

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

4	ELIEZER WILLIAMS, et al.,)	CASE NO.
5	PLAINTIFFS,)	312 236
6	v.)	VOLUME ONE
7	STATE OF CALIFORNIA; DELAINE EASTIN,)	(PAGES 1-177)
8	State Superintendent of Public)	
9	Instruction; STATE DEPARTMENT OF)	
10	EDUCATION; STATE BOARD OF EDUCATION,)	
11	DEFENDANTS.)	
12	-----)	

DEPOSITION OF:

ALTAGRACIA GARCIA
FRIDAY, SEPTEMBER 28, 2001
9:36 A.M.

REPORTED BY:

XAVIER MIRELES
CSR NO. 5001

1 Deposition of ALTAGRACIA GARCIA,taken on
2 behalf of the Defendants, on FRIDAY, SEPTEMBER 28,
3 2001, 9:36 A.M., at 400 South Hope Street, Conference
4 Room 14-B, Los Angeles, California 90071-2899, before
5 XAVIER MIRELES, CSR No. 5001.

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7
8 APPEARANCES OF COUNSEL:

9
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3 FOR THE CROSS-DEFENDANT AND INTERVENOR L.A. UNIFIED
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15 ALSO PRESENT:

16 SOPHIE A. FANELLI, ACLU
17 JOSHUA PIOVIA-SCOTT, ACLU
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1 LOS ANGELES, CALIFORNIA; FRIDAY, SEPTEMBER 28, 2001
2 9:36 A.M.

3
4 ALTAGRACIA GARCIA,
5 having been first duly sworn, was
6 examined and testified as follows:
7

8 EXAMINATION

9
10 BY MR. ROZWOOD:

11 Q. Good morning, Ms. Garcia.
12 My name is Ben Rozwood, and I represent the
13 State of California in this litigation.

14 Will you please state and spell your full
15 name for the record.

16 A. My first name is Altagracia,
17 A-L-T-A-G-R-A-C-I-A.

18 MS. LHAMON: And your last name.

19 THE WITNESS: Last name, Garcia,

20 G-A-R-C-I-A.

21 MR. ROZWOOD: Okay. Do we have some sort
22 of stipulation about the addresses?

23 MS. LHAMON: We do; that the address is
24 protected and it's private information.

25 MR. ROZWOOD: And for purposes of service,

1 you are going to agree to accept service of any
 2 documents on her behalf?
 3 MS. LHAMON: She is a plaintiff in the
 4 case.
 5 MR. ROZWOOD: All right. Okay. In the
 6 event that she withdraws from the litigation, will
 7 you agree to accept service of any documents on her
 8 behalf?
 9 MS. LHAMON: Yes.
 10 BY MR. ROZWOOD:
 11 Q. Is that okay with you?
 12 A. Yes.
 13 Q. Have you ever had your deposition taken
 14 before?
 15 A. A deposition taken?
 16 Q. Yes. In a situation like this?
 17 A. Have I ever been?
 18 Q. Yes.
 19 A. No.
 20 Q. Let me briefly explain what we are going to
 21 be doing here today.
 22 I am going to ask you some questions under
 23 oath to determine the facts related to this lawsuit
 24 that you have personal knowledge of.
 25 Sitting next to us, we have a court

1 reporter who will be recording my questions and your
 2 answers, which will be recorded in a written
 3 transcript after this is all over. When you receive
 4 the transcript, you will have an opportunity to make
 5 any changes that you feel are necessary; however, the
 6 various lawyers in this case will be able to comment
 7 on any changes that you decide to make either at
 8 trial or any other hearing or proceeding in this
 9 case. Do you understand that?
 10 A. Yes.
 11 Q. So it's very important that you respond to
 12 all questions as fully and fairly as you possibly can
 13 today. Do you understand?
 14 A. Yes.
 15 Q. The testimony you will be providing here
 16 today is being given under oath. Do you understand
 17 that?
 18 A. Uh-huh.
 19 Q. Even though we are in an informal setting,
 20 your testimony must be given with the same solemnity
 21 and sanctity as if you were sitting in a formal
 22 courtroom environment. Your testimony will have the
 23 same force and effect as if you were testifying in a
 24 court of law. Do you understand all of that?
 25 A. Yes.

1 Q. It's therefore important to answer all of
 2 my questions completely and truthfully. Do you
 3 understand?
 4 A. Yes.
 5 Q. When you answer my questions, it's
 6 important that you verbalize your responses because
 7 nods or shakes of your head cannot be recorded by the
 8 court reporter. Do you understand that?
 9 A. Yes, I do.
 10 Q. Okay. You have been doing well so far
 11 using yeses instead of nods of the head, and that's
 12 great. That makes the transcript a lot cleaner
 13 thanks to that.
 14 It's also hard for the reporter to get a
 15 clear record of the testimony when there is more than
 16 one person speaking at the same time, so I am going
 17 to ask you to please allow me to finish my question
 18 before answering, and I will in turn allow you to
 19 finish your answer before asking you the next
 20 question. Does that sound reasonable?
 21 A. Yes, it does.
 22 Q. It's also important that you listen
 23 carefully to my questions. If you do not understand
 24 a question, just let me know, and if appropriate I
 25 will make an effort to rephrase it so that you can

1 understand it. If you answer a question, we will all
 2 presume that you understood the question as I asked
 3 it. Do you understand that?
 4 A. Yes.
 5 Q. We don't want you to guess, but you are
 6 required to answer my questions to the best of your
 7 ability. If you do not know the answer, we don't
 8 want you to guess. You don't have to provide an
 9 answer if you don't know it; however, we are entitled
 10 to your best estimate where you are able to provide
 11 one. So please keep that in mind; okay?
 12 A. Okay.
 13 Q. If you need a break for any reason, to go
 14 to the bathroom or anything else, just let us know,
 15 and I will instruct the court reporter that we'll go
 16 off the record and we can take a break; okay?
 17 A. Okay.
 18 Q. The only thing that I ask is that if there
 19 is a question pending, that you just answer it first
 20 and then after that we'll go on a break; okay?
 21 A. Okay.
 22 Q. If you remember at any point during today's
 23 deposition something more about a question that I
 24 asked you earlier in the deposition, I want you to
 25 feel free to tell us all that information and we'll

1 get it on the record. So if something refreshes your
 2 recollection about a question that I asked earlier,
 3 please feel free to tell us and supplement your prior
 4 answers; okay?
 5 A. Even though after I had taken a break?
 6 Q. Yes. At any time.
 7 A. Okay.
 8 Q. If you feel like your answer in any way is
 9 incomplete and you want to add or supplement to it,
 10 just let us know, and we'll go back and add it on the
 11 record. That's why we are here, just to get your
 12 story. Do you understand?
 13 A. Yes.
 14 Q. Do you have any questions about these
 15 ground rules?
 16 A. No. But it's clear that whenever I don't
 17 understand your question that I could just ask you to
 18 repeat your question?
 19 Q. Absolutely.
 20 A. Okay.
 21 Q. And you can tell me "I don't understand
 22 what you are saying," and I will rephrase it; okay?
 23 A. Okay.
 24 Q. Thank you. It's important that we have a
 25 verbal expression of our agreement on the record.

1 A. Yes.
 2 Q. Okay. Is there any reason why you may be
 3 unable to testify or give your best testimony here
 4 today, like you were up too late last night or you
 5 are on some medication or anything like that?
 6 A. No.
 7 Q. You are in a good state of mind this
 8 morning?
 9 A. Yes, I am in a good state of mind.
 10 Q. Okay. Have you recently consumed any
 11 medication, alcohol or other substance that may
 12 interfere with your ability to understand or answer
 13 my questions?
 14 A. None at all.
 15 Q. Do you suffer from any disability of any
 16 kind that would interfere with your ability to
 17 understand and answer my questions truthfully and
 18 accurately?
 19 A. No.
 20 Q. Okay. Are you represented by counsel at
 21 this deposition? By a lawyer?
 22 A. Catherine.
 23 Q. Okay. It's your understanding that
 24 Catherine Lhamon is your attorney?
 25 A. Uh-huh. Yes.

1 Q. When did Ms. Lhamon become your attorney?
 2 A. Around a year and a half or two. While I
 3 was in my senior year; and now I graduated, so that
 4 makes it two years.
 5 Q. You first met Ms. Lhamon in your senior
 6 year of high school?
 7 A. I was in my second semester of my junior
 8 year, and then by that time senior year and until
 9 now.
 10 Q. Do you recall the circumstances under which
 11 you first met with Ms. Lhamon?
 12 A. As usual I used to stay after school to
 13 work on extra projects like curricular activities,
 14 and therefore I heard about the meeting and we just
 15 met, like, with them.
 16 Q. What meeting are you referring to?
 17 A. I was just there, and all of a sudden, they
 18 just came. Catherine -- no, actually, it was Mark.
 19 Mark, and that's it. From there on we were just
 20 talking about the school situations, and that's it.
 21 MS. LHAMON: Just to make sure that the
 22 record is clear, the Mark is Mark Rosenbaum.
 23 THE WITNESS: Yes.
 24 BY MR. ROZWOOD:
 25 Q. You said you were just there and they just

1 came. Where were you when they came? At school?
 2 A. In a classroom.
 3 Q. In Jefferson High School?
 4 A. Yes.
 5 Q. Do you recall which classroom?
 6 A. It's a film class.
 7 Q. Do you recall the teacher's name of that
 8 class?
 9 A. Mr. Bachrach.
 10 Q. Can you spell that for the court reporter?
 11 If you can't, that's okay. I don't remember how to
 12 spell my teacher's name.
 13 A. B-A-C-H-R-A-C-H.
 14 Q. Okay. Great. Thanks.
 15 So Mark Rosenbaum came to Mr. Bachrach's
 16 film class; is that correct?
 17 A. Uh-huh.
 18 Q. Was that the first time that you had --
 19 A. Met them? Yes.
 20 Q. You are really good. You know what I am
 21 going to ask before I ask it. That's good, but if
 22 you want it might be easier just to let me finish my
 23 question.
 24 A. Yes.
 25 Q. And then you can answer.

1 A. All right.
 2 MS. LHAMON: That makes it a little easier
 3 for the court reporter.
 4 MR. ROZWOOD: It's easier for this guy
 5 right here.
 6 Q. Who else attended this meeting in
 7 Mr. Bachrach's film class?
 8 A. Three students.
 9 Q. Can you tell me the name of those students,
 10 please.
 11 A. Lisa, Abraham and Fabiola.
 12 Q. Can you spell those names, please.
 13 A. L-I-S-A, Lisa. Abraham, A-B-R-A-H-A-M.
 14 And Fabiola, F-A-B-I-O-L-A.
 15 MS. LHAMON: And Abraham has an M at the
 16 end of his name.
 17 THE WITNESS: Right.
 18 BY MR. ROZWOOD:
 19 Q. Do you know their last names?
 20 A. Just the two. Just two students' last
 21 names.
 22 Q. Which students do you know their last
 23 names?
 24 A. Lisa Lopez and Abraham Osuna.
 25 Q. And Fabiola?

1 A. I don't know.
 2 Q. Do you know what the purpose of that
 3 meeting was?
 4 A. Just to let them know what we think about
 5 our high school.
 6 Q. Do you know who arranged that meeting?
 7 A. No.
 8 Q. Was this a meeting that took place after
 9 school or during class?
 10 A. After school.
 11 Q. Who invited you to attend the meeting?
 12 A. As I told you before, I was just there and
 13 I just heard about them. Like if there was anything
 14 that we had in mind about our school and if there
 15 should be any changes, and therefore I took the
 16 interest.
 17 Q. Was it your understanding that
 18 Mr. Rosenbaum wanted to know what it was about your
 19 school that needed improvement?
 20 A. At the beginning, no. But then when they
 21 went further on explaining, yes, I did.
 22 Q. So did Mr. Rosenbaum make a presentation to
 23 you at this meeting?
 24 MS. LHAMON: I am going to instruct you not
 25 to answer that question because that's the

1 attorney-client relationship.
 2 MR. ROZWOOD: It's a yes-or-no question.
 3 MS. LHAMON: But it goes to the content of
 4 the conversation.
 5 MR. ROZWOOD: I didn't ask what the content
 6 of the presentation was.
 7 MS. LHAMON: But you asked if he made a
 8 presentation. I understand what the question is.
 9 BY MR. ROZWOOD:
 10 Q. Did you understand Mr. Rosenbaum to be your
 11 attorney at that time?
 12 A. All I know is that he was there, and that's
 13 it.
 14 Q. Did you have any knowledge of -- well,
 15 strike that question.
 16 Were you seeking legal advice from
 17 Mr. Rosenbaum at that first meeting?
 18 A. No.
 19 Q. Was anyone else -- did you understand
 20 Mr. Rosenbaum to be a representative of the ACLU at
 21 that time?
 22 A. No.
 23 Q. Did you understand Mr. Rosenbaum to be an
 24 attorney at that time?
 25 A. Yes.

1 Q. Did you understand what the purpose of the
 2 meeting was?
 3 A. At the beginning, no.
 4 Q. And when did you first understand -- come
 5 to understand what the purpose of the meeting was?
 6 A. After the meeting.
 7 Q. When after that meeting did you first
 8 understand? As soon as it concluded?
 9 A. Uh-huh. Yes.
 10 Q. Okay. So what happened during that
 11 meeting?
 12 MS. LHAMON: I am going to instruct you not
 13 to answer.
 14 BY MR. ROZWOOD:
 15 Q. Were there any attorney-client
 16 communications at that meeting?
 17 MS. LHAMON: Objection. She is not a
 18 lawyer; calls for a legal conclusion.
 19 BY MR. ROZWOOD:
 20 Q. What did you say to Mark Rosenbaum during
 21 that meeting?
 22 MS. LHAMON: I am going to instruct you not
 23 to answer.
 24 BY MR. ROZWOOD:
 25 Q. Are you going to follow your lawyer's

1 advice?
 2 A. Yes.
 3 Q. What -- did Mr. Bachrach attend that
 4 meeting?
 5 A. Well, he was present.
 6 Q. He was?
 7 A. Yes.
 8 Q. Okay. And Abraham Osuna is a plaintiff in
 9 this case; correct?
 10 A. Yes.
 11 Q. What about Lisa Lopez; is she a party to
 12 this lawsuit?
 13 A. Yes.
 14 Q. And Fabiola?
 15 A. Yes.
 16 Q. A party to this lawsuit, as well?
 17 A. Yes.
 18 Q. Okay. Other than the people we have just
 19 listed, did anyone else attend this meeting with
 20 Mr. Rosenbaum?
 21 A. Not that I recall of any other students.
 22 Q. Or any other lawyers or anybody else at
 23 all?
 24 A. I don't remember.
 25 Q. Okay. Is Mr. Rosenbaum your attorney?

1 A. I don't know.
 2 Q. Does Mr. Rosenbaum represent you in this
 3 litigation?
 4 A. I don't know.
 5 Q. What was the next meeting -- strike that.
 6 What was the next communication that you
 7 had regarding the issues surrounding your school?
 8 A. We had communication, but I think I should
 9 not tell you about the content about it.
 10 MS. LHAMON: I appreciate that, Altagracia,
 11 but the question was when was the next meeting that
 12 you had with one of us, and not what you talked
 13 about. So you can answer that question.
 14 THE WITNESS: The time?
 15 MS. LHAMON: Yes, after that.
 16 THE WITNESS: It was about a week after
 17 that.
 18 BY MR. ROZWOOD:
 19 Q. Do you recall approximately when the first
 20 meeting took place?
 21 A. Huh-uh. I don't know.
 22 Q. It was during the second semester of your
 23 junior year?
 24 A. Yes. But like specific day or month, I am
 25 not sure.

1 Q. Could you give us your best estimate as to
 2 what month it occurred?
 3 MS. LHAMON: Objection. She just told you
 4 she is not sure.
 5 MR. ROZWOOD: That's okay. She can give us
 6 her best estimate.
 7 MS. LHAMON: If you have one, you can give
 8 one. If you don't, you can say so.
 9 THE WITNESS: Perhaps in August.
 10 BY MR. ROZWOOD:
 11 Q. Okay. Is that August 1999?
 12 A. Yes.
 13 MS. LHAMON: Altagracia, I'd like you to
 14 think about that. It's your junior year, which would
 15 have been the '99-2000 school year and not 2000-2001
 16 school year; right?
 17 THE WITNESS: So it would have been 2000;
 18 right?
 19 MS. LHAMON: Exactly.
 20 THE WITNESS: You know how multi-track is
 21 so confusing, as well, so it's hard to notice the
 22 kind of year, which year it was.
 23 BY MR. ROZWOOD:
 24 Q. Well, what months is your second semester
 25 on?

1 A. What month?
 2 Q. Yes. During what months do your second
 3 semesters take place?
 4 A. Second semester usually is right after July
 5 or during July.
 6 Q. From July to?
 7 A. I guess October.
 8 Q. So it was during that period of time in
 9 2000?
 10 A. Yes.
 11 Q. That you first met with Mr. Rosenbaum; is
 12 that correct?
 13 A. Uh-huh. Yes.
 14 MR. ROZWOOD: I just want to make it clear
 15 for the record: Are you going to instruct Ms. Garcia
 16 to not answer any questions about what Mr. Rosenbaum
 17 said to her and what she said to Mr. Rosenbaum during
 18 this meeting at which Mr. Bachrach was present?
 19 MS. LHAMON: I am.
 20 BY MR. ROZWOOD:
 21 Q. And you are going to follow that advice;
 22 correct?
 23 A. Yes.
 24 Q. You mentioned there was a second meeting
 25 about a week later. Where did that meeting take

1 place?
 2 A. School, after school.
 3 Q. And who attended this meeting?
 4 A. The same students.
 5 Q. Three students?
 6 A. And myself.
 7 Q. Anyone else?
 8 A. Actually, Fabiola was not there. It was
 9 just Lisa, Abraham and me.
 10 Q. Okay. Did anyone else attend?
 11 A. Not that I recall.
 12 Q. Were there any teachers, administrators,
 13 lawyers?
 14 A. No.
 15 Q. So it was just a meeting between you, Lisa
 16 and Abraham?
 17 A. And Chris.
 18 Q. Who is Chris?
 19 A. Chris -- I don't know his last name, but I
 20 guess he's a lawyer from the ACLU, as well.
 21 Q. Okay. Did you understand at that time what
 22 the purpose of that meeting was?
 23 A. Just to --
 24 MS. LHAMON: It's a yes-or-no question
 25 about whether you understand what the purpose of the

1 Q. Are you going to follow your attorney's
 2 instruction?
 3 A. Yes, I am.
 4 Q. Okay. Were any documents exchanged at
 5 either of these meetings?
 6 A. No.
 7 Q. What was the next communication you had
 8 regarding the conditions at your school?
 9 MS. LHAMON: I am assuming you are limiting
 10 the communication to representatives of the lawyers
 11 in this case. Or are you talking about the
 12 communications with anyone about the conditions of
 13 the school?
 14 BY MR. ROZWOOD:
 15 Q. Any communications about the conditions at
 16 your school.
 17 MS. LHAMON: So that would include
 18 conversations with other students, with your parents
 19 or with anybody.
 20 THE WITNESS: Oh, well, right after that,
 21 mostly every day. Basic things. You just talk about
 22 basic things, and that's it.
 23 BY MR. ROZWOOD:
 24 Q. Who would you talk about the basic things
 25 with?

1 meeting was and not talk about the content. So if
 2 you know, you can say it.
 3 THE WITNESS: Yes.
 4 BY MR. ROZWOOD:
 5 Q. What was the purpose of the meeting?
 6 MS. LHAMON: I instruct you not to answer
 7 that question.
 8 BY MR. ROZWOOD:
 9 Q. What was your understanding of the purpose
 10 of the meeting at that time?
 11 MS. LHAMON: I instruct you not to answer
 12 the question.
 13 MR. ROZWOOD: On what basis?
 14 MS. LHAMON: It's an attorney-client
 15 privilege.
 16 MR. ROZWOOD: I am not asking her what
 17 source she got her understanding from, which if I did
 18 that then it might implicate an attorney. But if she
 19 had an understanding, I am entitled to the
 20 understanding regardless of where she got it from,
 21 even if she got it from an attorney.
 22 MS. LHAMON: That's not my understanding of
 23 the attorney-client privilege, and I will instruct
 24 her not to answer.
 25 BY MR. ROZWOOD:

1 A. Classmates.
 2 Q. Anyone else?
 3 A. That's it.
 4 Q. Did you ever discuss the problems at your
 5 school with your teachers?
 6 A. Not really.
 7 Q. Does that mean yes or no?
 8 A. No.
 9 Q. Did you ever discuss the problems at your
 10 school with any school administrators like assistant
 11 principals --
 12 A. Not at all.
 13 Q. Not at all?
 14 A. No.
 15 Q. Did you ever discuss the problems at your
 16 school with your counselors?
 17 A. Never.
 18 Q. How about with your parents?
 19 A. Not a lot. Just once.
 20 Q. What did you tell them during that
 21 conversation?
 22 A. You want to know everything in details or
 23 what?
 24 Q. You mentioned that you spoke once to your
 25 parents about the problems at your school. And I

1 just want to know what they said to you and what you
 2 said to them to the best of your recollection.
 3 A. Well, just like basic problems around
 4 school, around campus. That's it.
 5 Q. Do you remember any specific problems that
 6 you mentioned to them?
 7 A. Like about restrooms.
 8 Q. What did you tell them about the restrooms
 9 at Jefferson?
 10 A. That I don't usually go to the restrooms
 11 because they are most of the times not clean.
 12 Q. Do you recall when this conversation took
 13 place?
 14 A. No, I don't.
 15 Q. Was it with both of your parents?
 16 A. Just one.
 17 Q. Mother or your father?
 18 A. Mother.
 19 Q. What did she say to you about the
 20 complaint -- sorry.
 21 What did she say to you about your
 22 complaints about the restrooms at Jefferson?
 23 A. She just told me that that was unhealthy
 24 because I didn't drink too much water so that I would
 25 not go to the restrooms, and I should take care of

1 myself.
 2 Q. She told you to drink more water or --
 3 A. Well, yes. So that I will be on healthy
 4 conditions. But for me, it prevented me -- it was
 5 something difficult to do because I had to go to the
 6 restroom, and I decided not to use them.
 7 Q. Did you tell her anything specific about
 8 the conditions in the restroom or did you just
 9 generally say the restrooms are not usable?
 10 A. I just said that they are dirty, and that's
 11 it.
 12 Q. Did you tell your mother anything else
 13 about the conditions at Jefferson High School during
 14 this conversation?
 15 A. No, because she works, and by the time she
 16 gets home she is tired, and we don't have much
 17 communication with the parents.
 18 Q. Okay. Did you have any communications with
 19 anyone else besides your mother and your classmates
 20 about the conditions at Jefferson High School?
 21 A. No.
 22 Q. Well, other than your attorneys; right?
 23 A. Yes.
 24 Q. Okay. So the first time you spoke to an
 25 attorney about this case was Mr. Rosenbaum in or

1 about August of 2000; correct?
 2 A. Yes.
 3 Q. And then a week later you met with someone
 4 named Chris from the ACLU?
 5 A. Yes.
 6 Q. And what was the next communication you had
 7 with someone regarding the conditions at your school?
 8 MS. LHAMON: About this case?
 9 MR. ROZWOOD: Just at all. She has
 10 testified that the only other people that she's
 11 spoken with are the people from the ACLU and her
 12 attorneys; so that should be the next time.
 13 Q. But you tell me if it's not. If you talked
 14 to somebody else, tell me that, too.
 15 A. The next time I met with an attorney or
 16 classmates or what?
 17 Q. The next time -- you told me that you
 18 testified on a nearly daily basis -- I am sorry.
 19 You told me that you talked with your
 20 classmates on a nearly daily basis about the
 21 conditions of your school; correct?
 22 A. Yes.
 23 Q. Do you remember the names of any of these
 24 classmates?
 25 A. I just told them: Lisa and Abraham and me.

1 Q. Anyone else?
 2 A. No.
 3 Q. Sorry?
 4 A. No.
 5 Q. Okay. When was -- other than Lisa and
 6 Abraham, when was the next occasion on which you
 7 discussed the conditions of your school with someone?
 8 A. With someone other than them?
 9 Q. Yes.
 10 A. When; right? Just the time, when?
 11 Q. While you are thinking, I just want to say
 12 it's the next time after you met with Chris was the
 13 next time that you met with Mr. Rosenbaum, the next
 14 occasion that you can recall today?
 15 A. It was just a couple of days after that.
 16 Q. Where did this meeting take place?
 17 A. I believe at the ACLU building.
 18 Q. Was that where the meeting with Chris took
 19 place, as well?
 20 A. It was not really a meeting, but --
 21 Q. You met in person with Chris from the ACLU?
 22 A. Yes.
 23 Q. And was that at the ACLU building?
 24 A. Yes.
 25 MR. ROZWOOD: Let's just take a short break

1 and we can get some water because it just arrived.
 2 Let's go off the record.
 3 MS. LHAMON: Okay.
 4 (Recess taken.)
 5 MR. ROZWOOD: Okay. Let's go back on the
 6 record.
 7 I have here a check for \$35, which is your
 8 witness fee.
 9 MS. LHAMON: She is a plaintiff.
 10 MR. ROZWOOD: She is a plaintiff.
 11 MS. LHAMON: We appreciate it, but -- we
 12 love the money, but she is not obligated -- you are
 13 not obligated to give it to her.
 14 MR. ROZWOOD: That's right. Thanks.
 15 MS. LHAMON: Now you can kick me for
 16 throwing away money for you.
 17 MR. ROZWOOD: Just remember, we tried to
 18 give you \$35, but the ACLU wants a lot more money
 19 than that.
 20 MS. LHAMON: That, I have to disagree with.
 21 BY MR. ROZWOOD:
 22 Q. Okay. You mentioned -- was there a
 23 question pending before the break?
 24 MS. LHAMON: There wasn't a question
 25 pending, but I think Altgracia wanted to clarify a

1 few things from the morning.
 2 THE WITNESS: Yes. Actually, I am not so
 3 sure what month we met, but I do remember that it was
 4 before May, because by May we had our press
 5 conference.
 6 BY MR. ROZWOOD:
 7 Q. That's May 2000?
 8 A. Yes.
 9 Q. Before May 2000, you had your first meeting
 10 with Mr. Rosenbaum in Mr. Bachrach's film class?
 11 A. (No audible response.)
 12 MS. LHAMON: You have to say yes or no.
 13 THE WITNESS: Yes.
 14 BY MR. ROZWOOD:
 15 Q. And the next meeting that you had with
 16 people that you thought were attorneys was with Chris
 17 a week later?
 18 A. Yes.
 19 Q. And after that, when was the next meeting
 20 that you had?
 21 A. That was just the press conference by May
 22 2000.
 23 Q. You mentioned that there was communications
 24 with the ACLU a couple of days after your meeting
 25 with Chris?

1 A. Yes. That was the time that we had the
 2 press conference.
 3 Q. Okay. The meeting you had at the ACLU
 4 building was the place where the press conference
 5 took place?
 6 A. Yes.
 7 Q. Is this the -- do you know where this
 8 building is located, the ACLU office?
 9 A. Somewhere in downtown, but I have no idea.
 10 Q. Do you know who attended the press
 11 conference?
 12 A. There were many people, but to be specific
 13 with names and faces, I don't remember.
 14 Q. Do you remember anyone in particular that
 15 was there at the press conference?
 16 A. Just the students, other teachers, and
 17 Mr. Bachrach.
 18 Q. Do you remember the names of any of the
 19 other teachers that were at the press conference?
 20 A. No. Because they were from different
 21 schools.
 22 Q. No Jefferson teachers attended the
 23 conference?
 24 A. Just one. Mr. Bachrach.
 25 Q. Other than Mr. Bachrach; correct?

1 A. Yes. That's it. Only Mr. Bachrach.
 2 Q. Do you remember the name of any of the
 3 students that attended the press conference?
 4 A. Fabiola, Lisa, Abraham, Lluliana.
 5 Q. What is Lluliana's last name?
 6 A. Alonzo.
 7 Q. Okay. Is that spelled L-L-U-L-I-A-N-A?
 8 A. Yes.
 9 Q. And her last name?
 10 A. Alonzo, A-L-O-N-Z-O.
 11 Q. And her first name Lluliana,
 12 L-L-U-L-I-A-N-A?
 13 A. L-L, yes.
 14 Q. I just wanted to make sure that it was the
 15 same person.
 16 What did you -- did you say anything to
 17 anybody at the press conference?
 18 A. We just spoke in front of the cameras,
 19 but --
 20 Q. What did you say to the cameras?
 21 A. Well, we all had to say a different story.
 22 Q. What was your story?
 23 A. Well, about the classes. The classes that,
 24 they were not -- in school, many of the classes were
 25 not offered that we used to ask for.

1 Q. I want you to try to tell me what you told
2 the cameras to the best of your recollection.
3 A. That I have a brother who is very good in
4 technology. He knows how to work with video cameras,
5 VCR and stereos, and it would be great if they could
6 offer a class where he could develop his talent.
7 Q. Did you say anything else to the cameras at
8 the press conference?
9 A. No.
10 Q. Your comments were limited to the
11 availability of classes; correct?
12 A. What do you mean?
13 Q. That's fair. I want you to ask me if I
14 don't make sense; okay.
15 You didn't say anything about the condition
16 of the restrooms at the press conference; correct?
17 A. No. As I told you, there were several
18 students, and we have different parts of the story
19 because the time also was limited.
20 Q. And so the only thing that you were
21 supposed to say was about the classes; correct?
22 A. Yes.
23 Q. And what you previously testified to?
24 A. Yes.
25 Q. Do you remember what the other students

1 Do you remember anything else about the
2 conditions at Fremont that was discussed by the
3 students at the press conference -- at Jefferson. I
4 meant Jefferson.
5 A. Also the lack of space and like desks, as
6 well.
7 Q. Not enough desks?
8 A. Not enough desks.
9 Q. What was the problem that was described at
10 the press conference about the desks?
11 A. I remember Lisa Lopez describing that she
12 had to sit on a counter during our chemistry class.
13 Q. Do you remember anything else that the
14 students said about the lack of desks at Jefferson?
15 A. The space available in the classroom.
16 Since there were not enough space in the classrooms,
17 there were not enough space for desks and not enough
18 space for the students -- not enough desks for
19 students to sit.
20 Q. Anything else?
21 A. This was some other student. It was
22 another student, but not from Jefferson. Outdated
23 textbooks; she spoke about outdated textbooks, and
24 that's all I can recall. I don't remember much more.
25 Q. Do you know what other schools were

1 said to the cameras at the press conference?
2 A. The lack of textbooks.
3 Q. Who discussed the lack of textbooks?
4 A. I don't remember.
5 Q. What did they say regarding the lack of
6 textbooks?
7 A. There were not enough textbooks for each
8 student and therefore they were not allowed to take
9 them home. They had to stay at school, and whenever
10 they had any homework they had to copy it down from
11 the book right after 10 minutes before class.
12 Q. Do you remember anything else that the
13 students said to the cameras about the lack of
14 textbooks at Jefferson?
15 A. We had to share books in class, and usually
16 that they didn't allow us to finish our work on time,
17 so we had to work extra hard, extra homework, since
18 we had to finish our work that was unfinished during
19 class time.
20 Q. You don't remember the student's name that
21 discussed the lack of textbooks at the press
22 conference?
23 A. No. During the time I was extremely
24 nervous, and that's why I don't understand.
25 Q. That's understandable.

1 represented by students at the press conference?
2 A. I don't.
3 Q. Do you know the names of any of the other
4 students that were there other than the ones you
5 already told me about?
6 A. No.
7 Q. Did the students discuss any other aspects
8 of the conditions at Thomas Jefferson High School at
9 that press conference?
10 A. Did I mention the one about restrooms?
11 Q. Not yet. What was said about that?
12 A. Well, I think it was Lluliana. Lluliana
13 Alonzo. She talked about the restrooms being filthy,
14 papers on the floor, and also there were not enough
15 supplies like soap or paper.
16 Q. Is Lluliana -- does she still attend the
17 Jefferson High School?
18 A. She graduated. Most of the students are
19 graduated.
20 Q. So she was in your class?
21 A. Yes.
22 Q. She was a senior with you?
23 A. Yes.
24 Q. And you guys just graduated in June?
25 A. Yes. Uh-huh.

1 Q. Was there anything inaccurate about the
2 statements made by the students to the cameras at the
3 press conference?

4 A. Inaccurate? You mean incorrect?

5 Q. Incorrect, false, or was everything
6 absolutely correct and accurate that the students
7 said at the press conference to the cameras?

8 A. From my classmates, everything was correct,
9 because we told stories that happened in our lives
10 while attending that school.

11 Q. Okay. Were any newspaper stories written
12 about the statements made by the press conference
13 that you know of?

14 A. There were newspapers with our story, but I
15 don't remember specifically what was written in the
16 newspapers.

17 Q. Did you ever see the articles?

18 A. Yes.

19 Q. Do you have copies of those articles?

20 A. No, I don't.

21 Q. Were there ever any TV stories covering it?

22 A. Yeah. Only a couple of them.

23 Q. Did you see those?

24 A. Yes, I did.

25 Q. Do you have copies of those?

1 A. Well, before May we met, but after May I
2 have a clear understanding of what was going on
3 because of the press conference. And by that time, I
4 guess I had a better knowledge of what was going on.

5 Q. Do you have any understanding about what
6 this lawsuit seeks?

7 A. Better conditions. Better conditions
8 throughout everything that I had described before.

9 Q. At Thomas Jefferson High School?

10 A. Yes.

11 Q. At any other schools?

12 A. Any other schools? Well, since all of the
13 high schools that are involved in this actual
14 lawsuit, they all have the same conditions and the
15 same problems and, of course, we are talking through
16 it being a class action lawsuit.

17 Q. So the lawsuit seeks better conditions --

18 A. In all the schools.

19 Q. In all the schools of the State of
20 California; correct?

21 A. Yes.

22 Q. And if you achieved the better conditions
23 you are referring to at all the schools in

24 California, would you proceed with the lawsuit?

25 Would you continue on with the lawsuit even if you

1 A. No, I don't.

2 Q. Were the written articles and the TV
3 stories accurate in your view?

4 Let me ask it differently.

5 Did the press coverage accurately reflect
6 the conditions at Thomas Jefferson High School to
7 your knowledge?

8 A. Not really. The media always interfered
9 with our stories. They just inputted the stuff that
10 they wanted the people to see.

11 Q. What was inaccurate about the press
12 conference in your view?

13 A. Well, from my knowledge, I think that
14 people do not get a good understanding through
15 television or newspapers because they just let
16 people, the public know just a small part of what was
17 going on at school and everything that was said at
18 the press conference.

19 Q. When did you first learn that -- about this
20 lawsuit?

21 A. When did I first heard about this lawsuit?

22 Q. Yes.

23 A. What do you mean, first heard about it?

24 Q. When was the time that you first heard
25 about this lawsuit?

1 got the better conditions you referred to earlier?

2 A. Well, most likely yes, because only the
3 changes will be made just for a small amount of time;
4 and after you have forgotten, after many have
5 forgotten about the class action lawsuit and the
6 changes that we are proceeding, they will stop
7 continuing the changes.

8 Q. So if the better conditions were permanent,
9 then would you stop the lawsuit?

10 A. Yes. But if there could be any
11 communication about any changes, I would like to
12 still continue my communication with my lawyer.

13 MS. LHAMON: I appreciate that.

14 BY MR. ROZWOOD:

15 Q. Where did you get your understanding of --
16 I don't want to invade the attorney-client privilege
17 at all, and I don't want to ask anything about the
18 attorney-client communications, but outside of
19 that --

20 MS. LHAMON: I appreciate that.

21 BY MR. ROZWOOD:

22 Q. Outside of that source of information,
23 where did you get your understanding of what this
24 lawsuit is seeking?

25 MS. LHAMON: Objection; assumes facts not

1 in evidence. Would you ask if there is any source
2 outside of that communication?

3 MR. ROZWOOD: Yes.

4 MS. LHAMON: The question is if there is
5 any source other than from me or from Mark or from
6 Chris or someone at the ACLU about what the purpose
7 of the lawsuit are.

8 THE WITNESS: Well, like having some other
9 communication with classmates and --

10 MS. LHAMON: Or if somebody other than me
11 or Mark or Chris or someone at my office or Sophie
12 talked to you about what it was that lawsuit seeks,
13 Ben would like to know about it. If your mom or your
14 dad or Lisa Lopez, somebody else told you about it.
15 BY MR. ROZWOOD:

16 Q. Another way to think of it is: Does any
17 part of your understanding that you have now, does
18 any part of that understanding come from someplace
19 other than your attorneys; and if it does, then just
20 tell us about that.

21 A. So do I include both attorneys and outside?

22 Q. No. I don't want to know anything that
23 your attorneys told you. But if you have an
24 understanding of this lawsuit based on communications
25 with anyone else, you can tell us about that.

1 A. Any other -- no. Well, because all we
2 could actually talk about in class at school was with
3 our classmates, basic stuff that we see around our
4 campus.

5 Q. Other than what we have already discussed,
6 have you had any other communications about this
7 lawsuit since the press conference?

8 A. Any other communications with who?

9 Q. With the people we have discussed already.
10 With your attorneys or with classmates?

11 A. Right after the press conference?

12 Q. Yes. I just want to continue on with the
13 time line to get to today. Tell me everyone that you
14 discussed the lawsuit with between the press
15 conference and today.

16 A. Well, by that time, since it was big news,
17 our teachers had actually discussed with us any of
18 the conditions. And some of the teachers will agree
19 with us, but when it comes to like the principal, she
20 was a -- she pretty much did not agree because she
21 didn't want her school to be known as a terrible
22 school.

23 Q. Is it Ms. Preciado?

24 A. Yes.

25 Q. Do you think that Ms. Preciado is a good

1 principal?

2 A. I don't pay much attention to her. Like I
3 don't know exactly her responsibilities and if she is
4 attending to every responsibility; but from what I
5 see, she gets to do an okay job.

6 Q. Which teachers did you discuss the lawsuit
7 with after the press conference?

8 A. Well, with Mr. Bachrach and my Spanish
9 teacher.

10 Q. What is the name of your Spanish teacher?

11 A. Mr. Avea.

12 Q. Can you spell that for us.

13 A. A-V-E-A.

14 Q. Is that your Spanish teacher for your
15 senior year?

16 A. Just my junior year.

17 Q. Other than Mr. Bachrach and Mr. Avea, did
18 you have any discussions with any other teachers
19 about the lawsuit after your press conference?

20 A. No.

21 Q. What did you say to Mr. Bachrach about --
22 what have you said -- well, just tell me everything
23 that you have said to Mr. Bachrach and what
24 Mr. Bachrach has said to you about this lawsuit since
25 the press conference.

1 A. Everything?

2 MS. LHAMON: Everything that you can
3 remember.

4 BY MR. ROZWOOD:

5 Q. Well, you can tell me like I have spoken to
6 him 50 times and I can tell you the substance of what
7 we said. You can summarize -- how many times did you
8 speak about this lawsuit?

9 A. Well, he was my teacher for three years,
10 and up to -- only after the press conference, most of
11 the times we used to have in mind what was going on,
12 and we just basically talked about how great it would
13 be if we would actually get heard and the changes
14 will be made and it will work better. The students
15 will have better classes, better knowledge, better
16 education and how easier his job would be.

17 Because he used to have a rough time like
18 even checking the schedules with the students, like
19 he will have the basic paper about basic classes that
20 we need to -- that we were requiring in order
21 graduate. And he will try to speak to students like
22 three students at a time or independently to check
23 whether they are taking the classes or they haven't
24 taken like health or just basic classes for
25 graduation.

1 Q. Could you think of anything else that
2 Mr. Bachrach said to you about this lawsuit after the
3 press conference?

4 A. Just be calm and don't worry about it,
5 because you know how the principals and the assistant
6 principals, they were just not happy with what was
7 going on.

8 Q. And you mentioned that Ms. Preciado was not
9 happy about what was going on; right?

10 A. Yes.

11 Q. On what do you base that statement or what
12 did Ms. Preciado say or do that made you think that
13 she wasn't happy about the lawsuit?

14 A. She was afraid, actually. Since -- you
15 know how the media always likes to interfere and they
16 go onto campus no matter what, and they just had your
17 camera outside of school.

18 And all of a sudden things changed from one
19 day to another. Like she sent several of the workers
20 to paint over the graffiti, tried to keep the
21 restrooms clean. And it was great having those
22 changes even though they were small, but they really
23 seemed to be like huge, especially since we had never
24 seen actually like securities were there taking care
25 of the restrooms, because before, you know how we

1 have four restrooms, but only two of them are open.

2 And the reason that only two of them were
3 open, because the other one, the one that is in the
4 gym, there is only -- there is two restrooms, the
5 boys and the girls, close to the gym, and there is
6 like actually very together, and an incident happened
7 during the time. And then she actually hired extra
8 securities to take care of the restroom, or if the
9 security was not there she would just lock the
10 restroom and keep the restroom so that the incident
11 wouldn't happen. It was like attempted rape.

12 Q. Is there anything else that you base your
13 statement that Ms. Preciado was not happy about the
14 lawsuit -- is there anything else that you can base
15 that statement on other than what you have already
16 told us?

17 A. The cameras tried to interview her, and she
18 would always object to that.

19 Q. On how many days were there cameras outside
20 of your high school?

21 A. Well, after the lawsuit took place, it was
22 only for a week it was with cameras. And not really
23 an entire week, but just a couple of days.

24 Q. Approximately two days?

25 A. Yes, two or three.

1 Q. And it was Ms. Preciado's reaction to those
2 cameras and the school's response to the presence of
3 the cameras that makes you think she wasn't happy
4 with the lawsuit?

5 A. Yes. Because we didn't used to see her
6 around most of the time outside of the quad, and now
7 this time she had like communication with students.

8 Q. What other changes other than the ones you
9 have testified to did you notice after the lawsuit
10 was filed at Jefferson?

11 A. Well, the only one that I can remember of
12 is just the graffiti, the restrooms being cleaned and
13 the security.

14 Q. Okay. You mentioned that there was an
15 attempted rape near the gym?

16 A. Uh-huh. Yes.

17 Q. And you mentioned that there are two other
18 boys and a girls bathroom located near one another at
19 the gym?

20 A. It's just the girls gym, but at the girls
21 gym, there is -- there are actually very together;
22 the boys and the girls gym is just like next door.

23 Q. And the incident that you referred to
24 occurred around the girls gym near the restrooms?

25 A. Yes.

1 Q. And do you know when that incident
2 occurred? Take a minute and give us your best
3 recollection of the month and the year, if you can.

4 A. Perhaps it was week or two before we had
5 our press conference in May, because that was always
6 part of the story that we --

7 Q. That you told at the press conference?

8 A. Uh-huh.

9 Q. Do you know which student told that part of
10 the story?

11 A. No, I don't.

12 Q. And was the girls bathroom at the gym shut
13 down or closed after the incident?

14 A. Yes.

15 Q. Was it open before that?

16 A. Yes, it was open before.

17 Q. And how long after -- how long did it
18 remain closed after the incident occurred?

19 A. As I told you before, I don't like to go to
20 the restrooms most of the times, and I don't know
21 very well how long it was closed, but --

22 Q. Was the bathroom ever opened again to your
23 knowledge?

24 A. Yes. Perhaps after a month.

25 Q. Well, I don't want you to guess. Just tell

1 us -- if you have some knowledge about how long it
2 was closed, that's great. If you don't know, that's
3 okay.

4 A. Three weeks.

5 Q. And how do you know that it was closed
6 approximately three weeks?

7 A. Well, I have friends that since -- we have
8 classes like from one corner of the building to the
9 other corner of the campus, you know. It's pretty
10 huge. And in one corner to another, and by the time
11 they had to use the restroom, they will approximately
12 take from nine to 12 minutes, and they used to like
13 tell me that -- well, the teacher will ask them how
14 come you took so long, and usually doesn't take so
15 long to go to the restroom, but they did actually
16 take approximately nine to 12 minutes because the
17 restroom that was nearest to them was locked, so they
18 had to walk from one corner to the other, to the math
19 building.

20 And in the math building there is only --
21 at one floor there is only a restroom for the boys
22 and for the girls. And during that -- in the math
23 building there is always the security; therefore, it
24 was open.

25 Q. Other than the restrooms in the gym, the

1 not his job to check the restrooms. His job was just
2 to take care of like anyone coming in or out, take
3 care of visitors.

4 Q. So -- I see. These are the four bathrooms
5 that you referred to earlier that there are for girls
6 to use at Jefferson; correct?

7 A. Yes.

8 Q. And other than the closure of the girls
9 bathroom in the gym after that attempted rape
10 incident, were any of the restrooms closed or not
11 available for students to use during your four years
12 at Jefferson?

13 A. In the main building, there was only one
14 restroom available for most of the times. The other
15 one was closed except for after school. That was
16 around 4:30 when they opened that restroom. And that
17 was because -- that was the only restroom kept open
18 after school for the students who had -- for parents
19 who were trying to get their English improved.

20 Q. So one of the two bathrooms in the main
21 building for girls to use was always closed during
22 school time?

23 A. Yes. Yes.

24 Q. Are both of the two bathrooms in the main
25 building on the first floor?

1 boys and girls gym and the math building, are there
2 any other restrooms on campus?

3 A. In the main building, there is two
4 restrooms.

5 Q. Two girls and two boys?

6 A. For the boys, I think there is just one.

7 Q. How about for girls?

8 A. For girls, there is two.

9 Q. So there is two girls bathrooms in the main
10 building?

11 A. Uh-huh.

12 Q. And one girls bathroom in the math
13 building?

14 A. Uh-huh.

15 Q. That always has security?

16 A. Yes.

17 Q. And then there is one in the gym that was
18 closed for three weeks after there was an attempted
19 rape; correct?

20 A. Yes.

21 Q. And is there security at the main building?

22 A. Well, that restroom was close to the main
23 door entrance, so, of course, there was a security
24 just to take care of like the persons who would come
25 in or out. I don't think he was actually -- that was

1 A. One in the first floor, and the one that
2 was always kept locked on the second floor.

3 Q. Okay. And you mentioned that there were
4 two restrooms were opened after the lawsuit was filed
5 and the press conference was held; correct?

6 A. Just the one at the gym. But the one at
7 the main building was not opened.

8 Q. It was not?

9 A. No.

10 Q. Okay. So -- you mentioned that there was
11 additional security brought to campus after the
12 lawsuit was filed and the press conference was held;
13 is that correct?

14 A. Additional? Just two securities.

15 Q. Two security guards?

16 A. Two new securities. Well, that's what I
17 call seeing new faces.

18 Q. Were they posted in different locations?

19 A. Just one walking around the campus and one
20 near the restroom.

21 Q. Which restroom was that security posted?

22 A. The one was posted at the gym restroom, and
23 the other just used to take care of that students
24 were in class.

25 Q. Okay. So the new security guards that you

1 noticed, one was posted at the girls gym?
 2 A. Uh-huh.
 3 Q. And one was just walking around the campus
 4 making sure that kids were in class?
 5 A. Yes.
 6 Q. Are there any other changes that you saw --
 7 you also mentioned a graffiti change, that there was
 8 paint over the graffiti?
 9 A. Yes.
 10 Q. Where was that graffiti located?
 11 A. Just outside the buildings.
 12 Q. On the campus outside the classroom
 13 buildings or the administration buildings? Maybe you
 14 can describe it a little bit for me. I haven't been
 15 there.
 16 A. Like bungalows that were far away from the
 17 main building, yes.
 18 Q. But not the main building?
 19 A. No, not on the main building.
 20 Q. So after the lawsuit was filed and the
 21 press conference was held, the graffiti on the
 22 bungalows was painted over?
 23 A. Yes.
 24 Q. Did you ever see any more graffiti on the
 25 bungalows after they were painted over?

1 A. Not that I remember.
 2 Q. Do you know if that's because the school
 3 continued to paint over or just students stopped
 4 graffitiing that building?
 5 A. That was because they were painting over.
 6 Q. Did you ever see anybody graffiti the
 7 bungalows at Jefferson?
 8 A. None at all. Usually I think that since
 9 the school is open after school and there are no more
 10 securities at all, no more students, some of the
 11 outside people that live around the neighborhood come
 12 in and start their graffiti. But I don't think the
 13 students are the ones who are really in charge of the
 14 entire graffiti that's present.
 15 Q. Who in your view is responsible for the
 16 graffiti on the bungalows at Jefferson?
 17 MS. LHAMON: Objection; calls for
 18 speculation.
 19 BY MR. ROZWOOD:
 20 Q. I mean who did it, not who is responsible
 21 for cleaning it.
 22 A. Who is cleaning it?
 23 Q. No. Who did the tagging?
 24 MS. LHAMON: Same objection.
 25 THE WITNESS: Well, I --

1 MS. LHAMON: Same objection.
 2 BY MR. ROZWOOD:
 3 Q. If you know?
 4 A. I don't know.
 5 Q. Okay. Perfect.
 6 Other than the changes that you mentioned
 7 that ensued -- that followed your press conference,
 8 are there any other changes that took place at
 9 Jefferson?
 10 A. For my knowledge, that's all I know.
 11 Q. Okay. You mentioned that you also spoke
 12 with Mr. Avea about the lawsuit after the press
 13 conference?
 14 A. Uh-huh. Yes, I did.
 15 Q. Can you -- about how many times did you
 16 speak with Mr. Avea about the lawsuit between the
 17 press conference and today?
 18 A. Just one time.
 19 Q. What did you say to him and what did he say
 20 to you during that conversation?
 21 A. Well, I just asked him if what we were
 22 doing is wrong or right. And he just told me that
 23 since you want the changes to be made, it's up to you
 24 how you see it; so therefore I think that it was okay
 25 to just let the public and anyone else know the

1 conditions and the changes and their basic
 2 conditions -- their basic changes that we just want.
 3 We don't want like -- like our classrooms to look
 4 like a great office; we just want like basic stuff
 5 and space available to the students.
 6 Q. Did you say anything else to Mr. Avea
 7 during this conversation?
 8 A. No. Just that.
 9 Q. Other than Mr. Bachrach and Mr. Avea and
 10 your lawyers, did you speak with anyone else about
 11 this lawsuit after the press conference?
 12 A. It was just with my classmates. With my
 13 classmates, it was just small conversations.
 14 Q. And other than those, are there any other
 15 conversations that you have had about this lawsuit?
 16 A. No.
 17 Q. Have you told us everyone that you have
 18 spoken to about the lawsuit since the press
 19 conference?
 20 A. Yes.
 21 Q. Who was your principal contact at the ACLU?
 22 Who is the main person that you talked to at the
 23 ACLU?
 24 MS. LHAMON: Objection; assumes facts not
 25 in evidence.

1 Is there anybody in particular that you
2 talked to?
3 THE WITNESS: No. I talk to them.
4 BY MR. ROZWOOD:
5 Q. How many conversations have you had with
6 the people from the ACLU? Just a number.
7 A. When we started our first contact?
8 Q. Yes. From the beginning.
9 A. Approximately how many?
10 Q. Yes. Just give me your best estimate.
11 It's okay to take a minute to think about it.
12 MS. LHAMON: If you don't have an estimate,
13 you can say that, too.
14 BY MR. ROZWOOD:
15 Q. Was it more than 10?
16 A. I don't know, but I think that it was more
17 than 10.
18 Q. Was it more than 15?
19 A. Between 15 or 20.
20 Q. Okay.
21 A. But you are only talking about personal
22 contacts or by phone?
23 Q. Either by phone or letter or --
24 A. Yes.
25 Q. Or any communications.

1 A. Then by letter, phone and personally,
2 between 20 and 22, 25.
3 Q. Well, we'll just put 20 to 25. Does that
4 sound right?
5 A. Yes.
6 Q. Okay. You -- actually, you want to take a
7 short break? I want to go get the deposition notice.
8 MS. LHAMON: Okay.
9 MR. ROZWOOD: Let's go off the record for a
10 second.
11 (Recess taken.)
12 MR. ROZWOOD: Back on the record.
13 This is an unstamped document that was
14 brought to the deposition today by your counsel. I
15 am going to give the reporter a copy so that he can
16 stamp it as Exhibit One.
17 (Deposition Exhibit No. 1 was marked for
18 identification and is attached hereto.)
19 MR. ROZWOOD: Are those separate documents?
20 MS. LHAMON: They are separate documents --
21 I am sorry. It's the same document. It's different
22 pages of the same document.
23 MR. ROZWOOD: So let's mark this document
24 as Exhibit One. It's a two-page document with
25 Student Score Report dated 12/2/2000 in the

1 right-hand corner.
2 Q. Do you recognize this document?
3 A. Yes.
4 Q. What is this?
5 A. My SAT scores.
6 Q. Where did you get this document?
7 A. Through the mail.
8 Q. And are these two pages of a single
9 document, to your knowledge?
10 A. Yes.
11 Q. Is all the information contained in
12 Exhibit One accurate to the best of your knowledge?
13 A. Yes.
14 Q. So, for example, you received a [REDACTED] on your
15 math portion of your SAT; correct?
16 A. Yes.
17 MS. LHAMON: I believe it's [REDACTED].
18 MR. ROZWOOD: I apologize.
19 MS. LHAMON: And it's SAT II if that
20 matters.
21 MR. ROZWOOD: Okay. Thank you. I see the
22 difference.
23 Q. And those scores are accurate; correct?
24 A. Yes.
25 Q. Okay.

1 MS. LHAMON: Bob, I am sorry. There is an
2 SAT I score and SAT II score, and there is a [REDACTED] in
3 the math score for the "I," and I apologize.
4 MR. ROZWOOD: Yes. There is a difference
5 there.
6 Q. Do you know what the difference is there,
7 Ms. Garcia?
8 A. No.
9 Q. How many SATs have you taken?
10 A. Just one, but I think sometimes they have
11 two parts for one test.
12 Q. What did you get on your SAT in the math?
13 A. Well, it's shown as [REDACTED] and [REDACTED].
14 Q. Is that the score that you got, [REDACTED]?
15 A. Yes.
16 MS. LHAMON: Could I interpose a
17 clarification. I believe there are two tests. It's
18 an SAT I and an SAT II. It's not two times of taking
19 the SAT. There is a test called the SAT II and --
20 BY MR. ROZWOOD:
21 Q. And you took both of these tests on the
22 same day?
23 A. I don't remember.
24 Q. But to your knowledge, you took the SAT
25 once; correct?

1 A. Yes.
 2 Q. And this accurately reflects your scores?
 3 A. Yes.
 4 Q. That's all I wanted to ask.
 5 Off the record for a minute.
 6 (Discussion had off the record.)
 7 MR. ROZWOOD: Let's go on the record.
 8 Let's mark as Exhibit Two a two-page
 9 document which appears to be a copy of Ms. Garcia's
 10 cumulative record.
 11 (Deposition Exhibit No. 2 was marked for
 12 identification and is attached hereto.)
 13 BY MR. ROZWOOD:
 14 Q. Do you have a copy of Exhibit Two before
 15 you?
 16 A. Yes.
 17 Q. And what is this?
 18 A. These are my grades from seventh grade up
 19 to twelfth grade.
 20 Q. Did you attend Jefferson the entire time?
 21 A. Yes.
 22 Q. At seventh grade, too?
 23 A. Seventh grade to eighth grade, that's
 24 junior high school.
 25 Q. Okay. What school did you attend?

1 A. John Adams.
 2 Q. Is this a true and correct copy of your --
 3 A. Transcript.
 4 Q. -- your transcript for grades seven
 5 through 12?
 6 A. Yes.
 7 MS. LHAMON: Just a point of clarification,
 8 the second semester senior year grades are not on
 9 this transcript, but it's a true and correct copy --
 10 is it correct that this is correct, this Exhibit Two
 11 is correct for the grades that are on the transcript
 12 even though it doesn't have the final semester grades
 13 for your high school?
 14 THE WITNESS: Yes. But these are my
 15 scores, and everything is in here.
 16 MS. LHAMON: Thank you.
 17 BY MR. ROZWOOD:
 18 Q. Everything on here is accurate?
 19 A. Yes, it's accurate.
 20 Q. Okay.
 21 MR. ROZWOOD: Ms. Lhamon, is Ms. Garcia
 22 going to confine her testimony to the contents of her
 23 declaration at trial or at further proceedings in
 24 this action?
 25 MS. LHAMON: We haven't made a final

1 determination as to what will happen at trial, so I
 2 can't make that representation .
 3 MR. ROZWOOD: And you are unwilling to
 4 stipulate that she will do so; right?
 5 MS. LHAMON: That's right.
 6 MR. ROZWOOD: All right. Let's put that
 7 aside for the minute. And I will have some questions
 8 for that, but let's introduce the rest of the
 9 documents that you brought today.
 10 Exhibit Three, I have something called a
 11 brag sheet. And the reporter will stamp it and
 12 provide you with a copy, Ms. Garcia.
 13 (Deposition Exhibit No. 3 was marked for
 14 identification and is attached hereto.)
 15 BY MR. ROZWOOD:
 16 Q. We have marked this brag sheet as
 17 Exhibit Three, and it's two-sided.
 18 Do you have a copy of Exhibit Three?
 19 A. Yes.
 20 Q. What exactly is this document?
 21 A. Well, this document explains things that I
 22 do outside of school.
 23 MS. LHAMON: I am looking at the exhibit,
 24 and I can see that you can see through the redaction
 25 on the copy, so I would appreciate it if at the break

1 we can make a better copy so that the redaction is
 2 actually redacted.
 3 MR. ROZWOOD: No problem.
 4 MS. LHAMON: Thank you.
 5 And if we can replace what is Exhibit Three
 6 with a better copy, I would appreciate that.
 7 MR. ROZWOOD: Okay.
 8 MS. LHAMON: Thanks.
 9 BY MR. ROZWOOD:
 10 Q. I am sorry. I didn't hear your answer.
 11 What is this document?
 12 A. It's something based out of your grades,
 13 because usually in your transcript they just put on
 14 your grades, and this is something that you do during
 15 after school or special activities, classes or things
 16 like jobs or things that you do after school.
 17 Q. You do this at Jefferson?
 18 A. No, because some of the things, I do them
 19 at Jefferson. For example, like being the Key Club
 20 president and in AIDS walk, because we usually have
 21 our little meetings and plan our activities. But
 22 like church service, that's something out of school.
 23 Q. I see. Though this is a list of your
 24 extracurricular activities?
 25 A. Yes.

1 Q. Where did you get this form?
 2 A. Usually we get this from our college --
 3 from the college center. And you have to write a
 4 brag sheet in order to give it to a teacher and they
 5 will write a recommendation letter for the student.
 6 Q. A letter of recommendation to accompany
 7 your college application?
 8 A. Yes.
 9 Q. And did you obtain this form brag sheet
 10 from your college service office at Jefferson?
 11 A. Yes, I did.
 12 Q. What's the name of that office?
 13 A. We just call it the college center.
 14 Q. The college center?
 15 A. Yes.
 16 Q. Did you go to the college center and ask
 17 for it or did they just give it to you? How did you
 18 get it?
 19 A. We have to go and get it ourselves.
 20 Q. Okay. How did you know that you had to go
 21 and get it yourself?
 22 A. Well, by the time we were in tenth grade,
 23 they try to explain there is a process of getting to
 24 college and papers that we need. And by the time we
 25 were in twelfth grade, we try to get ahold of these

1 papers and applications. Basically it's kind of
 2 doing the things by ourself.
 3 Q. Okay. So the college center explained the
 4 college application process to you in tenth grade?
 5 A. Yes. When we are in our English class,
 6 they take the whole class into a college center and
 7 explain to them and put a video, and that's it.
 8 Q. Okay. Does the college center make this
 9 video presentation to every English class at
 10 Fremont -- at Jefferson?
 11 A. At Jefferson?
 12 Q. Yes.
 13 A. I don't know, because I haven't asked any
 14 of the students that are in different English
 15 classes.
 16 Q. That's the right answer. If you don't
 17 know, you should say. That's a great answer. Okay.
 18 Did you have any particular person or
 19 contact person in the college center?
 20 A. No. There is only one person who help
 21 around 3,500 students.
 22 Q. How many students attend Jefferson at any
 23 one time?
 24 A. Since there are three tracks, two tracks
 25 are in school while the other one is on break, and

1 then that's the way we just make turns. But there is
 2 always two tracks and one track is out on break.
 3 Q. So how many people attend Jefferson at any
 4 one time? How many students attend Jefferson at any
 5 one time?
 6 MS. LHAMON: Objection; calls for
 7 speculation.
 8 BY MR. ROZWOOD:
 9 Q. How many students attend Jefferson at any
 10 one time?
 11 A. Well, I am not sure because it's not easy
 12 to gather the whole information of students
 13 attending, because some of them move out of school or
 14 there is always changes from students.
 15 Q. Okay. You said that there were -- there
 16 was only one person at the college center to help
 17 3,500 students; is that correct?
 18 A. Yes.
 19 Q. On what -- how do you know 3,500 students
 20 attend Jefferson?
 21 A. Because sometimes our college center person
 22 that is in charge, she sometimes tells us and that
 23 she -- most of the times she is tired and she
 24 apologized that she cannot put like one-to-one
 25 attention to every student because of so many

1 students; and the thing is that it will be better --
 2 she has some assistants but they are only students
 3 and they don't know as much as her, and therefore it
 4 would be better if we have at least two, two to three
 5 persons to assist the students, like one for each
 6 track, and so that we would have three people to
 7 assist us. Because that's why most of the students,
 8 they don't end up knowing of any universities that
 9 will help them with their major, and they just end up
 10 making wrong decisions.
 11 Q. What's the name of the one person that you
 12 say is in the college center?
 13 A. Ms. Walling.
 14 Q. How do you spell that?
 15 A. Walling, W-A-L-L-I-N-G.
 16 Q. Other than Mrs. Walling and the student
 17 assistants you mentioned, are there any other
 18 full-time counselors there to assist the students at
 19 Jefferson High School?
 20 A. Well, specifically for the college center
 21 is just her. Talking about counselors, that's
 22 something else.
 23 Q. Can you explain how that works for us.
 24 A. College center, she just works, perhaps --
 25 well, I always had this trouble whenever I had to

1 take tests and fill out applications and we need her
2 assistance, most of the times we don't find her there
3 because she is on a trip with other students visiting
4 the university or -- and we just end up like not
5 taking a test because we didn't fill out the
6 application, not sending a college application
7 because we were not sure how we were supposed to fill
8 out the application.

9 Q. What tests are you referring to?

10 A. The AP test.

11 Q. Do you need your -- what is Ms. Walling's
12 title?

13 A. She is the college counselor.

14 Q. College counselor?

15 A. (No audible response.)

16 Q. You need the assistance of your college
17 counselor to arrange for and take an AP test?

18 MS. LHAMON: Objection; mischaracterizes
19 the testimony.

20 BY MR. ROZWOOD:

21 Q. Is that accurate?

22 A. Yes.

23 Q. What does Mrs. Walling do to help you
24 arrange to take an AP test?

25 A. This is the way it worked for me. I was in

1 A. Just her.

2 Q. Your AP teachers don't help?

3 A. They don't have as much information or
4 knowledge how to do that, where to send the
5 applications or keep the records of the applications.

6 Q. Just in your case, none of your teachers
7 helped you; correct?

8 A. No.

9 Q. And in your case, none of the student
10 assistants in the college center were able to assist
11 you in that process?

12 A. They are just basic students who are taking
13 that class because there weren't any other classes
14 available. For example, some of the students,
15 whether they want to take some other classes besides
16 that -- that's just a service work class.

17 Q. Did the students in the college center that
18 are taking their service class help any students with
19 their AP tests or college applications?

20 A. They could not really help you out
21 because -- the only thing that they might know is
22 just where are the things placed, and that's it.

23 Q. In your place, you received no valuable
24 assistance from the students taking the service class
25 in the college center?

1 the ninth grade, and some of the people who wound up
2 offering the AP classes, they see how hard the
3 student is working, and therefore the teachers
4 recommend the students to the college counselor, and
5 therefore they make their decisions.

6 Q. Decisions on who gets to take the AP test?

7 A. Who takes the class.

8 But the thing that I am trying to explain
9 to you is that the test, usually when we are trying
10 get an application from her, she is not there, and
11 they just sent us to the drawer. And there is
12 several drawers, and you don't know which one to go
13 to, so you will spend your time looking through the
14 "out" drawers trying to get an application.

15 Q. You are talking about an application to
16 take an AP test?

17 A. Yes. Because it's your decision whether
18 you want to take it or not.

19 Q. And if you want to take it, you can?

20 A. Yes, but you have to fill out the
21 application. I think there is two parts for the
22 application. And you also have to pay.

23 Q. Okay. Other than the college counselor, is
24 there anyone else at Jefferson that can assist you in
25 preparing and submitting the AP test applications?

1 A. No.

2 Q. Do you know anybody that got any valuable
3 assistance from those students?

4 MS. LHAMON: Objection; vague as to
5 valuable.

6 MR. ROZWOOD: I will rephrase.

7 Q. Do you know anybody who got assistance from
8 the students taking service class in the college
9 center?

10 A. I don't know because I just tried to take
11 care of my stuff.

12 Q. Did you ever get any assistance from
13 your -- let me ask you: Did you have a particular
14 counselor, one or more counselors that assisted you
15 over the course of your time at Jefferson?

16 A. Are you talking just -- because most likely
17 there are only two different counselors. One is just
18 the college counselor, and then there is the
19 counselor who will assist you with your classes that
20 you are taking and just show you your record and
21 that's it. But usually you don't have much of a
22 contact with them.

23 Q. Did you -- is there a particular -- did you
24 have one counselor for your whole four years assigned
25 to you or how did that work? The school counselor,

1 not college counselor.

2 A. I am not sure, because I only got to meet
3 my counselor when I was in eleventh grade.

4 Q. What do you mean you only got to meet them
5 when you were in the eleventh grade?

6 A. Yes. Because by mail you just received you
7 have to go to this room, and that's it. It will be
8 better if you, actually, by the time you start your
9 ninth grade, they will have an orientation where they
10 will present to you here is the counselor for this
11 track and you need to see her, this is her hours
12 available, this is her office.

13 But we never had that, so throughout our
14 years we were completely lost. So if we ever needed
15 any information, we would not know where to go to.

16 Q. What track were you on at Jefferson?

17 A. C track.

18 Q. Were you always on C track?

19 A. Yes.

20 Q. What was the name of the counselor that you
21 were notified of by mail in your junior year?

22 A. It's not -- no name is shown on the letter.
23 It's just attend to this room, and that's it.

24 Q. Did you go to the room in the notice?

25 A. Well, that's our homeroom. That's what we

1 Q. I just want to know what you call them at
2 school.

3 A. They are track counselors.

4 Q. Track counselors?

5 A. Yes.

6 Q. How many counselors are there for each
7 track at Jefferson? How many track counselors are
8 there?

9 A. One for each track.

10 Q. Okay. On what did you base your answer
11 that there is only one track counselor for each
12 track? How do you know that?

13 A. No. Hold on. There is usually two for
14 each track because they divide from A through L and
15 from L through Z or so.

16 Q. So there is two track counselors for each
17 track; correct?

18 A. Yes, but usually -- so there is two for
19 each track, but we are usually having a hard time to
20 make an appointment with them or getting in contact
21 with them or explain our situation which classes are
22 required in order to graduate.

23 MR. ROZWOOD: Move to strike everything
24 after "yes" as being nonresponsive.

25 Q. How many meetings have you had with track

1 call our homeroom. And from then on we have our
2 schedule, and that's it.

3 Q. Have you ever met with a counselor at
4 Jefferson?

5 A. Almost by the end of the year, just to
6 check whether we have passed our tests, like a
7 written test that's shown here like the top of the
8 chart, and the math.

9 Q. You are referring to page two of
10 Exhibit Two?

11 A. Yes.

12 Q. In the bottom right corner?

13 A. Yeah. Only to make sure that we passed the
14 test or whether we have to take them again.

15 Q. Okay. How many times -- let's put the
16 college counselor aside for the moment; okay?

17 A. Yes.

18 Q. And let's just discuss the track
19 counselors.

20 How do you refer to those counselors? Just
21 a general counselor or --

22 A. You have to make an appointment.

23 MS. LHAMON: That's not what he asked.

24 Are they called guidance counselors?

25 BY MR. ROZWOOD:

1 counselors over your years at Jefferson?

2 A. Three.

3 Q. How many times have you sought to make an
4 appointment with a track counselor at Jefferson?

5 A. How many times did I make an appointment?

6 Q. How many times did you try to make an
7 appointment?

8 A. Twice.

9 Q. And you had three meetings?

10 A. Yes. One they just call you up, a summons.

11 Q. One was summons and two by appointment?

12 A. Yes.

13 Q. Were there any other occasions over your
14 four years at Jefferson where you tried to make an
15 appointment with your track counselor and were unable
16 to meet with them?

17 A. No. Because I had my teacher,
18 Mr. Bachrach, who tried to help students.

19 MR. ROZWOOD: Move to strike everything
20 after "no" as nonresponsive.

21 MS. LHAMON: Do you understand what that
22 means?

23 THE WITNESS: Just respond yes or no.

24 MS. LHAMON: When he's asking you a
25 yes-or-no question, that's what he's asking you.

1 MR. ROZWOOD: One reason is I don't want to
2 take up more of your time than is necessary. Another
3 reason is I want to get that information, but I want
4 to get it in an ordinary way so that we can make use
5 of it and try to do something good with it.

6 Q. You mentioned that one of the track
7 meetings from your counselor was by summons. Was
8 that a summons that you received in class?

9 A. Yes.

10 Q. Can you describe what occurred at that
11 meeting.

12 A. Just about the tests.

13 Q. You are referring to the tests in the
14 bottom right corner of the Exhibit Two?

15 A. Yes.

16 Q. The Topics Test, for example?

17 A. Yes.

18 Q. The Sharp Test is another example?

19 A. Yes.

20 Q. So during this one meeting that took place
21 after the summons, you discussed whether or not you
22 had passed. You learned that you had passed these
23 tests; correct?

24 A. Yes.

25 Q. Did anything else take place at that

1 Q. So this was at the very beginning of your
2 senior year?

3 A. Yes.

4 Q. And the second appointment that you had
5 with your track counselor, when was that? Also in
6 your senior year?

7 A. In the second semester.

8 Q. And what did you say to your counselor and
9 what did the counselor say to you during that
10 meeting?

11 A. Well, the first semester I took cosmetology
12 class, and I just completely didn't like that class
13 at all; so, therefore, I went and talked to my
14 counselor that I wanted to change that class.

15 I don't want to take cosmetology. I wanted
16 to take like a music class where I can learn how to
17 play an instrument, because when I was in the seventh
18 grade I was learning how to play the clarinet, and I
19 really liked that, but I couldn't take that class
20 because only that class was available for A track,
21 and throughout all my years only A track has that
22 band class; and if you want that class you have to
23 switch class, and you can't because those tracks are
24 all full of students and there is no space available.

25 So therefore I had to take a service class,

1 meeting?

2 A. No.

3 Q. Okay. And the two times that you made an
4 appointment and met with your track counselor, can
5 you tell me when those occurred.

6 A. Towards the end of the -- the one about the
7 test, it was by the second semester of the junior
8 year. And then by the senior year those two contacts
9 were made just to check my classes and make a change
10 in my class.

11 Q. Okay. The first one by appointment was in
12 your senior year? The first meeting with your track
13 counselor that you made by appointment was during
14 your senior year; correct?

15 A. Yes.

16 Q. And it was to check your classes?

17 A. Yes. Whether I had taken all the basic
18 classes that are required for graduation.

19 Q. And what else was discussed during that
20 meeting?

21 A. That's it.

22 Q. And what did your counselor tell you?

23 A. That, yes, by that time, and that if you
24 wanted to take math, you could take math. Only three
25 years are required. And that's it.

1 and there was no other options between a service or a
2 cosmetology because I was already taking drama and
3 film.

4 Q. Was it the same track counselor that you
5 met with all three times?

6 A. Yes.

7 Q. Do you remember the name of the counselor?

8 A. I don't.

9 Q. That's okay. When did -- strike that.

10 Did you first learn about the brag sheet or
11 the existence of the brag sheet during your tenth
12 grade year at Jefferson?

13 A. Usually that meeting was just to talk about
14 colleges, and that's it. But by the time -- we
15 always had a hard time during our senior year because
16 it was when we were learning all about this process,
17 and by communicating with other students and trying
18 to see what they have done, and that's the only way
19 we find out about brag sheets and applications.

20 Q. So where did you learn about the existence
21 of a brag sheet? From what source?

22 A. Whenever I had a free time I used to walk
23 inside the college center and look around and see
24 what other students were doing. And then from there
25 on, I was -- I found out about it.

1 Q. You found out about it from the college
 2 center?
 3 A. As I told you, in the tenth grade we just
 4 had a short meeting.
 5 Q. Right.
 6 A. They just showed a video of different
 7 universities that you can attend. And then there was
 8 during our senior year when we were actually in the
 9 process of filling our applications and trying to get
 10 teachers to give us recommendation letters because we
 11 actually asked the teacher to write a recommendation
 12 letter, and they would say first you need a brag
 13 sheet.
 14 Q. Okay. So you first heard about the
 15 existence of a brag sheet in connection with your
 16 efforts to obtain a recommendation letter from a
 17 teacher?
 18 A. Yes.
 19 Q. Which teacher was that?
 20 A. Well, the one that I guess -- my English
 21 teacher.
 22 Q. Who is that?
 23 A. Ms. Burke.
 24 Q. Is he listed on the back of Exhibit Three?
 25 It says three teachers who know me well; one,

1 And that's it.
 2 Q. And how did you learn -- strike that.
 3 Why were you -- strike that.
 4 Why did you decide to make a senior
 5 portfolio?
 6 A. It's just something that you have to do to
 7 graduate.
 8 Q. Who makes you do that?
 9 A. Well, the counselors. Well, we were just
 10 told -- I don't remember how or by who we were told,
 11 but it was spread around the senior students that you
 12 have to finish your portfolio, have you done it; have
 13 you gotten your recommendation letters, and so.
 14 Q. And this is a requirement to graduate?
 15 A. Yes.
 16 Q. So does looking at Exhibit Three, the
 17 second page, does that refresh your recollection that
 18 you were approaching Ms. Burke for a letter of
 19 recommendation to include in your senior portfolio as
 20 a condition for graduation?
 21 A. Yes.
 22 Q. And Ms. Burke told you you needed a brag
 23 sheet; correct?
 24 A. Yes.
 25 Q. And then you went to the college center and

1 Mr. Bachrach, and two -- I can't read that one.
 2 A. Mr. Bachrach, Miss Nicodemous and
 3 Miss Burke.
 4 Q. So Ms. Burke was your English teacher?
 5 A. Yes.
 6 Q. And you took English from her in which
 7 year?
 8 A. In ninth grade and -- ninth, tenth and
 9 twelfth.
 10 Q. And when you asked her for a letter of
 11 recommendation, she said you need a brag sheet?
 12 A. Yes, she did.
 13 Q. And you went to the college center and you
 14 got one?
 15 A. Uh-huh. Yes.
 16 Q. Why were you asking Ms. Burke for a letter
 17 of recommendation?
 18 A. For our senior portfolio.
 19 Q. Was that in connection with your
 20 applications to colleges?
 21 A. No. It's just like a small record. I
 22 think it wasn't actually so necessary. It was just
 23 for portfolio so that you have a record of the
 24 recommendation letter and a bibliography or whatever
 25 you call it about yourself, just describing yourself.

1 you got this document in Exhibit Three; correct?
 2 A. Yes.
 3 Q. And did you fill it out by yourself?
 4 A. Yes.
 5 Q. Did anyone assist you?
 6 A. No.
 7 Q. Did you ask anyone to assist you?
 8 A. No.
 9 Q. Did you need anybody's help in filling this
 10 document out?
 11 A. No.
 12 Q. Where did you get the GPA that you put in
 13 the top line?
 14 A. I asked -- I asked my college -- but the
 15 thing is that after school, I used to take classes
 16 where I could learn more about colleges and
 17 applications.
 18 That was just because I was interested in
 19 it, not because they will recommend that to you, the
 20 college counselor.
 21 Q. You confused me on that one. Where did you
 22 get the number that you put in the GPA line?
 23 A. I had one class after school where we could
 24 meet with the college counselor; so if you sign in,
 25 and then you have to be there for an extra hour.

1 So by the time you were officially out of
2 your classes, it was around 4:30. So therefore this
3 is the way I learned about it, because she used to
4 tell us like, okay, write down your grades from your
5 ninth grade until the eleventh grade, because it was
6 in the eleventh grade or twelfth grade that I took
7 the class, and from there I got an estimate of the
8 GPA.

9 Q. Okay. So -- how often did you attend this
10 after-school college counseling class?

11 A. Once a week.

12 Q. Once a week every week for your whole
13 eleventh grade year?

14 A. No. It was just once a week for two
15 months.

16 Q. During your eleventh grade year?

17 A. Yes.

18 Q. And who was the teacher in that class?

19 A. Ms. Walling.

20 Q. The college counselor?

21 A. Yes.

22 Q. Did every student at Jefferson, if they
23 wanted to, have the opportunity to attend that class?

24 A. I think you have to be a junior or a
25 senior.

1 the class, if you can remember it? Was it like a
2 college workshop class? How did you learn about this
3 class?

4 A. I think it was called something like
5 personal development.

6 Q. And how did you learn about this personal
7 development class being offered by Ms. Walling?

8 A. First of all, because I was interested in a
9 college -- it's a community college, and it was a
10 class available by them, and that's why I took it.

11 Q. How did you learn about the class? How did
12 you learn that it was available to juniors and
13 seniors?

14 A. A paper posted close to the office.

15 Q. In the main building?

16 A. Yes.

17 Q. You are referring to the counselor's
18 office?

19 A. During that time that I was trying to take
20 the class.

21 Q. I am just referring to where you saw the
22 paper posted. Was it outside the main building, the
23 college counselor's class?

24 A. Outside?

25 Q. Yes.

1 Q. But it was open to every junior or senior;
2 correct?

3 A. Yes.

4 Q. How many students attended the class? What
5 was it called, by the way? Do you remember? I don't
6 see it on your cumulative record in Exhibit Two. Do
7 you see it anywhere on there? Can you look at
8 Exhibit Two, which has your cumulative record there.
9 I am going to ask your lawyer to staple those
10 together if she could help us out? .

11 MS. LHAMON: You want this one stapled,
12 too?

13 MR. ROZWOOD: That would be great. Thank
14 you.

15 THE WITNESS: These are just the basic
16 classes that we used to take.

17 BY MR. ROZWOOD:

18 Q. So it's not on there; right?

19 A. No.

20 Q. And it's not on Exhibit One or
21 Exhibit Three, either?

22 A. No.

23 Q. Okay. I just wanted to make sure that that
24 was true.

25 I want to ask you: What was the name of

1 A. Outside.

2 Q. By the college counselor's office?

3 A. By the college counselor's office, yes.

4 Q. Okay. Thanks.

5 Was this personal development class helpful
6 to you in your -- was it helpful to you?

7 A. Not at all.

8 Q. Not at all?

9 A. No.

10 Q. Did you build a senior portfolio?

11 A. Yes.

12 Q. What does your senior portfolio contain?

13 A. Just basic information about me, like
14 describing myself in a letter and a recommendation
15 letter, and that's it.

16 Q. And this brag sheet?

17 A. No. The brag sheet, you didn't have to
18 include it. You just had to include the
19 recommendation letter.

20 Q. In order to get the letter of
21 recommendation, your teacher asked you to fill out
22 the brag sheet; correct?

23 A. Yes.

24 Q. Okay. When you calculated your GPA and
25 they asked you to list out your grades so that you

1 could do that mathematical calculation, did you have
 2 your cumulative record or did you remember your
 3 grades on your own?
 4 A. She passed out a small record.
 5 Q. She gave you your record?
 6 A. Just from like ninth grade to eleventh
 7 grade. So it's not like a real good estimate,
 8 especially because on my second semester of my senior
 9 year, three teachers were absent and they didn't
 10 present a letter grade for us. And therefore I was
 11 confused by the end, like by graduation.
 12 And I am still confused. I don't know
 13 which exactly is my GPA, because in one record she
 14 showed that it was [REDACTED] and then this record, [REDACTED]
 15 And then I am now extremely confused.
 16 And now that I have graduated, I tried to
 17 contact her, and it's absolutely difficult because
 18 she is done with me; I am done with high school, and
 19 therefore she needs to help the other students that
 20 are in school.
 21 Q. Did you end up applying to college?
 22 A. Yes.
 23 Q. Where did you apply?
 24 A. I don't really apply to big universities,
 25 but just to small community college.

1 Q. Did you apply to just one community
 2 college?
 3 A. Yes.
 4 Q. And which community college was that?
 5 A. I don't feel like saying that information.
 6 Q. Are you going to college now?
 7 A. Yes.
 8 Q. Is that the college that you applied to?
 9 A. Yes.
 10 Q. What college do you attend now?
 11 A. It's just a community college.
 12 Q. You have to answer. You have to tell us.
 13 It's not privileged.
 14 A. Exactly which community college?
 15 Q. Yes. It's not privileged information, and
 16 it's part of your record.
 17 A. [REDACTED]
 18 Q. And are you in a particular major at [REDACTED]
 19 A. Undeclared.
 20 Q. Did you just start?
 21 A. Yes.
 22 Q. Who -- did you have any letters of
 23 recommendation that you submitted in support of your
 24 application to [REDACTED]
 25 A. Any letters of recommendation that I

1 submitted to that college? No. To go to a community
 2 college is such a big deal with SAT scores and AP.
 3 You usually have to be 18.
 4 Q. So you filled out the application on your
 5 own?
 6 A. Yes.
 7 Q. Did you need any assistance from anyone?
 8 A. Not really.
 9 Q. What do you mean, not really? Did you or
 10 did you not?
 11 A. I just filled out the application on my
 12 own.
 13 Q. And you didn't need any help from anybody?
 14 You did it on your own?
 15 A. Yes. It was just basic information that
 16 they asked.
 17 Q. Can you tell us why you decided to apply
 18 only to one community college?
 19 A. Financial assistance.
 20 Q. Is that the reason you didn't apply to any
 21 major universities, as well?
 22 A. Yes.
 23 Q. How long have you been taking classes --
 24 when did you start taking classes at [REDACTED]
 25 A. September 4.

1 Q. And what classes are you taking?
 2 A. Child development, personal development,
 3 math and step aerobics.
 4 Q. What math are you taking?
 5 A. 115. That's algebra.
 6 Q. Did you have to take a math test like a
 7 placement test?
 8 A. Yes.
 9 Q. To decide which math you were going to take
 10 at [REDACTED]
 11 A. Yes.
 12 Q. And the math that you were placed in was
 13 algebra one?
 14 A. Yes.
 15 Q. Is that a class that you took in high
 16 school?
 17 A. Yes.
 18 Q. I apologize. I just haven't had a chance
 19 to look through your transcript yet.
 20 And over the first couple of weeks, how is
 21 it going in your algebra class?
 22 A. It's very good. Because whenever I need
 23 any help, I just go to tutoring.
 24 Q. Is tutoring available at [REDACTED]
 25 A. Yes.

1 Q. Does it feel like you learned this subject
2 before or is it all new? Can you tell us how that
3 experience is for you?

4 A. I have learned it before, and I believe by
5 that time -- algebra started in the tenth grade, and
6 by that time I didn't learn the subject so well
7 because we didn't have like textbooks available most
8 of the times. And now it's actually better because
9 you purchase your book. Whenever you have questions,
10 you refer to the examples; and if you still don't
11 understand you have the teacher and the tutor to ask.

12 Q. Thank you for answering that question. I
13 didn't mean to press you, but it's my job.

14 Before you came to your deposition today,
15 what did you do to prepare for your deposition, if
16 anything?

17 A. Tried to sleep.

18 Q. Good. Rest is important.

19 Did you review any documents in preparation
20 for your deposition?

21 A. Just this.

22 Q. Just the three you have got before you,
23 Exhibits One, Two and Three?

24 A. Yeah. This in my hands, and Catherine told
25 me --

1 Q. Is there anything that you needed to add
2 to that to make it more complete and accurate?
3 Anything else that you said at the press conference
4 that you haven't already testified to here today?

5 A. Just what happened in the press conference.

6 Q. Well, other than what you have testified,
7 is there anything else that you want to add about
8 what happened at the press conference?

9 A. No.

10 Q. Okay. Other than your statements at the
11 press conference and Exhibits One, Two and Three, did
12 you review any other documents to prepare for this
13 deposition today?

14 A. No.

15 Q. Okay. Did you review the declaration that
16 you signed in this lawsuit to prepare for your
17 deposition today?

18 A. What declaration?

19 Q. I guess that's no. If you didn't remember
20 it, you probably didn't review it.

21 MS. LHAMON: In my office I showed her some
22 documents that I asked her, but she may not remember
23 it by name, but it's your deposition.

24 BY MR. ROZWOOD:

25 Q. If you remember any other documents that

1 MS. LHAMON: Remember not to talk about
2 what I told you, but you can say that you looked at
3 the documents, and I appreciate that.

4 THE WITNESS: Okay.

5 BY MR. ROZWOOD:

6 Q. Other than Exhibits One, Two and Three, did
7 you review any other documents in preparation for
8 your deposition today?

9 A. Just the statement from the press
10 conference, and that's it.

11 Q. The statements from the press conference?

12 A. My statement, what I said.

13 Q. Do you have a document that reflects the
14 statements that you made at the press conference?

15 A. Not with me.

16 Q. Did you review one in connection with your
17 deposition?

18 A. Because throughout the mail we received
19 that information.

20 Q. From whom?

21 A. From the ACLU. And that was one of the
22 contact letters, so that's why.

23 Q. And we covered what you said at the press
24 conference earlier at the deposition?

25 A. Yes.

1 you reviewed to prepare for your deposition today,
2 will you let us know?

3 A. Yes.

4 Q. I may put a document in front of you, and
5 you may say, "I reviewed this, too." Will you just
6 let me know?

7 A. Yes.

8 Q. Thank you. I apologize. We need an
9 audible response for the court reporter.

10 Other than the documents in Exhibits One,
11 Two and Three, do you have in your possession or at
12 your house any other documents that refer, relate or
13 pertain to this lawsuit?

14 A. No.

15 Q. Any other documents in your possession that
16 relate to the allegations that you have made about
17 the conditions at Jefferson High School?

18 A. No.

19 Q. Other than correspondence between you and
20 your attorney, do you have any correspondence or
21 letters or E-mails or other writings between you and
22 any person relating to the conditions at Jefferson?

23 A. No.

24 MR. ROZWOOD: Okay. I apologize. I have
25 to take a short break, and we'll go off the record.

1 (Discussion had off the record.)
 2 MR. ROZWOOD: You want to break now?
 3 THE WITNESS: Yes.
 4 MR. ROZWOOD: And we'll come back at
 5 1:00 p.m.
 6 MS. LHAMON: Sure.
 7 (Lunch recess had from 11:50 a.m. to 1:07 p.m.)
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1 LOS ANGELES, CALIFORNIA; FRIDAY, SEPTEMBER 28, 2001
 2 1:07 P.M.
 3
 4 MR. ROZWOOD: Okay. Let's go back on the
 5 record.
 6 EXAMINATION (CONTINUED)
 7
 8 BY MR. ROZWOOD:
 9 Q. We are back on the record. You understand
 10 that the oath that you gave at the start of today's
 11 deposition still applies to your deposition?
 12 A. Yes.
 13 MR. ROZWOOD: This is a document I am going
 14 to ask the reporter to mark as Exhibit Four.
 15 (Deposition Exhibit No. 4 was marked for
 16 identification and is attached hereto.)
 17 BY MR. ROZWOOD:
 18 Q. And I will ask you if you have seen it.
 19 Do you have a copy of Exhibit Four before
 20 you?
 21 A. Yes.
 22 Q. Have you seen this document before?
 23 A. Yes, I have.
 24 Q. When was the first time that you saw it?
 25 A. I don't remember, but I have based on the

1 mail that I received, and basically names listed here
 2 are names of the plaintiffs.
 3 Q. Okay. Can you turn to page 13, where it
 4 says "Description of Documents, Request Number One."
 5 Do you see that?
 6 A. Yes.
 7 Q. You see where it says "Any and all
 8 documents which refer, pertain or relate to the
 9 education of any and all plaintiffs in any and all
 10 California public schools"? You see that?
 11 A. Yes.
 12 Q. Did you do anything other than search your
 13 personal residence for documents that would fit that
 14 description?
 15 A. What do you mean?
 16 Q. Did you contact the school for any
 17 documents that would fit that description?
 18 A. I didn't contact the school.
 19 Q. Did you contact anyone else to see if you
 20 could obtain documents that were responsive to that
 21 description?
 22 A. No.
 23 Q. Do you see where it continues on and asks
 24 for documents such as permissive pupil records,
 25 progress reports, parental authorizations or

1 prohibitions, all standardized tests and test
 2 results, absent slips and verifications? I am just
 3 reading a few examples of the types of documents that
 4 we requested that you bring today.
 5 Do you see that list that continues onto
 6 page 14?
 7 A. Yes.
 8 Q. Did you contact anyone at Jefferson High
 9 School to see if you could obtain documents that fit
 10 the description set forth on pages 13 and 14 under
 11 request number one?
 12 A. No.
 13 Q. Did you know that there was a document
 14 request made together with this deposition notice?
 15 MS. LHAMON: Objection; asked and answered.
 16 She already testified that she's seen the document.
 17 BY MR. ROZWOOD:
 18 Q. Do you understand this document is a
 19 document request together with a deposition notice?
 20 A. I don't understand that much.
 21 Q. Well, did you know when we noticed your
 22 deposition we were asking you to bring documents,
 23 too?
 24 A. Yes.
 25 Q. Did you understand that you were supposed

1 to obtain all documents under your control such as
2 documents on your personal records that are
3 maintained by the school?

4 A. Yes.

5 Q. You did? You understood that?

6 MS. LHAMON: Objection; calls for a legal
7 conclusion.

8 BY MR. ROZWOOD:

9 Q. Did you understand that you had to get the
10 documents from your school that are responsive to
11 this description in the deposition notice?

12 MS. LHAMON: Objection. I think that
13 mischaracterizes her duties. She has seen a document
14 request from the defendants. She's already testified
15 to that. The document request does not state
16 anywhere in it that she needs to go to the school.

17 BY MR. ROZWOOD:

18 Q. Can you turn to page 11 where it begins
19 "Definitions and Instructions."

20 When you first received this document, did
21 you read these Definitions and Instructions?

22 A. I was -- I haven't had the time actually to
23 pay careful attention to this document.

24 Q. Looking at this document -- have you ever
25 read these definitions and instructions at all?

1 otherwise to inspect, use, examine or copy such
2 document on any terms.

3 And it seems to me that those documents in
4 the school's possession are within her custody under
5 that definition, and there has been no objection
6 served on this attachment A, the Definitions and
7 Instructions, so we are entitled to those documents
8 to the same extent that they received them for other
9 plaintiffs.

10 Now if you are going to take responsibility
11 and say you will produce it, we will skip the whole
12 thing.

13 MS. LHAMON: You are wasting her time, and
14 this is an argument that we ought to have when you
15 are not wasting her time.

16 MR. ROZWOOD: I asked you if you are doing
17 it.

18 MS. LHAMON: You didn't ask me.

19 MR. ROZWOOD: I am entitled to ask the
20 deponent if she did that.

21 MS. LHAMON: And I am objecting on the
22 waste of time.

23 MR. ROZWOOD: Fine. You made an objection.

24 Q. Did you understand that you had an
25 obligation to contact the school?

1 A. No.

2 Q. Okay. Looking at paragraph two, numbered
3 paragraph two, you see where it says, "Each request
4 contained in section two hereof extends to any
5 documents in the possession, custody or control of
6 the deponent?" Do you see that?

7 A. Yes.

8 Q. Do you understand that you are the deponent
9 in this deposition?

10 A. Yes, but I don't understand what the
11 sentence is actually saying.

12 MS. LHAMON: I am going to object to this
13 line of questioning as a waste of her time. She is
14 not a lawyer.

15 MR. ROZWOOD: I am not doing it --

16 MS. LHAMON: She's got a lawyer
17 representing her in these proceedings. It's standard
18 practice for lawyers to interpret the deposition
19 request.

20 MR. ROZWOOD: I am asking what her
21 understanding is, because you have stated on the
22 record that it doesn't call for her to contact the
23 school, but it says in paragraph 2(b) that a document
24 is deemed to be in the possession, custody or control
25 if the deponent has a right by contract, statute or

1 A. To tell you the truth, I didn't contact the
2 school, and I don't know exactly what you are talking
3 about right now.

4 Q. That's okay. I just wanted to know if you
5 made any effort to obtain documents related to this
6 lawsuit from your -- from Jefferson High School.

7 MS. LHAMON: Asked and answered.

8 BY MR. ROZWOOD:

9 Q. You can answer it.

10 A. No.

11 MR. ROZWOOD: Okay. I'd like to mark the
12 next document as Exhibit Five.

13 (Deposition Exhibit No. 5 was marked for
14 identification and is attached hereto.)

15 BY MR. ROZWOOD:

16 Q. This document, Exhibit Five, appears to be
17 a report summarizing the number of students enrolled
18 at Jefferson High School at the fall of various
19 school years from 1995 to 1999.

20 Do you have a copy of Exhibit Five before
21 you?

22 A. Yes.

23 Q. Does this refresh your recollection at all
24 as to how many students attend Jefferson Senior High
25 School?

1 A. So you are trying to say that this
2 information is accurate?
3 Q. I am asking if to the best of your
4 knowledge if it's accurate for the years that you
5 attended?
6 A. Just an estimate question?
7 Q. Right. Do you have any reason to think
8 that it is inaccurate? And if you don't know, that's
9 okay?
10 A. I don't know. To tell you the truth, I
11 don't pay that much attention to admissions and all
12 that stuff.
13 Q. Do you see how the document in Exhibit Five
14 breaks down the different races of the student
15 population, Asian, Filipino, Pacific Islander, Black,
16 Hispanic, et cetera? Do you see that?
17 A. Yes.
18 Q. It appears to be approximately 91 to
19 90 percent more or less between Hispanic and
20 African-American non-Hispanic; is that correct? Is
21 that what your document shows?
22 A. Yes.
23 Q. Is that an accurate breakdown of the racial
24 composition of the student population at Jefferson
25 High School?

1 A. So you are looking more specifically on the
2 percent.
3 Q. Yes. Not numbers, but just the
4 percentages.
5 For example, take 1999 at the bottom chart.
6 It shows that approximately 92.5 percent of the
7 student population was Hispanic, and approximately
8 seven percent was Black.
9 A. It seems accurate.
10 Q. Is that accurate to your knowledge based on
11 your experience there?
12 A. Yes.
13 Q. Okay. And you have no reason to think that
14 these are inaccurate data; correct?
15 A. Correct.
16 MR. ROZWOOD: What I'd like to do is mark
17 the next document as Exhibit Six.
18 (Deposition Exhibit No. 6 was marked for
19 identification and is attached hereto.)
20 MR. ROZWOOD: It's an excerpt of the First
21 Amended Complaint.
22 Q. What I want to do is ask you questions
23 about if you can determine what facts you have
24 knowledge of that support or relate to the
25 allegations made in the First Amended Complaint about

1 Thomas Jefferson Senior High School.
2 So turning to the first -- to the second
3 page of Exhibit Six. Do you see paragraph 227, the
4 numbered paragraph 227 on page 49 of that document?
5 A. Yes.
6 Q. There are a list of students or there are a
7 list of people in paragraph 227. I want to ask you
8 if you know these people: Sonia Felix?
9 A. No.
10 Q. Do you know -- you already discussed
11 Abraham Osuna.
12 Do you know Lisa Lopez?
13 A. Yes.
14 Q. And Lluliana Alonzo?
15 A. Yes.
16 Q. Is that the Lluliana that we discussed
17 earlier?
18 A. Yes.
19 Q. Maria Perez?
20 A. No.
21 Q. And Fabiola Tostado?
22 A. No.
23 Q. Is that the Fabiola that you were referring
24 to earlier?
25 A. Yeah, but usually I just met them that

1 time. You know how we are in different tracks. All
2 I know is that they are on A track, and I am not sure
3 what you are trying to say, if I met them or what
4 kind of context that I had with them.
5 Q. I just want to know if you ever met them
6 before.
7 So you have met Fabiola Tostado?
8 A. I am not so sure about their names, but if
9 I just see them personally, I will know them. But I
10 will not know their names because I get confused with
11 them.
12 Q. To your knowledge, are all of these
13 individual students that attended at one time or
14 still attend Jefferson High School? Are they all
15 students, to your knowledge?
16 A. Yes, they are all students.
17 Q. Do you see where it says "students do not
18 have desks at which to sit in some classes" on the
19 last line of the page on page 49 of the Complaint?
20 A. Yes.
21 Q. What classes to your knowledge is that a
22 true statement about?
23 A. My chemistry class in my eleventh grade
24 year and in my Spanish class.
25 Q. Okay. Your chemistry class. Your honors

1 chemistry and A and B?
 2 A. Yes.
 3 Q. Both semesters?
 4 A. Yes, both semesters there was not enough
 5 desks for students to sit.
 6 Q. And what teacher was that?
 7 A. Mr. Contreras.
 8 Q. Can you spell that for me.
 9 A. C-O-N-T-R-E-R-A-S.
 10 Q. Okay. Thank you.
 11 And the other one was your Spanish class in
 12 which year?
 13 A. Tenth grade.
 14 Q. I must be missing something. I see it on
 15 your eleventh grade year.
 16 A. Yes.
 17 Q. For both semesters, Spanish 1-A and Spanish
 18 1-B?
 19 A. Yes. We actually held -- yes.
 20 Q. Students did not have enough desks at which
 21 to sit in Spanish 1-A; correct?
 22 A. Uh-huh. Yes.
 23 Q. And the same is true for your Spanish 1-B
 24 class; correct?
 25 A. Yes.

1 Q. And what was the teacher's name?
 2 A. Mr. Avea.
 3 Q. Can you spell that for us.
 4 A. A-V-E-A.
 5 Q. Okay. Now was this problem with an
 6 insufficient number of desks, did that problem last
 7 the entire semester in these classes?
 8 A. Yes. Especially for Spanish class.
 9 Q. Okay. Are there any other classes besides
 10 your honors chemistry class and your Spanish class in
 11 the eleventh grade where there weren't enough desks
 12 for the students to sit on?
 13 MS. LHAMON: Objection; calls for
 14 speculation.
 15 You are just asking for the classes that
 16 she was in?
 17 MR. ROZWOOD: Yes.
 18 Q. Just from your knowledge.
 19 A. Perhaps. But I can't recall it now.
 20 Q. The only ones that you can recall at this
 21 time are these two?
 22 A. Yes.
 23 Q. Will you tell us if you remember any
 24 others?
 25 A. Yes.

1 Q. Can you tell me how many students were in
 2 your honors chemistry class?
 3 A. Forty students.
 4 Q. Forty?
 5 A. Uh-huh.
 6 Q. And how many desks were there?
 7 A. Thirty.
 8 Q. And that was true for the entire semester?
 9 A. Yes. Most likely, yes.
 10 MS. LHAMON: Altagracia, are those exact
 11 numbers or approximate numbers, the 40 and the 30?
 12 THE WITNESS: I think it was approximate.
 13 I never tried to count the students, but to my
 14 knowledge, when I see that the class was completely
 15 full and a couple of students had to sit on the
 16 counters; so just by looking around I do recall that
 17 it seems to be 40 students in one classroom.
 18 BY MR. ROZWOOD:
 19 Q. Was this chemistry class held in a lab or a
 20 regular classroom?
 21 A. A regular classroom.
 22 Q. And there were regular desks like any other
 23 classroom?
 24 A. Yes.
 25 Q. But there were only 30 for the 40 students,

1 approximately?
 2 A. Yes.
 3 Q. So there were approximately 10 students
 4 that had to sit -- where did you say they had to sit?
 5 A. Some of them had to stand close to the
 6 counter lap and others had to sit -- whenever they
 7 got tired, they just sit on top of the counter.
 8 Q. So approximately 10 students throughout the
 9 entire year had to either stand or sit on the lab
 10 counters or the floor; correct?
 11 A. Yes.
 12 Q. To your knowledge, did Mr. Contreras
 13 attempt to do anything to resolve the problem of the
 14 insufficient number of desks?
 15 A. No. He was just there to teach. That's
 16 his job.
 17 Q. To your knowledge, did anyone at Jefferson
 18 High School do anything to try to resolve the
 19 insufficient number of desks in the chemistry class
 20 with Mr. Contreras?
 21 A. Did anyone? Anyone in school? Not just
 22 him?
 23 Q. Yes. To your knowledge, did anyone do
 24 anything about that problem?
 25 A. No.

1 Q. How did it work? The first 30 people that
 2 arrived in the class got to sit down?
 3 A. Yes.
 4 Q. And the next 10 had to stand up?
 5 A. No.
 6 Q. And did you have to stand up?
 7 A. No, because I ran from one class to the
 8 other one to get a seat. Usually tried to sit in the
 9 front to see the board, and if you sat on the side
 10 it's hard for you to get the board and the examples,
 11 and that way you wouldn't get a perfect education at
 12 all.
 13 Q. So what to your knowledge did the 10
 14 students do, if anything, to complain about the
 15 situation?
 16 A. For them, since it has been four years --
 17 by that time, since my eleventh year, three years for
 18 them going on with the same situation, they adjusted
 19 to it and they take it as something normal.
 20 But if we were to visit some other high
 21 school that was perfectly well-shaped, of course, we
 22 will see and start making more replies that
 23 everything will get fixed, especially starting with
 24 students. The class does not have to have 40
 25 students; probably 25 or up to 30, and that's it.

1 So by that reason I don't think the
 2 students see that because they got adjusted to it,
 3 and there was no problem. But when we actually do
 4 get to look at this, there is actually problems. So
 5 they didn't have any complaints therefore by that
 6 time.
 7 Q. Okay. So to your knowledge, none of the
 8 students complained; correct?
 9 A. Correct.
 10 Q. Okay. How about in your Spanish class with
 11 Mr. Avea?
 12 A. The students didn't complain to any like
 13 the principal or anyone else or to the teacher, but
 14 we complained against each other; like each student
 15 will say like move over to that place or get out of
 16 my way, because it was actually extremely crowded.
 17 That classroom was not intentioned for a
 18 regular classroom. It was like a shop where you have
 19 like just a couple of students working at certain --
 20 because we take our class on the second floor, and on
 21 the first floor was shops where the students actually
 22 do their work, and those classes were meant only for
 23 15 students. And therefore, there were like not
 24 enough desks.
 25 And if there were desks, we have to sit and

1 be all crunched up. And when we finished our work
 2 and have to turn it in to the teacher, we have to
 3 stand up and like suck in your air and try to be like
 4 very thin, try to make yourself like a skinny person
 5 and tiptoe and move side to side in order to get up
 6 to the teacher's desk.
 7 And that used to be almost every day.
 8 Actually, every day we have to go through that same
 9 situation.
 10 Q. Is that because there were too many desks
 11 in the room?
 12 A. Yes. And by the time the students get
 13 there, the class gets filled up. And when you put
 14 your backpack on the side, you have to be careful how
 15 you walk because you might trip and fall and get into
 16 an accident, because there is not enough space.
 17 And that's like a fire -- in order -- like
 18 if there would be a fire emergency, we would not be
 19 able to save our lives.
 20 There will not be a high chance or high
 21 chance for us to save our lives because it's a big
 22 hazard. We won't be able to move very quickly to
 23 evacuate the building.
 24 Q. I want to move quickly through the
 25 deposition, because I don't want to take too much of

1 your time. But every time you answer before the
 2 question is asked -- I mean, it's good information
 3 and we need it, but it prolongs the deposition. And
 4 so I would move to strike everything after "yes" as
 5 nonresponsive.
 6 How many students were in your class with
 7 Mr. Avea?
 8 A. I don't remember too well.
 9 Q. Approximately how many were there to the
 10 best of your recollection?
 11 A. Thirty.
 12 Q. And approximately how many desks were there
 13 in Mr. Avea's class?
 14 A. Twenty-five.
 15 Q. So it's your testimony that every day
 16 throughout the entire year approximately five
 17 students in Mr. Avea's class had to stand or sit on
 18 the floor?
 19 A. Because five students were in service class
 20 during that time, and they just stayed behind his
 21 desk, behind the teacher's desk.
 22 Q. Did they sit on the floor?
 23 A. They were just small chairs for them to sit
 24 on, and that's it.
 25 Q. So there were only 25 students in the

- 1 Spanish class and five for service class students; is
2 that correct?
3 A. Yes.
4 Q. So for every student that was actually
5 taking the course for credit, the Spanish course for
6 credit, each one of those students had a desk;
7 correct?
8 A. Yes. But usually the only students who
9 didn't have a desk was because they were in service
10 class.
11 Q. Okay.
12 A. But still, it was not with enough space for
13 us to allow us to --
14 Q. It was crowded?
15 A. It was very crowded.
16 Q. But there wasn't a problem with the
17 shortage of desks in that class?
18 A. Not in that class.
19 Q. It was just crowded?
20 A. Yes.
21 Q. Let's talk about the crowded.
22 You said that it was in the second floor
23 room in the main building?
24 A. No. It's close to the bungalows.
25 Q. Which building?

- 1 A. I actually don't remember that building
2 having a name on it.
3 Q. It's the building that was near the
4 bungalows?
5 A. Yes.
6 Q. And it was on the second floor?
7 A. Yes.
8 Q. Let's see if this says anything in here on
9 the record about that. No, doesn't look like it.
10 And you said the classroom or the place
11 where the class took place was not supposed to be a
12 classroom?
13 A. Yes.
14 Q. And on what do you base that statement?
15 A. Because right to the side, you could just
16 look -- there was actually just a small fence, and to
17 the side you will see an old car. And like as I told
18 you before, it's just like a mechanic shop where a
19 couple of students had to work there. And that's
20 why.
21 Q. Was the student -- sorry. Was the Spanish
22 class held in a mechanic shop?
23 A. Yes.
24 Q. Yes?
25 A. Yes.

- 1 Q. Okay. That's what I was trying to figure
2 out.
3 You mentioned also that it was so crowded
4 in your Spanish class that it created a fire hazard;
5 is that correct?
6 A. Yes.
7 Q. Because you might trip and fall or you had
8 to suck in your air and become like a skinny person
9 to get through the desks; is that all true?
10 A. Yes.
11 Q. Was that true every day in that Spanish
12 class?
13 A. Yes.
14 Q. And did you ever see anyone trip or fall in
15 that class?
16 A. They just trip and not close to falling,
17 because they could actually held themselves with the
18 desks.
19 Q. Did you ever see anyone get hurt as a
20 result of the overcrowding in that class?
21 A. Through all my classes, no.
22 Q. Yeah. In any class did you ever see anyone
23 get hurt as a result of overcrowding?
24 A. Yes.
25 Q. Which class was that?

- 1 A. Chemistry class.
2 Q. This is Mr. Contreras's class?
3 A. Yes.
4 Q. What happened there?
5 A. A girl was walking, and all of a sudden she
6 just slipped and fell on her buttocks.
7 Q. And did you -- do you know what she tripped
8 on or why she fell?
9 A. No. I was just paying attention to my
10 classwork. I was just writing, and all of a sudden I
11 just heard a big boom and then I turned around, and
12 the students started laughing at her, and that's it.
13 Q. Do you know that she fell because it was
14 too crowded in there or do you know?
15 A. I think it was because, you know how you
16 have your backpacks and there is a garment, like it's
17 like -- actually, the straps from the backpack was
18 over out to the side where she was walking, and she
19 got sort of tangled and that's why she tripped.
20 Q. And do you know the name of the student
21 that fell?
22 A. Lisa.
23 Q. What is her last name?
24 A. Lopez.
25 Q. Okay. And you know this because she told

1 you?
 2 A. I was there. I was present during that
 3 time. But I was focusing on my work, and all of a
 4 sudden I heard that noise.
 5 Q. You testified that you turned around after
 6 it happened?
 7 A. Yes.
 8 Q. You didn't see what happened?
 9 A. No.
 10 Q. So what you are testifying to here is based
 11 on what someone told you?
 12 A. It's not what someone told me, but -- I was
 13 present and I just heard it.
 14 Q. How do you know she tripped on a backpack
 15 strap?
 16 A. Because she kicked it.
 17 Q. When you turned around you saw her kick it?
 18 A. Yes.
 19 Q. Okay. I see.
 20 To your knowledge, are there any other
 21 classes at Fremont where there weren't enough desks
 22 for students to sit in other than the ones that you
 23 testified to?
 24 A. In Jefferson High, like I told you before,
 25 I don't remember.

1 Q. Okay. If you remember any other classes,
 2 will you let us know?
 3 A. Yes.
 4 Q. Okay. Thank you. Okay.
 5 You see paragraph 228 on the next page of
 6 Exhibit Six?
 7 A. Yes.
 8 Q. It says "Some classes at the school have no
 9 teacher at all"?
 10 A. Yes.
 11 Q. Do you have any knowledge of any classes
 12 where there was no teacher at all?
 13 A. During my eleventh grade first semester, my
 14 English teacher.
 15 Q. What happened to your English teacher?
 16 A. We were not told. She was just absent all
 17 of a sudden.
 18 Q. Do you know now what happened to your
 19 English teacher?
 20 A. I think she was sick. Probably sick of
 21 being there at that school. Because I heard
 22 something like she was tired of working with the
 23 students.
 24 Q. Any other classes that didn't have any
 25 teacher at all to your knowledge at Jefferson?

1 A. From some friends, but I don't remember
 2 very well.
 3 Q. What do you remember?
 4 A. The thing is that I remember that, well,
 5 they were happy because they didn't have much work to
 6 do during that class. They had free time because the
 7 teacher wasn't there, and there wasn't no actual
 8 lecture.
 9 Q. But that wasn't a case where you had no
 10 teacher at all; that's a case where you had a
 11 substitute or something. I am just looking for
 12 situations where there is no teacher at all. And I
 13 am just wondering if you have any knowledge about any
 14 other classes at Jefferson that fit that description.
 15 A. No.
 16 Q. So to your knowledge, when it refers to
 17 some classes at school with no teacher at all, to
 18 your knowledge it refers only to your English class;
 19 correct?
 20 A. Yes.
 21 Q. What year was that English class? What
 22 grade were you in?
 23 A. Eleventh grade, first semester.
 24 Q. That's your AP English language A?
 25 A. Yes.

1 Q. Not your honors English 10-A class?
 2 A. No.
 3 Q. Okay. And what happened when you first
 4 arrived in your first day of class in your AP English
 5 language class?
 6 A. She was there for one week, and then all of
 7 a sudden she just disappeared.
 8 Q. Do you remember her name?
 9 A. [REDACTED]
 10 Q. Is that [REDACTED]
 11 A. Yes.
 12 Q. And so you had a teacher for the first
 13 week?
 14 A. (No audible response.)
 15 Q. And then what happened?
 16 A. As I told you before, she just completely
 17 didn't show up for class at all.
 18 Q. And who came in her place, if anybody?
 19 A. We basically just stood there waiting for
 20 like half an hour when they realized that the teacher
 21 wasn't there, and then sent us up to two.
 22 Q. Okay.
 23 A. After half an hour of wasting our time,
 24 they were waiting for a substitute.
 25 Q. And did you get a substitute that day?

1 A. Yes.

2 Q. And did you have a substitute on -- well,
3 then what happened the next day?

4 A. Well, we just get different substitute
5 after substitute, and we never had any real lesson
6 plan.

7 Q. Okay. But you had a substitute teacher
8 every day of class; correct?

9 A. Yes. Usually they will arrive late.

10 Q. Okay. Well, to your knowledge, in
11 paragraph 228 where it says "Some classes at school
12 have no teacher at all," does that mean that there
13 was no teacher at all or that there was a substitute
14 teacher and not a permanent teacher, to your
15 knowledge?

16 A. As I told you, like some of the students
17 will get tired of waiting for the substitute, and
18 then all of a sudden they forget about it and start
19 walking around campus.

20 Q. Are they allowed to do that?

21 A. Of course they are not allowed to, but, you
22 know, they get so like -- they just get so
23 uncomfortable and they just have those feelings like
24 they don't care, so why bother being there.

25 Q. Okay. You had a teacher in your English

1 then -- we are not actually looking at the teacher
2 that was supposed to be there specifically for that
3 class. That teacher left. What I am asking is that
4 or what I am saying is that we didn't have a teacher
5 exactly for that class because it was not being
6 replaced to cover the whole semester. We just had
7 substitute after substitute.

8 Q. And I am trying to understand what the
9 problem was in your English class. If you read that,
10 if you don't know what happened it seems like there
11 was no teacher at all, because that's what it says,
12 and so I want to explain what happened. Let's.

13 See if I got this right. There was a
14 teacher, a permanent assigned teacher or the
15 substitute teacher in the class every single day;
16 correct?

17 A. Excuse me?

18 Q. There was a teacher in the class every
19 single day, whether it was a permanent teacher or a
20 substitute teacher?

21 A. Yes.

22 Q. And what is your complaint about the
23 substitute teachers? Go ahead and tell us in your
24 own words.

25 A. My complaint is that especially for this AP

1 class every day; correct? Your eleventh grade AP
2 English literature class?

3 A. I didn't have a teacher every day. Just
4 the first week.

5 Q. You don't count substitute teachers as
6 teachers?

7 A. Not really, because they are not doing much
8 of a job.

9 Q. But you did have a teacher or a substitute
10 teacher every single day -- let me finish the
11 question.

12 You did have a teacher or a substitute
13 teacher every single day of your eleventh grade AP
14 English literature class; correct?

15 A. Yes. But usually they would just take the
16 job of supervising the students, and that's it.

17 Q. So the complaint is that you had bad
18 teachers, not that you didn't have any teachers at
19 all; correct?

20 MS. LHAMON: Objection; mischaracterizes
21 the testimony.

22 THE WITNESS: No.

23 BY MR. ROZWOOD:

24 Q. What's incorrect about that?

25 A. That means that I didn't have a teacher and

1 class, we have to be prepared to take that test;
2 right?

3 Q. Right.

4 A. But how come they didn't replace that
5 teacher who took the job of the other teacher who did
6 not finish that course with us. Instead we had
7 substitute after substitute, and we didn't get any
8 knowledge or practice in writing tests, and therefore
9 making it much more difficult for us to pass that
10 test.

11 And actually, when I saw that test I was
12 just completely lost, and all of a sudden I just
13 wrote a couple of sentence and gave up on it. Why?
14 Because we were not prepared. Instead of replacing
15 it with a substitute teacher that would take care of
16 all the semester, they would put a substitute after
17 substitute for days or some days.

18 Q. How many substitute teachers did you have
19 in your AP English class?

20 A. There were so many I can't remember.

21 Q. More than 10?

22 A. I can't remember.

23 Q. More than 20?

24 A. I don't remember. I just really didn't pay
25 that much attention to substitutes.

1 Q. Do you remember the names of any of your
2 teachers other than [REDACTED]
3 A. Well, I remember her because she left for
4 an extremely long time, but I don't remember them.
5 Q. Did you ever end up getting a teacher that
6 stuck with the class to the end or was it a series of
7 substitutes for the whole year?
8 A. That was a big problem during our first
9 semester. But our second semester we tried to work
10 it out, and a teacher -- an A track teacher, during
11 that period he had a free period where he could take
12 over our class, and only because of that.
13 Q. So you had a permanent assigned teacher for
14 the whole second semester?
15 A. Yes.
16 Q. And that was a good teacher?
17 A. Yes.
18 Q. And what was that teacher's name?
19 A. Mr. Martinez Cruz.
20 Q. So the problem is just with the first
21 semester of your AP English literature class;
22 correct?
23 A. Yes.
24 Q. And can you take a minute and give us an
25 estimate of how many substitute teachers you had in

1 was absent." Do you see that?
2 A. Yes.
3 Q. Is it true that they had -- what does it
4 mean, they had no formal class?
5 A. No formal class and no regular teacher.
6 Q. But there was a class with a substitute
7 teacher; correct?
8 A. Yes.
9 Q. And they weren't supposed to be wandering
10 around the school, but they did anyway; correct?
11 A. The thing that they started wandering
12 around is because we have to wait for a half an hour.
13 And as I told you before, the students had this in
14 their mind that no one cared about their education,
15 because if they would have cared they will send in a
16 substitute right away.
17 So they just gave up waiting and wasting
18 their time standing there outside in the hall, and so
19 they just left and tried to get into a teacher's
20 classroom where they would just sit and do some of
21 their work and not get in trouble from just being in
22 the halls.
23 Q. Okay. This wasn't a classroom where there
24 was insufficient desks; right? There were enough
25 desks for all the students?

1 that class.
2 MS. LHAMON: Asked and answered.
3 If you have an estimate, you can give it to
4 him. If you don't, you don't.
5 THE WITNESS: I don't. I don't remember
6 very well.
7 BY MR. ROZWOOD:
8 Q. And at the end of the first semester, did
9 you have a particular substitute that ended up
10 sticking with the class?
11 A. Throughout the whole first semester we had
12 no teacher that actually got stuck with our class.
13 Q. So after [REDACTED] left, it was just a
14 series of substitutes?
15 A. Yes.
16 Q. And you don't know how many?
17 A. No.
18 Q. In paragraph 228 of Exhibit Six, it goes
19 on to say "In one class the teacher called in sick
20 for five or six consecutive weeks." Is that
21 [REDACTED] that it's referring to?
22 A. Yes. That's [REDACTED]
23 Q. Okay. And where it says "students in the
24 class wandered around the school during that period
25 because they had no formal class while the teacher

1 A. Because not every student will take AP
2 classes.
3 Q. Okay. I understand that. That's fair.
4 There were enough desks for all the
5 students in your AP English literature class;
6 correct?
7 A. Correct.
8 MS. LHAMON: I am sorry. Is that AP
9 English literature or AP English language?
10 THE WITNESS: It's AP English. AP
11 literature is only in my senior year.
12 MR. ROZWOOD: Okay. I'm sorry. Thank you
13 for clarification.
14 Q. And I understand what you said about why
15 the students in that class wandered around. My
16 question is not why they did it, but that they
17 weren't supposed to do that; correct?
18 MS. LHAMON: Objection; asked and answered.
19 BY MR. ROZWOOD:
20 Q. Right?
21 A. Yes.
22 Q. And the last sentence in paragraph 228
23 asserts that "Many students take classes taught by a
24 series of substitutes rather than by a permanent
25 teacher hired for the class."

1 We talked about one of those classes in
2 your first semester in your AP English language class
3 in your eleventh grade. Can you tell me about any
4 other classes where it's true that students take
5 classes that were taught by a series of substitutes?

6 A. I don't know because I don't have much
7 communication with other students. I was just there
8 taking care of my business and studying and go home.

9 Q. Okay. Other than the English AP language
10 class in eleventh grade, to your knowledge were there
11 any other classes where students were taught by a
12 series of substitutes?

13 MS. LHAMON: Objection; asked and answered.
14 BY MR. ROZWOOD:

15 Q. It's a yes-or-no question.

16 A. No.

17 Q. If you can think of any other classes where
18 that is true, will you let us know?

19 A. Yes.

20 Q. Okay. Thank you.

21 In paragraph 229, it states that "The
22 school does not offer enough courses for all the
23 students." Do you see that?

24 A. Yes.

25 Q. Do you think that's true?

1 Q. In your case, the one that you just
2 described, you took a service class because there was
3 no music class available; correct?

4 A. Correct.

5 Q. Can you think of any cases to your
6 knowledge where a student was forced to take a
7 service class because there was no academic class
8 available?

9 A. Of any student who just took a service
10 class?

11 Q. Yes. Because they couldn't take an
12 academic class they wanted to take or that they
13 needed to take.

14 A. So you want me to name like any classes
15 that the students were interested in it or not
16 available?

17 Q. I am sorry. Let me rephrase.

18 I just want to know if you know of any
19 instance at Jefferson where someone was forced to
20 take a service class because an academic class they
21 wanted to take was unavailable.

22 A. Yes.

23 Q. Okay. How many such instances are you
24 aware of?

25 A. So you want me to count the students that I

1 A. Yes.

2 Q. And on what do you base your belief that's
3 true?

4 A. For example, I took a service class. I
5 wanted to take -- in my senior year I took a service
6 class. I wanted to take a music class where I could
7 learn how to play an instrument and relax myself
8 after having a hard time at school, and I was unable
9 to take that class at all. It was either cosmetology
10 or service; and cosmetology, I was not interested in
11 cosmetology at all.

12 Service, I thought if I take service I will
13 have free time where I could actually study and do my
14 work, but actually you were there to help the teacher
15 pass out paper or pass out the books or collect the
16 homework or that was it, or check the test, grade
17 them and put them on his roll book. And that's not
18 important. It's something that is useless that
19 doesn't work at all.

20 Q. Do you see where that sentence continues on
21 to say that "so many students spend one or two
22 periods each day in service classes because neither
23 academic classes nor study halls are available to the
24 students"?

25 A. Yes.

1 recall?

2 Q. Yeah. The times -- not the students, but
3 the occasions in which somebody was forced to take a
4 service class because the academic class was not
5 available.

6 A. Usually you start taking your service class
7 in your eleventh and twelfth grade, because during
8 your ninth to tenth grade you have all these classes
9 that you have to take, like health, PE, and that's --
10 health and PE, that takes part of your two classes
11 that you will -- in the eleventh grade and twelfth
12 grade that you will take for service.

13 So by that time you are through -- you only
14 have to take two years of PE. By that time you are
15 through with PE. You can't take PE again. You have
16 to take another elective class or you have to take a
17 service class.

18 Q. What do you understand the term "academic
19 class" to refer to in line nine, paragraph 229?

20 A. Line what?

21 Q. Line nine. There is numbers on the side of
22 the page.

23 A. Yes. Academic class is like a regular
24 class where you will get like -- it's not an
25 elective. That means that it's not based on art or

1 like something that you will enjoy. Academic is like
2 health, math and English.

3 Q. Okay. So it's not an elective?

4 MS. LHAMON: It's something that you will
5 not enjoy.

6 THE WITNESS: Something that you will not
7 enjoy.

8 BY MR. ROZWOOD:

9 Q. In your case, you were forced to take a
10 service class or cosmetology, either one, because
11 there was no music class available because the band
12 class was available only on the A track; correct?

13 A. Yes.

14 Q. Can you tell me -- describe just one
15 circumstance where a student was forced to take a
16 service class because an academic class was not
17 available to them.

18 MS. LHAMON: If you don't know, that's
19 okay.

20 BY MR. ROZWOOD:

21 Q. That's okay.

22 A. I don't know.

23 Q. So to your knowledge, you are not aware of
24 any situation where a student was forced to take a
25 service class because an academic class was not

1 am sorry. What grade is Reynaldo in?

2 A. Right now, he's a senior.

3 Q. At Jefferson?

4 A. Yes.

5 Q. Okay. To your knowledge, has he fulfilled
6 all of the academic course requirements at Jefferson?

7 A. No.

8 Q. He has not?

9 A. No.

10 Q. Is that because there were insufficient
11 numbers of academic courses available?

12 A. Yes. And because also the counselors never
13 really took good care of keeping track of what
14 classes to take or which classes were necessary for
15 him to graduate.

16 Q. Do you have any specific knowledge about
17 which academic courses he is missing? That's okay if
18 you don't. I just want to know.

19 A. I think health is one of them, but usually
20 I don't talk to him very much about that, about his
21 classes.

22 But now that I -- I think he is in like
23 deep trouble because I think that he will not be able
24 to graduate the way he had planned because he didn't
25 have anyone to guide him throughout his classes,

1 available to them?

2 A. Now that you put it in those words, I have
3 my brother. He's in B track, and now he is in --
4 hold on. By the time he was in tenth grade, he had
5 to take a service because there was not -- I don't
6 know -- he haven't told me specifically why, but he
7 haven't took the health class. So therefore he has
8 two service classes only in his tenth grade instead
9 of taking care of his basic classes in order to
10 graduate.

11 Q. Okay. What is your brother's name?

12 A. Reynaldo.

13 Q. Garcia?

14 A. Yes.

15 Q. Okay. Can you think of any other examples
16 where somebody took a service class because an
17 academic class was not available?

18 A. No.

19 Q. If you think of any, will you tell us?

20 A. Yes.

21 Q. Okay. Have you ever had a discussion with
22 your brother about why he had to take the service
23 classes that he's taken?

24 A. No.

25 Q. Do you know whether or not Reynaldo is -- I

1 which classes he needs to take, how he is supposed to
2 arrange his schedule.

3 Because for me, I consider myself extremely
4 lucky to have a teacher looking after me and say you
5 have these classes and you have to fulfill these
6 requirements and now you can take elective and a
7 couple of academic classes.

8 Q. What teacher are you referring to?

9 A. Mr. Bachrach.

10 Q. Do you see where it says in paragraph 229
11 that "During service class periods, students try to
12 find classrooms where teachers will allow service
13 class students to sit quietly in the back of the room
14 and do nothing or students ask to go to the office
15 and run errands?" Do you see that?

16 A. Yes.

17 Q. What does it mean that students try to find
18 classrooms where teachers will allow service class
19 students to sit quietly in the back of the room and
20 not do anything? What does that mean?

21 A. That's like a study hall, where they can
22 take out their books and start their assignment on
23 their homework. Because from the time that you start
24 school at 7:00 and the time that it ends, 3:15, you
25 are completely exhausted and tired from running up

1 and down stairs and running from class to class, and
2 they were trying to find some free time and
3 concentrate on their work time.

4 And that's like a study hall that they are
5 asking for. I know that most of students at home,
6 they don't have the time at all. They have like
7 little brothers running around and distractions
8 everywhere, parents asking them to do this and that.
9 And so all we were asking was a study hall, and
10 that's why we wanted space where we could just sit
11 quietly.

12 Q. Okay. What does it mean where it says or
13 "students go to the main office and ask to run
14 errands"?

15 A. I never run an errand myself, but the thing
16 is that some students had told me -- well, I believe
17 that some students run errands in order to know more
18 around the campus and get more information about what
19 is going around campus with like teachers or with
20 assistant principals or offices.

21 And sometimes like when you run errands you
22 usually contact a counselor. So usually that's what
23 it means, because you go and talk to the counselor,
24 and the counselor tells you to call this student.

25 And that way maybe you can talk to a

1 A. Mr. Avea.

2 Q. In a service class?

3 A. It was service class, yes.

4 Q. But he was your Spanish teacher?

5 A. Yes.

6 Q. And so you assisted him with entering
7 grades in your roll book?

8 A. Yes.

9 Q. And did you take roll?

10 A. No.

11 Q. What were your duties?

12 A. Every morning I would get there and he
13 would write a question and the students had to
14 respond. And by the time they were responding I had
15 to go around the room collecting the homework. And
16 after I finished collecting the homework I put it on
17 his desk. And by that time they finish their
18 response sheet and I have to collect that. And
19 grading tests; every Friday he would give out tests
20 and I would have to grade it.

21 Q. And would you actually enter the grades in
22 the grade book, too?

23 A. It was not really a grade. It was just a
24 check that the student had the assignment done.

25 Q. Okay. And which period was this?

1 counselor while she is giving you the errand; so
2 that's a good way for you to make contact with a
3 counselor. Maybe not so good, but two or three
4 words.

5 Q. Better than no contact at all; right?

6 A. Yes.

7 Q. Without looking at your cumulative record,
8 how many service classes did you take?

9 A. One.

10 Q. And that was in your senior year?

11 A. Yes. My second semester.

12 Q. Second semester?

13 A. Yes. It's not here.

14 Q. I am sorry. Were you saying something?

15 A. It's not here because this transcript has
16 only up to my first semester of my senior year, and
17 that's it.

18 MR. ROZWOOD: That's why I was asking about
19 obtaining records from the school.

20 MS. LHAMON: I understand what you were
21 asking about.

22 BY MR. ROZWOOD:

23 Q. And what -- I think you might have said
24 something about it, but what was the service class
25 that you had? Which teacher did you work for?

1 A. That was my first period.

2 Q. So you had -- this was your first period of
3 the day; correct?

4 A. Yes.

5 Q. Can you think of anything else that you did
6 for Mr. Avea?

7 A. Me or other students that were in service
8 class?

9 Q. Just you.

10 A. Just me?

11 Q. Yes.

12 A. Clean his desk.

13 Q. Organize the top of it or clean it out?

14 A. The top of it. Sometimes clean it out.
15 Like take out old papers, napkins and stuff.

16 Q. Can you think of everything that you did
17 for Mr. Avea in your service class?

18 A. Yes.

19 Q. Turn to paragraph 230. And as we head that
20 way, just let me know if you need to take a break at
21 any time, if you know.

22 MS. LHAMON: You want to take a break?

23 THE WITNESS: I'd like to take a break.

24 MR. ROZWOOD: Is now a good time?

25 THE WITNESS: Yes.

1 MR. ROZWOOD: All right. Let's go off the
2 record.
3 (Recess taken.)
4 MR. ROZWOOD: Let's go back on the record.
5 Q. We are looking at paragraph 230 of
6 Exhibit Six, which is the First Amended Complaint or
7 and excerpt of that Complaint. And it says that
8 "Students have no books to take home for homework in
9 most of their classes." Do you see that?
10 A. Yes.
11 Q. When the Complaint is referring to classes,
12 is that academic classes or elective or other classes
13 or do you have knowledge of which classes that's
14 referring to?
15 A. Academic classes.
16 Q. Okay.
17 MS. LHAMON: I'd like to interpose a late
18 objection that it calls for speculation. She is not
19 the author of the Complaint.
20 BY MR. ROZWOOD:
21 Q. Okay. To your knowledge, is it true that
22 students have no books to take home for homework in
23 most of their academic classes at Jefferson?
24 A. Yes.
25 Q. And before you gave us a partial list of

1 academic classes which included math, English, and
2 what were the other ones?
3 A. Spanish.
4 Q. So language. Any language; right?
5 A. Yes.
6 Q. Any other academic classes you are
7 referring to besides math, English or language
8 classes?
9 A. Not that I remember.
10 Q. How about science? Is that an academic
11 class?
12 A. Yes.
13 Q. How about social science or history? Are
14 those academic classes?
15 A. Yes.
16 Q. Can you think of any other classes where
17 students do not have books to take home for homework
18 other than the ones that we have already listed?
19 A. So far, it's just English, math and
20 Spanish. That's it. I don't recall any other
21 classes right now.
22 Q. So there weren't any problems to your
23 knowledge with the availability of textbooks in
24 science or history classes at Jefferson?
25 A. No.

1 Q. Those were okay?
2 A. Yes.
3 Q. Okay. Can you tell me the problems that
4 you are aware of with regard to textbook availability
5 in math classes.
6 A. I have to tell you during what time we
7 didn't have the textbooks or what year or what?
8 Q. Just go math class by math class. Which
9 was the first math class that you had a textbook
10 problem?
11 A. When I start ninth grade, my freshman year,
12 I did have textbook during that time.
13 Q. You did?
14 A. Just the freshman year, I have a textbook.
15 Q. And you had a textbook to take home?
16 A. After a couple of -- perhaps a week.
17 Q. After a short period at the beginning of
18 the semester, you were given a textbook in your math
19 class?
20 A. Yes.
21 Q. For use in class and to take home for
22 homework?
23 A. Yes. Yes.
24 Q. Go ahead.
25 A. The reason that we had to wait for a week

1 is because by the time that track went on break, they
2 will give us their textbooks to us, and then the
3 textbook room will actually check whether that
4 student had turned in a book or not. So we have to
5 wait while they make some sort of paperwork for
6 everything to be clear for us to use the textbooks.
7 Q. How do you know that the week wait was due
8 to the need to complete the textbook paperwork?
9 A. Because our teacher used to tell us like
10 you will have your textbook by the following week,
11 and we have to sign in for them, and hopefully we'll
12 get enough textbooks for each student.
13 Q. And in your ninth grade math class you did;
14 right?
15 A. Yes.
16 Q. How about your tenth grade math class?
17 A. That's when the problem started. We didn't
18 used to have a textbook.
19 Q. Did any student have a textbook to take
20 home for your homework in that class?
21 A. Yes.
22 Q. Who was the teacher in that class?
23 A. Mr. Swinehart.
24 Q. Can you spell that for us.
25 A. I have no idea.

1 Q. Can you say it again, please.

2 A. Swinehart.

3 Q. Were there textbooks available for students
4 to use in your tenth grade math class in class?

5 A. He just had a couple of books, just a set
6 for all of his classes; so, therefore, we had to --
7 whenever we will stay in class and we had homework,
8 we had to copy down the problems. The problems, as I
9 told you before, like in the last 10 minutes of class
10 time.

11 Or if he was lucky, he will actually have
12 some printouts made from the textbook. But since you
13 just have a limited printouts they can make or the
14 copy machine was broken, there was not a high chance
15 that we'll get printouts from a textbook.

16 Q. Okay. Let's try to just answer the
17 question that I ask, because it might make it faster.
18 And I know that you have a lot of things to say and
19 you can say those at any time, but just to try to
20 make it faster, it might go a little faster if you
21 can answer the question that I am asking you.

22 MS. LHAMON: And at any time she can say
23 please don't; is that your point?

24 MR. ROZWOOD: Yes. You can say it any time
25 that you want to. It will just take us longer.

1 A. Yes.

2 Q. Okay. Other than those problems, what
3 other problems are you aware of -- let me rephrase
4 that.

5 Other than those problems, how else did
6 your inability to take math textbooks home interfere
7 with your ability to learn the subject matter?

8 A. As can you see, like between here, seventh
9 grade, I earned my [redacted] throughout my math, and my [redacted]
10 That's because during those times as we were
11 developing into more and more complex problems, we
12 will be doing okay because we'll get reasonable
13 knowledge in order to proceed into a higher level.
14 Therefore I did okay. And even during those times, I
15 used to like math. It was like okay, this is a good
16 subject that I really like.

17 By the time we got into tenth grade, I just
18 completely I didn't like math at all, and that's
19 because we started without textbooks. And therefore,
20 you know how in the textbooks they provide examples
21 that you can just refer to whenever you don't
22 understand a problem.

23 And by that time, I didn't have any -- my
24 parents didn't really attend high school. They could
25 not help me out. My brothers -- I am the oldest one

1 Q. Did I understand you correctly that there
2 was a math book for every student to use in class in
3 your tenth grade math class?

4 A. Yes.

5 Q. Okay. How about your eleventh grade math
6 class? Were there sufficient textbooks for each
7 student to use in class?

8 A. It was sort of the same problem as our
9 tenth grade.

10 Q. That there was a class set for use by every
11 student?

12 A. Yes. Yes.

13 Q. But the books were not available for
14 students to take home; correct?

15 A. Correct.

16 Q. And one of the problems you mentioned with
17 that situation is that sometimes you got handouts,
18 but sometimes you had to copy problems out of the
19 book?

20 A. Yes.

21 Q. And you had to do that copying-down during
22 class; correct?

23 A. Yes.

24 Q. And that interfered with instructional
25 time; correct?

1 and they are the youngest ones, and they could not
2 help me out. At school there was not tutoring
3 available, and so I was just stuck with problems and
4 not knowing how to solve them. And that's when I saw
5 that I completely decreased in gaining any more
6 knowledge or doing better in math, and all of a
7 sudden I had a struggle.

8 Q. Did you have a textbook for your math class
9 to take home in seventh grade?

10 A. Yes.

11 Q. And did you have a textbook to take home in
12 your math class in eighth grade?

13 A. That I recall, yes.

14 Q. And if you had -- this may be too far back,
15 but what was your teacher's name in seventh grade,
16 your math teacher's name?

17 A. I can't remember seventh grade.

18 Q. I can remember mine, which is weird.

19 Scary.

20 How about eighth grade? Do you remember
21 your math teacher? On a scale of one to 10, how good
22 was your math teacher in seventh grade, 10 being the
23 best?

24 A. Which teacher are you talk about? Seventh
25 grade or eighth grade?

1 Q. Seventh grade.
 2 A. I don't remember much about her. I believe
 3 it was Ms. Furoki.
 4 Q. Was she a good teacher?
 5 A. Yes.
 6 Q. On a scale of one to 10, how good was she?
 7 A. Eight.
 8 Q. How about your eighth grade teacher?
 9 A. Mr. Calderon.
 10 Q. And how good of a teacher was he on a scale
 11 of one to 10?
 12 A. Nine.
 13 Q. And how about your ninth grade? Who was
 14 your math teacher there?
 15 A. Mr. Swinehart.
 16 Q. The same one that you had in tenth grade?
 17 A. Uh-huh. Yes.
 18 Q. And Mr. Swinehart, how good was he on a
 19 scale of one to 10?
 20 A. When I started the class, I was impressed
 21 by the way he used to teach. And he used to think
 22 that we should try to save paper and recycle and take
 23 your notes on one side, and on the other side do your
 24 homework. He was a very good teacher, and I did
 25 learn.

1 And when I actually took a final, I was
 2 impressed with the grade I earned. I thought that I
 3 was going to get a low grade because like I didn't
 4 feel like I was so much well-prepared for a test, but
 5 then after being there and calm and take a breath and
 6 trying to do the best you could, I did good.
 7 Q. That's good.
 8 On a scale of one to 10, how good is
 9 Mr. Swinehart?
 10 A. An eight.
 11 Q. How about your eleventh grade math teacher?
 12 A. Miss Rivas.
 13 Q. How good is she on a scale of one to 10?
 14 A. She was very, very, very tough.
 15 Q. Does that mean she was bad or does that
 16 mean she was good?
 17 A. Tough by saying that we'll like finish a
 18 chapter or two every week, and that means extra
 19 homework, extra group projects and class work.
 20 Q. On a scale from one to 10, how was
 21 Ms. Rivas as a math teacher?
 22 A. A seven.
 23 Q. And you didn't take math in one grade?
 24 A. In 12th grade, I did take math.
 25 Q. Okay. Who taught you math analysis?

1 A. Ms. Rivas.
 2 Q. And did you have a textbook in your
 3 eleventh grade math class?
 4 A. Yes, because by that time most of the
 5 students drop out of math because they just feel like
 6 I just have to take three years of math and they get
 7 it over with, and in their senior year they don't
 8 take classes. So by that time not so many students
 9 are enrolled in math class, and therefore we have
 10 perhaps enough books.
 11 Q. So by your eleventh grade math class there
 12 were enough books for you to use in your math class
 13 and for students to take home for homework; right?
 14 A. For eleventh grade?
 15 Q. Yes.
 16 A. Not really. The reason is that by that
 17 time many of the students do actually take math, and
 18 it's their third year, and they don't like to take
 19 math in their senior year, and so therefore they have
 20 to enroll, and we have to wait for a couple of months
 21 for the students who are on that track. They weren't
 22 on that track two months before we enter, and
 23 therefore by the time they get off, we could get
 24 their textbooks. They get on break, and we get their
 25 textbooks. So we have to wait for a couple of days

1 to get their textbooks.
 2 Q. Okay. After the short -- that's at the
 3 beginning of the semester that you are waiting;
 4 correct?
 5 A. Yes.
 6 Q. And that's up to a week? A few days? How
 7 long is that wait?
 8 A. For two weeks.
 9 Q. Up to two weeks?
 10 A. Yes.
 11 Q. And in your case, in your eleventh grade
 12 math class, after two weeks did every student have a
 13 textbook to use in class and take home for homework?
 14 MS. LHAMON: Could I ask for a point of
 15 clarification. Have you been asking for eleventh
 16 grade or twelfth grade?
 17 MR. ROZWOOD: Just eleventh grade.
 18 Q. Is that what you understand?
 19 A. Yes. Eleventh grade.
 20 Q. Let's make it easier. Did you have a
 21 class -- did you have a book in your math class in
 22 eleventh grade? Did you have a textbook to use in
 23 class and take home?
 24 A. We were getting a couple of books --
 25 Q. I am sorry. I am going to interrupt. It's

1 a yes-or-no question. You don't have to explain why
 2 it did happen or didn't happen. All you have to say
 3 is whether you did have a textbook or no.
 4 A. Yes.
 5 Q. You did?
 6 A. Yes.
 7 Q. You did have a textbook to use in math
 8 class and to take home?
 9 A. Yes. It took a couple of weeks.
 10 Q. It took a couple of weeks to get it?
 11 A. Yes.
 12 Q. And why is that?
 13 A. Because of the multi-track, and the break
 14 we would get our textbook.
 15 Q. And that's the textbook inventory at the
 16 end of the track that you get the books?
 17 A. Yes, after the students finish using the
 18 books.
 19 Q. And that to your knowledge, after that
 20 process is completed everybody in your eleventh grade
 21 math class got a book to use in the math class and
 22 take home; correct?
 23 A. Yes, after the process is completed and
 24 after those students have left on break.
 25 Q. What students are you referring to? The

1 ones from another track?
 2 A. Yes.
 3 Q. As part of that textbook return and
 4 issuance problem we discussed earlier; right?
 5 A. Yes. But usually, like for example if B
 6 and A track is in class during those times, and we
 7 have to wait for like around two months for them to
 8 go off track and we could use the textbooks.
 9 Q. Did that happen in your eleventh grade math
 10 class?
 11 A. It mainly started in tenth grade.
 12 Q. But just in eleventh grade math class did
 13 it happen?
 14 A. In my eleventh grade it was just two weeks.
 15 Q. In your eleventh grade math class, after
 16 two weeks everybody had a math book to use in class
 17 and to take home; correct?
 18 A. Yes.
 19 Q. And how about your twelfth grade math class
 20 with Ms. Rivas?
 21 A. As I told you before, nobody will take much
 22 of that class up to that math level, so therefore
 23 there were enough books for the students.
 24 Q. Every student in your twelfth grade math
 25 class had a textbook to use in class and to take home

1 for homework?
 2 A. Yes.
 3 Q. Did you take math in your second semester
 4 in your twelfth grade?
 5 A. Yes.
 6 Q. Was that with Ms. Rivas, as well?
 7 A. Yes.
 8 Q. And is the same -- were textbooks also
 9 available for students to use in class and to take
 10 home during that second semester class?
 11 A. Yes.
 12 Q. Okay. So it was mainly your tenth grade
 13 year where there were textbook problems that
 14 extended -- textbook availability problems that
 15 extended beyond the first couple of weeks of class;
 16 correct?
 17 A. Correct.
 18 Q. Did that happen in any other class to your
 19 knowledge other than your tenth grade math class
 20 where books were not available for an extended period
 21 throughout the semester?
 22 A. Through my tenth grade AP English class.
 23 Q. And any other classes?
 24 A. In English.
 25 Q. Which year?

1 A. Eleventh grade, first semester.
 2 Q. So there are three classes where there were
 3 textbook availability problems over your career at
 4 Jefferson; correct?
 5 A. Correct.
 6 Q. Your eleventh grade English class. Your AP
 7 English class -- what grade was that?
 8 A. Tenth.
 9 Q. Okay. And your tenth grade math class;
 10 correct?
 11 A. Hold on. AP Spanish and AP English is in
 12 the same grade, tenth grade.
 13 Q. And so it's tenth grade math class and
 14 eleventh grade AP English and AP Spanish classes?
 15 A. Yes.
 16 Q. Okay. In paragraph 230 of the Complaint it
 17 says, "and in many of their classes students either
 18 lack books altogether or have to share books with
 19 other students."
 20 Other than these three classes, are there
 21 any other classes that you are aware of at Jefferson
 22 in which students lacked books altogether or had to
 23 share books with other students?
 24 A. No. I don't know any other classes.
 25 Q. Where it says "In one math class students

1 waited a whole semester before they had books to use
2 in class," is that referring to your tenth grade math
3 class?

4 MS. LHAMON: Objection; calls for
5 speculation. She is not author of the Complaint.
6 BY MR. ROZWOD:

7 Q. With Mr. Swinehart, is that an accurate
8 characterization of your experience with textbooks in
9 your tenth grade math class? I am referring to the
10 characterization in the sentence on line 15, page 50
11 of Exhibit Six.

12 A. This is something that involves the whole
13 class lawsuit; right?

14 MS. LHAMON: Yes.

15 THE WITNESS: So this is not based on me.
16 This was somebody else with that experience.

17 BY MR. ROZWOD:

18 Q. Okay. Did you have books to use in class
19 in Mr. Swinehart's class?

20 MS. LHAMON: Objection; asked and answered.

21 THE WITNESS: That means I have to respond
22 yes or no?

23 MS. LHAMON: Yes.

24 BY MR. ROZWOD:

25 Q. I know at some point you got textbooks.

1 Q. On-line 16, the Complaint references a
2 graphic arts class where three or four students had
3 to share one book in class. Are you aware of that
4 incident?

5 A. No.

6 Q. Do you have any knowledge as to whether
7 that's true or false?

8 A. I am not sure because this is not part of
9 my experience. Some other students experienced this.

10 Q. That's fair.

11 The next sentence says "Students in five
12 different classes must share one set of approximately
13 30 Spanish textbooks." Do you have any knowledge as
14 to whether that's true or false?

15 A. That's true.

16 Q. And on what do you base your statement that
17 that's true?

18 A. Because in my Spanish class, he will have
19 the textbooks, and then those textbooks there were a
20 couple of stories and novels that we had to read. So
21 we have to sit together with some students to read
22 those textbooks.

23 Q. Is that your tenth grade AP -- your
24 eleventh grade AP Spanish class?

25 A. Yes.

1 When did you first get textbooks to use in your tenth
2 grade math class?

3 A. After two months.

4 Q. Were there any textbooks available for
5 students to use in class before prior to two months?

6 Terrible question. I am sorry. Do you
7 understand what I am asking?

8 A. If we had books available after those two
9 months.

10 Q. I know you had them available after the two
11 months passed. I am wondering if you had any
12 textbooks available to start the semester.

13 A. The teachers edition for the teacher.

14 Q. And how did you -- how were the math
15 assignments given to the students before you got your
16 textbooks?

17 A. He will write down the notes on the board.
18 We would have to copy down the notes. Then he will
19 just -- out of a couple of textbooks he will tell us
20 to write down some of the problems or else he will
21 give us a printout.

22 Q. Okay. Are you aware of any math classes
23 where students had to wait a whole semester before
24 they got books to use in class?

25 A. I am not aware of that. I don't know.

1 Q. And who was the teacher of that class?

2 A. Mr. Avea.

3 Q. Okay. Thanks.

4 How many students were in that class,
5 Mr. Avea's eleventh grade AP Spanish class?

6 A. Between 25 to 30.

7 Q. And here it says in the Complaint in the
8 last sentence of paragraph 230 that there were
9 approximately 30 Spanish textbooks available in that
10 class?

11 A. Yes.

12 Q. Is that accurate?

13 A. Yes.

14 Q. So there were more than enough textbooks
15 for the students to use in class, one textbook
16 apiece; correct?

17 A. Yes.

18 Q. Okay. So the statement there about
19 students in five different classes having to share
20 that class set is referring to the fact that there is
21 no textbook to take home in that class; correct?

22 A. Yes.

23 Q. But as far as you know, there were
24 sufficient numbers of textbooks for students to use
25 in class?

1 A. Yes.

2 Q. Paragraph 231, "The copy machine at school
3 is often broken, so teachers have to shift lesson
4 plans or forgo assigning homework because teachers
5 cannot have text material copied for the students."
6 Do you see that?

7 A. Yes.

8 Q. Do you have any knowledge as to whether or
9 not any teacher at Jefferson had to shift their
10 lesson plan because the copy machine was broken?

11 A. My English teacher, Ms. Burke.

12 Q. Which grade?

13 A. By the twelfth grade.

14 Q. Other than your twelfth grade English class
15 with Ms. Burke, do you have any other knowledge as to
16 whether any teachers had to shift their lesson plans
17 because the copy machine was broken?

18 MS. LHAMON: Objection; mischaracterizes
19 the testimony slightly. She didn't testify that she
20 was in the class with Ms. Burke in twelfth grade when
21 Ms. Burke had to shift her lesson plans.

22 MR. ROZWOOD: Okay.

23 Q. Other than the incident with Ms. Burke, are
24 you aware of any other cases in which a teacher had
25 to shift their lesson plan as a result of the copy

1 teach it because there was a problem with the copies?

2 A. Yes.

3 Q. And she told you that?

4 A. Yes.

5 Q. That the copy machine was broken and she
6 was unable to make copies for that lesson?

7 A. Yes.

8 Q. And did she ever come back to that lesson
9 later on in the semester?

10 A. After a week.

11 Q. Okay. So you ended up covering that lesson
12 after she was able to get the copies?

13 A. Yes. But it put us behind schedule, as
14 well.

15 Q. What makes you say that it put you behind
16 schedule?

17 A. Because usually she gives us -- how do you
18 call this -- her syllabus of what chapter to what
19 chapter we will cover, what topics to what topics.
20 And I think she started to panic because she said we
21 haven't finished this much information and you guys
22 are going to have a hard time in your AP test, and
23 that's why.

24 Q. On the day that she was going to teach you
25 about similes and metaphors, she ended up giving you

1 machine at Jefferson being broken down?

2 A. I don't know.

3 Q. How do you know that Ms. Burke shifted her
4 lesson plan because the copy machine was broken?

5 A. Because she had one sheet with a lesson
6 example, and also with a couple of copies like -- she
7 used to talk about metaphors and similes and all that
8 stuff, and she'd just copy mainly on one sheet of
9 paper where that novel was so descriptive and vivid
10 in pictures by the way that it was used with the

11 metaphors and similes, and she wanted us to work on
12 that, and she showed it to us and said we can't work
13 on that. And she would put a topic that we had to
14 write an essay on, something that we read previously.

15 Q. And was this an English class that you took
16 with Ms. Burke?

17 A. Yes.

18 Q. And what grade was that?

19 A. Twelfth grade.

20 Q. Did you ever get to go back and cover the
21 subject matter of metaphors and similes during
22 Ms. Burke's twelfth grade English class?

23 A. Do you mean going back to that lesson after
24 a couple of days?

25 Q. Well, it sounds like she was unable to

1 a topic sentence to write an essay instead?

2 A. Yes.

3 Q. Do you know if that was part of the
4 syllabus from another day?

5 A. That was something that we were already
6 covering that week.

7 Q. So it was part of the lesson plan? It was
8 another part of the lesson plan?

9 A. We had to shift from -- because usually we
10 study different authors; so we had to shift from one
11 author to another author, but we were unable because
12 we didn't have that information, so we just kept
13 studying like an author for an extra week.

14 Q. Okay. Another part of the first sentence
15 of paragraph 231 states that some teachers have to
16 forgo assigning homework because they cannot have
17 text material copied for students. Do you see that?

18 A. Yes.

19 Q. Can you think of any classes where that's
20 occurred in your experience at Jefferson?

21 A. I don't remember.

22 Q. Okay. You don't have any knowledge of a
23 teacher forgoing the assignment of homework because
24 the text material couldn't be copied for the
25 students; correct?

1 A. Well, if she will provide that example of
2 metaphors and similes that she gave us a sample of
3 the essay, of course she will make us write about
4 that instead of something else, LORD OF THE FLIES.
5 That's it. So I guess, yes, it interferes with the
6 homework assignment plus putting us behind schedule.

7 Q. Other than the incident with the -- in
8 Ms. Burke's English class, can you think of any other
9 classes where the copy machine at Jefferson has
10 interfered with the lesson plans or homework
11 assignments of any teacher?

12 A. No, I don't remember.

13 Q. Do you know if there is a policy, a copy
14 policy at Jefferson that limits the number of copies
15 a teacher can make?

16 A. Yes. There is a policy that they can only
17 make such small amount of copies.

18 Q. Do you know what the policy is?

19 A. No, but once I remember the teacher asking
20 me for my assistance to help her with some copies,
21 and she told me that this is how you use it.

22 So every teacher has a code. And with that
23 code they have a limited amount of copies that they
24 can do. And if they had finished using that amount
25 of -- okay. If they had just wasted that copies, the

1 interfere with your tenth grade math class?

2 A. Instead of trying to ask the teacher for us
3 to explain us individually with the examination how
4 to work this out, we had to copy down some of the
5 math problems instead of him just giving us the
6 printouts.

7 Q. Can you think of any other cases where that
8 occurred?

9 A. No.

10 Q. How many times did you have to -- on how
11 many different school days did you have to copy down
12 homework assignments out of the book because the copy
13 machine was broken down or unavailable?

14 A. How many days -- you are referring to just
15 math or English?

16 Q. Yeah. Either one.

17 A. For English we could not copy an entire
18 essay, so we completely forgot about it. But for
19 math, as I told you, in tenth grade we had to wait
20 for two months, and in eleventh grade we had to wait
21 for two weeks.

22 Q. And in two months you had to copy down the
23 homework and not get copies?

24 A. If we were lucky, maybe just once a month.
25 Because, you know, teachers may only have -- out of

1 time -- well, they could not over-exceed because
2 according to their code, it will not work.

3 Q. And how did you learn about the policy or
4 which teachers informed you about the policy?

5 A. Ms. Burke, once she told me to assist her
6 making some copies, but she could only make some
7 small limited amount of copies because she told me
8 that they have a code in that machine, and that's
9 why.

10 Q. That was in your senior year?

11 A. That was in my senior year when I learned
12 about it.

13 Q. Can you think of any other ways that over
14 the course of your experience at Jefferson that the
15 copy machine interfered with your educational
16 experience in any way?

17 MS. LHAMON: Objection; calls for
18 speculation.

19 But you can answer to the extent that you
20 know.

21 THE WITNESS: Yes.

22 BY MR. ROZWOD:

23 Q. You can think of other ways?

24 A. Yes. In math class. In the tenth grade.

25 Q. Okay. How did the copy machine situation

1 the six classes, they may only have to teach five
2 classes; so therefore, if they have enough -- like if
3 they were able to make enough copies, they would try
4 to. So they will try to limit the amount of copies
5 necessary to hand out to the students so they will
6 have more chance and more chance of making other
7 copies later around the semester.

8 Q. In your experience in your tenth grade math
9 class, how often was it that you got handouts versus
10 how often you had to copy the homework assignments
11 out of the textbook?

12 A. I don't know. That was a long time ago.

13 Q. Was it 50/50? Was it one day out of the
14 week you got a handout? Just you give us your best
15 recollection.

16 A. I told you before, it's like once a
17 semester. Once a month.

18 Q. So only twice during the first two months
19 of class did you get a photocopy of the lesson, and
20 the rest of the time --

21 A. Copy them.

22 Q. You were asked to copy down the homework
23 assignments?

24 A. Yes.

25 Q. And other than the incidents in your

1 twelfth grade English class, can you think of any
 2 other cases where the availability of the copy
 3 machine at Jefferson interfered with your ability to
 4 learn the subject matter?
 5 A. No, I cannot think of any other classes.
 6 Q. If you think of any, will you let us know?
 7 A. Yes.
 8 MS. LHAMON: And if we are going to go to
 9 5:00, can we take a break?
 10 MR. ROZWOOD: Sure. Fine.
 11 (Recess taken.)
 12 MR. ROZWOOD: Let's go on the record.
 13 After Miss Garcia and her counsel returned
 14 from break, they informed us that she is tired for
 15 the day and wishes to stop, and we agreed to do so.
 16 And we hopefully can enter into the
 17 following stipulation: That copies of documents
 18 attached to this deposition, so far Exhibits One
 19 through Six, may be used as originals in this case;
 20 the original of this deposition will be signed under
 21 penalty of perjury; the reporter will be relieved of
 22 his responsibilities under the applicable statutes
 23 for maintaining the original deposition transcript;
 24 that the original will be delivered to the offices of
 25 O'Melveny and Myers to my attention; and that the --

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF LOS ANGELES)
 4
 5
 6 I, ALTAGRACIA GARCIA, hereby declare
 7 under the penalties of perjury of the State of
 8 California that the foregoing is my deposition under
 9 oath; that these are the questions asked of me and my
 10 answers thereto; that I have read my deposition and
 11 have made the corrections, additions or changes to my
 12 answers that I deem necessary.
 13 IN WITNESS THEREOF, I hereby subscribe
 14 my name this _____ day of _____,
 15 20____.
 16
 17
 18 _____
 19 ALTAGRACIA GARCIA
 20
 21
 22
 23
 24
 25

1 at which point I will forward a copy -- are you going
 2 to order your own copy?
 3 MS. LHAMON: Typically we have been having
 4 the original sent to my office.
 5 MR. ROZWOOD: Send the original copy to
 6 Ms. Lhamon's office; and the witness will have 30
 7 days from the date of the court reporter's
 8 transmittal letter to sign and make any corrections
 9 to the deposition transcripts.
 10 Miss Garcia or her attorney will notify all
 11 parties of the changes in the deposition; and if
 12 there are no such changes communicated at that time,
 13 any unsigned or uncorrected copy may be used for all
 14 purposes in this litigation or any proceeding related
 15 hereto as though signed by the deponent.
 16 You want to stipulate to that?
 17 MS. LHAMON: So stipulated.
 18 MS. THOMAS: So stipulated.
 19 DEPOSITION OFFICER: Would you like a copy?
 20 MS. LHAMON: Yes, and a disc as well.
 21 MS. FLOYD: I'd like a copy, too.
 22 DEPOSITION OFFICER: Thank you very much.
 23 (Deposition session concluded at 3:03 p.m.)
 24
 25

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF LOS ANGELES)
 4 I, Xavier Mireles, Certified Shorthand
 5 Reporter, Certificate No. 5001, for the State of
 6 California, hereby certify:
 7 I am the deposition officer that
 8 stenographically recorded the testimony in the
 9 foregoing deposition;
 10 Prior to being examined the deponent was by
 11 me first duly sworn;
 12 The foregoing transcript is a true record
 13 of the testimony given.
 14
 15 Dated _____.
 16
 17
 18 _____
 19 XAVIER MIRELES, CSR NO. 5001
 20
 21
 22
 23
 24
 25