 MR. LONDEN: Yes.
 19 (Recess.)
 20 BY MS. KOURY:
 21 Q We were talking about May 9th when the
 22 lights went out. And you were describing the flooring
 23 in the bathroom. When you used -- I'm sorry.
 24 On May 11th when you checked out the
 25 bathroom, can you describe to me the floor?

- 1 A Wet.
 2 Q Where was it wet?
 3 MR. LONDEN: Asked and answered.
 4 BY MS. KOURY:
 5 Q Go ahead.
 6 A Around the urinals and the sink.
 7 Q Are those the only areas that it was wet?
 8 A Yes.
 9 Q About how thick was the water?
 10 A It wasn't thick.
 11 Q How would you describe it other than wet?
 12 Did it make a splash when you put your foot --
 13 A No.
 14 Q What were the sinks like?
 15 A There were -- they were wide. It didn't
 16 have hot water.
 17 Q I'm sorry, I didn't understand the first
 18 part of what you said.
 19 A It was wide.
 20 Q Was the water running in the sink?
 21 A No.
 22 Q Was there anything else in the sinks?
 23 A No.
 24 Q There was no paper in the sinks?
 25 A No.

- 1 Q How about on May 9th when you used the
 2 bathroom; what did the floors look like?
 3 MR. LONDEN: You were asking about May 9th.
 4 MS. KOURY: I was asking about May 11th. I
 5 corrected myself.
 6 Q Were you just talking about May 9th or
 7 May 11th what we were discussing a few moments ago?
 8 A May 9th.
 9 Q What about May 4th when you used the
 10 bathroom; can you describe the floor?
 11 A The floor was wet.
 12 Q Where was it wet?
 13 A The sinks and the urinals.
 14 Q Is that the only area?
 15 A Yes.
 16 Q How wet was it?
 17 A It wasn't really wet. It wouldn't make a
 18 splash when you walked on it.
 19 Q Was it more just damp?
 20 A Sort of.
 21 Q What did the sinks look like that day?
 22 A They had nothing on it.
 23 Q There was nothing in the sinks?
 24 A No.
 25 Q Was the water turned on?

- 1 A No.
 2 Q What about in April when you used the
 3 bathroom? Tell me about the first time you used the
 4 bathroom in April; what did the floor look like?
 5 A It was wet but only by the urinals.
 6 Q What did the sink look like?
 7 A They had nothing on it.
 8 Q What about the second time you used the
 9 bathroom in April; what did the floor look like?
 10 A Wet by the sinks and by the urinals.
 11 Q What about the sinks; what did they look
 12 like?
 13 A They had nothing on them.
 14 Q How often do you see papers in the sinks?
 15 You said about once a month?
 16 A Once a month.
 17 Q And the water is turned on when you see
 18 the paper in the sinks?
 19 A Yes.
 20 Q Have you ever heard of students getting
 21 in trouble for doing this?
 22 MR. LONDEN: Asked and answered.
 23 THE WITNESS: No.
 24 BY MS. KOURY:
 25 Q Have you ever done this?

- 1 A No.
 2 Q At the school you went to before you went
 3 to Helms -- what school was it that you went to before
 4 Helms? What was the name of the school?
 5 A Downer.
 6 Q Did you see paper in the sinks there?
 7 A No.
 8 Q Did you ever see kids leave the faucet
 9 running there?
 10 A No.
 11 Q What about in March when you used the
 12 bathroom? You said you used the bathroom three times
 13 in March. Do you remember the first time you used the
 14 bathroom in March what the floor looked like?
 15 A In March?
 16 Q Uh-huh.
 17 A What about -- what do you mean?
 18 Q Do you remember what the floor first
 19 looked like when you used the bathroom in March?
 20 A Wet.
 21 Q How wet did it look?
 22 A It's always wet the same way it always
 23 is.
 24 Q Where was it wet, in the same areas?
 25 A Yes.

- 1 Q What about the sinks; what did the sinks
2 look like?
- 3 A At times -- at times you would see like
4 the sink running, but it wouldn't get clogged up. It
5 would just be running.
- 6 Q You didn't see paper in the sink at all
7 in March?
- 8 A No.
- 9 Q What other times have you seen paper in
10 the sink with the water running? When was the last
11 time you remember seeing that?
- 12 A The last time was --
- 13 Q Did you see it happen in March?
- 14 A Wait. It was March.
- 15 Q Describe to me what happened?
- 16 A The water was running.
- 17 Q And there was something in the sink?
- 18 A No.
- 19 Q I want you to remember the last time you
20 saw something clogging the sink. When was that?
- 21 A February -- wait. February.
- 22 Q You didn't see anything in the sink in
23 March?
- 24 A No.
- 25 Q You didn't see anything -- how about in

- 1 A I saw, um, the sink was flooded and water
2 was coming out from the sink.
- 3 Q How was the sink flooded?
- 4 A The sink was filled of water.
- 5 Q Why?
- 6 A Because something was clogging it up from
7 way -- for it to go inside the pipes.
- 8 Q What was clogging it?
- 9 A Paper.
- 10 Q What kind of paper?
- 11 A Binder paper.
- 12 Q Did you ever see that happen in February?
- 13 Again, did you ever see the bathroom --
- 14 A No.
- 15 Q Did you see the sink flooded in February?
- 16 A No.
- 17 Q Did you see the water running in
18 February?
- 19 A No.
- 20 Q How about in January?
- 21 A Yes, I saw it running.
- 22 Q Was it at the beginning of January, the
23 middle of January, the end of January?
- 24 A Like in the middle.
- 25 Q What happened?

- 1 April?
- 2 A No, the water was just running.
- 3 Q What happened in April when the water was
4 running?
- 5 A It was just running.
- 6 Q Describe to me -- you walked into the
7 bathroom that day and what happened?
- 8 A I saw it running. I turned it off.
- 9 Q Was the sink flooded?
- 10 A No.
- 11 Q Was the water coming out of the sink?
- 12 A No.
- 13 Q Is that the only time you saw the sink
14 running in April?
- 15 A Yes.
- 16 Q How about in May, this month?
- 17 A This May, no.
- 18 Q In February what did you see?
- 19 A I saw the sink and it was flooded.
- 20 Q Do you remember when in February this
21 was?
- 22 A No.
- 23 Q Was it in the beginning of February?
- 24 A I don't know.
- 25 Q What did you see?

- 1 A The water was running.
- 2 Q What else did you see?
- 3 A That's it.
- 4 Q Was it clogged?
- 5 A No.
- 6 Q How about in December?
- 7 A December?
- 8 Q After Christmas break.
- 9 A No.
- 10 Q How about before Christmas break; did you
11 ever see the sink clogged or the water running?
- 12 A Yes.
- 13 Q When?
- 14 A When?
- 15 Q Yes.
- 16 A Like before Christmas break.
- 17 Q Describe it to me. What happened?
- 18 A What happened is the water was running
19 and it wasn't flooded.
- 20 Q It was not flooded?
- 21 A No.
- 22 Q When you walked in, what did you see the
23 water turned on?
- 24 A Yes.
- 25 Q What did you do?

- 1 A I turned it off.
 2 Q Was there any water coming out from the
 3 sink?
 4 A No.
 5 Q What about November?
 6 A Yes, the sink was flooded.
 7 Q What did you see?
 8 A The sink was flooded.
 9 Q How was it flooded?
 10 A It was -- the water was coming out from
 11 the sink.
 12 Q Why?
 13 A Because it was flooded.
 14 Q Why was it flooded? Was it clogged?
 15 A Yes, it was clogged.
 16 Q What did you see clogging it, if
 17 anything?
 18 A Paper.
 19 Q What kind of paper?
 20 A A lot of paper like binder paper. But it
 21 was a whole bunch.
 22 Q When was that in November?
 23 A I don't know.
 24 Q Was it before Thanksgiving?
 25 A I forgot.

- 1 A The toilets.
 2 Q Which toilet did you look at?
 3 A Both of them.
 4 Q Tell me about the first toilet. Is it
 5 closer to the door or farther from the door?
 6 A Closer to the door.
 7 Q What did it look like?
 8 A It was -- it wasn't flooded. Both of
 9 them weren't flooded.
 10 Q Let's talk about the first one, the one
 11 closer to the door. Did it look like it was working
 12 properly?
 13 A No, not really.
 14 Q How do you know? Why do you think it
 15 didn't look like it was working properly?
 16 A Because there was a lot of -- like a
 17 whole bunch of -- like inside the toilet there was
 18 like -- it was dirty. It was like -- it was filled
 19 with, you know -- with -- I don't know how to say it.
 20 It was clogged up sort of -- sort of clogged up like
 21 it wouldn't flush.
 22 Q Did you try to flush it?
 23 A No.
 24 Q What level of water was there in the
 25 toilet?

- 1 Q Did you see this happen? Any other times
 2 in November did you see this sink?
 3 A No.
 4 Q You never saw the sink flooded in
 5 November other than this one instance?
 6 A No.
 7 Q What about in October?
 8 A No.
 9 Q Did you ever see the water running in
 10 October?
 11 A No.
 12 Q What about in September?
 13 A No.
 14 Q You said that the toilets are mostly
 15 flooded; what did you mean by that?
 16 A You mostly see the toilets -- the water
 17 is all the way up. It's flooded and all of the
 18 dirtiness is right there.
 19 Q There are two toilets in this bathroom,
 20 correct?
 21 A Yes.
 22 Q When you checked out this bathroom on May
 23 11th, did you see the toilets?
 24 A Yes.
 25 Q What did you see?

- 1 A Level?
 2 Q Yeah. How far up was the water? Was the
 3 water really low?
 4 A No, it was kind of high.
 5 Q How high?
 6 A Like almost to the top of the seat.
 7 Q But it wasn't flooded?
 8 A No, the water didn't come out. It was
 9 just all the way up top almost touching the seat.
 10 Q Was there human waste in the toilet?
 11 A Yes. It was clogged up. It was filled
 12 with human waste.
 13 Q What about in the second toilet; did you
 14 look at the other toilet, the one farther away from
 15 the door?
 16 A Yes.
 17 Q What did it look like?
 18 A It was okay.
 19 Q How do you know it was okay?
 20 A There was human waste, but then the only
 21 thing is they just didn't flush it.
 22 Q Did you flush the toilet?
 23 A No.
 24 Q What about on May 4th when you used --
 25 I'm sorry.

- 1 On May 9th when you used this bathroom,
2 what did the first toilet look like? Did you see the
3 first toilet?
4 A Yes. It's mostly the first toilet that
5 you see. The water was all the way up and stuff.
6 Q May 9th what did you do when you walked
7 into the bathroom; do you remember? Did you use the
8 toilet?
9 A No.
10 Q Did you use the urinal?
11 A No.
12 Q What did you do?
13 A I washed my hands.
14 Q Why did you look at the toilet?
15 A May 9th?
16 Q Why did you see the first toilet?
17 A I didn't see it then. I said on May 4th.
18 Q I'm taking about May 9th only right now.
19 On May 9th you didn't see the first
20 toilet?
21 A No.
22 Q Did you look at the second toilet the one
23 farther from the door?
24 A No.
25 Q On May 4th what did you do? You went

- 1 May 4th?
2 A No.
3 Q Did the urinal work properly when you
4 used it on May 4th?
5 A Yes.
6 Q What about in April when you used the
7 bathroom in April?
8 A April?
9 Q Uh-huh. The first time you used the
10 bathroom in April do you remember -- what did you use
11 in the bathroom in April when you used it?
12 A I forgot.
13 Q Do you remember if you used the toilet in
14 April?
15 MR. LONDEN: Asked and answered.
16 THE WITNESS: No.
17 BY MS. KOURY:
18 Q Do you remember if you saw the toilet in
19 April?
20 A No.
21 Q How do you know you used this bathroom in
22 April?
23 A I don't mostly always use that bathroom.
24 I use the other ones, too.
25 Q Earlier you told me that you used this

- 1 into the bathroom?
2 A Uh-huh.
3 Q Did you use the bathroom?
4 A Yes. And then I like -- I saw the
5 toilet. It was all messed up because the water was
6 almost touching the seat. And it was filled with
7 human waste.
8 Q When you walked into the bathroom, what
9 did you do? You wanted to use the toilet?
10 A No.
11 Q What did you want to do?
12 A I had to use the urinal. That was it.
13 Q Why did you see the first toilet, the one
14 closest to the door?
15 A Because some boy said -- he said
16 something. He said -- said -- he said like to come
17 look at the toilet it looks all messed up. And I went
18 to go look at it. It was in bad condition.
19 Q Did you do anything?
20 A No.
21 Q Do you know if the other boy did
22 anything?
23 A No.
24 Q What about the second toilet, the toilet
25 farther away from the door; did you see that one on

- 1 bathroom twice and you saw that the bathroom floor was
2 wet and you remembered what the floor looked like.
3 Are you not sure that you went into this bathroom in
4 April?
5 MR. LONDEN: Argumentative.
6 THE WITNESS: Yeah, I went in it, but I didn't
7 see the toilet, though.
8 BY MS. KOURY:
9 Q Did you see the toilets in March in this
10 bathroom?
11 A No.
12 Q Did you see the toilets in this bathroom
13 in February?
14 A No.
15 Q How about in January?
16 A No.
17 Q December?
18 A No.
19 Q November?
20 A Yes.
21 Q Do you remember around when in November
22 you used these toilets or saw these toilets?
23 A I never used these toilets. I just
24 happened to see them. It's always like -- the first
25 one is always, you know, clogged up.

1 Q You say "always," but you didn't see this
2 toilet in March or in February.
3 A I'm saying always when I saw the toilet
4 always clogged up.
5 Q And you saw it in November once?
6 A Yes.
7 Q How many times in November was it?
8 A I went to the bathroom -- I don't know
9 how many times -- like three or two times. But I only
10 saw the toilet once.
11 Q And why did you see the toilet?
12 A Because I just happened to see it.
13 Q Were you going to use it?
14 A No.
15 Q Did someone tell you to check it out?
16 A No.
17 Q Why did you want to see it?
18 A Because I just happened to see it.
19 Q What did it look like?
20 A It was messed up.
21 Q What do you mean by "messed up"?
22 A It was clogged up. It was just dirty.
23 Q How could you tell?
24 A There was spray paint on like around the
25 seat. Around the seat there was spray paint. And

1 inside the toilet was clogged.
2 Q How could you tell it was clogged?
3 A Because the water was almost touching the
4 seat. It was actually almost -- I think a little bit
5 was coming out.
6 Q Was there anything in it?
7 A Yes.
8 Q What was in it?
9 A Human waste.
10 Q Did you do anything? Did you say
11 anything?
12 A No, I just went out.
13 Q Do you remember what time of day this
14 was?
15 A No.
16 Q Did you go into this bathroom the next
17 day?
18 A No.
19 Q Did you see what the toilet looked like
20 the next day?
21 A No.
22 Q Did you hear from any of your friends
23 about what the toilet looked like the next day?
24 A No.
25 Q Other than this one instance, did you see

1 these toilets again in December?
2 A No.
3 Q What about in November?
4 A No.
5 Q You said you used the bathroom in October
6 twice. Do you remember what you did, what you used?
7 A Yeah. I never used the toilet stool.
8 Q How about in September; did you see the
9 toilets in September?
10 A No.
11 Q You said there was graffiti on the walls
12 in the bathrooms?
13 A Yes.
14 Q Can you tell me what you mean by that?
15 A Graffiti on the doors in the bathroom,
16 graffiti on the walls like next to the urinals,
17 graffiti on the toilets.
18 Q Anything else?
19 A No.
20 Q Have you ever seen anyone putting the
21 graffiti on the walls in the bathroom?
22 A No.
23 Q Have you ever heard anyone talking about
24 putting graffiti on the walls in the bathroom?
25 A No.

1 Q Have you ever heard of students getting
2 in trouble for putting graffiti on the walls in the
3 bathroom?
4 A No.
5 Q How about students putting graffiti
6 anywhere on campus?
7 A No.
8 Q On May 11th when you went to check out
9 the bathroom, what did you see? Did you see any
10 graffiti on the walls?
11 A I saw graffiti on the walls, graffiti on
12 the toilet, graffiti by the sink and on the door.
13 Q I thought you didn't see the toilets on
14 May 11th.
15 A I did.
16 Q You saw the toilets?
17 A Yes. I said before I had seen the
18 toilets.
19 Q I'm sorry. Did you see -- did you go to
20 the bathroom on May 10th in this bathroom or not or
21 just on May 11th?
22 A Just May 11th.
23 Q Which toilet did you see the graffiti?
24 A The first one.
25 Q What about on May 9th; did you see any

- 1 graffiti on May 9th?
 2 A Yes.
 3 Q Where?
 4 A On the doors, on the walls, and on the
 5 toilet.
 6 Q Which toilet?
 7 A Both of them.
 8 Q Where on the toilets?
 9 A On the seats.
 10 Q And on May 11th when you saw the graffiti
 11 on the toilets, where was it? It was on the first
 12 toilet, but where on the toilet?
 13 A On the seat.
 14 Q Did you see the second toilet on
 15 May 11th?
 16 A No.
 17 Q You didn't see it?
 18 A (No audible response.)
 19 Q How about on May 4th; did you see
 20 graffiti?
 21 A Yes.
 22 Q Where?
 23 A On the walls, on the door, by the sink,
 24 and by the urinals.
 25 Q How about in April?

- 1 A Yes, I saw graffiti.
 2 Q How many times did you use the -- used
 3 the bathroom in April?
 4 A Two or three.
 5 Q Where did you see the graffiti in April?
 6 A The walls, by the urinals, by the sink,
 7 and that's it.
 8 Q What about in March?
 9 A Yes.
 10 Q Where did you see it?
 11 A On the walls, on the doors, on the sink,
 12 by the sink, by the urinals and the toilets.
 13 Q February?
 14 A Yes.
 15 Q Did you see graffiti in February, too?
 16 A Yes.
 17 Q Every time you went to the bathroom?
 18 A Yes.
 19 Q Have you ever been to the bathroom
 20 without seeing graffiti?
 21 A No.
 22 Q Have you ever seen anyone cleaning the
 23 graffiti?
 24 A No.
 25 Q Have you ever heard that anyone cleans

- 1 the graffiti?
 2 A No.
 3 Q Have you ever asked anyone to clean the
 4 graffiti?
 5 A No.
 6 Q Have you ever complained about it?
 7 A No.
 8 Q Have you ever heard of any other students
 9 complaining about it?
 10 A No.
 11 Q I'm going to ask you about the fire you
 12 told me about in February.
 13 Were you at school that day?
 14 A Yes.
 15 Q Tell me what happened.
 16 A Huh?
 17 Q Tell me what happened. How did you hear
 18 about the fire?
 19 A Because I was in P.E. with my friends and
 20 then all of a sudden you hear everybody saying fire,
 21 fire. And then we went to go check it out in the main
 22 building. And you could see a whole bunch of smoke
 23 coming out in the air. And then the fire -- the
 24 ambulance (sic) came and they put out the fire.
 25 Q Was anyone hurt?

- 1 A No.
 2 Q How do you know?
 3 A Because nobody was in the bathroom at
 4 that time.
 5 Q And you said earlier that you think a
 6 student did it because the principal said so. What
 7 did the principal say?
 8 A He said that -- he announced that some
 9 student he doesn't know lit the bathroom on fire.
 10 Q And do you know what kind of damage was
 11 done to the bathroom?
 12 A No, not really -- just the walls were
 13 black and the toilet paper holder wasn't there
 14 anymore.
 15 Q How long did it take to fix it?
 16 MR. LONDEN: Asked and answered.
 17 BY MS. KOURY:
 18 Q Go ahead.
 19 A Like -- like the rest of the day they
 20 were working on it.
 21 Q Did you go into the bathroom the next day
 22 after the fire?
 23 A Yes.
 24 Q Did it look any different?
 25 A What do you mean? Different from --

- 1 Q Different from the fire. Was there
2 anything from the fire that made it look different?
3 A Yes.
4 Q What?
5 A The walls were black. It smelled weird.
6 The toilets were black. The windows were black. The
7 ceiling was black.
8 Q What about on May 11th when you went to
9 go check out the bathroom; was it still black on the
10 ceiling and the walls?
11 A No.
12 Q What about the toilets?
13 A No.
14 Q Did it still smell funny?
15 A No.
16 Q Do you know when they cleaned the black
17 stuff from the walls, the ceiling, and the toilets?
18 A No.
19 Q Was it within that week of the fire?
20 A I don't know.
21 Q Was that black stuff still in the
22 bathroom at the end of February?
23 A No.
24 Q So it was cleaned before the end of
25 February?

- 1 A Because I wanted to go check it out.
2 Q To tell me about it today?
3 A Yes.
4 Q What did you expect to find in there?
5 A The same way it always is. I didn't want
6 to expect it, but I thought that's the way it would be
7 and it was.
8 Q And you said it has the same exact
9 problems as the problems that are in the second floor
10 bathroom?
11 A The same as the other bathrooms, too.
12 Q I'm going to read the problems you listed
13 before just to make sure this is all you want to talk
14 about. There were urinals that were taken out.
15 A Yes.
16 Q There's no toilet paper; there's no soap;
17 there's no hot water; there are no paper towels; the
18 floor's always wet, and the toilets are mostly
19 flooded, and there's graffiti on the walls; is that
20 right?
21 A Yes.
22 Q How many urinals were taken off?
23 A From the bottom one.
24 Q From the first floor bathroom?
25 A First.

- 1 A Yes.
2 Q What about the boys' bathroom on the
3 first floor; did you use that bathroom? I'm not
4 talking about the one near the driveway, the other
5 one.
6 A Yes.
7 Q Can you describe that bathroom to me?
8 A It's the exact same way as the one on top
9 with the toilets and with the sinks.
10 Q How many toilets are there in this
11 bathroom?
12 A Two.
13 Q How many urinals are there?
14 A Like five.
15 Q How many sinks?
16 A Three or four.
17 Q How often do you use this bathroom?
18 A Like once a week probably.
19 Q When was the last time you were in this
20 bathroom?
21 A May 11th.
22 Q Why did you go in there?
23 A For the same reason I went to the second
24 floor one.
25 Q What reason was that --

- 1 Q We're talking about the first floor
2 bathroom were there were urinals taken out?
3 A Yes.
4 Q How many?
5 A About two.
6 Q So do you know when they were taken out?
7 A No.
8 Q Did there used to be seven urinals in
9 this bathroom?
10 A Yes.
11 Q When was the last time you saw seven
12 urinals in this bathroom?
13 A I think in December.
14 Q Do you know why they were taken out?
15 A No.
16 Q Do you remember seeing problems with
17 these urinals?
18 A No.
19 Q Do you ever wait in line for this
20 bathroom?
21 A No.
22 Q Do you ever see a line in this bathroom?
23 A No.
24 Q How often did you walk by this bathroom?
25 A About everyday when I go to school.

- 1 Q You said there's no toilet paper; what do
2 you mean by that in this bathroom?
3 A Just the same thing as the other one --
4 there's no toilet paper.
5 Q Okay. Are there toilet -- are there
6 toilet paper dispensers in this bathroom?
7 A Yes.
8 Q Describe it to me. Describe to me what
9 the toilet paper dispenser looks like?
10 A Both toilets have --
11 Q Have what?
12 A The toilet dispenser.
13 Q What does a dispenser look like?
14 A It covers -- it covers the toilet -- the
15 toilet paper supposedly.
16 Q What material is it made of?
17 A Plastic.
18 Q Is it affixed to the toilet stall --
19 toilet wall stall?
20 A Yes.
21 Q Are there any other dispensers in the
22 bathroom?
23 A No.
24 Q Near the urinals is there anything that
25 holds toilet paper or should hold toilet paper?

- 1 A No.
2 Q On May 11th when you went to this first
3 floor bathroom what did you check out?
4 A The first floor?
5 Q Uh-huh.
6 A The same thing as the other ones -- you
7 know, just check out the bathroom.
8 Q Tell me specifically what you did when
9 you walked into the bathroom on the first floor on
10 May 11th?
11 A I went inside and I saw the sinks. I saw
12 the windows.
13 Q Where are the windows?
14 A By the toilets.
15 Q What else did you see?
16 A The toilets, the walls.
17 Q When you saw the toilets -- when you saw
18 the first toilet, the toilet closest to the door, what
19 did you see?
20 A Graffiti.
21 Q What else?
22 A No toilet paper.
23 Q No toilet paper?
24 A Uh-huh.
25 Q What else?

- 1 A Graffiti on the sides of the toilet, like
2 the walls.
3 Q Where else did you see the graffiti in
4 that toilet stall? You saw it on the walls?
5 A (No audible response.)
6 Q Did you see it on the toilet?
7 A No.
8 Q How did the second toilet, the toilet
9 farther away from the door -- what did you see?
10 A I saw no toilet paper.
11 Q What else?
12 A I saw graffiti on the sides of the wall.
13 Q What else?
14 A That's it.
15 Q Did you use this bathroom on May 11th?
16 A No.
17 Q You just checked it out?
18 A Yes.
19 Q Before May 11th, when was the last time
20 you used this bathroom?
21 A I think like this past Monday.
22 Q So that would have been May 7th?
23 A Yes.
24 Q How about before that; did you use it?
25 Did you use it the week before that?

- 1 A I don't know.
2 Q Can you remember using it in April?
3 A No.
4 Q But you think you use it about once a
5 week?
6 A Probably like -- not once a week, though.
7 Q Can you remember using it at all in
8 April?
9 A No.
10 Q You didn't use it at all in April?
11 A No.
12 Q What about in March; do you remember
13 using it at all in March?
14 A Yes, just once though.
15 Q I'm sorry, I'm going to go back to April.
16 You never used the bathroom in April.
17 Did you ever go into the bathroom in April?
18 A No.
19 Q And in March how many times did you go
20 into the bathroom on the first floor?
21 A Just once.
22 Q Do you remember around when that was?
23 A No.
24 Q Do you know if it was before
25 St. Patrick's Day in the middle of the month?

1 A It was around the middle of the month.
 2 Q You did not go into the bathroom in
 3 February?
 4 A No.
 5 Q You did not go to the bathroom in
 6 February or you don't remember?
 7 A No.
 8 Q How about January?
 9 A No
 10 Q December?
 11 A No.
 12 Q November?
 13 A No.
 14 Q October?
 15 A No.
 16 Q September?
 17 A Yes.
 18 Q How many times do you think you went into
 19 the bathroom in September?
 20 A About one time.
 21 Q When?
 22 A The first day of school.
 23 Q When you used the bathroom last Monday,
 24 what did you do? Did you use the bathroom, or did you
 25 just go in?

1 A I used the bathroom.
 2 Q Did you use the toilets?
 3 A No.
 4 Q Did you use the urinal?
 5 A Yes.
 6 Q Was the urinal working properly?
 7 A Yes.
 8 Q Did you see the toilets?
 9 A No.
 10 Q Was there toilet paper near the urinals?
 11 A No.
 12 Q Did you look for toilet paper?
 13 A No.
 14 Q When you went to the bathroom in early
 15 March, do you remember what you used in the bathroom
 16 in March?
 17 A No.
 18 Q Do you remember if you used the toilet?
 19 A No, I didn't use the toilet.
 20 Q Was there toilet paper in that bathroom
 21 in March when you used it?
 22 A No.
 23 Q How do you know?
 24 A How do I know what?
 25 Q That there was no toilet paper.

1 A Because there never is.
 2 Q Did you look for it?
 3 A No.
 4 Q Did you look in the toilets near the
 5 toilets?
 6 A No.
 7 Q Did you ask anyone?
 8 A No.
 9 Q What about in September the first day of
 10 school when you used this bathroom; what did you use;
 11 do you remember?
 12 A No, I didn't use anything. I just went
 13 to go see where the bathrooms were.
 14 Q Did you go inside this bathroom?
 15 A Yes, I went inside. I went to check --
 16 to check it out.
 17 Q What did you check out?
 18 A Just the toilets. I wanted to see if it
 19 was dirty or clean.
 20 Q What did you see in the toilet?
 21 A It was clean, but it wasn't really clean.
 22 MR. LONDEN: Could we take a break?
 23 MS. KOURY: Could I just finish this last
 24 question?
 25 MR. LONDEN: Sure.

1 BY MS. KOURY:
 2 Q Did you see any toilet paper in the
 3 toilet?
 4 A Yes.
 5 MS. KOURY: Okay.
 6 Do you want to take a break?
 7 MR. LONDEN: Yes.
 8 (Recess.)
 9 MR. LONDEN: We had a talk about scheduling
 10 during the break. This is our second day here. I do
 11 not believe nor need to characterize the questioning
 12 other than to record my sense that a review of the
 13 record would show that there has been an excessive
 14 amount of time spent in questioning on subjects during
 15 the deposition. I don't mean to say that to ask for
 16 any response or defense or certainly not to express
 17 any disrespect. We're going to continue today for
 18 another hour and then assess whether it's appropriate
 19 to continue today.
 20 And I'd ask counsel to take in mind that one
 21 more hour may be all we're going at this time.
 22 MS. KOURY: Okay, I understand.
 23 I would just like to put on the record that we
 24 did have some inefficient use of time yesterday due to
 25 the translator situation in which we were told we

1 needed a translator, when, in fact, we needed a
 2 simultaneous translator. And the fact we were not
 3 able to do that caused some disruption and some delay.
 4 Are you ready to proceed?
 5 MR. LONDEN: Yes.
 6 BY MS. KOURY:
 7 Q Moises, we were talking about bathrooms
 8 before we took a break. And you were telling me about
 9 the first floor bathroom. And you indicated you used
 10 this bathroom just twice this month, once in March,
 11 and once in September; is that correct?
 12 A Yes.
 13 Q When you went to this bathroom in May,
 14 did you see whether there was soap in the bathroom?
 15 A No.
 16 Q You didn't check to see if there was any
 17 soap?
 18 A No.
 19 Q Did you see any -- I'm sorry.
 20 How about on May 7th when you used this
 21 bathroom; did you check to see if there was any soap?
 22 A May 7th?
 23 Q Uh-huh.
 24 A No.
 25 Q You didn't check to see if there was any?

1 A No.
 2 Q What about in March when you used this
 3 bathroom; did you check to see if there was any soap?
 4 A Yes.
 5 Q What time of day did you use this
 6 bathroom in March; do you remember?
 7 A No, I can't remember.
 8 Q Do you remember if it was before lunch?
 9 A Yes.
 10 Q It was before lunch?
 11 A Yes.
 12 Q What happened when you looked for soap?
 13 A I was washing my hands and I was
 14 looking -- before I washed my hands I was looking for
 15 soap. I couldn't find any.
 16 Q Where did you look?
 17 A On the walls like there is the soap
 18 container.
 19 Q Did you tell anyone?
 20 A No.
 21 Q Did you ask anyone for soap?
 22 A No.
 23 Q What about in September on the first day
 24 of school; did you look for soap on that day?
 25 A No.

1 Q On May 11th did you see any paper towels?
 2 A No.
 3 Q Did you see a hand dryer?
 4 A Yes.
 5 Q Did you see if it worked? Did you try to
 6 use it?
 7 A I checked to see if it worked. It
 8 worked.
 9 Q What about May 7th when you used this
 10 bathroom; did you use a hand dryer?
 11 A Yes.
 12 Q Did it work?
 13 A Yes.
 14 Q What about in March when you used this
 15 bathroom; did you check the hand dryer?
 16 A March, yes.
 17 Q Did it work?
 18 A Yes.
 19 Q What about in September?
 20 A Yes.
 21 Q You checked the hand dryer?
 22 A It worked.
 23 Q Can you describe the floor to me in this
 24 bathroom?
 25 A It's just like the one on the second

1 floor. It is always wet.
 2 Q Where is it wet?
 3 A On the floor.
 4 Q Where on the floor?
 5 A Close to the sinks and next to the
 6 urinals.
 7 Q How wet is it? Does it make a splash
 8 when you walk on it?
 9 A No.
 10 Q Do you know why it's always wet?
 11 A I don't know. People -- people probably
 12 play with the sinks. They drip too much water and
 13 probably -- yeah, probably.
 14 Q How do they play with the sinks?
 15 A Not actually play with it. But while
 16 washing their hands they probably drip too much water.
 17 Q Have you ever used this bathroom early in
 18 the morning before lunch?
 19 A No.
 20 Q Before lunch -- in March when you used it
 21 before lunch, do you remember what the floor was like?
 22 A It was wet.
 23 Q You said the toilets -- have you ever
 24 complained to anyone about the floors being wet in
 25 this bathroom?

- 1 A No.
 2 Q You said the toilets are mostly flooded
 3 in this bathroom; what do you mean by that?
 4 A The toilets on the second floor were
 5 mostly flooded.
 6 Q What about the toilets on the first
 7 floor?
 8 A No.
 9 Q Okay. What about the graffiti on the
 10 walls? Was there graffiti on the sides of the
 11 walls --
 12 A Yes.
 13 Q -- on May 11th?
 14 What about on May 7th; was there graffiti
 15 on the walls?
 16 A Yes.
 17 Q Where?
 18 A On the walls -- the wall close to the
 19 urinals, on the sides of the toilets -- the walls.
 20 Q What about in March when you used this
 21 bathroom; did you see graffiti?
 22 A Yes.
 23 Q What about in September?
 24 A Yes.
 25 Q First day of school?

- 1 A Yes.
 2 Q How often?
 3 A Not as much.
 4 Q About how often? When was the last time
 5 you used it?
 6 A Tuesday.
 7 Q May 8th?
 8 A May 8th.
 9 Q Can you describe to me the bathroom? How
 10 many toilets are there?
 11 A There are three toilets.
 12 Q How many urinals?
 13 A Like ten.
 14 Q Ten urinals?
 15 A Yes.
 16 Q How many sinks?
 17 A Three.
 18 Q Are there any toilet paper dispensers in
 19 this bathroom or toilet paper?
 20 A Yes.
 21 Q Can you describe to me what they look
 22 like?
 23 A The dispensers?
 24 Q Uh-huh.
 25 A It looks the same way as the other ones.

- 1 A Yes.
 2 Q Did you ever complain about the graffiti
 3 in this bathroom?
 4 A No.
 5 Q Have you ever heard of anyone else
 6 complaining?
 7 A No.
 8 Q What about the bathroom on the first
 9 floor near the driveway; do you use that bathroom?
 10 A It's never open.
 11 Q Do you know why?
 12 A No.
 13 Q Have you ever used it?
 14 A I've never been inside.
 15 Q Do you know if it was closed last year
 16 when you were in the 7th grade?
 17 A It was closed last year, too.
 18 Q And you don't know why?
 19 A No.
 20 Q Have you ever asked?
 21 A No.
 22 Q What about the bathroom near the
 23 cafeteria?
 24 A Yes.
 25 Q You've used that bathroom?

- 1 Q And where are they?
 2 A Next to the toilet.
 3 Q So how many are there? How many
 4 dispensers are there total?
 5 A Three.
 6 Q And when you went there on May 8th, can
 7 you describe to me what this bathroom looked like?
 8 A It had graffiti on the walls by the
 9 urinals, by the sinks, the floor was wet close to the
 10 urinals, close to the sinks.
 11 Q Were there any other problems with it?
 12 A No.
 13 Q Was there toilet paper in this bathroom?
 14 A No.
 15 Q How do you know?
 16 A Because whenever I see the toilets
 17 there's never toilet paper.
 18 Q But on May 8th how did you know there was
 19 no toilet paper?
 20 A Not specifically on May 8th, but on other
 21 days I would go to that bathroom and I would never see
 22 toilet paper.
 23 Q But on May 8th did you look for toilet
 24 paper?
 25 A No.

- 1 Q Why not?
 2 A Because I didn't use the toilet.
 3 Q You used the urinal?
 4 A Yes.
 5 Q Did you see the sinks on that day,
 6 May 8th?
 7 A Yes.
 8 Q What did they look like?
 9 A They had nothing on them.
 10 Q Was the water turned on when you got in
 11 there?
 12 A No.
 13 Q Was there anything in the sinks?
 14 A No.
 15 Q Had you used this bathroom in May other
 16 than on the 8th?
 17 A On May --
 18 Q I'm sorry. Have you used this bathroom
 19 in May other than on May 8th? Is there any other time
 20 in May that you used this bathroom?
 21 A No.
 22 Q Have you gone in this bathroom any other
 23 time besides May?
 24 A Yes.
 25 Q When?

- 1 A No.
 2 Q What about the toilets; did you see the
 3 toilets?
 4 A No.
 5 Q Did you see -- did you look for toilet
 6 paper on that day?
 7 A No.
 8 Q Did you go into the bathroom the next
 9 day?
 10 A No.
 11 Q Did you tell anyone about the graffiti on
 12 the walls?
 13 A No.
 14 Q How about the floor being wet?
 15 A No.
 16 Q Is that the only time you used the
 17 bathroom in April that you can remember?
 18 A Yes.
 19 Q What about March; did you ever use the
 20 bathroom in March?
 21 A No.
 22 Q I'm sorry, I didn't hear you.
 23 A No.
 24 Q February?
 25 A No.

- 1 A Not in May.
 2 Q In May, though, this is the only time
 3 you've been in this bathroom?
 4 A No, I've been in there in April.
 5 Q I'm asking about May, though. Other than
 6 May 8th you have not been in this bathroom any other
 7 day?
 8 A No.
 9 Q In April when did you use this bathroom?
 10 I'm sorry. How many times do you remember using this
 11 bathroom in April?
 12 A Once.
 13 Q Do you remember what time of day it was?
 14 Was it before lunch or after lunch?
 15 A It was during lunch.
 16 Q During lunch?
 17 A During lunch.
 18 Q What did you see?
 19 A Graffiti by the urinals, by the sinks, on
 20 the walls. The floor was wet by the urinals, by the
 21 sinks. That's it.
 22 Q Did you see the sinks?
 23 A Yes.
 24 Q What did they look like? Was anything in
 25 them?

- 1 Q January?
 2 A No.
 3 Q December?
 4 A No.
 5 Q November?
 6 A No.
 7 Q October?
 8 A Yes.
 9 Q Do you remember what time of day you used
 10 it?
 11 A During lunch.
 12 Q What did you see?
 13 A Graffiti by the sinks, by the urinals.
 14 The floor was wet.
 15 Q Did you see the sinks?
 16 A Yes.
 17 Q Was there anything in the sinks?
 18 A No.
 19 Q Was the water on when you went in?
 20 A No.
 21 Q Did you see the toilets?
 22 A No.
 23 Q Did you look for toilet paper?
 24 A No.
 25 Q Did you tell anyone about the graffiti?

- 1 A No.
 2 Q Did you tell anyone about the floor being
 3 wet?
 4 A No.
 5 Q Do you know why the floor was wet?
 6 A No.
 7 Q Did you go in it the next day?
 8 A No.
 9 Q Is that the only time you went into that
 10 bathroom in October?
 11 A Yes.
 12 Q What about September?
 13 A No.
 14 Q What about the bathroom in the locker
 15 room?
 16 A I never use it.
 17 Q Why not?
 18 A Because I just never do. I just don't.
 19 I don't feel like it because it's dirty.
 20 Q How do you know it's dirty?
 21 A Because I've seen it already.
 22 Q Have you been in there?
 23 A Yes.
 24 Q When was the last time you were in there?
 25 A It's not really a bathroom. It's like

- 1 students clothes?
 2 A Yes.
 3 Q Have you ever seen students put the
 4 clothes inside the toilets?
 5 A No.
 6 Q Have you ever heard the students talk
 7 about putting clothes in the toilet?
 8 A No.
 9 Q Have you ever heard of students getting
 10 in trouble for putting clothes into the toilet?
 11 A No.
 12 Q Have you ever put your clothes in the
 13 toilet?
 14 A Of course not.
 15 Q Were there clothes in both toilets?
 16 A Yes.
 17 Q Is this the only time you've ever seen
 18 clothes in the toilets in the bathrooms?
 19 A Everyday.
 20 Q You see these toilets everyday?
 21 A (No audible response.)
 22 Q Do you see the toilets everyday?
 23 A Yes.
 24 Q And everyday you see clothes in the
 25 toilets?

- 1 they have toilets inside the gym that you could use.
 2 Q Where are the toilets?
 3 A Huh?
 4 Q Where are the toilets in the gym?
 5 A By the door.
 6 Q Are they covered with stalled walls?
 7 A Yes.
 8 Q How many are there?
 9 A Two.
 10 Q Two for boys?
 11 A Yes.
 12 Q When was the last time that you saw
 13 either of these toilets?
 14 A Friday.
 15 Q Why did you see them?
 16 A Because I was dressing for P.E.
 17 Q How did they look?
 18 A They had clothes all over on the toilet.
 19 Q Where on the toilet?
 20 A Inside.
 21 Q There were clothes inside the toilet?
 22 A Yes.
 23 Q What kind of clothes?
 24 A Shoes and shirts.
 25 Q Did they look like -- did they look like

- 1 A Yes.
 2 Q Have you ever told anyone about the
 3 clothes in the toilets?
 4 A No. No, but the P.E. teachers they've
 5 seen them already.
 6 Q How do you know they've seen them?
 7 A Because they always walk through there.
 8 Q Have you ever talked to him about it?
 9 A No.
 10 Q Has he ever said anything about it?
 11 A No.
 12 Q You mentioned that the roof near the
 13 library bothers you and there's a problem with it.
 14 Can you describe that for me?
 15 A The ceiling is falling off. It's like
 16 it's all broken, all messed up.
 17 Q Where is -- what do you mean by it's
 18 messed up and falling?
 19 A Like -- for example, like this roof --
 20 like this ceiling -- those square things. Those
 21 things are all falling apart, and you can see through
 22 it.
 23 Q So the square things that are on top of
 24 the roof in your --
 25 A Yeah, they had big holes and stuff. And

1 it was falling off. And that was not throughout the
2 whole hallway but next to the library.

3 Q Is that the only area in your campus
4 where this happens is next to the library?

5 A Yes.

6 Q About how wide is it?

7 A How wide?

8 Q Uh-huh.

9 A Like --

10 Q Is it the whole width of the hallway, or
11 is it half the width of the hallway?

12 A Half.

13 Q And how long is it? Is it the entire
14 hallway?

15 A No.

16 Q Part of the hallway?

17 A Part of the -- it's not half of the
18 hallway. It's kind of like part of half of the
19 hallway.

20 Q Maybe a quarter of the hallway?

21 A Yes.

22 Q When was the first time you noticed that?

23 A It's been like that since February.

24 Q Of which year?

25 A Of this year.

1 Q Has anyone ever told you that they picked
2 a piece of the ceiling from the floor?

3 A No.

4 Q Are you just guessing that someone picks
5 it up off the floor?

6 A No, I know.

7 Q How do you know?

8 A Because it falls off. It just won't
9 disappear from the roof. It falls off sometime. So I
10 guess somebody picks it up. I don't guess. But I
11 know somebody picks it up.

12 Q But you've never seen it fall off of the
13 ceiling?

14 MR. LONDEN: Asked and answered.

15 BY MS. KOURY:

16 Q What was your answer?

17 A No.

18 Q What about in your classroom? What about
19 in your art classroom; what does the ceiling look like
20 there?

21 MR. LONDEN: Lack of foundation.

22 BY MS. KOURY:

23 Q You had art last year, right?

24 A Yes.

25 Q In the beginning of the school year,

1 Q Have you ever seen any part of the
2 ceiling fall?

3 A No.

4 Q Has anyone told you that a part of the
5 ceiling has fallen?

6 A No.

7 Q Have you ever heard of it falling on the
8 ground at all?

9 A No. It falls down, but they pick it up
10 fast.

11 Q How do you know it falls down?

12 A Because the square things are not even on
13 the -- it's like you could see through it. It's a big
14 black hole. And it falls off.

15 Q Have you ever seen pieces of the ceiling
16 on the floor?

17 A No.

18 Q Have you ever complained about it?

19 A No.

20 Q Have you ever heard any of the students
21 complain about it?

22 A No.

23 Q Have you ever heard of anyone getting
24 hurt from the ceiling?

25 A No.

1 right?

2 A Yes.

3 Q What did the ceiling look like?

4 A It was -- I forgot how it looked like. I
5 don't remember looking at the ceiling.

6 Q What about the floor?

7 A The floor it was cement.

8 Q You never bothered to look at the floor
9 in your art room?

10 A The ceiling.

11 Q The ceiling, I'm sorry.

12 A Yes.

13 Q What about the ceiling in the gym; what
14 does that look like now? When was the last time you
15 saw the ceiling in the gym?

16 A Friday.

17 Q What did it look like?

18 A It looked better than September. In
19 September the windows were all cracking, and it was
20 all almost about to fall down. So they fixed it.

21 Q What did the ceiling look like in
22 September?

23 A I already said the windows on top of the
24 ceiling it looked like they were going to collapse or
25 something or going to fall off. There were windows on

- 1 the top of the ceiling. They looked like they were
 2 old already. They could have broke easily.
 3 Q Did you ever see the windows on top of
 4 the ceiling break?
 5 A No.
 6 Q Did you ever see any other types of
 7 problems with the windows on top of the ceiling in the
 8 gym?
 9 A No.
 10 Q Were there any -- were there ever any
 11 leaks in the gym? Did you ever find leaks from the
 12 windows in the ceiling?
 13 A No.
 14 Q This is all before September? You never
 15 saw any leaks?
 16 A Yes.
 17 MR. LONDEN: I object to that question as
 18 compound.
 19 BY MS. KOURY:
 20 Q What happened in -- you said in September
 21 this happened. When did they fix the gym -- the
 22 windows in the ceiling in the gym?
 23 A Like around February.
 24 Q How do you know they fixed it?
 25 A Because you could see people working on

- 1 school year.
 2 Q What about this school year?
 3 A I was there for three weeks.
 4 Q And then you switched into French?
 5 A (No audible response.)
 6 Q What would happen when the wall in your
 7 classroom last year would leak?
 8 A Nothing. She would just -- she would
 9 just let it -- look -- my teacher.
 10 Q How much water would be there?
 11 A Like when you would walk in the water it
 12 would make a splash.
 13 Q It would make a splash?
 14 A Yes.
 15 Q And the teacher did nothing?
 16 A She said that one of these days she
 17 would -- like some people would come and fix it. But
 18 they never did.
 19 Q How many times did it happen? How many
 20 times did it leak?
 21 A Whenever it rained.
 22 Q So every time it rained it would be
 23 leaking?
 24 A Yes.
 25 Q Did anyone in the class say anything?

- 1 the ceiling.
 2 Q What does it look like now?
 3 A The windows look clear and new.
 4 Q Are there any other areas on your campus
 5 that the roof looks like it's breaking or falling?
 6 A No. But in the art room there was --
 7 like at times when it would rain the rain would come
 8 inside.
 9 Q From where; do you know?
 10 A From the walls. It would be all wet
 11 inside.
 12 Q What walls?
 13 A The walls from the side. The side was
 14 like -- the water was draining from the walls?
 15 Q When was this?
 16 A Last year.
 17 Q What month?
 18 A Last school year.
 19 Q What month was this?
 20 A Let me see. Like in the winter.
 21 Q How long were you in the art classroom --
 22 for how many months?
 23 A In this school year or last school year?
 24 Q Last school year.
 25 A I was there the whole time -- the whole

- 1 A No.
 2 Q Did you ever tell anyone else?
 3 A No.
 4 Q You said that the cafeteria lines bother
 5 you?
 6 A Yes.
 7 Q What do you mean by that?
 8 A They're too long. Sometimes you have to
 9 like -- you have to wait for a long time in the line
 10 for like the whole lunchtime. And then --
 11 Q When was the last -- I'm sorry.
 12 Continue.
 13 A And then you just can't get your lunch.
 14 And then when you start eating your lunch, they say
 15 that it's too late. And then sometimes they give you
 16 your lunch and there's no more tables because they
 17 start getting ready to leave. So you have nowhere to
 18 eat. Sometimes you can't even eat.
 19 Q When was the last time you had to wait in
 20 line in the cafeteria?
 21 A It was April.
 22 Q April?
 23 A Yes, April.
 24 Q Do you remember when in April? Is it the
 25 beginning of April?

- 1 A It was like, yeah, close to the
2 beginning.
3 Q How long did you have to wait in line?
4 A Like almost a whole lunchtime.
5 Q Do you know why?
6 A No. Because there are too many people
7 crowded up.
8 Q How about -- you had to wait almost the
9 entire lunch period?
10 A Yes.
11 Q How do you get your lunch?
12 A You wait in a line. And there's like a
13 row of food right there. And then from the line
14 there's like a line you have to get the food. And
15 then you pay for it. And then you go sit down.
16 Q How do you pay for the lunch?
17 A Huh?
18 Q How do you pay for the lunch? Do all of
19 the kids pay for the lunch?
20 A What do you mean?
21 Q Do they pay cash for the lunch?
22 A Yes.
23 Q Do you have any identification numbers
24 that you have to give?
25 A Yes.

- 1 A Yes.
2 Q What did you do when you first got your
3 number in the 7th grade?
4 MR. LONDEN: Vague.
5 MS. KOURY: I'm sorry.
6 Q When did you get your number in the
7 7th grade -- your identification number?
8 A When?
9 Q Uh-huh.
10 A The first day of school.
11 Q And when you went to lunch that day, what
12 did you do with that number?
13 A You had to say it to the lunch lady, and
14 then you could go with your lunch.
15 Q Did you say it from memory?
16 A Yes. You have to have it by memory.
17 Q Did you have it memorized your first day?
18 A Yes. This year yes, but last year no. I
19 had to take out the card that shows my number.
20 Q Where was the card?
21 A They give a card to every kid in the
22 school showing their name, and I just read it off of
23 there.
24 Q In the beginning of the school year when
25 you were waiting in line -- the first day of school

- 1 Q How does that work? Explain that to me.
2 A You have to say your number. Every kid
3 in the school has a number. And then you have to say
4 your number to them. And then you leave with your
5 lunch.
6 Q And -- okay. Did you ever notice that in
7 the beginning of the school year it's really slow? In
8 September how was the line?
9 A September it was huge. I didn't even eat
10 that day.
11 Q The first day of school?
12 A Yes.
13 Q How about at the end of September? How
14 was the line then?
15 A It was still the same way. Like I would
16 sometime get my lunch in time.
17 Q What about in October; what was the line
18 like in October?
19 A It's always the same way. It's always
20 been the same way.
21 Q Do you get a new number every school
22 year?
23 A No, we have the same number.
24 Q So you have the same number that you had
25 in the 7th grade?

- 1 this year in September when you were in waiting line,
2 did you see any students taking their cards out --
3 their identification cards out?
4 A The only kids that were new to the
5 school.
6 Q How many were there? What grade does
7 your school start?
8 A 6th.
9 Q So are all the 6th graders new to the
10 school?
11 A Yes.
12 Q Did you have to wait in line other than
13 in April when you waited in a long line? When else
14 did you wait in a long line?
15 A Everyday.
16 Q How long is the line everyday?
17 A How long?
18 Q Let's talk about the last day you were in
19 school, which would have been Friday. How long was
20 the line?
21 A I don't know how to say it to you.
22 Q Did you sit down and eat your lunch after
23 you got it on Friday?
24 A Yes.
25 Q How long were you sitting down for? Did

- 1 you eat your entire lunch?
 2 A Uh-huh.
 3 Q What time do you get out for lunch this
 4 semester? What time does lunch start?
 5 A It starts like at 12:00 o'clock.
 6 Q What time is it over?
 7 A 12:01.
 8 Q It's over at 12:01?
 9 A I mean --
 10 Q 1:00?
 11 A Like at 1:00, yes.
 12 Q So you have an hour for lunch. How many
 13 times this month have you had to wait in line so long
 14 that you couldn't eat your lunch?
 15 A This month?
 16 Q Uh-huh.
 17 A None.
 18 Q This month was there ever a day where you
 19 couldn't sit down and eat your entire lunch?
 20 A No.
 21 Q What about in April; did you ever -- were
 22 you ever unable to sit down and eat your entire lunch
 23 in April?
 24 A Yes.
 25 Q That one day that you told me about?

- 1 A I got my -- you know, I got my lunch.
 2 And then I was like the last one. And they already
 3 started putting up the tables. I had nowhere to sit.
 4 I didn't finish everything of my lunch.
 5 Q What did you do at 12:00 o'clock when you
 6 first got out for lunch that day?
 7 A 12:00 o'clock when I started lunch?
 8 Q That day.
 9 A I came from my class P.E. I had to dress
 10 back to my regular clothes and then go to the line.
 11 And then it's really big.
 12 Q So you sat in line?
 13 A Yes -- stand.
 14 Q You stood in line?
 15 A Yes.
 16 Q For how long?
 17 A For like 45 minutes or something.
 18 Q Okay. And you said -- where do you
 19 usually eat your lunch when you sit down to eat your
 20 lunch?
 21 A The tables.
 22 Q Where? Are they inside or outside?
 23 A Inside.
 24 Q What areas are there for the students to
 25 eat in?

- 1 A Yes.
 2 Q Do you know why the line was so long that
 3 day? I'm sorry, I asked that already.
 4 Other than one time in April, was there
 5 ever a time that you couldn't sit down and eat your
 6 entire lunch in April?
 7 A No.
 8 Q What about in March?
 9 A No, I just mostly wait for a long time.
 10 Q What do you do while you're waiting?
 11 A Nothing, just wait and wait. And then
 12 when you get your lunch just eat and then you have
 13 free time.
 14 Q And then you have free time?
 15 A Yes.
 16 Q So in March you never had to -- you never
 17 ran out of time? You were able to eat your lunch
 18 everyday?
 19 A Yes. Sometimes, yes.
 20 Q Sometimes, yes?
 21 A Sometimes, yes.
 22 Q Was there ever a time where you weren't
 23 able to eat your lunch in March?
 24 A Yes.
 25 Q Tell me about it.

- 1 A You could go outside, because outside
 2 they have some tables, but then it's always dirty.
 3 They never clean up the lunch from right there, so I
 4 just eat inside.
 5 Q Outside you said the tables are dirty;
 6 what are they dirty with?
 7 A They have milk spilled all over.
 8 Q Is the milk wet or dry?
 9 A Wet. They have food on the tables and on
 10 the seats.
 11 Q Does the food look like it's really old
 12 or look like it's from that day?
 13 A From that day.
 14 Q How can you tell?
 15 A How can I tell?
 16 Q Uh-huh.
 17 A Because the food looks from that day.
 18 Q All right. So there's seating inside and
 19 outside. Where else is there seating?
 20 A Inside.
 21 Q Have you ever seen students having to
 22 stand and eat?
 23 A My friend.
 24 Q Why?
 25 A Because they had already put up the

- 1 tables.
 2 Q At the end of lunch?
 3 A Uh-huh.
 4 Q What time was he eating lunch?
 5 A Like what time?
 6 Q Uh-huh.
 7 A The bell was about to ring already.
 8 Q Okay. Other than when they're putting up
 9 the tables, do you feel there's not enough space in
 10 the cafeteria?
 11 A Yes.
 12 Q There's not enough space for what?
 13 A For the rest of the people. Sometimes a
 14 table gets too crowded. Each table is like almost
 15 full.
 16 Q Is there space to sit? Is that -- when
 17 the table is too full -- when can you think of the
 18 last time when the tables were too full in the
 19 cafeteria?
 20 A I don't know.
 21 Q You can't remember?
 22 A No.
 23 Q When the tables are too full, do you see
 24 what's going on outside? Are there people outside?
 25 A There are people outside.

- 1 Q Have you ever complained about the
 2 cafeteria to anyone?
 3 A Yes, I complained. They put the -- they
 4 put like the chairs away and the tables too early.
 5 Q Who did you complain to?
 6 A Some guy. He wasn't a janitor, though.
 7 He just helped putting up the tables.
 8 Q What did he do?
 9 A He said, "Oh, well you know you have to
 10 get your food fast."
 11 Q Have you ever complained to any of your
 12 teachers?
 13 A No.
 14 Q Have you ever complained about the line
 15 being too long to any of your teachers?
 16 A No.
 17 Q Have you ever complained about the line
 18 being too long to anyone?
 19 A Me and my friends talk about it.
 20 Q I'm going to go back to the gym a minute.
 21 You're in gym this year, right?
 22 A Yes.
 23 Q Has it rained this year?
 24 A Yes.
 25 Q Have you ever been in gym class when it

- 1 rained?
 2 A Yes.
 3 Q Did it leak?
 4 A No.
 5 Q Last year when you were in gym class, did
 6 it ever rain while you were in gym class?
 7 A Yes.
 8 Q Did it leak?
 9 A No.
 10 Q Have you ever had your gym class
 11 cancelled because there were puddles on the floor or
 12 it was raining?
 13 A Yes, sometimes it would rain and we would
 14 want to play outside. We just go inside. Every kid
 15 goes to the gym.
 16 Q Your gym class has never been cancelled
 17 because there was water in the gym?
 18 A No.
 19 Q What about the -- you said there's
 20 garbage in the hallways. Can you describe to me what
 21 kind of garbage?
 22 A Garbage like plastic bottles, candy
 23 wrappers, bags of chips, gum, food, drink spills,
 24 paper.
 25 Q Anything else? Do you ever see alcohol

- 1 bottles or bottles of alcohol?
 2 A No.
 3 Q Do you ever see -- have you ever seen
 4 condoms on the floor?
 5 A Yes.
 6 Q What do they look like?
 7 A What do they look like?
 8 Q What do they look like?
 9 A Like any ordinary condom.
 10 Q Was it in a wrapper?
 11 A No, it was taken out.
 12 Q Where was it?
 13 A You see those all over like in the
 14 bathrooms, the hallways. Sometimes you see them in
 15 classes, the locker rooms, the gym and outside.
 16 Q Do you ever see anyone cleaning the
 17 hallways?
 18 A Yes.
 19 Q Who?
 20 A The janitor.
 21 Q Do you know his name?
 22 A No.
 23 Q How often do you see him cleaning the
 24 hallways?
 25 A Probably like three days a week.

- 1 Q Do you know what time of day you see him?
 2 A Like -- I mostly see him when I'm going
 3 to my -- my lunch.
 4 Q Where do you see him?
 5 A I see him -- I see him outside trying to
 6 pick up, you know, some garbage.
 7 Q Are there trash cans in the hallways?
 8 A Yes -- wait. No.
 9 Q Where do you put your trash?
 10 A The trash cans are only outside. So I
 11 just put -- either wait until I go to class and put it
 12 in the trash cans.
 13 Q There are trash cans in your classrooms?
 14 A Yes.
 15 Q Are there trash cans in every one of your
 16 classrooms?
 17 A Yes.
 18 Q Who empties the trash in your classrooms.
 19 A Kids. Like they send kids to go empty
 20 the trash can in the recycle bin. They put in some
 21 big recycle bin boxes and send them to the garbage
 22 can.
 23 Q On Friday when you were at school -- was
 24 that the last day you were at school on Friday?
 25 A Yes.

- 1 dropping trash on the floor in the hallways?
 2 A All the time like everyday.
 3 Q How many times a day do you see it?
 4 A Like five times a day.
 5 Q About five times?
 6 A Yes.
 7 Q Have you ever seen a student get in
 8 trouble for dropping trash on the floor?
 9 A Not get in trouble, but the janitor will
 10 sometimes say, you know, to pick it up. And they
 11 will -- they would pick it up.
 12 Q Other than the janitor, have you ever
 13 heard any teachers make comments about students
 14 putting trash in the hallways?
 15 A No.
 16 Q Do you know if there are any school rules
 17 about throwing trash in the hallways?
 18 A Yes.
 19 Q What?
 20 A There are rules saying you can't -- you
 21 can't throw garbage in the hallways.
 22 Q You told me earlier about the condoms you
 23 see around your school.
 24 A Yes.
 25 Q And you said they're not in the wrappers.

- 1 Q In the morning what did the hallways look
 2 like in the morning? Do you remember what they looked
 3 like in the morning?
 4 A Yes.
 5 Q What did they look like?
 6 A They looked sort of cleaned up but not
 7 really.
 8 Q What did you see?
 9 A The same thing -- like candy wrappers.
 10 Q What kind of candy wrappers did you see
 11 on Friday?
 12 A Like Snicker candy wrappers -- candy
 13 wrappers like that and bags of chips.
 14 Q You saw this on Friday specifically in
 15 the morning before lunch?
 16 A Not specifically on Friday. But --
 17 Q Let's talk about Friday. Before lunch
 18 when you were walking down the hall going to your
 19 class, did you see anything on the floors?
 20 A Yes.
 21 Q What did you see?
 22 A I saw -- I saw like candy wrappers, gum,
 23 chips -- some chips on the floor, and, you know, bags
 24 of chips.
 25 Q Have you ever seen any of the students

- 1 A Yes.
 2 Q When was the last time you saw a condom
 3 in your school?
 4 A Let's see. February.
 5 Q Where did you see it?
 6 A In the classroom.
 7 Q Where in the classroom?
 8 A On the floor.
 9 Q Just on the floor?
 10 A Yes.
 11 Q And it wasn't in a wrapper?
 12 A No, it wasn't in a wrapper.
 13 Q What did it look like?
 14 A It was white. That's it.
 15 Q Did you say anything?
 16 A Huh?
 17 Q Did you say anything when you saw it?
 18 A When I saw it?
 19 Q Uh-huh.
 20 A I kind of got surprised. I said, "Why
 21 would a condom be in a class." Some kids told the
 22 teacher, and he didn't do anything. She didn't want
 23 to take care of it.
 24 Q Did it look like it was used?
 25 A Yes.

1 Q What happened? It just stayed there?
 2 A The kids kept on kicking it around the
 3 class.
 4 Q What did the teacher do?
 5 A She kept on telling them to stop it, and
 6 that's it.
 7 Q How long is his class?
 8 A 45 minutes.
 9 Q Do you know what happened after class?
 10 A No. But the next day it wasn't there.
 11 Q It wasn't there?
 12 A No.
 13 Q What's the teacher's name? What class is
 14 this?
 15 A She was one of the substitutes for
 16 Mr. Bryant.
 17 Q You said that you seen condoms on the --
 18 did I hear correctly? Did you say on the doorknob?
 19 A No.
 20 Q Maybe bathrooms.
 21 A Bathrooms.
 22 Q Where else other than that specific
 23 instance that you just told me -- where else have you
 24 seen them? Can you remember specifically another
 25 time?

1 A They put condoms on doorknobs, too.
 2 Q When was that?
 3 A That was last year of this school year
 4 like in November.
 5 Q Tell me about it.
 6 A There was a condom like on a doorknob,
 7 and the teacher wouldn't get it. But it wasn't my
 8 teacher, though. I was walking to class.
 9 Q Do you know who put the condom there?
 10 A No.
 11 Q Did you ever hear anybody talk about it?
 12 A No. I just went to class.
 13 Q Other than that one time, have you ever
 14 seen it any other time on the doorknob?
 15 A No.
 16 Q What other time have you seen a condom on
 17 your campus?
 18 A In the hallway.
 19 Q When did you see it in the hallway?
 20 A I don't remember when, but I remember
 21 seeing condoms on the hallway.
 22 Q Have you ever complained about it to
 23 anyone?
 24 A No.
 25 Q Do you know if any other students have?

1 A No.
 2 Q Do you know if its students who put
 3 these -- do you know who put them there?
 4 A I don't know who put them there.
 5 Q Have you ever heard students talking
 6 about it?
 7 A No.
 8 Q Have you ever gotten in trouble for
 9 missing school?
 10 A No.
 11 Q Have you ever gotten in trouble for being
 12 late?
 13 A No.
 14 Q Have you ever gotten in any trouble for
 15 being disciplined in any way for disrupting a class?
 16 A I didn't disrupt -- I got in trouble, but
 17 I didn't disrupt the class.
 18 Q What did you get in trouble for?
 19 A For shooting garbage to the trash can
 20 from my desk.
 21 Q Was this during class?
 22 A Yes.
 23 Q What happened?
 24 A I just had to throw something away, and I
 25 just threw it from my desk. And I got in trouble just

1 for that.
 2 Q Other than that, have you ever --
 3 A No.
 4 Q Have you ever had detention?
 5 A No.
 6
 7
 8
 9
 10 MS. KOURY: I'm identifying and marking as
 11 Exhibit 1 Moises Canel's report card dated
 12 January 24th through March 31st.
 13 Do you want to look at that?
 14 MR. LONDEN: Can we complete the questioning
 15 and then mark the exhibit?
 16 Is that okay Madam Reporter?
 17 THE REPORTER: Sure.
 18 BY MS. KOURY:
 19
 20
 21
 22
 23
 24
 25

1 [REDACTED]
2 MR. LONDEN: Your grades can be the subject of
3 some questions that can be confidential. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 (Deposition Exhibit 1 marked for
8 identification by the Court Reporter.)

9 BY MS. KOURY:

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 MS. KOURY: I'm marking Deposition Exhibit 2,
16 which is a report card dated November 1st, 1999 to
17 January 22nd, 2000.

18 Q Can I ask you to look and review this.
19 Just let me know when you're finished.

20 A Yes.

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 confer with my client for a moment about our schedule.
2 (Mr. Londen exits proceedings with
3 deponent.)

4 BY MS. KOURY:

5 Q Do you remember yesterday when we were
6 talking about your life science book and you told me
7 you went to look for a definition that your teacher
8 stated and you couldn't find it in that book?

9 A Yes.

10 Q Can you tell me what that definition was
11 you were looking for?

12 A I was looking for -- I was looking for
13 "energy."

14 Q And you couldn't find it in your life
15 science book?

16 A (No audible response.)

17 Q Is that the only word?

18 A I couldn't find "pressure" and "gravity."

19 Q Did ask your teacher about why these
20 words weren't in your book?

21 A No.

22 Q Also, I just wanted to ask you a question
23 about something we discussed before. Was Amy Kott the
24 first lawyer you ever talked to about this case?

25 A Yes.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
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14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 MS. KOURY: Did you want to break for lunch?

21 MR. LONDEN: Why don't we mark the exhibit.
22 (Deposition Exhibit 2 marked for
23 identification by the Court Reporter.)

24 MR. LONDEN: If we're at a breaking point, you
25 might keep the record open for a moment and I'll

1 Q When you talked to her last year in June
2 or July, do you remember if she asked to be your
3 lawyer or whether you asked her to be your lawyer?

4 MR. LONDEN: Objection. Confidential
5 communications, attorney/client privilege.

6 MS. KOURY: We haven't determined yet whether
7 there was a privilege. At the time if she wasn't his
8 lawyer there's no privilege.

9 MR. LONDEN: That's wrong. An inquiry about
10 becoming someone's lawyer that is privileged. And on
11 that basis I'm going to instruct him not to answer.

12 (Instruction not to answer.)

13 MS. KOURY: Okay.

14 Q Do you know whether --
15 Actually, I have no further questions.

16 MR. LONDEN: Okay.

17 MS. KOURY: I don't feel this is concluded.
18 For the record, the understanding is that your client
19 wants to end for the day.

20 MR. LONDEN: We're ending for the day. And I'm
21 not asking you to make any concessions, and I'm not
22 making any concessions. We're just ending.

23 MS. KOURY: Do you want to stipulate with
24 respect to this transcript? I know that we've agreed
25 to a 15-day stipulation.

1 MR. LONDEN: The time periods that we're agreed
2 for other depositions are fine for these particular
3 depositions given the class schedule. And the
4 transcript can be delivered to me, and I will make
5 sure that we meet the agreed timetable.

6 MS. KOURY: Why don't I go ahead and put that
7 on the record.

8 MR. LONDEN: That's fine.

9 MS. KOURY: May we stipulate copies of
10 documents attached to the deposition be used as
11 originals?

12 MR. LONDEN: Okay.

13 MS. KOURY: May we stipulate that the original
14 of this deposition be signed under penalty of perjury;
15 that the original be delivered to the office of
16 Morrison & Foerster; that the Reporter is relieved of
17 liability for the original of the deposition; that the
18 witness will have 15 days of the date of the
19 Reporter's transmittal letter to Morrison & Foerster
20 to sign and correct the deposition, and that Jack
21 Londen shall notify all parties in writing of any
22 changes to the deposition; and that if there are no
23 such changes communicated or signature within that
24 time, that any unsigned and uncorrected copy may be
25 used for all purposes as if signed and corrected.

1 MR. LONDEN: That's all acceptable with the
2 additional proviso that one of my colleagues at
3 Morrison & Foerster may do the transmitting for me.

4 THE REPORTER: Counsel, should we also send you
5 a copy of the transcript?

6 MR. LONDEN: Yes. I would like the copy on the
7 same schedule as they get a copy.

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

EXECUTED this ___ day of _____,
2001, at _____,
(City) (State)

MOISES B. CANEL
Volume 2

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

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

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

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

Dated: _____

CASSANDRA HARPER
CSR No. 11934