

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

ELEIZER WILLIAMS, a minor, by)
Sweetie Williams, his guardian)
ad litem, et al.,)
Plaintiffs,)

vs.) No. 312236

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

Continued deposition of CINDY DIEGO, at
400 South Hope Street, 15th Floor,
Los Angeles, California, commencing
at 2:16 P.M., Tuesday, June 19, 2001,
before Ricki Q. Melton, CSR No. 9400,
RPR No. 45429.

1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFFS:

4

5 ACLU FOUNDATION OF SOUTHERN CALIFORNIA

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11 FOR DEFENDANT STATE OF CALIFORNIA:

12

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14 BY: S. BENJAMIN ROZWOOD, ESQ.

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1 CINDY DIEGO,

2 the witness, having been readministered an oath

3 in accordance with CCP Section 2094, testified

4 further as follows:

5

6 EXAMINATION (CONTINUING)

7 BY MR. ROZWOOD:

8 Q. Is there any reason why you can't give your 14:16:38

9 best testimony today? 14:16:41

10 A. No. 14:16:41

11 Q. You understand that the oath that was just 14:16:42

12 administered has the same effect and force as an oath 14:16:45

13 given in a court of law? 14:16:48

14 A. Yes. 14:16:48

15 Q. I'm looking at Exhibit 5 to your deposition, 14:16:53

16 which is just a record, your cumulative record, at 14:16:57

17 Fremont High School, and I believe the last course we 14:17:02

18 were discussing was the Principles of American 14:17:05

19 Democracy, and I was hoping to turn to the next 14:17:07

20 course on the list, which as Biology A. 14:17:11

21 Have we discussed that course before? 14:17:14

22 A. No. 14:17:15

23 Q. Who was your teacher for biology? 14:17:16

24 A. [REDACTED] 14:17:18

25 Q. Can you spell [REDACTED] for us. 14:17:19

1 APPEARANCES OF COUNSEL (CONTINUED):

2

3 FOR DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT:

4

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1 A. [REDACTED] 14:17:20

2 Q. Is this a year-long class? 14:17:25

3 A. No, I just took it for one semester. 14:17:29

4 Q. Approximately how many students were in that 14:17:33

5 class? 14:17:33

6 A. Around 30 to 35 students. 14:17:37

7 Q. How many classrooms did you use for that 14:17:43

8 class? 14:17:45

9 A. Just one. 14:17:46

10 Q. Where was that classroom located in? 14:17:48

11 A. In the third floor. 14:17:51

12 Q. Of the main building? 14:17:52

13 A. Yes. 14:17:52

14 Q. Can you think of anything about your 14:18:16

15 classroom environment in biology with [REDACTED] that 14:18:18

16 interfered with your ability to learn the subject 14:18:23

17 matter? 14:18:25

18 MS. LHAMON: Calls for expert testimony. 14:18:26

19 THE WITNESS: None that I can think of. 14:18:28

20 BY MR. ROZWOOD: 14:18:29

21 Q. Did you ever see any rats, mice, 14:18:31

22 cockroaches, ants, pests, vermin, or other insects in 14:18:34

23 [REDACTED]'s class? 14:18:39

24 A. No. 14:18:39

25 Q. Were there any problems with ceiling tiles 14:18:42

1 in [redacted] class? 14:18:44
 2 A. No. 14:18:46
 3 Q. Did you use a textbook in [redacted] class? 14:18:52
 4 A. Yes. 14:18:52
 5 Q. Did every student have his or her own 14:18:58
 6 textbook? 14:19:01
 7 A. Yes. 14:19:01
 8 Q. Were there any other instructional materials 14:19:03
 9 used other than the textbook? 14:19:05
 10 A. Just class notes. 14:19:07
 11 Q. How many in-class exams did you have in 14:19:10
 12 [redacted] class? 14:19:14
 13 A. We had one -- like three tests each month. 14:19:17
 14 Q. Is that approximately twelve tests for the 14:19:27
 15 semester? 14:19:30
 16 A. Yes, plus the final. 14:19:32
 17 Q. And did you have homework in [redacted] 14:19:35
 18 class? 14:19:38
 19 A. No. 14:19:38
 20 Q. Just in-class assignments? 14:19:41
 21 A. Yes. 14:19:41
 22 Q. Can you describe the in-class assignments 14:19:44
 23 for us. 14:19:47
 24 A. It was just chapter -- like chapter review 14:19:48
 25 and reports with key terms, and once in a while, we 14:19:52

1 will have projects like dissection of an animal. 14:19:55
 2 Q. What did you dissect? 14:20:01
 3 A. A frog. 14:20:03
 4 Q. Anything else? 14:20:05
 5 A. No, that's it. 14:20:07
 6 Q. Did you have to pay for any of your supplies 14:20:08
 7 used in [redacted] biology class? 14:20:11
 8 A. No. 14:20:11
 9 Q. Did the school provide them to you? 14:20:15
 10 A. Yes. 14:20:15
 11 Q. Without charge; correct? 14:20:18
 12 A. Yes. 14:20:18
 13 Q. What condition was your textbook? How would 14:20:24
 14 you describe the condition of your textbook in 14:20:27
 15 [redacted] s class? 14:20:31
 16 A. It was in good condition. I'll give it an A 14:20:32
 17 condition. 14:20:36
 18 Q. Was it a new textbook? 14:20:36
 19 A. I wouldn't know, but it was in real good 14:20:38
 20 condition. 14:20:40
 21 Q. Were you able to take that textbook home 14:20:41
 22 with you? 14:20:43
 23 A. Yes, I had one for my own use. 14:20:44
 24 Q. Did every student [redacted] biology 14:20:46
 25 class have a textbook to take home? 14:20:50

1 A. Yes. 14:20:50
 2 Q. How would you rate [redacted] a teacher? 14:20:59
 3 A. I'll give her a five. [redacted] 14:21:02
 4 Q. Why do you say that? 14:21:05
 5 A. I don't know. I mean she was good, but -- I 14:21:09
 6 mean I guess her attitude always got in her way. She 14:21:14
 7 was always in a bad mood. 14:21:17
 8 Q. Did that interfere with your ability to 14:21:27
 9 learn the subject matter? 14:21:29
 10 A. Sometimes, because she will get irritated, 14:21:31
 11 because she would scream out loud. 14:21:35
 12 Q. What would she scream a lot at? 14:21:39
 13 A. People not doing the work. Especially, 14:21:42
 14 because I was a senior, she would put a lot -- she 14:21:47
 15 put it on herself to make us feel bad. "You guys are 14:21:50
 16 seniors. If you don't pass, you aren't graduating." 14:21:55
 17 I guess it was her way of motivating us to 14:21:58
 18 do the best in her class, to give us a chance to do 14:22:02
 19 something to pass her class. 14:22:05
 20 Q. So she would scream to motivate you? 14:22:08
 21 A. Yes, she will scream every day. 14:22:12
 22 Q. Did she scream for any other reason? 14:22:13
 23 A. I don't know if she had, like, problems, 14:22:16
 24 like her own problems and she will just take it out 14:22:18
 25 on us. I don't know. 14:22:21

1 Q. You are not aware of any personal problems 14:22:24
 2 that [redacted] had? 14:22:26
 3 A. No, I'm not aware. 14:22:28
 4 Q. Was [redacted] prepared as a teacher? 14:22:31
 5 A. Yes, she was very well prepared. 14:22:36
 6 Q. With weekly lesson plans? 14:22:38
 7 A. Yes. 14:22:38
 8 Q. And did she explain the concepts well? 14:22:41
 9 A. I mean I guess it depends how each student 14:22:45
 10 would take the way she would explain it, but to me, I 14:22:49
 11 really didn't understand her that much. It would be 14:22:52
 12 really complicated because she will talk about all 14:22:55
 13 these chemicals and cells and all these different 14:22:58
 14 kinds of stuff. So I really didn't understand what 14:23:01
 15 she would be talking about. 14:23:03
 16 Just on a one-on-one basis I'll ask her, 14:23:04
 17 [redacted], what did you mean by that?" Then she 14:23:07
 18 will explain it to me, and I'll understand a little 14:23:10
 19 more better than before. 14:23:13
 20 Q. So she made herself available to you to 14:23:14
 21 explain things after class? 14:23:16
 22 A. Yes. 14:23:16
 23 Q. Did she make herself available to her 14:23:25
 24 students before class or after school? 14:23:25
 25 A. She never mentioned tutoring before or 14:23:25

1 after. The only thing she offered was detention, 14:23:27
 2 like, before or after school or during lunch and 14:23:30
 3 nutrition. 14:23:33
 4 Q. Detention, isn't that a punishment? 14:23:35
 5 A. Yes, in her class. 14:23:38
 6 Q. So the only thing she offered was to punish 14:23:41
 7 you? 14:23:44
 8 A. Yes. She would be, like, "I'll expect 14:23:45
 9 whoever has to to stay after school." 14:23:47
 10 Well, to me, that's detention because you 14:23:50
 11 have to stay after school. 14:23:53
 12 She would say, "I want everybody at 3:20 on 14:23:54
 13 the dot," whoever will be punished and stay 10 or 15 14:23:57
 14 minutes or however long. 14:24:02
 15 Q. That's not for purposes of clarifying the 14:24:05
 16 subject matter of her course, is it? 14:24:08
 17 A. No. 14:24:08
 18 Q. That's for the kids who cause trouble in 14:24:10
 19 class; right? 14:24:14
 20 A. Yes. 14:24:15
 21 Q. Did you ever cause trouble in [REDACTED] 14:24:16
 22 class? 14:24:20
 23 A. No. 14:24:20
 24 Q. Did you ever talk in her class? 14:24:21
 25 A. I couldn't -- not that I couldn't, but I 14:24:22

1 couldn't take that chance because I really did want 14:24:24
 2 to pass her class to get where I'm at right now. 14:24:28
 3 Q. Do you think [REDACTED] cared if the students 14:24:32
 4 learned the subject matter in her class? 14:24:37
 5 A. Yes, I think she did care. 14:24:40
 6 Q. Do you think she is dedicated to her work as 14:24:44
 7 a teacher? 14:24:47
 8 A. I wouldn't be able to say. 14:24:48
 9 Q. How often was she absent? 14:24:50
 10 A. Probably once out of the whole time I had 14:24:51
 11 her. 14:24:53
 12 Q. Did you complete all of your in-class 14:25:07
 13 assignments in [REDACTED] biology class? 14:25:11
 14 A. Yes. 14:25:11
 15 Q. Did you turn them all in? 14:25:15
 16 A. Yes. 14:25:15
 17 Q. Did you take all the in-class exams? 14:25:17
 18 A. Yes. 14:25:17
 19 Q. Did you take the final exam? 14:25:20
 20 A. Yes. 14:25:20
 21 [REDACTED] 14:25:22
 22 [REDACTED] 14:25:24
 23 MS. LHAMON: Asked and answered. 14:25:27
 24 THE WITNESS: I may have turned in all the 14:25:29
 25 work and did the final exam and complete all her 14:25:30

1 assignments, but I really didn't like -- I would do 14:25:33
 2 them, but I wouldn't really get like a good grade, 14:25:37
 3 like a good percentage. It would be numerous 14:25:41
 4 problems that I'll get wrong or answers that I will 14:25:44
 5 get wrong. 14:25:47
 6 BY MR. ROZWOOD: 14:25:47
 7 Q. Is there anything [REDACTED] could have done 14:25:51
 8 to help you improve your grade in her class? 14:25:54
 9 MS. LHAMON: Calls for speculation. 14:25:56
 10 THE WITNESS: I don't know. 14:25:58
 11 BY MR. ROZWOOD: 14:25:58
 12 Q. Is there anything that the school could have 14:25:59
 13 done to help you improve your grade in [REDACTED] 14:26:00
 14 class? 14:26:06
 15 MS. LHAMON: Calls for speculation. 14:26:07
 16 THE WITNESS: I don't think it has to do 14:26:09
 17 with the school, just the teacher. She could have 14:26:09
 18 pushed me more, motivated me more. 14:26:12
 19 Then again, it's upon me to go and look for 14:26:14
 20 her and let her know if I have a problem with her 14:26:17
 21 class or having difficulty with the subject or 14:26:20
 22 anything that she is teaching at the moment. 14:26:22
 23 BY MR. ROZWOOD: 14:26:22
 24 Q. Did you ever communicate anything like that 14:26:25
 25 to Ms. Cerpa? 14:26:27

1 A. No, because pretty much the things she would 14:26:28
 2 explain I'll understand fairly well or just ask a 14:26:31
 3 friend and they explain it to me a little more better 14:26:35
 4 than what she did. 14:26:39
 5 MR. ROZWOOD: Can you read back the 14:26:42
 6 witness's -- not the last answer but the answer 14:26:43
 7 before that. 14:26:45
 8 (The following answer was 14:26:45
 9 read by the reporter: 14:26:09
 10 "ANSWER: I don't think it has 14:26:09
 11 to do with the school, just the 14:26:09
 12 teacher. She could have pushed me 14:26:10
 13 more, motivated me more. 14:26:12
 14 "Then again, it's upon me to go and 14:26:14
 15 look for her and let her know if I 14:26:16
 16 have a problem with her class or 14:26:19
 17 having difficulty with the subject 14:26:20
 18 or anything that she is teaching at 14:26:22
 19 the moment.") 14:26:23
 20 BY MR. ROZWOOD: 14:26:23
 21 Q. Can you explain what you mean "it's upon me" 14:27:19
 22 to approach the teacher? 14:27:21
 23 A. Because, for example, if I'm an A student 14:27:23
 24 and even though that I am getting a good grade, I'm 14:27:28
 25 not understanding the subject. It doesn't mean, just 14:27:31

1 because I have an A, I understand what is going on in 14:27:33
 2 the classroom. 14:27:36
 3 If I have a problem and I'm having 14:27:37
 4 difficulty, then I'm going to tell the teacher, you 14:27:39
 5 know, that "I'm having a problem with a certain 14:27:42
 6 subject that you are teaching or which you went over 14:27:44
 7 today." 14:27:48
 8 Do you see what I'm saying? 14:27:49
 9 Q. Were there any temperature problems in 14:27:55
 10 [REDACTED]'s class? 14:27:57
 11 A. No, not that I could think of. 14:28:01
 12 Q. Are there any occasions in which the 14:28:03
 13 air-conditioning failed to function properly? 14:28:07
 14 A. No. 14:28:07
 15 Q. Was there ever a time when the heater failed 14:28:12
 16 to function properly? 14:28:14
 17 A. No. 14:28:14
 18 Q. Approximately how old is [REDACTED] 14:28:27
 19 A. I guess she's around 27 years old. 14:28:30
 20 Q. Look at my copy of Exhibit 5 and tell me the 14:28:51
 21 name of the class below the biology class. It's a 14:28:56
 22 little illegible on my copy. 14:29:00
 23 A. I think it's -- 14:29:05
 24 Q. You know, I have a better copy. 14:29:11
 25 A. Do you mind looking at my report card? 14:29:12

1 Q. Not at all. Good idea. So Modern 14:29:16
 2 Literature with Ms. Bell? 14:29:23
 3 A. Yeah. 14:29:25
 4 Q. I'm handing you a copy of Exhibit 3. 14:29:25
 5 A. Yeah, it has to be that one. Because I 14:29:28
 6 can't read it. 14:29:32
 7 Q. Okay. Let's go ahead and -- let me ask you 14:29:34
 8 one more question about the biology class with 14:29:37
 9 [REDACTED]. 14:29:40
 10 Can you think of anything that -- other than 14:29:49
 11 what you have previously testified to that interfered 14:29:52
 12 with your ability to learn the subject matter in 14:29:57
 13 [REDACTED] biology class? 14:30:00
 14 MS. LHAMON: Objection. Calls for expert 14:30:03
 15 testimony. 14:30:04
 16 THE WITNESS: No, I can't. 14:30:05
 17 BY MR. ROZWOOD: 14:30:07
 18 Q. Was there any ambient noise that interfered 14:30:07
 19 with your ability to learn the subject matter in 14:30:10
 20 [REDACTED] biology class? 14:30:12
 21 A. No, she had the class pretty well 14:30:15
 22 controlled. 14:30:23
 23 Q. What do you mean she had it pretty well 14:30:23
 24 controlled? 14:30:23
 25 A. She let us know what she expected. We knew 14:30:23

1 what to expect from her. She already set down the 14:30:26
 2 ground rules, and we knew what to do as soon as we 14:30:30
 3 came in and, as soon as the bell rang, to get out of 14:30:33
 4 her class. 14:30:46
 5 Q. Was [REDACTED] a strict teacher? 14:30:48
 6 A. Yes. 14:30:48
 7 Q. Was there enough equipment and supplies for 14:31:16
 8 every student to use in [REDACTED] biology class? 14:31:24
 9 MS. LHAMON: Vague as to "equipment and 14:31:30
 10 supplies." 14:31:31
 11 THE WITNESS: [REDACTED] -- I don't know if 14:31:33
 12 we could have used more or done more in her class, 14:31:35
 13 but as far as the things we used -- I know there 14:31:39
 14 wasn't enough microscopes to go around, but that 14:31:43
 15 wasn't an issue because we didn't work with them. We 14:31:46
 16 only used them twice, but I don't know what other 14:31:49
 17 things we could have used in her class. 14:31:53
 18 BY MR. ROZWOOD: 14:31:57
 19 Q. Other than the dissection, what other 14:31:58
 20 experiments did you do in [REDACTED] biology class? 14:32:00
 21 A. Like checking our tree cells and checking 14:32:04
 22 the cheek cells and the cell wall of an onion, of any 14:32:09
 23 kind of vegetable. 14:32:14
 24 Q. For the dissection experiment, were there 14:32:19
 25 adequate tools for each student to participate in the 14:32:23

1 experiment. 14:32:27
 2 A. We were partnered up in a group because -- I 14:32:28
 3 don't know if there wasn't enough to go around. I 14:32:32
 4 wouldn't be able to tell you that. We were just 14:32:35
 5 primarily in groups to help each other instead of 14:32:38
 6 doing it by ourselves. 14:32:42
 7 Q. How many students were in a group? 14:32:44
 8 A. It was four of us. 14:32:46
 9 Q. And how many microscopes were there in the 14:32:49
 10 class available for students' use? 14:32:53
 11 A. Probably around ten. 14:32:58
 12 Q. And you used the microscopes to examine 14:33:06
 13 cheek cells or vegetable cells, for example? 14:33:12
 14 A. Yes. 14:33:12
 15 Q. Were you also put into groups for those 14:33:15
 16 experiments? 14:33:19
 17 A. Pretty much we will do them as soon as we 14:33:19
 18 get in the classroom. She will do the experiments 14:33:22
 19 for us, and she would have everything prepared, and 14:33:26
 20 by groups and tables tells us to look around and 14:33:30
 21 describe what we saw and draw the pictures. 14:33:35
 22 Q. Were there adequate numbers of chairs and 14:33:40
 23 tables for the students in [REDACTED] biology class? 14:33:42
 24 A. Yes. 14:33:42
 25 Q. How would you describe the condition of the 14:33:47

1 classroom? Was it clean? 14:33:51
 2 A. It looked pretty good. I didn't see no 14:33:54
 3 problem with it. 14:33:57
 4 Q. And who was your teacher for modern 14:34:00
 5 literature in the first semester of your senior year? 14:34:03
 6 A. Mr. Bell. 14:34:07
 7 MR. NAPOLITANO: I'm sorry. Which class? 14:34:09
 8 MR. ROZWOOD: Modern literature. 14:34:12
 9 THE WITNESS: Yes. 14:34:14
 10 BY MR. ROZWOOD: 14:34:14
 11 Q. Is that a year-long class? 14:34:21
 12 A. That's half a semester. Because after 14:34:23
 13 modern lit, we had expo composition, but that's what 14:34:25
 14 I'm taking right now for my second semester. 14:34:31
 15 MR. ROZWOOD: Off the record for a second. 14:34:48
 16 (Off the record.) 14:36:19
 17 BY MR. ROZWOOD: 14:36:19
 18 Q. How many weeks did you have modern 14:36:19
 19 literature with Mr. Bell? 14:36:21
 20 A. Just that one semester. 14:36:23
 21 Q. For an entire semester? 14:36:29
 22 A. Yes. 14:36:29
 23 Q. How many different classrooms did you use in 14:36:33
 24 that course? 14:36:35
 25 A. Just one classroom, but I had several 14:36:37

1 teachers before having Mr. Bell. 14:36:41
 2 Q. Where was that classroom located? 14:36:44
 3 A. It was in the second floor in the main 14:36:46
 4 building. 14:36:48
 5 Q. How far into the semester was it when 14:36:59
 6 Mr. Bell arrived as your teacher for modern lit? 14:37:01
 7 A. Probably like around the fourth week of -- 14:37:05
 8 no, I'm sorry. 14:37:10
 9 Because I had modern literature in the 14:37:12
 10 beginning of my twelfth-grade year once I came back 14:37:15
 11 on track from October. From the beginning of 14:37:18
 12 October, that's when Mr. Bell had arrived. 14:37:23
 13 Q. Who was your teacher before Mr. Bell? 14:37:30
 14 A. It was a female at first. We had her, like, 14:37:32
 15 for a week and a half, and then we had a male teacher 14:37:35
 16 for the rest. 14:37:40
 17 Q. Do you remember the names of either of these 14:37:44
 18 teachers? 14:37:46
 19 A. The female, no. The male, I think his name 14:37:49
 20 was [REDACTED] 14:37:54
 21 Q. [REDACTED]? 14:37:58
 22 A. Yes. 14:37:58
 23 Q. Did [REDACTED] leave Fremont High School? 14:38:07
 24 A. No. The problem was he was a teacher from a 14:38:10
 25 different track. 14:38:12

1 Q. Which track? 14:38:17
 2 A. From track A. 14:38:18
 3 Q. And after the female teacher left, 14:38:27
 4 [REDACTED] -- 14:38:30
 5 A. He took over. 14:38:34
 6 Q. And finished that part of the semester out? 14:38:35
 7 A. Yes. 14:38:35
 8 Q. Was he off track at the time, or was track A 14:38:40
 9 off track at the time? 14:38:42
 10 A. No, he was off track. I guess they called 14:38:44
 11 him up and told him they needed him for the class to 14:38:47
 12 substitute in. 14:38:52
 13 Q. So he was off track at the time? 14:38:52
 14 A. Yes. 14:38:52
 15 Q. Let's see if I have this right. 14:39:09
 16 Did you have [REDACTED] for about six and a 14:39:09
 17 half weeks, the balance of the two-month stretch or 14:39:09
 18 session in your first semester of your senior year at 14:39:13
 19 Fremont? 14:39:17
 20 A. I guess you could say that. 14:39:18
 21 Q. Please tell me if I've got it wrong. I 14:39:21
 22 think I finally understand, but it's -- 14:39:24
 23 Your first semester, if I'm not mistaken, is 14:39:28
 24 two sessions of two months with a break in between; 14:39:34
 25 is that right? 14:39:34

1 A. Yes. 14:39:37
 2 Q. So you had this female teacher for the first 14:39:38
 3 one and a half weeks and [REDACTED] for the rest of 14:39:41
 4 that two-month stretch; is that right? 14:39:44
 5 A. Yes. 14:39:47
 6 Q. Okay. When you -- strike that. 14:39:47
 7 At the time you had the female teacher, how 14:39:53
 8 many students were in the modern lit class? 14:39:56
 9 A. 40 to 45 students. 14:40:01
 10 Q. And when [REDACTED] arrived, how many 14:40:06
 11 students were in the class? 14:40:09
 12 A. The same amount. 14:40:10
 13 Q. And when you had Mr. Bell, how many students 14:40:13
 14 were in the class? 14:40:18
 15 A. Around 40 students because I think like 5 14:40:23
 16 students had left. 14:40:30
 17 Q. Where did they go? 14:40:32
 18 A. To different classrooms. 14:40:33
 19 Q. Different modern lit classrooms? 14:40:36
 20 A. Yes. 14:40:36
 21 Q. Do you know which teacher or teachers they 14:40:45
 22 took? 14:40:47
 23 A. No. I think most of them took Mr. Bell but 14:40:48
 24 at different periods. 14:40:52
 25 Q. Was Mr. Bell new to the school? 14:40:58

1 A. Yes, his first year teaching at Fremont. 14:41:01
 2 Q. How old was Mr. Bell approximately? 14:41:04
 3 A. Around 28, 29. 14:41:07
 4 Q. Do you know if he had any prior teaching 14:41:11
 5 experience? 14:41:13
 6 A. No, I don't know. 14:41:15
 7 MS. LHAMON: Off the record for a second? 14:41:23
 8 MR. ROZWOOD: Sure. 14:41:25
 9 (Off the record.) 14:42:46
 10 BY MR. ROZWOOD: 14:42:46
 11 Q. What types of instructional materials were 14:42:47
 12 used in your modern lit class? 14:42:49
 13 A. With [REDACTED]? 14:42:52
 14 Q. At the beginning with the first female 14:42:55
 15 teacher. 14:42:57
 16 A. With the first female teacher, we weren't 14:42:58
 17 doing anything because she had let us know from the 14:43:00
 18 beginning she was just a substitute, she wasn't a 14:43:03
 19 regular teacher. So we were just pretty much just 14:43:05
 20 sitting there and just talking throughout the hour. 14:43:09
 21 Q. Did you receive any assignments at all 14:43:12
 22 during that initial one-and-a-half-week period? 14:43:16
 23 A. No. 14:43:16
 24 Q. Did you receive any textbooks or other 14:43:20
 25 instructional materials at all during that period? 14:43:22

1 A. No. 14:43:22
 2 Q. What instructional materials did you use 14:43:28
 3 after [REDACTED] arrived? 14:43:30
 4 A. When Mr. Mullins arrived, we had just work 14:43:33
 5 sheets, topic sentences and paragraphs and grammar 14:43:38
 6 structure, but we didn't use the book, and then we 14:43:41
 7 had weekly vocabulary that he will test us every 14:43:44
 8 Friday. 14:43:48
 9 Q. You mentioned that you didn't use the book. 14:43:54
 10 What book are you referring to? 14:43:56
 11 A. We just didn't use a book for the class. 14:43:59
 12 I'm not referring to any particular book. 14:44:03
 13 Q. So there was no textbook for the modern lit 14:44:05
 14 class with [REDACTED] or with Mr. Bell? 14:44:08
 15 A. With Mr. Bell we had books, but we didn't 14:44:10
 16 use them. 14:44:13
 17 Q. Did you have a different classroom with 14:44:15
 18 [REDACTED] than you had with Mr. Bell? 14:44:17
 19 A. Yes. 14:44:17
 20 Q. Where was the classroom with [REDACTED] 14:44:20
 21 located? 14:44:22
 22 A. It was located on the second floor in the 14:44:23
 23 main building. 14:44:26
 24 Q. So the only instructional materials you used 14:44:31
 25 with [REDACTED] were work sheets? 14:44:34

1 A. Yes. 14:44:34
 2 Q. And other than the work sheets and the 14:44:45
 3 weekly vocabulary assignments, were there any other 14:44:49
 4 assignments that [REDACTED] gave you in your modern 14:44:52
 5 lit class? 14:44:56
 6 A. We had essays, compositions. He'll have 14:44:57
 7 like a topic sentence on the board, and we have to 14:45:02
 8 do, like, the body structure of the topic sentence, 14:45:04
 9 the body, the conclusion. 14:45:09
 10 Q. Were those in-class writing assignments? 14:45:16
 11 A. Yes, and if we didn't finish, we could 14:45:19
 12 finish it at home. 14:45:22
 13 Q. Other than completing in-class writing 14:45:24
 14 assignments, were there any other homework 14:45:27
 15 assignments in [REDACTED]'s modern lit class? 14:45:31
 16 A. No. 14:45:31
 17 Q. Did you have any reading assignments in your 14:45:39
 18 modern lit class with [REDACTED]? 14:45:40
 19 A. Not that I can remember. 14:45:47
 20 Q. So you didn't read any novels or anything 14:45:52
 21 like that? 14:45:55
 22 A. No. 14:45:55
 23 Q. How about with Mr. Bell? What types of 14:46:02
 24 assignments did you have with him? 14:46:04
 25 A. Mr. Bell -- we had a book in the class, but 14:46:06

1 that was only like -- I don't know. Like around 30 14:46:10
 2 books. So we had to share, and he will have a page 14:46:14
 3 number up on the board, and we will turn to it. It 14:46:17
 4 was either a novel or short story or a poem, and we 14:46:20
 5 will read it, go over it as a class, or sometimes we 14:46:25
 6 would have to answer certain questions that were in 14:46:29
 7 the book and analyze what the people or the novel or 14:46:32
 8 the short story meant. 14:46:35
 9 Q. Did you have any other assignments with 14:46:43
 10 Mr. Bell in your modern literature class? 14:46:45
 11 A. We had weekly vocabulary. We had 14:46:48
 12 compositions and essays, and the most important 14:46:53
 13 project we had was -- because when you are a senior, 14:46:57
 14 you are supposed to have a senior portfolio. So we 14:47:01
 15 were working on that too. 14:47:09
 16 Q. Were the students in Mr. Bell's class able 14:47:23
 17 to take the textbook home if they wanted? 14:47:26
 18 A. It really wasn't necessary to take it home 14:47:29
 19 because we didn't have homework from the book. 14:47:31
 20 Q. What type of homework assignments did you 14:47:36
 21 have? 14:47:39
 22 A. Just like for the portfolio like an 14:47:39
 23 24 autobiography or working on a business letter, a 14:47:45
 25 friendly letter, a resume. 14:47:48

- 1 Q. Those weren't assignments from the textbook? 14:48:02
 2 A. No. 14:48:02
 3 Q. How would you rate the substitute female 14:48:16
 4 teacher on a scale of one to ten? 14:48:19
 5 A. A zero. 14:48:23
 6 Q. Why is that? 14:48:25
 7 A. We didn't do anything. I don't know what 14:48:26
 8 she was capable of as a teacher. 14:48:28
 9 Q. How about [REDACTED]? 14:48:33
 10 A. I'll give him a four. 14:48:35
 11 Q. Why do you say that? 14:48:39
 12 A. I don't know. He was kind of loony like. 14:48:41
 13 Every Friday, like, he'll have like a Karaoke 14:48:44
 14 machine, and he will sing for us. I don't know. He 14:48:48
 15 was weird. 14:48:50
 16 Q. Did you feel like [REDACTED] was, you know, 14:49:00
 17 prepared each day for class? 14:49:03
 18 A. Yes, he was prepared. 14:49:08
 19 Q. Did you have a lesson plan for the portion 14:49:10
 20 of the semester he taught? 14:49:13
 21 A. I don't think he had a lesson plan. 14:49:16
 22 Q. Approximately how often was [REDACTED] 14:49:39
 23 absent? 14:49:41
 24 A. He wasn't absent at all. 14:49:42
 25 Q. Was he available to students before and 14:49:50

- 1 A. Yes. 14:50:57
 2 Q. Is he prepared with lesson plans? 14:51:00
 3 A. Yes. 14:51:00
 4 Q. Does he take the time to make sure his 14:51:03
 5 students understand the subject matter? 14:51:05
 6 A. I don't know. I mean we really don't have 14:51:09
 7 questions in his class, but he does go over the work 14:51:14
 8 or whatever he wants us to do throughout, you know, 14:51:17
 9 the period of time that we are in his class. 14:51:19
 10 Q. Well, for those novels or short stories or 14:51:22
 11 poems that you would read in class, did he 14:51:25
 12 participate actively in the discussion with the 14:51:27
 13 students? 14:51:30
 14 A. Yes, after we are done. We have like a 14:51:31
 15 group discussion. 14:51:34
 16 Q. And did you find his participation to be 14:51:37
 17 helpful in understanding the subject matter of the 14:51:42
 18 stories or poems? 14:51:46
 19 A. The only thing was just to know the 14:51:49
 20 different opinions that everybody had in the class 14:51:52
 21 about what they thought that the people or the short 14:51:54
 22 story, you know, or novel meant, to analyze it 14:51:58
 23 better. 14:52:01
 24 Q. Do you think Mr. Bell could have done a 14:52:05
 25 better job as a teacher in that class? 14:52:07

- 1 after class to help them learn the subject matter of 14:49:53
 2 the course? 14:49:56
 3 A. No. 14:49:56
 4 Q. Do you think he actually cared whether or 14:49:58
 5 not the students learned? 14:50:00
 6 A. I think he did care because a lot of times 14:50:02
 7 he will always tell us it was our future, it was 14:50:07
 8 always important to graduate. He will even talk 14:50:11
 9 about other students that he had had before, and he 14:50:14
 10 will talk about how good they were doing. I think he 14:50:18
 11 did care. 14:50:20
 12 Q. Do you think he was dedicated to his work as 14:50:23
 13 a teacher? 14:50:26
 14 A. Yes. 14:50:26
 15 Q. Approximately how old was [REDACTED]? 14:50:28
 16 A. 60 to 65 years old. 14:50:31
 17 Q. Do you know how long he has been teaching at 14:50:34
 18 Fremont? 14:50:36
 19 A. For a long time. 14:50:37
 20 Q. How would you rate Mr. Bell as a teacher? 14:50:42
 21 A. I will give him a seven. 14:50:44
 22 Q. Why a seven? 14:50:49
 23 A. He's not all that good, and he's not that 14:50:52
 24 bad. So I just give him a seven. 14:50:54
 25 Q. Does he communicate clearly? 14:50:57

- 1 A. No, I think he does pretty well, but I just 14:52:10
 2 rate him a seven because that's the way I feel for 14:52:13
 3 him as a teacher. 14:52:18
 4 Q. Do you think Mr. Bell does the best he can 14:52:19
 5 as a teacher? 14:52:21
 6 A. Yes. 14:52:21
 7 Q. Did Mr. Bell make himself available to 14:52:31
 8 students outside of class? 14:52:34
 9 A. I never heard him say anything about 14:52:35
 10 tutoring before or after school. So no, I don't 14:52:40
 11 think so. 14:52:43
 12 Q. Did you ever ask him if he was available 14:52:43
 13 before or after class? 14:52:45
 14 A. No. 14:52:45
 15 Q. Both of these classrooms were in the main 14:52:52
 16 building on the second floor; correct? 14:52:54
 17 A. Yes. 14:52:54
 18 Q. Did you ever see any rats, mice, roaches, 14:52:56
 19 ants or other insects, vermin, or pests in either of 14:53:00
 20 these classrooms? 14:53:05
 21 A. No. 14:53:05
 22 Q. Were there any temperature problems in 14:53:07
 23 either of these classrooms either with 14:53:09
 24 air-conditioning or heating? 14:53:11
 25 A. No. 14:53:11

1 Q. Were there any ceiling tile problems in 14:53:22
 2 either of these classrooms? 14:53:24
 3 A. No, not that I can remember. 14:53:27
 4 Q. And how would you rate the condition of the 14:53:30
 5 textbooks you used in Mr. Bell's class? 14:53:32
 6 A. A "B" condition. 14:53:35
 7 Q. Do you think the fact they were in B 14:53:46
 8 condition versus A condition interfered with your 14:53:48
 9 ability to learn the subject matter in the textbooks? 14:53:51
 10 A. No. 14:53:51
 11 Q. Did you have any in-class exams in your 14:54:02
 12 modern literature class? 14:54:06
 13 A. The only in-class exams was on the novels 14:54:08
 14 that we had been reading throughout the period of 14:54:11
 15 time, and he will have us read 20 pages for a whole 14:54:14
 16 week, and then at the end, he will just give us 14:54:20
 17 questions on what happened throughout those pages, 14:54:23
 18 and the first thing he asked was, "Did any of you 14:54:25
 19 guys read the pages?" 14:54:28
 20 And we will say "yes" or "no," and whoever 14:54:30
 21 said "yes" or "no," they had to take the test anyway, 14:54:32
 22 but you know, I mean just to see who is reading the 14:54:35
 23 book and who is not. 14:54:48
 24 Q. Were these weekly tests, or how often did 14:54:48
 25 you have tests on the reading assignments for the 14:54:48

1 textbook? 14:54:48
 2 A. You could say every other week. 14:54:48
 3 Q. Did you take all the in-class exams in your 14:54:56
 4 modern literature class? 14:55:00
 5 A. Yes. 14:55:00
 6 Q. How about homework assignments? How many 14:55:02
 7 homework assignments did you have per week? Or if it 14:55:05
 8 didn't work like that, tell me how it did work. 14:55:08
 9 A. No homework assignments. The assignments 14:55:11
 10 were, like I said before, on the portfolio, on the 14:55:14
 11 business letter, friendly letter, and resumes. 14:55:17
 12 He will make us do a rough draft to work on 14:55:20
 13 it. We will bring it back the next day, he will 14:55:22
 14 check it over. If you have any kind of mistake, he 14:55:25
 15 will tell us to fix it and do it better. 14:55:28
 16 If it was to his approval and it was fine, 14:55:31
 17 we would type it up in the computer, and it was ready 14:55:35
 18 to go in the portfolio. 14:55:39
 19 Q. Did you complete all of your homework 14:55:41
 20 assignments in your modern literature class? 14:55:42
 21 A. All the things he assigned, yes. 14:55:46
 22 Q. Do you have any idea why you received a 14:55:48
 23 satisfactory in work habits versus an excellent? 14:55:50
 24 A. No, I have no idea. 14:55:54
 25 Q. To your knowledge, you completed all of your 14:55:56

1 work assignments in your modern literature class? 14:55:58
 2 A. Yes. 14:55:58
 3 Q. You mentioned a computer, typing up your 14:56:04
 4 letters and other projects on the computer. 14:56:07
 5 A. Yes. 14:56:07
 6 Q. Was there a computer made available for 14:56:12
 7 students to use in connection with Mr. Bell's modern 14:56:14
 8 literature class? 14:56:16
 9 A. If we had completed whatever assignment he 14:56:18
 10 had assigned and if it was to his approval, then he 14:56:23
 11 will give us a pass to go to the computer lab and 14:56:26
 12 finish it, or we could do it on our time. 14:56:29
 13 Q. At the school's computer lab on your own 14:56:32
 14 time? 14:56:35
 15 A. Yes, however is better. 14:56:36
 16 Q. I'm sorry? 14:56:40
 17 A. Whatever is more convenient for the student. 14:56:40
 18 Q. Are these the computer labs that we 14:56:45
 19 discussed previously on the third floor of the main 14:56:48
 20 building? 14:56:51
 21 A. Yes. 14:56:51
 22 Q. Are those the computers you personally used 14:56:58
 23 to type up your assignments for the modern lit? 14:57:00
 24 A. No, I used Community Coalition computers. 14:57:04
 25 Q. Did you ever use the school's computer lab 14:57:21

1 in connection with your modern literature class 14:57:25
 2 assignments? 14:57:28
 3 A. I only used it once to type up real quick -- 14:57:30
 4 I don't know if it's like a memorandum. Just to -- 14:57:37
 5 like if I had been to an interview and saying thank 14:57:40
 6 you to whoever had done the interview and thank you 14:57:46
 7 for his time and looking forward to working for the 14:57:49
 8 company or the business or whatever. 14:57:53
 9 Q. Did Mr. -- I'm sorry to interrupt. Were you 14:57:55
 10 finished with your answer? 14:57:58
 11 A. Yes. 14:57:58
 12 Q. Did Mr. Bell provide you with a pass to use 14:58:01
 13 during class at the school's computer lab for this 14:58:03
 14 purpose? 14:58:07
 15 A. Yes. 14:58:07
 16 Q. And when you arrived at the computer lab, 14:58:08
 17 how many students were there? 14:58:13
 18 A. Around 10 to 15 students. 14:58:15
 19 Q. Approximately how many computers were 14:58:17
 20 available generally for student use? 14:58:19
 21 MS. LHAMON: Asked and answered on the 14:58:23
 22 second day, I think. 14:58:24
 23 THE WITNESS: I don't know. There's a lot 14:58:26
 24 of computers. If I could estimate, I would say 14:58:26
 25 there's around 55 to 60 computers available, but I 14:58:29

1 went to the computer lab where there's only word 14:58:33
 2 proccsing and Microsoft Word, no Internet access. 14:58:38
 3 BY MR. ROZWOD: 14:58:42
 4 Q. Were there sufficient computers available 14:58:42
 5 for you when you arrived at the computer lab that 14:58:45
 6 day? 14:58:48
 7 A. Yes. 14:58:48
 8 Q. You were able to complete the assignment 14:58:48
 9 during that class period? 14:58:50
 10 A. Yes. 14:58:50
 11 Q. Approximately how old was Mr. Bell? 14:59:02
 12 MS. LHAMON: Asked and answered. 14:59:05
 13 THE WITNESS: I said around 28 to 29 years 14:59:06
 14 old. 14:59:09
 15 BY MR. ROZWOD: 14:59:10
 16 Q. I have it here. Sorry. 14:59:10
 17 How often was Mr. Bell absent? 14:59:20
 18 A. He really wasn't absent. 14:59:25
 19 Q. Can you remember any occasion on which 14:59:27
 20 Mr. Bell was absent from modern lit class? 14:59:30
 21 A. Probably around one time because I know he 14:59:34
 22 had to attend a conference, a teacher's conference. 14:59:37
 23 Q. Did he leave a lesson plan for the 14:59:41
 24 substitute to use in his absence? 14:59:43
 25 MS. LHAMON: Calls for speculation. 14:59:45

1 THE WITNESS: I don't know, but before he 14:59:47
 2 had left, he let us know what he wanted to us do, 14:59:49
 3 what he wanted us to work on. 14:59:52
 4 BY MR. ROZWOD: 14:59:54
 5 Q. Did you ever come to learn -- strike that. 15:00:15
 6 Do you see on Exhibit 3, which is your 15:00:56
 7 report card dated November 2000, where it indicates 15:00:59
 8 during your third period biology class with [REDACTED] 15:01:05
 9 that you were absent eight times? 15:01:10
 10 A. Yes. 15:01:14
 11 MS. LHAMON: I'm sorry. Is that an 8, or is 15:01:14
 12 that a 3? I don't have a terrific copy, and it's not 15:01:17
 13 clear. Are you sure that's an 8? 15:01:21
 14 BY MR. ROZWOD: 15:01:25
 15 Q. I guess I can ask you how many times you 15:01:26
 16 were absent. Appears to be an 8 to me as 15:01:28
 17 distinguished from a 3 as in the second period 15:01:34
 18 service class? 15:01:37
 19 MS. LHAMON: On my copy they look very 15:01:38
 20 similar. 15:01:48
 21 But, Cindy, you should answer the question 15:01:48
 22 if you remember how many times you were absent. 15:01:48
 23 THE WITNESS: No, I don't remember how many 15:01:48
 24 times I was absent. 15:01:48
 25 BY MR. ROZWOD: 15:01:50

1 Q. Did you ever purposefully miss the biology 15:01:50
 2 class with [REDACTED] 15:01:54
 3 A. No. 15:01:57
 4 MS. LHAMON: The question was vague as to 15:01:57
 5 "purposefully." 15:01:59
 6 MR. ROZWOD: If the exhibit is difficult to 15:02:00
 7 read, it's because that's the way it was produced. 15:02:14
 8 MS. LHAMON: And we produced the only copy 15:02:18
 9 that Cindy had. So there's nothing we can do about 15:02:20
 10 it. 15:02:23
 11 MR. ROZWOD: But you didn't produce the 15:02:24
 12 original. All we received was a copy. 15:02:25
 13 MS. LHAMON: Well, the reason we didn't 15:02:27
 14 produce the original is we needed to redact 15:02:29
 15 information that was excluded under the court's 15:02:33
 16 protective order. 15:02:35
 17 MR. ROZWOD: The fact remains that this is 15:02:42
 18 the best copy that you provided us. 15:02:44
 19 MS. LHAMON: It's also the best copy we had, 15:02:47
 20 and you asked for a copy from the school district. 15:02:48
 21 Perhaps the school district has a better copy. 15:02:51
 22 MR. ROZWOD: But this is the copy you made; 15:02:55
 23 correct? 15:02:56
 24 MS. LHAMON: It's a copy we made, and I 15:02:58
 25 agree with you. It's the best copy we have, and the 15:02:59

1 copy is unclear. Cindy testified to the best of her 15:03:02
 2 knowledge. 15:03:05
 3 MR. ROZWOD: She testified what? 15:03:07
 4 MS. LHAMON: To the best of her knowledge. 15:03:08
 5 MR. ROZWOD: That what? 15:03:10
 6 MS. LHAMON: Everything she testified to is 15:03:13
 7 to the best of her knowledge, and you asked her if 15:03:14
 8 she knew how many times she had been absent, and she 15:03:16
 9 said she didn't. 15:03:19
 10 BY MR. ROZWOD: 15:03:26
 11 Q. I think this is right. The only class we 15:03:28
 12 haven't covered for the first semester is 15:03:31
 13 Introduction to Composition -- or Intro Comp with 15:03:37
 14 Ms. Wells or Mr. Wells. 15:03:40
 15 A. Yes, Introduction to Computers. 15:03:43
 16 Q. Oh, Introduction to Computers. Thank you. 15:03:45
 17 And is this Mr. Wells or -- 15:03:55
 18 A. It's Ms. Wells. 15:03:59
 19 Q. Ms. Wells? 15:04:01
 20 A. Yes. 15:04:01
 21 Q. And how would you rate Ms. Wells as a 15:04:03
 22 teacher? 15:04:05
 23 A. A ten. 15:04:06
 24 Q. Approximately how old was Ms. Wells? 15:04:09
 25 A. She is around 40 -- 40 to 50. 15:04:12

1 Q. Approximately how many students were in your 15:04:18
 2 computer class -- 15:04:21
 3 A. 30 -- 15:04:23
 4 Q. -- with Ms. Wells? 15:04:25
 5 A. 30 to 40 students. 15:04:27
 6 Q. Approximately how many computers were 15:04:29
 7 available for student use in that class? 15:04:31
 8 A. Around 45 computers. 15:04:34
 9 Q. So there were adequate computers available 15:04:41
 10 for students' use in Ms. Wells's class? 15:04:43
 11 A. Yes. There was a couple, three or four that 15:04:49
 12 would be broken down, you know. There was still 15:04:52
 13 computers for students' use. 15:04:55
 14 Q. Was this the computer lab with Internet 15:05:00
 15 access? 15:05:03
 16 A. Yes. 15:05:03
 17 Q. And this was on the third floor of the main 15:05:08
 18 building; correct? 15:05:10
 19 A. No, this was on the second floor in the main 15:05:11
 20 building. 15:05:13
 21 Q. Okay. Did you have any problems with 15:05:17
 22 air-conditioning in Ms. Wells's class? 15:05:18
 23 A. No, I had her in the morning, first period. 15:05:22
 24 So I didn't really have a problem with 15:05:25
 25 air-conditioning. 15:05:27

1 Q. Did you have any problems with the heating 15:05:29
 2 in Ms. Wells's class? 15:05:30
 3 A. No. 15:05:30
 4 Q. Did you ever see any rats, mice, 15:05:38
 5 cockroaches, ants, or other insects, pests, or vermin 15:05:40
 6 in Ms. Wells's computer class? 15:05:47
 7 A. No. 15:05:49
 8 MS. LHAMON: Ben, you asked her on one of 15:05:50
 9 the previous days to identify every location in the 15:05:52
 10 school where she saw mice, rats, roaches, and ants 15:05:54
 11 and other vermin, and she drew it on the map and 15:05:58
 12 testified to every location in the school. So it's a 15:06:01
 13 little bit of a waste of time to ask her if she saw 15:06:03
 14 them in the classes, and I'm going to object. 15:06:07
 15 BY MR. ROZWOOD: 15:06:11
 16 Q. Just to be clear, you never saw any rats, 15:06:11
 17 mice, ants, roaches or other insects, pests, or 15:06:15
 18 vermin anywhere in the main building at Fremont; 15:06:19
 19 correct? 15:06:19
 20 A. Yes, I hadn't seen any insects or any type 15:06:23
 21 of vermin or animal in the main building. 15:06:26
 22 MR. ROZWOOD: Okay. That's a good 15:06:29
 23 suggestion. Thanks Ms. Lhamon. 15:06:29
 24 MS. LHAMON: No problem. 15:06:40
 25 BY MR. ROZWOOD: 15:06:41

1 Q. Can you describe the class assignments you 15:06:41
 2 had in Ms. Wells's computer class? 15:06:44
 3 A. It was daily assignments of typing 15:06:46
 4 memorandums or essays, copying down work sheets that 15:06:51
 5 had mistakes, and we had to fix the mistakes in the 15:06:58
 6 computers, and after we were done, she will go 15:07:02
 7 around, and we will raise our hands, and she will 15:07:05
 8 come to our computer to see how we did, and if we 15:07:07
 9 did -- if we typed it in the right format and did the 15:07:10
 10 corrections we were supposed to, she will give us a 15:07:15
 11 grade for it. 15:07:18
 12 Q. A grade for each in-class assignment? 15:07:20
 13 A. Yes. 15:07:20
 14 Q. Which you received on a daily basis? 15:07:23
 15 A. Yes. 15:07:23
 16 Q. Were there any other assignments that 15:07:26
 17 affected your grade in computer class? 15:07:29
 18 A. We had weekly vocabulary we had to turn in 15:07:31
 19 on Friday and have a test on Friday. 15:07:36
 20 Q. Was that computer vocabulary? 15:07:38
 21 A. Yes, computer terms. We also had to learn 15:07:40
 22 like the home row keys. That's all I can think about 15:07:46
 23 right now. 15:07:52
 24 Q. Was Ms. Wells prepared with lesson plans in 15:07:56
 25 her computer class? 15:08:00

1 A. Yes. 15:08:00
 2 Q. Did she explain the assignments well? 15:08:02
 3 A. Yes. But on the work sheets we will have, 15:08:07
 4 I'll have like a little direction to -- you know, 15:08:10
 5 directions to follow, and just in case they weren't 15:08:21
 6 clear enough or we didn't understand them, we will 15:08:21
 7 ask Ms. Wells for more assistance. 15:08:21
 8 Q. How many assistants did Ms. Wells have? 15:08:25
 9 A. No, her assistance. 15:08:30
 10 Q. I'm sorry. I misunderstood. 15:08:32
 11 Did she provide that assistance when asked? 15:08:34
 12 A. Yes. 15:08:34
 13 Q. Did she make sure the students understood 15:08:37
 14 the assignments? 15:08:39
 15 A. Yes. 15:08:39
 16 Q. And the lessons? 15:08:40
 17 A. Yes. 15:08:40
 18 Q. Do you think she cared if the students 15:08:42
 19 learned the lessons she was teaching? 15:08:44
 20 A. Yes. 15:08:44
 21 Q. Do you think she was dedicated to her work? 15:08:47
 22 A. Very dedicated. 15:08:49
 23 Q. Can you think of any occasion when Ms. Wells 15:08:51
 24 was absent from the computer class? 15:08:53
 25 A. No. As far as I can remember, she was 15:08:56

1 always there. 15:08:57
 2 Q. Were there any ceiling tile problems in 15:09:08
 3 Ms. Wells's class? 15:09:11
 4 A. No, not that I can remember. 15:09:13
 5 Q. Did you complete all of your assignments in 15:09:17
 6 Ms. Wells's class? 15:09:19
 7 A. Yes. 15:09:20
 8 Q. Take all of the exams? 15:09:21
 9 A. Yes. 15:09:21
 10 Q. Were there any noise problems in Ms. Wells's 15:09:29
 11 class? 15:09:32
 12 A. No. 15:09:32
 13 Q. Can you think of anything that interfered 15:09:42
 14 with your ability to learn the subject matter of your 15:09:44
 15 computer class with Ms. Wells? 15:09:47
 16 MS. LHAMON: I'm going to object and 15:09:49
 17 interpose the same continuing objection to any 15:09:50
 18 question that you have about something that 15:09:52
 19 interfered with her ability to learn on the basis it 15:09:55
 20 calls for expert testimony. 15:09:58
 21 THE WITNESS: I don't know. Maybe if we had 15:10:03
 22 like better and more computers. Because the 15:10:05
 23 computers we had, they are real slow. It takes 15:10:07
 24 around five to ten minutes just to get where we have 15:10:10
 25 clicked on. That's all I can think about. 15:10:14

1 BY MR. ROZWOOD: 15:10:14
 2 Q. Did you have assignments where you were 15:10:18
 3 asked to use the Internet? 15:10:25
 4 A. I think only if we had a research paper, 15:10:27
 5 which it does take around five minutes for it to get 15:10:29
 6 anywhere. Also assignments like Power Point, you 15:10:33
 7 know. 15:10:38
 8 Q. You were given assignments using the Power 15:10:41
 9 Point software? 15:10:44
 10 A. Yes. 15:10:44
 11 Q. What other types of software did you use in 15:10:46
 12 your computer class? 15:10:48
 13 A. Microsoft Word and Microsoft Excel, the 15:10:49
 14 Internet like I said before. That's all I can think 15:10:55
 15 about. 15:11:03
 16 Q. Were you asked to pay for any of the 15:11:04
 17 software or other materials used in the computer 15:11:07
 18 class? 15:11:10
 19 A. No, but in the beginning of the classroom, 15:11:11
 20 she made us sign a contract just saying, if we 15:11:14
 21 damaged a computer, we were responsible for it, and 15:11:18
 22 if any kind of damage would occur to the computer, 15:11:20
 23 then yeah, we did have to pay for it. But as far as 15:11:25
 24 I'm concerned, nobody came, you know, with that 15:11:27
 25 problem that they had damaged a computer. 15:11:30

1 Q. So to your knowledge, no one ever was asked 15:11:33
 2 to pay for any damage to a computer? 15:11:35
 3 A. Yes. 15:11:35
 4 Q. To your knowledge, were any of the computers 15:11:47
 5 damaged by students? 15:11:49
 6 A. No. 15:11:49
 7 Q. Do you think it was fair to ask you to sign 15:11:54
 8 that contract at the outset of the computer class? 15:11:56
 9 A. Yes. 15:11:56
 10 Q. Why do you think it was fair? 15:12:00
 11 A. Because I think that -- I don't know. 15:12:02
 12 If you had spilled soda on the monitor or 15:12:04
 13 dropped the keyboard or anything, any kind of 15:12:08
 14 accident that you will cause or do it on purpose, I 15:12:12
 15 think that it was -- it will be fair for you to pay 15:12:15
 16 for it. 15:12:18
 17 MR. ROZWOOD: Let's go off the record. 15:12:23
 18 (Off the record.) 15:19:41
 19 BY MR. ROZWOOD: 15:19:41
 20 Q. This is a copy of your declaration. It was 15:19:41
 21 introduced as Exhibit 2. 15:19:43
 22 I have additional copies. 15:19:49
 23 MS. LHAMON: Thanks. 15:19:51
 24 BY MR. ROZWOOD: 15:19:51
 25 Q. Do you see on the second page of your 15:20:23

1 declaration, on paragraph 9 where you say that: 15:20:24
 2 "Three counselors is not enough for 15:20:28
 3 a thousand students on the B 15:20:29
 4 track"? 15:20:31
 5 A. Yes. 15:20:31
 6 Q. How many counselors do you think you need 15:20:33
 7 for that many students? 15:20:35
 8 A. I think that at least they should have 10 or 15:20:41
 9 15 counselors. 15:20:48
 10 Q. What makes you say that 10 to 15 counselors 15:20:52
 11 for every thousand students? 15:20:55
 12 A. Because I think that, if we had that many 15:20:57
 13 counselors, that counselor will be more accurate and 15:21:00
 14 to keep track of each student and the students will 15:21:04
 15 be divided into 10 to 15 counselors, and we could 15:21:09
 16 probably have many more students graduating that are 15:21:14
 17 not graduating now. 15:21:17
 18 Q. You said they would be more accurate. 15:21:22
 19 A. Yes. 15:21:22
 20 Q. What do you mean by that? 15:21:25
 21 A. Because there was a lot problems going on 15:21:26
 22 right now, for example, on the seniors' part because 15:21:29
 23 they are not organized. Like the classes that 15:21:34
 24 supposedly that they need to have taken and passed, a 15:21:36
 25 lot of the seniors don't have them because the 15:21:39

1 counselor didn't let them know that they needed them 15:21:42
 2 or had told them that they had taken and passed it, 15:21:45
 3 but in the long run, they didn't pass it or take it. 15:21:48
 4 Q. Are you personally aware of any seniors that 15:21:56
 5 are facing this problem currently? 15:22:05
 6 A. Yes. 15:22:07
 7 Q. What are their names? 15:22:08
 8 A. My friend Sergio. 15:22:10
 9 Q. What is his last name? 15:22:11
 10 A. I don't know his last name. 15:22:15
 11 Q. Close friend? 15:22:16
 12 A. Just a friend, not close friend. 15:22:17
 13 Q. Any names of any other seniors that you are 15:22:19
 14 aware of facing this problem? 15:22:22
 15 A. My friend Armando. 15:22:24
 16 Q. Do you know Armando's last name? 15:22:33
 17 A. No. 15:22:33
 18 Q. Can you think of any other seniors facing 15:22:33
 19 this problem? 15:22:33
 20 A. No, not that I can think of. Only them two 15:22:34
 21 that they have told me. 15:22:37
 22 Q. Are you aware of -- strike that. 15:22:40
 23 Have you heard of any other seniors facing 15:22:47
 24 this problem other than Sergio and Armando? 15:22:50
 25 A. I'm pretty sure other seniors are going 15:22:54

1 through it. Like last week, I saw a girl crying, and 15:22:56
 2 she said, "I'm not graduating." It's pretty sad to 15:23:01
 3 see. 15:23:04
 4 Q. You don't know what the reason behind her 15:23:04
 5 not graduating was; correct? 15:23:07
 6 A. No, she didn't explain to me why she wasn't 15:23:08
 7 graduating. 15:23:11
 8 Q. Do you know her name, the girl crying? 15:23:12
 9 A. Yeah, her name is Angela. 15:23:14
 10 Q. Do you know her last name? 15:23:18
 11 A. No. 15:23:18
 12 Q. Do you know why Sergio is not graduating? 15:23:20
 13 A. Because he had taken a class and he passed 15:23:22
 14 it, but the school doesn't have the record of his 15:23:25
 15 grade for that particular class. 15:23:30
 16 Q. Do you know what class that was? 15:23:32
 17 A. He told me it was biology. 15:23:33
 18 Q. Do you know what teacher he had? 15:23:36
 19 A. No, he didn't tell me. 15:23:37
 20 Q. How do you know that the reason he's not 15:23:47
 21 graduating is because the school doesn't have a 15:23:49
 22 record of his passing biology grade? 15:23:53
 23 A. Because he told me. 15:23:56
 24 Q. Other than your conversations with Sergio, 15:23:56
 25 do you have any other basis for your understanding as 15:23:59

1 to why he is not graduating? 15:24:02
 2 A. That's the only reason he gave me. 15:24:04
 3 Q. You didn't speak to anyone else about it? 15:24:06
 4 A. No, because I don't think it's any of my 15:24:09
 5 concern. 15:24:12
 6 Q. One of the reasons you want more counselors 15:24:21
 7 is to make sure things like that don't -- that 15:24:24
 8 happened -- strike that. 15:24:28
 9 One of the reasons you want more counselors 15:24:30
 10 is so what happened to Sergio doesn't happen to other 15:24:31
 11 students; correct? 15:24:34
 12 A. Yes, and also I think it's better for the 15:24:35
 13 students to have their required classes in the 15:24:38
 14 beginning of their years in high school than at the 15:24:41
 15 end. That way they will have just the classes, you 15:24:45
 16 know, that they need just to graduate. Because in my 15:24:48
 17 case, instead of giving me health that's a 15:24:52
 18 ninth-grade course, they are giving it to me now that 15:24:55
 19 I'm a twelfth-grader. That means my counselor I had 15:24:59
 20 before didn't prepare me the classes I needed for the 15:25:03
 21 ninth grade or tenth grade or eleventh grade or 15:25:06
 22 whatever the case may be. 15:25:09
 23 Q. Just so I understand your testimony, you 15:25:18
 24 want the students to take all the required classes 15:25:20
 25 first, as early as possible in their high school 15:25:25

1 career; correct? 15:25:28
 2 A. Yes. 15:25:28
 3 Q. And health is one of those required classes? 15:25:30
 4 A. Yes. Health is like a ninth-grade class, 15:25:33
 5 which means I should have taken it in my ninth-grade 15:25:36
 6 year as well as tenth grade and eleventh grade, 15:25:39
 7 whatever courses that go out into those years, 15:25:43
 8 instead of waiting for the last minute. 15:25:46
 9 Just because a student wants a service class 15:25:48
 10 and the counselor knows they need their health 15:25:51
 11 classes -- 15:25:54
 12 MR. ROZWOD: Off the record. 15:25:58
 13 (Off the record.) 15:27:58
 14 BY MR. ROZWOD: 15:27:58
 15 Q. You can complete your response. 15:27:58
 16 A. -- doesn't mean the counselor will go ahead 15:28:00
 17 and give you the service class. 15:28:03
 18 I mean they should tell you, "No, you need 15:28:05
 19 the health class," and instead of giving the service 15:28:08
 20 class, they give you the health class or whatever 15:28:11
 21 class you need. 15:28:13
 22 MR. ROZWOD: Let's go off the record. 15:28:16
 23 (Off the record.) 15:28:16
 24 MR. ROZWOD: Let's go back on the record. 15:33:50
 25 Q. Why do you say health is a ninth-grade 15:33:55

1 class? 15:33:57
 2 A. Because it's a ninth-grade course. Because 15:33:58
 3 there's like only ninth-grade students there. 15:34:01
 4 MS. LHAMON: You mean other than you? 15:34:07
 5 THE WITNESS: Yes. 15:34:10
 6 BY MR. ROZWOOD: 15:34:10
 7 Q. How were your ninth-grade classes assigned 15:34:10
 8 to you? Do you know? 15:34:13
 9 A. They were just assigned to me by the 15:34:15
 10 counselor. 15:34:18
 11 Q. Did you have any opportunity to select the 15:34:18
 12 courses you wanted? 15:34:22
 13 A. No. 15:34:22
 14 Q. So just to be specific, aerobics and speech 15:34:27
 15 and cultural awareness in your ninth-grade first 15:34:31
 16 semester were classes that you did not choose to take 15:34:36
 17 but were assigned to you by your counselor? 15:34:39
 18 A. Yes. 15:34:39
 19 Q. And that's true for all your courses at 15:34:43
 20 Fremont? 15:34:45
 21 A. Yes. 15:34:46
 22 Q. Throughout all the years or just in ninth 15:34:46
 23 grade? 15:34:49
 24
 25 A. No, in all the years. 15:34:49

1 MS. LHAMON: Can I ask for clarification. 15:34:51
 2 Are you including elective courses? Those 15:34:53
 3 are courses you did not choose to take. 15:34:55
 4 THE WITNESS: Yeah, I chose to take -- for 15:34:58
 5 example, if they had given me a class I had already 15:35:00
 6 taken and passed, then I had the choice to be in any 15:35:04
 7 class that I would like to be. 15:35:07
 8 BY MR. ROZWOOD: 15:35:08
 9 Q. So you only had the choice to take a class 15:35:09
 10 other than what the counselor had given you if you 15:35:12
 11 had already taken a class? 15:35:16
 12 A. Yes, or if it was a mistake or a class that 15:35:17
 13 wasn't required to graduate or something like that. 15:35:20
 14 Q. Let's see if I understand this. 15:35:24
 15 You get a list of assigned classes at the 15:35:25
 16 beginning of the semester, and you are able to go to 15:35:29
 17 the counselor if there's any problems -- 15:35:31
 18 A. Yes. 15:35:31
 19 Q. -- with those assigned classes? 15:35:35
 20 A. Yes. 15:35:35
 21 Q. And what -- sorry. Strike that. 15:35:37
 22 Do you know why Armando isn't graduating? 15:35:51
 23 A. I think he's missing a class or something 15:35:56
 24 like that. 15:35:59
 25 Q. Do you know which class he is missing? 15:36:01

1 A. No, he just told me he was missing some 15:36:04
 2 classes. 15:36:06
 3 Q. Some classes? More than one? 15:36:07
 4 A. Yes. 15:36:07
 5 Q. Do you think, if there were more counselors 15:36:23
 6 at Fremont, that situations like Armando's would 15:36:25
 7 happen less often? 15:36:28
 8 A. Yes. 15:36:28
 9 Q. Do you think Armando's situation is a result 15:36:33
 10 of his counselor's not paying close enough attention 15:36:37
 11 to his schedule? 15:36:41
 12 A. Yes, I think so. 15:36:44
 13 Q. On what do you base that belief? 15:36:46
 14 A. I'm just saying, because there's a lot of 15:36:48
 15 students -- I don't blame all the work on them, but I 15:36:51
 16 know there's a lot of students that they have to work 15:36:54
 17 on, you know, because -- I know there's a lot of 15:36:56
 18 students in Fremont, but as I said before, it will be 15:36:58
 19 better if they had 10 to 15 counselors so they could 15:37:02
 20 be more accurate in the work, and the students could 15:37:05
 21 be divided into, you know, different counselors, and 15:37:08
 22 they will have more time, you know, to discuss 15:37:13
 23 whatever subject or whatever needs that the student 15:37:15
 24 may have. 15:37:18
 25 Q. Other than your conversations with Armando 15:37:20

1 himself, is there any other basis upon which you 15:37:22
 2 think that more counselors would help him -- strike 15:37:27
 3 that. Bad question. 15:37:31
 4 Do you know why Angela is not graduating? 15:37:38
 5 A. No, she is just missing some credits. 15:37:41
 6 Q. One class or more than one class? 15:37:46
 7 A. I think she is missing like seven credits, 15:37:48
 8 but she was making it up at nutrition and lunch by 15:37:54
 9 helping in the library, but you only get a half a 15:37:59
 10 credit, like 2.5, but her counselor said those don't 15:38:05
 11 count. 15:38:09
 12 Q. Is it possible that the reason Armando is 15:38:16
 13 not graduating is because he failed one or more of 15:38:18
 14 his classes? 15:38:22
 15 A. I don't know what that boy did. 15:38:23
 16 Q. Is it possible that he failed? 15:38:25
 17 A. I don't know if they gave him the class or 15:38:28
 18 didn't. All he told me is that he was missing some 15:38:30
 19 classes. That's all. 15:38:33
 20 Q. I'm asking if it's possible, to your 15:38:34
 21 knowledge, that the reason he is missing those 15:38:36
 22 classes is because he failed them when he took them. 15:38:38
 23 A. It could be possible. 15:38:41
 24 Q. Is it possible that Sergio failed his 15:38:43
 25 classes as well? 15:38:46

1 A. I don't know. The only thing he told me 15:38:49
 2 about that was that the teacher didn't -- well, they 15:38:52
 3 don't have the record of his grade that he got in the 15:38:54
 4 class. 15:38:59
 5 Q. Okay. Can you look at paragraph 10 of your 15:39:10
 6 declaration, which was introduced as Exhibit 2 to 15:39:12
 7 your deposition. 15:39:17
 8 A. (Complies.) 15:39:17
 9 Q. Do you think that the use of substitutes 15:39:22
 10 interferes with your ability to learn the subject 15:39:34
 11 matter in a given class? 15:39:37
 12 A. If I have a regular teacher and if the 15:39:39
 13 teacher misses two to three days, I don't think it 15:39:41
 14 creates a problem, but if the -- if the beginning of 15:39:44
 15 a classroom I don't have a teacher and I have 15:39:49
 16 different teachers every day or every week or however 15:39:51
 17 the case may go, then it does create a problem 15:39:55
 18 because it creates confusion to the student, and a 15:39:58
 19 lot of work does not get done or a lot of grades 15:40:01
 20 don't get recorded. 15:40:04
 21 Q. What do you mean a lot of work doesn't get 15:40:08
 22 done? 15:40:10
 23 A. Like whatever the subject may be. The 15:40:11
 24 teacher may assign assignments or may not, and if the 15:40:14
 25 teacher does, there's a probability, if we do finish 15:40:18

1 them, the same teacher will not be there. 15:40:21
 2 Q. Other than the specific classes that you 15:40:32
 3 list in paragraph 10, are there any other classes in 15:40:33
 4 your experience at Fremont where you've had 15:40:37
 5 substitutes for more than one week at the outset of a 15:40:40
 6 semester? 15:40:51
 7 MS. LHAMON: Objection. You are 15:40:52
 8 mischaracterizing her testimony. 15:40:53
 9 Earlier today she testified to a class for 15:40:55
 10 which she had a substitute for a week and a half. 15:40:57
 11 THE WITNESS: In the modern literature, the 15:41:01
 12 one you mentioned before. 15:41:02
 13 BY MR. ROZWOD: 15:41:03
 14 Q. So modern literature is one class, business 15:41:04
 15 organizations is another class, and your drawing 15:41:06
 16 class is a third class; correct? 15:41:10
 17 A. Yes. 15:41:10
 18 Q. Can you think of any other classes where you 15:41:13
 19 had a substitute teacher for more than a week at the 15:41:14
 20 outset of the semester -- 15:41:18
 21 A. No. 15:41:20
 22 Q. -- at Fremont? 15:41:21
 23 A. Sorry. 15:41:22
 24 Q. Sorry. 15:41:23
 25 A. No, that's the only ones I can think about. 15:41:25

1 Q. Do you see where you state in your 15:41:34
 2 declaration that: 15:41:36
 3 "A math teacher taught my U.S. 15:41:37
 4 history for the first two weeks of 15:41:39
 5 my junior year"? 15:41:41
 6 A. Yes. 15:41:41
 7 Q. Did that interfere with your ability to 15:41:44
 8 learn the history subject matter -- 15:41:46
 9 A. Yes. 15:41:46
 10 Q. -- in that class? 15:41:50
 11 A. Sorry. 15:41:53
 12 Q. No, my fault. 15:41:54
 13 A. Yes, because he was -- I don't know if you 15:41:55
 14 know much about history, but he didn't teach us 15:41:58
 15 anything about history. 15:42:01
 16 He would say, "Who has math in this class," 15:42:03
 17 go over problems. To understand it better, he will 15:42:06
 18 go over some problems or whatever the case may be. 15:42:09
 19 So yes, it did interfere throughout that 15:42:12
 20 period of time he was there. 15:42:15
 21 Q. Who was the math teacher? 15:42:16
 22 A. I don't know. It was a teacher from another 15:42:18
 23 track. 15:42:21
 24 Q. Were any history assignments given during 15:42:23
 25 that math teacher's tenure? 15:42:26

1 A. No, he would just grade us by the way we 15:42:33
 2 were in the class, if we would cooperate. 15:42:35
 3 Q. So no history assignments were given? 15:42:39
 4 A. No. 15:42:39
 5 Q. There were no history exams during those two 15:42:43
 6 weeks? 15:42:48
 7 A. No. 15:42:48
 8 Q. Who was ultimately assigned to that history 15:42:53
 9 class? 15:42:58
 10 A. Ms. Garza. 15:42:59
 11 Q. Were you able to make up lost ground after 15:43:00
 12 Ms. Garza arrived? 15:43:05
 13 MS. LHAMON: Calls for speculation and 15:43:06
 14 expert testimony. 15:43:08
 15 THE WITNESS: Yes, I have -- I'm sorry. As 15:43:09
 16 I stated before in the last time, in the last 15:43:11
 17 deposition, I told you about Ms. Garza, and I told 15:43:14
 18 you she was a real good teacher, and yes, we did get 15:43:17
 19 back on track. 15:43:21
 20 BY MR. ROZWOD: 15:43:23
 21 Q. Turning to paragraph 11 of your declaration, 15:43:24
 22 you state that: 15:43:34
 23 "The school has closed five of the 15:43:35
 24 six bathrooms." 15:43:36
 25 A. Yes. 15:43:36

1 Q. Can you tell us where the six bathrooms you 15:43:40
 2 are referring to are located at Fremont? 15:43:45
 3 A. There's one -- well, okay. 15:43:49
 4 There's two bathrooms on each floor: first, 15:43:50
 5 second, and third. That's including the girls' and 15:43:53
 6 the boys' bathroom. 15:43:57
 7 Q. So one girls' and one boys' bathroom on each 15:43:59
 8 of the first, second, and third floors of the main 15:44:03
 9 building? 15:44:06
 10 A. Yes. And then there's one, like, in the PE 15:44:07
 11 area near the bungalows. 15:44:10
 12 Q. Can you hold on a second? 15:44:14
 13 A. Yes. 15:44:17
 14 MR. ROZWOOD: Go off the record. 15:44:17
 15 (Off the record.) 15:47:06
 16 MR. ROZWOOD: I would like to mark as 15:47:07
 17 Exhibit 10 a copy of the area map. I think it was 15:47:08
 18 also marked as Exhibit 9. 15:47:11
 19 MR. FRIEDMAN: It's already an exhibit. 15:47:14
 20 BY MR. ROZWOOD: 15:47:16
 21 Q. What I'm going to ask you to do is indicate 15:47:16
 22 on this area map the location of the six bathrooms 15:47:19
 23 that you referred to in your declaration. 15:47:22
 24 I'm going to have the reporter mark the 15:47:25
 25 exhibit as Exhibit 10 for this purpose. 15:47:28

1 (Document referred to above was 15:47:28
 2 marked as Defendants' Exhibit 10 15:47:28
 3 for identification by the reporter 15:47:53
 4 and is attached hereto.) 15:47:53
 5 BY MR. ROZWOOD: 15:47:53
 6 Q. You said there were bathrooms on the first, 15:47:53
 7 second, and third floors of the main building; 15:47:55
 8 correct? 15:47:55
 9 A. Yes. 15:47:59
 10 Q. Can you indicate with my pen with the 15:47:59
 11 initials "BB" for boys' bathroom and "GB" for girls' 15:48:05
 12 bathroom. 15:48:12
 13 A. Okay. 15:48:21
 14 Q. You said there was one in the PE area near 15:48:21
 15 the auditorium, I think you said. 15:48:24
 16 A. Near the bungalows. 15:48:27
 17 Q. Near the bungalows. You can circle it. 15:48:29
 18 MS. LHAMON: You should use blue if you want 15:48:41
 19 a better contrast. 15:48:44
 20 MR. ROZWOOD: You know what? It's black -- 15:48:47
 21 MS. LHAMON: If you want better contrast. 15:48:53
 22 MR. ROZWOOD: I think that would be better. 15:48:55
 23 MS. LHAMON: My pen is better. 15:48:59
 24 (Off the record.) 15:50:59
 25 MR. ROZWOOD: Back on the record. 15:50:59

1 Q. So for the initials "BB," that indicates 15:51:01
 2 boys' bathroom; correct? 15:51:04
 3 A. Yes. 15:51:06
 4 Q. And "GB" is the girls' bathrooms? 15:51:06
 5 A. Yes. 15:51:06
 6 Q. So you've indicated -- let me ask you this. 15:51:10
 7 How many bathrooms have you indicated on the 15:51:21
 8 first floor of the main building? 15:51:23
 9 A. On the first floor, in total six, two on 15:51:25
 10 each floor. 15:51:28
 11 Q. So on the first floor of the main building, 15:51:30
 12 there's just two bathrooms? 15:51:33
 13 A. Where is the first floor? 15:51:36
 14 I think I put one in each corner. Like here 15:51:38
 15 is one corner, and there's another corner. There's a 15:51:41
 16 boys' bathroom and girls' bathroom. 15:51:44
 17 I'm sorry. Not six but eight in total. 15:51:47
 18 Q. So there's two sets of bathrooms -- 15:51:49
 19 A. In each corner on the first floor. 15:51:52
 20 Q. On the first floor, there's one set of 15:51:54
 21 bathrooms; there's one set of bathrooms on the second 15:52:03
 22 floor; and another set of bathrooms on the third 15:52:03
 23 floor; correct? 15:52:03
 24 A. Yes. 15:52:03
 25 Q. In the main building, am I correct to say 15:52:03

1 there's four boys' bathrooms and four girls' 15:52:03
 2 bathrooms? 15:52:07
 3 A. Yes. 15:52:07
 4 Q. You've also indicated in the gym there's a 15:52:08
 5 boys' bathroom and girls' bathroom? 15:52:15
 6 A. Yes, in the locker rooms. 15:52:18
 7 Q. And you've also indicated a separate set of 15:52:19
 8 rest rooms in the swimming pool area. 15:52:22
 9 A. Yes. 15:52:22
 10 Q. One boys' and one girls'; correct? 15:52:25
 11 A. Yes. 15:52:25
 12 Q. Are those the six bathrooms you are 15:52:28
 13 referring to in your declaration in paragraph 11? 15:52:30
 14 A. No, I'm just referring to the ones in the 15:52:34
 15 main building, the ones on the first floor. 15:52:36
 16 Q. You're just referring to the four bathrooms 15:52:39
 17 on the first floor? 15:52:43
 18 A. I'm just referring to the two bathrooms they 15:52:44
 19 open on the first floor, yes. 15:52:46
 20 Q. You see where you say in paragraph 11 of 15:52:48
 21 your declaration: 15:52:51
 22 "The school has closed five of the 15:52:51
 23 six bathrooms"? 15:52:54
 24 A. Yes. 15:52:54
 25 Q. Which six bathrooms are you referring to in 15:52:56

1 that sentence? 15:52:58
 2 A. The ones in the main building. For example, 15:53:00
 3 the two of them that are in the third floor, the two 15:53:03
 4 of them on the second floor, and the ones that are on 15:53:07
 5 the far end on the first floor. 15:53:11
 6 Q. Toward the library is what you are referring 15:53:17
 7 to as the far end? 15:53:20
 8 A. For example, during the passing periods, the 15:53:22
 9 ones on the far end by the library, they are open 15:53:24
 10 during nutrition and lunch. Then they are closed, 15:53:28
 11 and the ones at the other far end going out the 15:53:31
 12 double doors out to the quad area, they are open. So 15:53:34
 13 they close one to open another. 15:53:37
 14 Q. I'm trying to understand your statement "The 15:53:46
 15 school has closed five of the six bathrooms." When 15:53:48
 16 does the school close five of the six bathrooms? 15:53:50
 17 A. They just close automatically. We already 15:53:55
 18 know which ones are open on an everyday basis. 15:53:57
 19 Q. So only one of the six bathrooms is open on 15:54:00
 20 a daily basis? 15:54:04
 21 A. Yes. 15:54:06
 22 Q. Which one is open on your map there? 15:54:06
 23 A. Well, it depends. Like we know during the 15:54:10
 24 passing periods -- first, second, third, fourth, 15:54:12
 25 fifth, and sixth -- the ones from the far end in the 15:54:16

1 library, those are open, but when nutrition and lunch 15:54:19
 2 hits, I guess like ten minutes before lunch and 15:54:24
 3 nutrition hits or whenever it begins, they close 15:54:26
 4 them, and they open the ones in the far end going 15:54:29
 5 towards the double doors. 15:54:33
 6 Q. So during lunch and nutrition, the only 15:54:35
 7 bathrooms open are the ones on the first floor 15:54:39
 8 farther away from the library here? 15:54:43
 9 A. Yes. 15:54:43
 10 Q. The other three sets of bathrooms are locked 15:54:46
 11 during lunch and nutrition? 15:54:50
 12 A. There's another set by the auditorium open, 15:54:52
 13 but I don't think I put them. Yeah, they are like 15:54:55
 14 inside. 15:55:00
 15 Q. Can you indicate that with your counsel's 15:55:01
 16 pen -- 15:55:03
 17 A. Yes. 15:55:03
 18 Q. -- in the same manner you have done for the 15:55:06
 19 other buildings. 15:55:08
 20 A. (Complies.) 15:55:13
 21 Q. Are the bathrooms in the auditorium open 15:55:14
 22 during lunch and nutrition? 15:55:17
 23 A. Yes. 15:55:17
 24 Q. Other than the bathrooms in the auditorium 15:55:23
 25 and in the first floor of the main building, are 15:55:26

1 there any other bathrooms open during lunch and 15:55:28
 2 nutrition at Fremont High School? 15:55:31
 3 A. No, those are the only ones. 15:55:33
 4 Q. So there are two girls' bathrooms open 15:55:35
 5 during lunch and nutrition? 15:55:38
 6 A. Yes. 15:55:42
 7 Q. And there are two boys' bathrooms open 15:55:43
 8 during lunch and nutrition at Fremont High School? 15:55:44
 9 A. Yes. 15:55:44
 10 Q. Do you see in your declaration where you 15:55:56
 11 say: 15:55:57
 12 "The one open bathroom always has 15:55:57
 13 long lines and is on the first 15:56:00
 14 floor which is too far to go from 15:56:05
 15 some classes"? 15:56:07
 16 Do you see that? 15:56:08
 17 A. Yes. 15:56:08
 18 Q. Is it too far to go from classes in the main 15:56:10
 19 building -- 15:56:13
 20 A. Yes. 15:56:13
 21 Q. -- or is it too far to go from other classes 15:56:15
 22 to like the bungalows? What are you referring to 15:56:18
 23 there? 15:56:22
 24 A. To all of them. Unless if you have a 15:56:22
 25 bungalow -- if the gate is open, you can use the 15:56:25

1 PE -- in the girls' locker room or boys' locker room, 15:56:28
 2 whatever the case may be, but if it's not, you have 15:56:33
 3 to go all the way to the first floor and go to the 15:56:35
 4 rest room there. 15:56:38
 5 Q. When you say the one open bathroom always 15:56:40
 6 has long lines, when does it have long lines? 15:56:43
 7 A. At nutrition and lunch. 15:56:46
 8 Q. And what is a long line, in your opinion? 15:56:48
 9 A. Some girls are always waiting outside. 15:56:52
 10 That's how bad it is. That girls wait -- girls and 15:56:55
 11 boys, they wait outside. There's, like, a line 15:56:58
 12 outside or, like, just waiting to use the rest room, 15:57:00
 13 or they just butt in and get inside. You have to 15:57:03
 14 make lines behind the stalls or one girl comes out, 15:57:06
 15 another girl comes in. 15:57:11
 16 Q. Approximately how many students are in the 15:57:12
 17 line during nutrition and lunch at Fremont? 15:57:15
 18 A. I would say 25 students. 15:57:18
 19 Q. 25 students are always in line to use the 15:57:23
 20 bathroom on the first floor during nutrition and 15:57:34
 21 lunch at Fremont High School? 15:57:34
 22 A. Yes. 15:57:34
 23 Q. And that's at all times, correct? 15:57:34
 24 A. Yes. 15:57:34
 25 MS. LHAMON: I'm sorry. I think that 15:57:34

1 mischaracterizes her testimony. 15:57:36
 2 My understanding, it was at all times during 15:57:36
 3 nutrition and lunch. 15:57:39
 4 THE WITNESS: Yes. 15:57:41
 5 MS. LHAMON: Not at all times, period. 15:57:41
 6 MR. ROZWOOD: Thank you for that 15:57:44
 7 clarification. That's what I intended to ask. 15:57:44
 8 Q. So at all times during nutrition and all 15:57:47
 9 times during lunch, there are 25 students waiting to 15:57:49
 10 use the rest room on the first floor of the main 15:57:53
 11 building; correct? 15:57:55
 12 A. Yes. 15:57:56
 13 MS. LHAMON: Is that 25 an approximation or 15:57:56
 14 exact number? 15:57:59
 15 THE WITNESS: No, it's an approximation. 15:58:00
 16 BY MR. ROZWOOD: 15:58:04
 17 Q. The next sentence in paragraph 11 of your 15:58:06
 18 declaration states: 15:58:08
 19 "The bathroom only has five stalls, 15:58:10
 20 one of which is missing a toilet 15:58:14
 21 and a door." 15:58:16
 22 That refers to the bathroom on the first 15:58:17
 23 floor furthest away from the library; correct? 15:58:20
 24 A. No, that's the one -- well, it was at the 15:58:23
 25 time. It was the one near the library. 15:58:25

1 Q. The one near the library? 15:58:28
 2 A. Yes, but that has already been fixed and 15:58:31
 3 replaced. 15:58:33
 4 Q. The open -- sorry. Let's go back for a 15:58:39
 5 second because I'm a little confused. 15:58:42
 6 The bathroom that has 25 students waiting to 15:58:45
 7 use it, is that the one near the library? 15:58:48
 8 A. No. 15:58:48
 9 Q. That's not the one near the library? 15:58:51
 10 A. No. 15:58:51
 11 Q. Okay. How did you describe the ones -- the 15:58:59
 12 ones near the double doors? 15:59:01
 13 A. Yes. 15:59:01
 14 Q. We will refer to the ones on the first floor 15:59:03
 15 as the one furthest away from the library, the ones 15:59:05
 16 near the double doors; is that accurate? 15:59:09
 17 A. Yes. 15:59:09
 18 Q. So the bathrooms that have the 25 students 15:59:12
 19 waiting in line during lunch and nutrition are the 15:59:15
 20 bathrooms near the double doors; correct? 15:59:18
 21 A. Yes. 15:59:18
 22 Q. And the bathroom that you refer to in 15:59:21
 23 paragraph 11 that was missing a toilet at the time 15:59:24
 24 you wrote this declaration is the bathroom closer to 15:59:28
 25 the library? 15:59:32

1 A. Yes. 15:59:32
 2 Q. And which bathroom was missing a toilet? I 15:59:33
 3 mean was it the girls' bathroom or the boys' 15:59:37
 4 bathroom? 15:59:40
 5 A. Well, the girls' bathroom. 15:59:41
 6 Q. Was the girls' bathroom on the first floor 15:59:53
 7 of the main building closest to the library missing a 15:59:57
 8 toilet at the time you signed this declaration? 16:00:01
 9 A. Yes. 16:00:01
 10 Q. For how many days approximately was the 16:00:04
 11 toilet missing when you signed this declaration? 16:00:07
 12 A. I don't know how many days or weeks or 16:00:11
 13 months it was missing, but it was replaced, because 16:00:13
 14 the bathroom near the double doors, they remodeled it 16:00:18
 15 completely with new stalls and -- I'm sorry -- with 16:00:22
 16 new toilets, and they put -- like instead of us 16:00:27
 17 having like paper towels, they put like that heating 16:00:31
 18 thing that dries your hands or whatever. So I guess 16:00:34
 19 they fixed it during that time. 16:00:37
 20 Q. They installed a new toilet -- 16:00:46
 21 A. Yes. 16:00:46
 22 Q. -- in the girls' bathroom near the library 16:00:49
 23 on the first floor of the main building? 16:00:54
 24 A. Yes. 16:00:54
 25 Q. And it's your testimony that that toilet was 16:00:56

1 installed at or about the time that the other set of 16:01:05
 2 bathrooms near the double doors were renovated? 16:01:08
 3 A. Yes, about that time. 16:01:12
 4 MS. LHAMON: I'm confused. 16:01:16
 5 MR. ROZWOOD: Go ahead and ask a clarifying 16:01:18
 6 question. 16:01:20
 7 MS. LHAMON: Cindy, were you testifying that 16:01:21
 8 both bathrooms on the first floor were renovated? 16:01:24
 9 THE WITNESS: No. Just one was renovated, 16:01:29
 10 but I'm saying, around that time, that's when the 16:01:31
 11 toilet was being installed in the one near the 16:01:33
 12 library where the missing toilet was. 16:01:38
 13 MS. LHAMON: So they didn't renovate the 16:01:41
 14 bathroom that had the missing toilet. They renovated 16:01:42
 15 the bathroom, but at the same time they replaced the 16:01:45
 16 toilet. 16:01:51
 17 THE WITNESS: Yes. 16:01:53
 18 BY MR. ROZWOOD: 16:01:53
 19 Q. Approximately how long was the toilet 16:01:53
 20 missing? 16:01:55
 21 A. Like I said before, I don't know how many 16:01:57
 22 weeks or months or days it took or it was missing. 16:01:59
 23 I'm sorry. 16:02:02
 24 Q. Was it missing for more than a week? 16:02:03
 25 A. Yes. 16:02:03

1 Q. Was it missing more or than two weeks? 16:02:06
 2 A. Yes. 16:02:06
 3 Q. Was it missing for more than three weeks? 16:02:10
 4 A. Yes. 16:02:10
 5 Q. Was it missing for more than a month? 16:02:13
 6 A. Probably a month and a half to two months. 16:02:17
 7 Q. Is that your best estimate, between a month 16:02:19
 8 and a half to two months? 16:02:28
 9 A. Yes. 16:02:28
 10 Q. The next sentence of your declaration states 16:02:32
 11 that: 16:02:39
 12 "There is graffiti on the walls and 16:02:40
 13 usually there's no toilet paper." 16:02:42
 14 Was that true at the time you signed this 16:02:47
 15 declaration? 16:02:49
 16 A. Yes, and it's still true because yesterday I 16:02:51
 17 went to the bathroom and there was no toilet paper. 16:02:53
 18 Q. What time did you go to use the rest room? 16:02:56
 19 A. It was at lunchtime, the beginning of 16:02:59
 20 lunchtime. 16:03:01
 21 Q. And did you report the lack of toilet paper 16:03:04
 22 to any school official? 16:03:13
 23 A. No. 16:03:13
 24 Q. Can you express, as a percentage of the 16:03:24
 25 times you use the rest room, how many times there was 16:03:26

1 no toilet paper? 16:03:30
 2 A. I would say 85 to 90 percent of the time 16:03:34
 3 there's no toilet paper. 16:03:38
 4 Q. Have you ever informed any school official 16:03:47
 5 about the lack of toilet paper at Fremont High 16:03:50
 6 School? 16:03:54
 7 A. There's times that security is around, 16:03:55
 8 women's security, and we tell them. So they call the 16:03:59
 9 custodian over the walkie-talkie, and they bring some 16:04:03
 10 over. 16:04:07
 11 Q. How long does that process take? 16:04:07
 12 A. Three to five minutes. 16:04:10
 13 Q. What happens if there's no security guard 16:04:13
 14 around? 16:04:15
 15 A. You're just out of luck, I guess. 16:04:18
 16 Q. There's no one else you can tell at Fremont? 16:04:20
 17 A. Well, yeah, you could tell somebody, but if 16:04:24
 18 there's nobody around, then there's nothing else to 16:04:26
 19 do, I guess. 16:04:29
 20 Q. When you say there's no toilet, does that 16:04:30
 21 mean there's no toilet paper in any stalls? 16:04:32
 22 A. Yes, that's exactly what I mean. 16:04:35
 23 Q. Why, in your opinion, is there a problem 16:04:40
 24 with toilet paper supply at Fremont? 16:04:43
 25 A. Since they only open one bathroom at a time, 16:04:47

1 you know, there's many students that go to the rest 16:04:50
 2 room. 16:04:54
 3 Q. That happens even at the beginning of lunch? 16:04:55
 4 A. Yes, and happens in the middle of nutrition. 16:04:59
 5 In my opinion, if you are going to close a bathroom 16:05:01
 6 and open a bathroom, you should restock it to see 16:05:04
 7 what is lacking paper towels or missing toilet paper 16:05:08
 8 or anything that is necessary. 16:05:13
 9 Q. Do you see where it says in the next 16:05:16
 10 sentence: 16:05:17
 11 "Sometimes even this bathroom is 16:05:18
 12 locked"? 16:05:19
 13 Which bathroom are you referring to there? 16:05:20
 14 A. Sometimes both bathrooms are locked. During 16:05:23
 15 passing periods, they are locked. So you have to ask 16:05:26
 16 security. 16:05:31
 17 They will ask, "Is the other one at the end 16:05:31
 18 open?" 16:05:34
 19 "No." 16:05:34
 20 And then they will open it. 16:05:35
 21 Q. Which bathroom are you referring to in this 16:05:36
 22 declaration when you say "even this bathroom is 16:05:39
 23 locked"? 16:05:42
 24 A. I was talking on the one near the library. 16:05:42
 25 Q. What you are saying is today -- strike that. 16:05:45

1 Are the bathrooms on the second and third 16:06:05
 2 floor of the main building closed and locked during 16:06:08
 3 lunch and nutrition? 16:06:10
 4 A. Those bathrooms are closed at all times. 16:06:11
 5 They are never opened. 16:06:14
 6 Q. On the second and third floors? 16:06:15
 7 A. Yes. 16:06:15
 8 Q. Are the bathrooms in the auditorium closed 16:06:17
 9 and locked during lunch and nutrition? 16:06:20
 10 A. No, those are open. 16:06:23
 11 Q. Are they open during passing periods as 16:06:24
 12 well? 16:06:26
 13 A. Well, it depends because there's classrooms 16:06:28
 14 in there, and the teachers have the keys for those 16:06:30
 15 bathrooms. I guess it's just your own luck if they 16:06:34
 16 are open or not because in most cases they are not. 16:06:39
 17 Q. But they are open during lunch and 16:06:42
 18 nutrition; correct? 16:06:44
 19 A. Yes. 16:06:44
 20 Q. And are the bathrooms in the gym open during 16:06:46
 21 nutrition and lunch? 16:06:50
 22 A. No, those are only open during passing 16:06:51
 23 periods, like, you know, to students that have PE. 16:06:54
 24 Q. And the bathrooms in the swimming pool area? 16:06:57
 25 A. That's the same thing, just for students 16:07:01

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1 that are occupying the swimming pool and need to use 16:07:04
 2 the bathroom. 16:07:07
 3 Q. Are they available to other students during 16:07:08
 4 nutrition and lunch? 16:07:10
 5 A. No, they are closed during nutrition and 16:07:12
 6 lunch. 16:07:14
 7 Q. Okay. Do you see in paragraph 1 of your 16:07:15
 8 declaration where you state: 16:07:32
 9 "They were working on the water 16:07:34
 10 pipes by the bungalows and the 16:07:36
 11 bleachers"? 16:07:37
 12 A. Yes. 16:07:37
 13 Q. What water pipes are you referring to? What 16:07:40
 14 area were the water pipes located on this map marked 16:07:43
 15 as Exhibit 10? You can put a "WP" in a square where 16:07:47
 16 the water pipes were located. 16:07:55
 17 A. (Complies.) 16:08:01
 18 MR. FRIEDMAN: What paragraph are you 16:08:01
 19 referring to? 16:08:02
 20 MR. ROZWOOD: I'm referring to paragraph 12, 16:08:03
 21 line 4. 16:08:05
 22 MR. FRIEDMAN: Thank you. 16:08:07
 23 MS. LHAMON: Put it in a square. 16:08:11
 24 THE WITNESS: (Complies.) 16:08:13
 25 MS. LHAMON: Thanks. 16:08:14

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1 BY MR. ROZWOOD: 16:08:15
 2 Q. Do you know what the construction related to 16:08:16
 3 the water pipes -- do you know what the purpose of 16:08:21
 4 that was? 16:08:23
 5 A. I said it before in the last deposition. 16:08:26
 6 They were working on the bungalows, and that's why 16:08:28
 7 they were doing all this underground work on it with 16:08:31
 8 the water pipes. 16:08:34
 9 Q. So it was part of the construction related 16:08:38
 10 to the bungalows, then? 16:08:40
 11 A. Yes. 16:08:40
 12 Q. What about the bleachers? Where are the 16:08:42
 13 bleachers located on this map marked Exhibit 10? If 16:08:45
 14 you write out "bleachers." 16:08:51
 15 MS. LHAMON: I think it already has 16:08:53
 16 bleachers on the map by the auditorium. 16:08:54
 17 MR. ROZWOOD: Okay. 16:08:57
 18 Q. Are those the ones you are referring to, the 16:08:58
 19 ones already marked "bleachers"? 16:09:01
 20 A. Yes. 16:09:01
 21 Q. These here? 16:09:04
 22 A. Yes. 16:09:05
 23 MS. LHAMON: When you say "here," you are 16:09:05
 24 indicating the bleachers. 16:09:06
 25

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1 BY MR. ROZWOOD: 16:09:06
 2 Q. You want to put an arrow. 16:09:08
 3 A. (Complies.) 16:09:08
 4 Q. There you go. 16:09:11
 5 You put a little arrow and colored in the 16:09:14
 6 point, referring to what is already marked as 16:09:21
 7 "bleachers" on the area map marked as Exhibit 10. 16:09:28
 8 Other than your prior testimony about the 16:09:42
 9 impact of the noise on your AP Spanish literature 16:09:44
 10 class, is there any other way in which the 16:09:47
 11 construction interfered with your ability to learn 16:09:53
 12 the subject matter of your various courses at Fremont 16:09:56
 13 High School? 16:10:02
 14 A. As I have stated before, I said that it did 16:10:03
 15 prevent me to concentrate and it was real noisy. It 16:10:06
 16 was pretty difficult to concentrate on the work or 16:10:12
 17 what the teacher was saying during the class period. 16:10:15
 18 Q. What other classes other than AP Spanish was 16:10:22
 19 that true? 16:10:24
 20 A. I stated contemporary composition class that 16:10:25
 21 I had with her during first period and by the C 16:10:29
 22 sections -- C section buildings. 16:10:34
 23 Q. Other than what you previously testified to, 16:10:35
 24 is there any other way in which the construction 16:10:37
 25 interfered with your ability to concentrate on the 16:10:40

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1 subject matters of your various courses? 16:10:43
 2 A. No, just the ones I had stated before. 16:10:45
 3 Q. So, in your opinion, did the construction 16:10:47
 4 interfere -- did the noise from the construction 16:10:50
 5 interfere with your grade or hurt your grade in AP 16:10:53
 6 Spanish literature? 16:10:56
 7 A. I don't know if it would have been different 16:10:58
 8 if the noise wasn't there. I may say that yes, it 16:10:59
 9 could have been better. 16:11:04
 10 Q. How about your contemporary composition 16:11:05
 11 course with Ms. Terrones? 16:11:11
 12 A. The same thing. I don't know if it would 16:11:13
 13 have been different if the noise wouldn't be there. 16:11:16
 14 Maybe I'd have a lot more time to concentrate and 16:11:18
 15 listen to the teacher or whatever the case may be. 16:11:20
 16 Q. I want to ask you about line 7 of your 16:11:28
 17 declaration, where it says: 16:11:31
 18 "Because of the noise, the teachers 16:11:32
 19 closed the windows which made it 16:11:34
 20 too hot in class." 16:11:36
 21 A. Yes. 16:11:36
 22 Q. Is that true for both AP Spanish literature 16:11:38
 23 and contemporary composition? 16:11:41
 24 A. Yes. 16:11:41
 25 Q. Is it true for any other classes? 16:11:44

1 A. No, just those. 16:11:45
 2 Q. Were the windows open in either of those two 16:11:56
 3 classes when the construction was not going on? 16:11:58
 4 A. For example, [REDACTED] it wasn't a 16:12:05
 5 problem because it was in the morning. So I didn't 16:12:09
 6 have, like, an air-conditioning problem. 16:12:12
 7 In the AP Spanish literature, we didn't have 16:12:14
 8 any windows in that class. As I stated before, we 16:12:16
 9 were having it in like a workshop class with all 16:12:19
 10 these kinds of machinery in there. So he just had, 16:12:23
 11 like, the doors open. 16:12:25
 12 Q. So the only teacher that actually closed the 16:12:29
 13 windows because of the noise was [REDACTED]; right? 16:12:31
 14 A. Yes. 16:12:31
 15 Q. When you say "the teachers" in plural, you 16:12:36
 16 are referring to one teacher; correct? 16:12:39
 17 A. Yes. 16:12:41
 18 Q. You said in paragraph 13 that: 16:12:46
 19 "Many of my classes do not have 16:12:48
 20 air-conditioning." 16:12:50
 21 How many of your classes did not have 16:12:54
 22 air-conditioning at all? 16:12:58
 23 MS. LHAMON: Asked and answered. 16:13:01
 24 THE WITNESS: I don't quite remember, but 16:13:06
 25 I'm pretty sure that I told you in my last 16:13:07

1 deposition. I told you that there was many of them 16:13:10
 2 in the bungalows and some in my -- in the main 16:13:13
 3 building, but that was like at the beginning of the 16:13:20
 4 ninth and tenth grade. 16:13:23
 5 BY MR. ROZWOOD: 16:13:25
 6 Q. Do you see where you say: 16:13:29
 7 "The air-conditioning is broken in 16:13:30
 8 some of the bungalows and 16:13:32
 9 classrooms"? 16:13:34
 10 A. Yes. 16:13:34
 11 Q. Was that true at the time you signed this 16:13:35
 12 declaration on August 9th of 2000? 16:13:36
 13 A. Yes. 16:13:36
 14 Q. The air-conditioning that was broken at that 16:13:40
 15 time, has that been fixed? 16:13:42
 16 A. I wouldn't be able to know because I don't 16:13:44
 17 have those classrooms anymore. 16:13:46
 18 Q. But was it fixed during the time you had 16:13:47
 19 those classrooms? 16:13:49
 20 MS. LHAMON: Asked and answered. 16:13:51
 21 THE WITNESS: At the time, I don't know 16:13:53
 22 because I had different classrooms when I came back 16:13:56
 23 on track. 16:13:59
 24 MS. LHAMON: I'm going to object to this 16:14:02
 25 line of questioning -- 16:14:04

1 MR. ROZWOOD: There's no question pending. 16:14:05
 2 MS. LHAMON: "To the line of questioning." 16:14:07
 3 If you would like to let me finish. 16:14:08
 4 -- because you asked her about the 16:14:10
 5 air-conditioning problem at length on an earlier day, 16:14:11
 6 and you did promise before we started today that you 16:14:14
 7 would read the previous transcript so we wouldn't go 16:14:17
 8 through this again. 16:14:19
 9 MR. ROZWOOD: This is her declaration 16:14:22
 10 submitted in support of your class certification 16:14:23
 11 motion. I have not covered this portion. 16:14:27
 12 I am entitled to ask her questions to 16:14:29
 13 determine the veracity and the extent of the veracity 16:14:32
 14 stated herein. If there happens to be some overlap 16:14:35
 15 with a prior line of questioning, that's not 16:14:38
 16 something prohibited, and I certainly promised not to 16:14:40
 17 do that. 16:14:43
 18 MS. LHAMON: You are entitled to ask her 16:14:43
 19 about what is in the declaration. There's more of an 16:14:45
 20 overlap. You asked the same questions, and she has 16:14:48
 21 answered them on previous days. 16:14:51
 22 MR. ROZWOOD: I'm sure the record will show 16:14:53
 23 that I have not asked any of the questions before, 16:14:55
 24 including how many different classrooms she is 16:15:00
 25 referring to that had broken air-conditioning at the 16:15:03

1 time she wrote this declaration. 16:15:09
 2 MS. LHAMON: You and I disagree. 16:15:11
 3 BY MR. ROZWOOD: 16:15:19
 4 Q. Do you see where you say: 16:15:20
 5 "The air-conditioning smells when 16:15:21
 6 we turn it on in some classes so 16:15:23
 7 the teacher doesn't turn it on"? 16:15:25
 8 A. Yes. 16:15:25
 9 Q. Which classes were you referring to where 16:15:35
 10 the air-conditioning smelled? 16:15:35
 11 A. Like in two particular classes in the 16:15:35
 12 bungalows. 16:15:35
 13 Q. Which teachers? 16:15:36
 14 A. I don't quite remember. 16:15:38
 15 Q. During which classes? 16:15:39
 16 A. It was just in the bungalows. 16:15:41
 17 Q. Do you remember an instance in which the 16:15:45
 18 teacher decided not to turn on the air-conditioning 16:15:47
 19 because of a concern about the smell it would 16:15:49
 20 generate? 16:15:51
 21 A. Yes. 16:15:51
 22 Q. Which class was that in? 16:15:53
 23 A. It was in a bungalow. I don't remember 16:15:55
 24 which one. 16:15:57
 25 Q. Do you remember the teacher in that 16:15:58

1 instance? 16:16:05
 2 A. No. 16:16:05
 3 Q. Do you have any specific details that would 16:16:05
 4 help us determine which bungalow or teacher had a 16:16:08
 5 problem with the smell generated by the 16:16:11
 6 air-conditioning? 16:16:13
 7 A. No, that's about it. 16:16:15
 8 Q. Do you see in paragraph 14 where you say you 16:16:27
 9 saw a rat a couple of times in your Spanish class? 16:16:29
 10 A. Yes. 16:16:29
 11 Q. And that you see cockroaches five to ten 16:16:33
 12 times a year around the school? 16:16:36
 13 A. Yes. 16:16:36
 14 Q. In your previous deposition, you marked an 16:16:38
 15 area map of Fremont High School, the location at 16:16:41
 16 which you saw roaches and rats; correct? 16:16:43
 17 A. Yes. 16:16:43
 18 Q. And the location you marked, is that the 16:16:53
 19 location that you saw the rats and roaches referred 16:16:55
 20 to in paragraph 14? 16:16:58
 21 A. Yes. 16:16:58
 22 Q. Okay. Let's just talk about the classes 16:17:09
 23 that you currently have. 16:17:11
 24 A. Okay. 16:17:13
 25 Q. Do I have a record that indicates that? Do 16:17:16

1 you know if you produced something like that for us? 16:17:18
 2 A. I have a report card dated February 2001. 16:17:22
 3 Q. That would be Exhibit 4. It says here: 16:17:26
 4 "Period 0 counselor with 16:17:41
 5 Mr. Skirbin." 16:17:42
 6 A. "Skirbin." 16:17:46
 7 Q. Do you have a meeting with your counselor at 16:17:47
 8 the start of the day? 16:17:50
 9 A. No, it's just to let me know -- or whoever, 16:17:53
 10 you know, has my report card, to let me know who is 16:17:56
 11 my counselor. 16:18:00
 12 Q. And in your first period, you are currently 16:18:14
 13 taking Algebra 2B? 16:18:17
 14 A. Yes. 16:18:17
 15 Q. That's with [REDACTED]? 16:18:20
 16 A. Yes. 16:18:20
 17 Q. How many students are in that class? 16:18:23
 18 A. 20 to 25 students. 16:18:25
 19 Q. Does each student have a textbook? 16:18:27
 20 A. Yes. 16:18:27
 21 Q. What is the quality of your textbook in that 16:18:30
 22 class? 16:18:32
 23 A. A "C" condition. 16:18:34
 24 Q. Does the C condition of your textbook 16:18:36
 25 interfere with your ability to learn the subject 16:18:39

1 matter in Algebra 2B? 16:18:40
 2 A. No. 16:18:40
 3 Q. Are there enough textbooks for all the 16:18:44
 4 students to use in class and to take home? 16:18:46
 5 A. As I said it before, some students have 16:18:50
 6 books to take home; some don't because some of them 16:18:52
 7 are old books in the textbook room. 16:18:56
 8 I said I was an exception, that he gave me a 16:18:58
 9 book to take home. So to answer your question, I 16:19:01
 10 think a majority of the class does have a book to 16:19:05
 11 take home. 16:19:07
 12 Q. If a student needs to take a book home, can 16:19:08
 13 they ask [REDACTED] to take one home? 16:19:11
 14 MS. LHAMON: Asked and answered. 16:19:15
 15 THE WITNESS: Yes, he would let them take it 16:19:16
 16 home. Make them fill out a book card, but they have 16:19:18
 17 to bring it back the next day. 16:19:21
 18 BY MR. ROZWOOD: 16:19:21
 19 Q. Where is this classroom located? 16:19:25
 20 A. On the first floor. 16:19:27
 21 Q. Are there any air-conditioning or heating 16:19:33
 22 problems with your Algebra 2B classroom? 16:19:35
 23 A. Not that I know of. 16:19:38
 24 Q. Are there any ceiling tiles missing from 16:19:43
 25 your classroom in Algebra 2B? 16:19:45

1 A. No. 16:19:45
 2 Q. How often is [REDACTED] absent? 16:19:53
 3 A. He was just recently absent last week 16:19:58
 4 because his wife gave birth to his child. 16:20:01
 5 Q. Boy or girl? 16:20:06
 6 A. A boy. 16:20:07
 7 Q. Other than missing class for the birth of 16:20:11
 8 his son, has [REDACTED] been absent in Algebra 2B? 16:20:14
 9 A. No, that's like the only time. 16:20:22
 10 Q. Do you have homework assigned to you in 16:20:34
 11 Algebra 2B? 16:20:37
 12 A. Yes. 16:20:37
 13 Q. Is that four nights a week, or how many -- 16:20:39
 14 A. Yeah. 16:20:42
 15 Q. Four nights a week? 16:20:43
 16 A. Four nights a week. 16:20:45
 17 Q. How many tests per week do you have in that 16:20:46
 18 class? 16:20:48
 19 A. Well, each Friday. 16:20:50
 20 Q. And do you have a final exam in addition to 16:20:51
 21 those tests? 16:20:54
 22 A. Yes, I just took one today. 16:20:55
 23 Q. How did you do? 16:20:57
 24 A. Pretty good. 16:20:59
 25 Q. Good. 16:21:00

1 that are occupying the swimming pool and need to use 16:07:04
 2 the bathroom. 16:07:07
 3 Q. Are they available to other students during 16:07:08
 4 nutrition and lunch? 16:07:10
 5 A. No, they are closed during nutrition and 16:07:12
 6 lunch. 16:07:14
 7 Q. Okay. Do you see in paragraph 1 of your 16:07:15
 8 declaration where you state: 16:07:32
 9 "They were working on the water 16:07:34
 10 pipes by the bungalows and the 16:07:36
 11 bleachers"? 16:07:37
 12 A. Yes. 16:07:37
 13 Q. What water pipes are you referring to? What 16:07:40
 14 area were the water pipes located on this map marked 16:07:43
 15 as Exhibit 10? You can put a "WP" in a square where 16:07:47
 16 the water pipes were located. 16:07:55
 17 A. (Complies.) 16:08:01
 18 MR. FRIEDMAN: What paragraph are you 16:08:01
 19 referring to? 16:08:02
 20 MR. ROZWOOD: I'm referring to paragraph 12, 16:08:03
 21 line 4. 16:08:05
 22 MR. FRIEDMAN: Thank you. 16:08:07
 23 MS. LHAMON: Put it in a square. 16:08:11
 24 THE WITNESS: (Complies.) 16:08:13
 25 MS. LHAMON: Thanks. 16:08:14

1 BY MR. ROZWOOD: 16:08:15
 2 Q. Do you know what the construction related to 16:08:16
 3 the water pipes -- do you know what the purpose of 16:08:21
 4 that was? 16:08:23
 5 A. I said it before in the last deposition. 16:08:26
 6 They were working on the bungalows, and that's why 16:08:28
 7 they were doing all this underground work on it with 16:08:31
 8 the water pipes. 16:08:34
 9 Q. So it was part of the construction related 16:08:38
 10 to the bungalows, then? 16:08:40
 11 A. Yes. 16:08:40
 12 Q. What about the bleachers? Where are the 16:08:42
 13 bleachers located on this map marked Exhibit 10? If 16:08:45
 14 you write out "bleachers." 16:08:51
 15 MS. LHAMON: I think it already has 16:08:53
 16 bleachers on the map by the auditorium. 16:08:54
 17 MR. ROZWOOD: Okay. 16:08:57
 18 Q. Are those the ones you are referring to, the 16:08:58
 19 ones already marked "bleachers"? 16:09:01
 20 A. Yes. 16:09:01
 21 Q. These here? 16:09:04
 22 A. Yes. 16:09:05
 23 MS. LHAMON: When you say "here," you are 16:09:05
 24 indicating the bleachers. 16:09:06
 25

1 BY MR. ROZWOOD: 16:09:06
 2 Q. You want to put an arrow. 16:09:08
 3 A. (Complies.) 16:09:08
 4 Q. There you go. 16:09:11
 5 You put a little arrow and colored in the 16:09:14
 6 point, referring to what is already marked as 16:09:21
 7 "bleachers" on the area map marked as Exhibit 10. 16:09:28
 8 Other than your prior testimony about the 16:09:42
 9 impact of the noise on your AP Spanish literature 16:09:44
 10 class, is there any other way in which the 16:09:47
 11 construction interfered with your ability to learn 16:09:53
 12 the subject matter of your various courses at Fremont 16:09:56
 13 High School? 16:10:02
 14 A. As I have stated before, I said that it did 16:10:03
 15 prevent me to concentrate and it was real noisy. It 16:10:06
 16 was pretty difficult to concentrate on the work or 16:10:12
 17 what the teacher was saying during the class period. 16:10:15
 18 Q. What other classes other than AP Spanish was 16:10:22
 19 that true? 16:10:24
 20 A. I stated contemporary composition class that 16:10:25
 21 I had with her during first period and by the C 16:10:29
 22 sections -- C section buildings. 16:10:34
 23 Q. Other than what you previously testified to, 16:10:35
 24 is there any other way in which the construction 16:10:37
 25 interfered with your ability to concentrate on the 16:10:40

1 subject matters of your various courses? 16:10:43
 2 A. No, just the ones I had stated before. 16:10:45
 3 Q. So, in your opinion, did the construction 16:10:47
 4 interfere -- did the noise from the construction 16:10:50
 5 interfere with your grade or hurt your grade in AP 16:10:53
 6 Spanish literature? 16:10:56
 7 A. I don't know if it would have been different 16:10:58
 8 if the noise wasn't there. I may say that yes, it 16:10:59
 9 could have been better. 16:11:04
 10 Q. How about your contemporary composition 16:11:05
 11 course with [REDACTED]? 16:11:11
 12 A. The same thing. I don't know if it would 16:11:13
 13 have been different if the noise wouldn't be there. 16:11:16
 14 Maybe I'd have a lot more time to concentrate and 16:11:18
 15 listen to the teacher or whatever the case may be. 16:11:20
 16 Q. I want to ask you about line 7 of your 16:11:28
 17 declaration, where it says: 16:11:31
 18 "Because of the noise, the teachers 16:11:32
 19 closed the windows which made it 16:11:34
 20 too hot in class." 16:11:36
 21 A. Yes. 16:11:36
 22 Q. Is that true for both AP Spanish literature 16:11:38
 23 and contemporary composition? 16:11:41
 24 A. Yes. 16:11:41
 25 Q. Is it true for any other classes? 16:11:44

1 Have you completed all of your homework 16:21:04
 2 assignments in your Algebra 2B class? 16:21:06
 3 A. Sometimes, when I understand the work. 16:21:10
 4 Q. What percentage of the assigned -- strike 16:21:16
 5 that. 16:21:21
 6 What percentage of the homework assignments 16:21:21
 7 have you completed and turned in in your Algebra 2B 16:21:23
 8 class? 16:21:28
 9 A. Like about 80 percent. 16:21:28
 10 Q. Why didn't you turn in the other 20 percent? 16:21:32
 11 A. Either the work was too late or I just 16:21:37
 12 didn't do it or I didn't understand the work. 16:21:40
 13 Q. For those situations where it was just too 16:21:59
 14 late, can you tell us why it was too late to turn the 16:22:02
 15 homework assignments in? 16:22:07
 16 A. Like if I was absent for one day and then I 16:22:09
 17 tell a friend, "Let me borrow" -- "Lend me the page 16:22:12
 18 number," and you know, he or she may give it to me, 16:22:16
 19 and I do it. 16:22:19
 20 I mean I know I could still turn it in, but 16:22:20
 21 I'm not going to get the full points as if I turned 16:22:32
 22 it in the same day it's due. 16:22:32
 23 Q. How many points do you get if you turn it in 16:22:32
 24 the day it's due? 16:22:33
 25 A. Ten or twelve points. 16:22:33

1 Q. How many points do you get if it is late? 16:22:35
 2 A. Like around seven or nine. 16:22:39
 3 Q. So you decide not to turn it in at all? 16:22:40
 4 A. Sometimes. 16:22:43
 5 Q. Have you taken every one of the Friday tests 16:22:51
 6 offered in your Algebra 2B class so far? 16:22:55
 7 A. Yes. 16:22:55
 8 Q. [REDACTED] 16:23:02
 9 [REDACTED] 16:23:05
 10 A. [REDACTED] 16:23:11
 11 I'm sorry. Can I take a quick break. 16:23:19
 12 Q. Sure. 16:23:21
 13 (Off the record.) 16:27:09
 14 MR. ROZWOOD: Back on the record. 16:27:09
 15 Q. [REDACTED] 16:27:10
 16 [REDACTED] 16:27:16
 17 A. [REDACTED] 16:27:16
 18 Q. [REDACTED] 16:27:21
 19 [REDACTED] 16:27:23
 20 A. [REDACTED] 16:27:23
 21 Q. Are you doing anything to improve that mark 16:27:26
 22 currently? 16:27:30
 23 A. Yes. 16:27:30
 24 Q. What are you doing? 16:27:31
 25 A. Doing more work. 16:27:37

1 Q. Do you think you deserve the S for 16:27:41
 2 satisfactory in cooperation? 16:27:43
 3 A. Yes. 16:27:43
 4 Q. Do you ever talk in that class? 16:27:47
 5 A. No. 16:27:47
 6 Q. You try to follow along? 16:27:50
 7 A. It's because sometimes I fall asleep. 16:27:53
 8 Q. Why is that? Because it's in first period? 16:27:56
 9 A. He's boring. 16:27:59
 10 Q. Okay. Can you think of anything other than 16:28:01
 11 [REDACTED] teaching style that interferes with 16:28:10
 12 your ability to learn the subject matter in Algebra 16:28:13
 13 2B? 16:28:16
 14 A. No, just the ones I mentioned before. 16:28:16
 15 Q. You have nothing to add to what you 16:28:21
 16 previously testified to? 16:28:23
 17 A. No. 16:28:23
 18 Q. Okay. Well, let me ask you one more 16:28:46
 19 question. 16:28:49
 20 Are there enough seats and desks available 16:28:50
 21 for the students in [REDACTED]'s Algebra class? 16:28:53
 22 A. Yes. 16:28:53
 23 Q. Who do you have for your economics class 16:28:58
 24 currently? 16:29:00
 25 A. Mr. Edwards. 16:29:02

1 Q. And approximately how old is Mr. Edwards? 16:29:04
 2 A. Around 35 to 40 years old. 16:29:07
 3 Q. And how would you rate Mr. Edwards as a 16:29:11
 4 teacher? 16:29:13
 5 A. I give him a ten. 16:29:14
 6 Q. Is Mr. Edwards prepared with lesson plans in 16:29:23
 7 your economics class? 16:29:26
 8 A. Yes. Yeah, before I rated him with a ten 16:29:29
 9 because I talked about him before. 16:29:31
 10 Q. Oh, you have? 16:29:33
 11 A. Yes. 16:29:33
 12 Q. Which class did he teach previously? 16:29:34
 13 A. I told you that he taught my economics and 16:29:37
 14 did a quote of the day and this date in history, and 16:29:44
 15 he talked about taxes and goods and services and 16:29:49
 16 manufacturing production, stocks. 16:29:54
 17 MS. LHAMON: We have had conversations about 16:29:59
 18 all these teachers, all of her current teachers that 16:30:00
 19 she is taking now on previous days. 16:30:04
 20 BY MR. ROZWOOD: 16:30:07
 21 Q. Okay. If you just want to look at Exhibit 4 16:30:08
 22 and tell me if you have anything to add to your 16:30:10
 23 previous testimony about any of the specific classes 16:30:14
 24 you are currently taking, about any facts that you 16:30:17
 25 are aware of that you haven't previously testified to 16:30:28

1 that would support your claims in this case? 16:30:30
 2 A. No, I don't want to add anything more. 16:30:36
 3 Q. You are taking two periods of work 16:30:51
 4 experience? 16:30:53
 5 A. Yes. 16:30:53
 6 Q. And what are you doing for credit in those 16:30:54
 7 courses? 16:30:56
 8 A. Nothing. 16:30:58
 9 Q. You don't have a job? 16:31:00
 10 A. No. 16:31:00
 11 Q. Where do you go during fifth and sixth 16:31:03
 12 periods? 16:31:07
 13 A. To my house. 16:31:07
 14 Q. You are not required to complete any 16:31:12
 15 assignments of any kind for those two courses? 16:31:14
 16 A. Right now the only thing she has us do is 16:31:18
 17 just write little two short essays about anything 16:31:21
 18 that goes on in our lives, and she has some 16:31:25
 19 assignments like work sheets that you have to do with 16:31:29
 20 work and responsibilities and things like that. 16:31:32
 21 Q. Is there a reason you don't have a job in 16:31:36
 22 connection with your work experience courses? 16:31:38
 23 A. I had a job in the beginning, but I quit. 16:31:41
 24 Q. Was that the El Pollo Loco job? 16:31:45
 25 A. Yes. 16:31:45

1 Q. You mentioned that you quit in part because 16:31:54
 2 there were late shifts that interfered with your 16:31:57
 3 school schedule. 16:32:01
 4 A. Yes. 16:32:01
 5 Q. What hours were you working at El Pollo 16:32:03
 6 Loco? 16:32:07
 7 A. Sometimes they would give me -- for example, 16:32:07
 8 since I don't have time to finish my homework because 16:32:13
 9 right after I came out from fourth period, by 2:00 16:32:16
 10 o'clock I have to be at work. Sometimes I come out 16:32:20
 11 at 9:30 or 10:00, and then on the weekends, it was 16:32:22
 12 like 3:00 to 9:00, but on Sundays, I have to work 16:32:27
 13 like 4:00 to 10:00 or 5:00 to 11:00, 6:00 to 16:32:30
 14 12:00 -- whenever fourth period ends at 12:40. 16:32:33
 15 Q. Do you know the name of your supervisor at 16:32:39
 16 El Pollo Loco? 16:32:43
 17 A. Yeah. 16:32:45
 18 Q. What is his name? 16:32:45
 19 A. Mauricio Palacios. He doesn't work there 16:32:47
 20 any more because I was trying to go back to work 16:32:51
 21 there, but he doesn't work there. 16:32:53
 22 MS. LHAMON: Can you spell the name for the 16:32:55
 23 reporter. 16:32:58
 24 THE WITNESS: M-a-u-r-i-c-i-o, Palacios is 16:32:59
 25 P-a-l-a-c-i-o-s. 16:32:59

1 BY MR. ROZWOOD: 16:33:07
 2 Q. When did you stop working at El Pollo Loco? 16:33:07
 3 A. When I went off track. It was in March, 16:33:13
 4 middle of March. 16:33:23
 5 Q. You went -- you stopped working at El Pollo 16:33:23
 6 Loco when you went off track in mid-March? 16:33:26
 7 A. Yes. 16:33:26
 8 Q. Of 2001? 16:33:31
 9 A. Yes. 16:33:31
 10 Q. You don't have classes when you are off 16:33:32
 11 track? 16:33:34
 12 A. Yes. 16:33:34
 13 Q. The other reason you left El Pollo Loco was 16:33:36
 14 that you didn't like the people? 16:33:39
 15 A. No, I was offered as a reception at 16:33:40
 16 Century 21, but it was too far. So I didn't take it. 16:33:44
 17 Q. Were you offered the job as a receptionist 16:33:53
 18 at Century 21 before or after you left El Pollo Loco? 16:33:57
 19 A. Before I left El Pollo Loco. 16:34:01
 20 Q. Did you know where the receptionist position 16:34:03
 21 job was located at the time you left El Pollo Loco? 16:34:08
 22 A. Yes. 16:34:08
 23 Q. Where was it located? 16:34:13
 24 A. In Downey. 16:34:15
 25 Q. At the time you left El Pollo Loco, did you 16:34:21

1 think you might take that job in Downey? 16:34:24
 2 A. Yeah, I took it for like a week and a half, 16:34:26
 3 but then it was too far. I didn't have, like, 16:34:28
 4 transportation. 16:34:30
 5 Q. And when did you reapply to El Pollo Loco 16:34:34
 6 for your job? 16:34:38
 7 A. About two weeks and a half ago. 16:34:40
 8 Q. At the beginning of June? 16:34:45
 9 A. Yes. 16:35:14
 10 MR. ROZWOOD: I would like to mark as 16:35:14
 11 Exhibit 11 a copy of a redacted document produced by 16:35:15
 12 your counsel in this litigation. 16:35:23
 13 MS. LHAMON: I think it's already an 16:35:27
 14 exhibit. 16:35:29
 15 THE WITNESS: Yeah, it is. 16:35:30
 16 MR. ROZWOOD: I'm sorry. 16:35:32
 17 MS. LHAMON: If you want to mark it again, 16:35:33
 18 we can. 16:35:35
 19 MR. ROZWOOD: No, not if it's already 16:35:36
 20 marked. 16:35:37
 21 MS. LHAMON: It's Exhibit 6. 16:35:38
 22 MR. ROZWOOD: Just strike that. 16:35:39
 23 Q. Can you turn to Exhibit 6 of your deposition 16:35:41
 24 and tell me what that is, if you recognize it. 16:35:44
 25 A. It's my SAT score. 16:35:48

1 Q. Is it accurate? 16:35:50
 2 A. Yes, it's accurate. 16:35:53
 3 MS. LHAMON: Cindy, when you say it's 16:35:57
 4 accurate, you are referring to the scores being 16:35:59
 5 accurate because you testified to some inaccuracies 16:36:01
 6 on the second page of the document. 16:36:04
 7 THE WITNESS: Oh, yes, I remember he was 16:36:06
 8 asking questions about foreign language and stuff 16:36:07
 9 like that. 16:36:14
 10 BY MR. ROZWOOD: 16:36:15
 11 Q. Well, other than -- I'm asking you about the 16:36:16
 12 first page of Exhibit 6 right now. 16:36:19
 13 A. Okay. 16:36:21
 14 Q. Are the scores on the first page accurate, 16:36:22
 15 to your knowledge? 16:36:23
 16 A. Yes. 16:36:23
 17 Q. And other than the inaccuracies you 16:36:25
 18 previously testified to on the second page of 16:36:28
 19 Exhibit 6, is there anything else inaccurate about 16:36:30
 20 Exhibit 6, to your knowledge? 16:36:33
 21 Feel free to take a minute to look. 16:36:48
 22 A. Nothing else that I can see. 16:37:08
 23 Q. Have you looked at it carefully? 16:37:11
 24 A. Yes. 16:37:11
 25 Q. What I would like to do is introduce a 16:37:55

1 document produced by the Los Angeles Unified School 16:37:58
 2 District, and it contains some pages of overlap with 16:38:04
 3 other exhibits, but I think it's not an identical set 16:38:08
 4 of pages. So I will mark it as a separate exhibit, 16:38:15
 5 which I think this time around is Exhibit 11. 16:38:19
 6 So I'll mark it as Exhibit 11 and ask you to 16:38:21
 7 take a look at it. 16:38:23
 8 (Document referred to above was 16:38:23
 9 marked as Defendants' Exhibit 11 16:38:23
 10 for identification by the reporter 16:38:26
 11 and is attached hereto.) 16:38:26
 12 MS. LHAMON: Do you have a copy for me? 16:38:26
 13 MR. ROZWOOD: I'm looking for one. 16:38:28
 14 Q. See if you can tell me if you recognize the 16:38:33
 15 pages of this document. Please look at all the 16:38:36
 16 pages. 16:38:39
 17 Howard, here is a copy for you. 16:39:03
 18 Have you seen Exhibit 11 before? 16:39:37
 19 A. No. 16:39:37
 20 Q. I mean before your deposition commenced, had 16:39:40
 21 you seen any part of Exhibit 11 before? 16:39:43
 22 A. No. 16:39:45
 23 MS. LHAMON: You haven't seen any part of it 16:39:45
 24 or -- 16:39:47
 25 THE WITNESS: Well, the only thing I have 16:39:49

1 seen is my transcript but not like the last two 16:39:49
 2 pages. 16:39:53
 3 BY MR. ROZWOOD: 16:39:56
 4 Q. So this is a five -- four-page -- do you 16:39:56
 5 have four pages to your Exhibit 11 there? 16:40:03
 6 MS. LHAMON: I have five. 16:40:06
 7 THE WITNESS: Five. 16:40:07
 8 BY MR. ROZWOOD: 16:40:07
 9 Q. Okay. It's a five-page exhibit, and the 16:40:08
 10 pages you have seen before are pages 1 and 2. Or you 16:40:10
 11 can just tell me which pages you have seen before. 16:40:14
 12 MR. FRIEDMAN: Let me just observe I believe 16:40:17
 13 that in the copy I have it looks like it's a 16:40:19
 14 duplication -- duplicate pages; right? 16:40:22
 15 MS. LHAMON: Yes. 16:40:28
 16 MR. FRIEDMAN: As I recall, there was an 16:40:30
 17 additional copy made in a darker tone to reproduce 16:40:36
 18 the classes that are being taken in the first 16:40:42
 19 semester of the twelfth grade; whereas, on the second 16:40:44
 20 page, you will see a lighter reproduction, and it 16:40:48
 21 doesn't show those classes; otherwise, I think it's 16:40:51
 22 the same page. 16:40:54
 23 MR. ROZWOOD: Okay. Counsel for the 16:40:57
 24 Los Angeles Unified School District is representing, 16:41:00
 25 to the best of his knowledge, that pages 1 and 2 are 16:41:03

1 different copies of the same page of your student 16:41:07
 2 report. 16:41:10
 3 Is that correct? 16:41:11
 4 MR. FRIEDMAN: That's correct relative to 16:41:12
 5 Exhibit 11 of the deposition. 16:41:14
 6 MR. ROZWOOD: Okay. 16:41:15
 7 Q. Prior to your deposition, had you seen page 16:41:19
 8 1 or page 2 before? 16:41:21
 9 A. Yes. 16:41:21
 10 Q. Okay. Where had you seen it before? 16:41:25
 11 A. When I asked for copies of my transcript. 16:41:27
 12 Q. From your counselor? 16:41:30
 13 A. Just the assistants that are there in the 16:41:33
 14 counseling center. 16:41:36
 15 Q. And they provided you a copy with -- sorry. 16:41:37
 16 They provided you with a copy of your 16:41:42
 17 cumulative record, something like what appears at 16:41:44
 18 page 1 and 2 of Exhibit 11? 16:41:57
 19 A. Yeah, they provided me with a copy of page 16:41:57
 20 1, 2, and 3. 16:41:57
 21 Q. And 3? 16:41:57
 22 A. Yes. 16:41:57
 23 Q. Is there anything inaccurate about page 3 of 16:41:58
 24 Exhibit 11, to your knowledge? 16:42:01
 25 A. Not that I know of. 16:42:13

1 Q. Have you ever seen pages 4 or 5 of 16:42:27
 2 Exhibit 11 before today? 16:42:29
 3 A. No. 16:42:29
 4 Q. Okay. I don't have any more questions about 16:42:44
 5 Exhibit 11. 16:42:45
 6 I'm going to mark as Exhibit 12 another set 16:43:00
 7 of documents produced by the Los Angeles Unified 16:43:03
 8 School District. 16:43:08
 9 (Document referred to above was 16:43:08
 10 marked as Defendants' Exhibit 12 16:43:08
 11 for identification by the reporter 16:43:09
 12 and is attached hereto.) 16:43:09
 13 BY MR. ROZWOOD: 16:43:09
 14 Q. I'll ask you to look through these pages and 16:43:10
 15 just identify if you have seen any of these pages 16:43:12
 16 before today. 16:43:21
 17 Why don't we do it this way. Do you 16:44:20
 18 recognize page 1 of this Exhibit 12? 16:44:22
 19 A. No. 16:44:22
 20 Q. Do you recognize page 2 of Exhibit 12? 16:44:28
 21 A. No. 16:44:28
 22 Q. Do you recognize page 3 of Exhibit 12? 16:44:30
 23 A. No. 16:44:30
 24 Q. Is that your signature where it says "Nombre 16:44:35
 25 del Estudiante"? 16:44:35

1 A. No. 16:44:43
 2 Q. Do you recognize page 4 of Exhibit 12? 16:44:43
 3 A. No. 16:44:43
 4 Q. Do you recognize page 5 of Exhibit 12? 16:44:47
 5 A. No. 16:44:47
 6 Q. Do you recognize page 6 of Exhibit 12? 16:44:56
 7 A. No. 16:44:56
 8 Q. Do you recognize page 7 of Exhibit 12? 16:44:59
 9 A. No. 16:45:01
 10 Q. The page 7 has "California School 16:45:03
 11 Immunization Record." 16:45:10
 12 Do you recognize that? 16:45:12
 13 A. No. 16:45:13
 14 Q. Do you recognize page 8? 16:45:14
 15 MS. LHAMON: I'm going to object. 16:45:16
 16 Would you mind if we go off the record? 16:45:18
 17 MR. ROZWOOD: No. 16:45:28
 18 (Off the record.) 16:47:03
 19 MR. ROZWOOD: Back on the record. 16:47:04
 20 Counsel for the plaintiff Ms. Diego has 16:47:06
 21 astutely observed that page 7 of the document we have 16:47:11
 22 marked as Exhibit 12 is a document entitled 16:47:15
 23 "California School Immunization Record," and it's my 16:47:19
 24 understanding, based on the representations of 16:47:22
 25 counsel to the district and counsel to the plaintiffs 16:47:24

1 here, that this document should not have been 16:47:27
 2 produced as -- you know, under the protective order 16:47:29
 3 of the court; therefore, we will remove this now from 16:47:35
 4 all copies and provide all copies -- this was page 7 16:47:38
 5 of Exhibit 12, remove it so now all those copies will 16:47:41
 6 go back to the district counsel, Mr. Friedman. 16:47:45
 7 Do you have them in hand? 16:47:50
 8 MR. FRIEDMAN: I have them in hand, and I 16:47:51
 9 appreciate the spirit of cooperation, and I would 16:47:53
 10 offer on the record that, having obtained these 16:47:55
 11 records from the school, I personally went through 16:47:57
 12 them and removed records that consisted of health 16:47:59
 13 records, and it's unfortunate this somehow got past, 16:48:03
 14 and I apologize to everyone, particularly to 16:48:07
 15 Ms. Diego. But now that I apparently have recovered 16:48:09
 16 them all, so we are back to square one in terms of 16:48:13
 17 compliance with the court's protective order. 16:48:16
 18 MS. LHAMON: Thank you. I appreciate it. 16:48:19
 19 So just so that we are clear on the record, 16:48:22
 20 what we had marked as Exhibit 12 now has one fewer 16:48:24
 21 page but otherwise is an intact document. We took 16:48:28
 22 out only the one page that is the immunization page. 16:48:32
 23 MR. ROZWOOD: Correct, and the first six 16:48:35
 24 pages that we have already reviewed have not changed. 16:48:36
 25 Q. And, Ms. Diego, your answers do not change 16:48:40

1
 2 with respect to whether you have seen them before? 16:48:43
 3 A. No, they do not change. 16:48:45
 4 Q. Let's look at new page 7, which is a 16:48:47
 5 document that is not a great copy but includes your 16:48:50
 6 scores and percentile and Stanford 9 testing for 16:48:59
 7 spelling, language, science, and social studies. 16:49:04
 8 A. Yes. 16:49:04
 9 Q. Have you seen this document before? 16:49:08
 10 A. No. 16:49:08
 11 Q. Can you flip to page 8 of Exhibit 12 marked 16:49:09
 12 progress report grades 4 through 6. 16:49:13
 13 A. Yes. 16:49:13
 14 Q. Have you seen this document before? 16:49:17
 15 A. Yes. 16:49:17
 16 Q. When did you last see this document? 16:49:23
 17 A. When I was in the fifth grade. 16:49:24
 18 Q. Okay. Is it accurate, to the best of your 16:49:28
 19 recollection, of a statement of your grades and marks 16:49:31
 20 you received during these grades? 16:49:38
 21 A. Yes. 16:49:38
 22 Q. Is the next page a continuation of the same 16:49:41
 23 report? Do you know? 16:49:44
 24 A. Yes, it's the same report card. 16:49:47
 25 Q. Okay. So pages 8 and 9 are part of one 16:49:49

1 report card; correct? 16:49:59
 2 A. Yes. 16:49:59
 3 Q. If you turn to page 10 of Exhibit 12, have 16:50:01
 4 you seen that document before? 16:50:06
 5 A. No. 16:50:06
 6 Q. Okay. Is there anything inaccurate, to the 16:50:13
 7 best of your knowledge, with respect to the scores 16:50:16
 8 set forth on page 10 of Exhibit 12? 16:50:18
 9 A. No. 16:50:18
 10 Q. Can you look at page 11, which appears to be 16:50:26
 11 your birth certificate. 16:50:29
 12 A. Yes. 16:50:29
 13 Q. Have you seen this document before? 16:50:33
 14 A. Yes. 16:50:33
 15 Q. Is this an accurate, true, and correct copy 16:50:35
 16 of your birth certificate? 16:50:37
 17 A. Yes. 16:50:37
 18 Q. And the last page is page 12 of the 12-page 16:50:44
 19 Exhibit No. 12. Have you seen that page before? 16:50:48
 20 A. No. 16:50:48
 21 Q. Okay. I have no more questions about 16:50:54
 22 Exhibit 12. 16:50:55
 23 Go off the record for a minute. 16:51:09
 24 (Off the record.) 16:54:59
 25 MS. LHAMON: We had an off-the-record 16:55:01

1 conversation among counsel, and I want to state for 16:55:02
 2 the report I did not receive a copy of Cindy Diego's 16:55:04
 3 records from the Los Angeles Unified School District 16:55:08
 4 that did go to counsel for the State. 16:55:10
 5 It's my understanding from both counsel that 16:55:14
 6 Exhibits 11 and 12 constitute the sum total of 16:55:17
 7 documents produced to the State. So I now have them 16:55:21
 8 in my possession, and I'm just a little bit behind. 16:55:32
 9 MR. FRIEDMAN: I, on the record, want to 16:55:32
 10 apologize for the inconvenience. I take 16:55:32
 11 responsibility for my office. Evidently they were 16:55:32
 12 provided only to counsel for the State and should 16:55:37
 13 have been provided to both plaintiff as well as 16:55:39
 14 counsel for the State, and I apologize for that 16:55:41
 15 oversight, but I do believe now you have been given 16:55:44
 16 the exhibit that has been marked, that you have all 16:55:46
 17 records that were turned over to the State relative 16:55:50
 18 to Cynthia Diego's pupil records. 16:55:54
 19 MR. ROZWOD: I would like to point out 16:55:59
 20 while we are on the subject, to the extent that the 16:56:01
 21 parties to the main action here did not receive 16:56:03
 22 copies of these documents, I believe they are 16:56:05
 23 entitled to, and that would include the Department of 16:56:07
 24 Education and State Superintendent of Public 16:56:12
 25 Instruction and the Board of Education. 16:56:17

1 Q. Okay. Do you know a student at Fremont 16:56:21
 2 named Sindy Ramirez? 16:56:26
 3 A. Yes. 16:56:26
 4 Q. How do you know her? 16:56:29
 5 A. I had a class with her in the tenth-grade 16:56:31
 6 year. 16:56:35
 7 Q. What class did you have with her? 16:56:35
 8 A. I don't know, but -- 16:56:40
 9 Q. You only -- I'm sorry. Go ahead. 16:56:42
 10 A. -- but it was in [REDACTED] class. 16:56:44
 11 Q. How do you know it was [REDACTED] class? 16:56:48
 12 A. Because I remember the teacher, but I don't 16:56:52
 13 remember what subject. 16:56:54
 14 MS. LHAMON: For the record, it's spelled 16:56:56
 15 [REDACTED] We have had some trouble with that in 16:56:56
 16 the past. 16:57:02
 17 MR. ROZWOD: Thank you. 16:57:03
 18 Q. What grade is Sindy Ramirez in? 16:57:14
 19 A. In the twelfth grade. 16:57:16
 20 Q. Other than one class with [REDACTED] in the 16:57:18
 21 tenth-grade year, have you had any other classes with 16:57:21
 22 Ms. Ramirez? 16:57:24
 23 A. I had an English class with her too. 16:57:27
 24 Q. What year was that? 16:57:30
 25 A. The tenth grade. 16:57:31

1 Q. What teacher? 16:57:33
 2 A. I don't know his name. 16:57:36
 3 Q. Was it for both semesters in the tenth 16:57:39
 4 grade? 16:57:41
 5 A. No, I had it for different semesters. 16:57:42
 6 Q. Do you remember which semester you shared an 16:57:46
 7 English class with Ms. Ramirez? 16:57:48
 8 A. It was in the second semester. 16:57:51
 9 Q. It was in the second? 16:57:53
 10 A. Yes. 16:57:53
 11 Q. Okay. Have you spoken to Ms. Ramirez about 16:57:59
 12 this lawsuit? 16:58:01
 13 A. No. 16:58:01
 14 Q. Have you spoken to Ms. Ramirez outside of 16:58:05
 15 school this year? 16:58:08
 16 A. At prom. That's about it. 16:58:14
 17 Q. Purely social stuff? 16:58:18
 18 A. Yes. 16:58:18
 19 Q. Where is she going to college? 16:58:20
 20 A. To UC Berkeley. 16:58:23
 21 Q. She is already accepted? 16:58:24
 22 A. She has been accepted ever since the tenth 16:58:26
 23 grade. 16:58:28
 24 Q. She already accepted their offer, the 16:58:29
 25 admission there? 16:58:32

1 A. She got a full scholarship from them. 16:58:32
 2 Q. Does Ms. Ramirez go to the Community 16:58:46
 3 Coalition? 16:58:49
 4 A. No. 16:58:50
 5 Q. To your knowledge, she never has been to the 16:58:54
 6 Community Coalition? 16:58:57
 7 A. She has. She is the one that introduced me 16:58:59
 8 to this lawsuit. 16:59:01
 9 Q. Can you -- 16:59:03
 10 MS. LHAMON: I'm going to instruct Cindy not 16:59:05
 11 to answer about the way that you became introduced to 16:59:07
 12 the lawsuit to the extent it's going to infringe on 16:59:11
 13 the attorney/client privilege. 16:59:15
 14 BY MR. ROZWOOD: 16:59:17
 15 Q. Can you describe the circumstances in which 16:59:19
 16 Ms. Ramirez got you into this lawsuit. 16:59:21
 17 MS. LHAMON: I'm going to instruct her not 16:59:24
 18 to answer and make a representation that Ms. Ramirez 16:59:26
 19 was working in our office and working as our agent at 16:59:31
 20 the time. 16:59:39
 21 BY MR. ROZWOOD: 16:59:43
 22 Q. To your knowledge, was Ms. Ramirez working 16:59:43
 23 with the -- strike that. 16:59:46
 24 To your knowledge, was Cindy working at the 16:59:49
 25 ACLU's office at the time she first discussed this 16:59:53

1 lawsuit with you? 16:59:55
 2 A. I didn't know she was working with ACLU. I 16:59:57
 3 knew she was working somewhere, but I didn't know it 17:00:01
 4 was with the ACLU. 17:00:03
 5 Q. What did she tell you about the lawsuit at 17:00:05
 6 that time? 17:00:07
 7 MS. LHAMON: I'm going to instruct you not 17:00:07
 8 to answer on the attorney/client privilege. 17:00:10
 9 MR. FRIEDMAN: I'm wondering if there is 17:00:15
 10 existenc of attorney/client privilege if the client 17:00:18
 11 doesn't know the person they are speaking with is 17:00:20
 12 working for a lawyer. 17:00:26
 13 I mean I may get presumption on the part 17:00:30
 14 of Ms. Ramirez, but if someone doesn't know they 17:00:33
 15 are talking with a lawyer, there's no privilege 17:00:38
 16 to -- 17:00:40
 17 MS. LHAMON: I agree with that. I was 17:00:41
 18 present at the time that Ms. Ramirez first spoke to 17:00:42
 19 Cindy Diego about the lawsuit. 17:00:46
 20 I know what was said. I know what 17:00:48
 21 representations were made about Ms. Ramirez's work 17:00:50
 22 with me, and I know that Ms. Ramirez informed Cindy 17:00:55
 23 Diego that she was working for the ACLU. 17:01:00
 24 MR. FRIEDMAN: I don't want to create a 17:01:05
 25 furor, but this is testimony I just heard. I'll stay 17:01:08

1 out of it at this point. 17:01:11
 2 BY MR. ROZWOOD: 17:01:11
 3 Q. When did you first learn that Sindy Ramirez 17:01:14
 4 was working with the ACLU's office? 17:01:16
 5 A. I don't know. We were just talking. I know 17:01:21
 6 she was working for a business or something, but I 17:01:25
 7 don't quite remember where she told me she was 17:01:29
 8 working at. 17:01:31
 9 Q. When did you first learn that Ms. Ramirez 17:01:32
 10 was working with a law -- with a lawyer on this case? 17:01:34
 11 A. As soon as my declaration was taken down or 17:01:46
 12 written down. 17:01:58
 13 Q. The declaration that we have introduced as 17:01:58
 14 Exhibit 2 to your deposition? 17:01:58
 15 A. Yes. 17:01:58
 16 Q. Did you have any conversations with 17:02:03
 17 Ms. Ramirez prior to the time you signed your 17:02:04
 18 declaration? 17:02:09
 19 A. No. 17:02:09
 20 Q. I mean my question is: Did you have any 17:02:20
 21 conversations with Ms. Ramirez prior to the date you 17:02:24
 22 signed your declaration about this lawsuit? 17:02:27
 23 A. No. 17:02:27
 24 Q. That was the first time you had spoke to her 17:02:31
 25 about this lawsuit; correct? 17:02:32

1 A. Yes. 17:02:32
 2 Q. Okay. I want to ask you about the way the 17:02:34
 3 school conducts assemblies. 17:03:46
 4 Where are the assemblies held at Fremont? 17:03:50
 5 A. In the auditorium. 17:03:54
 6 Q. And are there enough seats for all the 17:03:55
 7 students in the auditorium at the assemblies given at 17:03:58
 8 Fremont? 17:04:03
 9 A. Do you mean for the whole school? 17:04:05
 10 Q. I mean at a given assembly -- how often do 17:04:06
 11 you have an assembly is a better question. 17:04:10
 12 A. I don't know. I don't know how many times 17:04:15
 13 they have assemblies, but I know when they do have 17:04:17
 14 assemblies, many of us can't go because there's not 17:04:20
 15 enough seats to go around for each student, and the 17:04:25
 16 only way you can go is if the teacher is invited. 17:04:28
 17 There's limited teachers, limited students that can 17:04:32
 18 go to the assemblies. 17:04:35
 19 Q. How many assemblies have you had this school 17:04:39
 20 year so far? 17:04:42
 21 A. This school year? Probably like around 17:04:43
 22 three or four. 17:04:48
 23 Q. Subjects were discussed at these assemblies? 17:04:50
 24 A. No, like the assemblies we have is just 17:04:54
 25 like -- I don't know -- African-American month -- I'm 17:04:56

1 sorry -- Black History Month or like Cinco de Mayo, 17:05:01
 2 just like events. 17:05:05
 3 Q. Those are the assemblies you are referring 17:05:07
 4 to that occur at the auditorium? 17:05:11
 5 A. The assemblies that I know of, yes. 17:05:14
 6 Q. To your knowledge, is there anything unsafe 17:05:27
 7 about the bungalows at Fremont? 17:05:30
 8 A. Yes. 17:05:30
 9 Q. What is unsafe about the bungalows at 17:05:34
 10 Fremont? 17:05:38
 11 A. They are just -- I guess it's just like the 17:05:40
 12 way they are put -- the way they are in the field or 17:05:44
 13 wherever they are at. I mean they are not well 17:05:49
 14 structured. I don't know. 17:05:52
 15 I mean I think just in case -- I mean if 17:05:54
 16 there's an earthquake or something, I'm pretty sure 17:05:56
 17 the whole bungalow would just fall down. I don't 17:05:59
 18 think the bungalows are pretty safe. 17:06:02
 19 Q. You don't think the bungalows are earthquake 17:06:04
 20 safe? 17:06:07
 21 A. No, I don't think so. 17:06:08
 22 Q. And what about where they are located makes 17:06:09
 23 them unsafe? 17:06:12
 24 A. Where they are located? Well, most of them 17:06:14
 25 are located by the PE area. 17:06:17

1 Q. What is unsafe about that? 17:06:21
 2 A. Because it's near a street. You never know 17:06:23
 3 what could happen. 17:06:26
 4 Q. Isn't there a 20-foot wrought iron fence 17:06:28
 5 around the perimeter of Fremont in that location? 17:06:32
 6 A. Yeah, but what good does that do? You never 17:06:35
 7 know what can happen. 17:06:38
 8 Q. What about being near a street is dangerous? 17:06:40
 9 MS. LHAMON: She testified to earthquake 17:06:43
 10 safety. 17:06:45
 11 BY MR. ROZWOD: 17:06:46
 12 Q. Other than earthquake safety, is there any 17:06:46
 13 other reason why these bungalows are not safe? 17:06:48
 14 A. I don't know. I just don't feel -- I mean I 17:06:52
 15 don't know. Like, it shakes all the time. 17:06:55
 16 Q. So you don't think they are sturdy? 17:06:59
 17 A. No, I don't think they are sturdy enough. 17:07:02
 18 They are not like on a smooth foundation or anything. 17:07:04
 19 I don't know. They are just -- I don't think they 17:07:07
 20 are safe. 17:07:09
 21 Q. Is there anything else, in your view, that 17:07:15
 22 makes the bungalows unsafe other than what you have 17:07:16
 23 already testified to? 17:07:20
 24 A. No, that's it. 17:07:21
 25 Q. Are you aware of any situations in which 17:07:30

1 students at Fremont did not have a sixth period class 17:07:32
 2 at all for the entire semester? 17:07:37
 3 A. Oh, that happened like in the beginning of 17:07:39
 4 my junior year when there was a lack of counselors, 17:07:41
 5 and I guess the counselors didn't go around to each 17:07:45
 6 student to give them, like, all their full classes 17:07:51
 7 first period through sixth. Because I know in the 17:07:54
 8 beginning of my junior, I was missing fifth and 17:07:57
 9 sixth, and I had to get those classes put in. 17:07:59
 10 Q. Did you get them put in? 17:08:03
 11 A. Yes. 17:08:03
 12 Q. How long did that take? 17:08:05
 13 A. Two weeks. 17:08:06
 14 Q. Other than that incident, are you aware of 17:08:08
 15 any instances in which students at Fremont did not 17:08:10
 16 have a fifth or sixth period class? 17:08:14
 17 A. Only that incident. 17:08:17
 18 Q. Were you aware of any instances where 17:08:21
 19 computers were stolen from Fremont? 17:08:25
 20 A. All I know is they had broken in the student 17:08:33
 21 store and stolen the money and their snacks. That's 17:08:35
 22 the only thing. 17:08:40
 23 About breaking in to computers and other 17:08:42
 24 stuff, I don't know. 17:08:45
 25 About two months ago like in the double 17:08:47

1 doors that go to the attendance office the window was 17:08:52
 2 broken, like the glass, the glass door was, you know, 17:08:56
 3 broken. It was shattered because, I guess, somebody 17:08:59
 4 was trying to break in, and when they did get in, I 17:09:03
 5 think they were trying to look for records or 17:09:06
 6 something because where all the records was kept, it 17:09:08
 7 was open like they were trying to open a door with 17:09:10
 8 like some kind -- it was all peeled off on the knob, 17:09:20
 9 like the paint and wood was peeled off by the knob. 17:09:20
 10 Q. How long did it take to replace the broken 17:09:23
 11 window? 17:09:26
 12 A. Around two days. 17:09:28
 13 Q. How long did it take to repair the damage to 17:09:29
 14 the door? 17:09:32
 15 A. Probably a week. 17:09:34
 16 Q. Other than what you have testified to, are 17:09:38
 17 you aware of any instances of vandalism or break-in 17:09:40
 18 at Fremont High School? 17:09:43
 19 A. No, just those. 17:09:45
 20 Q. Can you look at Exhibit 10, which is an area 17:09:46
 21 map of Fremont High School in which you indicated the 17:09:49
 22 location of the rest rooms among other things. 17:09:52
 23 Please, with a darkened circle, indicate 17:09:57
 24 where on campus the student store is with the snacks 17:10:04
 25 you referred to. 17:10:10

1 A. (Complies.) 17:10:10
 2 Here where it says "finance office." 17:10:15
 3 Q. Can you put an arrow and write "student 17:10:17
 4 store." 17:10:21
 5 A. (Complies.) 17:10:21
 6 Q. Thank you. 17:10:26
 7 Is the pen running out of ink? 17:10:32
 8 MS. LHAMON: I have another pen. It's okay. 17:10:36
 9 BY MR. ROZWOOD: 17:10:39
 10 Q. As you sit here today, you are not aware of 17:10:44
 11 any instance in which computers were stolen from 17:10:46
 12 Fremont High School? 17:10:49
 13 A. I'm not aware. 17:10:50
 14 Q. How often would you estimate the maintenance 17:11:18
 15 crew cleans the bathrooms? 17:11:21
 16 A. Not often. 17:11:25
 17 Q. How many times per week? 17:11:27
 18 A. Probably once per week. 17:11:29
 19 Q. And how often would you estimate the 17:11:31
 20 maintenance crew at Fremont restocks the supplies in 17:11:35
 21 the bathrooms? 17:11:38
 22 A. They probably restock them like after school 17:11:41
 23 or before school. 17:11:43
 24 Q. Once a day? 17:11:44
 25 A. Yes. 17:11:44

1 Q. So I get this correct, you think that they 17:11:47
 2 clean the bathrooms once a week and stock them once a 17:11:52
 3 day? 17:11:55
 4 A. Yes. 17:11:55
 5 Q. Would you say that the graffiti at Fremont 17:12:18
 6 is a serious problem? 17:12:22
 7 A. Yes. 17:12:22
 8 Q. And do you know what is being done or what 17:12:28
 9 the school does to address that problem? 17:12:31
 10 A. On that they are real quick. Because if 17:12:35
 11 they see any kind of mark or spray painting or any 17:12:37
 12 graffiti on the wall, they have a custodian just 17:12:41
 13 paint over it. About that they are real quick. If 17:12:45
 14 they see it -- as soon as they see it, it's covered 17:12:49
 15 with paint. 17:12:51
 16 Q. Do you think the school could do anything 17:12:53
 17 more than it's currently doing to address the 17:12:55
 18 graffiti problem at Fremont? 17:12:58
 19 MS. LHAMON: Asked and answered. 17:13:02
 20 THE WITNESS: I don't know. I don't know 17:13:04
 21 what they can do. You know, it's like saying what 17:13:06
 22 can the police do to stop crime. You know, it's a 17:13:09
 23 lot of things that -- I don't know what things you 17:13:13
 24 can do. 17:13:17
 25 BY MR. ROZWOOD: 17:13:18

1 Q. I just want to ask you if there's anything 17:13:18
 2 you really like about Fremont High School. 17:13:21
 3 A. I like a lot of things about Fremont High 17:13:26
 4 School. I like my friends, the people that are 17:13:29
 5 there, some teachers, you know. I mean the 17:13:32
 6 environment -- not the environment, but like outside 17:13:37
 7 it's pretty cool, like the quad area. I don't know. 17:13:40
 8 I mean it's a place where I have been for 17:13:44
 9 four years. If I didn't like it, I would have been 17:13:46
 10 out, but it's things that I have gotten used to, and 17:13:48
 11 I don't know if it would have been different if I 17:13:52
 12 would have went to a school that had everything I 17:13:54
 13 needed and was provided, that I didn't have to ask 17:13:57
 14 for at all, that was just handed to me, you know, but 17:14:00
 15 it's a school that I have gotten used to. So I like 17:14:06
 16 it. I mean whatever it has to offer, it has to 17:14:09
 17 offer. 17:14:13
 18 Q. Do you think the school grounds are 17:14:13
 19 adequately maintained by the maintenance crew outside 17:14:16
 20 of the buildings and rest rooms we have already 17:14:20
 21 discussed? 17:14:23
 22 A. I guess they get around the quad area 17:14:29
 23 outside, the benches, and stuff. Because -- I mean 17:14:31
 24 when it's nutrition and lunch, they are picking up 17:14:36
 25 trash that goes around. Passing periods they are 17:14:39

1 around cleaning, or there's even students that are -- 17:14:42
 2 I don't know. They are probably making community 17:14:46
 3 service hours or whatever it may be or getting 17:14:48
 4 credits, and they are cleaning around, picking up 17:14:50
 5 whatever trash they see. So it's pretty clean. 17:14:53
 6 Q. You testified that, if you didn't like it, 17:14:56
 7 you would have gotten out. 17:14:59
 8 What do you mean by that? 17:15:00
 9 A. I probably would have transferred to a 17:15:01
 10 school that had the better resources, the books, the 17:15:03
 11 bathrooms, everything that I needed. Something that 17:15:07
 12 I don't have at Fremont. 17:15:09
 13 Q. Which school would that have been? 17:15:11
 14 A. It was a school -- I don't know. Because 17:15:14
 15 many of the schools -- because -- 17:15:16
 16 I mean I see it this way. What is the point 17:15:18
 17 of me going to another school? I mean all the 17:15:22
 18 schools are the same to me. I mean my school is no 17:15:25
 19 different than Locke or Washington or Manual Arts 17:15:28
 20 because they are going through the same problems I 17:15:32
 21 am. So what is the point? I mean as long as I get 17:15:34
 22 my education, that's all that matters. 17:15:37
 23 Q. Did you get a good education at Fremont? 17:15:39
 24 A. I don't know. I don't think that Fremont is 17:15:44
 25 challenging enough, but I could say that I got a 17:15:48

1 pretty good education there. 17:15:52
 2 MR. ROZWOOD: I don't have any more 17:15:56
 3 questions right now. 17:15:57
 4 Howard, do you want to take a break or just 17:15:58
 5 go ahead. 17:16:00
 6 MR. FRIEDMAN: I really have more general 17:16:02
 7 questions. I would just prefer to go ahead. 17:16:15
 8 17:16:15
 9 EXAMINATION 17:16:15
 10 BY MR. FRIEDMAN: 17:18:36
 11 Q. Cindy, do you know if there are any magnet 17:18:36
 12 schools on the Fremont campus? 17:18:38
 13 A. Yes, there is. 17:18:40
 14 Q. What magnet schools are there? 17:18:41
 15 A. Not magnet schools, but magnet program. 17:18:43
 16 Q. Okay. What is a magnet program? 17:18:47
 17 A. There is only a magnet program in C track, 17:18:49
 18 which my brother is in it, and it's only offered to 17:18:52
 19 certain students -- whatever student wants to take 17:18:57
 20 the program. So it's only available on C track. 17:19:00
 21 Q. Is it a particular type of magnet program 17:19:03
 22 that focuses on a particular subject or profession? 17:19:06
 23 A. It's actually focused on each -- on every 17:19:09
 24 subject that they take. 17:19:13
 25 Q. Do you know why they refer to it as a magnet 17:19:15

1 program? 17:19:18
 2 A. Because it's more harder, more challenging. 17:19:19
 3 Q. If a student was attending Fremont and was 17:19:23
 4 interested in that program, is there an application 17:19:26
 5 process? 17:19:29
 6 A. No, I think they just have to talk to the 17:19:29
 7 counselor. His name is Mr. Umoja, U-m-o-j-a, and 17:19:31
 8 they just talk to him, and if they are interested and 17:19:39
 9 if he thinks you meet the criteria, then you are in 17:19:42
 10 the program. 17:19:45
 11 Q. Did you ever attempt to get in that program? 17:19:46
 12 A. No, because I'm in B track and it's a C 17:19:48
 13 track program. 17:19:51
 14 Q. Well, do you know, if you were interested in 17:19:54
 15 a program or even a particular class that's on 17:19:57
 16 another track, whether you can cross over into the 17:20:01
 17 other track or transfer to another track? 17:20:06
 18 A. I don't know if they could do that. I never 17:20:08
 19 asked. 17:20:11
 20 Q. Now, you have been asked questions at 17:20:19
 21 several points during the deposition about 17:20:21
 22 counselors, and if I understand correctly, 17:20:23
 23 essentially it's your opinion there are not an 17:20:26
 24 adequate number of counselors at the school for all 17:20:30
 25 of the students; is that correct? 17:20:32

1 A. Yes. 17:20:32
 2 Q. Have you ever -- well, Fremont is the only 17:20:35
 3 high school you have ever attended; correct? 17:20:42
 4 A. Yes. 17:20:42
 5 Q. Have you ever heard of a school, a high 17:20:45
 6 school, where there was, without reference to 17:20:49
 7 numbers, an adequate number of counselors? 17:20:53
 8 A. No, not that I know of. 17:20:57
 9 Q. Is it fair for me to say that all of your 17:21:01
 10 friends that you have talked to who attend other 17:21:03
 11 schools have complained about inadequate numbers of 17:21:05
 12 counselors at their school? 17:21:10
 13 A. No, none of them have. 17:21:13
 14 Q. To the extent that anyone has talked about 17:21:16
 15 counselors, are they unhappy with the number of 17:21:18
 16 counselors at their school? 17:21:21
 17 A. Well -- 17:21:25
 18 MR. ROZWOOD: Objection. Assumes facts not 17:21:25
 19 in evidence. 17:21:27
 20 She hasn't testified that she talked to her 17:21:27
 21 friends about counselors. 17:21:30
 22 MR. FRIEDMAN: That's why I prefaced my 17:21:31
 23 question. 17:21:33
 24 THE WITNESS: No. 17:21:34
 25 MR. FRIEDMAN: Can you read the question, 17:21:34

1 please. 17:21:34
 2 (The following question was 17:21:16
 3 read by the reporter: 17:21:16
 4 "QUESTION: To the extent 17:21:16
 5 that anyone has talked about 17:21:17
 6 counselors, are they unhappy with 17:21:18
 7 the number of counselors at their 17:21:21
 8 school?") 17:21:22
 9 THE WITNESS: No. 17:21:46
 10 BY MR. FRIEDMAN: 17:21:47
 11 Q. Let me ask the next question. 17:21:55
 12 Have you talked to any of your friends who 17:21:58
 13 attend other schools about the counselors at their 17:22:00
 14 schools? 17:22:03
 15 A. Yes. 17:22:03
 16 Q. And how many of your friends or 17:22:04
 17 acquaintances have you talked to about counselors? 17:22:07
 18 A. Like three or four friends and some kids 17:22:09
 19 from the coalition. 17:22:13
 20 Q. And what is it that they told you about 17:22:15
 21 counselors at their schools? 17:22:19
 22 A. The three or four friends that I mentioned, 17:22:21
 23 they say that, "Oh, well, my counselor is great. He 17:22:23
 24 let's me choose any classes," and things like that. 17:22:26
 25 A lot of them -- for example, I know my 17:22:29

1 friend in Westchester -- she goes to Westchester, you 17:22:32
 2 know. She doesn't -- okay. She gets her program 17:22:36
 3 card, but she already knows what class she is going 17:22:40
 4 to take in the fall of the following semester, not 17:22:43
 5 like me. 17:22:46
 6 When they give me the classes I'm supposed 17:22:47
 7 to take, they are already assigned. She gets to 17:22:49
 8 choose and rearrange them however she wants, 17:22:52
 9 whatever, you know -- you know, whatever is good for 17:22:54
 10 her. 17:22:59
 11 Q. This is a reference to a friend that attends 17:22:59
 12 Westchester High School? 17:23:02
 13 A. Yes. 17:23:02
 14 Q. Did she indicate how many counselors they 17:23:03
 15 have at their school? 17:23:06
 16 A. No, she never indicated that to me. 17:23:07
 17 Q. Have you made a decision about what college 17:23:11
 18 you are going to? 17:23:13
 19 A. No. 17:23:13
 20 Q. Not yet. 17:23:14
 21 What schools have you been accepted at? 17:23:15
 22 MS. LHAMON: Asked and answered on the first 17:23:18
 23 day. 17:23:19
 24 MR. FRIEDMAN: That's a long time ago. 17:23:20
 25 THE WITNESS: UC Berkeley, NYC, UC Santa 17:23:22

1 Cruz, almost all the Cal States. 17:23:26
 2 BY MR. FRIEDMAN: 17:23:26
 3 Q. And at least on the basis of the schools 17:23:29
 4 that have accepted you, would you agree with me if I 17:23:33
 5 suggest that you had a successful high school career? 17:23:37
 6 MS. LHAMON: I'm going to object and say 17:23:44
 7 that calls for expert testimony and for speculation. 17:23:45
 8 MS. LHAMON: I'm simply asking her opinion. 17:23:48
 9 THE WITNESS: In my opinion, no, I don't 17:23:50
 10 think I had a good high school -- throughout my four 17:23:52
 11 years, no, because I had my ups and downs. I worked 17:23:55
 12 up on whatever I needed to improve. 17:24:00
 13 BY MR. FRIEDMAN: 17:24:09
 14 Q. There was a question very early on about the 17:24:29
 15 fence that's been constructed around Fremont High 17:24:33
 16 School. 17:24:37
 17 Do you know what source of funds was used to 17:24:38
 18 build that fence? 17:24:40
 19 A. No, I don't know. 17:24:42
 20 Q. There were also some questions some time ago 17:25:12
 21 about teachers copying materials for use in class, 17:25:15
 22 and I think you referenced [REDACTED] who said he 17:25:20
 23 paid for his copies. 17:25:23
 24 A. Yes. 17:25:23
 25 Q. Did he tell you where he had his copies 17:25:32

1 made? 17:25:32
 2 A. In Kinko's. 17:25:32
 3 Q. Do you know if [REDACTED] had any jobs 17:25:39
 4 outside of school? 17:25:41
 5 A. No, I don't know. 17:25:42
 6 Q. I have a note, and I'm not sure if it was 17:25:49
 7 your statement or you attributed it to a teacher, but 17:25:52
 8 a statement was made during a deposition to the 17:25:54
 9 effect that, when copies are requested, it takes 17:25:57
 10 weeks. 17:26:00
 11 Do you recall saying that, or -- 17:26:02
 12 A. Yes. 17:26:02
 13 Q. -- did you attribute it to [REDACTED] or 17:26:06
 14 someone else? 17:26:09
 15 A. No, I didn't -- it wasn't for [REDACTED] 17:26:10
 16 It was from a service class I was taking in the U.S. 17:26:12
 17 history class with Mr. Lopez. 17:26:16
 18 Q. Mr. Lopez made that statement? 17:26:20
 19 A. Yes. I don't know. He didn't make the 17:26:23
 20 statement -- well, yeah, he said it, that it takes 17:26:24
 21 weeks, but you know, I told you guys. 17:26:27
 22 Q. In the course of questioning, you were asked 17:26:54
 23 to give your personal assessment of the teachers. 17:26:55
 24 Related to that, have you ever gotten a grade of less 17:27:00
 25 than B in a class where you actually enjoyed the 17:27:07

1 teacher and thought the teacher was good? 17:27:10
 2 A. No. 17:27:10
 3 Q. Are you aware of any resources that are 17:27:34
 4 provided on campus that are not paid for by the 17:27:40
 5 school district? 17:27:45
 6 A. No, I'm not aware of any resources that have 17:27:47
 7 to be paid for. 17:27:52
 8 Q. Have you ever used any kind of tutorial 17:27:56
 9 services that were provided at school? 17:27:59
 10 A. Yes. 17:27:59
 11 Q. And can you describe what those tutorial 17:28:04
 12 services were? 17:28:07
 13 A. I tried to go like once or twice with 17:28:09
 14 [REDACTED] but I was not understanding him. So I 17:28:12
 15 just got to the Community Coalition every Tuesday and 17:28:15
 16 Thursday. 17:28:20
 17 Q. And the effort you made to meet with 17:28:21
 18 [REDACTED], this was a teacher you met with during 17:28:26
 19 lunch or after school? 17:28:31
 20 A. Yes, I met with him after school. 17:28:32
 21 Q. Are you aware of any other tutorial services 17:28:34
 22 not necessarily that you used but were available to 17:28:36
 23 students on campus besides the teachers themselves? 17:28:39
 24 A. Yes, I know about other teachers that had 17:28:43
 25 tutoring services, you know, that were offered to the 17:28:46

1 students of any subject. 17:28:50
 2
 3 Q. Were you aware of -- are you aware of any 17:28:52
 4 organizations that came onto campus to offer tutoring 17:28:54
 5 services? 17:28:59
 6 A. No, I'm not aware of any organization. 17:29:00
 7 MS. LHAMON: Your question may be unclear 17:29:07
 8 because she testified on an earlier day about Kaplan 17:29:09
 9 testing or Kaplan SAT classes offered on campus. 17:29:13
 10 BY MR. FRIEDMAN: 17:29:18
 11 Q. Do you recall Kaplan classes were offered on 17:29:19
 12 campus? 17:29:23
 13 A. Yeah. 17:29:24
 14 Q. Were students charged for those classes? 17:29:24
 15 A. I know we had to pay \$5.00, but I didn't pay 17:29:28
 16 them. 17:29:30
 17 Q. What did their program consist of? 17:29:31
 18 A. SAT workshop. They give us like three big 17:29:33
 19 books, and college students were teaching the classes 17:29:37
 20 after school. It was like those start at 3:30, and 17:29:42
 21 it will end around 7:00, 7:30. They tell about the 17:29:46
 22 SAT procedures to make it easier and do critical 17:29:53
 23 thinking. 17:29:57
 24 Q. So when they came on campus and someone was 17:29:57
 25 supposed to pay \$5 and perhaps didn't, how long was 17:30:00

1 the class? Was it multiple days or one afternoon? 17:30:04
 2 A. I remember it was twice a week, but I don't 17:30:08
 3 remember what days. Twice a week. 17:30:12
 4 Q. For example, when you attended their 17:30:14
 5 presentation, how many days did you go to? How long 17:30:16
 6 did the presentation or class last? 17:30:22
 7 A. It lasted for two months, but I only went 17:30:24
 8 for like two weeks, and I stopped. Then I started 17:30:26
 9 taking the Princeton Review for the SAT. 17:30:30
 10 Q. Where was that offered? 17:30:37
 11 A. At the Community Coalition. 17:30:38
 12 Q. Did you have to pay for that? 17:30:40
 13 A. No, that was free. 17:30:41
 14 Q. During the four years you were at Fremont, 17:31:02
 15 were students ever able to use lockers on the campus? 17:31:05
 16 A. Yes. 17:31:05
 17 Q. Was that for the entire four years or some 17:31:11
 18 portion of the four years? 17:31:13
 19 A. Just a portion. I remember when they -- 17:31:15
 20 well, to my knowledge, like, to me, the only time 17:31:17
 21 that I saw, like, the lockers opening and being 17:31:21
 22 distributed to students was in the middle of my 17:31:24
 23 eleventh-grade year. 17:31:28
 24 Q. Were they offered to all students or only 17:31:29
 25 some students? 17:31:32

1 A. Just some students, the ones that turn in 17:31:33
 2 their lunch meal -- the lunch application that got 17:31:36
 3 free lunch. 17:31:39
 4 Q. So did the school put out any kind of notice 17:31:40
 5 to students about what the requirements were to be 17:31:46
 6 authorized to use a locker? 17:31:51
 7 A. Yes, and then I remember like in the tenth 17:31:53
 8 grade, almost like in the beginning, there was like a 17:31:55
 9 pin sheet that we had to fill out. It was just 17:31:58
 10 personal for identification, but you could get a 17:32:02
 11 locker, but then I never got one. 17:32:13
 12 Q. Why didn't you get one? 17:32:13
 13 A. I don't know. 17:32:13
 14 Q. Because you weren't interested in getting 17:32:13
 15 it, or you made an application and never received 17:32:14
 16 one? 17:32:16
 17 A. I think I took too late turning it in. 17:32:16
 18 Q. I guess I will be a lot faster than I 17:32:43
 19 thought. 17:33:06
 20 Off the record one second. 17:33:46
 21 (Off the record.) 17:34:14
 22 MR. FRIEDMAN: Back on the record. 17:34:14
 23 Q. Very simplistic. I want to make sure I 17:34:18
 24 understand. 17:34:21
 25 How many elementary schools have you 17:34:21

1 attended? 17:34:23
 2 A. Just one. 17:34:24
 3 Q. What was that? 17:34:25
 4 A. 93rd Street Elementary School. 17:34:26
 5 Q. How many middle schools? 17:34:28
 6 A. Just one. 17:34:29
 7 Q. What was that? 17:34:30
 8 A. Charles Drew Middle School. 17:34:31
 9 Q. And Fremont is the only high school you've 17:34:37
 10 attended in your kindergarten-through-twelfth-grade 17:34:39
 11 career? 17:34:45
 12 A. Yes. 17:34:46
 13 MR. FRIEDMAN: I have no further questions. 17:34:46
 14 MR. ROZWOOD: Thank you very, very much for 17:34:48
 15 your time, Ms. Diego. 17:34:49
 16 And this time I would like to enter into a 17:34:50
 17 stipulation whereby the reporter is relieved of her 17:34:53
 18 statutory responsibilities for maintaining the 17:34:57
 19 original transcript. 17:34:59
 20 Instead will forward the original on to 17:35:01
 21 plaintiff's counsel, Ms. Lhamon, who, within 20 days 17:35:03
 22 of receipt, will obtain Ms. Diego's changes and 17:35:08
 23 signature thereto. 17:35:13
 24 In the absence of providing all counsel with 17:35:16
 25 a signed copy of the deposition transcript, we will 17:35:21

1 be able to use an unsigned copy for all purposes in 17:35:27
 2 this litigation. 17:35:30
 3 Is that acceptable? 17:35:31
 4 MR. FRIEDMAN: So stipulated. 17:35:34
 5 MS. LHAMON: So stipulated. 17:35:35
 6 MR. ROZWOOD: It's my understanding that is 17:35:36
 7 the stipulation we have entered into in each of the 17:35:37
 8 previous days; is that correct? 17:35:40
 9 MS. LHAMON: I think that's correct. I 17:35:41
 10 can't remember if we have been using the date of 17:35:43
 11 receipt or transmittal letter. 17:35:45
 12 For the court reporter's benefit, I would 17:35:47
 13 appreciate receiving a transmittal letter so I have a 17:35:48
 14 clear date to start counting from. 17:35:51
 15 MR. ROZWOOD: So it will be 20 days from the 17:35:54
 16 date of the transmittal letter, then? 17:35:55
 17 MS. LHAMON: If that's okay with the rest of 17:35:57
 18 you. 17:35:59
 19 MR. ROZWOOD: That's fine with me. 17:35:59
 20 MR. FRIEDMAN: Fine. 17:36:01
 21 THE REPORTER: Would you like a copy? 17:36:02
 22 ////
 23
 24
 25

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 _____, _____.
 6
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 8
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 10 SIGNATURE OF THE WITNESS
 11
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1 MR. FRIEDMAN: Absolutely. 17:36:05
 2 MS. LHAMON: Yes, and a rough draft.
 3 (Whereupon, at 5:36 P.M., the
 4 deposition of CINDY DIEGO was
 5 adjourned.)
 6
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1 STATE OF CALIFORNIA) ss:
 2 COUNTY OF LOS ANGELES)
 3
 4 I, RICKI Q. MELTON, CSR No. 9400, RPR No. 45429,
 5 do hereby 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 was placed under oath and was sworn by me to tell the
 11 truth, the whole truth, and nothing but the truth;
 12
 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
 22 I further certify that I am neither counsel for
 23 any party to said action, nor am I related to any
 24 party to said action, nor am I in any way interested
 25 in the outcome thereof.

1 IN WITNESS WHEREOF, I have subscribed my name
2 this 5th day of July, 2001.

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RICKI Q. MELTON, CSR No. 9400, RPR No. 45429

1 DEPOSITION EXHIBITS
2 CINDY DIEGO

3	4	5	6
NUMBER	DESCRIPTION	IDENTIFIED	
5 10	Fremont High School map.	578	
6			
7 11	Cumulative Record.	614	
8			
9 12	Los Angeles Unified School District Secondary Master Plan Profile For Limited-English-Proficient Students.	617	
10			
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2 VOLUME IV

3
4 TUESDAY, JUNE 19, 2001

5
6 WITNESS EXAMINATION

7
8 CINDY DIEGO

9
10 (By Mr. Rozwood) 523
11 (By Mr. Friedman) 637

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14
15 INSTRUCTED NOT TO ANSWER

16 PAGE LINE
17 625 15
18 626 5
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