

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

--oOo--

ELIEZER WILLIAMS, et al.,

Plaintiffs,

vs.

STATE OF CALIFORNIA, DELAINE  
EASTIN, State Superintendent Of  
Public Instruction, STATE  
DEPARTMENT OF EDUCATION, STATE  
BOARD OF EDUCATION,

Defendants.

No. 312 236

DEPOSITION OF  
SARA CANEL

-----  
November 10, 2001

REPORTED BY: CLARE MACY, CSR 5256

INDEX

INDEX OF EXAMINATIONS

EXAMINATION BY MS. VANSE ..... 4

EXHIBITS MARKED FOR IDENTIFICATION

Exhibit No.	Description	Page
1	Three-page statement dated 11/16/99 .....	10
2	One-page memo dated September 16, 2000 from ... Colleen Coll to Steve Muzinich	17
3	Two-page letter dated June 5, 2001 to the Coffee Club from Steve V. Muzinich	19
4	Four-page Declaration of Sara Canel; Bates Nos. PLTF00184 - 187	57
5	One-page document entitled "Agenda for Helms Meeting with WCCUSD M&O Staff"; Bates No. PLTF 01829	115

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KOTT, Attorney at Law, appeared as counsel on behalf of the Plaintiff.  
 O'MELVENY & MYERS LLP, 400 South Hope Street, Los Angeles, California 90071-2899, represented by JENNIFER VANSE, Attorney at Law, appeared as counsel on behalf of the Defendant.

ALSO PRESENT: MOISES CANEL, JULIO CANEL

--oOo--

EXAMINATION BY MS. VANSE

MS. VANSE: Q. Good morning, Mrs. Canel. My name is Jennifer Vanse. I'm an attorney with O'Melveny & Myers, and we represent the State of California in this matter.

Could you please state and spell your full name for the record, please?

A. Spell?

Q. Yes, please.

A. My first name is Sara, S-A-R-A, and my last name is C-A-N-E-L.

Q. Thank you. Have you ever had your deposition taken before?

A. No. This is the first time.

Q. Okay. Then let me just explain kind of some ground rules so you know what's going on. If you have any questions, let me know. As you can see, the court

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--oOo--

BE IT REMEMBERED that, pursuant to Notice, and on Saturday, November 10, 2001, commencing at 9:30 a.m. thereof, at 275 Battery Street, San Francisco, California, before me, CLARE MACY, a Certified Shorthand Reporter, personally appeared  
 SARA CANEL

called as a witness by the Defendant, who, having been first duly sworn, was examined and testified as follows:

--oOo--

MORRISON & FOERSTER LLP, 425 Market Street, San Francisco, California 94105-2482, represented by AMY M.

reporter here is going to be taking down everything you and I or anyone here says, and when she's finished, when we're finished with the deposition, you'll be able to review a copy of the transcript and make any changes at that time that you think need to be made. I should tell you if you do make any changes, any of the attorneys in the action can comment on any of the changes, but of course, you're free to make them.

Because the court reporter is taking down everything you say, it's important that only one of us speaks at a time in order that we have a clear record, and that, also, if you're answering, please do so with a "yes" or a "no" instead of shaking your head.

A. Uh-huh.

Q. For example, when you just said "uh-huh," "yes" would be better.

A. Yes.

Q. And I want to make sure you understand everything that I'm asking you, so if you don't understand, please let me know, and I'll try and rephrase it if that's what you need or make it more clear. But if you don't indicate that you have not understood my question, I'm going to presume that you have understood it and answered it accordingly.

Do you understand that?

1 A. Yes.

2 Q. And if there's ever a question that you are not  
3 sure of the answer to; you would have to guess in order  
4 to answer, I don't want you to guess as to an answer.  
5 But if you do have an estimate of what the answer would  
6 be, then I am entitled to that answer.

7 Do you understand that?

8 A. Yes.

9 Q. And the court reporter has just sworn you in  
10 and put you under oath. So that does mean that  
11 everything you say today will have the same force and  
12 effect as if we were in a court room. Obviously, we're  
13 not.

14 A. Yes.

15 Q. So it's important that you understand that.

16 At any time during the deposition today you  
17 need a break, please feel free to let me know. We'll  
18 take one. I would ask that you wait until you've  
19 answered a question before taking a break, but please,  
20 feel free to take a break any time you need to.

21 Is there any reason why you feel you couldn't  
22 give your best testimony this morning?

23 A. No.

24 Q. What did you do to prepare for your deposition  
25 today?

1 A. Well, I went over some papers I had and tried  
2 to remember everything I could.

3 Q. Anything else? Did you speak to anyone other  
4 than your attorneys about your deposition today?

5 A. No.

6 Q. And you said you went over some papers. Which  
7 papers were you referring to?

8 (Interruption)

9 (Whereupon, Mr. Julio Canel enters.)

10 MS. VANSE: Q. I believe before we stopped  
11 that I was asking you what papers you had reviewed.

12 A. All the papers I've had from all this.

13 Q. Then if you can remember, I would like you to  
14 be as specific as you can as to what papers. If it's a  
15 letter from your attorney, you can just tell me that.  
16 You don't need to tell me what's in it. But if you can  
17 remember specifically if it's a letter or it's --

18 A. Papers about my declaration and my son's  
19 declaration.

20 Q. Did you review your husband's declaration  
21 before this deposition?

22 A. No, not his.

23 Q. Did you review any, like -- the complaint that  
24 was filed in this action?

25 A. I think I did.

1 Q. Any other papers that were filed with the court  
2 that you know of that you reviewed? And this is just  
3 for your deposition today, not ever.

4 A. Yes. Well, this one.

5 Q. And for the record, that looks like our notice  
6 of your deposition and attached document request.

7 A. Yes, that is about it.

8 Q. And when you reviewed your declaration, did you  
9 find that anything in it had changed since when you  
10 first signed your declaration?

11 A. No.

12 Q. How about when you reviewed your son's  
13 declaration? Did you --

14 A. You mean in my declaration?

15 Q. Yes.

16 A. Yes. Well, I made a mistake here. Principal's  
17 name. I noticed that I said Mr. Cummings, and his name  
18 is Mr. Muzinich.

19 Q. That's paragraph 6 of your declaration?

20 A. Yes, that's correct.

21 Q. Anything else that you noticed in your  
22 declaration that was inaccurate when you reviewed it for  
23 your deposition?

24 A. No. Just that.

25 Q. How about your son's declaration? Did you find

1 anything to be inaccurate?

2 A. No.

3 Q. And why did you review your declaration and  
4 your son's declaration?

5 A. Just wanted to make sure I remember what  
6 I exactly said. It's been a long time.

7 Q. And for the record, you signed your declaration  
8 in May -- on May 9, 2000?

9 A. Yes.

10 Q. And why did you review that complaint for your  
11 deposition today?

12 A. Just wanted to remember.

13 Q. Did you review all of it or just certain  
14 portions of the complaint?

15 A. All of it.

16 Q. And why did you review the deposition notice  
17 and document request for your deposition today?

18 MS. KOTT: I object to the extent that that  
19 seeks information protected by the attorney-client  
20 privilege and our conversations.

21 But beyond that, you can answer.

22 MS. VANSE: Q. Other than your  
23 conversations --

24 MS. KOTT: Just don't reveal the content of any  
25 of our conversations.

1 THE WITNESS: What was the question?  
 2 MS. VANSE: Q. Sure. I just wanted to know  
 3 why you reviewed your notice of deposition and document  
 4 request?  
 5 A. Just wanted to know what it was all about.  
 6 Q. For the record, counsel has provided me with  
 7 three -- it looks like -- actually, it looks like two  
 8 letters written in --  
 9 A. That's -- I'm sorry. That's one letter.  
 10 Q. This is one letter?  
 11 A. Yes.  
 12 Q. Actually, we just got -- I'll just mark these.  
 13 We can talk about them later, but so we know what we're  
 14 talking about.  
 15 (Whereupon, Defendant's Exhibit 1  
 16 was marked for identification.)  
 17 MS. VANSE: Q. Ms. Canel, can you review what  
 18 we marked as Deposition Exhibit 1 and tell me what that  
 19 is?  
 20 A. Well, this letter was a long time ago. It  
 21 was -- It had to do with a teacher my son had, a math  
 22 teacher.  
 23 Q. And when was the letter written?  
 24 A. It says here 11/16 -- November 16, '99.  
 25 Q. And did you write that letter?

1 A. Yes, I did.  
 2 Q. Why did you write that letter? I'm sorry.  
 3 Is that addressed to the teacher?  
 4 A. No. To the principal.  
 5 Q. That's Mr. Muzinich?  
 6 A. Yes.  
 7 Q. Why did you write that letter?  
 8 A. I can try to read it for a while if you let me.  
 9 Q. Sure, please. Take all the time to review it.  
 10 A. So I can explain to you better.  
 11 Q. Of course.  
 12 A. Well, this is about -- I was kind of upset the  
 13 way this teacher was treating the students. And I was  
 14 telling him about education starts at home, but the  
 15 school had their own responsibility, you know, in  
 16 teaching kids good education besides our own from the  
 17 house, and that I didn't know what else to do because he  
 18 would come crying at home and depressed about the  
 19 situation. So I decided to write this letter to him.  
 20 Q. And since the letter is in Spanish and I do not  
 21 speak Spanish, would you mind reading the letter into  
 22 the record?  
 23 A. The whole letter?  
 24 Q. Yes.  
 25 A. Okay. (Reading in Spanish.)

1 Q. I'm sorry. Is there any way you can read it in  
 2 English or --  
 3 A. Okay. This letter is --  
 4 MR. CANEL: Would you like me to read it? I  
 5 can translate it.  
 6 MS. VANSE: Did you write this letter?  
 7 MR. CANEL: No. I'm just offering to translate  
 8 the letter for you.  
 9 THE WITNESS: Actually, it's signed by him and  
 10 I.  
 11 MS. VANSE: Okay. And him is Julio Canel, your  
 12 husband?  
 13 THE WITNESS: Yes, that's right. He knows  
 14 what's in this letter because I showed -- I told him  
 15 what it was in the letter before I sent it to him.  
 16 MS. VANSE: Q. And I appreciate your offers,  
 17 but since it's your deposition, I'd rather have you tell  
 18 me what's in the letter.  
 19 A. In my own words?  
 20 Q. Or if you'd rather not --  
 21 MS. KOTT: Do you need a word for word  
 22 translation right now? Because she can fairly easily  
 23 explain what it's about.  
 24 MS. VANSE: Yeah. I would rather have her  
 25 explain what it's about rather than just a translation

1 literally. We can get the translation later on.  
 2 MS. KOTT: Right, later.  
 3 MS. VANSE: Q. If you can go paragraph by  
 4 paragraph and paraphrase it.  
 5 A. That was the first paragraph.  
 6 Q. Okay.  
 7 A. I'll try to tell you about the second one.  
 8 Q. Great.  
 9 A. It says about what I just told you, the second  
 10 one, about that it's our obligation to give him good  
 11 education at home, but what are they, you know, the  
 12 teachers, doing about giving their own and the good  
 13 example to the kids. And what is the school doing.  
 14 Q. What about the next paragraph?  
 15 A. I'm telling him about that my son told me about  
 16 this teacher, that he's very rude and mean to the  
 17 students, and he often humiliates them, and that my son  
 18 is not the only one, and that I bring two girls to  
 19 school, and they tell me the same thing about him, and  
 20 that it hurts me to see the situation with this teacher,  
 21 and that it hurts me to see the situation in the schools  
 22 here in Richmond because in Daly City the schools and  
 23 the teachers were better, starting with the school  
 24 teachers are better; the schools were better, at least  
 25 the ones, you know, they were in.

1 Q. I'm sorry. Where was that?  
 2 A. Daly City.  
 3 Q. Can you spell that?  
 4 A. D-A-L-Y.  
 5 Q. And then "city"?  
 6 A. City.  
 7 Starting from the head, which is the leader of  
 8 the school, and the teachers, and that what I would like  
 9 for him as the principal of the school is to take a  
 10 little bit more interest in the problem and talk with  
 11 the teachers about this.  
 12 MS. KOTT: And just for the record, you're now  
 13 discussing the next paragraph; is that correct?  
 14 THE WITNESS: Right.  
 15 MS. KOTT: Beginning with -- okay.  
 16 MS. VANSE: Thank you.  
 17 THE WITNESS: My son, he does his homework  
 18 every day, and according to the teacher, he never  
 19 returns his homework. I think the other page --  
 20 MS. VANSE: Q. Is there another page in it?  
 21 MS. KOTT: Was that supposed to be in the  
 22 middle? I'm sorry. That's my fault.  
 23 MS. VANSE: Here. If you can just give that  
 24 back to me.  
 25 THE WITNESS: Because this one is the third

1 referring to?  
 2 A. [REDACTED]  
 3 Q. [REDACTED] and he was the [REDACTED] teacher?  
 4 A. Yes.  
 5 And that the way he talks, he intimidates  
 6 people.  
 7 I'm involved in the school in Richmond High  
 8 School, and I know my rights as a parent and my  
 9 obligations -- I mean the obligations that teachers and  
 10 the school personnel has. My other letter is to the  
 11 district. And the reason is is because I want to see  
 12 changes and better things for the schools, better  
 13 education for our kids, for our sons. I want to see  
 14 changes, and I will be keeping an eye on things that my  
 15 son will have to say to me. And I will be telling all  
 16 the parents about this, too, so they would know and that  
 17 they would do something about it or the same thing I'm  
 18 doing, because all the parents are doing it.  
 19 I want to tell you, Mr. -- or sir, principal,  
 20 that until this day we haven't seen any homework graded  
 21 by this teacher. He doesn't take time to check the  
 22 homeworks, and then he says they don't do their  
 23 homework, and he gives them bad grades.  
 24 There are so many things I have observed in  
 25 school that are not good and that I don't agree upon.

1 page, actually.  
 2 MS. VANSE: Q. And on the second page of  
 3 Exhibit 1 it has a number 2.  
 4 A. I know. I guess I made a mistake.  
 5 Q. But this is actually the second page?  
 6 A. Yes, this is the second page.  
 7 Q. Let's just -- can we just take this out and  
 8 attach it? So we're now inserting three pages into  
 9 Exhibit 1. You can just give that back to me. We can  
 10 put it all together. Thank you.  
 11 A. Yes. I was talking about the homework. He  
 12 always does his homework and that the teacher's  
 13 obligation is to check the homework and grade it, not  
 14 only his homework but every student's homework, and to  
 15 keep a record of each homework.  
 16 And I had the opportunity to meet this teacher,  
 17 and he left a poor impression, in, you know, my  
 18 husband's eyes and mine, too, and that he looks like a  
 19 person who doesn't take his -- you know, that doesn't  
 20 take time to listen to anybody.  
 21 Q. When you say that, are you referring to the  
 22 teacher or to Mr. Muzinich?  
 23 A. The teacher. I'm telling this to the principal  
 24 the way I feel.  
 25 Q. What is the teacher's name that you're

1 And I noticed that the way they teach is not -- the way  
 2 they teach is very poor and that the teachers are not  
 3 teaching what they should be teaching at their school  
 4 level.  
 5 Our next step will be having a talk with the  
 6 teacher and you, Mr. Principal, or with whoever is  
 7 necessary to see a better change.  
 8 Signed Julio Canel, Senior, and Mrs. Sara  
 9 Canel.  
 10 I think that's -- Well, not exactly, you know,  
 11 because it's in Spanish, but I tried to say it.  
 12 Q. It's the gist of what is included in the  
 13 letter?  
 14 A. It's what it's all about.  
 15 MS. VANSE: And then can we mark this as  
 16 Exhibit 2.  
 17 (Whereupon, Defendant's Exhibit 2  
 18 was marked for identification.)  
 19 MS. VANSE: Q. Would you look at what we've  
 20 marked as Deposition Exhibit 2 and tell me what it is?  
 21 A. This is a letter that one of my son's teacher  
 22 gave me. She said that she sent this letter to the  
 23 principal asking him for new textbooks.  
 24 Q. And so that name is Colleen Coll?  
 25 A. Colleen Coll.

1 Q. And she is a teacher at Helms?  
 2 A. Yes.  
 3 Q. And what class did she teach?  
 4 A. History.  
 5 Q. Is she still at the school now; do you know?  
 6 A. I think so.  
 7 Q. And you said she gave you a copy of the letter?  
 8 A. That's correct.  
 9 Q. And when did she do that?  
 10 A. Exactly the date I don't remember, but it was  
 11 this year.  
 12 Q. This year. Was it during this school year, the  
 13 2001-2002 school year?  
 14 A. 2001.  
 15 Q. Like September?  
 16 A. Before the end of the first school year because  
 17 they started at second right now.  
 18 Q. Helms is on a -- Helms goes from September to  
 19 May or June?  
 20 A. That's correct, to June.  
 21 Q. So was it last spring, if you know what I mean?  
 22 A. Probably. I don't remember.  
 23 Q. It wasn't this school year, meaning starting  
 24 two months ago in September?  
 25 A. No, it wasn't.

1 Q. And do you know why she gave you a copy of that  
 2 letter?  
 3 A. Because she was tired with everything.  
 4 Q. What did she think you would do with the  
 5 letter?  
 6 MS. KOTT: Objection. Calls for speculation.  
 7 MS. VANSE: Q. If you know, you can answer.  
 8 A. Well, she heard that the parents were trying to  
 9 help the teachers.  
 10 Q. Have you ever received a letter like that from  
 11 a teacher before?  
 12 A. No.  
 13 Q. Have you received a letter from a teacher like  
 14 that since this one?  
 15 A. No. Just comments.  
 16 MS. VANSE: If I can have this marked as  
 17 Exhibit 3.  
 18 (Whereupon, Defendant's Exhibit 3  
 19 was marked for identification.)  
 20 MS. VANSE: Q. And Ms. Canel, if you will take  
 21 a look at what we've marked as Deposition Exhibit 3,  
 22 which is a two-page document, and tell me what that  
 23 document is.  
 24 A. This a letter the principal gave us. It was  
 25 regarding about several things, what things the parents

1 have heard about him and things he had to say to us.  
 2 Q. What is the date on that letter?  
 3 A. June 5, 2001.  
 4 Q. And did he give you -- I'm sorry. Did he give  
 5 this to several parents?  
 6 A. To all the parents.  
 7 Q. So all the parents at Helms received that  
 8 letter that you know of?  
 9 A. That's correct, because this was translated in  
 10 Spanish, so -- because they don't speak English, but I  
 11 kept one in English and in Spanish.  
 12 Q. Did you receive this in the mail or in person?  
 13 A. No. In person.  
 14 Q. Was this at a meeting of some sort?  
 15 A. That's correct.  
 16 Q. What was that meeting for?  
 17 A. He wanted to apologize to the parents.  
 18 Q. Any other reason for the meeting that you know  
 19 of?  
 20 A. He wanted to talk about, you know, the school.  
 21 Q. And what did he apologize for?  
 22 A. He was rude to me in a meeting, and I guess he  
 23 felt like he had to apologize to me, and he wanted  
 24 Tanya -- she works with the community. She's supposed  
 25 to help parents in anything that has to do with parents

1 and school.  
 2 Q. Do you know Tanya's last name?  
 3 A. Avila.  
 4 Q. How do you spell that?  
 5 A. A-V-I-L-A.  
 6 Q. She works at the school?  
 7 A. That's correct.  
 8 She insulted the parents.  
 9 Q. Did Mr. Muzinich apologize to anyone else other  
 10 than you?  
 11 A. No.  
 12 Q. When you say Ms. Avila insulted the parents,  
 13 what do you mean by that?  
 14 A. She practically called us dogs.  
 15 Q. When was that?  
 16 A. This was in a parent meeting.  
 17 Q. Do you remember when that meeting was?  
 18 A. No. I don't remember the date, but I know it  
 19 was a Tuesday morning.  
 20 Q. Do you remember which year it was?  
 21 A. It was this year.  
 22 Q. By "this," do you mean --  
 23 A. 2001.  
 24 Q. 2001, but the previous school year?  
 25 A. Yes, that's correct.

1 Q. What was that meeting about, if you remember?  
 2 A. It was meetings, you know, about the school.  
 3 Q. Were these regular meetings that you had?  
 4 A. Regular meetings every Tuesday mornings.  
 5 Q. Is this the Coffee Club?  
 6 A. Coffee Club, that's correct.  
 7 Q. How did it come about that she insulted the  
 8 parents? What were you talking about at the time, if  
 9 you remember?  
 10 A. About the school. I don't remember exactly  
 11 what she was telling us, but I do remember when she said  
 12 that we came to school only to bark and that all the  
 13 parents got very upset that they -- and one of them -- I  
 14 want to say Sara Clemore. Not Sara Clemore. I'm just  
 15 looking for a word to say this. She was very upset and  
 16 she -- and angry. She was asking why, you know, she was  
 17 calling us like that.  
 18 Q. This is Sara?  
 19 A. This is another parent present there.  
 20 Q. Do you remember the other parent's name?  
 21 A. Yes.  
 22 Q. What was it?  
 23 A. Martha.  
 24 Q. Martha. And her last name?  
 25 A. Figueroa.

1 Q. I'll take that back.  
 2 Again, Exhibits 1 through 3 are documents that  
 3 you found while looking through some papers?  
 4 A. Yes.  
 5 MS. VANSE: And Plaintiffs will be Bates  
 6 stamping them and producing them to all parties?  
 7 MS. KOTT: Correct.  
 8 MS. VANSE: Q. Do you know if you have any  
 9 other letters or notes that would relate to Walter Helms  
 10 or the schools in West Contra Costa other than the three  
 11 that you gave us?  
 12 A. I think I might have, but I didn't have time to  
 13 find them.  
 14 MS. KOTT: I was going to say they would also  
 15 have to be responsive to some request that you've made  
 16 for us to produce them.  
 17 MS. VANSE: Right. I'm just trying to get a  
 18 sense of what you all might have in addition to these  
 19 three.  
 20 Q. And where would any additional letters or notes  
 21 be? Do you know where they are, or you just didn't have  
 22 time to look for them?  
 23 A. I might have some, and I know that other  
 24 parents have a lot of evidence, if I should call it that  
 25 way, or proofs.

1 Q. When you say "evidence," what do you mean?  
 2 A. About letters that we sent to the principal,  
 3 letters that we sent to the district, not only me, but  
 4 different parents, all the parents. And some of them  
 5 have pictures of the school.  
 6 Q. Do you know -- I'm sorry. How do you know that  
 7 they have these?  
 8 A. Because I have seen them.  
 9 Q. How did it come about that you saw them? Did  
 10 they show them to you at a meeting?  
 11 A. All of them together, all of us saw the papers.  
 12 All the parents saw the papers.  
 13 Q. When was that?  
 14 A. At the parents' meetings.  
 15 Q. Do you recall who you saw them from, these  
 16 letters or photographs?  
 17 A. What do you mean?  
 18 Q. Like who showed them to you, the people that  
 19 had these?  
 20 A. The parents.  
 21 Q. Right, but do you know who they are, the names?  
 22 A. Yes. Well, some of them I don't recall their  
 23 names, but most of them I do.  
 24 Q. The ones that you can recall.  
 25 A. Martha is one, same person.

1 Q. Martha Figueroa?  
 2 A. Yes. G-E-N-O-V-E-V-A is another one.  
 3 Q. Is that --  
 4 A. A parent.  
 5 Q. Right. But is it -- I guess it's Genoveva  
 6 DeAlba?  
 7 A. Yes.  
 8 Q. Anyone else?  
 9 A. I-D-A-L-I-A Lopez.  
 10 Q. Anyone else that you recall?  
 11 A. Beatriz Ezcutia.  
 12 Q. Just go ahead and spell that, if you would?  
 13 A. First name or --  
 14 Q. Both first and last.  
 15 A. B-E-A-T-R-I-Z. And the last name is.  
 16 E-Z-C-U-T-I-A.  
 17 Q. Anyone else that you can recall?  
 18 A. America -- I don't remember her last name right  
 19 now.  
 20 Q. Anyone else?  
 21 A. Maria \_\_\_\_\_. I don't remember her last  
 22 name.  
 23 Q. And can we leave a blank after "America" and  
 24 "Maria," and then when you get your transcript and  
 25 review it, if you either remember or could look up their

1 last names, I would appreciate it. And you can just  
 2 fill it in when you review your transcript.  
 3 A. America is Mazariago, M-A-Z-A-R-I-E-G-O.  
 4 Q. Maria's last name you don't recall?  
 5 A. No, I can't recall that.  
 6 Q. We'll leave it blank. You can fill it in.  
 7 Anyone else?  
 8 A. Miguel. Gutierrez I think is his last name.  
 9 Jorje \_\_\_\_\_. I don't remember his last  
 10 name.  
 11 Q. Can we leave a blank for that one, also?  
 12 Anyone else?  
 13 A. I know there are more parents, but I can't  
 14 recall their names.  
 15 Q. Are these all parents that are involved in the  
 16 Coffee Club?  
 17 A. That's right.  
 18 Q. About how many parents are in that club?  
 19 A. Usually 12, sometimes more, sometimes less.  
 20 Q. Is this something that the parents decided to  
 21 start or that the school --  
 22 A. The school.  
 23 Q. Do you know why the school started the Coffee  
 24 Club?  
 25 A. I guess they wanted parent involvement.

1 MS. KOTT: Don't guess.  
 2 THE WITNESS: I'm pretty sure.  
 3 MS. VANSE: Q. Was the Coffee Club in place --  
 4 Let me ask you this question first: How many children  
 5 do you have?  
 6 A. Three.  
 7 Q. And how many of them went to Helms?  
 8 A. One.  
 9 Q. Just Moises?  
 10 A. That's right.  
 11 Q. And when was the first year that he started at  
 12 Helms?  
 13 A. '99. No. I think it was '98.  
 14 Q. '98?  
 15 A. No. '99. '99.  
 16 Q. '99, okay.  
 17 A. '99.  
 18 Q. And was the Coffee Club in place when you --  
 19 when Moises first started going to Helms?  
 20 A. Yes.  
 21 Q. What are the ages of your two other children?  
 22 A. My oldest is almost 18.  
 23 Q. And then Moises is?  
 24 A. 14.  
 25 Q. And then the third?

1 A. My little one is five. Sara.  
 2 Q. Does she go to school yet?  
 3 A. Yes.  
 4 Q. Where does she go to school?  
 5 A. Where, meaning what city?  
 6 Q. What's the school called?  
 7 A. Montalvin Manor School.  
 8 Q. Can you spell that?  
 9 A. Let me write it.  
 10 Q. Sorry.  
 11 A. That's okay. Okay. Montalvin,  
 12 M-O-N-T-A-L-V-I-N, M-A-N-O-R, School.  
 13 Q. And she's in kindergarten?  
 14 A. That's correct.  
 15 Q. What about your oldest son?  
 16 A. He's a senior, in 12th grade.  
 17 Q. What school does he go to?  
 18 A. Richmond High School.  
 19 Q. Did he attend Richmond for all of his high  
 20 school years?  
 21 A. That's correct.  
 22 Q. Where did he go to middle school?  
 23 A. What was the school? Do you remember the  
 24 school?  
 25 MR. CANEL: Ben Franklin.

1 THE WITNESS: Ben Franklin in Daly City.  
 2 MS. VANSE: Q. Where is Daly City? Where is  
 3 it, Daly City?  
 4 A. Daly City?  
 5 Q. Uh-huh.  
 6 A. It is south of San Francisco.  
 7 Q. Is it in California, Daly City?  
 8 A. Yes. It's California.  
 9 Q. I've never heard of Daly City.  
 10 A. It's close to Westlake. Westlake is in Daly  
 11 City.  
 12 MS. KOTT: It's just south of San Francisco.  
 13 THE WITNESS: Going south, yes.  
 14 MS. VANSE: Okay. Westlake. There's a  
 15 Westlake, San Francisco. There's a Westlake in  
 16 Los Angeles.  
 17 THE WITNESS: Westlake, Daly City, California.  
 18 MS. VANSE: Q. How long have you lived in  
 19 San Francisco or the San Francisco area?  
 20 A. Lived? I lived here for 20 years.  
 21 Q. Where did you live before that?  
 22 A. In my country.  
 23 Q. You're from Mexico?  
 24 A. El Salvador, Central America.  
 25 Q. When did you first learn about this lawsuit?



1 A. You mean when or what year?  
 2 Q. Well, yeah, when. In what year?  
 3 A. End of school.  
 4 Q. End of which school year?  
 5 A. '99.  
 6 Q. 1999. So would that be about May?  
 7 A. It had to be before I signed the declaration.  
 8 Q. Of course, of course.  
 9 A. I don't remember the date.  
 10 Q. You don't remember, but you know it was the end  
 11 of the school year, 1999?  
 12 A. Yes.  
 13 MS. KOTT: Just to clarify, do you mean the end  
 14 of the '99-2000 school year?  
 15 THE WITNESS: No. It was in the middle. I  
 16 don't know. Exactly the date I don't know. But it was  
 17 in 1999.  
 18 MS. VANSE: Q. And how did you first learn  
 19 about it?  
 20 A. There were a couple of lawyers there, and they  
 21 told us about it.  
 22 MS. KOTT: Objection. Don't talk about the  
 23 content of any conversation with lawyers. It's  
 24 attorney-client privilege. But you can talk about, you  
 25 know, that lawyers met with you. You can discuss things

1 like that.  
 2 MS. VANSE: Q. I don't want to know anything  
 3 that your attorneys have said to you, although when did  
 4 you first decide to get involved in the lawsuit?  
 5 A. I guess after I got tired of everything in  
 6 school and thinking, you know, about this lawsuit, that  
 7 it was something good to do for the children.  
 8 Q. Did you decide to get involved in the lawsuit  
 9 after that first meeting?  
 10 A. No.  
 11 Q. How soon after that meeting did you decide to  
 12 get involved?  
 13 MS. KOTT: Objection. I believe you're  
 14 mischaracterizing her testimony.  
 15 MS. VANSE: Q. You had one meeting where some  
 16 lawyers came, and you heard about this lawsuit; correct?  
 17 A. They didn't come only once. I think they came  
 18 more than once after that.  
 19 Q. I'm just talking about the first time you heard  
 20 about the lawsuit.  
 21 A. No. I didn't decide the first time.  
 22 Q. Okay. So -- and the first time you heard about  
 23 it was at a meeting with some attorneys?  
 24 A. No, it wasn't. It was the school.  
 25 Q. It was at the school?

1 A. Parent meeting.  
 2 Q. A parent meeting.  
 3 And who was talking about the lawsuit?  
 4 A. The person in charge of the parent meetings.  
 5 Q. And who was that?  
 6 A. Idalia Lopez.  
 7 Q. And she's a parent?  
 8 A. Parent, but she worked for the school.  
 9 Q. And were there any attorneys at that meeting  
 10 when you first heard about it?  
 11 A. No.  
 12 Q. And what did Ms. Lopez tell the parent meeting  
 13 about the lawsuit?  
 14 A. She kind of explained what this person wanted  
 15 to tell us about. She didn't exactly know. She said  
 16 that they were going to tell us more about it.  
 17 Q. So she was telling you about a meeting that  
 18 would come after that parent meeting?  
 19 A. Yes.  
 20 Q. When they would explain?  
 21 A. Uh-huh, that they were going to be there and  
 22 not to miss the meeting because it was very important.  
 23 Q. And so after -- I'm sorry. Did she say  
 24 anything else about the lawsuit other than --  
 25 A. No.

1 Q. Okay. And how soon after that parent meeting  
 2 did you have another meeting, I guess, about the  
 3 lawsuit?  
 4 A. Well, we had meetings every week, but I don't  
 5 remember after that when it was.  
 6 Q. Okay. And so how soon after -- Let me ask  
 7 this: Did you finally meet with some attorneys that  
 8 were involved in this lawsuit?  
 9 A. Yes.  
 10 Q. And when was that?  
 11 A. You mean the date?  
 12 Q. How soon after the meeting with Ms. Lopez where  
 13 she explained it?  
 14 A. I guess it was about a month, I think. I don't  
 15 know exactly.  
 16 Q. And did you talk about the lawsuit at all  
 17 during that month between the time you first heard about  
 18 it and when you met with the attorneys involved in the  
 19 case, if you remember?  
 20 A. I think so.  
 21 Q. And who did you speak with during that time  
 22 period?  
 23 A. I don't remember the names, but there were some  
 24 Spanish speaking persons. They explained it to the  
 25 parents because they needed someone to translate for

1 them. So they explained it better.  
 2 Q. And these were -- the Spanish speaking  
 3 translators were from the school, or were they from the  
 4 attorney's office, if you know?  
 5 A. The attorney's office.  
 6 Q. Anyone else that you spoke with in between that  
 7 first time when you heard about it and the first meeting  
 8 that you had with the lawyers that you spoke about this  
 9 case?  
 10 A. No. Just them.  
 11 Q. And so when you finally did meet with the  
 12 attorneys in this case, is that when you decided to get  
 13 involved?  
 14 A. Yes.  
 15 Q. Were there other parents that decided to get  
 16 involved as well?  
 17 A. Yes.  
 18 Q. What were their names?  
 19 A. The ones I remember is Beatriz Ezcutia,  
 20 Genoveva, myself. And I don't remember the other  
 21 person's name, but they are in the papers.  
 22 Q. Okay. Do you know of any parents who decided  
 23 not to get involved after either that meeting, that  
 24 first meeting with Ms. Lopez, or the meeting with the  
 25 attorneys?

1 A. No.  
 2 MS. VANSE: Do you need to take a break at all?  
 3 THE WITNESS: No. I'm fine.  
 4 MS. VANSE: Q. Does Moises still attend Helms?  
 5 A. No.  
 6 Q. Where does he go to school now?  
 7 A. Richmond High School.  
 8 Q. Freshman?  
 9 A. Yes.  
 10 Q. Do you still have any activities, or do you  
 11 ever go to Helms Middle School now that your son is not  
 12 attending there?  
 13 A. I haven't been there ever since, but I keep  
 14 contact with some parents that still do.  
 15 Q. When was the last time that you were at Helms  
 16 yourself?  
 17 A. Last week. Last week.  
 18 Q. Why were you there last week?  
 19 A. There was a meeting.  
 20 Q. What kind of meeting was it?  
 21 A. Parent meetings.  
 22 Q. Was it still a Coffee Club meeting?  
 23 A. Yes.  
 24 Q. Is Coffee Club just for Helms parents?  
 25 A. Community parents.

1 Q. So it's for --  
 2 A. Anyone who can -- who wants to help, I guess.  
 3 Q. So it's just -- It's something for any school;  
 4 it's not just particular parents from Helms that go to  
 5 the Coffee Club?  
 6 A. Especially parents from the school and parents  
 7 that wanted to get involved in helping at the school.  
 8 Q. Do you know if the Coffee Club was started by  
 9 Helms or if it was started by the school district?  
 10 MS. KOTT: Objection. Calls for speculation.  
 11 MS. VANSE: Q. If you know.  
 12 A. School.  
 13 Q. Are these meetings, these Coffee Club meetings,  
 14 held at Helms?  
 15 A. Yes.  
 16 Q. And you still go to the meetings every week?  
 17 A. No, I haven't. I don't go to the meetings.  
 18 They canceled meetings.  
 19 Q. And when did they cancel the meetings?  
 20 A. This school year.  
 21 Q. Do you know why?  
 22 A. Because this person Tanya didn't want the  
 23 parents, you know, involved in the school anymore, not  
 24 the way we were involved before.  
 25 Q. Do you know what her job was at Helms?

1 A. She's coordinator.  
 2 Q. Do you know what she coordinates?  
 3 A. Community -- I don't recall exactly, but she's  
 4 supposed to work with the parents and the school.  
 5 Q. Do you know if she just works with Helms or if  
 6 she works with other schools in the school district?  
 7 A. I know she works with Helms. And I think  
 8 sometimes she works with Richmond High School because  
 9 I've seen some persons that work at Richmond High talk  
 10 with her at Helms. They would meet there.  
 11 Q. And she decided to cancel the meetings starting  
 12 this year?  
 13 A. Yes.  
 14 Q. So what was the -- Why did you have the meeting  
 15 last week?  
 16 A. The usual meetings, you know.  
 17 Q. What are the usual meetings? Let me get this  
 18 straight. The Coffee Club met or meets how often?  
 19 A. Every Tuesday.  
 20 Q. Every Tuesday. And those meetings are still  
 21 continuing?  
 22 A. No.  
 23 Q. Those are the meetings that are canceled?  
 24 A. That's right.  
 25 Q. Are there any other meetings that you attend

1 that relate to schools or schools within the school  
 2 district?  
 3 A. School site council meetings.  
 4 Q. How often does that meet?  
 5 A. Once a month. And district meetings.  
 6 Q. And how often are the district meetings?  
 7 A. Once a month.  
 8 Q. Any other meetings?  
 9 A. I went to a school board meeting.  
 10 Q. Do you know how often they meet?  
 11 A. I think it's once a month, also.  
 12 Q. But you just attended once?  
 13 A. Yes.  
 14 Q. Do you go to all the school site council  
 15 meetings?  
 16 A. What do you mean?  
 17 The school site council meetings that are once  
 18 a month, do you go to that meeting every month?  
 19 A. I used to go every month.  
 20 Q. When did you stop going?  
 21 A. When school -- the last school year.  
 22 Q. So that would be the end of the 2000-2001  
 23 school year?  
 24 A. Uh-huh. Yes, correct. I'm sorry. I just  
 25 forgot.

1 Q. So have you gone to any of the school site  
 2 council meetings this school year, the 2001 --  
 3 A. No.  
 4 Q. Is there a reason why you stopped going?  
 5 A. They haven't invited me. They would send me a  
 6 notice every time they had one, and they stopped sending  
 7 it.  
 8 Q. Do you know if you have to be invited to attend  
 9 the school site council meeting?  
 10 A. They have to let the parents know, at least the  
 11 ones that are members and the ones that are involved.  
 12 Q. And when you just said "members," what do you  
 13 mean members? Members of what?  
 14 A. Because the ones that are members are the ones  
 15 that can vote if they have to make any decision  
 16 regarding the school.  
 17 Q. So it's a member of the school site council?  
 18 A. Yes.  
 19 Q. Are you a member of the school site council?  
 20 A. Yes, I think I am.  
 21 Q. Is your husband a member of the school site  
 22 council?  
 23 A. No.  
 24 Q. So far for the 2001-2002 school year, you  
 25 haven't been informed of any of the school site council

1 meetings?  
 2 A. No.  
 3 Q. Have you asked anyone about that, why you  
 4 haven't been receiving notice?  
 5 A. No, but I think I know.  
 6 Q. Why do you think?  
 7 A. They don't want me there.  
 8 Q. When you say "they," who do you mean?  
 9 A. I know Tanya is one. And Renee. She's the one  
 10 in charge of the school funds, general funds, at the  
 11 school.  
 12 Q. Do you know Renee's last name?  
 13 A. I can't recall her last name right now.  
 14 Q. She works for the school district?  
 15 A. Yes.  
 16 Q. Anyone else you were referring to when you said  
 17 they don't want you there?  
 18 A. The principal is one, but he's not there  
 19 anymore.  
 20 Q. That's Steve Muzinich?  
 21 A. That's right.  
 22 Q. Anyone else?  
 23 A. Some teachers.  
 24 Q. Would one of the teachers be Mr. Flaherty?  
 25 A. No. He wasn't one of the members.

1 Q. Why don't you think they wanted you at the  
 2 school site council meetings?  
 3 A. Who?  
 4 Q. Tanya, Renee, Principal Muzinich and some  
 5 teachers.  
 6 MS. KOTT: Objection. Calls for speculation.  
 7 MS. VANSE: Q. You can answer.  
 8 A. Because we were against all the -- about the  
 9 things they were doing, the way they were handling the  
 10 money.  
 11 Q. Any other reason you think they might not have  
 12 wanted you there?  
 13 MS. KOTT: Same objection.  
 14 That's okay. Go ahead.  
 15 THE WITNESS: We were always telling them why  
 16 the students didn't have new textbooks. I guess they  
 17 didn't like that. And we were always telling them about  
 18 the -- you know, the school situation. We were always  
 19 asking them about the money, how they were handling the  
 20 money in the school.  
 21 MS. VANSE: Q. And when you say "we were  
 22 always asking," do you mean you and the other parents?  
 23 A. Me and the other parents.  
 24 Q. Would these be other parents that you've  
 25 mentioned previously as members of the Coffee Club?

1 A. Not only the members but other parents at the  
 2 Coffee Club. We would speak for them.  
 3 Q. Any other parents besides parents that are  
 4 members of the Coffee Club that you were referring to  
 5 when you said you would make these --  
 6 A. All the parents at the Coffee Club.  
 7 Q. Okay. So no other parents outside the Coffee  
 8 Club that you're referring to when you said "They didn't  
 9 want us there"?  
 10 A. No.  
 11 Q. And do you attend the district meetings?  
 12 A. Not anymore. I haven't.  
 13 Q. And when was -- I'm sorry.  
 14 When did you stop attending the district  
 15 meetings?  
 16 A. Before they ended the last school year,  
 17 1999-2000 -- no. 2000-2001.  
 18 Q. Why did you stop attending those meetings?  
 19 A. Because school ended.  
 20 Q. And you just haven't started going to them  
 21 again this year?  
 22 A. No. They send me the papers from the district,  
 23 but I didn't go to the meeting.  
 24 Q. Does Richmond High School have a school site  
 25 council meeting?

1 A. Yes.  
 2 Q. Do you attend that?  
 3 A. I haven't, not yet.  
 4 Q. Do you plan on attending that meeting?  
 5 A. Yes.  
 6 Q. Do you know how often it meets?  
 7 A. Once a month.  
 8 Q. Any reason why you haven't attended a meeting?  
 9 A. I've been involved with my daughter's, you  
 10 know, school, and other things.  
 11 Q. And you said you attended a school board  
 12 meeting once?  
 13 A. That's correct.  
 14 Q. And when was that?  
 15 A. I don't remember exactly the date.  
 16 Q. Do you remember approximately when it was?  
 17 A. It was before school -- you know, that school  
 18 year ended, 2002 -- I mean 2001. I get confused.  
 19 Q. It's easy to do.  
 20 A. Yes.  
 21 Q. And why did you attend that school board  
 22 meeting?  
 23 A. Because we, the parents, were tired of all that  
 24 was happening in the school. We brought a folder full  
 25 of complaints and took them there and presented them to

1 the school board.  
 2 Q. And when you're talking about -- again, "we"  
 3 the parents, this is just parents who are involved with  
 4 the Coffee Club?  
 5 A. Yes.  
 6 Q. And when you say a folder full of complaints,  
 7 did those have documents and the letters that you were  
 8 referring to earlier?  
 9 A. More than that.  
 10 Q. Other than what you've already talked about,  
 11 the letters and the photographs, what else was in that  
 12 folder full of complaints?  
 13 A. Complaints that different parents have made to  
 14 the teacher and complaints that they have made to the  
 15 district.  
 16 Q. Are these letters?  
 17 A. Letters, signatures.  
 18 Q. Is there a -- I'm sorry. Was there a petition  
 19 signed?  
 20 A. And that, too.  
 21 Q. Anything else other than what you've told me  
 22 was in that folder full of complaints?  
 23 A. Everything about the school, you know. All the  
 24 things we were not happy about, about the principal,  
 25 about the personnel, you know, this person Tanya, the

1 way she humiliated the parents and discriminated the  
 2 parents.  
 3 Q. Do you know how the folder -- like, how did you  
 4 put together the folder? Was that something you did at  
 5 the Coffee Club?  
 6 A. We did it in meetings we had at the school.  
 7 Q. Who collected everything? Did one parent do  
 8 that?  
 9 A. All the parents.  
 10 Q. But there -- Excuse me. Go ahead. Finish,  
 11 please?  
 12 A. All the parents had different papers, and we  
 13 all put them together. We made copies of everything.  
 14 We kept copies for ourselves. And we sent copies to the  
 15 school.  
 16 Q. Do you still have a copy of everything that was  
 17 in that folder?  
 18 A. I know there's one parent that has everything.  
 19 Q. Who is that parent?  
 20 A. I think it's Roscio \_\_\_\_\_. That's  
 21 another parent you can add to the list. I don't recall  
 22 her last name.  
 23 Q. Can we leave a blank for that? Thank you.  
 24 And she has a copy of everything that was in  
 25 that folder?

1 A. I believe she does. She is the one.  
 2 Q. And what happened at that school board meeting?  
 3 A. There were a lot of schools there, you know,  
 4 complaints about the situation at the school. I  
 5 remember there was Kennedy High School. That's the one  
 6 I remember because they had a lot of things to say, bad  
 7 things, actually, about the school. And other schools.  
 8 Q. Were these parents from --  
 9 A. Parents, teachers, students. Most of them were  
 10 students and teachers.  
 11 Q. And do you know if anything happened after that  
 12 meeting, if the school board did anything as a result of  
 13 that meeting?  
 14 MS. KOTT: Objection, vague.  
 15 THE WITNESS: They didn't say anything. They  
 16 just heard everybody, what they had to say.  
 17 MS. VANSE: Q. Did you receive any letters or  
 18 information after that meeting?  
 19 A. There were two persons that approached me after  
 20 I said what I had to say to the board.  
 21 Q. Who approached you?  
 22 A. There was this superintendent. Let me see. I  
 23 think I have it -- Do you need her name? She said that  
 24 she supervised all the principals of the school  
 25 district.

1 Q. Is that Dr. Gloria Johnston?  
 2 A. No.  
 3 Q. But it was one of the superintendents of the  
 4 district?  
 5 A. That's correct.  
 6 MS. KOTT: It's possible her name is listed on  
 7 the letter from Steve Muzinich.  
 8 MS. VANSE: Carolyn Slater.  
 9 THE WITNESS: Yes, that's correct.  
 10 MS. VANSE: Thank you.  
 11 THE WITNESS: It's hard for me to remember  
 12 everything.  
 13 MS. VANSE: Q. And what did she approach you  
 14 about?  
 15 A. I guess she was interested in what I said to  
 16 the board, and she said -- she wanted to know about the  
 17 school. She wanted to hear what I had to say. I just  
 18 told her the truth.  
 19 Q. Was that the only time you spoke with her?  
 20 A. That was the first time.  
 21 Q. When did you speak with her again?  
 22 A. When she came to school and spoke with the  
 23 parents.  
 24 Q. This was at Helms?  
 25 A. That's right.

1 Q. And what did she do when she came and spoke to  
 2 the parents? What did she talk about?  
 3 A. About the situation at the school and about  
 4 this person, Tanya Avila, insulting the parents. She  
 5 wanted to fix, I guess, everything, but she didn't.  
 6 Q. She didn't. Did you speak with her again after  
 7 that second meeting?  
 8 A. No.  
 9 Q. Did you ever receive any letters or anything  
 10 from her?  
 11 A. Her secretary called me a couple of times.  
 12 Q. Did you speak with the secretary?  
 13 A. Yes.  
 14 Q. And what did she tell you?  
 15 A. She wanted to let me know about this meeting we  
 16 were going to have with her at Helms. The reason she  
 17 called me was because I sent her a complaint.  
 18 Q. You sent a complaint to Carolyn Slater?  
 19 A. Yes. It's not here. She has it with her.  
 20 Q. You didn't keep a copy of the letter?  
 21 A. No, I don't have it. I know there's a parent  
 22 that has everything.  
 23 Q. And this letter that we've marked as Deposition  
 24 Exhibit 3, this was the letter that she sent --  
 25 Actually, I'll just ask you.

1 A. That was the principal.  
 2 Q. That was the principal?  
 3 A. Yes.  
 4 Q. So this wasn't the letter you responded to --  
 5 or I'm sorry, that she responded to you?  
 6 A. No.  
 7 Q. That's right. It's Steve Muzinich.  
 8 A. No.  
 9 Q. Did she send you a letter back after you sent  
 10 her a letter with your complaints?  
 11 A. No.  
 12 And there was another person that approached me  
 13 after that school board meeting.  
 14 Q. Who was that?  
 15 A. His name was David Azcarraga,  
 16 A-Z-C-A-R-R-A-G-A.  
 17 Q. Who was he?  
 18 A. He said he was a director, maintenance  
 19 operation and transportation, of West Contra Costa  
 20 Unified School District.  
 21 Q. And what did he approach you for?  
 22 A. He wanted to hear -- Well, actually, I think  
 23 the reason they wanted to talk to me was because we  
 24 didn't say much about the school. Everything was in the  
 25 folder, you know. We didn't want to waste time. That's

1 why we put everything there. And since they didn't hear  
2 anything, I guess they wanted to hear it from us. And  
3 he wanted copies of what we handed to the school board,  
4 but we didn't give it to him.

5 Q. You didn't give him copies?

6 A. No.

7 Q. Any reason why not?

8 A. He wanted to meet with the parents, too.

9 Q. Was there any reason why you didn't want --

10 A. I didn't trust him.

11 Q. Why didn't you trust him?

12 A. Because everybody from the district, you know,  
13 they -- they're all the same.

14 Q. When you say everyone from the district is all  
15 the same, what do you mean?

16 A. They never give you any resolutions. They just  
17 throw the ball to each other and nobody's fault.

18 Q. Did you speak with Mr. -- Did you meet with  
19 David after that meeting?

20 A. No, we didn't.

21 Q. Did you ever receive any letters from him?

22 A. No. What he said was that the district had  
23 some money to fix part of the school, but they didn't  
24 have that much money, which I didn't believe, because if  
25 he said that they had money, it was because they could

1 Q. And how many parents were involved in the  
2 Parent Patrol?

3 A. Two each day, different days, you know.

4 Q. So you would have two parents every day of the  
5 week?

6 A. Week.

7 Q. Every school day of the week?

8 A. When the parents could do it.

9 Q. When did the Parent Patrol start?

10 A. Last school year, 2000-2001.

11 Q. Was that something the parents decided to do or  
12 that the school tried to initiate?

13 A. The parents, I think.

14 Q. If you could just describe for me a little bit  
15 what you did as a parent on patrol. What would that  
16 involve? Did you just walk around the school?

17 A. We would have to walk around the school and  
18 check the bathroom, the halls, outside the school. When  
19 we attended the meetings -- you know, we did it because  
20 there were a lot of students cutting classes. We would  
21 tell them or ask them if they were in class or to go  
22 back to their classes, or we would just tell someone in  
23 charge, you know, to check on those kids.

24 Q. Were the parents there for the entire school  
25 day?

1 do something about the school. We didn't understand why  
2 they didn't.

3 Q. Why they didn't what?

4 A. Fix the school. And not only that school, but  
5 all the schools.

6 Q. Do you know if either Ms. Slater or David are  
7 still employed by the district?

8 A. Yes. Yes, they are.

9 Q. Do you need a break?

10 A. I'm fine.

11 (Recess taken.)

12 MS. VANSE: Q. We've already talked about some  
13 of the meetings that you attended, the school site  
14 council and the Coffee Club. Were there any other  
15 activities you were involved with at Helms?

16 A. Patrolling.

17 Q. Anything else?

18 A. Not right now. I can't remember.

19 Q. And patrolling. Was that part -- I think it's  
20 called the Parent Patrol?

21 A. That's right.

22 Q. What is that?

23 A. Some of the parents would help security guards  
24 around the school to control the students because there  
25 were so many fights there, especially during lunch time.

1 A. No, just a couple of hours, I think mostly  
2 during lunch time because they had different times for  
3 lunch.

4 Q. What was the reason for starting the Parent  
5 Patrol, if you know?

6 A. Because they didn't have enough security guards  
7 there.

8 Q. The school didn't have enough security guards?

9 A. No.

10 Q. Does Helms still have a Parent Patrol, if you  
11 know?

12 A. I don't think so.

13 Q. Do you know why they don't?

14 A. Same reasons, because this person doesn't want  
15 parents there at the school, you know, Tanya.

16 Q. Just Tanya?

17 A. That's what I think.

18 Q. You said that Helms has a new principal?

19 A. Yes. I don't recall her name.

20 Q. Is she new for this 2001-2002 school year?

21 A. Yes.

22 Q. Have you ever met her?

23 A. No, not yet.

24 Q. Do you plan on meeting her?

25 A. Yes.

1 Q. When did you plan on meeting her?  
 2 A. I don't know, but I am planning it. I guess I  
 3 want her to know everything we did, and I don't want  
 4 anybody to tell her something that is not --  
 5 Q. When you say you want to tell her what we did,  
 6 do you mean the Coffee Club?  
 7 A. Yes, the good things we tried to do for the  
 8 school.  
 9 Q. Can you give me a list? What are the good  
 10 things that the parent -- I'm sorry, the Coffee Club  
 11 tried to do for the school?  
 12 A. We had in mind, you know, for them to fix the  
 13 school, the windows the classrooms, the bathrooms, to  
 14 have new textbooks for the students.  
 15 Q. So maybe I asked my question badly. When you  
 16 say you didn't want -- you wanted to tell her "what we  
 17 did for the school," do you mean the problems you had  
 18 with the school or things that the Coffee Club actually  
 19 did for the school?  
 20 A. All of it.  
 21 Q. Let's start with the things that the Coffee  
 22 Club actually did for the school. Would that be like  
 23 the Parent Patrol, I'm assuming is one. Is that  
 24 correct?  
 25 A. Yes.

1 Q. What were some of the other things that the  
 2 Coffee Club actually did for the school? And we'll talk  
 3 about the problems and issues you raised in a second.  
 4 A. Every time the parents tried to help in any  
 5 way, they wouldn't let them. They wanted their help,  
 6 but they didn't ever -- they never let them do it  
 7 freely.  
 8 Q. So was there anything that the Coffee Club was  
 9 able to do to actually help the school, physically do?  
 10 A. Yes. Like you know, helping the security  
 11 guards.  
 12 Q. Anything else?  
 13 A. Not right now. I can't think of anything.  
 14 Q. And then what were the -- I guess the issues  
 15 that you want to make sure that the new principal knows  
 16 about? Is that a fair way to put it? You want her to  
 17 know about certain things?  
 18 A. That's fine.  
 19 Q. What are those problems or issues that you want  
 20 her to be aware of?  
 21 A. I heard from a parent that someone told her  
 22 everything, you know, different than it was, that this  
 23 person told the principal that we only come there to  
 24 make problems.  
 25 Q. And who told the principal that, that you heard

1 of?  
 2 A. I'm not sure, but this parent told me that  
 3 Tanya.  
 4 Q. Which parent told you that?  
 5 A. One of the parents in the Coffee Club. I think  
 6 it was Martha.  
 7 Q. Anything else you want to speak to the new  
 8 principal at Helms about?  
 9 A. I wanted to meet her and hear what she has to  
 10 say to the parents.  
 11 Q. Do you have a scheduled meeting with her  
 12 already?  
 13 A. No. I heard that she has spoke with some  
 14 parents. She hasn't called me yet.  
 15 Q. Would you expect her to call you?  
 16 A. I hope she does. She speaks Spanish and  
 17 English. I can tell her in Spanish or English.  
 18 Q. Moises is no longer at Helms; correct?  
 19 A. No.  
 20 Q. So would there be a specific reason why she  
 21 would be calling you?  
 22 MS. KOTT: Objection. Calls for speculation.  
 23 MS. VANSE: Q. If you know.  
 24 MS. KOTT: Same objection.  
 25 THE WITNESS: I guess I think she knows about

1 the parents that were involved at their Coffee Club.  
 2 MS. VANSE: I'd like to have this marked as  
 3 Exhibit 4.  
 4 (Whereupon, Defendant's Exhibit 4  
 5 was marked for identification.)  
 6 MS. VANSE: Q. Ms. Canel, can you just take a  
 7 look at this document and tell me what it is, the  
 8 document marked as Exhibit 4?  
 9 A. My declaration.  
 10 Q. Can you just look through all the pages and  
 11 make sure we have it? I think there should be four,  
 12 with Plaintiff's Bates stamp No. 00184 through 00187.  
 13 A. There are four.  
 14 Q. And that's the declaration you signed in this  
 15 matter?  
 16 A. Yes.  
 17 Q. And did you review this declaration before you  
 18 signed it?  
 19 A. Yes.  
 20 Q. And other than we've already talked about the  
 21 mistake in the principal's name, was there anything else  
 22 that you thought was inaccurate about it?  
 23 A. No.  
 24 Q. Did you sign any other declarations other than  
 25 this one we've marked as Exhibit 4?

1 A. No.  
 2 Q. I'd like to direct your attention to paragraph  
 3 6, and where it states that the principal himself did  
 4 not have proper certification to teach public school,  
 5 "It is my understanding that the principal,  
 6 Mr. Cummings" -- we know is now Mr. Muzinich --  
 7 "received his post-secondary training in carpentry and  
 8 is not licensed for his position as principal."  
 9 Can you tell me why you thought that  
 10 Mr. Muzinich did not have proper training to be a  
 11 principal?  
 12 A. I didn't thought. I knew.  
 13 Q. How did you know that?  
 14 A. Because Idalia Lopez told us.  
 15 Q. One of the mothers, okay.  
 16 A. Yes.  
 17 Q. When did she tell you this?  
 18 A. I don't know when, but she told us. She told  
 19 the parents.  
 20 Q. Was this at a Coffee Club meeting?  
 21 A. No.  
 22 Q. What did she say, if you remember?  
 23 A. That what she knew was that he was -- he used  
 24 to teach carpentry at the school, and that's all he  
 25 knew, and he didn't have any training to be a principal.

1 Q. Did she say why she knew this or why she  
 2 thought that?  
 3 A. Because she worked at the school and she knew  
 4 things about people who worked there.  
 5 Q. Any other reason why you thought Mr. Muzinich  
 6 was not licensed for his position as principal?  
 7 A. He didn't act like it.  
 8 Q. Any other reason?  
 9 A. He was disrespectful to the parents, to the  
 10 children from what I saw. He didn't have experience.  
 11 He never knew anything. Every time we used to ask him  
 12 things, he never knew.  
 13 Q. Can you give me an example of something you  
 14 asked him about that he didn't know?  
 15 A. Like we will say, "When are you going to fix  
 16 the windows?"  
 17 "I don't know," he would say.  
 18 "Don't you have money to fix it?"  
 19 He would say "No."  
 20 "Aren't you asking for money, you know, of the  
 21 district to help you?"  
 22 "Well, they say they don't have money. They  
 23 don't have enough."  
 24 And the things -- you know, simple things that  
 25 I can't remember exactly, but every time we would ask

1 him, he never knew.  
 2 Q. And so because Mr. Muzinich didn't seem to know  
 3 what was --  
 4 A. There was one time when I asked him after our  
 5 meeting that the parents wanted to know, and he would  
 6 say, "I don't know." And then I said, "Then you're  
 7 supposed to ask. You're the principal. You're supposed  
 8 to know." He got angry. But I didn't care.  
 9 And he was supposed to go to the district.  
 10 "Maybe they could give us some answers."  
 11 "No," he says. "If you have any questions, you  
 12 should ask him, and I'm going to try to find out."  
 13 "We have done that already, but you haven't  
 14 done anything. So we are just trying to do what we can  
 15 by ourselves."  
 16 "So? Okay," he said. "That's okay."  
 17 And that was that.  
 18 Q. When Mr. Muzinich told you he didn't know or he  
 19 wasn't sure about how to fix or do something, what made  
 20 you think that he wasn't licensed for his position?  
 21 A. I told you already. He didn't act like it. To  
 22 me, he acted like an unprofessional principal. The way  
 23 he used to talk, the way he used to handle things,  
 24 problems, in school.  
 25 Q. So you think if he had had the proper license,

1 that he would have been able to have answers for you?  
 2 A. I think so.  
 3 Q. And then also in your declaration in paragraph  
 4 6, the last sentence, it says, "I have also been told  
 5 that several teachers are not properly certified to  
 6 teach." And what teachers are you referring to in that  
 7 paragraph?  
 8 A. I know about a P.E. teacher. And there was a  
 9 science teacher. I don't know their names. And I don't  
 10 know exactly what other teachers, but I know. I know  
 11 because a teacher told me.  
 12 Q. So when you're saying "I have been" -- "I have  
 13 also been told," that's what you were told by another  
 14 teacher at the school?  
 15 A. (Witness nods head.)  
 16 Q. Which teacher was that that told you?  
 17 A. Ms. Colleen was one, was one.  
 18 Q. That's Colleen Coll?  
 19 A. Yes.  
 20 Q. Who wrote the --  
 21 A. Yes.  
 22 Q. -- Exhibit 2, okay.  
 23 Anyone else tell you that besides Ms. Coll?  
 24 A. Idalia, because she worked inside the school.  
 25 She had her son in the school, too.



- 1 Q. And just to be clear for the -- When you say  
2 several teachers are not properly certified to teach,  
3 you mentioned a P.E. teacher and science teacher. Are  
4 there other teachers that you're not remembering right  
5 now, or are those the only two? And I mean, that's okay  
6 if you don't remember. I'm just trying to see if  
7 there's more.
- 8 A. No. I don't remember.
- 9 Q. And what did Ms. Coll tell you about these  
10 teachers not being properly certified?
- 11 A. Well, that, that they weren't properly  
12 certified teachers.
- 13 Q. Did she explain what properly certified meant?
- 14 A. No, but I know.
- 15 Q. What do you understand properly certified to  
16 mean?
- 17 A. They don't have the -- They haven't been in  
18 school and graduated to be exactly a teacher. Some of  
19 them have emergency certification.
- 20 Q. So when you say not properly certified, does  
21 that mean that they're on an emergency credential?
- 22 A. Some of them, they're not even teachers.  
23 They're there because there are no teachers at all to  
24 teach. That's what Mr. Muzinich told us once.
- 25 Q. I'm sorry. Miss who?

- 1 A. The principal.
- 2 Q. What did Mr. Muzinich tell you?
- 3 A. That they have these teachers because there  
4 were no teachers. They had to take whatever there was.
- 5 Q. Was he referring to any teachers in particular?
- 6 A. In particular, no.
- 7 Q. Did he state whether or not the teachers that  
8 they could find had emergency credentials or not?
- 9 A. No.
- 10 Q. No, he didn't say that, or no, you don't know?
- 11 A. No, I don't remember.
- 12 Q. How did it come up that Ms. Coll was talking  
13 about the credentials of other teachers?
- 14 A. She would tell me things about the school,  
15 things that she wasn't very happy about.
- 16 Q. Would these be at meetings or just one-on-one?
- 17 A. Outside the school. Even inside the school  
18 because I visited her classroom once.
- 19 Q. Did your son have her as a teacher?
- 20 A. Yes.
- 21 Q. How about Ms. Lopez? When did she tell you  
22 that these teachers had not been properly certified to  
23 teach?
- 24 A. What did she tell me?
- 25 Q. When was this, at the Coffee Club meeting, or

- 1 was this some other time?
- 2 A. At the Coffee Club meeting and at different  
3 times.
- 4 Q. What did she say?
- 5 A. That they didn't have certification to be  
6 teachers.
- 7 Q. Did she say how she had found that out by  
8 working at the school?
- 9 A. Because she worked inside the school. She  
10 knows. She would -- Other teachers would tell her stuff  
11 from the school.
- 12 Q. I'm sorry. I may have asked you this already,  
13 but what was Ms. Lopez's job at the school?
- 14 A. She was a parent liaison.
- 15 Q. Was she a volunteer, or was she paid?
- 16 A. She was paid. She did it because her son was  
17 starting there. She wanted to be close to him and at  
18 the same time help the parents.
- 19 Q. Do you know if she got involved in this  
20 lawsuit?
- 21 A. No.
- 22 Q. She didn't get involved?
- 23 A. No, she didn't.
- 24 Q. Did she ever consider being involved, if you  
25 know?

- 1 A. I think she did, but she couldn't do it because  
2 she was an employee at the school.
- 3 Q. Any -- never mind. I'll go on.
- 4 Paragraph 7, where you talk about "the  
5 classroom materials are inadequate," can you just  
6 describe for me a little bit what you mean when you say  
7 they are inadequate? What does that mean to you?
- 8 A. When I was talking about the books, they had  
9 graffiti almost in all the pages, inside and outside,  
10 old books. And I mean old, because I made sure of that.
- 11 Q. Anything else you're referring to when you say  
12 they're inadequate?
- 13 A. They didn't have the proper, you know, material  
14 because I remember this teacher, Ms. Colleen, telling me  
15 that they had to buy pencils, papers for the kids  
16 because they wouldn't buy it for them. They will tell  
17 them that they didn't have enough money or that the  
18 money she had to buy the material was already gone. So  
19 they had to buy it for the kids.
- 20 Q. Did she ever tell you she was reimbursed for  
21 anything she purchased?
- 22 A. No, she didn't.
- 23 Q. She didn't get reimbursed, or she didn't tell  
24 you?
- 25 A. No, she didn't get reimbursed.

1 Q. Anything else you're referring to when you  
2 state that the classroom materials are inadequate?  
3 MS. KOTT: You can refer to the declaration, if  
4 you want.  
5 MS. VANSE: Q. I'm just trying to -- Since  
6 "inadequate" is kind of a vague term, I want to make  
7 sure I understand what you were meaning when you said  
8 that.  
9 A. Well, it would come to the same thing, the  
10 books. They had to take copies of notes to do their  
11 homework. They couldn't even take their books home to  
12 study for a test. It was frustrating for my son, I  
13 remember.  
14 Q. You said you recall that some books used at  
15 Helms were old. Can you tell me what were those  
16 textbooks?  
17 A. History.  
18 Q. Any other books that you thought were old?  
19 A. Science and math. Especially history.  
20 Q. Any others?  
21 A. No.  
22 Q. And for the history book, how did you know it  
23 was old?  
24 A. I saw them, and I saw the dates. The teacher  
25 told me.

1 Q. This is Ms. Coll?  
2 A. Yes.  
3 Q. Do you know if -- When you say "history," was  
4 that just one history class, or was it several?  
5 A. No. All the history classes.  
6 Q. Do you know how many history classes there were  
7 at Helms?  
8 A. There are three grades there. There are sixth,  
9 seventh and eighth grade. I believe in all of them.  
10 Q. So you think all the history classes in each of  
11 the grades were old?  
12 A. Yes. And there still was one math teacher that  
13 told me that the books were very old, that he teaches --  
14 he used to teach -- He was teaching math to the  
15 bilingual students, and that he needed bilingual books,  
16 you know, in Spanish, that there were a lot of students  
17 that didn't understand anything in the book. And he  
18 wanted books so they could understand and do their work  
19 better.  
20 And I told him, "Is there anything we could do  
21 to help you as parents? You know, we can talk to the  
22 principal."  
23 "Yes," he said, "it would be nice if you could  
24 talk to him and ask him if he can buy these books for  
25 the students."

1 Q. And what math teacher was that that told you?  
2 A. You mean his name?  
3 Q. Yes.  
4 A. I don't remember his name.  
5 Q. Was it your son's math teacher?  
6 A. No, because he was a bilingual teacher.  
7 Q. Did your son have a history book in his history  
8 class at Helms?  
9 A. No.  
10 Q. And by that, did he use a history book in  
11 class, if you know?  
12 A. Sometimes they had to share it or just, you  
13 know, take notes from what the teacher had to write on  
14 the blackboard or copies she would make. She would have  
15 to run all the way to the office and make copies for  
16 them. That's because I saw her, and she told me.  
17 Q. She told you that she'd have to make copies for  
18 the students?  
19 A. She told me she was there because she needed  
20 copies for the students, and these copies she made was  
21 from an updated book she had, not the old book they had  
22 in school. The new books she wanted for the students,  
23 actually.  
24 Q. Do you know if Helms is using any new history  
25 textbooks this year?

1 A. Well, the principal said that they had new  
2 books coming.  
3 Q. For the 2001-2002 school year?  
4 A. Yes.  
5 Q. Do you know if the school has received those  
6 books?  
7 A. I don't think yet.  
8 Q. And when Ms. Coll was making the photocopies,  
9 was she using -- did she tell you if she was using --  
10 I'm sorry, making those copies to use in class or for  
11 those students to take home?  
12 A. Both.  
13 Q. So was it your understanding from her that the  
14 students didn't have a textbook in class that they were  
15 using?  
16 A. Yes.  
17 Q. And that's what Ms. Coll told you?  
18 A. Yes. And my son.  
19 Q. Did your son take history in sixth, seventh --  
20 Was he at Helms for sixth, seventh and eighth grades?  
21 A. Just seventh and eighth.  
22 Q. Did he take history both those years?  
23 A. Yes. I mean, I don't know exactly if he took  
24 history in seventh grade.  
25 Q. Did you ever speak with any other history

1 teachers besides Ms. Coll, if there are any?  
 2 A. Yes.  
 3 Q. Who was another teacher that you spoke with?  
 4 A. What was his name?  
 5 MR. CANEL: What?  
 6 MS. KOTT: It's supposed to be your  
 7 recollection.  
 8 THE WITNESS: I don't remember. I don't  
 9 remember his name.  
 10 MS. KOTT: That's okay.  
 11 THE WITNESS: But he was a Spanish speaking  
 12 teacher.  
 13 MS. VANSE: Q. What was your occasion to speak  
 14 with him?  
 15 A. I met him when my son had him for social  
 16 studies in one class.  
 17 Q. Did you talk about textbooks at all with this  
 18 other teacher?  
 19 A. Yes. He said that if they gave him lemons, he  
 20 would make lemonade with those lemons because he didn't  
 21 have any books.  
 22 Q. What did you understand that to mean?  
 23 A. Well, it was perfectly clear. He didn't have  
 24 anything, you know, materials, no books.  
 25 Q. Was that for his history class or his social

1 A. I don't remember.  
 2 Q. And going now to science, what science books  
 3 that you know of at Helms do you think were old?  
 4 A. All of them.  
 5 Q. And how do you know that?  
 6 A. Because the students, they would tell the  
 7 parents. I would hear this at the Coffee Club meetings.  
 8 I would hear all the parents complaining, you know,  
 9 things that their kids have told them.  
 10 Q. So is it your understanding that all of the  
 11 science textbooks at Helms were old?  
 12 A. Yes.  
 13 Q. And that's from conversations you had with  
 14 other parents?  
 15 A. From parents.  
 16 Q. Did you ever speak with any science teachers  
 17 about textbooks?  
 18 A. Not that I remember.  
 19 Q. What about the math textbooks? Which math  
 20 textbooks were old?  
 21 A. I think this teacher was from seventh -- He  
 22 said that he teaches sixth and seventh grade.  
 23 Q. And this was a teacher that told you that the  
 24 textbooks were old?  
 25 A. Yes, teacher.

1 studies class?  
 2 A. Both.  
 3 Q. You also stated that the science books were  
 4 old? I think so. Is that what you said?  
 5 A. Yes, I think so.  
 6 Q. We were talking about old textbooks, and you  
 7 gave me history, science and math; correct?  
 8 A. Practically every book is old there because  
 9 even the library books are old. I saw them, and I spoke  
 10 with the librarian.  
 11 Q. When you say the books are old, how --  
 12 A. They're not updated.  
 13 Q. But what does that mean to you? Is old 15  
 14 years ago? Is it ten years ago? Is it 50 years ago?  
 15 A. 15 and more than 15.  
 16 Q. We've talked about how you knew that the  
 17 history textbooks were old from Ms. Coll and then also  
 18 this other history teacher. Do you recall the date of  
 19 the history textbook that you considered to be old? Did  
 20 you ever see a date in a book?  
 21 A. I tried to look for the date, and I couldn't  
 22 find it. I asked her, and she said, "This book is,  
 23 like, 20 years old."  
 24 Q. Do you know if the information in the book was  
 25 inaccurate?

1 Q. Do you know if there were any newer science  
 2 books at Helms that the teachers chose not to use?  
 3 A. Ms. Colleen told me about the book she wanted  
 4 for the students, and I don't remember the title. But  
 5 she said that that one was more accurate, more updated,  
 6 I think.  
 7 Q. That was a history book?  
 8 A. Yes.  
 9 Q. But the school didn't have copies of those; is  
 10 that correct, as far as you know?  
 11 A. No. She didn't tell me -- mention to me what  
 12 she wanted. And she told the principal what she wanted,  
 13 but she didn't know if they bought the books or anything  
 14 like that.  
 15 Q. And just focusing in on science for the moment,  
 16 do you know if Helms had new science books that they  
 17 weren't using for a particular reason?  
 18 A. I know they have a lot of old books because I  
 19 saw them. They have a room where they keep all the  
 20 books, the old books. This is because a person that  
 21 works inside there showed them to me.  
 22 MS. KOTT: Do you want a break?  
 23 THE WITNESS: Yes.  
 24 (Recess taken)  
 25 MS. VANSE: Q. Other than history, science and

1 math, are there -- well, are there any subjects in  
2 particular in which you spoke to someone about or heard  
3 from a teacher that a textbook was old?

4 A. Yes. The librarian told me there were some  
5 books, I think encyclopedias, that they were supposed to  
6 have in both English and Spanish. They didn't have  
7 them. There was a particular teacher, I don't remember  
8 his name, telling me that they needed this for history  
9 and math, but they didn't have them.

10 Q. And the librarian -- those encyclopedias are  
11 copies in the library, not a classroom?

12 A. The library.

13 Q. And for the history teacher, was that the -- I  
14 think we already talked about one other history teacher  
15 you spoke with about textbooks. Was that who you were  
16 referring to?

17 A. No. It was another teacher.

18 Q. So you've talked with three history teachers at  
19 Helms about textbooks?

20 A. I spoke with different teachers. I can't  
21 remember all their names.

22 Q. And then you also said for math; correct?

23 A. Yes.

24 Q. Any other specific subjects or subject matters  
25 that you talked with someone about the textbooks being

1 A. Math, for instance. He wouldn't explain, you  
2 know, the problems to the kids. He would just write  
3 them on the blackboard, and he would just tell them to  
4 do it, and he wouldn't show them how to do it.

5 Q. Is this the math teacher we talked about  
6 previously?

7 A. Yes.

8 Q. That's Mr. Flaherty?

9 A. That's correct.

10 Q. Any other math teacher that you had that  
11 problem with?

12 A. I know about him because he was my son's  
13 teacher.

14 And there was another teacher that apparently  
15 was saying -- I don't remember his name. He was in  
16 sixth grade, I think. He had psychological problems. I  
17 think he forgot to take his medicine that day, and he  
18 practically pushed a student.

19 Q. That's horrible.

20 But that was not your son's math teacher?

21 A. No, but he has some friends there. And you  
22 know students, they know everything because they tell  
23 themselves everything. They tell everything to each  
24 other.

25 Q. Do you know what happens to -- Was this

1 old at Helms?

2 A. No -- English. I think English.

3 Q. Who did you speak to about the English books  
4 being old?

5 A. My son was one of them.

6 Q. Your son told you that the books were told?

7 A. Yes.

8 Q. Did you ever speak with any English teachers at  
9 the school?

10 MS. KOTT: About the books?

11 MS. VANSE: Q. Yeah, about the books being  
12 old. Thank you.

13 A. No. Ms. Colleen was -- she mentioned a lot of  
14 things to me. There were teachers that would tell her  
15 things, and she would tell me.

16 Q. And one of the things she told you was that the  
17 English textbooks were old?

18 A. Yes.

19 Q. In paragraph 8 of your declaration, you state  
20 that your son "receives homework assignments  
21 consistently in only two of his six classes: math and  
22 social studies. And the homework that is offered is not  
23 always explained."

24 When you say that the homework is not always  
25 explained, can you tell me what you mean by that?

1 something your son told you, that a teacher had done  
2 this at school?

3 A. Yes, and I heard it from another parent. I  
4 couldn't believe it, but then I heard it from somebody  
5 else. And it was hard to believe.

6 Q. Do you know what ever happened to that teacher?  
7 Is he still teaching?

8 A. He's still teaching.

9 Q. Is he taking medication, if you know?

10 A. I don't know if he does.

11 Q. Did your son have the same math teacher for  
12 both years at Helms, seventh and eighth grade?

13 A. No. He had a different teacher the next year.  
14 I don't remember his name. But he said he was a better  
15 teacher than the other one.

16 Q. So did that other teacher explain the homework?

17 A. Yes.

18 Q. And what about social studies? Was that  
19 homework explained to your son?

20 A. The teacher did the best he could because he  
21 didn't have the proper, you know, material to explain  
22 the kids and show them what they had to do because they  
23 didn't have any books.

24 Q. So he didn't have books, but did he explain --

25 A. He would make copies.

1 Q. Copies of portions of the book?  
 2 A. Yes, or what they had to do, assignments, you  
 3 know, things that he will write on the wall -- I mean,  
 4 on the blackboard. And things like that. But he was a  
 5 good teacher. And he still is. I know him.  
 6 Q. What is his name?  
 7 A. I don't remember his name. Even if I knew his  
 8 name, I couldn't tell you his name because he said he  
 9 didn't want to -- you know, his name to be mentioned in  
 10 any of anything because he -- I think he knew about  
 11 this.  
 12 Q. I appreciate that. But actually, if I ask you  
 13 for a name, even if he doesn't want you to disclose --  
 14 A. He doesn't want me to.  
 15 Q. You don't have to tell me his name. I'm not  
 16 going to ask you for it. Just for the future, if I do  
 17 ask a question, unless your attorney instructs you not  
 18 to answer, you have to give me an answer if you know it.  
 19 A. Yes.  
 20 Q. So was your son able to complete the social  
 21 studies assignments that he was given at Helms?  
 22 A. Yes.  
 23 Q. Were there any other classes other than math  
 24 and social studies -- actually, let me start again.  
 25 Was there any other class besides math where

1 Q. It was definitely a substitute teacher?  
 2 A. She had some problems with her fingerprints,  
 3 something about her fingerprints and her record. I  
 4 don't know.  
 5 Q. So she couldn't be hired as a teacher?  
 6 A. No. She was there only for a while.  
 7 Q. When you say "only for a while," how long is  
 8 that?  
 9 A. A few months. I don't know exactly how long,  
 10 but it wasn't too long.  
 11 Q. And who taught the class?  
 12 A. Different people. Different persons.  
 13 Q. So there were a few substitute teachers that  
 14 taught this class?  
 15 A. Yes.  
 16 Q. And that was only for one year of your son's  
 17 science at Helms, or was that for both?  
 18 A. That year he had science.  
 19 Q. He only had science for one year at Helms?  
 20 A. I think so.  
 21 Q. When your son was at Helms, did he have any  
 22 textbooks that he could take home?  
 23 A. No, he never did.  
 24 Q. Do you know if he could and he chose not to?  
 25 A. They can't -- If they had, there were some old

1 the homework was not explained adequately to your son?  
 2 A. Not that I know.  
 3 There was some -- the science teacher they were  
 4 supposed to have, he was only there for a few months.  
 5 And then I don't know what happened with her. And they  
 6 never had a real teacher for science. They only had a  
 7 substitute. So I guess they didn't learn anything that  
 8 year. They didn't do anything in the class.  
 9 Q. Was this a teacher for your son?  
 10 A. Yes. Science.  
 11 Q. Do you remember which year, seventh or eighth  
 12 grade?  
 13 A. I think it was eighth grade. But it was the  
 14 same teacher for seventh grade.  
 15 Q. So in seventh grade your son had -- I'm sorry.  
 16 It was a substitute he had all year?  
 17 A. Yes, practically.  
 18 Q. And do you know why he had a substitute?  
 19 A. There were no teachers. That's what the  
 20 principal said. I don't know if it was true.  
 21 Q. Do you know why the teacher -- why -- Let me  
 22 ask this: Why do you say it was a substitute if the  
 23 person was there all year? Do you not consider that to  
 24 be a permanent teacher or --  
 25 A. Not a permanent teacher.

1 books, he told me, but they couldn't take it home.  
 2 Q. So for his math classes in seventh and eighth  
 3 grade, did he ever take a math book home?  
 4 A. No.  
 5 Q. How about for science, did he ever take a  
 6 science book home at Helms?  
 7 A. No.  
 8 Q. History or social studies?  
 9 A. No.  
 10 Q. How about English?  
 11 A. I think he had one old book that he could take.  
 12 Q. Do you know if he ever asked to take a book  
 13 home?  
 14 A. He did, but the teacher told him that they  
 15 couldn't take them home.  
 16 Q. Which class did he ask?  
 17 A. History and math.  
 18 Q. And this is what your son told you that the  
 19 teacher had said to him, "You can't take it home"?  
 20 A. And a teacher told me, and my son told me a  
 21 teacher told them.  
 22 Q. That students weren't allowed to take textbooks  
 23 home?  
 24 A. Yes.  
 25 Q. Were there any tutoring programs at Helms?

- 1 A. I think after school they had some.  
 2 Q. Was your son ever involved in any tutoring  
 3 program at Helms?  
 4 A. No. He went there a couple of times with the  
 5 math teacher after we spoke with the principal.  
 6 Q. That was individual tutoring with the math  
 7 teacher?  
 8 A. Yes.  
 9 Q. Any other time he received tutoring at Helms?  
 10 A. No.  
 11 Q. Have you ever heard of a program at Helms  
 12 called Project Climb?  
 13 A. No.  
 14 Q. I'm going to switch gears a little bit here and  
 15 ask you about the school building itself. In  
 16 paragraph 9 you state, "I do not believe that the school  
 17 has heaters." And this is the second sentence. Is that  
 18 what you still believe, that the school does not have  
 19 heaters?  
 20 A. If they have, they don't have in all of the  
 21 rooms.  
 22 Q. And why do you say that?  
 23 A. Because I have been in some of the rooms, and  
 24 they don't have, and my son told me.  
 25 Q. Your son told you that the school didn't have

- 1 parent meetings in these rooms. They didn't have any  
 2 heater there. And it was so cold, you have to be well  
 3 prepared there every time you had a meeting because it  
 4 was so cold.  
 5 Q. Do you remember what room that was?  
 6 A. Room 404.  
 7 Q. Do you know what that was used for during the  
 8 school day?  
 9 A. Parent meetings. Students -- now they used to  
 10 have tests there, Star 9 test or some other test.  
 11 Q. So like big school wide test, not individual?  
 12 A. Student counseling, I think.  
 13 Q. And how do you know that? Was there a  
 14 temperature gauge in the room that said 40 degrees?  
 15 A. You could feel it there.  
 16 Q. So it felt like 40 degrees?  
 17 A. Oh, yes.  
 18 Q. And how many times did you have a meeting in a  
 19 room where it felt like it was 40 degrees?  
 20 A. How many times?  
 21 Q. Uh-huh.  
 22 A. I can't remember all the times, but there were  
 23 a lot of times. And my son told me that there were --  
 24 all of the rooms that were not attached to the school  
 25 didn't have any heater and it was very cold.

- 1 heaters?  
 2 A. In some of the classrooms.  
 3 Q. So there are heaters in some of the classrooms  
 4 at Helms?  
 5 A. Well, some work and some don't.  
 6 Q. So when you're saying "I do not believe that  
 7 the school has heaters," does that mean heaters that  
 8 work or heaters --  
 9 A. That's true, that work. Because everything  
 10 seems to be old there, and it doesn't work.  
 11 Q. So there may be heaters, they may just not be  
 12 working or not on or something to that matter?  
 13 A. I don't know if they have heaters in the  
 14 classrooms to be honest with you.  
 15 Q. That's fine. I'm only asking for what you  
 16 know.  
 17 And also in paragraph 9 you state that "In the  
 18 wintertime, it is common for rooms such as the arts  
 19 classrooms, gymnasium, library, and any classroom that  
 20 is detached from the main school building to have indoor  
 21 temperatures reaching as low as forty degrees."  
 22 And how do you know that the certain rooms  
 23 reach as low as 40 degrees?  
 24 A. I had been in one of them. Like, we used to --  
 25 for example, we used to make -- we used to have some

- 1 Q. Was this something that your son would tell you  
 2 on a daily basis that would happen; it was cold every  
 3 day?  
 4 A. Especially days that were cold or rainy days  
 5 that the water would come inside the classrooms.  
 6 Q. Did your son ever state whether or not the  
 7 heating in a classroom had been fixed or --  
 8 A. No, he never did.  
 9 Q. Do you know if the heating at Helms has been --  
 10 if they installed new heaters at Helms?  
 11 A. I don't think so.  
 12 Q. But do you know?  
 13 A. Not right now.  
 14 Q. Do you know if the school was planning on  
 15 installing new heaters?  
 16 A. Well, they planned to install a new heater in  
 17 that room, but I don't know if they done that or not.  
 18 Q. When was the last time that you were in a  
 19 classroom that felt like it was 40 degrees at Helms?  
 20 A. Last winter. And even after that because that  
 21 room is usually very cold even when it's not winter.  
 22 Q. Room 404 is detached from the main school  
 23 building?  
 24 A. Yes, it is.  
 25 Q. In paragraph 10 of your declaration you talk

1 about the cafeteria, and you state, "The cafeteria is  
2 not large enough to seat the number of students required  
3 to eat at any given lunch hour. Consequently, it is  
4 typical that the children who cannot find a place at a  
5 table will not eat lunch."

6 Did you ever hear -- I'm sorry. Let me ask  
7 this first: Did your son ever not eat lunch because he  
8 couldn't find a place to sit?

9 A. A lot of times.

10 Q. And this is something he would tell you when he  
11 came home from school, that he couldn't eat lunch?

12 A. Not only -- Yes, not only because there weren't  
13 enough tables but because the lines were so big. And I  
14 would hear this not only from him but from different  
15 parents and children that I knew.

16 Q. You said the lines were so long. What would  
17 your son tell you about that?

18 A. That by the time it was -- you know, he would  
19 get to get his lunch, he would start to eat, but then it  
20 was time for him to go to the next class so he wouldn't  
21 even have time to eat his lunch.

22 Q. Do you know if that was the case for the whole  
23 school year or just for certain portions of the year?

24 A. Always.

25 Q. Was there ever a time during the year when the

1 Q. Do you know if Helms has done anything to make  
2 lines shorter when students are buying lunch?

3 A. No, I don't know.

4 Q. How about adding additional places for students  
5 to eat lunch? Do you know if they've done anything  
6 about that?

7 A. No.

8 Q. When you say "no" do you know they haven't, or  
9 no, you don't know?

10 A. They haven't added.

11 Q. And this was something you addressed with the  
12 principal; correct?

13 A. Yes, many times.

14 Q. If you could show the witness Deposition  
15 Exhibit 3. If you could look at -- I guess it's one,  
16 two, three, four, the fifth paragraph down of Deposition  
17 Exhibit 3, where it states, "The cafeteria has an  
18 adequate number of tables. Two years ago, we ordered  
19 about ten new tables which were placed in the snack bar  
20 and the covered lunch area. Students have the option of  
21 sitting in any one of these areas." Did that address  
22 your concerns about cafeteria problems?

23 A. This was the principal telling us what he had  
24 done, but it wasn't enough.

25 Q. What else do you think should have been done

1 lines were less long than in others?

2 A. Never.

3 Q. Did you ever see long lines at Helms for lunch  
4 when you visited?

5 A. Yes.

6 Q. When would that be?

7 A. At lunch time.

8 Q. I'm sorry. That was a bad question.

9 Was it like during your Parent Patrol or while  
10 you were at school for some other reason?

11 A. The different times when I was visiting the  
12 school. And I would hear every time -- you know, the  
13 meetings, parents saying that their kids weren't able to  
14 eat. And they would come and complain about this. But  
15 the school couldn't do anything about it.

16 Q. Was this something that your son complained to  
17 you about every day?

18 A. Maybe not every day, but what he would say is  
19 he had to hurry and run to see if he could get a good  
20 spot, you know.

21 Q. I'm just trying to -- because I'm kind of  
22 hearing two different things. One is your son could eat  
23 lunch, but it took a long time to get the lunch?

24 A. Sometimes he would eat or he would just buy  
25 something and store it if he had time.

1 that the principal could have done, you thought?

2 A. They could have fixed the cafeteria, which was  
3 in bad shape. You know, the walls, painting with  
4 graffiti; the floor, dirty; you would find water there  
5 all the time; tables were not very clean; and there  
6 weren't enough tables for all those students.

7 Q. And just focusing on the number of tables, what  
8 else did you ask the principal to do that he couldn't as  
9 far as getting more tables in the cafeteria?

10 A. We told him about everything, and we would  
11 see -- like, we saw one time the persons that were  
12 serving the lunch they didn't have gloves. Or in the  
13 stove, the person that was, you know, preparing the food  
14 didn't have gloves. They were supposed to. It was  
15 dirty.

16 Q. Sorry. I don't mean to interrupt. I'm just  
17 going to stop you. I'm just trying to focus on the  
18 issue of tables and the long lines. I appreciate the  
19 fact that you saw other things that you objected to, but  
20 I'm just trying to focus on if you asked the principal  
21 or anyone at Helms to do something about either the long  
22 lines or tables --

23 A. Yes.

24 Q. -- that they didn't do or suggestions you made  
25 that they didn't take you up on as far as long lines or

1 lunch tables.

2 A. Well, we told him about that they needed to do  
3 something about it because there were too many students  
4 and they weren't able to eat, at least not all of them,  
5 and to put more tables there. And even the ones he said  
6 he bought weren't enough for all those students.

7 And to paint the cafeteria with better colors  
8 because there were -- to me personally and all the  
9 parents that told me the same, even jail looks better  
10 than that, you know, from what you see in television and  
11 the ones I can see from outside.

12 Q. Did Mr. Muzinich ever tell you he was going to  
13 try and get additional tables?

14 A. He would always say he was going to do  
15 something about it, but he never did. We never saw  
16 anything, any changes.

17 Q. Going on to paragraph 11 of your declaration --  
18 you can give that back to the reporter.

19 In paragraph 11, you talk about the bathrooms  
20 at Helms. And you state in the second sentence, "It is  
21 not uncommon to find used condoms and bottles of alcohol  
22 strewn about." I'm just wondering, is this something  
23 you saw yourself?

24 A. Yes.

25 Q. And when did you see used condoms at Helms?

1 Q. What about the bottle of alcohol? Was that a  
2 full bottle of alcohol, or was it empty?

3 A. Empty. They wouldn't leave anything full.

4 Q. Did you tell anyone about that?

5 A. Yes. I know the parents would talk about it  
6 because they would see it, too, on different occasions.

7 Q. Do you know if they were, the condoms or the  
8 alcohol bottle, were picked up? Were they cleaned out?

9 A. I guess -- Well, no. They will stay there, or  
10 the kids would just play with it, you know. But that's  
11 what my son would say. They wouldn't get it in their  
12 hands but throw it to each other with their feet.

13 Q. So your son told you that the students at the  
14 school would kick the condoms on the floor around?

15 A. There was one time when he said when he came to  
16 the classroom there was one condom hanging on the  
17 doorknob.

18 Q. Do you know how it got there? Did he say how  
19 it got there?

20 A. No. It was already there.

21 Q. You say in the third sentence of paragraph 11,  
22 "There are no trash bins." And that's in the bathrooms  
23 there were no trash bins?

24 A. There weren't.

25 Q. Do you know why?

1 A. When, you mean what day or week?

2 Q. On how many occasions?

3 A. Several and all not in the bathrooms but  
4 outside, you know, outside, the halls.

5 Q. Was it ten occasions, on 15 occasions, two?  
6 I'm trying to get a sense of how many times this  
7 occurred.

8 A. I don't remember the times, but I saw them.  
9 All the parents saw them. My son saw them.

10 Q. Every day?

11 A. Different times.

12 Q. And what about bottles of alcohol? When did  
13 you see a bottle of alcohol at Helms?

14 A. In the bathroom again, girls' bathroom.

15 Q. Was this on one occasion? Was it on two, five?

16 A. I don't know how many times exactly.

17 Q. Okay. What did you do when you would see a  
18 condom at Helms?

19 A. What could I do?

20 Q. Did you tell the janitor or the principal?

21 A. You couldn't even see the janitor there. I  
22 told Idalia and other parents. And we would tell Tanya  
23 because she was the one who would bring everything to  
24 the principal we would say in the meeting. And I don't  
25 know if she ever told him about it.

1 A. I always wondered why.

2 Q. Did you ever speak -- or ask the principal?

3 A. We did. We did. We told the principal.

4 Q. Did he explain to you why there were no trash  
5 bins?

6 A. He would say "I don't know."

7 And I told him once, "Well, you should know  
8 because you're the principal. Aren't you supposed to  
9 take care of the school?"

10 He would just say, "I'll talk with the janitor  
11 and tell him about it."

12 But that was it.

13 Q. Do you know if there were no trash bins in --  
14 Let me ask this question first: How many bathrooms are  
15 there at Helms that you know of?

16 A. I don't know exactly because --

17 Q. How many bathrooms at Helms have you gone in  
18 yourself?

19 A. Four.

20 Q. And in each of those four bathrooms, was there  
21 no trash bin?

22 A. Yes, there weren't.

23 Q. Do you know if there were trash bins in the  
24 bathrooms you did not go into at Helms?

25 A. I only saw one once, but after that I never saw



1 it again.  
 2 Q. So you saw one trash bin in one of the  
 3 bathrooms you went into on one occasion?  
 4 A. On one occasion.  
 5 Q. But do you know if there were trash bins in the  
 6 bathrooms you didn't go into at Helms?  
 7 A. My son told me that there weren't.  
 8 Q. Was your son just speaking of the bathrooms --  
 9 I'm assuming the boys' bathrooms that he had been in at  
 10 Helms?  
 11 A. Yes.  
 12 Q. And further on in that paragraph 11 you state,  
 13 "there are no hand towels." Did the bathrooms at Helms  
 14 have hand dryers on the walls?  
 15 A. They don't work.  
 16 Q. But they did have them, the four bathrooms that  
 17 you went in?  
 18 A. Only two of them.  
 19 Q. So only two of the four bathrooms you've been  
 20 in at Helms had hand dryers?  
 21 A. Yes.  
 22 Q. And the hand dryers that were in those two  
 23 bathrooms, you stated those didn't work?  
 24 A. They didn't work.  
 25 Q. Was that on every occasion then?

1 A. All the time.  
 2 Q. Did you ever have occasion where you were in a  
 3 bathroom where the hand dryer did work?  
 4 A. No.  
 5 Q. In paragraph 12 you state, "The hallways have  
 6 no trash bins. It is common to see trash strewn about."  
 7 What kind of trash are you referring to? Papers,  
 8 wrappers?  
 9 A. Any kind of trash. New papers, snacks, bags,  
 10 gums, paper, gum papers. Anything.  
 11 Q. And would this be -- When would you see trash  
 12 strewn about the hallways at Helms?  
 13 A. When we used to go to the meetings, sometimes  
 14 we had the meetings at the library where we would see  
 15 this, or sometimes when I visited the school.  
 16 Q. Did you see trash in the hallways on every  
 17 occasion you visited Helms?  
 18 A. Yes.  
 19 Q. Did you ever see anyone picking up the trash in  
 20 the hallways?  
 21 A. Idalia.  
 22 Q. Anyone else?  
 23 A. No.  
 24 Q. When you would visit Helms, would that  
 25 generally be in the morning or the afternoon?

1 A. Usually in the mornings. I would stay there  
 2 until 1:00 sometimes.  
 3 Q. Do you know if the trash ever got picked up?  
 4 A. Not that I know.  
 5 MS. VANSE: Are you not going to break for  
 6 lunch at all?  
 7 MS. KOTT: Can we go off the record for a  
 8 moment?  
 9 MS. VANSE: Yeah.  
 10 (Discussion off the record)  
 11 MS. VANSE: Q. If you could look now at  
 12 paragraph 13, you state that "This past winter, during a  
 13 heavy rain, I observed water entering through the  
 14 hallway ceiling and ceiling tiles falling to the floor."  
 15 Do you have a specific recollection that you are  
 16 referring to when you saw this?  
 17 A. Outside the library, especially there.  
 18 Q. But was this on one occasion, or was it on  
 19 several?  
 20 A. Several.  
 21 Q. And describe for me just a little bit what do  
 22 you mean by "I observed water entering through the  
 23 hallway ceiling"? Just, like, dripping?  
 24 A. You could see it on the walls and on the floor.  
 25 Q. Go ahead. I'm sorry.

1 A. And pieces of -- I don't know what you call  
 2 that, but they would fall on the floor. We would see  
 3 them there.  
 4 We were kind of worried because, you know, we  
 5 would talk with the parents and say "What if one of  
 6 these things fall onto somebody's head?"  
 7 Q. Was this in different areas of the school, or  
 8 was it only --  
 9 A. Different areas, but especially there because  
 10 the students would come to the library every day and try  
 11 to work on their homework, and they always pass -- you  
 12 know, they always use that hall.  
 13 Q. The hallway by the library?  
 14 A. Yes.  
 15 Q. Was the hallway by the library detached from  
 16 the main building of the school, or was it connected?  
 17 A. No, it was connected.  
 18 Q. And you go on to state in paragraph 13, "The  
 19 principal expressed an interest in having the tiles  
 20 replaced but stated that there was not enough money in  
 21 the budget to do so, despite his having requested the  
 22 funds."  
 23 Do you know if Helms has replaced the ceiling  
 24 tiles since the time of this declaration?  
 25 A. No.

1 Q. No, you don't know, or no, they haven't?  
 2 A. No, they haven't. The only one I recall they  
 3 were fixing was the gymnasium.  
 4 Q. When did they fix the gymnasium?  
 5 A. This last school year.  
 6 Q. So 2000-2001?  
 7 A. 2001.  
 8 Q. Was anything else fixed other than the gym that  
 9 you know of?  
 10 A. No.  
 11 Q. What about the -- I think it's called the 400  
 12 building. Was that fixed at the same time as the  
 13 gymnasium?  
 14 A. You mean where we used to meet with the  
 15 parents?  
 16 Q. Right.  
 17 A. 404?  
 18 Q. I think so.  
 19 A. Fixing in what way?  
 20 Q. Renovated.  
 21 A. They showed us a, you know, plan they had to  
 22 fix it. But the only thing that was fixed was the  
 23 floor, and that's all.  
 24 Q. Do you remember what plan it was that they  
 25 showed you that they had to fix it?

1 A. They had plans to make different rooms.  
 2 Q. Was that added on to Helms?  
 3 A. To that room.  
 4 Q. And who showed you those plans?  
 5 A. Tanya.  
 6 Q. Did that indicate on the plans when the repairs  
 7 they wanted to take place, when they would take place?  
 8 A. No.  
 9 Q. Do you know if there's any plan in place right  
 10 now to fix or repair anything at Helms, any of the  
 11 buildings at Helms?  
 12 A. Not that I know.  
 13 Q. Was there graffiti at Helms on the school  
 14 building, or inside the school was there graffiti?  
 15 A. Yes.  
 16 Q. Where would there be graffiti?  
 17 A. In the bathrooms, in the hallways, outside the  
 18 school.  
 19 Q. Was the graffiti ever cleaned?  
 20 A. Sometimes.  
 21 Q. Do you know about how soon after -- when the  
 22 graffiti was cleaned up, how soon after it was placed  
 23 there that the graffiti was cleaned?  
 24 A. No, I don't know.  
 25 Q. And graffiti in the bathroom: Where would that

1 be located in the bathrooms?  
 2 A. On the walls and the doors, windows inside the  
 3 bathrooms.  
 4 Q. Was there graffiti in each of the bathrooms you  
 5 went into at Helms?  
 6 A. Yes.  
 7 Q. And was any of the graffiti in the bathroom  
 8 cleaned up that you know of?  
 9 A. No.  
 10 Q. What about graffiti in the hallways, where  
 11 would that be?  
 12 A. On the walls.  
 13 Q. Was it completely covering the walls, or was it  
 14 only in certain sections?  
 15 A. Different sections.  
 16 Q. Was that graffiti ever cleaned up that you know  
 17 of in the hallways?  
 18 A. I think they did, but they always keep on doing  
 19 it.  
 20 Q. So the graffiti would be cleaned, and then more  
 21 graffiti would show up?  
 22 A. Yes.  
 23 Q. And what about graffiti on -- I guess it's the  
 24 outside of the school building? Was that ever cleaned  
 25 up?

1 A. Not that I know.  
 2 Q. Did Helms do anything to try to prevent  
 3 graffiti from occurring at the school?  
 4 MS. KOTT: Objection. Calls for speculation.  
 5 MS. VANSE: Q. Were you ever aware of anything  
 6 that the school did to prevent graffiti?  
 7 A. No.  
 8 Q. Did you ever speak to Mr. Muzinich or anyone  
 9 about trying to prevent graffiti at the school?  
 10 A. Yes, but they never gave us any good answers.  
 11 Q. What were the answers that they gave you?  
 12 A. "What can we do?" they would say.  
 13 Q. Did they ever tell you what they were trying to  
 14 do to stop it?  
 15 A. I don't remember.  
 16 Q. Did the --  
 17 MS. KOTT: I'm sorry. Could you speak up just  
 18 a little bit more for the reporter?  
 19 THE WITNESS: Okay.  
 20 MS. VANSE: Q. Did you ever talk with the  
 21 Coffee Club about things the school could do to stop or  
 22 prevent graffiti?  
 23 A. Yes, we did.  
 24 Q. What were some of your ideas?  
 25 A. That they could have some kind of program, you

1 know, for the kids to give them some kind of  
2 acknowledgment if they did -- if they would behave, you  
3 know, if the principal would encourage them. But he  
4 didn't care.

5 Q. Why do you say he didn't care?

6 A. Why do I say he didn't care? Because he -- you  
7 could see it. He would see children cutting classes in  
8 the hallways, and he wouldn't say anything to them.

9 Q. And how do you know he saw kids cutting class?

10 A. My son told me.

11 Q. Your son told you that the principal would see  
12 students cutting and not say anything?

13 A. He would just say, "Hey, what are you doing?  
14 Just go back to do what you were doing. Don't stay  
15 here."

16 Q. So the principal did send them back to class,  
17 or where did he send them?

18 A. I don't know where.

19 Q. Your son didn't tell you that?

20 A. No. He was hardly -- he would hardly ever see  
21 him in the hallways.

22 Q. The principal?

23 A. Supervising, yes.

24 Q. Do you know why Mr. Muzinich left or is no  
25 longer principal at Helms?

1 A. I don't know whether or not they're going to do  
2 it.

3 Q. In paragraph 15 of your declaration, you state,  
4 "The students do not respect each other during the  
5 school day." What do you mean when you say that?

6 A. The other students would push the other  
7 students. They would push each other, you know, and  
8 call names to each other. They would harass other  
9 students because they did it with my son more than once.  
10 They would start fights for no reason. They didn't  
11 have -- some of the students didn't even have respect  
12 for the parents that would come into the school.

13 Q. Do you know if this was a group of students  
14 that would push other students, or was it just in  
15 general?

16 A. Different students.

17 Q. So it wasn't one particular group or number of  
18 students that you're referring to?

19 A. Well, if I should say, especially some African  
20 American students and different students, you know.

21 Q. Also in paragraph 15 you state that "Fights in  
22 the hallways between students are typical." Were these  
23 fights like physical fights, or were they --

24 A. Yes.

25 Q. -- verbal?

1 A. I think it was after all the students -- after  
2 this last school year, 2000-2001.

3 Q. But do you know why he is not back at the  
4 school? Did anyone ever tell you why he didn't come  
5 back?

6 A. They didn't tell you. Well, what they said was  
7 he was transferred to Folsom district in Sacramento.  
8 That's what they told us.

9 Q. Who told you that?

10 A. He told us. And there was a person from the  
11 district that told us, told me that personally.

12 Q. Have you seen the Helms school building since  
13 last school year, 2000-2001 school year?

14 A. Only from the outside.

15 Q. From what you saw from the outside, did the  
16 building look any better like anything had been  
17 repaired?

18 A. The same.

19 Q. I think I may have asked you this. If I did,  
20 forgive me. Do you know if Helms was planning to fix  
21 the roof at the main building at Helms?

22 A. There was -- They used to tell us that they  
23 were planning, but we never saw it fixed.

24 Q. So you didn't know whether or not they are  
25 planning on fixing that roof?

1 A. Physical fights. In different places.

2 Q. And you know this because your son would tell  
3 you?

4 A. And because I saw them, too. And other parents  
5 would speak about it. They would talk about it.

6 Q. Were the fights at Helms one of the reasons the  
7 Parent Patrol was formed?

8 A. Yes.

9 Q. And once the Parent Patrol was in place, did  
10 that help the fighting that occurred at the school?

11 A. Not really, because you couldn't do anything  
12 about it. You couldn't even touch a student. So if  
13 there was a fight, you could only tell someone.

14 Q. That you saw, did the school ever do anything  
15 about stopping the fighting?

16 A. Sometimes the security guards were there, but  
17 they wouldn't even do, you know, anything about it.

18 Q. So what would they do? Just stand there and  
19 watch it?

20 A. There was this time when my son told me he was  
21 at lunch, lunch time, and there were a couple of kids  
22 fighting. And the security guard was there, but he  
23 didn't do anything to stop the fight.

24 Q. Was that the only occasion your son said that  
25 happened?

1 A. More than once. We would tell the principal  
2 these things, and he would only say "I'll do something  
3 about it. I'll talk to the security guards." We would  
4 ask him if he could bring more security guards because  
5 there weren't enough, and the ones that were there, they  
6 didn't do their job. They should do it. That they were  
7 supposed to do it. And he never did.

8 Q. Do you know if he ever spoke to the security  
9 guards?

10 A. If he ever did?

11 Q. Yes.

12 A. No, I don't know.

13 Q. But the school never received any additional  
14 security guards that you know of?

15 A. No.

16 Q. In paragraph 16 when you talk about one teacher  
17 physically pushed a student down, is that the incident  
18 we were talking about earlier?

19 A. Yes.

20 Q. Were there any other instances where you  
21 witnessed or heard about a teacher physically pushing or  
22 touching or, I guess, assaulting a student?

23 A. The math teacher, the way he would talk to the  
24 students, he would make them feel intimidated.

25 Q. That was verbal, though. He didn't

1 Q. And how long, if you know, did it take from  
2 when you first saw -- Since you don't remember when you  
3 first saw it, it might be a hard question to answer.  
4 But do you know approximately how long it took from when  
5 you saw the fence that was broken until it was fixed?

6 A. How long, I don't know. But I think it was  
7 after a girl was raped.

8 Q. But do you know how long it was, like weeks,  
9 months, a year?

10 A. It was more than a year.

11 Q. It was more than a year?

12 A. (Witness nods head.)

13 Q. And do you know why it hadn't been fixed before  
14 that?

15 A. I don't know.

16 Q. Your sons attend Richmond High School  
17 now; correct?

18 A. Yes.

19 Q. And do you have any or have you seen any  
20 problems with the teachers at Richmond?

21 A. Well, he's been telling me about a math  
22 teacher.

23 Q. This is Moises?

24 A. Yes.

25 Q. He's having problems with a math teacher?

1 physically --

2 A. Verbal, verbal.

3 Q. Were there any other teachers other than that  
4 math teacher who spoke harshly to students or spoke down  
5 to them?

6 A. I don't remember right now.

7 Q. You don't remember hearing about any other  
8 teachers other than that one?

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

10 Q. And in paragraph 17 towards the end, you say,  
11 "During one recent incident, two students were openly  
12 fighting in the cafeteria, but no security guards were  
13 present." Was that the one incident with the security  
14 guard that your son was talking about?

15 A. Yes.

16 Q. In paragraph 20, you talk about a fence around  
17 the school grounds that was damaged. Do you remember  
18 when that fence was damaged or when you first heard  
19 about it?

20 A. I didn't hear about it. I saw it.

21 Q. When did you see it?

22 A. Every time I used to visit the school.

23 Q. Do you remember about the first time you saw  
24 that it was broken?

25 A. No, I don't remember the first time.

1 A. Yes. He says he's very old, that he doesn't  
2 explain to them very much; he's very slow, and that they  
3 don't learn much from him.

4 Q. Does he have a textbook in his math class?

5 A. I think so.

6 Q. Does he ever take it home?

7 A. I think so.

8 Q. How about any other teachers at Richmond that  
9 you've heard of that were not great?

10 A. Right now?

11 Q. Uh-huh.

12 A. Just that one.

13 Q. Have you seen any or heard of any problems with  
14 textbooks being old or outdated at Richmond?

15 A. I heard. I have heard.

16 Q. Who did you hear that from?

17 A. People who work in there.

18 Q. That work at the school?

19 A. Yes. And I used to work at Richmond High  
20 School, and I heard things, too.

21 Q. And who told you that the books at Richmond  
22 were old and outdated?

23 A. I don't remember her name, but she said that  
24 they were even trying to get money from the parents,  
25 which wasn't right, because they had money to buy it in

1 school, but they didn't want to buy it.  
 2 Q. Did she say what textbook? Was she referring  
 3 to textbooks?  
 4 A. Yes.  
 5 Q. Was it a particular class?  
 6 A. English, I think. And I don't know what other  
 7 books. Different books.  
 8 Q. Did she say anything else?  
 9 A. Did she say anything else?  
 10 Q. About the textbooks being old.  
 11 A. That the parents should do something about it.  
 12 Q. What did she suggest the parents do?  
 13 A. To say something, you know, to the principal,  
 14 to come to the meetings.  
 15 Q. Did you do that?  
 16 A. Yes, a couple of times.  
 17 Q. Did the principal respond at all when you  
 18 brought that up?  
 19 A. Actually, that issue didn't come up.  
 20 Q. You said you used to work at Richmond?  
 21 A. Yes.  
 22 Q. And you noticed when you were there that there  
 23 were textbooks that were old or outdated?  
 24 A. Yes, because some of the students would say  
 25 things.

1 Q. What would they say?  
 2 A. Bad things about the school and the books and  
 3 the teachers.  
 4 Q. What would the students -- This is just when  
 5 you were working. Do you work at Richmond now?  
 6 A. No. This is when I was working there. But not  
 7 when my son Moises started.  
 8 Q. How long ago did you stop working at Richmond?  
 9 A. I don't remember exactly. I think it was in --  
 10 I don't know if it was 1999 or 2000. I worked there for  
 11 a year.  
 12 Q. Had you ever worked at any other school before  
 13 that?  
 14 A. Helms.  
 15 Q. What did you do at Helms?  
 16 A. I would translate the newsletter for the  
 17 parents.  
 18 Q. What year was that?  
 19 A. 2001.  
 20 Q. Any other job you did at Helms?  
 21 A. Excuse me?  
 22 Q. Was there any other job that you performed at  
 23 Helms?  
 24 A. I would translate sometimes for the parents at  
 25 the school site council meetings.

1 Q. Any other school you've worked at besides Helms  
 2 or Richmond?  
 3 A. No.  
 4 Q. What about numbers of textbooks at Richmond,  
 5 did you ever -- have you ever heard that students were  
 6 not allowed to take their textbooks home at Richmond?  
 7 A. I think so.  
 8 Q. Why do you say you think so?  
 9 A. Because I think I heard some students say they  
 10 couldn't take some books in some classes.  
 11 Q. Do you know what classes those were?  
 12 A. No.  
 13 Q. Do you remember when you heard the students say  
 14 that?  
 15 A. When I was working there.  
 16 Q. So possibly sometime -- Did you just work there  
 17 for one year, 1999-2000?  
 18 A. Yes.  
 19 Q. Have either of your children ever been told at  
 20 Richmond that they couldn't take a textbook home from a  
 21 class that you're aware of?  
 22 A. No, I don't know.  
 23 Q. And what about the school building at Helms?  
 24 Or I'm sorry, not at Helms, at Richmond. Does that have  
 25 any other problems with the building itself that you're

1 aware of?  
 2 A. Graffiti.  
 3 Q. Anything else?  
 4 A. They don't have papers, you know, toilet paper  
 5 in the bathrooms. Graffiti. Pretty much about the same  
 6 thing in the other school.  
 7 Q. Just in regard to the bathrooms or to the whole  
 8 building? Did they have ceiling tiles that fall at  
 9 Richmond?  
 10 A. No. I haven't noticed that. But my son has  
 11 told me about the bathrooms.  
 12 Q. That they don't have toilet paper?  
 13 A. Yes, that's correct, and that they're always  
 14 dirty, and the cafeteria is dirty.  
 15 Q. Go ahead.  
 16 A. Sometimes they find dead mice in different  
 17 places of the school.  
 18 Q. Like where? Where has he found a dead mouse?  
 19 A. Around the cafeteria.  
 20 Q. Anywhere else?  
 21 A. I don't know.  
 22 Oh, and a lot of fights, too. They killed a  
 23 student in front of the school.  
 24 Q. Goodness. When was that?  
 25 A. This year.

1 Q. Was that during the school --  
 2 A. Actually, they killed two. But one was killed  
 3 in front of the school. And the other was killed in a  
 4 park, and it was a student from Richmond High, that  
 5 recently graduated from that school.  
 6 Q. Was the park -- is the park a part of the  
 7 school?  
 8 A. No.  
 9 Q. Was it near the school?  
 10 A. Excuse me?  
 11 Q. I'm sorry. Is it near the school?  
 12 A. Yes.  
 13 Q. And the shooting that occurred in front of the  
 14 school, was that during school hours?  
 15 A. Yes.  
 16 Q. What were the circumstances of that?  
 17 MS. KOTT: Objection. Calls for speculation.  
 18 MS. VANSE: Q. As far as you know. Do you  
 19 know why that occurred?  
 20 A. Exactly, no, but I heard that this particular  
 21 student had problems that I don't know for sure, but he  
 22 was killed outside, that there were more students  
 23 outside that could have been killed, but he was the one  
 24 that got killed because they were looking for him.  
 25 MS. VANSE: I have to take a break.

1 (Lunch recess)  
 2 MS. VANSE: I'd like to have marked as Exhibit  
 3 5 -- this is a one-page document with Plaintiff's Bates  
 4 stamp No. 01829.  
 5 (Whereupon, Defendant's Exhibit 5  
 6 was marked for identification.)  
 7 MS. VANSE: Q. Ms. Canel, could you look at  
 8 that and tell me if you've seen that before.  
 9 A. No.  
 10 Q. And actually, before we go on, I just want to  
 11 remind you that all the preliminary stuff that we talked  
 12 about this morning, you being under oath and having us  
 13 both talk at separate times so that the court reporter  
 14 can hear it is also still in effect. Do you understand  
 15 that?  
 16 A. Yes.  
 17 Q. So you've never seen what we've marked as  
 18 Exhibit 5 before?  
 19 A. No.  
 20 Q. Were you aware of a meeting on Wednesday, May  
 21 30, at Helms with the West Contra Costa School District  
 22 maintenance and operations staff?  
 23 A. No.  
 24 Q. So I take it you did not attend this meeting?  
 25 A. No.

1 Q. You can give that back to the reporter.  
 2 I want to go back to Exhibit 2, if you could  
 3 show that to the witness. And if you could look at the  
 4 second to last paragraph of Exhibit 2 where it says,  
 5 "Since Helms is an underperforming school, I believe  
 6 it's imperative that our students are given every  
 7 opportunity to compete."  
 8 Do you have any understanding what an  
 9 underperforming school is?  
 10 A. I think so.  
 11 Q. What is it that you understand an  
 12 underperforming school to be?  
 13 A. I think it has to do with the scores on the  
 14 tests that they, the students, have to do every year.  
 15 Q. Did you ever speak to Ms. Coll about Helms  
 16 being an underperforming school?  
 17 A. I think she mentioned it to me.  
 18 Q. Do you remember what she talked about when you  
 19 spoke to her on that subject?  
 20 A. Exactly, no.  
 21 Q. Do you remember generally what she said?  
 22 A. Not everything.  
 23 Q. Okay. We talked earlier about textbooks that  
 24 were old or that you felt were old at Helms. And you  
 25 mentioned you had seen textbooks as well as been told

1 that by various people at the school?  
 2 A. Yes.  
 3 Q. I want to make sure I'm clear. What textbooks  
 4 specifically did you see at Helms that you considered to  
 5 be old?  
 6 A. The history books.  
 7 Q. Any other books that you yourself saw that you  
 8 considered to be old?  
 9 A. Math books.  
 10 Q. Any others?  
 11 A. English.  
 12 Q. Any others?  
 13 A. The ones in the library.  
 14 Q. Anything else?  
 15 A. No.  
 16 Q. And so when you mentioned you think science  
 17 books were old, was that based on information that other  
 18 people had told you about the age or condition of the  
 19 textbooks?  
 20 A. Not other people. Not just other people, but  
 21 my son and the teachers.  
 22 Q. And we also talked earlier about the fact that  
 23 there were some teachers at Helms, and you mentioned the  
 24 P.E. teacher and the science teacher in particular, that  
 25 you felt did not have the proper certification to teach.

1 And was that based on anything you learned or saw  
2 yourself, or was it just based on information Ms. Coll  
3 and Ms. Lopez had told you?

4 A. Idalia was one that told us, and I believe that  
5 the principal told us once. And Tanya.

6 Q. Did you yourself ever ask any of the teachers  
7 whether they had the proper -- or what type of  
8 certification they had to teach?

9 A. I don't remember. I don't think so.

10 Q. You also mentioned that Ms. Coll had told you  
11 she had to buy pencils, papers and supplies for her  
12 classroom; is that right?

13 A. Yes.

14 Q. Did she ever tell you how often she did that?

15 A. All the time.

16 Q. Did she explain what she meant by all the time?

17 A. Well, every time she needed the supply.

18 Q. Do you know how often that was, how often she  
19 would need supplies?

20 A. I guess every day because she would need -- you  
21 know, she would need the pencils or paper for the  
22 students.

23 Q. Do you know if she ever received any of the  
24 supplies from the school that she didn't have to  
25 purchase herself?

1 besides Ms. Coll?

2 A. Yes. The social studies teacher.

3 Q. Any others?

4 A. Some science teacher.

5 Q. And what did the social studies teacher tell  
6 you about having to buy supplies?

7 A. She didn't tell me. There was one teacher that  
8 told me because they were friends.

9 Q. So Ms. -- Was that Ms. Coll that told you that?

10 A. Yes. She told me to talk to them, but I  
11 couldn't find a time to talk to her. But she talked  
12 to -- she talked to a parent, and she told her these  
13 things, and this parent came to us and told us  
14 everything about it in the meeting.

15 Q. Who was that parent, if you remember?

16 A. The name, no.

17 Q. What did that parent say?

18 A. That she personally talked with her teacher.

19 Q. The social studies teacher?

20 A. Yes, and they -- Actually, the social  
21 studies -- are you talking about the social studies  
22 teacher?

23 Q. Yes. I'm sorry. I'm glad you clarified.

24 A. I thought you were talking about the science  
25 teacher.

1 A. I asked the principal at a school site council  
2 meeting if the teachers get supplies or how often they  
3 would get them, and he would say that every teacher has  
4 supplies and that they supply, you know, money, they  
5 give them money to buy. But there were a couple of  
6 teachers there, and one of them said no.

7 Q. Did Mr. Muzinich respond to that comment at  
8 all?

9 A. He only said that he -- they gave them money,  
10 and he didn't know what they did with the money. But  
11 one of the teachers said that the money they would give  
12 them wasn't enough, that they wouldn't cover everything  
13 they needed.

14 Q. Did he say anything or respond to that comment  
15 at all?

16 A. That they didn't have any more money to give  
17 them.

18 Q. Is that the only time you discussed supplies  
19 and teachers having to buy supplies with Mr. Muzinich?

20 A. No. A lot of times. I don't remember how  
21 many.

22 Q. But you did discuss it with him at other times?

23 A. Yes. Not only me, but all the parents.

24 Q. Are you aware of any other teachers in  
25 particular that had to purchase their own supplies

1 Q. Okay. I'm still on social studies.

2 A. I spoke with the teacher.

3 Q. With the social studies teacher?

4 A. Yes.

5 Q. And do you remember who that teacher was?

6 A. I still don't remember his name. That's the  
7 teacher I can't remember his name.

8 Q. What did you talk about?

9 A. Well, he said he was very upset. I remember he  
10 was talking to me and my husband outside the school.  
11 And he said that he had been -- you know, that he was  
12 trying for a long time to get what he needed in social  
13 studies, but he would do his own research and work with  
14 whatever he had at his house to give, you know, the  
15 students.

16 Q. Did he tell you what it was that he needed?

17 A. Well, first, the book. He didn't have books  
18 for the students.

19 Q. Anything else?

20 A. And supplies. Exactly what kind of supplies, I  
21 don't know. But he said what he had, he had to -- you  
22 know, "If they give me" -- That's what he said. "If  
23 they gave me some lemons, I just make lemonade, try to  
24 do what I can with whatever they give me."

25 Q. Do you know if he ever received any supplies

1 from the school or textbooks?  
 2 A. No.  
 3 Q. You don't know, or he didn't?  
 4 A. I don't think he did, because there weren't any  
 5 books yet.  
 6 Q. When you say "there weren't any books yet," are  
 7 there books there now?  
 8 A. That's what the principal said, was that they  
 9 were going to buy new books.  
 10 Q. Did the principal say why they hadn't purchased  
 11 the books before?  
 12 A. He always said that there was no money.  
 13 Q. Did he give any other reasons?  
 14 A. That they didn't get any money from the  
 15 district.  
 16 Q. But no other reason besides there was no money?  
 17 A. And well, we went to the district and asked  
 18 them if this was true. And they told us, "Well, the  
 19 state doesn't give us enough money."  
 20 "So what do we do then? Who do we go to?"  
 21 He would say, "I don't know."  
 22 Q. And who -- someone at the district told you the  
 23 state doesn't give them enough money?  
 24 A. That she didn't know how the money was  
 25 distributed -- you know, the schools, and things like

1 that.  
 2 Q. And who was it that said that?  
 3 A. The name of the person, I don't recall the  
 4 name.  
 5 Q. She was someone at the district, though?  
 6 A. Yes.  
 7 Q. Was she someone that we talked about  
 8 previously, Carolyn?  
 9 A. No. It was another person, a bilingual person.  
 10 Q. Did she say anything else?  
 11 A. Well, they said a lot of things, but I can't  
 12 remember everything.  
 13 Q. Was this at a particular meeting that this  
 14 conversation about funding for textbooks from the state  
 15 came up?  
 16 A. The district meeting.  
 17 Q. Was it the district -- that was the monthly  
 18 meeting?  
 19 A. Yes, where different schools meet with  
 20 employees from the district.  
 21 Q. Did that issue ever come up again in any other  
 22 district meetings that you recall?  
 23 A. Several times different parents from different  
 24 schools would ask the same questions, but they never  
 25 gave the right answers. And there was one parent that

1 said -- well, he was very angry in one meeting. And he  
 2 said that he was going to take it to the state, and I  
 3 thought that maybe he wasn't going to do it. But at the  
 4 next meeting, he said that he would do the state. I  
 5 don't know what he exactly did, but he took all those  
 6 complaints to the state.  
 7 Q. But you don't know who he took them to?  
 8 A. No.  
 9 Q. Do you know what his name was?  
 10 A. No.  
 11 Q. Was he a parent at Helms?  
 12 A. No, a different school.  
 13 Q. Did anyone from district comment on that when  
 14 he said he had taken the matter to the state?  
 15 A. No.  
 16 Q. Then I think we've talked probably about the  
 17 science teacher because I got a little mixed up. But  
 18 did you ever speak to the science teacher about not  
 19 having enough supplies?  
 20 A. Personally, no.  
 21 Q. And that was the one you heard it from -- was  
 22 that Ms. Coll?  
 23 A. Yes, and parents.  
 24 Q. I know you mentioned you spoke with Ms. Coll  
 25 about having to photocopy portions of a textbook. Did

1 you speak with any other teachers who had to photocopy  
 2 portions of a textbook because there weren't enough in  
 3 the classroom?  
 4 A. Social studies teacher.  
 5 Q. Any others?  
 6 A. English teachers. That's because Miss Colleen  
 7 told me.  
 8 Q. So you never spoke with the English teachers  
 9 yourself; that's what Ms. Coll said?  
 10 A. I couldn't. I didn't have time.  
 11 Q. But the social studies teacher, is that  
 12 somebody you spoke with yourself, or was that another?  
 13 A. Yes.  
 14 Q. When we were talking earlier about heaters in  
 15 the school, and I know we talked about your personal  
 16 experience having it be cold in the room that you had  
 17 been in. Did anyone, like, any -- did you ever speak to  
 18 any teachers about the temperature in the school?  
 19 A. Idalia would tell us that some teachers would  
 20 complain and tell her about it because they -- you know,  
 21 they could come to her and tell her about these things  
 22 they weren't very happy about.  
 23 Q. Did you ever speak with the teachers yourself  
 24 about the heaters?  
 25 A. No. My son told me.



- 1 Q. Did you ever hear that from anyone else besides  
2 Idalia and your son?  
3 A. Other parents.  
4 Q. And you did speak with Mr. Muzinich about the  
5 heat in the school?  
6 A. Yes.  
7 Q. And what would you say to him?  
8 A. If they could fix the ones that don't work or  
9 to put heaters in classrooms that don't have any.  
10 Q. What was his response to you?  
11 A. That he was going to see what he could do.  
12 Q. But as far as you know, the heaters had never  
13 been fixed or put in?  
14 A. No.  
15 Q. In paragraph 11 of your declaration you talk  
16 about "The school does not provide sanitary seat covers  
17 for the toilets."  
18 A. That's right.  
19 Q. Are there dispensers for seat covers, or do  
20 they not have -- are they just empty dispensers, or do  
21 they not have dispensers at all?  
22 A. You mean to put the toilet paper in?  
23 Q. No, the seat covers. I'm sorry.  
24 A. None.  
25 Q. There's no dispenser?

- 1 A. Nothing.  
2 Q. And then the sentence right after that says,  
3 "the girls' bathrooms do not have feminine product  
4 dispensers." It's not that they're empty. They don't  
5 have the dispensers at all in the school; is that  
6 correct?  
7 A. Can you repeat that again?  
8 Q. Sure. The feminine product dispensers in the  
9 girls' restrooms, do they have the dispenser and they  
10 just don't have products in them, or do they not have  
11 the dispensers at all?  
12 A. Nothing.  
13 Q. In paragraph 12, you make a comment about trash  
14 strewn about. I assume you mean the hallways from the  
15 sentence before that. Have you ever gone into the  
16 hallways at Helms and not seen trash on the floor?  
17 A. No. Sometimes it was even muddy.  
18 Q. And when would it be muddy, assuming --  
19 A. When it rained, or wet.  
20 Q. Were there ever occasions that you saw more  
21 trash in the hallways than at other times?  
22 A. Yes.  
23 Q. When would there be more trash?  
24 A. On the stairs and outside.  
25 Q. Were you involved in Helms when your son began

- 1 school there, so the seventh grade year?  
2 A. Not really. I started visiting the school.  
3 And when I found out about the meetings, I started  
4 coming.  
5 Q. When was that?  
6 A. Maybe a couple of months after he started  
7 school.  
8 Q. So a couple of months into his seventh grade  
9 year?  
10 A. Yes.  
11 Q. In paragraph 13 you talk about you observed  
12 water entering through the hallway ceiling and ceiling  
13 tiles falling to the floor. On how many occasions did  
14 you personally observe water entering the hallway  
15 ceiling?  
16 A. Different times. I don't know how many, but  
17 almost all the time, especially when it was raining.  
18 Q. You wouldn't see water entering the hallways  
19 when it wasn't raining, would you?  
20 A. Of course not, because it wasn't raining.  
21 Q. But is it your -- are you saying that every  
22 time you came to Helms when it was raining, you did see  
23 water running down the hallways?  
24 A. On the walls.  
25 Q. On the walls.

- 1 And can you tell me how many times you observed  
2 ceiling tiles falling to the floor at Helms?  
3 A. Probably like four times.  
4 Q. And that's just times when you personally  
5 observed it; correct?  
6 A. Personally, yes.  
7 Q. And you heard from other people that ceiling  
8 tiles fell to the floor as well as your personal  
9 observation?  
10 A. Yes, different parents.  
11 Q. Did you ever discuss that with any teachers?  
12 A. No.  
13 Q. With any students other than your son?  
14 A. Yes. Actually, can I say something?  
15 Q. Yes.  
16 A. Now that I recall, Ms. Colleen told me about  
17 this -- you know, different things in the school. She  
18 said to me, "We can see the school is practically  
19 falling down" is one of the things she told me.  
20 And I said "Yes, I know."  
21 And she even said, "What is the principal  
22 doing, you know, to -- What is he doing to help the  
23 students?"  
24 Q. She was asking you this?  
25 A. She was wondering.

1 Q. Was she a new teacher to Helms?  
 2 A. I don't think so.  
 3 Q. Do you know how long she had been there?  
 4 A. No.  
 5 Q. In paragraph 14, the last line, you mentioned  
 6 that your son "comes home commenting that he feels bad  
 7 about having to attend a school that reminds him of a  
 8 prison and concentration camp." Were you thinking of an  
 9 instance in particular when he told you that, or is that  
 10 just a general comment he would make?  
 11 A. General comment.  
 12 Q. Were those your son's words, that it reminded  
 13 him of a prison or concentration camp?  
 14 A. That's correct.  
 15 Q. How often would your son comment to you about  
 16 that he felt bad having to attend school at Helms?  
 17 A. Almost every day.  
 18 Q. And what would you do when he would tell you  
 19 that?  
 20 MS. KOTT: Objection, vague.  
 21 MS. VANSE: Q. Would you say anything to him?  
 22 A. I would listen to him and try to encourage him  
 23 to do his best, you know, while he was studying to make  
 24 the best of the classes he knew -- even though he knew  
 25 some of them weren't too good, and to try to have

1 A. Yes.  
 2 Q. Do you recall how long a fight you would  
 3 witness would last?  
 4 MS. KOTT: Are you talking about each one or --  
 5 MS. VANSE: That's actually a good  
 6 clarification.  
 7 Q. You said you saw several. Were they all pretty  
 8 much the same kind of fight, or were there different  
 9 kinds of fighting that you observed?  
 10 A. Different.  
 11 Q. How were they different?  
 12 A. Sometimes they would fight, it had to do with  
 13 races. And I don't know what any of the reasons.  
 14 Q. Were there some that you noticed were -- I  
 15 don't know, seemed more violent or more serious than  
 16 others?  
 17 A. Some.  
 18 Q. In general, the fights that you observed, were  
 19 they just again a few students, or were there big groups  
 20 of students involved?  
 21 A. Sometimes big groups and sometimes just a few.  
 22 Q. You also mentioned in paragraph 15 that your  
 23 son has been harassed by fellow students.  
 24 A. (Witness nods head.)  
 25 Q. How often did that occur?

1 patience, that if he was a good student, it didn't  
 2 matter if the school was so bad, and to try his best.  
 3 And I will tell him that I will do something about it.  
 4 Q. Did your son take any classes at Helms that you  
 5 thought were good, were taught by good teachers?  
 6 A. What do you mean?  
 7 Q. We've talked a little bit that he had some  
 8 problems with one of his math teachers. And I'm just  
 9 wondering if he had any classes at Helms that he enjoyed  
 10 or thought were good classes that he told you about?  
 11 A. Social studies.  
 12 Q. Any others?  
 13 A. That's the one he enjoyed more when he was in  
 14 seventh grade.  
 15 Q. Did he have Ms. Coll for a history teacher?  
 16 A. Yes.  
 17 Q. Did he enjoy her class?  
 18 A. Yes.  
 19 Q. We've also talked a little bit about fights  
 20 that occurred at Helms. How many fights did you  
 21 personally observe occur at Helms?  
 22 A. Several. Exactly how many I don't know, but  
 23 outside the school, inside the school, and the  
 24 playground, if I should call it like that.  
 25 Q. And were these all physical fighting?

1 A. Almost every day.  
 2 Q. Was this something you observed, or was this  
 3 something your son would tell you?  
 4 A. He would tell me.  
 5 Q. Did he ever say who was harassing him?  
 6 A. Yes.  
 7 Q. And who was harassing him?  
 8 A. Other students.  
 9 Q. And how long did that go on?  
 10 A. I don't know. He would tell me. He would  
 11 often tell me about it, or my husband.  
 12 Q. Was this in his seventh grade year or his  
 13 eighth grade year or both?  
 14 A. Both.  
 15 Q. And did you ever do anything to stop the  
 16 harassment?  
 17 A. No, because I wasn't there.  
 18 Q. Did you ever talk to anyone at the school about  
 19 it?  
 20 A. I don't remember. I think I mentioned it to  
 21 Tanya and other parents.  
 22 Q. And has the harassment stopped now that he is  
 23 at Richmond?  
 24 A. Yes.  
 25 Q. In paragraph 16 of your declaration you state,

1 "The level of respect offered by the teachers to the  
2 students is also very low." And then you state, "One  
3 teacher physically pushed a student down." Other than  
4 the incident we've already talked about with the  
5 teacher, is there anything else you are referring to  
6 when you state "The level of respect offered by the  
7 teachers to the students is also very low"?

8 MS. KOTT: Objection. Asked and answered.

9 THE WITNESS: Just what -- Well, that and what  
10 other parents have told me.

11 MS. VANSE: Q. What have the other parents  
12 told you?

13 A. When the children come to them, they would tell  
14 them things about the teachers, things they don't like.

15 Q. Do you remember what sort of things they spoke  
16 of or referred to?

17 A. No. Exactly, no.

18 Q. In paragraph 16 you say, "This left the victim  
19 and the students who witnessed the incident feeling  
20 confused and violated." Was this something that you  
21 personally observed or someone told you?

22 A. Personally.

23 Q. And how did you personally observe that the  
24 victim and the students who witnessed the incident felt  
25 confused and violated?

1 A. Because of respect. We teach our children to  
2 respect -- at least I do -- others, especially when they  
3 are at school. So I believe that the teacher is  
4 supposed to show respect for the students no matter what  
5 because he is the teacher. And I feel that way. And I  
6 heard other parents comment about this, too.

7 Q. Did you ever speak with the victim that was  
8 pushed by the teacher?

9 A. Personally, no.

10 Q. Did you speak with students who witnessed the  
11 incident?

12 A. Only with a parent.

13 Q. And the parent had witnessed the incident?

14 A. Yes.

15 Q. And what did that parent tell you? Is that  
16 what we referred to before or --

17 A. Practically the same thing I just told you.

18 Q. Anything other than what you just told me?

19 A. Like what?

20 Q. I don't know. If there's nothing, there's  
21 nothing.

22 A. Of what I think?

23 Q. No. Of what the parent told you.

24 A. I think that the parent of that child was very  
25 angry, and I think she came to talk with the principal.

1 Q. Was it the parent of the victim that actually  
2 saw the incident and spoke to you?

3 A. No. Well, the parent that worked in the  
4 school.

5 Q. In paragraph 17 you state that "The teachers  
6 are either hesitant or entirely unwilling to break up  
7 the fights between students." Is that something you  
8 have observed that teachers are hesitant or unwilling to  
9 break up fights?

10 A. I personally haven't, but my son has.

11 Q. And he's told you about that?

12 A. Yes.

13 Q. And what has he said?

14 A. What he says, they don't do anything about it.  
15 They can't. There was one time that this teacher tried  
16 to call the office, but -- on the speaker. It didn't  
17 work. There was no way to tell anyone because no one  
18 could help him.

19 Q. So the teacher tried to contact the principal?

20 A. The office, yes.

21 Q. Or the office.

22 A. By the time they came, they were already  
23 bleeding. So --

24 Q. Was there anything else that your son told you  
25 about teachers being hesitant or unwilling to break up

1 fights between students?

2 A. No. Just that.

3 Q. Did you ever talk about teachers being hesitant  
4 or unwilling to break up fights with other parents?

5 A. Can you repeat that?

6 Q. Sure, of course.

7 Did you ever talk about the fact that teachers  
8 were hesitant or unwilling to break up fights between  
9 students with other parents?

10 A. They would try, but there was nothing they  
11 could do.

12 Q. So other parents -- I'm sorry. Maybe I still  
13 didn't say it right. Was this something that you would  
14 talk about with other parents how teachers seemed  
15 unwilling or hesitant to break up fights, or is that not  
16 something that you discussed with other parents?

17 A. Yes, we did. We practically discussed  
18 everything that happened at the school.

19 Q. And what happened -- the comment that the  
20 teachers were hesitant or unwilling because they feared  
21 retaliation by the students, was that something that the  
22 teachers told you that they feared retaliation by the  
23 students?

24 A. Yes. My son.

25 Q. Your son told you that?

1 A. Yes.  
 2 Q. Did he say why they thought that or why he was  
 3 telling you that?  
 4 A. Because he saw that many times.  
 5 Q. He saw that teachers were afraid of  
 6 retaliation?  
 7 A. Yes, sometimes.  
 8 Q. Did he ever speak to any teachers about that,  
 9 about --  
 10 A. No, not that I know.  
 11 Q. He never told you that he spoke with any  
 12 teachers?  
 13 A. No.  
 14 Q. And the next line where you state, "In  
 15 particular, should the teachers in fact touch the  
 16 students, the teachers fear they would be charged with  
 17 assault and harassment." Was that something you spoke  
 18 to a teacher about, that they feared they would be  
 19 charged with assault and harassment if they touched a  
 20 student?  
 21 A. Yeah. I think Ms. Colleen was one that told  
 22 me, and Idalia told the parents.  
 23 Q. That that's what the teachers were afraid of?  
 24 A. They couldn't touch the students at all. They  
 25 were not supposed to.

1 Q. And what did Ms. Coll say about the fact that  
 2 teachers should not touch the students fearing they  
 3 would be charged with assault and harassment?  
 4 A. Because they would accuse you of something that  
 5 is not true.  
 6 Q. And that's something she was talking to you  
 7 about, that's what would happen?  
 8 A. Yes. She has told me a lot of things, and  
 9 exactly words I don't remember, but this is one of the  
 10 things she mentioned.  
 11 Q. In paragraph 18 you state, "For the most part,  
 12 access to the school is not secured. Most importantly,  
 13 the main doors of the school located at the front of the  
 14 school, those leading off the main hallways, and those  
 15 connecting to the gymnasium are unsecured and so anyone  
 16 can enter." How do you know that the main doors are  
 17 unsecured at Helms?  
 18 A. Because every time you would come to the  
 19 school, the doors are all open, the gates are open.  
 20 This is the gate that goes to -- you know, where the  
 21 students are playing. And the main door is always open.  
 22 Q. So by the main doors, are these doors to a  
 23 fence or doors to the building itself?  
 24 A. To the building and the fence.  
 25 Q. And it's the main entrance that people enter

1 the school?  
 2 A. Yes.  
 3 Q. Do you know if those doors are supposed to be  
 4 locked?  
 5 A. At least they're supposed to be closed.  
 6 There's one door that's supposed to be closed, is the  
 7 gate, you know, through the other side of the school.  
 8 And the main door is supposed to be closed.  
 9 Q. And have you ever seen the doors opened during  
 10 nonschool times, either after school hours or on the  
 11 weekends?  
 12 A. The weekend, no. During weekdays, yes.  
 13 Q. During weekdays after school hours?  
 14 A. Yes.  
 15 Q. Was that something you saw regularly, these  
 16 doors being opened after school hours?  
 17 A. Not only after school but every day during the  
 18 school day, school hours.  
 19 Q. But is it something that -- Did you ever see  
 20 them closed?  
 21 A. No.  
 22 Q. So every time you came to Helms, the main doors  
 23 were open?  
 24 A. Yes.  
 25 Q. Did you ever speak to any of the teachers at

1 the school about the main doors being left open?  
 2 A. No.  
 3 Q. Did you ever speak to Mr. Muzinich about the  
 4 doors?  
 5 A. Yes.  
 6 Q. And what was that conversation about?  
 7 A. It was very unsafe for the students. And other  
 8 students from different schools would come in and take  
 9 some students from there. Different people would come  
 10 inside.  
 11 We asked him to have more security guards  
 12 there, you know, at least check. But sometimes there  
 13 were, and sometimes there weren't.  
 14 Q. Did he give you -- Mr. Muzinich, ever give you  
 15 a reason why the doors were left open?  
 16 A. No.  
 17 Q. Did he ever tell you that they would be closed?  
 18 A. No. I knew from Idalia that the doors were  
 19 supposed to be closed. That's the instructions she said  
 20 the school gave them. They were supposed to be closed  
 21 all the time. But they always leave them open.  
 22 Q. Do you know who was supposed to be making sure  
 23 the --  
 24 A. Security guards.  
 25 Q. You said that other students would come into

1 the school?  
 2 A. Yes.  
 3 Q. Was that something you saw yourself or that  
 4 you --  
 5 A. Yes.  
 6 Q. And how --  
 7 A. And other parents.  
 8 Q. So you personally saw other students come into  
 9 the school?  
 10 A. Yes.  
 11 Q. And how often would you see that?  
 12 A. Very often.  
 13 Q. And what exactly would the students do, the  
 14 other students coming into Helms?  
 15 A. They would disrupt the other students and try  
 16 to take them out of the school. Girls or boys.  
 17 Q. Do you know if these other students were  
 18 supposed to be in their own schools?  
 19 A. Yes, they were.  
 20 Q. Did you ever do anything in response to seeing  
 21 someone -- Let me ask you this question: How did you  
 22 know they were not students at Helms?  
 23 A. They were older kids.  
 24 Q. Like high school age?  
 25 A. Yes.

1 Q. Do you know if they were ever asked to leave  
 2 Helms?  
 3 A. Yes.  
 4 Q. Who would ask them to leave?  
 5 A. Idalia sometimes would see them and tell them  
 6 to leave.  
 7 Q. Anyone else?  
 8 A. Not that I know.  
 9 Q. Did you ever ask them to leave?  
 10 A. No.  
 11 Q. You said, also, some other people would come  
 12 in. What other people besides older students would come  
 13 into Helms?  
 14 A. Yes.  
 15 Q. Who? I'm sorry.  
 16 A. Who? I think there were parents, most of them.  
 17 But other people. I don't know who they were.  
 18 Q. But you did see parents coming into the school,  
 19 also?  
 20 A. Ones I knew.  
 21 Q. Were they supposed to be at the school?  
 22 A. Well, if they have to work -- if they had  
 23 anything to talk about or something to -- any problems,  
 24 they would come.  
 25 Q. Other than the older students that you saw come

1 into the school, did you observe or did you hear about  
 2 any other people coming into Helms that shouldn't be  
 3 there?  
 4 A. Yes, I heard.  
 5 Q. And who was that that came into the school?  
 6 A. There was one at this time. There was a  
 7 rapist. And they were handing out papers to all the  
 8 parents. And it was in the community. And they saw him  
 9 outside.  
 10 Q. Outside the school?  
 11 A. Yes, on a bicycle. I personally didn't see  
 12 him. Somebody else did.  
 13 Q. But he was outside the school?  
 14 A. Watching the kids.  
 15 Q. Who told you that?  
 16 A. Another parent.  
 17 Q. In paragraph 19, you state that "Windows facing  
 18 the playground have been left in disrepair for a long  
 19 period of time." Are there windows in particular that  
 20 you were talking about?  
 21 A. There are windows that are broken everywhere.  
 22 Q. But the ones in particular in paragraph 19 --  
 23 and not being familiar with Helms, maybe you can just  
 24 help me out a little bit. How many windows face the  
 25 playground?

1 A. I don't know exactly how many.  
 2 Q. Were there a lot of windows?  
 3 A. Yes.  
 4 Q. And about how many of those windows have been  
 5 left in disrepair?  
 6 A. None of them. They haven't been repaired.  
 7 Q. So all of them are broken?  
 8 A. They just have pieces of, you know, wood or  
 9 tape on the broken glass, broken windows.  
 10 Q. Do you know if those windows have been fixed?  
 11 A. I don't know. Right now I don't know, but I  
 12 don't think so.  
 13 Q. You also state in paragraph 19 that "This  
 14 allows for easy access to the school. It has already  
 15 been reported that during weekend hours, children from  
 16 another school entered the building through these broken  
 17 windows."  
 18 And can you tell me, was this one instance in  
 19 particular that you're thinking of for this particular  
 20 paragraph?  
 21 A. There were parents there talking about it.  
 22 Q. Was this at a parent meeting?  
 23 A. Yes.  
 24 Q. What did they say?  
 25 A. That there were other kids. There was this

1 parent that he was patrolling, and he saw some kids  
 2 going out the school, cutting. And he said that there  
 3 were others coming in in there.  
 4 Q. And this is something the parent saw on a  
 5 weekend?  
 6 A. Yes. Not on the weekend.  
 7 Q. During the weekday?  
 8 A. School hours.  
 9 Q. Did any other parent tell you that they  
 10 observed students coming through the windows during the  
 11 weekday?  
 12 A. Yes, there were other parents. But their own  
 13 kids would tell them.  
 14 Q. Did your son ever tell you that he knew someone  
 15 coming through the windows during the weekday?  
 16 A. No, but he would hear from his friends.  
 17 Q. And how about during the weekend hours? Did  
 18 you ever observe or have someone tell you that they saw  
 19 students come in on the weekend hours?  
 20 A. Idalia told us once that some kids broke into  
 21 the school I think by the library, the windows that are  
 22 in the library, and they -- you know, they left bottles  
 23 there, condoms, and a lot of things.  
 24 Q. Do you know if those bottles and condoms were  
 25 cleaned up when the students got there on Monday?

1 A. I don't know.  
 2 Q. You mentioned that you first started getting  
 3 involved at Helms a few months into your son's seventh  
 4 grade year?  
 5 A. Yes.  
 6 Q. While your son was at Helms, did you notice  
 7 that the facilities like the school building was  
 8 improved, or did it get worse during his time?  
 9 A. It got worse.  
 10 Q. Were there any parts of the school that were  
 11 improved while he was there that you could either  
 12 observe or he told you?  
 13 MS. KOTT: Objection. Asked and answered.  
 14 THE WITNESS: No.  
 15 MS. VANSE: Q. How about books? Did you  
 16 either observe that the school received new textbooks,  
 17 or did your son tell you that new textbooks had been  
 18 received at any time while he was at Helms?  
 19 A. No.  
 20 Q. And teachers: While your son was at Helms, did  
 21 the school receive any more or better qualified in your  
 22 opinion teachers while he was there?  
 23 A. No. They fired a good one.  
 24 Q. Which teacher was that?  
 25 A. It was a history teacher, I think.

1 Q. Do you know why he got fired?  
 2 A. Because he found out that they were stealing  
 3 money.  
 4 Q. Who is they, the district?  
 5 A. School. That's what he told me.  
 6 Q. Do you remember his name?  
 7 A. No.  
 8 Q. And when did he tell you that the school was  
 9 stealing money?  
 10 A. This year.  
 11 Q. This year being 2001. Was it the school year,  
 12 or was it last school year?  
 13 A. 2000-2001.  
 14 Q. Did he say anything else other than the school  
 15 had been stealing money?  
 16 A. He said a lot of things.  
 17 Q. What else did he say?  
 18 A. That he worked for the government. He was a  
 19 soldier, and that he worked protecting the state taxes,  
 20 that he was very furious and angry that they were  
 21 stealing the money that belonged to the kids.  
 22 Q. Did he explain at all how he knew the school  
 23 was stealing money?  
 24 A. Yes. He said that he had evidence. He  
 25 actually was -- he had a personal lawyer.

1 Q. Did he tell you what kind of information he had  
 2 that showed the school was stealing money?  
 3 A. Yes.  
 4 Q. What was that?  
 5 A. Papers where everything was written, you know,  
 6 the amount of money they had and things like that.  
 7 Q. Did he say how he had found out about it?  
 8 A. Yes.  
 9 Q. How did he find out about it?  
 10 A. Well, he thought that they were stealing money  
 11 through time cards.  
 12 Q. And how would they do that, did he explain?  
 13 A. The way I think is because they would ask you  
 14 to sign several time cards.  
 15 Q. Teachers?  
 16 A. No. That person in charge of the general  
 17 school funds? Renee is her name, but I don't recall her  
 18 last name.  
 19 Q. And this was someone at Helms; correct?  
 20 A. Yes. They would harass him while he was still  
 21 in school. And after he was out, he said that they  
 22 would make calls and threats to him and his family.  
 23 Q. Other than Renee, did he say who else -- did he  
 24 mention anyone else who was stealing?  
 25 A. He said that she was the main one and that the

1 principal and his person -- what was his name? I don't  
 2 recall his name. He's an older man. That they knew  
 3 about it.  
 4 Q. Did he say whether the school was doing  
 5 anything because of the incident, because they were  
 6 stealing money?  
 7 A. The school wasn't doing anything because they  
 8 don't do anything.  
 9 Q. The school didn't know about this at all?  
 10 A. No.  
 11 Q. Did he tell the school?  
 12 A. He told me.  
 13 Q. Did he tell anyone --  
 14 A. He told Miss Colleen.  
 15 Q. Did he tell anyone else?  
 16 A. I don't know. Maybe he did.  
 17 Q. Other than what we've already talked about, are  
 18 there any other problems that you observed at Helms that  
 19 we haven't talked about already?  
 20 A. You mean right now or in the past?  
 21 Q. Well, let's do that. Are there some that have  
 22 been there in the past that are not there now?  
 23 A. I haven't visited the school in this school  
 24 year.  
 25 Q. So by that comment, you mean you don't know

1 what's there now, so you can't --  
 2 A. I hear they're still the same because I have  
 3 friends that still have children in there.  
 4 Q. Let's just talk about any other problems at  
 5 Helms that you observed in the past when you were at  
 6 Helms or that you heard from your son that we haven't  
 7 talked about already.  
 8 A. I can't remember right now.  
 9 Q. Any other problems at Helms now that you have  
 10 heard of from other people that we haven't already  
 11 talked about?  
 12 A. No.  
 13 Q. And why did you decide to get involved in the  
 14 lawsuit?  
 15 A. Because I wanted to see better things, you  
 16 know, for my son, especially my son, and the other  
 17 students. I thought it wasn't fair for them to have to  
 18 go through that.  
 19 Q. What did you think that the lawsuit would do to  
 20 help things for your son at school?  
 21 A. That they would fight for us and help us  
 22 somehow and get this, you know, to the state and fix  
 23 everything that has to be fixed, not only in this school  
 24 but the whole district, which is crooked to me.  
 25 Q. Anything else that you want to see happen as a

1 result of this lawsuit?  
 2 A. I would like to see schools better environments  
 3 for these children because they look like jails. I  
 4 mean, I've seen different schools and high schools,  
 5 especially one that is nearby the school district, it  
 6 looks like a jail.  
 7 Q. Is that the high school your sons attend?  
 8 A. No. It's a different one besides that one.  
 9 Q. What is that one?  
 10 A. Gompers. It's a high school.  
 11 I would like the children to have, you know,  
 12 what they need in the classroom, textbooks; the teachers  
 13 to have the material they need for their students and,  
 14 not only that, but money for field trips, which was one  
 15 of the things they mentioned to us. And they were  
 16 always told that they didn't have money for that.  
 17 Q. When you just said money for field trips is one  
 18 of the things --  
 19 A. Study trips.  
 20 Q. Study trips?  
 21 A. Yes.  
 22 Q. Who mentioned that to you?  
 23 A. Teachers. Miss Colleen was one of them. An  
 24 English teacher, bilingual teacher. Math teacher.  
 25 Q. They mentioned that they would like to take

1 students on study trips?  
 2 A. Yes. And I heard them tell the principal at  
 3 the school site council meeting.  
 4 Q. That they would like to take students on study  
 5 trips?  
 6 A. Yes.  
 7 Q. Are you aware of a bond measure called Measure  
 8 M?  
 9 A. No.  
 10 Q. Were you aware of any recent bond measures that  
 11 would raise money for West Contra Costa School District?  
 12 A. No.  
 13 Q. Overall, do you feel that your son is getting a  
 14 better education now at Richmond than he did at Helms?  
 15 MS. KOTT: Objection. Vague. Calls for expert  
 16 testimony.  
 17 MS. VANSE: Q. In your opinion.  
 18 A. I'm checking on that. I'm still waiting.  
 19 Q. But so far, have you -- From what you've seen.  
 20 And your older son has been at Richmond; correct?  
 21 A. Yes.  
 22 Q. Do you think that the education your son --  
 23 both of your sons are receiving at Richmond is better  
 24 than what they had at Helms?  
 25 A. Yes, I think so.

1 Q. In which way do you think it's better?  
 2 A. I think they have some teachers that really  
 3 cared, you know, and they know when they see a good  
 4 student that really wants to succeed. And my son is one  
 5 of them, not just because he's my son but because the  
 6 teachers have told me that and the principal -- I mean  
 7 his counselor.

8 Q. And because he's your son?

9 A. Yes, especially.

10 Q. You wouldn't be a mom if you didn't say that.

11 A. I'm proud of him.

12 Q. Anything else that makes you think the  
 13 education your son is receiving at Richmond is better  
 14 than at Helms?

15 A. I think they have better opportunities for  
 16 them.

17 Q. Do you know why -- Richmond is also in the West  
 18 Contra Costa School District; correct?

19 A. Yes.

20 Q. Do you know why there's a difference between  
 21 the education, other than just being high school and  
 22 junior high, that your son is getting at Richmond versus  
 23 at Helms?

24 MS. KOTT: Objection. Calls for speculation.

25 THE WITNESS: What's the question again?

1 A. No.

2 Q. No? Are there any schools in the West Contra  
 3 Costa School District that have better facilities than  
 4 at Helms?

5 MS. KOTT: Objection. Calls for speculation.

6 MS. VANSE: Q. Have you seen any other school  
 7 buildings other than Helms and Richmond?

8 A. Only one.

9 Q. Just Richmond?

10 A. Only one. I think it's Caesar Chavez. It's a  
 11 brand new school. Just because it's brand new. That's  
 12 about it.

13 Q. What is your daughter's school like? Is that a  
 14 good school building?

15 A. No.

16 Q. No?

17 A. Not at all.

18 Q. What about her teacher?

19 A. I don't like her either. I'm very involved  
 20 there, too.

21 Q. What don't you like about your daughter's  
 22 teacher?

23 A. What I don't like?

24 Q. (Nods head)

25 A. She's very -- she's mean. She shouts too much

1 MS. VANSE: Q. Sure. Maybe you've never  
 2 thought about it. I'm just wondering if you have any  
 3 thoughts on why you think your son is getting a better  
 4 education, like, why Richmond is giving your son a  
 5 better education than Helms did. Have you observed  
 6 anything other than what we've already talked about that  
 7 would make that school better than Helms?

8 A. I think they have different programs for the  
 9 students that are about to graduate, and that helps a  
 10 lot.

11 Q. Do you think or have you seen programs, things  
 12 at Richmond that you think would work also at Helms that  
 13 you think the district should do at different schools  
 14 that they haven't already done?

15 A. I think they should do it in all schools, not  
 16 only in one, you know, because --

17 Q. I think that was a really bad question. So  
 18 I'll just ask another one.

19 I'm just wondering if your son while at  
 20 Richmond has come home or done something, said, "Gosh, I  
 21 wish they had done that at Helms." Have you ever had  
 22 that experience about why hadn't they done this earlier?

23 A. No.

24 Q. Is the facility at Richmond better than at  
 25 Helms, like the building itself?

1 at the children. And I think that if they're starting  
 2 school and they get a bad impression of the teachers, if  
 3 they like school, they start disliking school. And my  
 4 daughter likes school. She loves school. You know.  
 5 But I don't want her to dislike school. I already spoke  
 6 with the principal about it.

7 Q. And what did the principal say when you spoke  
 8 to him about it?

9 A. She said, "Have you talked to the teacher?"  
 10 And I said, "No. I think you should."

11 She said, "Because that's one of the things,  
 12 you know, the procedures you have to do."

13 "I know that's one of the procedures," I would  
 14 say, "but I decided to come to you because from what I  
 15 hear, this is not something new. Other parents told me  
 16 that she's had these problems, you know, for a long  
 17 time. And I was -- I stayed at the classroom and  
 18 observed her, and there was this time that she really  
 19 got me angry. You know. Kids don't deserve to be  
 20 treated like that, especially when they're starting, you  
 21 know."

22 Q. Did you ever speak to the teacher about that?

23 A. Not yet, but I told the principal if I have to  
 24 talk to her, I would.

25 Q. And did the principal -- do you know if the



1 principal spoke to the teacher?  
 2 A. I think she did because she mentioned that to  
 3 some parents, that there was some parents that weren't  
 4 so happy with her.  
 5 Q. And after the principal spoke to the teacher,  
 6 did you notice that the teacher was better?  
 7 A. A little bit. Just a little.  
 8 Q. And your daughter just started school, correct,  
 9 this year?  
 10 A. Yes.  
 11 Q. Well, I think that's all I have.  
 12 MS. KOTT: Okay.  
 13 MS. VANSE: I don't want to close the  
 14 deposition because I really haven't gone through all of  
 15 this yet, but I think that's all the questions I have.  
 16 So --  
 17 MS. KOTT: All of what yet?  
 18 MS. VANSE: The papers that I just received  
 19 today.  
 20 Q. And actually, you did mention that you had  
 21 other papers at home that you didn't have time to look  
 22 for?  
 23 MS. KOTT: I believe you're misrepresenting her  
 24 testimony at this point.  
 25 MS. VANSE: That's certainly not my intent.

1 Q. If you don't have -- I thought when you first  
 2 gave me these Deposition Exhibits 1 through 3, you said  
 3 that you might have additional letters that you just  
 4 didn't have time to look for.  
 5 A. That's what I could find. But I think the rest  
 6 of the other information is with the other parents.  
 7 Q. Okay. Well, if that's the case and you don't  
 8 have any more, then that's fine. I must have  
 9 misunderstood it and thought you said you just didn't  
 10 have time to look for the other letters.  
 11 A. No. That's all I could find.  
 12 Q. That's fine, then. If that's what you could  
 13 find, that's what you could find.  
 14 MS. KOTT: We would rather not leave this open  
 15 if at all possible. You've already questioned her about  
 16 all of the letters. So I mean, do you have a sense  
 17 right now of what further you might want to cover with  
 18 her specifically about those?  
 19 MS. VANSE: I don't. And without, you know,  
 20 taking the time to go through the documents and review  
 21 them -- and you know, several other documents were  
 22 mentioned today that, you know, we could bring up at a  
 23 later time whether or not those needed to be produced.  
 24 I don't even know if the plaintiffs had access to them.  
 25 MS. KOTT: She doesn't have them, so --

1 MS. VANSE: Absolutely. I understand that.  
 2 And I just don't -- I don't want to say, you know, the  
 3 deposition is over. I don't anticipate ever coming back  
 4 and speaking to this witness again.  
 5 I appreciate the time you've taken today, but I  
 6 just don't feel comfortable about saying yes, definitely  
 7 this is closed, but I don't say that with the  
 8 anticipation that we'll ever have to open it again.  
 9 MS. KOTT: Okay. All right.  
 10 MS. VANSE: I think we can just stipulate -- Do  
 11 you have the normal stipulation for this?  
 12 I think we just stipulate that once the  
 13 original is delivered to Plaintiffs, that the court  
 14 reporter be relieved of her duties under the Code and  
 15 that the Plaintiff have 30 days from receipt of the  
 16 transcript to review it, make any changes, and if she  
 17 does not sign it within 30 days, then certified copies  
 18 may be used as the original.  
 19 MS. KOTT: So stipulated.  
 20 MS. VANSE: Great. Thank you.  
 21 THE REPORTER: Ms. Kott, would you like to  
 22 order a copy of the transcript?  
 23 MS. KOTT: Yes, please.  
 24 (Whereupon, the deposition was adjourned.)  
 25

1  
 2  
 3 I declare under penalty of perjury that the  
 4 foregoing is true and correct. Subscribed at  
 5 \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_,  
 6 2001.

\_\_\_\_\_  
 SARA CANEL

CERTIFICATE OF REPORTER

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

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

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

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

\_\_\_\_\_  
CLARE MACY, CSR 5256