

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor,)
by Sweetie Williams, his)
guardian ad litem, et al., each)
individually and on behalf)
of all others similiary situated,)
Plaintiffs,)

vs.) No. 312236

STATE OF CALIFORNIA, DELAINE) VOLUME I
EASTIN, State Superintendent of)
Public Instruction, et al.,)
Defendants.)

AND ALL RELATED CROSS-ACTIONS.)

Deposition of CINDY DIEGO, at 400 South
Hope Street, 14th Floor, Los Angeles,
California, commencing at 9:25 A.M.,
Saturday, May 26, 2001, before
Roy H. Pitluk, RPR, CSR No. 10239.

1 APPEARANCES OF COUNSEL:

2
3 FOR THE PLAINTIFFS:

4
5 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
6 BY: CATHERINE F. LHAMON, ESQ.
7 1616 Beverly Boulevard
8 Los Angeles, California 90026-5752
9 (213) 977-9500

10
11 FOR DEFENDANT STATE OF CALIFORNIA:

12
13 O'MELVENY & MYERS, LLP
14 BY: S. BENJAMIN ROZWOOD, ESQ.
15 400 South Hope Street
16 Los Angeles, California 90071-2899
17 (213) 430-7270
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1 CINDY DIEGO,
2 the witness, having been administered an oath
3 in accordance with CCP Section 2094, testified
4 as follows:

5
6 THE COURT REPORTER: Please raise your right hand.
7 You do solemnly swear or affirm that the
8 testimony you are about to give in the cause now pending
9 before court shall be the truth, the whole truth,
10 and nothing but the truth, so help you God?
11 THE WITNESS: I do.
12

13 EXAMINATION

14 BY MR. ROZWOOD:

15 Q Good morning. My name is Ben Rozwood. I'm
16 an attorney representing the State of California in this
17 litigation.

18 Would you please state and spell your full name
19 and tell us where you live, for the record.

20 MS. LHAMON: You don't have to tell your
21 address.

22 THE WITNESS: Cindy Diego, C-Y-N-D-Y, D-I-E-G-O.
23 I live on --

24 (Address withheld per stipulation of counsel).

25 MS. LHAMON: Your address is protected, if we

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 FOR INTERVENOR, L.A. UNIFIED SCHOOL DISTRICT:

4
5 LOZANO SMITH
6 BY: HOWARD FRIEDMAN, ESQ.
7 2800 28th Street
8 Suite 240
9 Santa Monica, California 09405-2934
10 (310) 382-5300
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1 could strike that.

2 BY MR. ROZWOOD:

3 Q What general area is this?

4 A Los Angeles, California.

5 Q Can you give me a more definite area than
6 Los Angeles?

7 A [REDACTED]
8 (Discussion off the record.)

9 MS. LHAMON: We stipulate her address is not
10 supposed to be part of the record and should be struck.

11 MR. ROZWOOD: Yes.

12 Q Would you like me to call you "Ms. Diego" or
13 "Cindy?"

14 A It's all right any way.

15 Q Okay. Your full name is Diego; is that your
16 full name?

17 A Yes.

18 Q Have you ever had your deposition taken
19 before?

20 A No.

21 Q Let me briefly explain what we will be doing
22 here today.

23 I'm going asking you some questions about your
24 lawsuit. Our reporter is going to record my questions
25 and your answers, which will be transcribed into a

1 booklet for your review and signature.
 2 When you receive the booklet, you can make
 3 changes that you feel are necessary.
 4 However, the various lawyers in this case will
 5 be free to comment on any changes you make at trial or at
 6 any other hearing or proceeding in this case.
 7 Do you understand?
 8 A Uh-huh.
 9 Q So, it's very important that you respond to
 10 my questions as fully and fairly as you possibly can.
 11 Do you understand?
 12 A Yes.
 13 Q When you answer my questions, it's important
 14 that you verbalize your answer, because nods and shakes
 15 of your head don't show up in the court reporter's
 16 record.
 17 Do you understand that?
 18 A Yes.
 19 Q Also, it's hard for the reporter to get a
 20 clear record of all the testimony when more than one
 21 person is speaking at one time.
 22 So, please allow me to finish my question before
 23 answering, and I'll let you finish your answer before
 24 asking another questions.
 25 Does this make sense?

1 A Yes.
 2 Q It is important that you listen carefully to
 3 the question. If you do not understand a question I ask,
 4 please let me know, and if appropriate, I'll make an
 5 effort to rephrase it.
 6 If you answer a question, we will presume that
 7 you have understood the question as I ask you.
 8 Does that make sense?
 9 A Yes.
 10 Q You're required to answer my questions to
 11 the best of your ability. If you do not know the answer,
 12 we do not want you to guess.
 13 However, we're entitled to your best estimate,
 14 or you can provide one.
 15 Do you understand?
 16 A Yes.
 17 Q Because your testimony will be given under
 18 oath, it will have the same force and effect as if you
 19 were testifying in a court of law.
 20 You are subject to all the penalties of perjury
 21 for giving false testimony. So even though we are in a
 22 formal setting here today, you're testifying as if you
 23 were in a formal courtroom setting.
 24 Do you understand?
 25 A Yes.

1 Q If you need a break for any reason, please
 2 let me know, and I'll instruct the court reporter to go
 3 off the record and we will take a break for you.
 4 If at any point during today's deposition
 5 something refreshes your memory concerning an area we
 6 were talking about earlier in the deposition, let me
 7 know, and we will get it on the record.
 8 If you don't let me know, we will assume the
 9 answers you give today are full and complete?
 10 A Okay.
 11 Q Is this okay?
 12 A Uh-huh.
 13 Q And can you say "yes" or "no" instead of
 14 "uh-huh"?
 15 A Uh-huh -- yes.
 16 Q So, it's easier for the court reporter to
 17 get your responses down.
 18 So, do you understand all these grounds rules?
 19 A Yes.
 20 Q Do you have any questions before we begin?
 21 A No, no, no. I don't have any questions.
 22 Q Is there any reason why you may be unable to
 23 testify and give your best testimony today?
 24 A No.
 25 Q Have you consumed any medication, alcohol,

1 or other substance that might cloud your mind or
 2 interfere with your ability to stand or answer my
 3 questions?
 4 A No.
 5 Q Do you suffer from a disability of any kind
 6 that might interfere with your ability to understand or
 7 answer my questions truthfully and accurately?
 8 A No.
 9 Q Okay. What did you do to prepare for this
 10 deposition?
 11 A I just looked over my deposition before --
 12 the Declaration that I had before.
 13 Q Anything else?
 14 A I looked over -- what they call it --
 15 MS. LHAMON: If you can't remember --
 16 THE WITNESS: I don't know what it is, but it's
 17 a paper stating a lawsuit and how far it is, what it's
 18 about.
 19 BY MR. ROZWOOD:
 20 Q A piece of paper stating the lawsuit?
 21 A A packet.
 22 Q What was in the packet?
 23 A Stating the lawsuit.
 24 Q Documents describing a lawsuit?
 25 A Uh-huh.

1 Q Do you remember anything? Can you describe
2 those documents in more detail for me?
3 A Huh-uh.
4 Q How many documents were there in the packet?
5 A It was just my Declaration and the packet
6 stating the lawsuit, and the one I was involved in, or
7 the one I'm involved.
8 MS. LHAMON: If it helps, I can tell you it's
9 the Complaint.
10 MR. ROZWOOD: First Amended Complaint?
11 MS. LHAMON: Yes.
12 BY MR. ROZWOOD:
13 Q Did you review the original Complaint in
14 preparation for the deposition?
15 A No, just my Declaration.
16 Q And the First Amended Complaint, correct?
17 A Uh-huh.
18 Q I want to ask you about contact with your
19 counsel, but I don't want you to reveal any privileged
20 information or communications that you may have made to
21 counsel or counsel may have made to you.
22 I want to ask you how many times you met with
23 your counsel in connection with this lawsuit?
24 A I haven't met with her personally all the
25 time, but I talk to her all the time.

1 Q Is today the first time you met in person?
2 A No.
3 Q How many time have you met in person with
4 your counsel?
5 A Three times.
6 MS. LHAMON: So you know, he's not just asking
7 about me. About any of lawyers on the case. And you can
8 try to remember all the times you met with any of the
9 lawyers.
10 BY MR. ROZWOOD:
11 Q Do you want to change your answer, or is
12 "three" correct?
13 A Uh-huh. Three.
14 Q Do you remember the first time you met with
15 counsel in person?
16 A Yes. About a year ago.
17 Q Which counsel was that?
18 A Cathleen Lhamon.
19 Q That was about May of 2000?
20 A It was about -- I think on November or last
21 year, I think. Yeah.
22 Q How long did you meet in person with
23 Ms. Lhamon?
24 A Once.
25 Q How long did the meeting last?

1 A About an hour and a half.
2 Q Was anyone else present in your meeting?
3 A Yeah. It was another young man.
4 Q Do you remember the name of the person?
5 A No, I don't.
6 Q Was he a lawyer on the case, too?
7 A I think he was.
8 Q Anyone else besides this young man?
9 A No.
10 Q Do you remember the second time you met in
11 person with counsel in this matter?
12 A It was back at the Community Coalition.
13 Q Where did this first meeting take place with
14 Ms. Lhamon and the young man you thought was a lawyer in
15 the case?
16 A At the Community Coalition.
17 Q That second meeting took place there?
18 A Uh-huh.
19 Q What is the Community Coalition?
20 A It's a youth organization that helps it
21 helps make different changes in our community and
22 schools.
23 Q How did you find out about this lawsuit?
24 A I found out by this other organization that
25 came to talk to us to tell us if we were tired about our

1 school conditions and actually wanted to do something
2 about it.
3 Q What organization was that?
4 A I can't remember.
5 Q Was it an entity currently associated with
6 this lawsuit?
7 A Yeah.
8 Q Okay. If you think of the name of the
9 organization during your deposition, would you tell me?
10 A Uh-huh.
11 MS. LHAMON: Don't forget to say "yes" and "no."
12 BY MR. ROZWOOD:
13 Q Where is the Community Coalition located?
14 A In Los Angeles, California, 81st and
15 Vermont.
16 Q Close to Freemont High School?
17 A No. It's not that close.
18 Q Okay. Prior to this lawsuit, did you
19 spend -- how much time did you spend at the Community
20 Coalition?
21 A I been a member in the Community Coalition
22 for two years.
23 Q How much time did you actually spend at that
24 location?
25 A Well, I'll be there twice a week ever since.

1 Q Okay. Do you remember the second time you
2 met in person with counsel?
3 A Second time?
4 Q Yes. We discussed the first time?
5 A This is the second time.
6 Q Also the Community Coalition?
7 A Uh-huh.
8 Q Was anyone else present, at which lawyers
9 were present at the second meeting?
10 A Cathleen.
11 Q Anyone else?
12 A No.
13 Q Okay. And when approximately did this
14 meeting take place?
15 A Like nine months ago.
16 Q Okay?
17 A I think it was to sign my Declaration.
18 The last one or the second one?
19 Q The second one?
20 A Okay.
21 Q So, we have got the first meeting taking
22 place around November 2000?
23 A Uh-huh.
24 Q Is that correct?
25 MS. LHAMON: Or did you mean November '99?

1 THE WITNESS: It was like a year and a half ago.
2 MS. LHAMON: The transcript -- we're not going
3 to be able to figure out what your answers are when you
4 say "uh-huh," so we might prod you, or I'll kick you
5 under the table to say "yes."
6 BY MR. ROZWOOD:
7 Q So, the second meeting was the meeting at
8 which you signed your Declaration in this matter?
9 A Yes.
10 Q And the third meeting?
11 A Third meeting was in my house.
12 Q And who was present at the meeting?
13 A Cathleen.
14 Q Ms. Lhamon?
15 A Yes.
16 Q Anyone else?
17 A No. That was it.
18 Q Just you and Ms. Lhamon?
19 A Yes.
20 Q You testified earlier you've spoken on the
21 telephone numerous times with counsel?
22 A Yes.
23 Q Can you give me your best estimate as to how
24 many times?
25 A I spoken to her around 20, 25 times.

1 Q All regarding this lawsuit?
2 A Yes.
3 Q Was anyone else ever present on the
4 telephone call? Did anyone else participate in the
5 telephone calls?
6 A No.
7 Q Other than your contact with counsel, have
8 you spoken with anyone else about your deposition today?
9 A No.
10 Q You haven't spoken to your parents about
11 your deposition today?
12 A Yes, they know about it.
13 Q Have you spoken to them about it?
14 A Yes, they know about it. They gave me
15 permission to come.
16 Q Other than asking them for permission, what
17 else did you tell your parents about your deposition
18 today?
19 A Well, they know about the lawsuit. And they
20 are the ones that gave me permission to be included in
21 the lawsuit.
22 Q What's your relationship to Glauz Diego?
23 A He's my brother.
24 Q Your younger brother?
25 A Yes.

1 Q Have you spoken to Glauz about your
2 deposition today?
3 A No. Well yes, I have, but not thoroughly.
4 Q Not thoroughly?
5 A Yes.
6 Q I want to make sure I understand what you're
7 saying.
8 What have you said to your brother? Can you
9 describe? Well, let me start again.
10 How many conversations have you had with your
11 brother about this lawsuit?
12 A What conversation about the deposition?
13 That I was going to come and talk.
14 Q Other than that, have you ever had any
15 conversations with your brother about this lawsuit?
16 A We received letters to see when we get
17 updates about the court, I mean about the lawsuit.
18 That's the only time we talk about it.
19 Q Okay. And what did you say?
20 MS. LHAMON: I instruct you not to disclose
21 anything that would be in the letters, you know, because
22 that's your attorney-client privilege.
23 BY MR. ROZWOOD:
24 Q Other than the contents of the letters, is
25 there anything you can tell me about what you and Glauz

1 discussed regarding this lawsuit?
 2 A Just about regarding the letter?
 3 Q Other than what's in the letter.
 4 A Uh-huh. I mean, that's it.
 5 Q Have you ever discussed this lawsuit?
 6 A That's it.
 7 Q Other than what you've testified to, have
 8 you spoken to anyone else about your involvement in this
 9 lawsuit?
 10 A The Community Coalition.
 11 Q Anybody in particular at the Community
 12 Coalition?
 13 A Marqueece Dawson.
 14 Q Spell that for the --
 15 A M-A-R-Q-U-E-E-C-E, D-A-W-S-O-N.
 16 Q Who is Mr. Dawson?
 17 A The Community Coalition director.
 18 Q What have you and Mr. Dawson discussed
 19 regarding this lawsuit?
 20 A Well, I've just been following up, giving
 21 him updates about the lawsuit. That's about it.
 22 Q What have you told him?
 23 A Just the things regarding to it.
 24 Q What things?
 25 A The things in the letters.

1 Q Other than --
 2 A The updates.
 3 Q You've disclosed the contents of the letters
 4 from your counsel to Mr. Dawson?
 5 A Just for he can give me like feedback, like
 6 to make me understand it more.
 7 Q Okay. So, the answer is "yes"?
 8 A Yes.
 9 Q What did you did you tell Mr. Dawson about
 10 the status of the lawsuit?
 11 A I show him the letters.
 12 Q Okay. Can you recall, as you sit here
 13 today, anything specific about your conversations with
 14 Mr. Dawson regarding those letters?
 15 A Well, just I don't know the things that go
 16 on in the courtroom, and just the status of how it's
 17 going.
 18 Q Can you recall anything specific regarding
 19 the status of how things are going that you discussed
 20 with Mr. Dawson?
 21 A No.
 22 Q How many letters have you received from
 23 counsel?
 24 A I received a lot of them. I can't keep
 25 count.

1 Q More than 10?
 2 A Yeah.
 3 Q More than 20?
 4 A No.
 5 Q Between 10 and 15?
 6 A Yeah.
 7 Q Can you say "yes" and "no" instead of
 8 "yeah"?
 9 A Okay.
 10 MS. LHAMON: "Yeah" would be recorded as an
 11 appropriate response.
 12 BY MR. ROZWOOD:
 13 Q We want to make it clear.
 14 It's between 15 and 20 updates regarding the
 15 status of the litigation, regarding your counsel?
 16 A Yes.
 17 MS. LHAMON: Mischaracterizes the testimony. So
 18 far she testified to between 10 and 15.
 19 BY MR. ROZWOOD:
 20 Q I'm sorry. Between 10 and 15?
 21 MR. FRIEDMAN: I heard between 10 and 20.
 22 BY MR. ROZWOOD:
 23 Q Have you shown Mr. Dawson all of these
 24 letters?
 25 A No, not all of them.

1 Q How many have you shown Mr. Dawson?
 2 A About four.
 3 Q What did Mr. Dawson say to you after you
 4 shared the letters with him?
 5 A We just discuss them. He tells me that the
 6 lawsuit is good, that it will help me.
 7 Q How will it help you?
 8 A Not only me, but help like, you know, next
 9 generation coming, tell them to have better things in
 10 school just to help them.
 11 Not only that, but I mean just to represent them
 12 and be part of the lawsuit is important, because the
 13 situation in my school and other schools, not only mine,
 14 need changes.
 15 Q Is that something Mr. Dawson told you, or is
 16 this your own thought?
 17 A Things he tells me and things that I think.
 18 Q So, those are things Mr. Dawson told you,
 19 and you agree with him?
 20 A Yes. I do.
 21 Q What sorts of changes are you looking to
 22 make at your school?
 23 A For example, better and qualified teachers;
 24 counselors that actually take the time to talk to us and
 25 to let us know how far we're at, instead of waiting until

1 the last minute to let us know if we're graduating or
 2 not;
 3 To have my supplies like books, because it seems
 4 like we always get like secondhand books, like leftover.
 5 We don't have enough books to go around.
 6 Like more seats.
 7 Q Anything else?
 8 A I guess better resources, too, because not
 9 even bathrooms, we can't go to the bathrooms. There is
 10 only like one bathroom open for everybody in school.
 11 And like ceilings are deteriorating and there's
 12 graffiti all around.
 13 Q Anything else?
 14 A The bleachers, they are all broken down.
 15 Lockers as well.
 16 Q Broken lockers?
 17 A Uh-huh.
 18 Q Are there enough lockers at your school?
 19 A Yes, but they don't distribute them for the
 20 students. They are just there.
 21 Q Anything else?
 22 A That's all I can think about right now.
 23 Q As we go through the deposition, if you
 24 think of other things, you can tell me, okay?
 25 A Uh-huh. That's fine.

1 Q If you got everything you wanted on this
 2 list, would you continue with the lawsuit?
 3 A Well, I don't see why -- I mean -- we even
 4 have to have a lawsuit. That's things we already
 5 supposed to have in school.
 6 But if I did get everything, if I did get
 7 everything that I just said right now, I guess I would
 8 still continue to see if there will be better changes and
 9 better opportunities.
 10 Q Okay. So, what other changes and
 11 opportunities would you be looking for in this lawsuit?
 12 A I'll be looking for, as I said, better
 13 teachers, better qualified teachers that actually can sit
 14 down with us and explain every single thing, make it -- I
 15 don't know, for them to be more explicit, more
 16 comprehensive, instead of just cutting everything short
 17 and expecting us just to know by hand everything;
 18 Giving college counselors opportunity for
 19 students to actually apply for four year universities
 20 instead of sending them to community college or junior
 21 colleges, and expecting them to start, you know,
 22 anywhere -- doesn't matter, you know -- actually teachers
 23 pushing us, telling us an "F" is not enough or "B" is not
 24 enough. Get an "A." If you have a "C" --
 25 Tutoring, we don't have that. I don't see

1 teachers staying after school, even helping us.
 2 Actually, somebody that cares to push us enough
 3 to get to where, you know, we can actually get somewhere
 4 instead of just, you know, "you graduated, oh, well," or
 5 "if you don't graduate, just stay another year."
 6 Q So, if you had better teachers, and college
 7 counselors, and after-school tutoring, and all the other
 8 things that you listed, would you continue with this
 9 lawsuit?
 10 A Yes, I would, because there is a lot of
 11 things, there is a lot of things that a lot of parents
 12 don't see, only that we can see. Because a lot of things
 13 that go on in school. Like we don't get like the
 14 resources at all. It seems like we're always left
 15 behind.
 16 Q You would continue this lawsuit so you could
 17 obtain additional resources?
 18 A Yes.
 19 Q If you got that, would you continue with the
 20 lawsuit?
 21 MS. LHAMON: I think the line of questions is
 22 unclear. I think it's vague and not clear to me that
 23 Ms. Diego understands what you're asking.
 24 MR. ROZWOOD: I'm trying to figure out what she
 25 wants in the lawsuit. She's given me a long list, and I

1 want to know if there is anything else.
 2 MS. LHAMON: That's not the question you asked.
 3 BY MR. ROZWOOD:
 4 Q Is there anything else you can think of that
 5 you would want from this lawsuit?
 6 A I guess a better environment, larger
 7 classes, more seats available for students.
 8 Q Anything else you can think of?
 9 A No.
 10 Q Are you seeking anything else other than the
 11 things you just listed by way of this lawsuit?
 12 A I'm just seeking equality for each and every
 13 student.
 14 Q What do you mean by "equality for each and
 15 every student"?
 16 A For every student to be treated equal; to
 17 get the same resources that everybody else does.
 18 It doesn't matter what school you come from or
 19 what place do you stay at, as long as everybody is
 20 treated equal;
 21 And getting the same things that they deserve
 22 because education is important and education should be
 23 based on the same level.
 24 Q Is your school getting the same amount of
 25 resources as other schools?

1 A I don't think. We are lacking a lot of
2 things.
3 Q Have you ever seen your school budget?
4 A No.
5 Q Have you ever seen any other school's
6 budget?
7 A No, I haven't.
8 Q Do you have any basis on which to testify
9 that your school is getting less resources than other
10 schools?
11 MS. LHAMON: You are mischaracterizing her
12 testimony. She didn't say "equal resources, equal
13 budget."
14 BY MR. ROZWOOD:
15 Q You can answer the question.
16 A No. I don't think I have that kind of
17 authority to see a budget, so -- no. But, I mean I could
18 see it -- I mean, we have like 10-year old books we still
19 use.
20 We don't have anything that is updated. The
21 books we have, the pages are torn. It's like we have
22 hand-me-downs.
23 Q Have you inspected the textbooks from other
24 schools?
25 A I've seen, you know -- I've seen -- that I

1 have a book, and I may see another student that has the
2 same book, but from a different school and is more better
3 than my book.
4 Q What book is that?
5 A For example, like my Government's book. A
6 math book.
7 Q What's the title of the book?
8 A Algebra 2B.
9 Q Your Government Book?
10 A United States something -- I can't think of
11 it.
12 Q And where did you see copies of these books?
13 Outside your school?
14 A Like friends. I go to Banning, or if they
15 go to Westchester or Crenshaw.
16 Q Which friends are you talking about?
17 A Friends like that I have.
18 Q What are their names?
19 A Like Shirley Brown or Charmaine Johnson.
20 Lamar Williams.
21 MS. LHAMON: Can we take a break?
22 MR. ROZWOOD: Okay.
23 (Recess taken.)
24 BY MR. ROZWOOD:
25 Q You mentioned before we took a break that

1 you had looked at textbooks from your friends Shirley
2 Brown, Charmaine Johnson, and Lamar Williams, is that
3 correct?
4 A Shirley Barahona, B-A-R-A-H-O-N-A.
5 Q Which school did she attend?
6 A Banning.
7 Q What school did Mr. Charmaine Johnson
8 attend?
9 A Westchester.
10 Q And Lamar Williams?
11 A Washington. Crenshaw, I'm sorry.
12 Q These three students use the same textbook
13 that you do?
14 A Yes.
15 Q Which classes? Would you tell me about
16 which, each one?
17 A In my math classes, Government classes,
18 Economics.
19 Q So I understand what you're saying,
20 Ms. Barahona has the same books that you do for each one
21 of these three classes?
22 A Yes.
23 Q Is the same true for Charmaine Johnston and
24 Lamar William?
25 A Charmaine has the same, but it's updated.

1 Q Ms. Barahona, are those updated, too?
2 A No. The same as mine. Just in better
3 condition.
4 Q What about Lamar Williams?
5 A He has the same books in better condition.
6 Q When you say Ms. Johnson's are newer, are
7 those the same book like a new -- a new --
8 A The same book, but in a newer version.
9 MS. LHAMON: Mischaracterizes the testimony.
10 She said updated, not newer.
11 BY MR. ROZWOOD:
12 Q So I understand what you're saying,
13 Ms. Johnson's Algebra 2B book is updated, and yours is
14 not, correct?
15 A Yes.
16 Q The same is true about Ms. Johnson's
17 Economics and U.S. Government books?
18 A I haven't seen that book. Like her
19 Economics, I haven't seen that. But I seen her
20 Government book.
21 Q And that, like her Algebra 2B, is updated?
22 A It's updated.
23 Q The textbooks for Mr. Williams and Barahona
24 are not updated?
25 A They are the same as that one that I have.

1 It's just they are in better condition.

2 Q For all three of these classes we're
3 discussing?

4 A Yes.

5 Q If you think of anything else that you're
6 looking for in this lawsuit during this deposition, can
7 you please tell us so we can get it down on the record?

8 A Yes.

9 MR. ROZWOOD: I'm going to have this marked,
10 this document, as exhibit --

11 MS. LHAMON: I'm going to ask we not mark it.
12 I'm prepared to stipulate that is the First Amended
13 Complaint, and we haven't been marking them in the
14 depositions.

15 The purpose is that for copying purposes, we
16 have not been marking them as exhibits. Is it okay to
17 stipulate this is the First Amended Complaint?

18 MR. FRIEDMAN: I recall at last week's
19 deposition we did that.

20 BY MR. ROZWOOD:

21 Q I've placed a red-line version of the First
22 Amended Complaint.

23 The parties appearing here today have stipulated
24 that's what you're looking at.

25 Can you please turn to Page 48?

1 I'll ask you, is this the document that you
2 referred to earlier when you said you looked at the --
3 let me strike that.

4 Have you ever seen the document before?

5 A I've seen it before.

6 Q When did you see it?

7 A The first time I received it was in the
8 second meeting that I had.

9 MS. LHAMON: Obviously, this document looks a
10 little different from one you've seen because we have a
11 red-lined version, but it's substantively the same.

12 THE WITNESS: Yeah.

13 MR. FRIEDMAN: Does Cynthia know what we're
14 talking about when we say a "red-line version"?

15 BY MR. ROZWOOD:

16 Q Do you?

17 A No.

18 Q Okay. Did you ever see the original
19 complaint in this action?

20 A Yes, I saw it, not the original, but I guess
21 it was a copy.

22 Q Okay. I'm using the original to distinguish
23 between that Complaint and the First Amended Complaint
24 you have before you?

25 A Okay.

1 Q You saw the originally-filed Complaint?

2 MS. LHAMON: Do you know what the
3 originally-filed Complaint is?

4 THE WITNESS: Explaining the whole lawsuit.

5 MS. LHAMON: That's her understanding of what an
6 originally-filed complaint was.

7 BY MR. ROZWOOD:

8 Q Were you aware that the Complaint in your
9 lawsuit was amended in this litigation?

10 A No.

11 Q Okay.

12 MS. LHAMON: Do you know what "amended" means?

13 THE WITNESS: No.

14 MS. LHAMON: If you use legal terms, they're not
15 going to be particularly effective now.

16 BY MR. ROZWOOD:

17 Q Did you review this First Amended Complaint
18 prior to your deposition today?

19 A No. I just look over my Declaration.

20 Q Okay. You said there was something else in
21 the packet you looked at?

22 A It was a packet like this. It was a packet
23 like this.

24 And it was just explaining the lawsuit, the one
25 I had received like in the first -- in the second

1 conference I had.

2 MS. LHAMON: The difficulty is, you've given her
3 a red-line version, which she has not seen before.

4 BY MR. ROZWOOD:

5 Q So, why don't you tell me what you looked at
6 to prepare for this deposition, if it wasn't the
7 document?

8 A The only thing -- the Declaration -- just
9 looking it over to review what I have said before.

10 Q So, the Declaration --

11 A My own Declaration, the one I stated and,
12 you know, explained to them all the things that I've been
13 through -- school and the things I've been affected by.

14 Q Did you submit a Declaration in support of
15 the class certification motion?

16 MS. LHAMON: You know the answer to this
17 question?

18 THE WITNESS: Yes.

19 BY MR. ROZWOOD:

20 Q When was the first time you were approached
21 about being a class representative in this litigation?

22 A The first time I met -- the first time I met
23 with Catherine, I gave -- I told her all the things -- I
24 gave her my Declaration.

25 And when they had typed it up and I looked it --

1 when I looked it over, they told me -- it wasn't on me.
 2 It was on my parents' decision if I can be included in
 3 the lawsuit. And it's something I wanted to do.

4 So my parents said it was okay, and they signed
 5 the papers, and so did I. And that was it.

6 Q That's how you became a plaintiff in this
 7 litigation, correct?

8 A Uh-huh. Yes.

9 Q My question is about how you became a class
 10 representative, or how you became a proposed class
 11 representative in this case.

12 Do you understand the difference between being a
 13 plaintiff and being a class representative?

14 A To me it seems I became a class
 15 representative ever since I decide to join the lawsuit.

16 Q Did you receive a copy of your Deposition
 17 Notice, a piece of paper telling you your deposition was
 18 supposed to go forward today?

19 MS. LHAMON: You haven't filed a Deposition
 20 Notice.

21 THE WITNESS: No.

22 MS. LHAMON: She couldn't have received it.

23 BY MR. ROZWOOD:

24 Q Did you review any news articles in
 25 preparing for your deposition today?

1 Q Other than the report cards and the test
 2 score documents that your lawyer has produced, do you
 3 have any other documents in your possession or control
 4 that relate to this lawsuit?

5 A No.

6 Q By documents, I mean anything in writing or
 7 in tangible form, like a note or diary or anything of the
 8 sort?

9 A No.

10 Q Letters?

11 A No. I mean, you got the transcripts, the
 12 scores, the report cards.

13 Q Did you keep all the letters from your
 14 counsel advising you of the status of this lawsuit?

15 A Yes.

16 Q You have those in your possession?

17 A Yes. They are in my house somewhere.

18 Q Other than those letters, do you have any
 19 other correspondence or documents written documents that
 20 relate to this lawsuit?

21 A I receive packets like once or twice.

22 Something like this. I don't know if it's there.

23 Q Other than what you received from counsel,
 24 do you have anything --

25 A No.

1 A No.

2 Q Any economic studies or surveys?

3 A No.

4 Q Any Declaration other than yours?

5 A No.

6 Q You don't know whether you reviewed the
 7 Complaint or the First Amended Complaint in this case?

8 A No.

9 Q Do you have any documents to produce today
 10 at your deposition?

11 A No.

12 Q Do you have in your possession any documents
 13 relating to the examination at your school or other
 14 issues raised by this lawsuit?

15 A No.

16 MS. LHAMON: You're aware we produced the
 17 documents responsive to the subpoena?

18 MR. ROZWOOD: I'm not aware you produced all the
 19 documents responsive to the subpoena.

20 MS. LHAMON: I want to make sure you received
 21 the documents I produced on Thursday.

22 MR. ROZWOOD: The ones you produced, I've got
 23 the report cards.

24 MS. LHAMON: Okay.

25 MR. ROZWOOD: And the test scores.

1 Q -- in your possession related to this
 2 lawsuit?

3 A Just the things I mentioned before.

4 Q Okay.

5 Do you have any documents in your possession
 6 relating to any discussions you've had are regarding this
 7 lawsuit?

8 A No.

9 Q Okay. You're in 12th grade?

10 A Yes.

11 Q At Freemont High School?

12 A Yes.

13 Q In the Los Angeles Unified School District?

14 A Yes.

15 Q And you're 17 years old?

16 A Yes.

17 Q How long have you lived at your current home
 18 address?

19 A For two years and a half.

20 Q And before this?

21 A Before that, a lived around -- I still lived
 22 in the Los Angeles area.

23 Q For how long at the prior residence?

24 A For a year.

25 Q Before this, where did you live?

1 A Before that, I lived around the same L.A.
 2 area. And I was like there for six years.
 3 Q Who else lives with you at that address,
 4 current address?
 5 A My mom. My dad. My four brothers and
 6 sisters.
 7 Q You're older than Glauz?
 8 A Yes.
 9 Q What about your other three sisters and
 10 brothers?
 11 A Younger.
 12 Q You're the oldest of five?
 13 A Yes.
 14 Q How many brothers do you have?
 15 A Two brothers and two sisters.
 16 MR. ROZWOOD: Okay. Is the home telephone
 17 number something you had an agreement about, too?
 18 MS. LHAMON: Yes. She can't give it. It's
 19 private.
 20 BY MR. ROZWOOD:
 21 Q Okay. Do you have a driver's license?
 22 A No.
 23 Q Does anyone else other than your parents?
 24 Let me ask this --
 25 A Other than my parents, besides me and my

1 between San Pedro and Avalon.
 2 MS. LHAMON: L.A.U.S.D.?
 3 THE WITNESS: Yes.
 4 BY MR. ROZWOOD:
 5 Q Is that first through sixth?
 6 A That was first through fifth.
 7 Q Okay?
 8 A And then middle school, Charles Drew Middle
 9 School, that's in Firestone and Compton.
 10 Q Compton School District?
 11 A Compton Avenue. L.A.U.S.D.
 12 Q That was for sixth, seventh, and eight
 13 grade?
 14 A Yes.
 15 Q After that?
 16 A After that I went to John C. Fremont.
 17 Q Okay. I want to briefly go over your work
 18 experience.
 19 Do you have a current job?
 20 A No.
 21 Q Have you ever been employed?
 22 A Yes.
 23 Q What's the most recent prior employment you
 24 have?
 25 A That I've had at Pollo Loco and Magic

1 brothers, do they have a driver's license? No.
 2 Q So, the only people that have driver's
 3 licenses at your house are your parents?
 4 A My parents.
 5 Q How do you get to and from school?
 6 A My mom provides transportation.
 7 Q Has that always been the case?
 8 A All my life.
 9 Q All your life?
 10 A Yes.
 11 Q Is this true for your brothers and sisters,
 12 too?
 13 A Yes.
 14 Q Your mom drives them all to school and
 15 always has?
 16 A She always has.
 17 Q Other than your four brothers and sisters
 18 and parents, has anyone else lived with you in your
 19 current or prior residences?
 20 A No.
 21 Q I want us to go over where you went to
 22 school since kindergarten.
 23 A The name?
 24 Q The name and where, its location?
 25 A Elementary, 93rd Street Elementary School,

1 Mountain.
 2 Q When did you work for El Pollo Loco?
 3 A Like two months ago.
 4 Q For how long?
 5 A Five months.
 6 Q Why did your employment terminate with El
 7 Pollo Loco?
 8 A I didn't want to work there.
 9 Q Why did you not want to work there?
 10 A I didn't want to work there.
 11 Q Why?
 12 A It wasn't for me.
 13 Q So, you quit?
 14 A Yes. Pretty much.
 15 Q What was it about the job you didn't like?
 16 A Dealing with the people.
 17 Q Anything else?
 18 A Late shifts that intervenes with school the
 19 next day.
 20 Q Anything else?
 21 A That's about it.
 22 Q And before you worked at El Pollo Loco, you
 23 worked at Magic Mountain?
 24 A Yes.
 25 Q Do you know when?

1 A I was working at Magic Mountain, I started
2 working in September, the beginnings of September. And I
3 stopped working on October 31st. It was only for one
4 month.

5 Q What was your position?

6 A I was a cashier.

7 Q What were your duties?

8 A I was a cashier for a restaurant.

9 Q And why did you stop working at Magic
10 Mountain?

11 A Because it was too far.

12 Q How did you get there?

13 A A bus.

14 Q What was your position at El Pollo Loco?

15 A Cashier.

16 Q Did you get school credit for these jobs?

17 A Only for Magic Mountain.

18 Q Do you know what the requirements are for
19 getting school credit for a job?

20 A Just to be in my best behavior and great
21 customer service.

22 Q You don't you get school credit for your job
23 at El Pollo Loco?

24 A That was on my own, something I got on my
25 own.

1 Q What kinds of --

2 How does the school respond to student
3 misbehavior at Fremont?

4 A You have to deal with the deans.

5 Q What are the possible punishments that the
6 deans can give a troublesome student?

7 A Suspension.

8 Q Anything else?

9 A No.

10 Q Have you ever been involved in any other
11 civil lawsuit?

12 A No.

13 Q Have you ever been involved in a criminal
14 action?

15 A No.

16 Q Is Ms. Lhamon your only contact? Sorry.
17 Withdraw that.

18 Have you ever heard of the ACLU?

19 A Yes, I've heard about it before.

20 Q Do you know what it stands for?

21 A No.

22 Q Have you ever heard of an organization
23 called Public Advocates?

24 A No.

25 Q Have you ever heard of an organization

1 Well, actually, for El Pollo Loco, I was getting
2 credits for school, because I had work experience for
3 fifth and sixth.

4 So, they gave me five credits. I had to show my
5 paycheck stub and my hours and my supervisor's signature.

6 Q I want to go into any discipline history
7 that you have at your school.

8 MS. LHAMON: The only discipline history you can
9 talk about would be related to tardies or absences.
10 Anything else is outside the scope.

11 THE WITNESS: I'm clean.

12 BY MR. ROZWOOD:

13 Q You've never been sent to the principal's
14 office by a teacher or administrator?

15 MS. LHAMON: You should only talk about it with
16 respect to absences and tardies. So, when Mr. Rozwood
17 puts those words to you --

18 THE WITNESS: No.

19 I never had any disciplinary problems at all.

20 BY MR. ROZWOOD:

21 Q Does Fremont have a demerit system?

22 A Demerit? What's that?

23 Q Did they ever -- did they put kids in
24 detention?

25 A No.

1 called Center for Law in the Public Interest?

2 A No.

3 Q Have you ever head of an organization called
4 MALDEF?

5 A No.

6 Q Or Mexican American Legal Defense and
7 Educational Fund?

8 A I don't know if it rings a bell. But no, I
9 don't think so.

10 Q Okay. From the document I placed before
11 you, which is the First Amended Complaint, I'd like to
12 ask you a few questions about the allegations regarding
13 John C. Fremont Junior High School on Pages 48 and 49.
14 I'd like you to open the complaint to Page
15 48. I'd like to ask you some questions about a news
16 article, and you can take some time with your counsel the
17 review it if you like before I ask you.

18 MR. ROZWOOD: I have an article I'd like marked
19 as Exhibit 1.

20 (Cindy Diego Exhibit 1, Article entitled "A
21 Campus Oasis Amid the Violence" marked for
22 identification.)

23 MS. LHAMON: Take a minute.

24 MR. ROZWOOD: I'm not going to be asking reading
25 comprehension questions about the article. I have

1 specific questions about statements made in the article.
 2 You're free to review it as long as you like.
 3 Let me know when you're ready to proceed.
 4 BY MR. ROZWOD:
 5 Q Is there a self-service laundry across the
 6 corner at Fremont High School?
 7 A Yes.
 8 Q Is it true that students buy and sell drugs?
 9 A I wouldn't be able to certify, because I
 10 don't even know.
 11 Q If you don't know, you can say you don't
 12 know.
 13 Is there a --
 14 You see the fence depicted in the picture?
 15 A Yes.
 16 Q Is this the fence at Fremont?
 17 A Yes.
 18 Q Has that -- has a fence always been there?
 19 A No, it was barely put up about five months
 20 ago, I think it's been there.
 21 Q So, you attended tenth and eleventh grade
 22 before the fence?
 23 A Yes.
 24 Q In your senior year, they put up the fence?
 25 A Yes.

1 Q Was this before the year started or during
 2 the year?
 3 A During the year, during the middle of my
 4 senior year they were putting up a fence.
 5 Q Why don't we just get your track down.
 6 You're on track C?
 7 A B.
 8 Q When does track B begin and end throughout
 9 the year?
 10 A Do you want the whole, everything?
 11 Q Please.
 12 A We started in July. Our vacation starts
 13 from September until October.
 14 Then we go back the school the 31st or October,
 15 through March.
 16 Then in May, March, April, we're on vacation.
 17 And then in May we go back to school.
 18 Q May 1st?
 19 A Yes. And then all over, same cycle over and
 20 over.
 21 Q So, there's three different sessions?
 22 A We have two breaks, uh-huh, during September
 23 and October, and then March and April.
 24 Q The two full months September and October?
 25 A Yes.

1 Q And the two full months March and April?
 2 A Yes.
 3 Q Do you have any idea what month the fence
 4 was put up?
 5 A The fence was put up -- I was off track, so
 6 it was in September.
 7 Q Have you noticed any changes at the school
 8 as a result of the fence being put up?
 9 A We had more security guards, which I don't
 10 know why. It doesn't do any good. Doesn't bring any
 11 protection.
 12 Anybody can go in and out anyway from the
 13 school.
 14 I've seen that there is some -- some of the
 15 ceiling is missing. There's like big hose on the
 16 ceiling.
 17 The tiles are missing. They put like black --
 18 like black bags just over it.
 19 Q Is this in the classroom?
 20 A On the halls when you walk through the
 21 classrooms.
 22 Q That has nothing to do with the fence?
 23 A I don't know. They drilled -- they were
 24 drilling the -- the -- I don't know. The ground, I
 25 guess, for the water or something when they were putting

1 up the fence.
 2 Q In terms of the school itself, the
 3 environment at the school, have you noticed any changes
 4 as a result of the fence being put up?
 5 A Well, the fence was put up for security, so
 6 they got like 10, 15 more securities.
 7 Q Does the school feel safer now?
 8 A No, it feels the same.
 9 Q Do you have any knowledge of any drug
 10 dealing around the Fremont campus?
 11 A No.
 12 Q Or on the Fremont school site?
 13 A No.
 14 Q Have you ever seen any crime on the Fremont
 15 school site?
 16 A No.
 17 Q Have you ever seen anybody, you know, like
 18 put graffiti on the campus?
 19 A No.
 20 Q Are there gangs or the students that attend
 21 Fremont, are they members of gangs?
 22 MS. LHAMON: All the students?
 23 BY MR. ROZWOD:
 24 Q Any student?
 25 A I wouldn't I know if any of them are gang

1 members. But they are not going around, "I'm from this
2 gang or that gang," because that's going to create
3 problems, create fights. I'm pretty sure they are, but
4 they really don't say, "I'm from this gang or that gang."

5 Q Have you witnessed any fights at your
6 school?

7 A Yes.

8 Plenty of them.

9 Q How many?

10 A A lot. There is like twice a week.

11 Q Are those gang fights or just --

12 A They are just dirty look fights, like look
13 at people.

14 Q Other than the fights, have you ever seen
15 instances of violence on the school site?

16 A Well, one time when I was in class, when the
17 bell rang to go home, they didn't let us out because
18 across the street there was a drive-by shooting and they
19 shot somebody, and they didn't let us come out.

20 Q How long did you have to stay?

21 A Fifteen minutes, because the police was all
22 around.

23 Q Can you think of any other instance of
24 school violence at or near the school site?

25 A No. That's the only thing.

1 schools.

2 And at the end in our senior year a lot of us
3 don't know where we're at because our counselors don't
4 call us or summons us and say, "you know what, you need
5 this class or that to graduate."

6 If you're interested in graduating, you have to
7 talk to your counselor and show up yourself and let them
8 know where I'm at. That particularly -- that's where I
9 stand. That's why a lot of seniors don't graduate.

10 Q Because they don't see the counselors
11 themselves?

12 A Yes, and some of them drop out.

13 Q So --

14 A And/or transfer to other schools.

15 Q So, there is an attrition problem at
16 Freemont?

17 A Yes.

18 Q As a result of the factors you mentioned,
19 transfers, pregnancies, dropouts?

20 A Yes.

21 Q Any other factors that contribute to the
22 attrition problem at Freemont that you can think of?

23 A No, unless somebody get killed or something
24 that's in the same class.

25 Q Do you know anybody that's transferred out

1 Q Do you think Freemont school has a violent
2 or unsafe image?

3 MS. LHAMON: Calls for speculation.

4 THE WITNESS: I don't know. I guess it depends
5 how everybody looks at it. To me it's all the same. I
6 don't find no sense in the bars. It doesn't do any good.
7 It's all the same.

8 BY MR. ROZWOOD:

9 Q You see where it says on the second page,
10 the second column, at the top, the senior
11 class is about a third of the size of lower classes?

12 A I think --

13 MS. LHAMON: He hasn't asked you a question.

14 THE WITNESS: I do see that.

15 BY MR. ROZWOOD:

16 Q Is there a problem with attrition at your
17 school, if you understand?

18 A Attrition?

19 Q Just means people don't continue on through
20 completion towards a degree?

21 A Yes, it, is because the main problem is
22 when -- I know that in the ninth grade, there's a lot of
23 us. You know. There is a big majority of us.

24 But during the eleventh, twelfth grade, girls
25 get pregnant, people drop out, people going to different

1 of Freemont?

2 A Yes, a lot of people.

3 Q Personally, you know them personally?

4 By name?

5 A I can't think of the last name, but I know
6 plenty of them that left the school.

7 Q More than 10?

8 A Yes.

9 Q More than 20?

10 A More than 50.

11 Q Why did they leave, do you think, or was it
12 different reasons?

13 A All different reasons, because if you don't
14 stay like in the Freemont area, you have to leave; or
15 they didn't like the school, or got OT, that is
16 opportunity to transfer, if they get too much into
17 trouble.

18 Q Is there a safety problem for the students
19 that attend Freemont?

20 A There isn't a safety problem. I mean -- you
21 mean, regarding the security guards? Or just over all?

22 Q Is it dangerous? Is it a dangerous place to
23 be?

24 A I don't find it dangerous. I think having
25 security guards is a waste of time. They are getting

1 paid for nothing, just to walk around.
 2 Either way, the student goes to classes. It
 3 doesn't make many no sense.
 4 Q I didn't hear.
 5 A I said it's a waste of time by having them
 6 there. The students go to class anyway, because they're
 7 just to tell the students, go to class, you're late; or
 8 if they are not, they round them up and take them to the
 9 tardy room, which makes no sense. That's a period of not
 10 going to your class.
 11 Q You see where it says a couple paragraphs
 12 down there in the second column, that "kids will not
 13 learn, teachers will not teach where they do not feel
 14 safe;" you see that?
 15 A Yes.
 16 Q You don't think there is an issue about
 17 feeling safe for students and teachers at Freemont?
 18 MS. LHAMON: I object, calls for speculation as
 19 to the teachers.
 20 THE WITNESS: I think the school is safe. There
 21 is nothing wrong with it.
 22 BY MR. ROZWOOD:
 23 Q You agree you have to feel safe in order to
 24 learn as a student? I guess you should.
 25 A But overall, I think the school is safe.

1 Q Do the episodes of violence you discussed
 2 contribute or interfere with a student's ability to
 3 concentrate on their school work?
 4 MS. LHAMON: Calls for speculation as to other
 5 students.
 6 THE WITNESS: I don't know how the other
 7 students feel. But in my opinion, it depends.
 8 If you live like in a neighborhood filled with
 9 violence and you're encountering it every day, it may
 10 create a problem.
 11 If you don't, I don't think it will create a
 12 problem for you to study hard and do your school work.
 13 If you're exposed to violence every day, you
 14 know --
 15 BY MR. ROZWOOD:
 16 Q I'm going to ask you if you recognize a few
 17 names.
 18 Eliana Sanchez?
 19 A Elian?
 20 Q Eliana.
 21 A Huh-uh.
 22 MS. LHAMON: No?
 23 THE WITNESS: No.
 24 BY MR. ROZWOOD:
 25 Q Do you recognize the name Pat Nichols or

1 Mr. Nichols?
 2 A No.
 3 Q Do you recognize the name Augustine or
 4 Auggie Herrera?
 5 A Yes.
 6 Q Who is he?
 7 A Mr. Herrera, he was one of the -- I think
 8 like a vice principal or something.
 9 Or a dean now.
 10 Q Do recognize the name Cliff Kerr or
 11 Mr. Kerr?
 12 A Yes.
 13 Q Who is he?
 14 A Before we had the new principal, he had took
 15 over, he was principal. But over all, ever since I
 16 attended Freemont, he was a dean.
 17 Q And the current principal is Ms. Roland?
 18 A Yes.
 19 Q Do you recognize the name Lupe Simpson or
 20 Guadalupe Simpson?
 21 A Yes. She used to be our principal.
 22 Q Before Mr. Kerr?
 23 A No. First it was Ms. Simpson. And then it
 24 was her cousin, I think, Mr. Herrera. I think I got that
 25 mixed up.

1 Mr. Herrera was the principal for last year, for
 2 the class of 2000. Then Ms. Roland is this year's
 3 principal.
 4 Q Do you recognize the name Marci Hines or
 5 Ms. Hines?
 6 A Yes, she was the first principal of Freemont
 7 when I started, wasn't she? Yeah, I think.
 8 Chinese lady.
 9 Q Chinese lady?
 10 A Yeah.
 11 Q And do you recognize the name Linda Jones or
 12 Ms. Jones?
 13 A No.
 14 Q So, other than what you've testified to on
 15 the Freemont school site at or near the Freemont school
 16 site, can you think of any other instances of crime that
 17 have occurred?
 18 A No.
 19 MS. LHAMON: Anywhere?
 20 THE WITNESS: Like around the school?
 21 BY MR. ROZWOOD:
 22 Q Right.
 23 A No, just that incident I told you right
 24 across the street when they had the shot.
 25 Q Other than that, you can't think of any?

1 A Uh-huh.
 2 Q Have you ever witnessed any gang activity to
 3 your knowledge at or near the school site?
 4 A The only thing I was always outside when
 5 they were going to do rumbles or chased somebody down the
 6 street.
 7 Q Like a Freemont student or --
 8 A Like a whole group.
 9 Q Who did they chase?
 10 A Like another group of gang members.
 11 Q You've seen that happen?
 12 A Yes.
 13 Q Near the school site?
 14 A Well, I've seen them chasing them or
 15 following them in cars, but not around the Freemont area.
 16 I don't know where they end up at the end.
 17 Q Is there a drug problem in terms of people
 18 using drugs or abusing drugs to your knowledge at
 19 Freemont?
 20 A I'm pretty sure people take drugs, but I'm
 21 not seeing it. Not exposed to seeing people smoking
 22 something in front of me or drinking something in front
 23 of me.
 24 Q Do you think the neighborhood in which
 25 Freemont is located interferes with the students' ability

1 to obtain an adequate education?
 2 A No.
 3 MR. ROZWOOD: I'd like to take a minute.
 4 (Recess taken.)
 5 BY MR. ROZWOOD:
 6 Q The First Amended Complaint states that at
 7 Freemont, as many as three student must share a single
 8 book during class time in some classes.
 9 Which classes does that refer to, to your
 10 knowledge?
 11 A For example, my Government class. We don't
 12 get a full class set -- we do get a class set, but the
 13 thing is that there's too many students in that class.
 14 So, we have to share books.
 15 Q How many students are in your Government
 16 class?
 17 A I have around 45, 45 students in that one
 18 class.
 19 Q How many books do you have?
 20 A You have like around 30.
 21 Q That's not a class where three students
 22 share a book, is it?
 23 A Government?
 24 Q Ycs.
 25 A Two of us share one book.

1 Q But this statement says as many as three
 2 students share a single book during class, and I'm asking
 3 which class?
 4 A Government.
 5 Q You have 30 books for 45 students, that's
 6 not a class where three students have to share one?
 7 A Yeah, but the thing is, many of the books
 8 have deteriorated, that many of them we can't use.
 9 Q Is it true that students share a book during
 10 class in Government?
 11 A Two or three, depends.
 12 Q Any other classes that you can think of in
 13 which three students share a single book during class?
 14 A No. Not that I'm in. Probably others, but
 15 that's the only one I can think of.
 16 Q In all of the other classes you have enough
 17 books to use in class?
 18 A For that period, but not to take home.
 19 Q Let me ask you, do you have a place to study
 20 at home?
 21 A Yes.
 22 Q Where do you study at home?
 23 A In my room.
 24 Q Do you have your own room?
 25 A Yes.

1 Q Is this where you generally do your
 2 homework?
 3 A Sometimes in the living room while watching
 4 TV.
 5 Q Do you ever do your homework in the library
 6 or any other locations besides watching TV in your living
 7 room, or in your room?
 8 A Besides that, in the Community Coalition,
 9 they have a homework study room with tutors in there, in
 10 case you need help with any subjects.
 11 Q How often do you go there?
 12 A Twice a week.
 13 Q To do your homework?
 14 A No, because they have it for that, and then
 15 we have meetings.
 16 Q Do you do your homework sometimes at the
 17 Community Coalition?
 18 A Yes, I have.
 19 Q On Line 5 it says, "students in many other
 20 classes also cannot take books home for homework."
 21 A Yes.
 22 Q Which classes does that refer to?
 23 MS. LHAMON: To your knowledge.
 24 THE WITNESS: To my knowledge, to me it's in all
 25 my classes. In my math class, Government, Economics, and

1 American Literature.
 2 BY MR. ROZWOOD:
 3 Q In your other classes, do you have
 4 sufficient books to take home for work?
 5 A Only those four classes.
 6 Q That's are your only four classes?
 7 A Uh-huh.
 8 Q Can you think of any?
 9 A Government class, Economics, and I'm taking
 10 Health, too.
 11 Q Did you submit a Declaration in support of
 12 the class certification motion in the case?
 13 A No, that I was going to be here or the
 14 Declaration, where I got --
 15 MS. LHAMON: Asked and answered.
 16 MR. ROZWOOD: She answered "yes." I remember
 17 now.
 18 Q Are you aware your brother Glauz was going
 19 to act as a class representative in this case?
 20 A Yes, I was aware of that.
 21 Q Do you know why he's not no longer acting as
 22 a class representative in this case?
 23 A My mom was having some concerns, and so was
 24 he.
 25 Q What concerns was your mom having?

1 A Like financial aid, and if he was going to
 2 get in trouble for doing this; if it was going to affect
 3 him in the future, if he was applying for a scholarship
 4 or something.
 5 Q Any other concerns that your mother had?
 6 A No, that was the only concern she had.
 7 Q What concerns did Glauz have?
 8 A He was afraid.
 9 Q Any other concerns he had?
 10 A That's it. That was the same concerns my
 11 mom had, but he wasn't really that concerned about the
 12 financial aid or scholarship to go to college next year.
 13 Q Did he tell you why he was afraid?
 14 A I guess he didn't want to be exposed to all
 15 this.
 16 Q Is this what he told you?
 17 A Not in those words, but yes.
 18 Q Can you tell me what words he used?
 19 A "I don't want to go."
 20 Q This is a copy of the Declaration you
 21 signed, which we will mark as Exhibit 2 to the
 22 deposition.
 23 (Cindy Diego Exhibit 2, Declaration, marked for
 24 identification.)
 25 BY MR. ROZWOOD:

1 Q It appears from the page stamped, you know,
 2 PLTF 00131, you signed the Declaration on August 9th,
 3 2000?
 4 A Yes.
 5 Q Is this the second meeting --
 6 A This is the second meeting.
 7 Q -- you referred to earlier until deposition?
 8 A Yes.
 9 Q Okay.
 10 MR. ROZWOOD: I'll mark this report card as
 11 Exhibit No. 3.
 12 (Cindy Diego Exhibit 3, Report Card, marked for
 13 identification.)
 14 MR. ROZWOOD: It doesn't have a Bates stamp, but
 15 it's dated November of 2000.
 16 MR. ROZWOOD: Exhibit 4 is your report card
 17 dated February 2001.
 18 (Cindy Diego Exhibit 4, Report Card, marked for
 19 identification.)
 20 MR. ROZWOOD: I want to introduce Exhibit 5, a
 21 copy of your cumulative record, which I'll provide to you
 22 and your counsel and Mr. Friedman.
 23 (Cindy Diego Exhibit 5, Cumulative Record,
 24 marked for identification.)
 25 MR. ROZWOOD: The only other document I have

1 from your counsel is this SAT Program Student Score
 2 Report dated December 2nd, 2000, which we will mark as
 3 Exhibit 6.
 4 (Cindy Diego Exhibit 6, SAT scores, marked for
 5 identification.)
 6 BY MR. ROZWOOD:
 7 Q Has Freemont always been a multitrack school
 8 since you've attended?
 9 A Yes.
 10 Q Have you always been on the B track?
 11 A Yes.
 12 Q You state in your Declaration in Paragraph
 13 3, the last sentence, that in your Algebra 2B class last
 14 year you were tested on your first day after break and
 15 didn't do well because you couldn't remember everything
 16 you learned before the break?
 17 A Yes. That's true.
 18 Q How many tests did you take over the course
 19 of your Algebra 2B class in that semester?
 20 A We take one every Friday. That has to do --
 21 we take a test every Friday having to do with the
 22 subjects that he has discussed during the week.
 23 Q Do you have any other exams or tests or
 24 quizzes in addition to those weekly exams?
 25 A No. Just when we come back on break, he

1 gives us a test of everything we have learned while we
2 were in school, I guess to see how far -- I mean like how
3 well we're doing, or to see where we're at.

4 Q Does that test count towards your grade in
5 Algebra 2?

6 A Yes.

7 Q Do you have any understanding as to how much
8 each test counts towards your grade in Algebra?

9 A Each test is 50 points. 50 is an A.

10 It depends on the percentile you get. He rounds
11 it off, and that's your grade.

12 Q So, let me see if I have this right.

13 There is a test when you return on the first day
14 after break, and a weekly Friday exam, and no other tests
15 that affect your final grade in the class, correct?

16 A No. And then you have to do your homework.

17 Q Does the homework count towards your grade?

18 A Yes.

19 Q Fifty points for each test, is that true for
20 the test on the first day back as well, 50 points?

21 A Yes, but it counts towards your grade by --
22 I guess he slashed the grade in half or something like
23 that. That way it doesn't affect your grade that bad, if
24 you're not doing so good in his class.

25 Q For everybody?

1 A Yes.

2 Every week.

3 Q How many points do you get for your
4 homework?

5 A Twelve points.

6 Q How many?

7 A Twelve.

8 Q Twelve for each assignment?

9 A (No audible response.)

10 Q You get how many assignments per week?

11 A One every day.

12 Q Is this four per week or five?

13 A Four, because on Friday is the test.

14 Q Is it customary for math classes at Freemont
15 to test their students at the start of a semester after
16 they return from break?

17 A I don't know if it's customary, but I guess
18 he does it to see where you're at, if you forgot or
19 didn't -- and if I guess if you did, he can go back to,
20 you know, make us remember.

21 Q Is this your current teacher?

22 A Yes.

23 Q What's his name?

24 A [REDACTED]

25 Q How would you describe [REDACTED] as a

1 A No -- for everybody.

2 Q So, is it fair to say --

3 Well, is that test after a return from break
4 worth 25 points, as opposed to 50 points?

5 A Yes.

6 Q How many weeks are in a given -- you call
7 them semesters or sessions?

8 A Semesters.

9 Q How many weeks of school do you have for
10 each semester?

11 A I have six weeks, I think.

12 Q Well let me look at the track. You attended
13 from May to August and November to February?

14 A Yes, yes.

15 Q Let's see seems like four months. And then
16 November, December, January, February another four
17 months.

18 Is that accurate, eight months?

19 A Yes.

20 Q Each semester being four months?

21 A Yeah. Four months.

22 Q So, maybe about 17 weeks or 18 weeks,
23 something like that?

24 A Approximately.

25 Q You take a test every week?

1 teacher?

2 A Not very good.

3 Q Why not?

4 A He doesn't explain. He jumps to one thing
5 to another. He skips steps and he's just real hard to
6 understand.

7 Q Did you ever tell [REDACTED] that he's hard
8 to understand?

9 A No. At the end he makes his write like this
10 short little -- I don't know, like a short little
11 comments.

12 But it's anonymous. And we have to write over
13 all what we think about the class. And he will read it
14 and look over it and try to make it better.

15 Q Did you ever approach [REDACTED] during the
16 semester about him being difficult to understand?

17 A He knows that he's difficult to understand
18 because I've told him. And I've tried tutoring. Doesn't
19 work.

20 I don't understand him. He's real hard. He
21 doesn't know how to explain himself.

22 Q Did you have you told your parents about
23 this problem?

24 A No.

25 Q Have you told anyone at the school about

1 this problem?

2 A No, because I mean, in his class I do all
3 right, because what I do is just read the book, and that
4 makes me understand. And there is a tutor at the
5 Community Coalition and he helps me with the math.
6 And he makes he understand a little bit more
7 better.

8 Q Did you ever complain to a counselor about
9 [REDACTED] being difficult to understand?

10 A Yes.

11 Q Which counselor?

12 A Mr. Skirbin, S-K-I-R-B-I-N.

13 Q Have you had that counselor the whole time
14 at Freemont?

15 A No. I had like four different counselors.
16 He's not there any more.

17 Q Where is he now?

18 A I have no idea.

19 Q What did Mr. Skirbin do when you complained?

20 What did Mr. Skirbin do after you complained
21 to him about [REDACTED] being difficult to understand?

22 A Okay. I had failed his class, because that
23 is my second time taking Algebra 2B.

24 I failed his class. So I asked Mr. Skirbin if I
25 can take them again. And his recommendation was, don't

1 simpler, easier way than what the teacher does.

2 Q When you say in your Declaration you didn't
3 do well on that test the first day back after break, did
4 this affect your grade?

5 A Yes, [REDACTED]

6 Q If you had done well on the test, you

7 [REDACTED]

8 A [REDACTED]

9 Q You say in Paragraph 4 that you're not
10 supplied with the things you need.

11 What supplies are you missing?

12 A Books.

13 MS. LHAMON: The document speaks for itself.
14 Objection.

15 THE WITNESS: I need books. Seats. There is
16 not enough chairs to go around. Sometimes there is not
17 enough worksheets to go around.

18 Most of all, it's just books. We don't have one
19 for ourselves to take home. It really is a shame.

20 BY MR. ROZWOOD:

21 Q If you were in charge, would you have spent
22 the \$475,000 used on the fence, on books instead?

23 MS. LHAMON: Objection, assumes facts not in
24 evidence.

25 THE WITNESS: Well, it would have been worth it.

1 take them again because you don't understand him.

2 I told him okay, since I don't understand him,
3 can I get another teacher? He's like "no," because
4 [REDACTED] is the only one teaching Algebra 2B.

5 So I was like -- "I need it because it's
6 required for me to go for a four-year university."

7 So I'll take him anyway to see how I get. And
8 I'll get a tutor. So he gave it to me. But what he
9 suggested is to leave it alone.

10 Q Do you know if any of the other students in
11 [REDACTED] class are able to do well, get As?

12 A There is like three or four getting As, but
13 the rest of them have the same problem I have.

14 Q How many students are in [REDACTED] class
15 this year?

16 A 40.

17 Q And only three or four get As?

18 A Yes.

19 Q How do you know only three or four get As?

20 A They are the ones that get As all the time,
21 and they offer to help me -- most of them do.

22 Q Do you ever take them up on it?

23 A Yes.

24 Q How does it work?

25 A It works. They just explain to me a

1 The books will be -- I mean, what am I going to
2 read on a fence? Yeah, I would have spent that money on
3 books, more common sense.

4 BY MR. ROZWOOD:

5 Q You would have preferred them to spend that
6 money on textbooks and not on the fence, correct?

7 A Yes.

8 Q On a scale of one to ten, how would you rate
9 [REDACTED] as a teacher?

10 A A one.

11 Q Ten being the best?

12 A Yes.

13 Q Okay.

14 Do you know what Freemont's policy regarding
15 the distribution and return or textbooks to students is?

16 A Okay. If they distribute a textbook to you
17 when you're about to go off track, like two days before
18 you're supposed to give them back to the teacher, and you
19 have to fill out the receipts, like a blue and a white
20 card.

21 The blue card is for you to keep when you return
22 the book as a receipt. But if you lose the book, they
23 have you in this sheet saying you owe a book.

24 If you owe a book, you don't get a book. You
25 don't get a book. They don't issue a book.

1 For example, I owe a book. I owe a Spanish
2 book. In my health class, she was like, "you owe books,
3 so I'm not giving you one."

4 A lot of teachers are lenient, like you owe a
5 book, it doesn't matter. Fill out the receipt anyway.
6 I'll get you a book. But some teachers are like, "if you
7 owe a book, we're not giving you one."

8 Q If you owe a book it's because you failed to
9 return it two days before the track ends?

10 A Yeah, or if you lost it, or whichever.

11 Q What happened in your case with your Spanish
12 book?

13 A I asked a friend to turn it in for me, but I
14 didn't get my blue receipt back; I mean the blue card
15 that showed I turned in my book.

16 Q Which friend returned your Spanish book?

17 A She doesn't attend Freemont any more.

18 Q What's her name?

19 A Leonarda, L-E-O-N-A-R-D-A.

20 Q Her last name?

21 A Garcia.

22 Q Was she a student in your Spanish class with
23 you?

24 A Yes.

25 Q Why did you ask Leonard to return the

1 about what percentage of students return the books at the
2 end of the track?

3 MS. LHAMON: Objection, calls for speculation.

4 THE WITNESS: I have no idea.

5 BY MR. ROZWOOD:

6 Q Can you give me your best estimate?

7 A Probably like --

8 MS. LHAMON: You shouldn't guess. You can
9 estimate if you know.

10 THE WITNESS: Probably like -- I don't know,
11 half the students turn in the books, and probably the
12 other half turn them in late, probably when they come
13 back later on again on track.

14 BY MR. ROZWOOD:

15 Q So, about half the students in your
16 experience keep their books over the break between
17 tracks?

18 A Over the break.

19 Q Why do they do that?

20 A (No audible response.)

21 Q Do you know?

22 A Because sometimes the teachers set a date
23 on -- I want to bring, for example, if they say I want to
24 bring the book on Monday, a lot students go, "I forgot."
25 Especially if they tell you Friday. Over the weekend --

1 Spanish book for you?

2 A Because the day before she told me she can
3 return the book, and she went to my house to pick it up.
4 That day I couldn't go to school.

5 Q Why didn't you go to school on that date?
6 Do you remember?

7 A No. I don't remember.

8 Q So, the school keeps the white card as a
9 record of who has which textbook?

10 A Yes.

11 And if you owe a book, either you return it to
12 the bookstore or whatever, to the book lady.

13 You can return it to her, and she'll give you
14 the blue card, or you have to pay the money, if you don't
15 have the book.

16 Q The books that are returned two days before
17 the track ends, are those the same books used for the
18 students?

19 (Discussion off the record.)

20 BY MR. ROZWOOD:

21 Q The books returned at the end of the track,
22 are those the same books used by the students by the
23 start of the new track?

24 A Yes, they are the same ones.

25 Q In your experience in classes at Freemont,

1 forgot. They forgot or just don't go to school.

2 Q Have you ever kept a book over the break
3 between tracks?

4 A No.

5 Q That's a bad question. Strike that
6 question.

7 Do you know if Freemont had a policy regarding
8 the issuance of -- strike that.

9 Do you know if Freemont has a policy regarding
10 inspecting textbooks before issuing them to students
11 starting a new track?

12 A I don't know about if they have a policy,
13 but I know the teachers always say okay, that is a
14 brand-new book, condition A.

15 And they let you know when it's a brand new
16 book. If not a brand new book, you have to do it
17 yourself, either if it's condition B or C.

18 Q That goes on the white card or the blue
19 card?

20 A Both of them, because both of them have the
21 same information. One is the receipt and one the
22 school's receipt.

23 Q If you get a book in B condition, do you
24 have to return it in B condition?

25 A Yes.

1 Q What if you don't?
 2 A Well, they don't look at it like your book
 3 was B condition, it is -- now it is C, as long you turn
 4 in the book, that's the most important, what they really
 5 look for -- you turn in your book.
 6 Q In Paragraph 4 you say that the books in
 7 your Economics class are in C condition?
 8 A Yes.
 9 Q Is this all of the books -- excuse me, is
 10 this the same class you have 30 books for 45 students?
 11 A Yes, because it's Government and Economics,
 12 almost at the same time.
 13 Q And the 30 books you have are all in C
 14 condition?
 15 A Yes.
 16 Q Have you ever complained to the teacher or
 17 the counselor or any other school official regarding the
 18 condition of your textbooks in Economics and Government
 19 class?
 20 A No, not for being C condition. But when
 21 they are really like dirty, they just give you another
 22 book.
 23 Q When there are books that are torn or
 24 written on or falling apart, you can get a replacement
 25 book?

1 A Yes, but these books -- we don't get to take
 2 home, because there is not enough to go around for each
 3 students.
 4 Q So, right now, out of those 30 books you
 5 have in your Government and Economics class, none of them
 6 are torn or falling apart?
 7 A No.
 8 MS. LHAMON: Was your "no," that's not correct,
 9 or no, they are not torn up?
 10 THE WITNESS: No, they were not like torn or
 11 really like messed up.
 12 BY MR. ROZWOOD:
 13 Q You said you attended school between May and
 14 August, correct?
 15 A Yes.
 16 Q And this Declaration a signed on August 9th,
 17 is this at the end of one of your summers terms, towards
 18 the end of one of your semesters the way your track
 19 works, correct?
 20 A No. I was in school during this.
 21 Q Towards the -- in the last month of one of
 22 your semesters?
 23 A Yes.
 24 Q At that time in the fourth month of your
 25 four-month semester, did you have books that were torn up

1 and falling apart in your Economics and Government class?
 2 A Yes, like two or three.
 3 Q You don't have this problem any more,
 4 correct?
 5 A No. I mean -- sorry. Because there is
 6 different Government and economics teachers. Everybody
 7 gets different books.
 8 It depends on the book, what teacher gets the
 9 best books and which one gets the worst books.
 10 Q Do you have the same teacher? Correct?
 11 A No. I have a different teacher now.
 12 Q What's your -- what was the teacher at the
 13 time you wrote the Declaration?
 14 A [REDACTED]
 15 Q Your teacher now for that class?
 16 A Mr. Edwards.
 17 Q In Mr. Edwards' class, you don't have a
 18 problem with the condition of your textbook?
 19 A No.
 20 Q In [REDACTED] class, there were only two
 21 or three textbook that were in torn or in falling apart
 22 condition?
 23 A Yes.
 24 Q Did you ask [REDACTED] to see if you can
 25 find replacement textbooks for those two or three books?

1 A I never asked him, but I know he couldn't,
 2 because a lot of books are already distributed to
 3 different teachers. So I guess he had to settle with the
 4 ones he had.
 5 Q Do you know if any students ever asked him
 6 to see if they could get replacement textbook for those?
 7 A No. But I guess the only alternative he had
 8 was for us to share the books.
 9 Q Were there books in torn -- strike that.
 10 Were any of the torn or falling apart books --
 11 strike that.
 12 Did any of these books that were torn or falling
 13 apart sit unused in the class because of their condition?
 14 A Yes.
 15 Q How many?
 16 A Like three or four.
 17 Q Do you know if [REDACTED] ever asked for
 18 replacement textbooks for those?
 19 A No. I don't know about.
 20 Q Do you know if any student ever asked him to
 21 get more books for the class or --
 22 A Yes, I know that many of the students did
 23 ask for him, if he could get books or distribute for us
 24 for our own benefit.
 25 But he said he couldn't, because it wasn't

1 enough books to go around.
 2 A lot of times he would go to Kinko's or just
 3 make -- or just tell the schools to make copies. And he
 4 would like distribute the work sheets.
 5 We couldn't write on the worksheets. We had to
 6 write on our piece of paper.
 7 We worked on the books once in a while or
 8 watched movies that had to do with Government or stuff
 9 like that.
 10 Q Did [redacted] assign homework exclusively
 11 through work sheets, or did he sometimes ask provide you
 12 with textbook to take home?
 13 A We didn't have homework in his class. It
 14 was all class work.
 15 Q How would you describe [redacted] as a
 16 teacher?
 17 A He's a teacher that really doesn't teach by
 18 the book. From the scale one to 10, I rate him a five.
 19 Q What else can you tell me about [redacted]
 20 as a teacher?
 21 A As I say, he didn't teach by the book. He
 22 like -- what he does is just has an oral explanation
 23 about everything.
 24 He just talks and talks about things. Lets us
 25 take notes. We watch movies of things that he talks

1 Q Is this true about all the movies that
 2 [redacted] shows? Are they useful educational tools?
 3 A No.
 4 Not all of them are educational tools.
 5 Q Can you think of any movies that are not
 6 proper educational tools?
 7 A Like we saw the movie "My Cousin Vinnie," we
 8 saw that one. I didn't find that educational at all.
 9 Q What was the supposed educational purpose of
 10 that film?
 11 A The educational purpose of this one, because
 12 I think they had different laws and because it was about
 13 supposedly he had killed the man in the store and that
 14 little country they were at they had different laws than
 15 in New York or in the United States.
 16 That was different, too.
 17 Q Can you think of any other examples of
 18 movies shown that you don't think had a good educational
 19 purpose?
 20 A I watched the other movie, but I cannot
 21 remember the name. It was about a judge, that he had to
 22 make hard decisions for the delinquents that have created
 23 a big crime.
 24 He had to let them go, but it wasn't on his
 25 book. It wasn't, you know, in the law or something. I

1 about. And --
 2 Q What type of movies?
 3 Can you give me examples?
 4 A (No audible response).
 5 Q Like documentary movies?
 6 A No, just movies. Regular movies.
 7 Like, for example, like when I met Catherine, it
 8 was about how first we were talking about the difference
 9 between the cultures of Mexicans and just different
 10 cultures and how there was different laws in Iran and the
 11 United States.
 12 So, we were watching the movie "Life Without my
 13 Daughter" and how it was so different than the United
 14 States in Iran, how the women in Iran had to be covered
 15 up from head to toe; they had to -- always had to listen
 16 to their husband.
 17 And in the United States it wasn't like that,
 18 the woman and man were -- he just -- in everything, his
 19 explanation -- he has a movie to explain. That's pretty
 20 much --
 21 Q Did you find the movie to be a useful
 22 educational tool?
 23 A Yes. It was useful.
 24 Just to see -- I guess to see at different
 25 levels everybody lives differently. It was pretty good.

1 can't remember the name.
 2 Q Okay. Can you describe for me Mr. Edwards
 3 as a teacher?
 4 A He's real good. I give him a 10 in a scale
 5 of one to ten. Every day he has a Quote of the Day and
 6 This Day in History.
 7 He has a Quote of the Day and who said the
 8 quote. This Date in History or This Day in History years
 9 ago -- he writes a passage that has happened.
 10 And then we had to work on section reviews and
 11 have to read it over and work on the sections and
 12 questions.
 13 If we haven't finished it, we can take the book
 14 home only one day and bring it back tomorrow with the
 15 work completed. And it's just basically about money,
 16 economics, the laws, currency, he's good about that; and
 17 history.
 18 Q We have gone through these teachers:
 19 [redacted] and Mr. Edwards.
 20 [redacted] a one; [redacted] five; and Edwards
 21 a 10 out of 10.
 22 I'm wondering what it is that you think makes a
 23 good teacher, the qualities that make a good teacher
 24 versus a bad teacher?
 25 Can you describe those to me?

1 A To me, a good teacher is a teacher that's
2 prepared, somebody that has a lesson plan for the whole
3 week. If he has a lesson plan for the whole semester, if
4 possible.

5 Somebody that explains well; that actually takes
6 the time to sit down with you and explain word by word
7 everything that he wants you to do, everything he wants
8 us to learn, everything that has to do with what he will
9 be teaching during this week. Somebody that doesn't
10 hesitate to tell you, did you understand? I can repeat I
11 again.

12 A lot of teachers don't take the time to say,
13 did you guys understand? Let me teach you again, okay?
14 Did you get it?

15 They just sit down and expect you to do the best
16 that you can.

17 Mr. Edwards, every day -- the quote, he reads it
18 and says, who said it? Because he has it written on the
19 board and reads it and says it, and then he talks a
20 little bit about this person.

21 In history, he reads a little, you know, passage
22 he has written and adds more.

23 And at the end, he leaves vocabulary and we
24 watch movies, like educational movies, things that have
25 to with economics, with taxes, with financial assets,

1 students. I don't blame him.

2 But in my opinion, I'm not saying he's a bad
3 teacher. I really don't understand what he would be
4 talking about. You know, I guess each teacher has their
5 own way of teaching.

6 He doesn't take the time to say, you know what?
7 I'm going to go over it again.

8 He does, you know, offer tutoring, but it
9 doesn't do any good. As I said, each has their own way
10 of teaching. He looks at things in different ways. Not
11 everybody is the same.

12 MS. LHAMON: I'd like to take a break.

13 MR. ROZWOOD: One more question.

14 Q You mentioned Mr. Edwards show movies as
15 well for educational purposes?

16 A Yes.

17 Q Can you think of any example of movies he
18 showed you?

19 A For example, every subject that we go
20 through in the Economics book, he shows a movie.

21 When the beginning of the break, -- when we were
22 going off track at the end of the break, we were talking
23 about taxes.

24 So he showed us a movie about taxes, about
25 different taxes; that that was like -- for example, if

1 with saving bonds, and so on.

2 And at the end, on Friday we have to turn in
3 vocabulary and he gives us a test about the quote of the
4 day, but let's us use the notes.

5 Instead of using the notes, we already know,
6 because he has explained to us during the week.

7 So, you know, most of the things he does to me,
8 that's a good teacher, somebody that cares and is
9 explaining to you everything you're supposed to know.

10 Q Someone who actually cares and who's
11 organized with their lesson plan?

12 A Yes.

13 Q In addition to and outside of what you
14 already told me, is there anything else that makes a good
15 teacher?

16 A Somebody that is dedicated to the work and
17 loves what they do. And they are actually doing their
18 job correctly.

19 Q What about qualities of teachers that are
20 aren't so good?

21 Like [REDACTED]?

22 A Well, [REDACTED] or -- overall the
23 teachers, I think that everybody has their own way of
24 teaching. I guess that's the only way he can teach.

25 That's the only way he can reach out to

1 you want to open a small business, all the taxes you had
2 to pay. All the things you could get reimbursed if you
3 had a small business.

4 That was one of the movies. Another one was
5 currency, how the currency changes from year to year, the
6 different currencies around the world, why the currency
7 changes because of counterfeiters.

8 Q You can you think of any other movies he
9 showed you, Mr. Edwards?

10 A Let me think.

11 MR. ROZWOOD: We can take a break and you can
12 think about it, and when we come back tell me whatever
13 you remember.

14 (Recess taken.)

15 THE WITNESS: The only ones I can think about
16 are the currency and the taxes.

17 BY MR. ROZWOOD:

18 Q How old is [REDACTED]?

19 A What do you mean, how old?

20 Q Do you know how old he is, if you had to
21 estimate his age?

22 A He's probably like 32.

23 Q And could you estimate the ages of
24 [REDACTED] and Edwards?

25 A [REDACTED] has to be around 34. And

1 Mr. Edwards, he's probably like 38. 39.
 2 Q Do you know how Fremont's teachers compared
 3 to the teachers of other schools?
 4 A I wouldn't be able to know.
 5 Q So, you have no -- no basis to compare
 6 Fremont's teachers to teachers of any other school,
 7 correct?
 8 A If I compared some teachers from my middle
 9 school to the ones in Fremont, I would like middle
 10 school teachers better.
 11 Q Why?
 12 A Because the things they would talk about
 13 would be more self-explanatory. And I guess they were
 14 just more -- more calm, and they had patience to teach.
 15 Q Do you have any personal knowledge about the
 16 qualification or ability of teachers in any other high
 17 school?
 18 A No.
 19 Q And just to go back and close the loop on
 20 textbooks, other than what you've already told me
 21 regarding your information from your friends that attend
 22 certain other high schools, do you have any other
 23 additional knowledge regarding the condition or quality
 24 or currency of textbooks in other high schools?
 25 A I know some friends from Washington,

1 Crenshaw, and Locke, they have the same problem with
 2 textbooks, that they are old and deteriorate. They don't
 3 have books to take home.
 4 Q Can you tell me the names of your friends
 5 and which schools they attend?
 6 A Well, they are friends of the Community
 7 Coalition, five different high school, so it's everybody
 8 that attends the meetings. And they talk about their
 9 situations in schools.
 10 Q There are five districts: Banning --
 11 A Banning is not included. Just a friend I
 12 have.
 13 The five schools is Fremont, Washington,
 14 Crenshaw, and Manual Arts, Locke, and what's the other
 15 school?
 16 Q I think that's five.
 17 A Because we just included Locke in our
 18 program. Did I mention Crenshaw already?
 19 Q Yes.
 20 Can you tell me the names of students involved
 21 in the Community Coalition that attend Westchester?
 22 A There is nobody from Westchester that goes
 23 to Community Coalition. Just friends I have. The
 24 Community Coalition is African-American Latino Youth from
 25 the ages of 15 to 17 years old.

1 Q Can you tell me any names of any Fremont
 2 students other than yourself that are part of the
 3 Coalition?
 4 A My brother, Glauz Diego.
 5 Diana Lozano, D-I-A-N-A, L-O-Z-A-N-O.
 6 Caro Mszariegos, M-S-Z-A-R-I-E-G-O-S.
 7 Q And any other Fremont students?
 8 A Carla -- Carla Enriquez.
 9 Q Is that E-N-R-I-Q-U-E-S?
 10 A Z.
 11 Q Any other Fremont students?
 12 A Lissette Enriquez, L-I-S-S-E-T-T-E.
 13 Q Any other Fremont students you can think
 14 of?
 15 A No. That's about it.
 16 Q If you think of any more, will you let me
 17 know?
 18 A Carlos Leon. Do you want me to spell that?
 19 Q Your brother Glauz is in the eleventh grade?
 20 A Yes.
 21 Q What grade is Diane Lozano in?
 22 A Twelfth grade.
 23 Q Caro Mszariegos?
 24 A Twelfth grade.
 25 Q And Carla Enriquez?

1 A Twelve.
 2 Q Lissette?
 3 A Tenth.
 4 Q Carlos Leon?
 5 A Twelfth grade.
 6 Q Are there any other Fremont students you
 7 can think of?
 8 A I can't think. They don't go to the
 9 Coalition any more, a lot of them.
 10 Q When you say they "go to the Coalition,"
 11 does this mean they go twice a week and participate --
 12 A Yes, twice a week.
 13 Q I'm going to ask you, like the reporter
 14 tried to ask before, the best way to do this is to let me
 15 finish.
 16 Sometimes it's my fault. See if I'm done asking
 17 my questions. That way, you get your full answer, I get
 18 my full question, and we get a readable transcript.
 19 MR. ROZWOOD: So would you read that back?
 20 (The record is read as follows:
 21 "Q When you say they go to the Coalition,
 22 does this mean they go twice a week and
 23 participate --")
 24 THE WITNESS: Yes, they participate twice a
 25 week.

1 BY MR. ROZWOOD:

2 Q Can you think of any other Freemont students
3 that currently go to the Coalition and participate on a
4 regular basis other than ones you've listed?

5 A No.

6 Q Can you give us the list of students that
7 attend from Washington?

8 A George Hernandez.

9 Diandre. I can't remember the last name.

10 Q Lamkin?

11 A I think that's the last name.

12 Let me see.

13 Vrenely, V-R-E-N-E-L-Y, Garcia.

14 Q What about Diandre's brother, Delwin?

15 A Yes.

16 Q Delwin attended, too?

17 A Yes, I think so. This I know -- they used
18 to go to Crenshaw.

19 Q Any other Washington students that you can
20 think of?

21 A Brian Hawthorne.

22 Q Hawthorne?

23 A Uh-huh.

24 Q Any others?

25 A No. I can't think of any more.

1 Areana, and the other girl's name is -- I was talking to
2 her yesterday -- Christie.

3 But in Dorsey there is like six or seven
4 students, and they range from tenth, tenth to eleventh
5 grade.

6 Q I recognize the Lamkin twins as being
7 involved in this lawsuit.

8 Have you ever had any discussions with the
9 Lamkins, either Diandre or Delwin, about this lawsuit?

10 A The only discussion we have had is when one
11 of them came to talk to the lawyers.

12 That's the only discussion we have had.

13 Q What did you discuss?

14 A Just ask them the questions they had asked
15 them.

16 Q What did he say?

17 A They were asking me questions about the
18 lawsuit in their schools and going back and forth from
19 the Declaration, and that's about it.

20 Q Did they tell you anything about -- anything
21 else about the deposition?

22 MS. LHAMON: I'm going to instruct her not to
23 answer. Those conversations would be privileged. I'll
24 instruct her not to answer today.

25 BY MR. ROZWOOD:

1 Q Can you think of any that attended Crenshaw,
2 other than the Lamkin twins?

3 A I mean I know who she is, but I don't know
4 her name.

5 Q Just a student?

6 A Yes. There is like two or three students
7 that go to Crenshaw.

8 Q Do you know what grades George Hernandez is?

9 A He's a senior.

10 Q And the Lamkins, do you know?

11 A They are in eleventh grade, I think.

12 Q And Vrenely Garcia?

13 A Eleven.

14 Q Brian Hawthorne?

15 A He's a senior.

16 Q The three students you mentioned from
17 Crenshaw, do you know what grades they are in?

18 A Maybe tenth, eleventh grade.

19 Q And from Locke?

20 A From Locke, I don't know their names, but
21 there's like four of them. And they are in the ninth,
22 tenth grade.

23 The only other school was Dorsey.

24 Q Which students from Dorsey?

25 A I don't know the first name of one girl.

1 Q Are you going to follow your lawyer's
2 instructions?

3 A Yes.

4 Q Are there any other students, other than
5 your brother and the two Lamkin twins we've listed as
6 affiliated with the Coalition, that are involved in this
7 lawsuit?

8 A Yes. From my understanding, we're the only
9 ones in the Coalition.

10 Q When you say you are the only ones, you mean
11 you your brother and the two Lamkin twins are the only
12 other ones?

13 A That I'm aware of, yes.

14 Q I'm not sure I got it clear in my head, is
15 this how you became involved in this lawsuit, was through
16 the Community Coalition?

17 A Yes.

18 Q And was Mr. Dawson the person through which
19 you became involved?

20 A No.

21 Q Okay. I guess I forgot or never asked it
22 specifically, how did you get involved, how in particular
23 did you get involved through the Community Coalition?

24 A It was during a meeting, and I know it's a
25 group. It's an organization. I know it's a group.

1 They were talking about it if we were tired,
2 about the way -- I mean the way our school conditions
3 were or, you know, how they are now. Because it's been
4 going on through all these years, and we have been going
5 over and over again.

6 MS. LHAMON: I instruct you not to talk about
7 this any more, because it's my understanding this group
8 is an agent of mine.

9 BY MR. ROZWOOD:

10 Q Have you ever spoken to anyone at U.C.L.A.
11 about this lawsuit?

12 A Can I go ahead and answer?

13 MS. LHAMON: You can say whether you have?

14 THE WITNESS: I have.

15 BY MR. ROZWOOD:

16 Q What are the names of the people at UCLA
17 that you have spoken to about the lawsuit?

18 A That I don't know.

19 He told me his name, but I don't remember.

20 Q How many people from UCLA did you speak to
21 about this lawsuit?

22 A Just one, because I know that they were
23 trying to contact me on numerous occasions, but couldn't
24 find me.

25 Q Were they trying to contact you after the

1 explained to counsel that there are a number of UCLA law
2 students who have been interning at our office and worked
3 as agents of UCLA. And I am prepared to make a
4 representation today that I communicated with all of my
5 clients to let them know that some of these law students
6 would be contacting them, and I asked them to communicate
7 with those law students and those law students would be
8 acting as my agents.

9 BY MR. ROZWOOD:

10 Q Other than the people acting on behalf of
11 UCLA, has anyone else ever contacted you with regarding
12 this regarding this lawsuit?

13 A Just Ms. Lhamon. That's about it.

14 Q Looking back at your Declaration, am I
15 correct that this Declaration has been marked as Exhibit
16 2?

17 MS. LHAMON: Yes.

18 BY MR. ROZWOOD:

19 Q For the record, Exhibit 2 bears Bates stamp
20 numbers PLTF 00129 through PLTF 00131.

21 You state in Paragraph 4 of your Declaration at
22 the bottom that "The worksheets don't have enough
23 information on them; they just summarize what you're
24 supposed to do."

25 Can you think of any specific examples or

1 first meeting at the Community Coalition?

2 A No. It was way after that.

3 Q It was just one man from U.C.L.A.?

4 A Yes, one man that called me.

5 Q Did you have a discussion in the end with
6 this man, or did he finally reach you?

7 A He finally reached me.

8 Q What did you discuss?

9 ^ MS. LHAMON: I instruct you not to answer that
10 question, also.

11 MR. ROZWOOD: What basis?

12 MS. LHAMON: Attorney-client privilege, acting
13 as agents.

14 MR. ROZWOOD: Is the man from U.C.L.A. an
15 attorney?

16 MS. LHAMON: No, he's a law student.

17 MR. ROZWOOD: Is he an employee of your firm?

18 MS. LHAMON: He's acting as our agent when he
19 called her.

20 MR. ROZWOOD: UCLA -- off the record.
21 (Discussion off the record.)

22 MS. LHAMON: We had an off-the-record
23 discussion.

24 I can make a representation, if you want. We
25 had an off-the-record conversation during which I

1 instances where worksheets were insufficient to complete
2 the homework assignment?

3 A For example, the worksheet will have like a
4 little summary of a story. And then, it will be like --
5 like on the bottom, like, "okay, fill out questions 1
6 through 5 to the best of your ability of what you have
7 read."

8 So, basically in the worksheets what we had to
9 do was, in our own words, to summarize what the little
10 summary said about -- to summarize the question, asking
11 on each worksheet. So we don't have enough information
12 because we have to think over and over and read the
13 passage all over again to answer the questions on the
14 worksheet.

15 Q Can you think of any other examples where
16 the worksheet alone was insufficient to complete the
17 homework assignment?

18 A That's like most of the stuff that the
19 worksheet had.

20 Q Sorry?

21 A That's like most of what the worksheet had,
22 just little passages.

23 Q And the questions relate exclusively to the
24 passage of the textbook?

25 A The worksheets didn't have anything to with

1 the textbooks, because there was wasn't enough to go
2 around.

3 Q If you can answer the questions at the
4 bottom of the worksheet without the textbook?

5 A Yes.

6 Q In all cases?

7 What did you mean when you said, "The worksheets
8 don't have enough information on them"?

9 A It doesn't. It just has -- like it's a
10 quick summary, doesn't explain like a book does.

11 Like a book has examples. And it gives you
12 examples and, you know, gives you examples and just goes
13 through, gives you definitions of everything, what
14 everything means, and the worksheet doesn't.

15 A worksheet is just a quick summary, just a
16 brief review of everything.

17 Q Of everything. What do you mean,
18 "everything"?

19 A Of what the subject is about. And in this
20 case it was my Government class.

21 Q So, the worksheets we've been discussing are
22 the worksheets handed out in your Government class?

23 A Yes.

24 Q Who is the teacher?

25 A [REDACTED]

1 Strike that.

2 Does the summary or passage of text in the
3 worksheets relate to the information in the textbooks
4 used in class?

5 A It depends on the subject we're in.

6 Q Talking about [REDACTED] Government
7 class?

8 A Depends on the subject. A lot of times we
9 don't see the text, but we see the worksheets. And I
10 guess the worksheets -- I don't know if the worksheet is
11 intended for us to already know the information.

12 If the worksheets is like a brief passage
13 from -- the passage that we're supposed to know more
14 beyond information.

15 Sometimes the question doesn't relate to the
16 passage. I guess it relates to things that we already
17 supposed to know from the same passage.

18 Q From where?

19 A For example, t's talking about John F.

20 Kennedy and talking about when he got killed, I guess the
21 worksheet expects us to know when he was elected or how
22 many votes did, you know, he get when he went or
23 whatever.

24 Q The questions at the bottom of the worksheet
25 asks you questions like that?

1 Q Are the worksheets homework assignments that
2 [REDACTED] hands out are intended to complement the
3 in-class discussion from the textbooks?

4 A The worksheet are just class work because
5 they can't take them home, because he uses them for each
6 period.

7 We have to take our own sheet of paper and write
8 it over, so it's just class work. If we don't finish, we
9 have to do the class work over again the next day.

10 Q Is there any connection between the subject
11 matter of the worksheets and the subject matter of the
12 textbooks?

13 A Well, the textbook is not enough to go
14 around.

15 The worksheets, only thing is there is not
16 enough copies, because I guess the teachers have a limit
17 for copies they could have during the whole year. And
18 they have to go over and take money out of their own
19 pocket and get copies done sometimes.

20 Q You testified that in the worksheet that
21 [REDACTED] hands out, that the questions relate
22 exclusively to the summary passage of text that's on that
23 worksheet, correct?

24 A Yes.

25 Q Does this summary or passage or do the --

1 A Yes.

2 Q About information not contained in the
3 text --

4 A Yes.

5 Q -- of the worksheet?

6 A Yes.

7 Q When you copy down an assignment from the
8 worksheets in class, do you ever make reference to the
9 textbooks to find any additional information that might
10 be needed?

11 A No.

12 Q Do other students make reference to the
13 textbooks to help them complete the worksheet
14 assignments?

15 A No.

16 Q Is it necessary to look at the textbooks to
17 complete the worksheets assignments?

18 A No, because the information sometimes is not
19 in the textbook.

20 Q Is it ever necessary, can you think of one
21 worksheet where it was necessary to have the textbook?

22 A No.

23 Q What do you do when a question asks you for
24 information not contained in the summary or text passage
25 at the top of the worksheet?

1 A What do I do?
 2 Q How do you answer the question?
 3 A I ask the teacher.
 4 Q You don't make reference to the textbook?
 5 A No, I don't.
 6 Q Is that all you do is ask the teacher?
 7 A Yes, or ask other classmates, which they're
 8 confused as well.
 9 Q Do you have any classes in which you have
 10 textbook to take home?
 11 A No.
 12 Only -- well, the math -- [REDACTED] I
 13 guess, is an exception. Everybody has a book. But they
 14 bring it back every day.
 15 I have a book I keep at home, and if there's a
 16 homework assignment, all I do is just read like the
 17 functions or whatever it goes on. And I understand a
 18 little bit more better; or every Tuesday or Thursday,
 19 whenever the meeting occurs in the Community Coalition, I
 20 talk to have tutor and tell them which problems I'm
 21 having problems with. And he helps me and goes over it
 22 with me.
 23 Q You're able to bring that book home with you
 24 and take it to the Community Coalition to work with your
 25 tutor later on?

1 A Yes.
 2 Q Not every student in your math class can do
 3 this?
 4 A No, because some of them owe books and he
 5 doesn't give them, owing.
 6 Q Do you 'ts fair for the school to refuse to
 7 issue a book to a student who owes a book?
 8 A I think -- I think it's unfair. Because
 9 either way, if you owe a book, and if you're a senior and
 10 owe a book and don't pay it off and don't return it, you
 11 don't graduate, you don't get your diploma. Either way
 12 it's the same.
 13 Q What do you mean, "either way it's the
 14 same"?
 15 A Because okay, if you owe a book and if
 16 you're a senior and don't return the book or pay for it,
 17 you don't graduate, let's say.
 18 You're in eleventh grade but owe a book and have
 19 one, at least you're going to return that book back.
 20 Let's say if I have a book, if I owe a book, and
 21 I have a book now and lose it, okay, if the book costs
 22 100 and something, it's going to increase the amount I
 23 owed before, regardless of what that money is. Like if I
 24 don't pay that money, I'm not getting my diploma.
 25 Q There are two things that can happen. You

1 can be in class and not have a book, if you owe a book;
 2 right?
 3 A Yes.
 4 Q Another thing that can happen is you can
 5 just not get your diploma if you're a senior or fail to
 6 return your book and pay for it?
 7 A Yes.
 8 Q I want to ask you about a situation where
 9 you're in a class without a book because you failed to
 10 return the book.
 11 I want to ask you, because you owe a book and
 12 let's -- in case like in your math class where some of
 13 the students don't get books because they owe a book and
 14 [REDACTED] refuses to issue a book, is that fair for
 15 [REDACTED] not to issue another math book?
 16 MS. LHAMON: Objection. Asked and answered.
 17 THE WITNESS: I think it's unfair if you don't
 18 have a book, you miss out on everything.
 19 You don't learn by the chalk board, either.
 20 Unless he could distribute a book during classes, it's
 21 fine.
 22 What I mean, what he does, sometimes is just
 23 okay, you can take the book home, check it out today, but
 24 bring it back to me tomorrow.
 25 And that's what he does on a regular basis.

1 It's not that he doesn't give you a book at all. When
 2 you need the book, you could take it home, but you have
 3 to bring it back the next day.
 4 BY MR. ROZWOOD:
 5 Q The students that owe books can use books in
 6 class?
 7 A Yes, they can use them in class.
 8 Q And also check them out overnight?
 9 A If they want.
 10 Q Even the students that owe books,
 11 [REDACTED] let's them take them out for one night?
 12 A Yes.
 13 Q One night at a time?
 14 A Yes.
 15 Q Thank you.
 16 In Paragraph 5 of your Declaration or Exhibit 2
 17 of this deposition, you say that "We even share our
 18 worksheets," referring to your Government class.
 19 What do you mean by share your worksheets?
 20 A Because there is not enough worksheets to go
 21 around.
 22 Maybe he loses a copy or maybe one of the
 23 students decides to take a copy home without telling the
 24 teacher, or maybe a worksheet gets torn. If there is not
 25 enough to go around, we have to share them.

- 1 Q When you say you share them, you mean just
2 copy the assignment from the same worksheet?
3 A Yes, from the same worksheet.
4 Q How much time are you given to copy down --
5 A We only have --
6 Q Excuse me. Let me finish the question.
7 It's my fault in this case.
8 I'm kind of pausing as I think about the
9 question.
10 So we have a clean transcript, it will be would
11 be best if you let me finish.
12 How much time do you have in your Government
13 class to copy down the assignment from the worksheet?
14 A Well, we only have to copy the questions.
15 We don't have to copy the whole passage. Just the title
16 and the questions.
17 Q So --
18 A So, while we we're writing the title, we
19 could read the passage and write the first question and
20 write the answer.
21 Q So, all the students just read the passage
22 in class and wrote down the questions to take home?
23 A No. Because they have to finish the, you
24 know, the worksheet there. And if we don't finish, we
25 have to continue it the next day.

- 1 Q These aren't homework assignments, they are
2 class work?
3 A Class work assignments.
4 Q What we've discussed about worksheets in
5 your deposition has been exclusively in-house in-class
6 assignments?
7 A Yes, class work assignments.
8 Q In Paragraph 4 of your Declaration, Line 24,
9 you say, "Because we didn't have books, we had worksheets
10 for homework."
11 Is that referring to a different class?
12 MS. LHAMON: Not 24.
13 Q BY MR. ROZWOD: Line 21.
14 A It's the same worksheets.
15 But the thing is, if we do copy the whole
16 questions, all the questions, and if we remember the
17 passage, we take it for homework. If we don't finish,
18 it's pure class work.
19 Q If you don't complete the assignment from
20 the worksheet at home, you can finish it in class the
21 next day?
22 A Yes.
23 Q With reference to the actual worksheet?
24 A Yes.
25 Q How much time in class is reserved for doing

- 1 work on these worksheets?
2 A Well, we have 45 minutes for each class.
3 But the time -- we have 10 minutes to settle down, five
4 minutes for him to explain the assignment, and then we
5 have the rest of the time to finish the worksheets.
6 Q The worksheets are handed out at the start
7 of the class?
8 A Yes. Before he explains what we're going to
9 do over the course of the day.
10 Q You have at least 30 minutes to work on the
11 worksheets in class?
12 A Yes.
13 Q Why does it take 10 minutes to settle down?
14 A A lot of us are coming from different
15 classes, a lot of us are coming from lunch -- nutrition.
16 Q It takes 10 minutes of class time for
17 students to settle down?
18 A Yes. Because we're teenagers, kind of
19 hyperactive.
20 Q In Paragraph 5 of your Declaration, it says
21 "The teacher has to make copies at Kinko's" because they
22 only get a limited number of copies.
23 What do you mean by that?
24 A My understanding -- he has said before,
25 [REDACTED] he has said before, he has to take money out

- 1 of his own pocket to pay for some copies because I guess
2 they only get a limited amount of copies during the
3 school year.
4 Since a lot of teachers request a lot of the
5 copies, sometimes, because there is a lot of teachers in
6 school and a lot of the teachers' aids don't get to do
7 the copies, he has to go -- he has to take it out of his
8 own pocket and go to a copy place like Kinko's and make
9 copies.
10 He always tell us, I did these fresh copies last
11 night, so please don't wrinkle them, fold them, because I
12 need to use them for the rest of the school year and for
13 my other classes as well. He will let us know.
14 Q [REDACTED] told you he pays for the copies
15 himself?
16 A Yes. When he has to.
17 Q On how many occasions has [REDACTED] told
18 you that?
19 A Twice.
20 Q He's told you he's paid twice, or told you
21 two different times he's paid?
22 A Two different times he has said that he has
23 gone on his own to make copies.
24 Q And have any other teachers told you that
25 they've had to pay for their own copies?

1 A No. He's been the only one.
 2 Q Just [REDACTED]?
 3 A Yes.
 4 Q This is the Government Economics class?
 5 A This is Government.
 6 Q Just Government.
 7 Mr. Edwards teaches the Economics?
 8 A Uh-huh.
 9 Q [REDACTED] class, there is no homework;
 10 correct?
 11 A Yes.
 12 Q Other than what [REDACTED] told you, do you
 13 have any other knowledge regarding Freeman's school
 14 policy about the number of copies that a teacher can make
 15 over the course of the school year?
 16 A No.
 17 The only thing I know is hat when they do
 18 need copies, when they do request it, it takes weeks at a
 19 time for them to get them back. So I guess sometimes
 20 it -- when they have like a lesson plan done, if they
 21 don't have the worksheets or any of the papers necessary
 22 done, you know, they have to wait until they get their
 23 copies and that creates a problem.
 24 Q Why does it take so long?
 25 A Because there is a lot teachers that request

1 a lot of copies. And I don't think there's -- I don't
 2 know how many people, I don't know how many people are
 3 available to do the copies for them. But I think there
 4 is not enough for them to do.
 5 Q I didn't hear.
 6 A There is not enough for them to do that,
 7 enough people to do each teachers' copies.
 8 Q Do you know how many copiers the school has?
 9 A No.
 10 Q Do you know how many -- how much money they
 11 have in their budget reserved for making copies for
 12 teachers?
 13 A I have no idea on that.
 14 Q I want to follow up on what we were talking
 15 about before about the textbooks.
 16 Was it [REDACTED] that refuses to hand out a
 17 books book to someone that owes a textbook?
 18 A Yes.
 19 Q Given that [REDACTED] does let students who
 20 owe textbooks use them in class, and does let them check
 21 them out overnight, do you think it's fair that he
 22 refuses to issue them a permanent textbook for their own
 23 use, given that they owe a textbook?
 24 MS. LHAMON: Asked and answered.
 25 THE WITNESS: As I said before, yes, I think

1 it's unfair that he does not issue a textbook if we owe a
 2 book, because as I said before, we miss out.
 3 But, I guess it's his own rules that he sets up
 4 for himself.
 5 BY MR. ROZWOOD:
 6 Q It's not a school policy to --
 7 A There is many teachers that have that
 8 policy, but I don't think it's a school policy.
 9 Q Do you have any knowledge regarding the
 10 school policy about issuing textbooks to students that
 11 owe textbooks?
 12 A No.
 13 Q Do you have any knowledge regarding the
 14 district's policy, the Los Angeles Unified School
 15 District's policy about issuing a textbook to students
 16 that owe textbooks?
 17 A No.
 18 MR. ROZWOOD: Off the record a second.
 19 (The luncheon recess was taken at 12:25 P.M.)
 20
 21
 22
 23
 24
 25

1 APPEARANCES OF COUNSEL:
 2 (P.M. SESSION)
 3
 4 CATHERINE F. LHAMON, ESQ.
 5
 6 S. BENJAMIN ROZWOOD, ESQ.
 7
 8 HOWARD FRIEDMAN, ESQ.
 9
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 18
 19
 20 REPORTED BY:
 21
 22 ROY H. PITLUK, CSR No. 10239
 23
 24
 25

1 (The deposition of CINDY DIEGO was reconvened
2 at 1:37 P.M.)
3

4 CINDY DIEGO,
5 the witness, having been previously administered an
6 oath in accordance with CCP Section 2094, testified
7 further as follows:
8

9 EXAMINATION (CONTINUING)

10 BY MR. ROZWOOD:

11 Q Before the break I asked you if you had any
12 personal knowledge regarding the school's policies or
13 district's policies regarding providing textbooks to
14 students and you said "no;" is that correct?

15 A Yes.

16 Q I was wondering if you were aware of any in
17 Los Angeles, in the Los Angeles Unified School District,
18 that there were 11 sub-districts that have been recently
19 formed?

20 A No, I didn't know about it.

21 Q Is it fair to say you wouldn't be aware of
22 any policies the sub-districts have bearing on textbooks?

23 A Yes.

24 Q We can just go through all the categories.
25 Are you aware of any policies at the district

1 district or sub-district level regarding the numbers of
2 clean stock and functioning toilets and bathrooms
3 required at your school?

4 A No.

5 Q Are you aware of any policies at the
6 district or sub-district level relating to the presence
7 over vermin, mildew, or rotting organic material at your
8 school?

9 A No.

10 Q Are you aware of any district or
11 sub-district policies regarding the lack of educational
12 resources alleged in this suit?

13 A No.

14 Q Are you aware of any policies at the
15 district or sub-district level regarding students
16 bussing?

17 A No.

18 Q Are you aware of any policies at the
19 district or sub-district level regarding the provision of
20 textbooks to students at your school?

21 A No.

22 Q Are you aware of any policies at the
23 district or sub-district level relating to the
24 qualifications of English Language Learner teachers?

25 A No.

1 level or the sub-district level, relating to teachers,
2 provision of teachers or qualification of teachers at
3 Fremont High School?

4 A No.

5 Q Are you aware of any policies at the
6 district or sub-district level relating to the
7 maintenance or construction of facilities?

8 A No.

9 Q Are you aware of any policies at the
10 district or sub-district level that relate to minimum
11 instructional time on multitrack schools?

12 A No.

13 Q Are you aware of any policies at the
14 district or sub-district level that relate to ambient or
15 external noise levels in class?

16 A No.

17 Q Are you aware of any policies at the
18 district or sub-district level that relate to the
19 temperature which classes classrooms may be at which
20 classes may be -- strike that.

21 Are you aware of any policies at the district or
22 sub-district level that regulate the temperature of
23 classrooms?

24 A No.

25 Q Are you aware of any policies at the

1 Q In addition to the districts and the
2 sub-districts, there are county offices of education and
3 state agency, as well as the schools themselves.

4 Are you aware of any policies at the county
5 offices at the L.A. County level or the state agency or
6 at your school that bear on any of these areas we just
7 listed?

8 A No.

9 Q Do you know who the superintendent of
10 schools is for Los Angeles unified school district?

11 A I know it used to be Ruben Zacharias. Right
12 now, I don't know who it would be.

13 Q Do you know who -- let's see --

14 MR. ROZWOOD: Let me mark this as Exhibit 7, a
15 map of the 11 districts within the Los Angeles Unified
16 School District. I'll represent that Fremont is located
17 within sub-district I on this map, on Exhibit 7.

18 (Cindy Diego Exhibit 7, Map, was marked for
19 identification.)

20 BY MR. ROZWOOD:

21 Q Do you know who the superintendent of
22 sub-district I is?

23 A No.

24 Q Going back to Exhibit 2 of your Declaration,
25 Paragraph 6, you say, "A couple of my classes are really

1 crowded. For the first two weeks there were sixty people
2 in my Government class and some people had to stand."

3 Is this the Government class that now has 45
4 students in it?

5 A Yes.

6 Q Who teaches that class?

7 A [REDACTED]

8 Q What happened to the other 15 students?

9 A The other students got transferred to other
10 classes, the different Government classes, to different
11 periods or different teachers.

12 Q Is it customary to have -- or let me ask you
13 this how common is it in your experience to have too many
14 students enroll in a course at the outset of the
15 semester?

16 A For the first two weeks, for the first when
17 you're really starting the semester, it's real common.

18 Q Is it fair to say that the school goes
19 through a process of balancing out the classes?

20 A Yes.

21 Q Is this something -- is this how they
22 describe it?

23 How would you describe the process by which the
24 classes start out with too many and end up with a smaller
25 number of students in them?

1 the teacher did is he got 15 -- no, like around 12, 13
2 students, because one Government teacher that had
3 Government for the same period only had 20 students, and
4 she was waiting to take 12 or 10 of them in her class.

5 So he was like, who wants to stay with me? Who
6 wants to go with Ms. Chavez? You know, the student said,
7 I want to go in, Ms. Garza, and they left. They got
8 transferred to this class.

9 Q If I can ask a favor, just for the
10 reporter's benefit, if you can try to slow down a little
11 bit, because you're saying a lot.

12 What is the name of the second Government
13 teacher?

14 A Ms. Garza.

15 Q G-A-R-C-A?

16 A Z-A.

17 Q [REDACTED] just asked for 10 or 15
18 volunteers to go over to Ms. Garza's class?

19 A Yes.

20 Q It says: "Now there are 40 people in class
21 and some still have to stand because we don't have enough
22 desks."

23 We started off with 60, and now there are 40 or
24 45, because I was confused, I thought you said 45 before?

25 A I don't keep count all the time.

1 A Because I think that the counselors are
2 trying to get the students the most available classes
3 that they can.

4 And I think that they don't even see how many
5 students they put in one particular class. So when the
6 students already get the program cards, they go to the
7 assigned classes. And when the teachers see they have
8 passed their limit in the roll book, that's when the
9 students have to go to the counselor and let them know
10 that there is a certain amount of students exceeding in
11 the classroom.

12 And if they have another teacher or give them
13 the same teacher, but a different period.

14 Q Who decides who gets to stay in the class
15 and who doesn't?

16 A It depends if the student feels comfortable
17 with the teacher.

18 If he likes the teacher, if he doesn't like the
19 teacher, it depends on the student.

20 Q It's up to the student whether to stay or
21 not?

22 A Yes.

23 Q What if all 60 students want to stay?

24 A Then the teacher has to let students know if
25 they want to stay or not. In this particular case, what

1 Approximately, like 40, 45.

2 Q Okay. And the situation with the desk in
3 [REDACTED] class, has that been resolved?

4 MS. LHAMON: Vague as to situation.

5 THE WITNESS: Well, we bring more desks to the
6 classroom, and many of the students already transferred
7 to different classes.

8 BY MR. ROZWOOD:

9 Q So, in [REDACTED] class today you have
10 more desks than you need?

11 A No. We probably have like two, three seats
12 that kids don't occupy. But I'm not saying, you know, we
13 have more chairs than we need.

14 Q Are there enough desks for the students in
15 the class now?

16 A Now there is, yes.

17 Q When was the -- the desk shortage fixed?

18 A For the first three weeks after the students
19 started changing two different teachers.

20 (Discussion off the record.)

21 BY MR. ROZWOOD:

22 Q So, the desk shortage you described in your
23 Declaration in Paragraph 6, Lines 3 and 4, only last for
24 three weeks, correct?

25 A Yes.

1 Q And once the two Government classes were
2 balanced, there were enough desks for all students,
3 correct?
4 A Yes.
5 Q And when you say three or four people get
6 chairs from outside the classroom, you were referring to
7 this initial three-week period?
8 A Yes.
9 Q Can you tell me when you -- I've asked you
10 earlier or -- strike that.
11 Was everything in this Declaration true when you
12 signed it August 9, 2000?
13 A Yes.
14 Q And August 9th of 2000 is the fourth month
15 in the fourth semester on your track?
16 A Yes.
17 Q None of the first three weeks of
18 [REDACTED] class occur in August of 2000, correct?
19 A During that time, we didn't have a
20 principal, so everything was hectic. At the time we
21 didn't have counselors that were distributing the classes
22 properly.
23 So, during this period of time, it was three
24 weeks or longer, but during those three weeks we didn't
25 have our counselor to change the classes. The teachers

1 had to, among themselves, distribute the kids, the
2 students.
3 Q If I could interrupt for a minute, my
4 question was, the first three weeks of [REDACTED]
5 class don't occur in August, correct?
6 I would prefer -- we can get through this
7 faster, maybe not come a third day, if you answer just
8 the question I ask you?
9 A It did go on in August because the beginning
10 of that happened -- not the beginning of my twelfth grade
11 year.
12 MS. LHAMON: She's testified earlier that she's
13 on track, been on track B beginning in July. You may be
14 thinking of another track.
15 MR. ROZWOOD: Off the record a second.
16 (Discussion off the record.)
17 MR. ROZWOOD: Back on the record.
18 BY MR. ROZWOOD:
19 Q I'll ask my question again:
20 The first three weeks of class do not occur in
21 August, correct?
22 A It did occur in August. Like in the
23 beginning of August, because when we start school, it's
24 almost on the end of July.
25 Q Why don't you tell me again, because I must

1 have made a mistake, which eight months of school you
2 attended?
3 A They gave us like prior two, three weeks
4 vacation after graduation. And then we started school
5 like around July, say the 17th.
6 Q Okay.
7 A By September 1st, we're already off track.
8 Q Okay.
9 Is July 17th the start of a new semester?
10 A Uh-huh.
11 MS. LHAMON: That's an approximate date?
12 THE WITNESS: Uh-huh.
13 BY MR. ROZWOOD:
14 Q Okay. And then you don't resume your school
15 until November, correct?
16 A Uh-huh, until October when -- you had until
17 November 1st when we go back on track.
18 MS. LHAMON: That's an approximate date?
19 THE WITNESS: (No audible response.)
20 BY MR. ROZWOOD:
21 Q That semester continues through February?
22 A Yes.
23 MS. LHAMON: Counsel, if it helps, I can read
24 back what I wrote down, because the dates are different.
25 She testified earlier that the school year

1 begins in July. They are on vacation from September to
2 October; go back to school October 31st through March.
3 They are on vacation March and April and start
4 again on May 1st. This is for track B.
5 MR. ROZWOOD: I'm trying to figure out when the
6 semesters are.
7 BY MR. ROZWOOD:
8 Q There are two semesters?
9 A Yes.
10 Q Tell me when the semester starts and ends
11 for both semesters?
12 When does the first semester start, July 17th?
13 A Yes.
14 Q And goes until?
15 A Goes until September 1st, to the beginning
16 of September. Most we stay in school is September 3rd
17 and then go back off track. By October, the 30th, 31st,
18 we're back in school, until February 28th.
19 Q Okay.
20 A Then on March -- March and April we're off.
21 By May the 1st, 2nd, we're back on track again.
22 Q When do you get off?
23 A Until graduation.
24 Q When?
25 A June 27th.

1 Then we have like a two-week prior vacation.
 2 That way the new school year can start, and they can get
 3 the cards ready and go back on track around July 15th, 16
 4 or 17, either of those three dates.

5 Q Okay. So, in August of 2000, the Government
 6 classes were still being balanced?

7 A Yes.

8 Q There was still a problem with a number of
 9 desks for students in that class?

10 A Yes.

11 Q Okay.

12 You also make reference in Paragraph 6 to your
 13 American Literature class?

14 A Yes.

15 Q Can you describe the problem with
 16 availability of chairs and desks in that class?

17 A Well, there was -- a lot of students there
 18 and the classroom is not that big. It's small. And the
 19 capacity of seats wasn't there.

20 Instead of having seats, we have like the
 21 biology desks, the long ones, two people at a seat.

22 They stay standing like two weeks straight and
 23 then balanced out the classes.

24 Q Were there empty spots at these biology
 25 desks when students in class were standing?

1 even though that classes are balanced, there is new
 2 students that want to enroll in the same class.

3 When there was like empty chairs and if I was
 4 absent and he gives that person my chair, when I come
 5 back, probably I wouldn't have a seat.

6 He gives everybody a seating chart, everybody
 7 assigned to a chair and then have that seat until the end
 8 of the semester. And if somebody new comes in, then he
 9 will tell the teacher if he had an extra one and they
 10 bring it in the classroom.

11 MS. LHAMON: Thank you.

12 BY MR. ROZWOOD:

13 Q In Paragraph 7, you say that you have no
 14 books to take home in your American Literature class; is
 15 this still the case?

16 A Yes.

17 Q Who is the teacher in your American
 18 Literature class?

19 A Mr. Bell.

20 Q Mr. Bell.

21 How would you describe Mr. Bell as a
 22 teacher?

23 A I'll give him a seven.

24 Q How would you describe his teaching style?

25 A I think he attaches pretty good. I don't

1 A No.

2 Q The American Literature class?

3 A They were all occupied.

4 Q Okay. And then when you say you have a
 5 seating chart so people standing are assigned to those
 6 spots, are you referring to spots that opened up after
 7 the classes were balanced?

8 A Yes, after the classes were balanced, he
 9 gave us a seating chart, just in case a new student will
 10 come and enroll in the same period.

11 That way if somebody came along and took another
 12 person's seat, they can say, that was my seat, it was on
 13 the seating chart.

14 MS. LHAMON: Read the question back.

15 (The record is read as follows:

16 "Q Okay. And then when you say
 17 you have a seating chart so people standing
 18 are assigned to those spots, are you
 19 referring to spots that opened up after the
 20 classes were balanced?")

21 MS. LHAMON: When he's asking that question,
 22 he's looking at Paragraph 6 and the last sentence. He's
 23 asking what you're referring to.

24 THE WITNESS: Yeah. When the classes are
 25 balanced, he decided to give us a seating chart, because

1 think I have to work out of the book because we basically
 2 just work on, you know, grammar structure and writing
 3 composition and essays.

4 And what he does is just prepare us to do papers
 5 for college, since we're moving on to college. So that's
 6 pretty much what he teaches us.

7 Q Is there a book that you can work out of?

8 A Yes, but like they have poems and grammar
 9 structures.

10 Q So, there are grammar books and books of
 11 poetry available for student to use in Mr. Bell's class?

12 A Yes.

13 Q Are there any other books available for
 14 students' use in Mr. Bell's class?

15 A Books to do independent reading, like silent
 16 reading.

17 Q What kind of books are those?

18 A Fiction books.

19 Q Novels?

20 A Yes.

21 Q He keeps some books in class for in-class
 22 use?

23 A Yes.

24 Q Does he let students take those home?

25 A No.

1 The first 10 minutes of class he wants us to do
2 silent reading. And he has us reading a book called "The
3 Alchemist," a novel, and he wants us to read it. And
4 then we have a test so far, what we have read.

5 Q Other than "The Alchemist," what other books
6 have you read in Mr. Bell's class?

7 A That seems like the only one.

8 Q Have you always had these grammar books and
9 books of poetry and fiction novels for student use in
10 Mr. Bell's class?

11 A Since I started, yes.

12 Q When did you start?

13 A In the first semester.

14 Q What month was that?

15 A In July.

16 Middle of July.

17 Q July of 2000?

18 A Yes.

19 Q Paragraph 8 you say you wanted to take
20 Health this semester, that was the July semester, the
21 semester starting July of 2000; correct?

22 A Yes.

23 Q Were you able to take Health that semester?

24 A No.

25 Q When you say you continued in Paragraph 8 to

1 Q So, after you told him you already took AP
2 Spanish, he didn't suggest to take AP Spanish Literature?

3 A No.

4 Q And he didn't suggest that you take AP
5 Spanish again?

6 A No, because since I got a "five" in the
7 exam. He was like, it makes no sense, I guess that's
8 what he thought.

9 Q He agreed with you, it made no sense to take
10 that class again?

11 A Yes.

12 Q And you took a service class?

13 A Yes.

14 Q Is this your first service class?

15 A No.

16 Q How many service classes have you taken at
17 Freemont?

18 A Two of them.

19 Q Are you aware of any policies at the school
20 sub-district, district, county, or state level that bear
21 on the number of service classes high school students can
22 take?

23 A No.

24 Q Are you aware of any such policies regarding
25 the requirements or objective of such service classes?

1 make reference to your counselor. Which counselor?

2 A Mr. Skirbin, S-K-I-R-B-I-N.

3 Q Mr. Skirbin gave you a choice between a
4 service class and AP Spanish?

5 A Yes.

6 Q And is this AP Spanish Literature or AP
7 Spanish?

8 A AP Spanish. But I had already taken it
9 before.

10 Q Okay. Had you taken --

11 A The semester before.

12 Q Had you taken AP Spanish Literature?

13 A No.

14 Q Are there two separate classes at your
15 school?

16 A Yes, two separate classes.

17 Q Was Mr. Skirbin suggesting you take AP
18 Spanish Literature?

19 A No. He suggested taking AP Spanish, but I
20 told him I had already taken the class and the exam.

21 So he said, I can't give you Health because the
22 classes is already -- there is already too many students
23 in the class. I can give it to you next semester.

24 This semester you can have service, if you want.
25 I said okay, that sounds okay.

1 A All I know is this, if you have all the
2 classes required to graduate, you can take a service
3 class. And it doesn't -- the service classes does not
4 give you full credit. It gives you half credit. That is
5 2.5.

6 Q It says you say in Paragraph 8 of your
7 Declaration, that one service class you took was for your
8 U.S. History teacher?

9 A Yes.

10 Q Your U.S. History teacher, which teacher was
11 that?

12 A Mr. Lopez.

13 Q Was this a teacher you had taken before?

14 A I was only in his class for a week. And
15 then I changed him for another teacher.

16 Q Another teacher at U.S. History?

17 A Yes.

18 Q Who did you tend up taking it from?

19 A Ms. Garza.

20 Q Can you describe all the things that you do
21 in your service class with Mr. Lopez?

22 A I run errands for him.

23 Anything that he needs help, I just help him
24 whenever; if he needs me to distribute books or tell one
25 of the people in the copy machine to let them know if he

1 wants several copies done, I just sit there in the back
2 of the class.

3 Q Other than what you just told me, is there
4 anything else that you do for Mr. Lopez in the service
5 class?

6 A No.

7 That's about it.

8 MS. LHAMON: I need a break.

9 (Recess taken.)

10 MR. ROZWOOD: Back on the record.

11 BY MR. ROZWOOD:

12 Q What was the other service class that you
13 took?

14 A It was with a chemistry teacher.

15 Q The name of the teacher was?

16 A Mr. Jones.

17 Q Had you ever taken Mr. Jones as teacher in a
18 class?

19 A Yes. He was my chemistry teacher for my
20 eleventh grade year.

21 Q Can you describe the work you did in the
22 service class for Mr. Jones?

23 A I just had to sit back in his class and be
24 quiet.

25 Q Other than sitting in the back of the class

1 Q Do you think that those service classes
2 helped you develop any worthwhile skills or any
3 worthwhile knowledge?

4 A I don't think that it helped me gain any
5 skills at all.

6 But, I mean, it just gave me time for myself and
7 just to finish any, you know, work that I had to finish
8 before, like homework or anything that I had overdue or
9 past due.

10 Q It gave you time to do your homework in
11 other classes?

12 A Yes, instead of, you know, just doing it at
13 home, or just in case if I didn't have time.

14 Q It gave you time to catch up on assignments
15 that were late for other classes?

16 A In most cases, yeah.

17 Q Sorry, I didn't hear.

18 A In most cases, yes.

19 Q You mean like most of the time you had
20 enough time to work on your other assignments?

21 A Yes. And it gave me helped me be ahead
22 from, you know, most of the work.

23 Q Did you do any record keeping or filing --

24 A No.

25 Q -- in your service classes?

1 and being quiet, anything else you did?

2 A Just when he told me to pass out the books
3 or pass out the books to students or pick them up,
4 because I had service with another girl. She'll help me.
5 Most of the time I sit back and do homework or work on
6 anything I had to do.

7 Q Were you responsible for assisting Mr. Jones
8 in distributing and collecting textbooks from students?

9 A Yes.

10 Q Can you describe your involvement in this
11 process?

12 A I would just get the books and distribute
13 them to each students, and then at the end of the class
14 I'll pick them up and put them back where they belong.

15 Q Did you have any involvement in issuing or
16 checking books at the beginning of the semester and at
17 the end of the semester with those white and blue cards?

18 A No.

19 Q Just on a daily basis for in-class use?

20 A Yes.

21 Q Other than what you've told me about your
22 responsibilities in Mr. Jones' and Mr. Lopez' classes,
23 service classes, is there anything else you did in those
24 classes on your service periods?

25 A No.

1 A No.

2 Q Did you have any responsibilities for the
3 bulletin boards or display case exhibits in your service
4 classes?

5 A No.

6 Q Did you assist either of your service
7 teachers with classroom management?

8 A No.

9 Q Did you help to orient new students?

10 A No.

11 Q Did you assist in the distribution and
12 collection of lab equipment or physical education
13 equipment?

14 A No.

15 Q Not even in your chemistry class?

16 A No.

17 Q Did you have an opportunity to operate any
18 of the copying machines?

19 A No.

20 Q Did you work with computers in your service
21 classes?

22 A No.

23 Q Did you provide messenger service for your
24 service teachers?

25 A Yes.

1 Q Did you use any mathematical skills in your
2 service classes?
3 A No.
4 Q Did you use any listening skills in your
5 service classes.
6 A When they would tell me to do something,
7 yes.
8 I was listening to them.
9 Q That's good. Did you use any reading
10 skills?
11 A No.
12 Q Were you did you have an opportunity in your
13 service classes to use any oral or written communication
14 skills?
15 A When I would talk to them, that would be
16 oral. But that's about it.
17 Q Were you going to say --
18 A The only oral skill I did was when I would
19 talk to them. But that would be it.
20 Q And what happened with the other students or
21 the other staff or faculty at the school on Mr. Lopez' or
22 Mr. Jones' behalf?
23 A Well, I mean I can talk to the teachers, but
24 I couldn't talk to the students for the same reason that
25 I couldn't be interrupting them in their work.

1 So they made that clear. You will run errands
2 for me and do what I need you to do when I ask you, but
3 that's one thing. They always ask me, don't interrupt
4 when you're working.
5 Q When you were running errands or helping
6 Mr. Lopez get his copies done, did you have an
7 opportunity to practice your communication skills with
8 other members of the staff at the school?
9 A Yes.
10 I got the talk to them and let them know.
11 Q Were you responsible for writing anything
12 down?
13 A The only thing I was responsible for was
14 writing down the amount of copies he wanted, and by what
15 date did I leave them, and what date he wanted them back.
16 Q Were you responsible for following up with
17 the copy service to obtain the copies once you had
18 ordered them?
19 A No.
20 Q Were they just delivered to the classroom or
21 left in his box?
22 A Sometimes, or sometimes they tell me, "I
23 think my copies are done, check if my copies are done,"
24 and I check. And if they were not, they were just not
25 done.

1 Q How would you describe the service class
2 that you had with Mr. Lopez?
3 A It was good.
4 Q What about your service class with
5 Mr. Jones?
6 A It was good, too.
7 Q Did you appreciate the time it gave you to
8 do your homework and catch up or get ahead, as the case
9 may be?
10 A Yes.
11 Q Do you know how many counselors there are at
12 Freemont?
13 A The counselors run by last names. Like, for
14 example, A through G is Mr. Skirbin.
15 By the last names. And then if you're only a
16 Spanish speaking students, if you're taking ESL, you have
17 one particular counselor. Over all, I think we have like
18 five counselors.
19 Q Is that in addition to the college
20 counselor?
21 A Not including the college counselor.
22 Q That's not including the special ed
23 counselor either, correct?
24 A No, it's not.
25 And then the magnet department, the magnet

1 students have their own counselors.
2 Q Other than -- let's figure it out, when
3 Mr. Skirbin started and then finished at Freemont as a
4 counselor, do you remember, can you give me your best
5 estimate as to the month and year?
6 A When he started?
7 Q Yes?
8 A He started on July.
9 Q 2000?
10 A Yes. And left before we went off track on
11 February of 2001.
12 Q And do you have another counselor assigned
13 to A through G?
14 A Yes. His name is Mr. Martinez.
15 Q Was he one of the counselors at the school
16 before?
17 A No. He's new.
18 Q Okay. What is the name of the college
19 counselor at Freemont?
20 A Her name is Ms. Gil, G-I-L.
21 Q Before Mr. Skirbin, who was the counselor
22 for your prior academic years?
23 A Mr. Lawler.
24 Q Was he your counselor?
25 A For the ninth through tenth, through the end

1 of my tenth.
 2 Q Was there someone in between Mr. Lawler and
 3 Mr. Skirbin?
 4 A There was nobody at that time. That's when
 5 we were having that problem with the principal.
 6 What they were doing is that counselors -- like
 7 for example, there is a counselor M through K -- sorry, M
 8 through Q or whatever last name, they'll just take
 9 that -- those counselors help the other students that
 10 have the different letters of their last name.
 11 Q So, between Mr. Lawler and Mr. Skirbin,
 12 there was a time when there was no counselor assigned to
 13 students with the last name A through G?
 14 A A through G, no.
 15 Q During this time counselors were available
 16 to students with last names A through G?
 17 A Like, for example, the ESL counselor, the
 18 magnet counselors were available.
 19 The other counselors that have the different
 20 letters of the last name were available as well.
 21 Q Uh-huh. They made themselves available to
 22 you?
 23 A Yes.
 24 Q How does the counseling system work at
 25 Fremont? Do you go once a semester or as often as you

1 because I needed to graduate.
 2 Q Did you take the competency tests?
 3 A Yes. I took them all four.
 4 Q In ninth grade?
 5 A No. Two in the eighth, and two in the tenth
 6 grade.
 7 Q Other than scheduling dates for you to take
 8 those exams and the discussions regarding classes
 9 required to graduate, did you discuss anything else with
 10 Mr. Lawler during the those five meetings in the ninth
 11 grade?
 12 A No.
 13 Q Did you discuss plans for college?
 14 A No. I only discuss if I wanted to change
 15 classes.
 16 But other than that, that was it.
 17 Q Did you discuss any plans for after high
 18 school?
 19 A With Mr. Skirbin I did.
 20 Q Okay, but not with Mr. Lawler?
 21 A No.
 22 Q How many times did you meet with Mr. Lawler
 23 in tenth grade?
 24 A I only met with him once.
 25 Q Do you recall what you discussed with

1 want?
 2 A You go as often as you want, but you have to
 3 make a request, you have to fill other a request form,
 4 why you want to see your counselor.
 5 Q Is this true with respect to Ms. Gil, the
 6 college counselor, as well?
 7 A No. You can see her any time you need to
 8 talk to her, if she's available at the time.
 9 Q You don't know need to fill out a piece of
 10 paper?
 11 A No, she's there. You go up to there and
 12 tell her what you need.
 13 Q Approximately how many times did you visit
 14 with your counselors during ninth grade?
 15 A Mr. Lawler I met like probably like five
 16 times through the ninth grade.
 17 Q Do you recall what you discussed with
 18 Mr. Lawler?
 19 A We were just discussing our -- in the
 20 beginning in eighth grade, we have to take competency
 21 tests.
 22 And he told me to get them out of the way
 23 instead of waiting until my twelfth grade.
 24 We were talking about the tests and he set up
 25 dates for I can take them, and tell me they are required

1 Mr. Lawler during that one meeting in tenth grade?
 2 A Yes, because at that time, I think he was
 3 leaving the school.
 4 Q What did you say to him and what did he say
 5 to you?
 6 A He was telling me about the competency tests
 7 I was supposed to be taking, and this class I had to take
 8 [REDACTED]
 9 Q Which class was that?
 10 A It was Biology B.
 11 Q Was that --
 12 Do you recall what month that was what month and
 13 year?
 14 A No. I think it was in the middle. I think
 15 it was around like March.
 16 Q Of 1999?
 17 A Uh-huh.
 18 Q Or 2000?
 19 A I was in the tenth grade. I think it was
 20 '99.
 21 Q The track got me totally confused at this
 22 point.
 23 Eleventh grade, you had Mr. Skirbin? At
 24 some point he came?
 25 A Yes, Mr. Skirbin.

1 Q Was he there from the start of your eleventh
2 grade year?
3 A No. Mr. Skirbin came like around -- he came
4 back when I came back on track for November, for the
5 November starting, because we went off track, because in
6 the beginning we didn't have any counselors. A through
7 G, we didn't have any.
8 Mr. Skirbin wasn't there in the beginning of
9 July when I started. Hold on. Let me see.
10 Yes, he wasn't there. He wasn't there. For a
11 gap he wasn't there.
12 I think he was there like approximately in
13 November, November 2000.
14 Q You can only give your best estimate. If
15 you don't know, there is no problem.
16 Earlier you did say July. That's what I wrote
17 down. Maybe it was later in 2000 towards November that
18 he arrived.
19 How many times did you meet with Mr. Skirbin
20 during your eleventh grade year?
21 A I met with him just once.
22 Q Do you recall what you discussed with
23 Mr. Skirbin during that meeting?
24 A I was discussing my grade in Biology B and
25 Biology.

1 Q Anything else?
2 A No. Letting him know I wanted to take those
3 for the first semester of my senior year.
4 Q Did you discuss any plans for after you
5 graduated high school with Mr. Skirbin?
6 A That's when my senior year had arrived.
7 He was giving me all these classes I need to
8 take, like a senior check list, telling me the class I
9 had already taken and passed, and the classes I need to
10 take and pass to graduate.
11 That's when I told him I need to take
12 Algebra 2B. I need to take it because I want to go to a
13 four-year university because -- so he decided to give it
14 me in the second semester.
15 Q I'm talking about conversations you had with
16 Mr. Skirbin in your eleventh grade year.
17 Are you talking about other ones, too?
18 A Yes.
19 Q Can we focus on the one time in eleventh
20 grade?
21 A We just talked about those two classes,
22 [REDACTED]
23 Q During this meeting, did you discuss any
24 plans for what you had do after you graduated high
25 school?

1 A No.
2 Q Okay. So, we discussed your A through G,
3 counselor meetings you had in your ninth, tenth, and
4 eleventh grade years.
5 Did you have any other meetings during those
6 three school years with any other counselors, such as the
7 college counselor at Fremont High School?
8 A No.
9 Q You never met with the college counselor
10 during your ninth, tenth, or eleventh grade years?
11 A No, because there wasn't one.
12 Q When did Ms. Gil arrive?
13 A In the beginning of my twelfth grade year.
14 Q Prior to this, there was no college
15 counselor?
16 A No.
17 Q Was there any counselors available to you to
18 discuss college issues?
19 A No.
20 Q Did you ask anybody if you can discuss
21 college issues with any of the counselors?
22 A No. Because at the time, because they
23 mainly focus on seniors when you are a senior. When
24 you're in ninth or tenth grade, they don't summons you or
25 let you know anything.

1 Q What are your plans after high school, after
2 you graduate high school?
3 A Going to college.
4 Q Where are you going to go?
5 A I don't know. I have a lot of -- lot of
6 choices. I haven't made up my mind yet.
7 Q What school are you choosing from?
8 A Berkeley, NYU, Dominguez Hills, Cal State
9 Dominguez Hills.
10 Q Those are some good choices.
11 MS. LHAMON: She's having a debate with counsel
12 about where she should go.
13 BY MR. ROZWOOD:
14 Q Congratulations on that.
15 A Thank you.
16 Q Did you ever ask anybody at Fremont for
17 advice regarding your post-graduation plans?
18 A No.
19 Q And before Ms. Gil arrived, did anyone at
20 Fremont ever ask you or approach you about what you were
21 going to do after you graduated high school?
22 A Just teachers asking me what was I planning
23 to do after high school, and I always have said college.
24 Q Which teachers were those?
25 A All of them.

1 Q All of them?
 2 A (No audible response.)
 3 Q So, you planned on going to college from the
 4 beginning of high school, correct?
 5 A Yes.
 6 Q If I can ask you a question about Exhibit 6,
 7 which is this "SAT Program Student Score Report" dated
 8 December 2nd, 2000.
 9 Do you see on the second page, actually looks
 10 like it's two halves of one long page, but the second
 11 page in the exhibit, where it says, "High School
 12 Preparation," and it has a line for "Foreign Language."
 13 MS. LHAMON: I don't see that.
 14 THE WITNESS: Right here.
 15 MS. LHAMON: Thank you.
 16 MS. LHAMON: I see.
 17 BY MR. ROZWOOD:
 18 Q I'm wondering, it shows you've taken four
 19 English courses, three math, three natural science, three
 20 social science.
 21 It doesn't show foreign language?
 22 A Because this is the test that I took in
 23 Spanish, I think.
 24 Q Let me ask you this, have you ever seen the
 25 document before?

1 A Yes.
 2 Q You have.
 3 Did you produce this document out of your own
 4 personal records?
 5 A Did I produce it myself?
 6 Q Yes, or did the school produce it to us?
 7 A This is my SAT score.
 8 MS. LHAMON: I don't think she understands what
 9 "produce" means. She gave me the document from her
 10 personal records.
 11 BY MR. ROZWOOD:
 12 Q On the right-hand side it did shows the
 13 schools that you've applied to?
 14 A Yes.
 15 Q Some of the schools, I should say. I'm
 16 wondering if there was an explanation for why --
 17 Let me ask you this: Do you see the column on
 18 the second page or top. It says "SDQ Responses"?
 19 Referring to Student Data Questionnaire.
 20 Do you remember filling out a questionnaire in
 21 connection with taking the SAT?
 22 A Uh-huh.
 23 Q Did you provide this information to them
 24 about your preference to go to a school of a size between
 25 a thousand and five thousand students?

1 A Do I remember filling this out? Putting
 2 this one about thousand to five thousand students?
 3 Q Yes.
 4 A No. I don't remember.
 5 Q Do you remember filling out a questionnaire
 6 where you were asked what setting you'd like to go to
 7 college in?
 8 A The only thing that I filled out was my
 9 personal information, and what schools that I wanted to
 10 go to. The codes. Not the name of school, just the
 11 codes. That's all I filled out.
 12 Q Okay.
 13 A All this is just something they put on their
 14 own.
 15 Q Okay. The foreign -- is there an
 16 explanation for why there is no information next to
 17 "Foreign Language" under your "SDQ Response"?
 18 A I have no idea.
 19 Q Have you satisfied the language requirement
 20 for all the schools?
 21 A Yes. I took two years of Spanish and two
 22 years of French. Or one.
 23 Q You testified in Paragraph 9 of your
 24 Declaration that there are three counselors for B track,
 25 for the students on the B track.

1 Is this still the case?
 2 A No. That's not the case now.
 3 Q How many are there now?
 4 A Like I said before, five including -- not
 5 including the magnet and the college counselor.
 6 And the ESL counselor as well.
 7 Q When you referred to three back in August of
 8 2000 --
 9 A That's when the first year started, and
 10 that's when I told you that big gap when I had no
 11 counselor and other students didn't have counselors as
 12 well.
 13 There was only three counselors helping all the
 14 students that had problems.
 15 Q Is that three including all these other
 16 counselors, the ESL, college --
 17 A No. They weren't there. At the time
 18 C track was off there.
 19 Q Okay?
 20 A The ESL counselor, she was helping the
 21 Spanish speaking students.
 22 Q It was three, plus the ESL counselor?
 23 A Yes.
 24 Q Plus the special ed counselor?
 25 A We don't have a special ed counselor.

1 Q Okay.
 2 At that time there was no college counselor?
 3 A No. At that time we didn't have a college
 4 counselor.
 5 Q Basically, there were just three instead of
 6 five?
 7 A Yes, because the college counselor doesn't
 8 work with academic counselors. It's just pure college.
 9 Q Can we talk about Paragraph 10 in your
 10 Declaration, discussing your Business Organizations
 11 class.
 12 A Yes.
 13 Q Who is your teacher in this class?
 14 A I have so many teachers, I don't even
 15 remember.
 16 I had like three, four different teachers for
 17 that class.
 18 Q It says here in Line 20, Paragraph 10, that
 19 you had substitutes for three weeks before getting a
 20 regular teacher.
 21 Do you remember the name of the regular teacher
 22 you were referring to?
 23 A No.
 24 Q How would you describe the knowledge that
 25 you gained from your experience in the Business

1 did you discuss them in small groups or the whole class
 2 did?
 3 A No. He would assign us to one group. And
 4 we just discuss it.
 5 Q Who are you referring to when you say "he"?
 6 A It was a male teacher.
 7 Q How many male teachers did you have in this
 8 class?
 9 A Like three.
 10 And two females.
 11 Q One of the male teachers you had broke your
 12 class into groups and discussed chapters from the book?
 13 A Yes.
 14 Q Other than that exercise, were there any
 15 other assignments you received from the other teachers in
 16 this class?
 17 A Well, when we finished reading the chapters,
 18 he will distribute a test. Questions have to do with the
 19 books, answers, definition, and that's what they based
 20 our grades on.
 21 Q The in-class test?
 22 A Yes.
 23 Q Based on the reading you discussed as a
 24 group?
 25 A Yes.

1 Organizations class?
 2 A I didn't learn anything.
 3 Q Did you have a textbook?
 4 A In class, yes.
 5 Q Did you have any other instructional
 6 materials provided to you in connection with the Business
 7 Organizations class?
 8 A In this class, it was just like -- just the
 9 teachers all be there. We just sit there.
 10 They'll just talk.
 11 Q There were no daily or weekly lesson plans
 12 in the Business Organizations class?
 13 A No.
 14 Q Were there any in-class or homework
 15 assignments in the Business Organizations class?
 16 A No. We basically sit there. And then we
 17 had a book, but we had to go -- I don't know, we just had
 18 to read chapters and discuss it as a group, and that's
 19 it. Homework and the rest, we didn't have that.
 20 Q So, other than reading chapters and
 21 discussing them as a group, there were no assignments and
 22 no homework assignments in your Business Organizations
 23 class?
 24 A No.
 25 Q When you discussed the chapters as a group,

1 Q How many in-class tests like that did you
 2 take?
 3 A Four.
 4 Q Were they all four tests administered by the
 5 same male teacher?
 6 A No, from different ones.
 7 Q Do you remember what subjects the tests
 8 covered?
 9 A It was just pure business. Have to do with
 10 manufacturing, trading. Goods and services.
 11 Q Did you learn anything about manufacturing,
 12 trading, or goods and services in your class?
 13 A Yes. About wants and needs, good and
 14 services with people -- yeah, I learned from reading the
 15 book, yes.
 16 Q You learned what?
 17 A I learned, yeah, from reading the book, yes.
 18 Q Was that your first semester of your twelfth
 19 grade year?
 20 A No.
 21 Q Which one was it?
 22 A It was like on the eleventh.
 23 Q Okay.
 24 I'm looking at Exhibit 5, your cumulative
 25 record?

- 1 A Right here, Business Organization.
 2 Q Okay. How many students were in that class?
 3 Do you remember?
 4 A It was like 30 of us.
 5 Q The next class you referred to in your
 6 Declaration is your Drawing class where you say you had
 7 substitutes for the first two weeks of your Drawing
 8 class?
 9 A Yes.
 10 Q After that did you have a permanent,
 11 assigned teacher?
 12 A Yes. It was a female. I can't remember her
 13 name.
 14 Q Okay.
 15 A It was for the beginning of my senior year.
 16 Says "Drawing A," right there.
 17 Q How would you describe your Drawing teacher?
 18 How would you describe her teaching style?
 19 A Her? She was -- real good. She taught me
 20 how to draw.
 21 Q How did her class work?
 22 Did you have like a weekly assignment where you
 23 would draw something in the class, start Monday, due
 24 Friday? How did it work?
 25 A It work that every -- not every day but

- 1 every week she'll put up a drawing on the board, and
 2 she'll just tell us to draw it by hand. And first she'll
 3 let us practice it, and if she like it, we have to put it
 4 on the paper like on the canvass.
 5 And we will draw it and paint it, and she'll
 6 give us like two weeks. And she'll give us a grade for
 7 the painting that we started and the one that we
 8 finished.
 9 Q Do you think she -- well, do you know why
 10 you had substitute for the first two weeks of this class?
 11 A Because she was sick for the first two
 12 weeks.
 13 Q You say in Paragraph 10 that the math
 14 teacher taught your U.S. History class for the first two
 15 weeks of your junior year?
 16 A Yes.
 17 Q Is that, looking at Exhibit 5 of the
 18 Cumulative Record -- is this U.S. History A under
 19 American Lit Comp?
 20 A U.S. History A in the beginning.
 21 Q Okay.
 22 Do you know why a math teacher taught your U.S.
 23 History A class?
 24 A Because -- I don't know. I guess they
 25 couldn't find a U.S. History teacher for B track.

- 1 Q Did you ultimately get a history teacher?
 2 A Yes, at the end, well after those two weeks.
 3 Q What was the teacher's name?
 4 A The one who taught the U.S. History?
 5 Ms. Garza.
 6 Q Okay. How would you describe Ms. Garza as a
 7 teacher?
 8 A I'll give her a 10. She's real good.
 9 Q Why does he warn a 10? Why does she deserve
 10 a 10?
 11 A She's like Mr. Edwards, a little
 12 self-explanatory.
 13 I mean she explains everything from the book
 14 back and forth. And if you don't understand, she goes
 15 over it again.
 16 She doesn't hesitate to help the students.
 17 She's there on an everyday basis, rather than
 18 those two weeks -- in the prior two weeks after that, she
 19 wasn't absent. She was always there. And, you know, she
 20 was real good.
 21 Q Did she have a lesson plan for the semester
 22 or a weekly or daily basis?
 23 A She had a -- weekly, she'll -- she'll -- we
 24 write notes, and based on those notes, those notes come
 25 from the book, and from the book we had to work on the

- 1 section reviews and read the chapters.
 2 At the end on that Friday, if it was possible,
 3 she'll give us a test. And then after that, we started
 4 learning all the presidents.
 5 And she'll like give us a like little hints how
 6 to remember them, and then give us a month to remember
 7 them. Then give us a new president every day, and at the
 8 end give us a test of all the presidents to see if we had
 9 learned them.
 10 Q That was at the end of the semester?
 11 A Yes. Like in the middle.
 12 Q Okay. Do you think Ms. Garza cares about
 13 the students?
 14 A Yes. She does.
 15 Q She dedicated to her work?
 16 A She's very dedicated to her work.
 17 Q Did she take the time to explain the lessons
 18 to the students?
 19 A Yes.
 20 Q Did she was she always prepared?
 21 A Yes, she's very prepared.
 22 Q I'd like you to look at Exhibit 5, starting
 23 at grade nine, where you started attending Freemont High
 24 School.
 25 If you'll go through the classes that you

1 took in ninth grade. And if you could tell me which
2 teachers taught those classes and how you describe their
3 teaching them as teachers, I'd appreciate it. Let's
4 start with English 9A Comp?

5 A Nine A and B, it was the same teacher. I
6 can't remember his name, but it was a male.

7 Q How was he?

8 A He was good. It was his first year of
9 teaching. He was real good.

10 Q Let me ask you those questions I asked about
11 Ms. Garza, did he take the time to explain the lesson
12 plan to the students?

13 A Yes.

14 Q Did he care about the students learning?

15 A Yes.

16 Q Was he dedicated to his work?

17 A Yes.

18 Q Did he explain things well?

19 A Yes.

20 Q Was he prepared?

21 A Yes. He was prepared.

22 Q Did he have lesson plans that helped the
23 students learn the subject matter?

24 A Yes.

25 Q Was he interested in the students doing

1 and B?

2 A No. They were the same.

3 Q Two pretty good teachers?

4 A Yes, they were good.

5 Q Or would you describe them as excellent?

6 A They were good. I wouldn't say excellent.

7 Q How would you rate them on a scale of one to

8 10?

9 A Nine.

10 Q Both nine?

11 A Yes.

12 Q That's not excellent to you?

13 A No.

14 Q Okay. How about CLT Aware?

15 A Cultural awareness, for that I had different
16 teachers.

17 But ended up having this one last male
18 teacher. And him it was just pure novels we would read,
19 like "Raisin in the Sun," and that's about it. That's
20 most I can remember about him.

21 Q Do you remember his name?

22 A No.

23 Q Did you discuss the novels in class?

24 A Yes. We would read them and do plays and

25 stuff like that.

1 well?

2 A Yeah.

3 Q Was he dedicated to his work?

4 A Yes.

5 Q Was there anything or any problems with this
6 teacher in English 9A and B?

7 A No.

8 Q No problems you can think of right now?

9 A No. No problems at all.

10 Q No problems at all?

11 A No.

12 Q How about Speech A and B?

13 A Speech A and B, I had Ms. Wiggenhorn.

14 Q Can you spell that?

15 A W-I-G-G-E-N-H-O-R-N.

16 Q How would you describe Ms. Wiggenhorn?

17 A Good. Real good.

18 Q Any problems with Ms. Wiggenhorn?

19 A No. I didn't have any problems at all.

20 Q How old was Ms. Wiggenhorn about?

21 A 21.

22 Q First year teacher as well?

23 A Yes.

24 Q Anything different between your description
25 of Ms. Wiggenhorn and the male teacher of English 9B, A

1 Q Do you think the novels and plays helped
2 improve your culture awareness?

3 A Not really.

4 Q Were they fun?

5 A No. Boring.

6 Q How would you describe the teacher of that
7 class?

8 MS. LHAMON: Which.

9 MR. ROZWOOD: Culture awareness.

10 MS. LHAMON: The last male teacher or different
11 teachers?

12 THE WITNESS: The male teacher.

13 BY MR. ROZWOOD:

14 Q Well, unless you can remember other teachers
15 from this class?

16 A No. Just the male teacher. He was okay.
17 He was out there.

18 Q He is "out there." What do you mean?

19 A He was like in his own little world.

20 Q How would you rate him?

21 A Give him a five.

22 Q Did you have a textbook in your English
23 class?

24 A Yes.

25 Q A and B?

- 1 A Nine A, yes. But I wouldn't take one home.
 2 It wasn't necessary.
 3 Q You had everything you needed in class?
 4 A Yes.
 5 Q How about your Speech class, didn't you have
 6 a textbook to take home in this class?
 7 A No. You didn't need any textbooks in that
 8 class.
 9 Q What instructional materials did you use in
 10 your Speech class?
 11 A It was just pure grammar sentences, essays,
 12 compositions, reading books.
 13 Q Which books?
 14 A Novels.
 15 I can't think of any.
 16 Q Were those novels that the school provided
 17 to you?
 18 A Yes.
 19 Q Were you able to take those novels home?
 20 A Yes. If we had to, like, do independent
 21 reading for a test next day, yes.
 22 Q Was there any problem with inadequate
 23 instructional materials in your Speech class or English
 24 class in your ninth grade?
 25 A No.

- 1 Q How about any problems with instructional
 2 materials in your Cultural Awareness class?
 3 A No. We always had books in this class.
 4 Q In the Cultural Awareness class?
 5 A Yes.
 6 Q Onto Algebra 1B, who was your teacher in
 7 that class?
 8 A Mr. Bayan.
 9 Q Spell that?
 10 A B-A-Y-A-N.
 11 Q How would you describe Mr. Bayan as a
 12 teacher?
 13 A Give him a 10.
 14 Q How old was Mr. Bayan?
 15 A Thirty-one, 32.
 16 Q How old am I?
 17 A Forty. I'm just kidding. 36?
 18 Q Okay.
 19 Did you have adequate instructional
 20 materials in your Algebra 1B class?
 21 A Yes. We had books.
 22 Q You had books to use in class?
 23 A Yes, but not to take home. Just in class.
 24 Q Did you have homework in those classes?
 25 A Yes. But the homework he will do, he will

- 1 write the problems on the board for us to copy down.
 2 MS. LHAMON: So we can clear about age, about
 3 how she's estimating, you're going to have to tell us
 4 your age.
 5 MR. ROZWOOD: I think the record is clear. They
 6 answered all the questions clearly.
 7 BY MR. ROZWOOD:
 8 Q Let's see. Was --
 9 Did you have all the necessary information and
 10 materials to complete your homework assignments in
 11 Algebra 1B?
 12 A Yes.
 13 Q And why is Mr. Bayan a 10 to you?
 14 A Because that man knew his math. He was real
 15 good.
 16 He -- he will put the problem up and go step by
 17 step real slow until everybody understood.
 18 But for the first time he did the problem,
 19 everybody won't understand, and if they don't, he will go
 20 over it again and go over to each person to see how they
 21 are doing.
 22 And if there is a mistake, he will tell you that
 23 is what you did wrong, this is what you do better. He
 24 was real good.
 25 Q He cared about each student learning?

- 1 A Yes.
 2 Q Was he organized?
 3 A He was real organized.
 4 Q And he had prepared lesson plans?
 5 A Yes.
 6 Q And explained the lesson well?
 7 A Yes.
 8 Q And took the time to make sure each student
 9 understood the lesson plan?
 10 A Yes.
 11 Q Was he dedicated to his work?
 12 A Yes.
 13 Q Okay. What about French 1A?
 14 A It was [REDACTED]
 15 Q How would you describe [REDACTED] as a
 16 teacher?
 17 A I give this lady a one.
 18 Q Why is she such a poor teacher in your
 19 opinion?
 20 A She's the only one who understood her own
 21 language. She will talk French throughout the class and
 22 we didn't understand that.
 23 Q She didn't care if the students learned
 24 French?
 25 A Well, she'll call us by these other names

1 she gave us.
 2 Like, I don't know, she'll call me "Charlotte"
 3 for some reason.
 4 Like there was this -- because we had a French
 5 book and every name -- like for example Cindy, we will
 6 have like meaning in French and she couldn't find my
 7 name, so she gave me this name "Charlotte" and she'll be
 8 calling me. I never understood her. She never knew how
 9 to explain anything. The only thing I learned was to say
 10 "s'il vous plait." That's "please." That's it.
 11 Q Did you ever tell [REDACTED] that you couldn't
 12 understand her?
 13 A Yes, I did tell her. But she would take it
 14 so offensively and she would kick me out.
 15 Q During or after class?
 16 A During class. She didn't like anybody
 17 telling her anything.
 18 Q What did you tell her?
 19 A I told her I didn't understand her, if there
 20 was any way I can do something else. She's like, "No,
 21 you don't understand because you talk too much. Get
 22 out."
 23 Q Was it true that you talked in class, in
 24 French 1A?
 25 A No. No. I don't think so.

1 Q Are you feeling okay to continue at this
 2 point?
 3 A Yes.
 4 MR. ROZWOOD: What I'd like to do is go as long
 5 as your client can, so let us know what as we proceed if
 6 she gets too tired, and if she would like to stop, that
 7 would be great.
 8 MS. LHAMON: I appreciated your concerns and you
 9 articulated those concerns off the record.
 10 And I had a frank conversation with her while we
 11 were on the break. And she told me she wants to stop
 12 after the ninth grade year. She talked about how tired
 13 she is. She doesn't feel like she can continue to give
 14 coherent testimony.
 15 It's not in anybody's interest to have a client
 16 that's too tired to continue.
 17 MR. ROZWOOD: Then we should stop now. I
 18 thought she was okay to continue.
 19 If she's not okay for two more questions, she's
 20 not even okay to answer those two questions, then we
 21 should stop now.
 22 MS. LHAMON: If that's your preference.
 23 MR. ROZWOOD: If you're telling me she's not
 24 coherent enough to provide useful testimony to even these
 25 questions.

1 Q She told you that you talked too much?
 2 A Yes.
 3 Q Did you have adequate instructional
 4 materials in your French class?
 5 A Yes. Just the books.
 6 Q The French books?
 7 A Yes.
 8 Q Were there enough French books for
 9 everybody?
 10 A Yes. There was enough.
 11 Q And were you able to take those books home
 12 with you?
 13 A When it was necessary, yes.
 14 Can I take a break?
 15 (Recess taken.)
 16 MS. LHAMON: We had an off-the-record
 17 conversation.
 18 I talked to my client and she's getting pretty
 19 tired. And we would like to stop after finishing the
 20 questions about the courses in ninth grade from Exhibit
 21 5. And we will resume -- we understand that we may need
 22 to resume for at least part of a third day, because we're
 23 stopping somewhat early today.
 24 Cindy is too tired to continue.
 25 BY MR. ROZWOOD:

1 MS. LHAMON: I didn't say that. That's
 2 mischaracterizing what I said.
 3 I said I had a frank conversation with my
 4 client, and she does not feel like she can continue
 5 beyond the questions about grade nine. She thinks that
 6 will take her to the end of her rope.
 7 BY MR. ROZWOOD:
 8 Q How much longer do you think you can answer
 9 questions in this deposition?
 10 A If you want to get to the middle of the
 11 tenth grade, that will be fine. But after that, I got to
 12 go. I'm tired. I got home at 3:00 in the morning. I'm
 13 tired.
 14 Q Where were you last night?
 15 ^ MS. LHAMON: Don't answer that question.
 16 BY MR. ROZWOOD:
 17 Q Why were you out so late?
 18 ^ MS. LHAMON: You don't have to answer.
 19 BY MR. ROZWOOD:
 20 Q Did you know you had a deposition today?
 21 A (No audible response.)
 22 Q When did you first learn you were going to
 23 have your deposition today?
 24 MS. LHAMON: You can answer.
 25 THE WITNESS: I found out on Wednesday.

1 BY MR. ROZWOOD:
 2 Q Was it a social event that you were out at
 3 last night?
 4 MS. LHAMON: That's why I object to the series
 5 of questions.
 6 MR. ROZWOOD: You know, you brought the lawsuit.
 7 She's a plaintiff in this lawsuit. She's --
 8 MS. LHAMON: She's making herself available for
 9 any deposition.
 10 When a deponent says she cannot continue for any
 11 number of reasons, you stop the deposition and continue
 12 it later.
 13 MR. ROZWOOD: I'm willing to do that. We're
 14 going to do that. I'm also entitled to know why we're
 15 stopping early. If it's because she was out late --
 16 MS. LHAMON: It doesn't make a difference why
 17 she's tired.
 18 MR. ROZWOOD: It does. This is a very serious
 19 lawsuit, and it involves very serious issues.
 20 I'm entitled to determine whether or not your
 21 client takes this seriously. And that goes to whether or
 22 not she's taking the time, you know, giving proper
 23 consideration to all of the people's lives she's
 24 affecting by bringing people into the office on a
 25 Saturday.

1 I certainly wasn't out last night, and I was in
 2 here at 7:00 in the morning preparing for the deposition.
 3 I take affront to your suggestion that it's not relevant.
 4 MS. LHAMON: It's hard to imagine that you don't
 5 come in on Saturdays.
 6 MR. ROZWOOD: I'm entitled to know why she was
 7 out until 3:00 in the morning, that's causing her to be
 8 tired.
 9 If it was a personal matter or family business,
 10 I understand. If it was social in nature, I'm entitled
 11 to have that on the record.
 12 BY MR. ROZWOOD:
 13 Q What were you doing last night?
 14 A I went to a prom.
 15 Q Where?
 16 A To a prom.
 17 Q To a prom. To your senior prom?
 18 A Yes.
 19 MR. ROZWOOD: That's all I wanted to know. Next
 20 time we should take that into consideration when we are
 21 scheduling depositions. I say we stop now.
 22 MS. LHAMON: Okay.
 23 I'd like a realtime transcript. You can e-mail
 24 it to us.
 25 MR. FRIEDMAN: We'll stipulate that the reporter

1 will be relieved of the responsibilities for filing the
 2 deposition;
 3 And that he can forward the original to the
 4 plaintiff's counsel, who will be responsible for securing
 5 her review and execution of the original transcript.
 6 And if the original transcript is not signed
 7 within 20 days after receipt by plaintiff's counsel, a
 8 copy may be used as signed.
 9 MS. LHAMON: Stipulated.
 10 MR. ROZWOOD: Stipulated.
 11 (TIME NOTED: 3:15 P.M.)

1 I declare under penalty of perjury
 2 under the laws of the State of California
 3 that the foregoing is true and correct.
 4 Executed on _____, 20____,
 5 at _____, _____.

SIGNATURE OF THE WITNESS

1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF LOS ANGELES)
 3
 4 I, ROY H. PITLUK, C.S.R. No. 10239, do hereby
 5 certify:
 6
 7 That the foregoing deposition testimony of
 8 CINDY DIEGO was taken before me at the time
 9 and place therein set forth, at which time the witness,
 10 in accordance with CCP Section 2094, was placed under
 11 oath and was sworn by me to tell the truth, the whole
 12 truth, and nothing but the truth;
 13 That the testimony of the witness and all
 14 objections made by counsel at the time of the
 15 examination were recorded stenographically by me,
 16 and were thereafter transcribed under my direction
 17 and supervision, and that the foregoing pages
 18 contain a full, true and accurate record of all
 19 proceedings and testimony to the best of my skill
 20 and ability.
 21 I further certify that I am neither counsel for
 22 any party to said action, nor am I related to any
 23 party to said action, nor am I in any way interested
 24 in the outcome thereof.
 25

1 IN WITNESS WHEREOF, I have subscribed my name
 2 this 31st day of May, 2001.
 3
 4
 5
 6
 7 ROY H. PITLUK, C.S.R. No. 10239
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