

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

ELIEZER WILLIAMS, et al,                    )  
  )  
  Plaintiff,                    )  
  )  
  vs.    )  
  )  
STATE OF CALIFORNIA, DELAINE                )  
EASTIN, State Superintendent                )  
of Public Instruction, STATE                )  
DEPARTMENT OF EDUCATION,                 )  
STATE BOARD OF EDUCATION,                 )  
  )  
  Defendants.                    )  
-----) )  
AND RELATED CROSS-ACTION.                )  
-----) )

No. 312 236

DEPOSITION OF BICHNGOC CAO  
Los Angeles, California  
Monday, August 20, 2001

Reported by:  
SHIRLEY J. LACUNZA  
CSR No. 1708

JOB No. 851979

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

3  
4 ELIEZER WILLIAMS, et al, )  
5 Plaintiff, )  
6 vs. ) No. 312 236

7 STATE OF CALIFORNIA, DELAINE )  
8 EASTIN, State Superintendent )  
9 of Public Instruction, STATE )  
10 DEPARTMENT OF EDUCATION, )  
11 STATE BOARD OF EDUCATION, )  
12 Defendants. )

13 )  
14 STATE OF CALIFORNIA, )  
15 Cross-Complainant, )  
16 vs. )  
17 SAN FRANCISCO UNIFIED SCHOOL )  
18 DISTRICT, et al., )  
19 Cross-Defendants. )

20 )  
21 Deposition of BICHNGOC CAO, taken  
22 on behalf of Defendant State of  
23 California, at 400 South Hope Street,  
24 Los Angeles, California, beginning at  
25 9:53 a.m. and ending at 11:59 a.m. on  
Monday, August 20, 2001, before SHIRLEY  
J. LACUNZA, Certified Shorthand Reporter  
No. 1708.

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1 APPEARANCES:  
2  
3 For Plaintiffs:  
4 ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
5 BY: CATHERINE E. LHAMON  
6 Attorney at Law  
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10 For Defendant State of California:  
11  
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13 BY: JENNIFER VANSE  
14 Attorney at Law  
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17 (213) 430-6269

18 Also Present:  
19 JEAN SHIN  
20  
21  
22  
23  
24  
25

1 Los Angeles, California, Monday, August 20, 2001  
2 9:53 a.m. - 11:59 a.m.  
3  
4 BICHNGOC CAO,  
5 having been first duly sworn, was examined and testified  
6 as follows:  
7

8 EXAMINATION  
9 BY MS. VANSE:  
10 Q Good morning, Ms. Cao. I'm Jennifer Vanse.  
11 I'm an attorney with the State of California. And  
12 before we begin, I'm just going to go over some ground  
13 rules for the deposition.  
14 Have you ever had your deposition taken before?  
15 A No.  
16 Q What we're going to be doing here today, I'm  
17 going to ask you a series of questions about your  
18 declaration in the lawsuit, and you're going to give me  
19 the answers to the extent that you can.  
20 Because your testimony will be given under  
21 oath, it will have the same force and effect as if you  
22 were testifying in a court of law. So even though we're  
23 in a more informal setting, you might want to keep that  
24 in mind. Do you understand that?  
25 A Yes.

1 Q Our reporter is going to be recording both my  
2 questions and your answers into a booklet that you're  
3 going to have an opportunity to review later. And when  
4 I ask questions, it's important that you verbalize your  
5 answers, either yes or no, rather than just gestures or  
6 nodding your head. Do you understand that?

7 A Yes.

8 Q It's also important that neither one of us try  
9 and speak over each other. So if at all possible, I  
10 think we should both try to remember to let the other  
11 person finish before beginning a question or an answer.  
12 Do you understand that?

13 A Yes.

14 Q It's also important that you understand the  
15 question that I'm asking you. So if you don't  
16 understand the question, please feel free to let me know  
17 that, and I'll rephrase it if at all possible. If you  
18 don't indicate that you don't understand a question, I  
19 will presume that you have understood what I've asked  
20 you. Do you understand that?

21 A Yes.

22 Q And although you are required to answer my  
23 questions, I don't want you to guess if you don't know  
24 the answer. If you have a best estimate of the answer  
25 that I'm looking for, you can go ahead and give that,

1 but please don't try to guess. Do you understand that?

2 A Yes.

3 Q When the deposition is finished, you'll have an  
4 opportunity, like I said, to review what has been said  
5 here today. Any changes you feel you need to make at  
6 that time you can go ahead and make, although I want to  
7 let you know any changes you do make, any attorney in  
8 this case can comment upon. Do you understand that?

9 A Yes.

10 Q If you need a break for any reason, please let  
11 me know or let your attorney know, and we can do that.  
12 The only thing I ask is that you answer a question first  
13 before taking a break. Do you understand that?

14 A Yes.

15 Q If at any point during the day you remember  
16 something about a question that I've asked earlier or  
17 something you've testified earlier and you want to go  
18 back and add something or clarify, please feel free to  
19 do that. Just let me know at that time. If not, I will  
20 assume that the answers that you give today will be the  
21 full and complete answers to the questions I've asked.  
22 Do you understand that?

23 A Yes.

24 Q Do you have any questions about the ground  
25 rules?

1 A No.

2 Q Is there any reason why you might be unable to  
3 testify and give your best testimony today?

4 A No.

5 Q Have you recently consumed any medication,  
6 alcohol or other substance which would cloud your mind  
7 or interfere with your ability to understand or respond  
8 to questions?

9 A No.

10 MS. VANSE: Can we go off the record for a second.

11 (Discussion off the record.)

12 BY MS. VANSE:

13 Q Other than speaking with your attorneys, did  
14 you do anything to prepare for your deposition today?

15 A No.

16 Q Did you review any documents at all before  
17 coming here today?

18 A Oh, I reviewed my statement and -- actually,  
19 two statements, the one about the photographs and then  
20 just the one in general about my school, and that's it.

21 Q And what did you review them for?

22 A Just to freshen my mind. I haven't been at my  
23 school for over a year. I haven't been in classrooms  
24 for a long time. So I just wanted to remember, you  
25 know, what I was talking about, just to really freshen

1 up.

2 Q And upon reviewing them, did that refresh your  
3 memory? Did you remember --

4 A Yes.

5 Q Did you speak to anyone else other than your  
6 attorneys about having your deposition taken today?

7 A I told people that I was going.

8 Q Which people? Like your family?

9 A Uh-hum.

10 Q Anyone else?

11 A Some friends.

12 Q Any of your friends from Mark Keppel?

13 A I don't remember.

14 Q Did you speak with anyone else who is involved  
15 in the lawsuit?

16 A No.

17 Q I'm going to show you this right here. It's  
18 the deposition notice and document request. If you  
19 could just look at it, and in particular page 13. I  
20 think it continues on to the next page, too.

21 Did you read it?

22 A Yes.

23 Q Now, I do know that you brought some test  
24 scores here with you today. Have you looked for any  
25 other documents that might fit within the description of

1 what's asked for there?  
 2 A I looked for my transcripts of grades, but I  
 3 couldn't find them.  
 4 Q Did you look for anything else?  
 5 A I think that's all I looked for.  
 6 Q Do you have any other documents that you think  
 7 might fit within that description of what's asked for in  
 8 that request?  
 9 MS. LHAMON: Objection. There's a protective order  
 10 about the scope of that document request, and Ms. Cao  
 11 has looked for the documents that are responsive to that  
 12 request within the scope of that protective order.  
 13 THE WITNESS: Yeah, that's all I looked for.  
 14 BY MS. VANSE:  
 15 Q So you didn't look for anything other than  
 16 what's --  
 17 A No.  
 18 Q -- specifically listed?  
 19 A Yeah.  
 20 Q Do you still have copies The Aztec that you  
 21 kept from when you were at Mark Keppel?  
 22 A Yes, I do.  
 23 Q I know you mentioned two of the articles in  
 24 your declaration. Do you know of any other articles  
 25 that might describe the conditions at Mark Keppel?

1 A I think in the declaration I mentioned the one  
 2 from December -- I think it was December of '96 -- about  
 3 the ceiling tiles that fell. And I think the other one  
 4 that was mentioned might have been my sophomore year  
 5 about the -- I can't remember what the article was  
 6 about.  
 7 I'm not quite sure right now, but I think there  
 8 were other articles where students commented on certain  
 9 conditions at the school, but it was over a period of  
 10 four years, so I can't remember exactly what articles.  
 11 Q But you think there are other articles, other  
 12 than the ones mentioned in your declaration, that talk  
 13 about the facilities or conditions at Mark Keppel?  
 14 A Yes.  
 15 Q Have you looked through any of those old copies  
 16 of The Aztec that you have to see if there are any other  
 17 articles?  
 18 A I didn't specifically look for anything lately,  
 19 but I went through the -- the one from December '96.  
 20 Q I'm just going to briefly ask you a little bit  
 21 about your background.  
 22 You went to Mark Keppel all four years of high  
 23 school?  
 24 A Yes.  
 25 Q And where did you go to school before that,

1 what junior high school?  
 2 A For junior high I went to Garvey Intermediate  
 3 School.  
 4 Q Is that also in Alhambra?  
 5 A It's in Rosemead. It's not in that same school  
 6 district.  
 7 Q And how about for elementary school?  
 8 A Elementary school, the first elementary school  
 9 I went to was in Los Angeles. It was Monte Vista  
 10 Elementary. And then I went to Emerson Elementary in  
 11 Rosemead and then I went to Bitely.  
 12 Q Bitely?  
 13 A Elementary, yeah.  
 14 MS. LHAMON: Could you spell Bitely for the court  
 15 reporter.  
 16 THE WITNESS: It's B-i-t-e-l-y.  
 17 BY MS. VANSE:  
 18 Q Any other public schools that you went to in  
 19 California?  
 20 A For summer school I went to Alhambra High  
 21 School, which is in the district, and then I also went  
 22 to San Gabriel High School.  
 23 Q You went to San Gabriel for summer school?  
 24 A Yeah. It was under the -- it was the La Verne  
 25 summer school program, and they only used the

1 facilities. I wasn't going to the school per se. It  
 2 was more they rented out the facilities.  
 3 Q And you graduated May 2000?  
 4 A Yes. No. June 2000 actually.  
 5 Q June 2000. And what have you done since  
 6 graduating?  
 7 A I'm attending USC now.  
 8 Q Do you know what you're going to study yet?  
 9 A Print journalism and political science.  
 10 Q Are you working anywhere while you're going to  
 11 school?  
 12 A I'm working at USC in the admissions office.  
 13 Q Anywhere else?  
 14 A No.  
 15 Q You're a plaintiff in this case, right?  
 16 A Yes.  
 17 Q When did you first think about getting involved  
 18 with the lawsuit?  
 19 A It was sometime in my senior year when one of  
 20 my teachers asked if we wanted to help the school, and  
 21 he was -- he wasn't really specific about the whole  
 22 thing, but I went up and I asked him about it. And then  
 23 he told me to speak to Catherine Lhamon.  
 24 Q Which teacher was that?  
 25 A It was Mr. Kennard, my microbiology teacher.

1 Q Can you spell Kennard?  
 2 A K-e-n-n-a-r-d.  
 3 Q Do you know if any other students went to speak  
 4 to him?  
 5 A In my classroom there were some students, but I  
 6 think I was the only person in the class who actually  
 7 did it.  
 8 Q By "did it," you mean the only person in your  
 9 class who became a plaintiff?  
 10 A Yes.  
 11 Q Do you know why the other students didn't  
 12 become plaintiffs?  
 13 A No.  
 14 Q And why did you decide to go ahead and become a  
 15 plaintiff in the lawsuit?  
 16 A I'd been going -- at that point I was in my  
 17 fourth year of school and I worked on the paper, and  
 18 we'd always discuss the conditions at the school. So I  
 19 was really familiar about what was going on. And I had  
 20 also been helping to promote the bond campaigns that we  
 21 tried to get money for the school. So knowing what I  
 22 knew about the bond and how the bond failed, I wanted to  
 23 find some way to help the school, and I thought this  
 24 would be a different approach.  
 25 Q How many times did you speak with Mr. Kennard?

1 MS. LHAMON: Objection; vague as to the topic of  
 2 the discussion. He was her teacher.  
 3 BY MS. VANSE:  
 4 Q Prior to becoming a plaintiff, how many times  
 5 did you speak with Mr. Kennard about the conditions at  
 6 your school?  
 7 A I don't remember.  
 8 Q Did you just have the one meeting with him or  
 9 did you have others before speaking with the ACLU?  
 10 A I don't think we really spoke about it before.  
 11 Q So you just had the one time when you went up  
 12 and spoke to him?  
 13 A Yeah. It was really brief. He only gave me  
 14 contact information, and it just went from there. I  
 15 didn't really speak to him much about it.  
 16 Q Do you know if there were any other teachers at  
 17 school who were trying to get people interested in a  
 18 lawsuit?  
 19 MS. LHAMON: Objection; mischaracterizes her  
 20 testimony.  
 21 THE WITNESS: No.  
 22 BY MS. VANSE:  
 23 Q Have you had contact with any other groups that  
 24 are involved in the lawsuit besides the ACLU?  
 25 A No.

1 MS. VANSE: Mark that as Exhibit A.  
 2 (Discussion off the record.)  
 3 (Defendant's Exhibit 1 was marked for  
 4 identification by the court reporter.)  
 5 BY MS. VANSE:  
 6 Q This is your first declaration. If you want to  
 7 just take a minute and review that. I know you said  
 8 that you looked at it before.  
 9 A Okay.  
 10 Q And is that your signature on page 3?  
 11 A Yes.  
 12 Q Did you review this declaration before you  
 13 signed it?  
 14 A Yes.  
 15 Q Is there anything that you think needs to be  
 16 changed about the declaration now?  
 17 A No, other than the fact that I don't attend  
 18 school there anymore and I'm older.  
 19 Q But you think it accurately reflects the  
 20 circumstances at Mark Keppel at that time?  
 21 A Yes.  
 22 Q I'm going to go through paragraph by paragraph  
 23 on the declaration, so you can feel free to go ahead and  
 24 follow along. I'll point out where we're going.  
 25 Paragraph 2, the last sentence says, "Still,

1 the same problems that existed when I was a freshman  
 2 persist now at the school."  
 3 When was the last time you were at Mark Keppel?  
 4 A I went to Keppel sometime this June, and that  
 5 was the last time I was there.  
 6 Q So that's June 2001?  
 7 A Yes.  
 8 Q And why were you there?  
 9 A I went to attend the senior awards night.  
 10 Q And did you have a chance to look at any of the  
 11 problems that you've described in your declaration at  
 12 that time?  
 13 A No. I was in the auditorium, but I didn't  
 14 really look around for anything.  
 15 Q And do you know if any of the problems that  
 16 you've described in your declaration have changed or  
 17 been fixed since you left?  
 18 A I know that last year, in July, I went back and  
 19 I was looking at the gym with the ceiling tiles. And  
 20 they had removed all the ceiling tiles, but it was just  
 21 open beams that were out there. They didn't actually  
 22 fix anything. I think they just removed everything that  
 23 was there. I don't know about any plans to fix that or  
 24 if it was fixed.  
 25 Q Anything else?

1 A That's it.

2 Q And then in paragraph 3 it says, "There is only  
3 one science lab in the whole school that works, so the  
4 chemistry and biology classes have to trade off for use  
5 of that one lab."

6 When you say "science lab," what does -- what  
7 does that term mean?

8 A When the science lab is equipped with the lab  
9 tables that people can do experiments on, it also has  
10 the methane gas that people can use. But in other  
11 classrooms there may have been the counters that  
12 students sat at, but they didn't have enough of the  
13 methane for students to use for experiments, and other  
14 facilities.

15 Q When you say there's only one science lab in  
16 the whole school that works, does that mean there are  
17 other science labs that don't work?

18 A I think the other science labs were just main  
19 classrooms. Like I mentioned, they had the lab counters  
20 but they didn't have enough facilities for students to  
21 use.

22 Q So there were other rooms that had perhaps some  
23 of the things you need for a science lab, just not  
24 everything?

25 A Yes.

1 Q So when you were in biology, were there days  
2 that you used the science lab and days that you used a  
3 different classroom?

4 A We used mostly our own classroom because our  
5 experiments -- like the microbiology classroom didn't  
6 really need the facilities.

7 Q So what class at Mark Keppel did you take that  
8 needed the science lab?

9 A I didn't take really a class that did.

10 Q Do you know if students in the chemistry class  
11 had to use the science lab on one day and perhaps not on  
12 the next?

13 A Yes, that's what students told me.

14 Q Would you like some water?

15 A I would.

16 Q Do you know if students in chemistry or biology  
17 at Mark Keppel were ever not able to do experiments  
18 because they couldn't get into the science lab?

19 A I don't know of anything specific, so I don't  
20 know.

21 Q Also in paragraph 3 you say, "All the science  
22 classes have to share microscopes and other science  
23 equipment because there isn't enough to go around."

24 When you say "have to share," does that mean  
25 they have to share in class or they just have to share

1 Q That's what you meant by there's only one  
2 science lab that works?

3 A For an entire classroom.

4 Q Were those classrooms used for any other  
5 science classes or instruction?

6 A For example, my microbiology class was in a  
7 classroom that had science tables, but we didn't do too  
8 many experiments in there because we didn't need those  
9 types of facilities. We didn't really need the methane  
10 gas. So we were in that classroom, and that was okay.  
11 But a chemistry class can't be in a classroom like that.

12 Q And when you say the chemistry and biology  
13 classes had to trade off for use of that one lab, what  
14 does "trade off" mean?

15 A Teachers had to schedule different times that  
16 they needed labs so that they wouldn't be -- they  
17 wouldn't be trying to use the lab at the same time and  
18 having too many students inside.

19 Q Now, were the labs used just during the actual  
20 class time, the instruction time?

21 A I believe so.

22 Q Did you take chemistry and biology?

23 A I took chemistry and biology. I took chemistry  
24 at Mark Keppel -- I mean, I took biology at Mark Keppel  
25 and I took chemistry at summer school.

1 between the classrooms?

2 A They have to share between the classrooms.

3 Q So the students themselves in the class could  
4 use a microscope of their own?

5 A I don't think anyone ever brought in a  
6 microscope but --

7 Q I'm sorry. I mean, when they were in the  
8 science class, they didn't have to share with perhaps a  
9 student at the lab table next to them?

10 MS. LHAMON: Objection; calls for speculation. She  
11 wasn't in every classroom.

12 To the extent you know, you can answer.

13 THE WITNESS: I know in the biology class and in  
14 the microbiology class we did sometimes share.

15 BY MS. VANSE:

16 Q Do you know how many science classes at  
17 Mark Keppel used microscopes?

18 A No.

19 Q You used them in your biology and microbiology?

20 A Yes.

21 Q When you say "other science equipment," what  
22 are you referring to?

23 A I know slides and things like that were passed  
24 around.

25 Q Anything else?

1 A I don't remember.

2 Q When you say "passed around," does that mean  
3 between students in the same class or students in  
4 different classes?

5 A I'm not sure about between different  
6 classrooms, but within the same class, yes.

7 Q When you're talking here in the next sentence,  
8 "I'm in microbiology now, and our room has only a couple  
9 of sinks," is the room you're referring to the science  
10 lab?

11 A No. My classroom.

12 Q Okay. You say that the room has only a couple  
13 of sinks. How many does that mean?

14 A I think there were three of them, but I'm not  
15 completely sure.

16 Q Did you think that was a sufficient number of  
17 sinks for that classroom?

18 A At certain times, no, because we had to wait to  
19 use the sinks.

20 Q What time did you have to wait?

21 A Mostly after we did experiments and everyone  
22 had to clean up, so it would be at the end of class, and  
23 we'd all have to rush to use the sinks.

24 Q So when you had to wait, how long was that for?

25 A I don't remember.

1 because I didn't pay attention particularly to that, but  
2 I do remember seeing it several times.

3 Q Would it stay that color or would it be like  
4 that maybe the first time you turned the faucet on and  
5 then it would become clear, if you remember?

6 A I don't remember exactly, but when the water  
7 did come out brown, that was from build-up over time, so  
8 it would slowly get clear.

9 Q Do you remember how long that would take?

10 A No.

11 Q Did your science teacher ever discuss the color  
12 of the water with the class?

13 A Yes. One time when he used the faucet, the  
14 water came out orange. And a student took a picture of  
15 that, so he showed it to us.

16 Q A student took a picture of the water?

17 A Yeah.

18 Q As it was coming out of the faucet or as it was  
19 in the sink?

20 A As it was in a graduated cylinder and as it was  
21 coming out in the sink as well, so it was a shot of the  
22 sink and of the water.

23 Q Was that in the science classroom?

24 A I don't know. It was in one of the science  
25 rooms.

1 Q Do you think the classroom should have had more  
2 sinks?

3 A Yes.

4 Q How many more sinks do you think it should have  
5 had?

6 A Maybe five or six.

7 Q Was there any other time you had to wait, other  
8 than at the end of a class while cleaning up?

9 A I don't remember.

10 Q In paragraph 3 when you're talking about, "The  
11 sinks are really dirty and old; the water that comes out  
12 of the faucet is scary looking because it's opaque; when  
13 the faucet hasn't been used in a long time, such as a  
14 week, the water that comes out of it is brown," can you  
15 describe what you mean by "dirty and old"?

16 A The sinks have build-up. I don't think that  
17 anyone ever cleaned them. And when -- when we used the  
18 sink, we could see that the water that was coming out  
19 wasn't clear. So we could see that that was dirty, too.

20 Q Do you know if anyone cleaned the sinks?

21 A I'm not sure. I could only look at it, but I  
22 don't know.

23 Q When you say the water was opaque, was that  
24 every time you turned the water on?

25 A I don't remember observing that every time

1 Q Any other time a science teacher discussed the  
2 color of the water?

3 A No.

4 Q So in paragraph -- I'm sorry -- yes,  
5 paragraph 3 when it talks about, "In the lab room the  
6 water is a rusty orange," is that what you were just  
7 referring to?

8 A Yes. The students told me it was that lab  
9 room, but I wasn't sure because I wasn't there.

10 Q Do you know if that was one occasion or if that  
11 happened regularly in that lab room?

12 A From what my teacher told me, it happened when  
13 we went on breaks, and the water would build up in the  
14 pipes, and then it would happen then.

15 Q And what teacher was that? I'm sorry.

16 A Mr. Kennard.

17 Q So you, yourself, never saw the orange water?

18 A No.

19 Q Also in paragraph 3 when it states, "Students  
20 from our food/cooking classes have told me that they use  
21 faucet water to cook, which I feel is not safe," which  
22 classroom was the food and cooking class in?

23 A I don't remember the classroom, but I know it  
24 was upstairs.

25 Q So it was different than the classrooms we were

1 just talking about?

2 A Yes. It wasn't a science room. And in

3 microbiology we also did food labs, and we used bottled

4 water instead of that water.

5 Q Was it a group of students that told you that

6 they used faucet water for the food and cooking class or

7 was it one student in particular?

8 A It was one of my friends.

9 Q And who is that?

10 A Aubrie Davis. First name is spelled

11 A-u-b-r-i-e, last name D-a-v-i-s.

12 Q Was this something you asked her about in

13 particular, or were you just talking about it in

14 conversation?

15 A I think I was talking about the food labs, and

16 then I asked her about the cooking class.

17 Q Did you ask her about how the water looked in

18 her food and cooking class?

19 A No.

20 Q Did she describe to you how the water looked in

21 her food and cooking class?

22 A No.

23 Q Do you know if anyone has ever been sick at

24 Keppel because of the water?

25 A I don't know.

1 Q In paragraph 4 you talk about your economics

2 textbook was last updated in 1986. What economics class

3 was that?

4 A This was my AP economics class.

5 Q What textbooks did you use in that class?

6 A We had -- that was our main textbook. And then

7 as the semester went along, my -- my teacher -- as it

8 says in here, my teacher stopped using it, and we

9 started getting photocopies from another book.

10 MS. LHAMON: When you say "it says in here," you're

11 referring to --

12 THE WITNESS: Paragraph 4.

13 MS. LHAMON: Thank you.

14 BY MS. VANSE:

15 Q Did you use any other books in your AP

16 economics class?

17 A I think everyone referred to other books, but

18 that was for, you know, certain times but not as a

19 textbook.

20 Q So when you say "as a textbook," what does that

21 mean to you?

22 A Regular, everyday classroom use.

23 Q And when you say that the textbook was last

24 updated in 1986, do you know if the book itself was that

25 old? Was it from 1986, or was that the date of its

1 first publication, I guess?

2 A That was the copyright date. And the book was

3 visibly old as well.

4 Q But you don't know what the actual age of the

5 textbook was?

6 A I couldn't tell you.

7 Q Do you know why your teacher used that

8 textbook?

9 A That was the best textbook that he had.

10 Q And when you say that's the best textbook that

11 he had, does that mean he thought it was the best

12 textbook or that was the only textbook that he could get

13 for the class?

14 A I know it came from the book room, so I think

15 that he just chose the one that he felt was the best.

16 Q Do you know if your teacher had access to books

17 that were newer than 1986?

18 A I don't know about that, but I know that the

19 photocopies of the book that he had were newer.

20 MS. LHAMON: I'll interpose a belated objection.

21 It was vague as to which books. Do you mean economics

22 textbooks or any other books?

23 MS. VANSE: I was referring to the economics

24 textbooks.

25 Q Do you know why you used photocopies from a

1 newer book of economics rather than the book itself?

2 A He didn't have the book as copies for everyone,

3 so he made copies.

4 Q There were certain copies of the book, just not

5 enough for the whole class?

6 A It was just one copy that my teacher had.

7 Q Were there other economics classes other than

8 the AP economics?

9 A Yes, there were the regular courses.

10 Q Do you know what textbooks those classes used?

11 A No.

12 Q When you say that, "The book is so out of date

13 that our teacher stopped using it," do you know why the

14 teacher stopped using the 1986 economics textbook?

15 A He didn't say specifically, but I think -- I

16 felt that the classroom and the teacher knew that it was

17 really too old.

18 Q Did you ever ask your teacher about the age of

19 the textbook?

20 A No.

21 Q And at what point in the year did you stop

22 using the 1986 textbook and you started using the

23 photocopies?

24 A I don't remember, but it wasn't too long after

25 we began the class.



1 Q Was that a semester class?  
 2 A Yes.  
 3 Q Do you know if it was towards the end of the  
 4 semester or middle?  
 5 A More towards the first half of the semester.  
 6 Q Did you take the AP test for economics?  
 7 A No.  
 8 Q Also in paragraph 4 you state, "One of my  
 9 literature AP books was last updated in the 1960s, and  
 10 my only comfort is that English literature does not  
 11 change as rapidly as economics does."  
 12 How many books did you use in your literature  
 13 AP class?  
 14 A I don't remember. We used several  
 15 textbook-type books that had different types of writing  
 16 in it, and then we read novels as well.  
 17 Q Was there any one book that you used more than  
 18 the others?  
 19 A I don't remember exactly. I think we changed  
 20 them around when we were doing different types of  
 21 writing.  
 22 Q Were any of your literature AP books newer than  
 23 the 1960s?  
 24 A I don't remember.  
 25 Q And, again, when you say one of your literature

1 students get placed into another section of the same  
 2 class or would they have to go into a different class?  
 3 A I think sometimes they would have to go into a  
 4 different class. There were some classes that were more  
 5 popular than others, and students couldn't get into  
 6 them.  
 7 Q Did you ever have to be taken out of a class  
 8 and placed in another one because it was too crowded?  
 9 A No.  
 10 Q Do you know if students that were taken out of  
 11 a class were able to take it at a later time?  
 12 A I don't know.  
 13 Q What would you consider to be not overcrowded?  
 14 MS. LHAMON: Objection; vague. You mean at  
 15 Mark Keppel High School or in general?  
 16 MS. VANSE: At Mark Keppel.  
 17 THE WITNESS: I think if students had enough space  
 18 to even walk through or if they had enough tables to eat  
 19 on at lunch and if they had enough space in classrooms.  
 20 BY MS. VANSE:  
 21 Q And when you say the space in classrooms, does  
 22 that just mean that students had to be taken out or did  
 23 you think it was also crowded when there were students  
 24 actually in the class?  
 25 A There were some classes where I felt there

1 books was last updated in the 1960s, do you know if the  
 2 book itself was from the 1960s, meaning that's what's  
 3 been around for a couple of decades, or was it just the  
 4 information was --  
 5 A I know the copyright date was from the '60s and  
 6 the book was physically old, too, but I don't know  
 7 exactly.  
 8 Q In paragraph 5 when you say that, "Our school  
 9 is badly overcrowded," what do you mean when you say  
 10 "overcrowded"?  
 11 A Even just in the hallways you could tell when  
 12 students were walking through during a break in between  
 13 class that it was badly overcrowded because we would  
 14 have trouble getting to our lockers and getting to class  
 15 on time. And in classrooms, there were some classes  
 16 where there were too many students, and students had to  
 17 be taken out and put into other classrooms because there  
 18 was a limit.  
 19 Q Were you ever late to class because it was too  
 20 crowded in the hallway?  
 21 A Yes.  
 22 Q And how often would that happen?  
 23 A I don't remember.  
 24 Q You said some students would get taken out of  
 25 the class and placed in another one. Would those

1 wasn't enough space to sit. We had to sit really close.  
 2 Q Were there enough desks for all the students to  
 3 sit in in class?  
 4 A Yes.  
 5 Q But you just think there were, in some classes,  
 6 too many students?  
 7 A Yes.  
 8 Q Do you remember what classes that you thought  
 9 that about?  
 10 A My English class my freshman year, and I don't  
 11 remember what else.  
 12 Q When you say that when you were a freshman, the  
 13 school had only 2000 to 2100 students but now, three  
 14 years later, you have around 2300 students, how do you  
 15 know the number of students at Mark Keppel?  
 16 A That was the number of students that was  
 17 discussed when I was in the newspaper.  
 18 Q Did someone give you that number or is that  
 19 something you found on your own?  
 20 A I think student reporters asked the  
 21 administration about it.  
 22 Q Did you ask the administration?  
 23 A No, not specifically.  
 24 Q And when you state, "The halls are really  
 25 crowded now," do you mean there was a time when they

1 weren't really crowded?

2 A I think over the years we could tell that the  
3 halls got progressively more crowded.

4 Q So when you started out as a freshman, did you  
5 feel that Mark Keppel was overcrowded?

6 A I didn't particularly think about it, but I  
7 think as more students came in, then students were  
8 complaining about it. And I know some of my friends  
9 complained about it, too.

10 Q Were there particular times during the day when  
11 the hallways were more crowded than others?

12 A During breaks between classes when everyone was  
13 trying to get to another class.

14 Q And not being familiar with Mark Keppel, are  
15 there areas of the school that have a greater  
16 concentration of students than others?

17 A The main hallway has a lot of traffic, so that  
18 was the worst. And that was where my locker was, so I  
19 usually got crushed before I got to my locker.

20 Q Were there some lockers in other areas of the  
21 school as well?

22 A Yes?

23 Q When you say, "our school just isn't equipped  
24 for all of these students," does that include -- when  
25 you say "equipped," does that include the crowded

1 A Those are the rest rooms for the students. I  
2 know there are smaller rest rooms for the teachers that  
3 have one toilet and one sink. I don't know.

4 Q So you don't know whether there were any other  
5 rest rooms that students could use, other than the one  
6 for boys and one for girls and PE rest rooms?

7 A I think there was a small one in the nurse's  
8 office, too.

9 Q When you say that there were always long lines,  
10 how would you define a long line? Ten minutes? Five  
11 minutes?

12 A It depended. If it was during lunch, a lot of  
13 students would go to the bathrooms. And then during  
14 breaks there would be long lines, too, so some students  
15 were really late.

16 Oh, and I just remembered I think it was my  
17 senior year they put a portable bathroom in the middle  
18 of the lunch courtyard, and it was a trailer that had a  
19 boys' and girls' bathroom, and they had a couple of  
20 stalls in each one.

21 Q So the lines were primarily during lunch and  
22 break times?

23 A Yes.

24 Q And it probably varied from day to day, but do  
25 you know about how long the wait was if you were waiting

1 hallways and classrooms or is there anything else that  
2 you're using when you say "equipped"?

3 A Our gymnasium was not big enough. We had two  
4 gyms, and the large one is where the games were held,  
5 like our basketball games and those types of things.  
6 But they wouldn't hold enough students for pep rallies  
7 and assemblies, so we would have to have our assemblies  
8 out in the big field outside.

9 Q Anything else?

10 A I don't remember.

11 Q In paragraph 6 when you talk about the  
12 bathrooms at Mark Keppel, how many bathrooms did  
13 Mark Keppel have?

14 A We had a girls' bathroom and a boys' bathroom,  
15 and in the PE facilities they also had bathrooms.

16 MS. LHAMON: Jennifer, we've been going for about  
17 an hour. I just want to check and see, do you want a  
18 break or do you want to keep going?

19 THE WITNESS: I'm okay.

20 MS. VANSE: Thanks.

21 Q So the one girls and one boys are in the  
22 main --

23 A Yes, building.

24 Q Were there any other rest rooms -- are there  
25 wings at Mark Keppel that there might be rest rooms in?

1 in line?

2 A It could take up to ten minutes during lunch.

3 Q Would you consider that to be the average time  
4 or was that on the high end?

5 A I think it was -- the average was five to ten.

6 Q Were there ever times when there weren't long  
7 lines to use the rest room?

8 A During class.

9 Q How about before and after school?

10 A After school there weren't very many lines. I  
11 don't know about before school.

12 Q Do you know if the boys' bathrooms had lines as  
13 well?

14 A I don't know.

15 Q When they put in the new portable bathroom,  
16 were there lines to use that bathroom as well?

17 A Occasionally, yes.

18 Q When they put that portable bathroom in, did  
19 that seem to help the lines for the main rest rooms?

20 A I'm not sure. But I know sometimes the new  
21 bathroom was locked and students couldn't use it, so  
22 they had to go to the main bathroom anyway.

23 Q And when would it be locked?

24 A Sometimes during breaks and then after school  
25 and during class.

- 1 Q And how do you know it was locked?  
 2 A Because I would go there or people would  
 3 mention it.  
 4 Q Do you know if it was ever locked during  
 5 lunchtime?  
 6 A I don't remember specifically.  
 7 Q For the PE bathrooms, were there long lines for  
 8 that bathroom as well?  
 9 A Yes.  
 10 Q Did students use that at any other time than  
 11 during PE class?  
 12 A I don't think so.  
 13 Q So was the bathroom in conjunction with the  
 14 locker room or something like that?  
 15 A Yeah, it was in the locker room.  
 16 Q When you say that -- this is paragraph 6 --  
 17 "several of the stall doors in the girls' bathroom don't  
 18 have locks," are you referring to the bathrooms in the  
 19 main area of the school?  
 20 A Yes, and also in the PE area.  
 21 Q So there were some stalls in both of those rest  
 22 rooms that didn't have locks?  
 23 A Yes.  
 24 Q Do you know -- well, how many stalls were there  
 25 in the main rest room?

- 1 A I don't remember.  
 2 Q Were there some doors that had locks and some  
 3 that didn't?  
 4 A Yeah.  
 5 Q Do you know if any of the locks were replaced?  
 6 A I don't know.  
 7 Q On the doors, did it look like the lock had  
 8 been there and it was removed, or was it broken?  
 9 A The lock was broken, or there were some that  
 10 didn't have locks at all, there was a hole there.  
 11 Q Do you know if any of the stalls in the  
 12 portable bathroom had missing locks on the doors?  
 13 A No, because when I was -- there were locks for  
 14 all of them because when I was there, it was new.  
 15 Q Also, in paragraph 6 you talk about, "the main  
 16 boys' bathroom doesn't have doors on any of its stalls."  
 17 How do you know this?  
 18 A We actually went to look. I had friends who  
 19 took me.  
 20 Q Was that part of something you were doing for  
 21 the paper?  
 22 A I was curious about it.  
 23 Q You had heard that they didn't have doors?  
 24 A Yeah. So we waited until no one was in there,  
 25 and I went in.

- 1 Q Do you know why they didn't have any doors on  
 2 the stalls in the boys' bathroom?  
 3 A No.  
 4 Q Do you know if doors were ever put up in the  
 5 boys' bathroom?  
 6 A It looked like they used to because of the way  
 7 the door looks with the hinges, but I don't know for  
 8 sure.  
 9 Q Do you know if they have been replaced since  
 10 you were at Mark Keppel?  
 11 A I don't know.  
 12 Q What year was it that you went in and looked at  
 13 the boys' rest room?  
 14 A 2000.  
 15 Q Had you gone in previously? Like any other  
 16 years had you gone into the boys' rest room?  
 17 A No. I had only heard about it.  
 18 Q So you had heard that there had been missing  
 19 doors all four years?  
 20 A Yes.  
 21 Q Do you know if there were missing doors in any  
 22 of the other boys' bathrooms, the PE or the portable?  
 23 A I don't know about that.  
 24 Q In paragraph 7 you talk about, "The school does  
 25 not have enough space for everybody to sit at lunch."

- 1 Do all students at Mark Keppel have lunch at  
 2 the same time?  
 3 A Yes.  
 4 Q And everyone eats in, I guess, some sort of  
 5 lunch court?  
 6 A Yes.  
 7 Q And can you just describe a little bit how  
 8 that's set up, the lunch court?  
 9 A There's a cafeteria, so students can be in  
 10 there, but that was also really crowded. So there was  
 11 students outside where there were lunch tables and there  
 12 were some benches, but that wasn't enough. So, for  
 13 instance, I sat -- I sat near the lunch court but not  
 14 completely in the lunch court. It was on the stairs of  
 15 the career center. And that was a spot I used to sit at  
 16 every day because it wouldn't be as crowded as the main  
 17 court.  
 18 Q Do you know how many students could sit in the  
 19 cafeteria and eat?  
 20 A No.  
 21 Q How about in the lunch court?  
 22 A I think there were -- there were approximately  
 23 13 tables, I think, but I don't know the numbers.  
 24 Q Do you know about how many students could sit  
 25 at one table?

1 A I don't know the number, but it should have  
2 been less than ten. It was just a round table.  
3 Q Did you ever try to sit in either the cafeteria  
4 or the lunch court to eat your lunch?  
5 A Yes.  
6 Q Were you able to find a seat?  
7 A Usually I would wait around until I could find  
8 a seat.  
9 Q And how long would that take?  
10 A I don't remember, but after a while I didn't --  
11 I just didn't want to sit there.  
12 Q And why didn't you want to sit there?  
13 A I felt it was too crowded.  
14 Q And you say also in paragraph 7 that students  
15 used to be able to sit on the front lawn of the school  
16 to eat lunch.  
17 A Yes.  
18 Q And the school closed the front lawn in 2000 or  
19 1999?  
20 A It was 1999.  
21 Q So the beginning of the year?  
22 A Yeah.  
23 Q Do you know if they've still closed the front  
24 lawn?  
25 A I don't know that.

1 Q You say you sit on the stairs -- or sat on the  
2 stairs?  
3 A Yes.  
4 Q When you say also in paragraph 7, "People just  
5 sit on the floor somewhere," is that -- are you  
6 including in that like you sitting on the stairs, or is  
7 that someone on an actual floor?  
8 A On the actual floor. There were students who  
9 sat on the concrete in the lunch court.  
10 Q Do you know about how many students would sit  
11 on the floor during lunchtime?  
12 A No, I don't.  
13 Q Do you know -- did you ever sit on the floor to  
14 eat lunch?  
15 A No, just on the stairs.  
16 Q Do you know if students that sat on the floor  
17 couldn't find seats?  
18 A It seemed to be so, because some of their  
19 friends would be sitting on the bench, and then they  
20 would sit on the floor.  
21 Q But do you know if there were other tables or  
22 benches available that maybe were next to where their  
23 friends were that they could have sat on?  
24 A I don't know about that, but from what I  
25 observed most of the time, every bench was filled.

1 MS. VANSE: Let's take a quick break.  
2 (Recess.)  
3 BY MS. VANSE:  
4 Q I think we left off here with paragraph 8 in  
5 the declaration. It talks about, "If we have a  
6 whole-school assembly, we have to go to the football  
7 field and have everyone sit outside there."  
8 How often when you were at Mark Keppel did you  
9 have whole-school assemblies?  
10 A I think the school tried to avoid having  
11 whole-school assemblies because of the space issue. So  
12 they would make reassemblies for third period. So that  
13 was called our homeroom period. And they would adjust  
14 the schedule so there would be enough time for class and  
15 time to go to assembly. And a third of the school would  
16 go at once, and they would do the assembly three times.  
17 I don't know how often that happened, but it was maybe  
18 once a month.  
19 And then there would be a whole-school assembly  
20 that was really long that happened at the end of the  
21 school year. And they also had assemblies like pep  
22 rallies and our talent show and things like that.  
23 Sometimes they would do those during lunch so that only  
24 some students would show up and they wouldn't have to  
25 accommodate everybody, because the assemblies that

1 happened during school time were mandatory.  
2 Q So the end-of-school-year assembly was the only  
3 whole-school assembly?  
4 A Yeah.  
5 Q And then you'd have an assembly approximately  
6 one time a month that was broken up that a third of the  
7 school would go at a time?  
8 A I think the homecoming assembly was also in the  
9 field.  
10 Q In paragraph 8 you talk about, "in 1998 the  
11 school canceled our end-of-year assembly." Did that  
12 happen any other time?  
13 A Not that I know of.  
14 Q Were any of the homecoming assemblies ever  
15 canceled because of rain?  
16 A No.  
17 Q In 1998 when the end-of-the-year assembly was  
18 canceled, was it ever rescheduled?  
19 A No, because there wasn't enough time in the  
20 school year.  
21 Q Do you know if there was any other reason why  
22 the school had the three assemblies instead of a  
23 whole-school assembly, other than the space?  
24 A I think it was the space problem.  
25 Q But you don't know of any other reason why they

1 might have the three instead of the whole school?  
 2 A No.  
 3 Q In paragraph 9 when you talk about the small  
 4 gym at the school has ceiling tiles that fall in and  
 5 make it unsafe to be in the gym, do you know what kind  
 6 of tiles were in the gym?  
 7 A No. They were square tiles.  
 8 Q Do you know if they were large or small?  
 9 A Actually, they weren't square. They were  
 10 rectangular, and they were pretty large. We do have  
 11 photos of those.  
 12 Q You say the last time you were at Mark Keppel  
 13 they had all been taken out?  
 14 A Yeah. I didn't see the whole gym because I  
 15 wasn't inside, but I could see through the windows that  
 16 they were gone.  
 17 Q When you say the tiles were falling, was that  
 18 just the buckling, like, of the tile?  
 19 A Yeah. You could see them falling. And in  
 20 December of '96 that we talked about in paragraph 9, the  
 21 tile actually fell out and hit the floor.  
 22 Q Do you know of any other occasions when a  
 23 ceiling tile actually came down from the small gym  
 24 ceiling?  
 25 A No. That was the only time that students

1 actually witnessed it, but people had been talking about  
 2 it for years because there were definite holes in the  
 3 ceiling.  
 4 Q So when you say that people had been talking  
 5 about it, for about how long do you think they had been  
 6 talking about it?  
 7 A Ever since I was a freshman.  
 8 Q And would this be people at the school --  
 9 A Students.  
 10 Q Did you have any problems with ceiling tiles in  
 11 the larger gym?  
 12 A I don't think that there are any tiles that  
 13 looked like they had fallen, but you could see rain  
 14 damage.  
 15 Q And what do you mean when you say you could see  
 16 the rain damage?  
 17 A When I looked up at the ceiling, there were  
 18 splotches that looked like they had been wet and dried.  
 19 Q Did you ever notice any water in the gym?  
 20 A No. There was water in the dance studio  
 21 actually, because I took aerobics in the dance studio.  
 22 And there were at least several days where we couldn't  
 23 use the gym because it was flooded out.  
 24 Q You couldn't use the gym because it was  
 25 flooded?

1 A Not the gym. I'm sorry. The studio.  
 2 Q And when did that occur?  
 3 A The last time I specifically remember was in my  
 4 junior year.  
 5 Q And do you know how many times you couldn't use  
 6 the dance studio because it was flooded?  
 7 A I don't know the exact number, but it was more  
 8 than once.  
 9 Q Was it just during your junior year?  
 10 A I think so. I only took it -- I took that  
 11 class myself in my junior year, so I don't know if it  
 12 happened again later.  
 13 Q Were there any other areas of the school at  
 14 Mark Keppel that had problems with the ceiling tiles?  
 15 A My freshman year when we took -- when I took  
 16 journalism, it was in the trailers. And we were worried  
 17 about the computers being damaged when it rained, so we  
 18 put tarp over the computers when we left, when it was  
 19 rainy season.  
 20 Q And did it actually leak in the trailers, or  
 21 were you just afraid that it would leak?  
 22 A We saw the damage like I just spoke about in  
 23 the gym on the ceiling tiles.  
 24 Q But did you ever actually see water in the  
 25 classroom --

1 A No.  
 2 Q Any other classes that had problems with the  
 3 ceiling tiles?  
 4 A I don't remember.  
 5 Q Do you know if Mark Keppel is going to fix the  
 6 tiles in the gym?  
 7 A I don't know.  
 8 Q Do you know if Mark Keppel has fixed the  
 9 ceiling in the dance studio?  
 10 A I don't know.  
 11 Q Does Mark Keppel still use trailers; do you  
 12 know?  
 13 A Yes.  
 14 Q Do you know if the school has fixed any of the  
 15 ceilings in the trailers?  
 16 A I don't know.  
 17 Q In paragraph 10 you talk about the electrical  
 18 wiring at Mark Keppel. I think you give two examples,  
 19 one with the -- in your journalism class and then also  
 20 in your speech class.  
 21 When you say "The electrical wiring at the  
 22 school is inadequate," are those the only two examples  
 23 you know of or are there others?  
 24 A I know that the second semester of my freshman  
 25 year all of the electrical wiring in my entire school

1 blew out, and students were sent home early. And that  
 2 was in the morning about ten o'clock or so.  
 3 Q And do you know why it blew out?  
 4 A No. It had also happened the year before that,  
 5 because students told me that.  
 6 Q And did you come back to school the next day?  
 7 A Yes.  
 8 Q And was it repaired?  
 9 A Yes.  
 10 Q So other than the blow-out your second  
 11 semester, freshman year and the two examples you give in  
 12 your declaration about the journalism class and your  
 13 speech class, any other times you can recall a problem  
 14 with the electrical wiring at Mark Keppel?  
 15 A I don't remember.  
 16 Q In paragraph 10 when you talk about the crew  
 17 coming on campus to film a commercial and they plugged  
 18 their lights and equipment into an electrical outlet in  
 19 your journalism class and "their plugging equipment into  
 20 our outlet tripped our electricity, and we had to  
 21 recover our work on the computers," do you know why the  
 22 plugging in of the equipment tripped the electricity?  
 23 A I think they were using lights for the  
 24 commercial that were too strong. I don't know for sure.  
 25 They were right outside my classroom, but they had used

1 the outlet inside the classroom. And that's what  
 2 happened. It tripped the entire room.  
 3 Q Was there any other occasion that you recall  
 4 that something was filmed at the school that tripped the  
 5 electricity?  
 6 A I don't remember.  
 7 Q And then when you talk about your speech class,  
 8 "I saw the computer lab electricity blow out several  
 9 times when we were using the lab to write our speeches,"  
 10 do you know why the electricity blew out in those  
 11 classes?  
 12 A Our lab had a whole -- it was a whole room of  
 13 computers. And our teacher told us it just wasn't  
 14 enough electricity for all the computers, so they would  
 15 go out occasionally. And he would have to go get it  
 16 fixed.  
 17 Q Was this in the regular computer lab?  
 18 A Yeah.  
 19 Q Was there only one computer lab at Mark Keppel?  
 20 A There was more than one. There were actually  
 21 two classrooms that we worked in that were jointly  
 22 connected.  
 23 Q And that one joint classroom is the classroom  
 24 that the electricity would go out in?  
 25 A Yeah.

1 Q And who was your teacher for that class?  
 2 A I think -- I'm not sure about his first name.  
 3 I think it was Patrick. And his last name was Reece.  
 4 I'm not totally sure on how to spell it right now.  
 5 Q Did you ever use the computer lab other than  
 6 during that speech class?  
 7 A Occasionally I used it for journalism. When we  
 8 didn't have enough computers in our journalism room, we  
 9 would send students over there.  
 10 Q Do you know if the power ever went out during  
 11 those times?  
 12 A I don't know.  
 13 Q In paragraph 11 you talk about your printing  
 14 class.  
 15 A Uh-hum.  
 16 Q First of all, what is Pagemaker? Is that a  
 17 software?  
 18 A Yes, it's a software program we use in the  
 19 computer. The only reason I knew about Pagemaker is I  
 20 used it in journalism. But the teacher never taught his  
 21 students about Pagemaker. He wasn't really teaching  
 22 them the newest way to do printing.  
 23 Q So you used Pagemaker during your journalism  
 24 class but not your printing class?  
 25 A Every once in a while I would use Pagemaker,

1 but it was because I knew how to use it. And other  
 2 students never got the instruction for it because there  
 3 weren't enough computers.  
 4 Q So there were some computers at Mark Keppel  
 5 that had the Pagemaker software?  
 6 A That was in the printing class itself. There  
 7 were a couple of computers that did have it.  
 8 MS. LHAMON: For point of clarification, I didn't  
 9 understand your last answer. Were you saying that in  
 10 the printing class there were some computers that had  
 11 Pagemaker?  
 12 THE WITNESS: Yeah, there were some, but it was --  
 13 there were maybe six computers. I don't know the exact  
 14 number. But there were a lot more students in the class  
 15 than that, so the teacher never taught the classroom how  
 16 to use the computer programs.  
 17 BY MS. VANSE:  
 18 Q Did you use a separate computer lab or did you  
 19 use the main computer lab at the school for the printing  
 20 class?  
 21 A I would use the one -- the computers in the  
 22 classroom.  
 23 Q So the printing classroom actually had its own  
 24 computers?  
 25 A Yeah.

- 1 Q Do you know how many computers?  
 2 A It was maybe six to eight. I don't remember.  
 3 Q And how many of those had the Pagemaker  
 4 software on them?  
 5 A Maybe four or five.  
 6 Q Did you have separate computers for your  
 7 journalism course?  
 8 A Yes.  
 9 Q And did those computers have Pagemaker software  
 10 on them?  
 11 A Yeah, they did.  
 12 Q How many computers did you have for your  
 13 journalism course?  
 14 A When we started out, when I was in my freshman  
 15 year, we had older computers from the '80s. And then  
 16 the school got a block grant from the State of  
 17 California, so we were able to purchase more computers.  
 18 And we added two computers, I believe it was my junior  
 19 year. So we added three more, and that was in addition  
 20 to maybe six computers. And then my senior year we had  
 21 a couple more computers, but usually that wasn't enough  
 22 for the classroom either.  
 23 Q And how many of the computers in your  
 24 journalism class had the Pagemaker software?  
 25 A All of the computers had it. The newer

- 1 computers had newer Pagemaker programs, and the older  
 2 ones could only run the older version.  
 3 Q Were you actually taught how to use Pagemaker  
 4 in the journalism class?  
 5 A It was mostly -- for me, it was self-taught.  
 6 And for other students, I would try to teach them.  
 7 Either students would help each other or they would try  
 8 to use it themselves.  
 9 Q The teacher never instructed on how to use  
 10 Pagemaker in journalism?  
 11 A Not too much. The teacher was more teaching  
 12 students how to write articles and advising students.  
 13 Q Did you use the Pagemaker software for the  
 14 school newspaper?  
 15 A Yes.  
 16 Q Going back to your printing class, who was your  
 17 printing teacher?  
 18 A Mr. Jonathan -- I think it was Hong, H-o-n-g.  
 19 Q And you said he didn't teach any of the  
 20 students how to use the Pagemaker software?  
 21 A Yeah.  
 22 Q What would he teach during the class?  
 23 A It was a paste-up method with light tables.  
 24 Q I take it printing was an elective class at  
 25 Mark Keppel?

- 1 A Yes.  
 2 Q Do you know how many students were in the  
 3 class?  
 4 A I'm not sure. Maybe 30.  
 5 Q How many students were in your journalism  
 6 class?  
 7 A About 30 as well.  
 8 Q Other than the paste-it-up method with light  
 9 tables, did you learn anything else in the printing  
 10 class?  
 11 A We learned the actual print process with the  
 12 machine. That was in addition to it. But the Pagemaker  
 13 program is more about design, and so students would be  
 14 designing on the light tables instead of on the  
 15 computer.  
 16 Q Do you know if Mark Keppel could have had  
 17 enough software, Pagemaker software, for all of its  
 18 computers in the printing classroom?  
 19 A I don't know.  
 20 Q Did you ever talk to Mr. Hong about using  
 21 Pagemaker during class?  
 22 A Yes. I asked him if I could use it because the  
 23 same design I was doing, that I could do in a matter of  
 24 five minutes, students were doing in 45 minutes. I  
 25 asked him if I could use it. And he said it was okay as

- 1 long as there was a computer open.  
 2 Q Did you ever ask him why he wasn't teaching the  
 3 Pagemaker software?  
 4 A Yeah, I asked him. And he said he didn't have  
 5 enough computers to teach, and the room was really  
 6 small. It was a separate little room that was connected  
 7 to the classroom.  
 8 Q Do you remember if some of the students that  
 9 were in the printing class were also in your journalism  
 10 class?  
 11 A There were none.  
 12 Q There were no students that were in both of  
 13 your classes?  
 14 A Yeah.  
 15 Q In paragraph 11 when you state that, "Nobody  
 16 publishes anything the old way anymore, so we should be  
 17 learning Pagemaker and learning publishing the way it's  
 18 done now," what are you basing that statement on? By  
 19 that I mean what do you mean by "Nobody publishes the  
 20 old way anymore"?  
 21 A I've been to printing labs and I've been to  
 22 newspapers, and they all use programs like Pagemaker.  
 23 Q In paragraph 11, "our school doesn't have  
 24 enough equipment for us to learn what we can actually  
 25 use today," are you referring to anything other than the

1 Pagemaker software and computers?

2 A Yeah, and our printing. The machines were old  
3 too, and they were secondhand machines that my teacher  
4 had to get from old printing labs. And I actually  
5 wanted to learn a better program in journalism called  
6 Quark Xpress. And we were told that we couldn't afford  
7 it and we would have to replace them in all computers  
8 for students to use and our program didn't have that  
9 type of money. So I'm learning that program now in  
10 college, but I could have been learning it in high  
11 school as well.

12 Q The printing machines that you said were old or  
13 secondhand, did those work or did they not work?

14 A Occasionally they would break, and then my  
15 teacher would have to fix them.

16 Q Just going back briefly to your printing class,  
17 were there enough light tables for students to use with  
18 the paste-up method?

19 A No. Students would have to share.

20 Q Do you know about how many tables there were?

21 A No. I never counted.

22 Q How many students do you think would have to  
23 share during that class?

24 A I don't know. It depended upon who showed up  
25 in class and who came early to get a table first.

1 does that mean to you?

2 A More than a week. I mean, for example, when I  
3 talk in that paragraph about the heater and it broke in  
4 the middle of winter, and so my classroom was so cold  
5 that students were shivering during class and couldn't  
6 concentrate. And it took them months to fix that. And  
7 by the time they fixed it, winter was almost over.

8 Q You would describe unreasonably long time as  
9 anything more than a week?

10 A Yeah.

11 Q You stated sometimes in your journalism class  
12 the printing machines would break?

13 A No. That was in the -- in the printing class.

14 Q In the printing class, okay. And how long  
15 would it take to fix those machines?

16 A I don't know.

17 Q How often would you have the printing class?

18 A I had that every day for one semester.

19 Q So did you ever notice if it was broken on one  
20 day, if it was fixed the next or if it was still broken?

21 A I don't remember.

22 Q And, also, in paragraph 12 the heater that went  
23 out in your Spanish class, do you know what happened  
24 with that heater?

25 A I was never told why it broke, so I don't know.

1 Q Other than the Pagemaker software, the printing  
2 machines and the Quark Xpress software, anything else  
3 you can think of that fits within "our school doesn't  
4 have enough equipment for us to learn"? Anything else  
5 you're thinking of now?

6 A In journalism we never really had adequate  
7 computers -- I mean, cameras. So for doing articles, I  
8 would just bring my own camera from home. And other  
9 students would do that, too, because we had different  
10 students on different assignments. So we would just  
11 send students out with their own cameras.

12 Q And how many cameras did you have in  
13 journalism?

14 A We had an old Polaroid that we didn't use. And  
15 we had another camera that was broken that was a  
16 35 millimeter. And then I think it was my junior year  
17 we purchased a digital camera that we did use.

18 Q Anything -- any other classes you can think of  
19 that there wasn't enough equipment? I know we've talked  
20 a little bit about the science classes but --

21 A I don't remember.

22 Q In paragraph 12 you state, "If anything breaks  
23 at the school, it takes an unreasonably long time to get  
24 it fixed."

25 When you say "an unreasonably long time," what

1 Q Do you know if the school tried to fix it?

2 A Well, eventually they did, but I don't know why  
3 it took so long. And I know my teacher complained about  
4 it more than several times.

5 Q And who was your teacher in that Spanish class?

6 A Iris Breen, B-r-e-e-n. And her first name is  
7 I-r-i-s.

8 Q And you said she complained about it several  
9 times?

10 A Yeah.

11 Q Was that during class or --

12 A She would call in. I don't know where she  
13 called, but I think she called the main office to  
14 complain about it.

15 Q And this is something that she would tell you  
16 during class, that she had contacted someone about the  
17 heater?

18 A She would do it as students were complaining  
19 about it to her.

20 Q You don't know if the school tried to fix it  
21 sooner than within a few months?

22 A I don't know.

23 Q Any other occasion when the heater broke in a  
24 classroom?

25 A No. I remember in my journalism class, in that



1 trailer that I talked about, in my freshman year our air  
2 conditioner broke in the middle -- right as it was  
3 becoming summer. And I think that took about a week to  
4 fix. But it was so unbearably hot that there were times  
5 when I would be inside in the afternoon doing layout and  
6 I would have to go outside for a breath of air before I  
7 could go back inside to do my work.

8 Q And you think that was broken for about a week?

9 A Yeah.

10 Q So do you think that was fixed within a  
11 reasonable amount of time?

12 A I guess so. For some of the class times we  
13 couldn't even be inside for a whole period. So that was  
14 pretty unreasonable. My teacher had to move us out of  
15 the classroom and take us elsewhere because we couldn't  
16 sit there the whole time. The only reason why I was  
17 there for layout was because our computers were there  
18 and that was for after-school use.

19 Q So where did the teacher move the classroom?

20 A I don't remember the classroom that we went to,  
21 but it was a class in the main building that wasn't  
22 being used at the time.

23 Q And that classroom did have air conditioning?

24 A Yes.

25 Q And you said you were in the journalism class

1 did work?

2 A Yeah.

3 Q Do you know why it took a month or two to fix  
4 those lights in the hallway?

5 A No.

6 Q Do you know if the school tried to fix them?

7 A No, I don't.

8 Q Any other problems with things breaking at  
9 Mark Keppel and it taking an unreasonable time to be  
10 fixed?

11 A I don't remember.

12 Q In paragraph 13 you state, "We feel a bad  
13 stigma about our school." What does that mean?

14 A I think a lot of students felt that they went  
15 to the school that was neglected. There was a lot of  
16 talk about students asking who -- you know, they would  
17 compare it to the Cinderella story and they would ask  
18 when their prince would come, because other schools  
19 would get funding when we didn't. So students felt like  
20 we were being neglected within the district.

21 And when the bond measures were being pushed,  
22 people would ask us about that. When Prop 26 was -- was  
23 being promoted, it was -- my school was one of the main  
24 schools that was in commercials. And teachers would get  
25 calls from people around the state, like their relatives

1 while the air conditioning was broken because you had to  
2 do after-school layout activity?

3 A Yeah, because I was in the journalism class,  
4 which is instruction. And then I was also on the  
5 newspaper staff. So that was when we actually produced  
6 the paper, and I had to be in that room.

7 Q Any other occasion you can think of when the  
8 heater or the air conditioning broke?

9 A No.

10 Q In paragraph 12 you talk about "when the lights  
11 go out in the hallways, they stay out for a month or two  
12 before someone fixes them." Which hallways are you  
13 referring to?

14 A I remember that there was light in the hallway  
15 upstairs in the main building that went out, and I  
16 watched it for a while as I passed by, and it was over a  
17 period of many weeks before it was fixed.

18 Q Any other area of the school?

19 A I don't remember.

20 Q And was this the entire -- were there rows of  
21 lights in the hallway that went out or was it only one  
22 light?

23 A It was a small row. I think it wasn't an  
24 entire hallway.

25 Q So there were some lights in that hallway that

1 who saw that, and they would say, "Oh, my God, you teach  
2 at Mark Keppel. How could you teach at a place like  
3 this?" And, you know, the teachers would feel  
4 embarrassed about that, and some of them would talk  
5 about that with me.

6 And I know students who told me when they went  
7 to games at other schools, the students would say, "Oh,  
8 my God, you go to that school? I saw it on TV," and  
9 things like that.

10 Q Would this be something students talked about  
11 during the day, or is this something you were doing for  
12 the stories that you wrote?

13 A Overall I think it was just something that  
14 students would talk about because they would see the  
15 ceiling tiles or they would see the water, and it was a  
16 topic that was so -- I'm not quite sure how to say it,  
17 but it was -- it was always on our minds, in a way,  
18 because we witnessed the conditions every day.

19 Q Was it discussed more when Prop 26 was being  
20 proposed?

21 A Yes.

22 Q And that bond measure failed, right?

23 A Well, we had two bond measures, and then we had  
24 the proposition. The first bond measure was a really  
25 big hit to Keppel because it would have allocated

1 23 million for our school. And we lost that bond  
 2 measure in the community by 214 votes.  
 3 So the next year we tried to pass another one,  
 4 and that failed by a really small margin, too. So when  
 5 Prop 26 came around, it would have lowered the threshold  
 6 for voting from two thirds to just a simple majority.  
 7 And we thought that if that could have been passed, then  
 8 Keppel could have easily passed the bond measure. But  
 9 Prop 26 failed. And the school was hesitant about doing  
 10 another bond because they didn't want to put the money  
 11 and the time into doing something that would fail again.  
 12 Q Were you disappointed when the bond measures  
 13 failed?  
 14 A Yes. I was hoping that they would pass. There  
 15 were two measures going on at the same time. And one of  
 16 them passed for the elementary schools, and the other  
 17 one didn't pass for the high schools. And I felt that  
 18 was really unfair.  
 19 Q I think you said you were pretty active in  
 20 promoting the bond measures?  
 21 A Yeah.  
 22 Q What would you do to promote them?  
 23 A I would talk to community members. I would  
 24 talk to parents. I would talk to students about talking  
 25 to their parents. And it was just getting the word out

1 about the bond. I wrote articles about that stuff so  
 2 that people would know about it.  
 3 Q Why do you think they failed?  
 4 A I think that some people were worried about  
 5 property taxes, because the bonds would have raised  
 6 homeowner taxes. And people felt that the money should  
 7 have been coming from the state instead of coming just  
 8 from their pockets from within the community, because  
 9 they felt it was excessive. And so that's why it  
 10 failed.  
 11 Q And I think you said that the students at  
 12 Mark Keppel felt that the school was neglected within  
 13 the district. Are there other schools in the district  
 14 that you think are better than Mark Keppel?  
 15 A Yeah, I think in the past -- I don't -- it  
 16 wasn't when I was in high school, but people talked  
 17 about how there was another bond that passed and Keppel  
 18 wasn't given most of the money. And so they were -- the  
 19 community was really disappointed about that. And they  
 20 didn't want to vote on another bond that wouldn't go to  
 21 the school. I think that might have been another reason  
 22 that was brought up by a taxpayers association that said  
 23 that. And the other schools were renovated in the past  
 24 ten years. I know one of them was renovated when I was  
 25 in high school, and they had brand-new facilities for

1 many of the classrooms.  
 2 Q And which school was that?  
 3 A San Gabriel High School. Much of Alhambra High  
 4 School was pretty new as well.  
 5 Q Are those -- the San Gabriel High School,  
 6 Alhambra High School -- what you're referring to when  
 7 you state, "when other schools in our district are in  
 8 much better condition"?  
 9 A Yes, those are the other schools.  
 10 Q Any other schools that you think, in the  
 11 district, that are in much better condition than  
 12 Mark Keppel?  
 13 A No, because those are the only two high schools  
 14 I could compare it to.  
 15 Q When you state that "people say things about  
 16 Mark Keppel being a ghetto school or a crappy school,"  
 17 did you hear people say that yourself or is that what  
 18 someone else told you?  
 19 A I would hear people say that and I would hear  
 20 students talk about it.  
 21 Q Can you remember any occasions in particular  
 22 when you heard someone say that Mark Keppel was a ghetto  
 23 school?  
 24 A I can't remember, because I think it became a  
 25 running joke.

1 Q A running joke at Mark Keppel or --  
 2 A Yeah.  
 3 Q -- at other places?  
 4 Would this be something that other students  
 5 would say from other high schools?  
 6 A Yeah.  
 7 Q Can you think of any time in particular when  
 8 you heard someone say that Mark Keppel was a crappy  
 9 school?  
 10 A I think -- I do remember one time when the  
 11 managing editor of the paper was -- she was in  
 12 badminton. And we have the top-ranked team -- I don't  
 13 know about now, but at the time we had the top-ranked  
 14 team in California. And people would make fun of the  
 15 students because of the school they had heard about.  
 16 And it was kind of sad, because the team really worked  
 17 hard. And she told me that when I was in the news room.  
 18 Q Would people say these comments before the bond  
 19 measures were proposed?  
 20 A I think locally, yeah, especially the sports  
 21 teams because they would travel. But as the bond  
 22 measures and the proposition went around the state,  
 23 there was more talking about it.  
 24 Q Are there any other schools in Alhambra that  
 25 people say it's a ghetto school or crappy school that

1 you know of?  
 2 A No.  
 3 Q I'm just going to go back and see. Other than  
 4 what we just talked about, are there any other problems  
 5 with overcrowding as you've defined it?  
 6 A I don't remember.  
 7 Q So you told me anything you remember about --  
 8 A Yes.  
 9 Q -- the problems with overcrowding?  
 10 How about any other problems with textbooks at  
 11 Mark Keppel?  
 12 A Students told me about sharing books and about  
 13 not having enough books, but I didn't witness all of  
 14 that firsthand, especially because I was in an AP class  
 15 for much of the time.  
 16 Q And when would students have to share books?  
 17 A I think the students who told me about sharing  
 18 books were in the regular courses. And I think for the  
 19 honors and the AP courses, I don't know why, but we --  
 20 we seemed to have more materials than the regular  
 21 classrooms. So I didn't have to witness most of that.  
 22 Q So when the students would tell you that they  
 23 had to share books, did they describe that at all, what  
 24 they meant?  
 25 A If they didn't have enough books, they would

1 Q What are you hoping this lawsuit will do for  
 2 the problems that you've mentioned?  
 3 A I hope that people will know more about  
 4 problems in schools and that the budget for California  
 5 will allocate more money for schools so that these types  
 6 of problems can be fixed. And I also hope that problems  
 7 across the board are going to be fixed instead of fixing  
 8 problems at certain schools but leaving other schools  
 9 without.  
 10 Q Do you think that the state should give more  
 11 money to the schools or it should reallocate the money  
 12 that's already there?  
 13 A I think that both should be done, because even  
 14 at the schools within the district that we thought were  
 15 better than our school, they would sometimes complain  
 16 about things that they needed, like books. And these  
 17 are from students who talked to me that were my friends.  
 18 And I don't really know that firsthand, but that's just  
 19 what I heard.  
 20 Q Do you know how the state funds education in  
 21 California?  
 22 A Not completely, but I know that when the  
 23 governor has the budget every year, then some money is  
 24 allocated for certain things.  
 25 Q Other than the money and awareness, anything

1 have to share it, you know, two students to one in the  
 2 classroom.  
 3 Q Did they say which classes that would happen  
 4 in?  
 5 A I don't know specifically.  
 6 Q Any other problems you can think of you heard  
 7 about textbooks at Mark Keppel?  
 8 A No.  
 9 Q How about any other problems with the bathrooms  
 10 at Mark Keppel?  
 11 A I don't remember anything else.  
 12 Q Any other problems with electrical wiring?  
 13 A No.  
 14 Q Any other problems with facilities, such as  
 15 ceilings?  
 16 A No.  
 17 Q Any other problems with educational resources,  
 18 like the Pagemaker software?  
 19 A No.  
 20 Q Any other problems with repair time for broken  
 21 items at Mark Keppel?  
 22 A No.  
 23 Q Any other problems with stigmas about the  
 24 school?  
 25 A No.

1 else you think or you want to see accomplished because  
 2 of the lawsuit?  
 3 MS. LHAMON: Objection; mischaracterizes her  
 4 testimony. She had a longer list than that.  
 5 Go ahead.  
 6 THE WITNESS: I think that's it.  
 7 BY MS. VANSE:  
 8 Q Do you want to see the actual problems at  
 9 Mark Keppel fixed, such as the ceiling tiles or  
 10 bathrooms?  
 11 A Yes, definitely.  
 12 Q Do you think the school should fix those  
 13 problems or the state?  
 14 MS. LHAMON: Objection; calls for a legal  
 15 conclusion.  
 16 THE WITNESS: I don't really know how the school  
 17 could get the money, because I know that the school is  
 18 well aware of the problems, but we've always been told  
 19 that we didn't have the money. So I don't know where  
 20 that could come from, if it could come from the state or  
 21 somewhere else, even from a bond measure. Honestly, I  
 22 don't really care where the money comes from. I just  
 23 want the problems fixed.  
 24 BY MS. VANSE:  
 25 Q Do you think any of the problems that you've

1 talked about should be fixed sooner than some of the  
 2 other problems?  
 3 MS. LHAMON: Objection; hypothetical.  
 4 Go ahead.  
 5 THE WITNESS: I think that having textbooks is  
 6 really important. And I think the problem with the  
 7 ceiling tiles was a definite safety issue that should  
 8 have been addressed.  
 9 BY MS. VANSE:  
 10 Q When you say "textbooks," you, yourself, had  
 11 enough textbooks in your classrooms, correct?  
 12 A Yeah, I had enough, but some of them, like I  
 13 said, were outdated.  
 14 Q So when you say that should be fixed, you mean  
 15 that textbooks should be updated?  
 16 A Yes. Or in classrooms that didn't have enough  
 17 textbooks, more textbooks should be bought.  
 18 Q Do you think that you had -- or that there are  
 19 some good qualities about Mark Keppel?  
 20 A Yes. I think many of our teachers were really  
 21 good teachers who tried the best that they could with  
 22 what they had. And we had students who worked hard.  
 23 And like myself, I tried to use the resources that I did  
 24 have for what we had to do.  
 25 Q Anything else?

1 MS. VANSE: Is it 20 days now?  
 2 MS. LHAMON: Do you need a different --  
 3 MS. VANSE: No. That's fine with me. If that's  
 4 what the stipulation is, I'm fine with that.  
 5 MS. LHAMON: And the court reporter can send the  
 6 copy to me at my office, and I will convey a copy to  
 7 Bichngoc Cao and take responsibility for getting the  
 8 changes made. Is that okay?  
 9 MS. VANSE: Yes.  
 10 MS. LHAMON: So we'll stipulate.  
 11 MS. VANSE: So stipulated.  
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1 A I mean, well, with the sports teams we also  
 2 tried -- we used what we could have. We used our gym  
 3 even though it was kind of scary to have the ceiling  
 4 tiles looking like that, but we used the gym anyway.  
 5 And I think that's the attitude of my school, is that we  
 6 try the best that we can do.  
 7 MS. VANSE: Okay. I think I'm done with my  
 8 questions.  
 9 MS. LHAMON: Great. Do you have a stipulation?  
 10 MS. VANSE: May we stipulate a copy of the  
 11 declaration can be used as the original?  
 12 MS. LHAMON: A copy of the declaration or the  
 13 deposition?  
 14 MS. VANSE: I'm sorry. I just have copies of  
 15 documents.  
 16 MS. LHAMON: Absolutely. Ordinarily our  
 17 stipulation has been that the court reporter is relieved  
 18 of her responsibilities for the deposition and a copy of  
 19 the deposition can be used as an original, that Bichngoc  
 20 will have 20 days from receipt -- from our receipt of  
 21 the original deposition transcript to review the  
 22 transcript, to make any changes. And if she does not  
 23 make any changes by the 20th day after our receipt of  
 24 the transcript, then all parties can use the original  
 25 transcript as if it had been signed.

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 9 I, BICHNGOC CAO, do hereby declare under  
 10 penalty of perjury that I have read the foregoing  
 11 transcript; that I have made such corrections as noted  
 12 herein, in ink, initialed by me, or attached hereto;  
 13 that my testimony as contained herein, as corrected, is  
 14 true and correct.  
 15 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
 16 \_\_\_\_\_, at \_\_\_\_\_,  
 (City) (State)  
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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

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

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

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

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

\_\_\_\_\_  
SHIRLEY J. LACUNZA  
CSR No. 1708