

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

ELIEZER WILLIAMS, et al.,) Case No.
Plaintiffs,) 312 236
vs.) Volume II
STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent of)
Public Instruction; STATE)
DEPARTMENT OF EDUCATION; STATE)
BOARD OF EDUCATION,)
Defendants) Pages 178 - 398

DEPOSITION OF: ALTAGRACIA GARCIA
FRIDAY, OCTOBER 26, 2001
9:30 A.M.

REPORTED BY: SYLVIA P. SHEAR
RPR, CSR NO. 3010

1 Continued Deposition of ALTAGRACIA GARCIA,
2 taken on behalf of the Defendant State of California, at
3 400 South Hope Street, Fifteenth Floor, Los Angeles,
4 California on FRIDAY, OCTOBER 26, 2001, at 9:30 A.M.
5 before SYLVIA P. SHEAR, RPR, CSR NO. 3010.

6
7 APPEARANCES:

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9 FOR THE PLAINTIFFS:

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1 LOS ANGELES, CALIFORNIA
2 FRIDAY, OCTOBER 26, 2001
3 9:43 A.M.

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

8
9 EXAMINATION

10 BY MR. ROZWOOD:

11 Q. Good morning, Ms. Garcia. My name is Ben
12 Rozwood. I represent the State of California. We met
13 last time.

14 Do you understand that the oath you have given
15 requires you to tell the truth, the whole truth and
16 nothing, but the truth in response to the questions I
17 will be asking today?

18 A. Yes.

19 Q. Is there any reason why you aren't able to give
20 your best testimony today?

21 A. No, there is no reason.

22 Q. Have you taken anything that would affect your
23 understanding or your mental state of mind in response to
24 the questions?

25 A. No.

1 Q. Have you spoken to anyone since the last day of
2 your deposition about the questions that I asked you
3 during that deposition?

4 A. I didn't have the time.

5 Q. Have you done anything to prepare for your
6 deposition today?

7 A. No.

8 Q. I want to make sure that we get an audible
9 response. Was that a "No"?

10 A. "No."

11 Q. When we stopped last time, we were looking at
12 some allegations in your Complaint, and I think it may
13 make sense just to pick up where we left off?

14 MS. LHAMON: I don't have a copy so it would be
15 great if you had one.

16 MR. ROZWOOD: Do you have a copy?

17 THE REPORTER: No.

18 MR. ROZWOOD: I am referring to Exhibit 6. Do
19 you have a problem with me referring to it as Exhibit
20 6 --

21 MS. LHAMON: No.

22 MR. ROZWOOD: -- without me remarking it?

23 MS. LHAMON: No. That's fine.

24 BY MR. ROZWOOD:

25 Q. I will give you a duplicate copy of Exhibit 6.

1 I have one for you and one for your counsel.

2 Can you turn to the second page of Exhibit 6
3 which is page 50 of the First Amended Complaint. I want
4 to start with -- well, let me ask you this. Have you had
5 a chance to review your deposition transcript from last
6 time?

7 A. No.

8 Q. Can you think of anything relating to the
9 questions I asked you or the answers you gave that you
10 would like to add to your testimony from last time?

11 A. Not at all right now.

12 Q. In paragraph 232 of the Complaint in Exhibit 6,
13 it says "Even if the copy machine were not broken,
14 teachers are allowed to make only a limited number of
15 copies so the teachers cannot copy enough pages to assign
16 homework every night to all their students."

17 Do you see that?

18 A. Yes.

19 Q. Can you think of any instances where teachers
20 were unable to copy enough pages to assign homework to
21 their students while you were at Jefferson?

22 MS. LHAMON: Calls for speculation.

23 MR. ROZWOOD: We are just interested in her
24 personal knowledge. We are not asking her to speculate
25 what happened to other students.

1 Q. All you can testify is to what you know. With
2 that in mind, can you tell us any instances in which to
3 your knowledge teachers were unable to assign homework
4 due to their inability to copy enough pages at Jefferson?

5 A. My English teacher. She had a hard time and we
6 used to help her around trying to make some copies.

7 And once we went into the room where the copy
8 machine is in, and she told me that they only have a
9 limited, and they have to use some sort of a code in
10 order to show how many copies they have made and they can
11 not exceed over that number.

12 Q. Which English teacher was this?

13 A. Ms. Burke.

14 Q. And this was in your senior AP English
15 literature class?

16 A. Yes.

17 Q. Other than this instance in your senior AP
18 English literature class, are there any other instances
19 you are aware of where the copying constraints prevented
20 teachers from assigning homework at Jefferson?

21 A. Also my math teacher, Ms. Rivas. She had a hard
22 time because she had to take hobbies like and we needed
23 the examples for the book because not only with her
24 lesson, but we wanted to figure out some other way to
25 work out other math problems. And she was unable to do

1 that because of the limit, and so she would just copy
2 where we have just the basic problems to work on and not
3 the examples.

4 Q. Which math class was this?

5 A. That was in eleventh grade with Ms. Rivas. I
6 had her two years, eleventh and twelfth grade.

7 Q. In eleventh grade you took her for what,
8 algebra? It says intermediate math on your transcript.
9 Is that what it was called?

10 A. I never know what exactly it is, like algebra or
11 calculus or anything like that. We just basically had
12 that name for the classes.

13 Q. What name?

14 A. Intermediate algebra.

15 Q. Intermediate algebra?

16 A. Well, I am not sure exactly, because I never pay
17 attention to exactly what level of math I am taking, but
18 just the one that follows after my math.

19 Q. Okay. And in twelfth grade you took math
20 analysis with Ms. Rivas?

21 A. Yes, math analysis.

22 Q. Were the copy problems in -- which class did you
23 have the copy problems in?

24 A. Which class, are you talking about my English
25 and the math?

1 with Ms. Rivas and your twelfth grade English class with
2 Ms. Burke, can you think of any other classes in which
3 the copying constraints on teachers at Jefferson
4 prevented them from assigning homework to their students?

5 A. No, I cannot think of any other.

6 Q. You said in your twelfth grade math class, you
7 had sufficient textbooks for all the students; correct?

8 A. Yes.

9 Q. And in eleventh grade you had a problem with the
10 number of textbooks in Ms. Rivas' math class?

11 A. Yes. We had to wait for a period of time for
12 the books.

13 Q. How long did you have to wait?

14 MS. LHAMON: Asked and answered.

15 BY MR. ROZWOOD:

16 Q. You can answer.

17 A. Around two months.

18 Q. That was during the period in which photocopies
19 were used --

20 A. Yes.

21 Q. -- to assign homework?

22 A. Yes, the first two months.

23 Q. And after that everyone had their own book;
24 correct?

25 A. Yeah, but -- yes, we did.

1 Q. Which of Ms. Rivas' math classes? I'm sorry. I
2 should be more specific.

3 A. In eleventh grade.

4 Q. So that was the algebra or intermediate math
5 class; correct?

6 A. Yes.

7 Q. But you didn't have problems in your math
8 analysis class, to your knowledge?

9 A. By that time, you know, like many students don't
10 take math class because you basically need three years.
11 That's the requirement. Not so many students go into the
12 next level of having math for four years.

13 And that's why we have like several books for
14 students to use. Otherwise if any of the students had to
15 take math four years, most likely there would not be
16 enough books for the students.

17 Q. I want to urge you in everyone's interest to
18 just try to answer the question asked. If it is a "yes"
19 or "no" question. You can just answer "yes" or "no" in
20 the interests of not wasting too much of your valuable
21 time.

22 I will just ask you to listen to the question
23 carefully and I will try to do a better job of asking
24 more specific questions, too.

25 Other than your eleventh grade class, math class

1 Q. Do you have any particular knowledge of whether
2 or not Ms. Rivas was permitted to make all the copies she
3 wanted to make?

4 A. I don't know.

5 Q. Did you ever have a discussion with Ms. Rivas or
6 anyone else regarding the effect, if any, of the copying
7 constraints on her ability to assign homework in your
8 class?

9 A. I never speak to her about that.

10 Q. Did you speak to anyone else about that?

11 A. Just to Ms. Burke.

12 Q. You didn't speak to Ms. Burke about the math
13 class; right?

14 A. No.

15 Q. Just with respect to the eleventh grade math
16 class, do you believe that the copying constraints on
17 Ms. Rivas prevented her from assigning homework to
18 students in your class?

19 MS. LHAMON: Calls for speculation.

20 THE WITNESS: Yes, I do believe, because as I
21 told you before, they only have limited copies and
22 therefore we have limited problems to work on. Homework
23 means practice and that also gave students a hard time
24 doing well in math.

25 BY MR. ROZWOOD:

1 Q. Have you ever seen a photocopy policy that
2 applies to -- actually, strike that.

3 Have you ever seen a written description of the
4 policy you have described on the copying constraints for
5 teachers at Jefferson?

6 A. No, I have not seen.

7 Q. Other than what you previously testified to, is
8 there any other basis upon which you base your belief
9 that there is a policy limiting the number of copies for
10 teachers at Jefferson?

11 A. I don't know.

12 Q. Are you aware of any specific instances where
13 teachers were not able to copy enough pages to assign
14 homework in your eleventh grade math class?

15 A. Can you repeat the question.

16 Q. Sure. Actually thank you for allowing me to do
17 that.

18 Are you aware of any specific instances where
19 Ms. Rivas was unable to copy enough pages to assign
20 homework to the students in her class?

21 A. You are trying to say that she was unable to
22 make enough copies?

23 Q. I am wondering if you are aware of any specific
24 instances where she was unable to do that?

25 A. No.

1 then you go into major problems that allows you to think
2 more in how to work on it, with the previous work that
3 you have -- with the previous knowledge you have gained
4 with small problems.

5 And I basically didn't even feel that I was able
6 to work well enough on those problems, but she basically
7 just didn't give us like harder problems, based on that I
8 feel that most of the time we were stuck with sort of
9 basic problems, but unable to understand because she
10 couldn't copy other examples that we could work on and
11 work on during our home time.

12 Q. Did you receive homework every night during that
13 two months period in Ms. Rivas' class every night?

14 A. She tried to create her own, but not most of the
15 times every night.

16 Q. How often did you have homework assignments,
17 whether they were big, little, large, small, in your view
18 sufficient or insufficient? How often did you have
19 homework?

20 A. Around three nights a week.

21 Q. Do you know why you had homework only three
22 nights a week instead of five nights a week?

23 A. Well, because basically she was having problems
24 with making copies and didn't have enough problems to
25 give us.

1 MS. LHAMON: Are you limiting the question to
2 the class that Altagracia was in or you are asking for
3 all of Ms. Rivas' classes?

4 MR. ROZWOOD: I am limiting it to Ms. Garcia's
5 eleventh grade class with Ms. Rivas.

6 Q. Do you know of any specific instance where she
7 said or you have knowledge from any other source that she
8 was unable to assign homework because of those copying
9 constraints?

10 Do you understand the question?

11 A. Yes, like -- yes, I do, that she will actually
12 mention to the class that she doesn't have enough copies
13 for us; right?

14 Q. For example; that's right.

15 A. Yeah, but basically she will not talk to us so
16 much. She will just go on with the lesson and do as she
17 can and then like go back to her desk and give us some
18 sort of work to work during class.

19 Q. Did you receive during those two months you
20 didn't have textbooks for each student to use in
21 Ms. Rivas' eleventh grade math class, did you receive
22 homework assignments every night?

23 A. Basically not -- like not enough, how do you
24 call, because you start with small, small level of math
25 problems, and then from that, from what you pick up,

1 Q. There weren't enough problems in the book to
2 copy?

3 A. Enough problems as she copied. Well, basically
4 she couldn't make enough copies and --

5 Q. How did you know that?

6 A. -- there were not enough --

7 MS. LHAMON: Let her finish.

8 BY MR. ROZWOOD:

9 Q. I interrupted you. I apologize.

10 MS. LHAMON: Go ahead and finish.

11 BY MR. ROZWOOD:

12 Q. Go ahead and finish your answer. I apologize.

13 A. How did I know that she didn't have enough
14 copies?

15 Q. No. Let's go back to the question I asked,
16 which is why did she only assign homework three nights a
17 week instead of five nights a week.

18 One answer you gave us was she didn't have
19 enough copies, and you were going to give another answer
20 and I interrupted you.

21 Is there any other reason why she gave homework
22 only three nights a week instead of five nights a week to
23 your knowledge other than the constraints on her ability
24 to make copies?

25 A. Well, basically she is like a pretty tough

1 teacher. She wants her students to keep on doing a lot
2 of math problems, to just not stop thinking about math.
3 And she will write us some problems from the board and we
4 will copy them down.

5 Q. Let me see if I understand. Is the reason she
6 didn't give homework four or five nights a week because
7 she couldn't make enough copies; is that correct?

8 A. Yes.

9 Q. And how do you know that?

10 A. She will not give us -- she will not pass out
11 the copies anymore, like when she was unable to, but she
12 will let us copy some sort of problems that she writes on
13 the blackboard, the chalkboard.

14 Q. So three nights a week she would hand out
15 photocopies from a textbook for homework; correct?

16 MS. LHAMON: I am just going to object. It
17 mischaracterizes the testimony to the extent that she
18 said "about" and I think it is an approximate number, not
19 an exact number.

20 BY MR. ROZWOOD:

21 Q. Is that correct?

22 A. Correct.

23 Q. Okay. And on the fourth and fifth nights, she
24 would write problems on the board for you to copy and do
25 for homework; is that correct?

1 A. Yes.

2 Q. On what do you base your view?

3 A. As I told you, just like three nights, a couple
4 of copies and that's it. Because most of the teachers,
5 they have five classes. And those classes they have to
6 cover as well with some copies. So that means that she
7 have to even out how many copies per class. That is why.

8 Q. Okay. I think I understand.

9 Other than that, do you have any other basis for
10 your view that Ms. Rivas failed to include examples from
11 the textbook in her photocopy homework assignments
12 because of the limitations on the number of copies she
13 could make at Jefferson?

14 A. No, I cannot think of any other.

15 Q. Now, we discussed copy problems last time with
16 respect to Ms. Burke's class. Do you remember that?

17 A. Yes.

18 Q. Do you have anything to add about your
19 testimony, your prior testimony on that topic?

20 A. No.

21 Excuse me. Can we take a break? I need to
22 drink water.

23 Q. Absolutely.

24 (Recess taken.)

25 BY MR. ROZWOOD:

1 A. Correct.

2 Q. So there was homework every night, correct, in
3 Ms. Rivas' eleventh grade math class?

4 A. Correct, but not necessarily from the textbook.

5 Q. I understand. Okay.

6 Now, on those times that you were given
7 photocopy problems from the textbook, you mentioned that
8 that was a problem, that there were problems with those
9 photocopies.

10 Let me ask you this. Were there any problems
11 with the photocopied assignments for homework that you
12 received approximately three nights a week in Ms. Rivas'
13 math class?

14 A. Only that we didn't have enough examples from
15 the textbook. She will only copy problems, not examples.

16 Q. And it's your view that the reason she didn't
17 copy more problems or the examples from the textbook is
18 because of the copying constraints at Jefferson?

19 A. Do I know why?

20 Q. Yes. Is that your view?

21 A. That it was because of the limited --

22 Q. Because she could only make a limited number of
23 copies. She was not able to copy the examples that you
24 wish were included in your homework assignments. Is that
25 your view?

1 Q. Turning to paragraph 233 of Exhibit 6 which is
2 the First Amended Complaint, an excerpt of the First
3 Amended Complaint, it says "Students at the school must
4 pay for their own educational materials."

5 Do you see that?

6 A. Yes.

7 Q. Are you aware of any instances where students
8 were forced to pay for their own educational materials at
9 Jefferson?

10 MS. LHAMON: Asked and answered on the first
11 day.

12 BY MR. ROZWOOD:

13 Q. You can answer.

14 MS. LHAMON: She is thinking.

15 MR. ROZWOOD: Okay.

16 THE WITNESS: Yeah, No. 233. That's my problem,
17 only with the English textbooks. Like for AP English we
18 have to buy our own AP book.

19 BY MR. ROZWOOD:

20 Q. Okay. And you testified about that last time;
21 correct?

22 A. Yes.

23 Q. Do you have anything to add to your testimony
24 regarding that topic?

25 MS. LHAMON: I am going to object. You asked

1 her at the beginning of the deposition if she had
2 anything to add to her testimony as a blanket statement
3 and she said she didn't.

4 Just as a time saver, it would be helpful not to
5 do it again.

6 MR. ROZWOOD: I just want to make sure she has
7 the opportunity, but if you are willing to stipulate she
8 has nothing to add, then I won't ask her with respect to
9 each topic, and we can save time.

10 Is that okay with you?

11 MS. LHAMON: Yes. That's fine with me.

12 MR. ROZWOOD: Okay.

13 Q. Now, what was the textbook that you had to
14 purchase in your AP English class?

15 MS. LHAMON: Asked and answered also on the
16 first day.

17 THE WITNESS: It's an AP book that has examples
18 of essays and topics of essays that we can write about.

19 BY MR. ROZWOOD:

20 Q. You testified that not every student purchased
21 that book; correct?

22 A. Correct.

23 Q. Was that textbook required as an instructional
24 material in your AP English class?

25 A. Yes, because it is the only thing they can refer

1 Q. And they got the topic from the teacher in the
2 class?

3 A. Yes.

4 Q. Did the teacher write it on the board or give
5 them a handout or how did they come to learn the topic on
6 the essay?

7 A. Basically she would just write it on the board.

8 Q. And that would be [REDACTED] or one of the
9 substitutes?

10 A. It was her. That was just based on the
11 beginning. Like the first days that she was there and
12 then all of a sudden we just didn't -- we were actually
13 angry, like we just bought our textbook for no reason,
14 because we didn't actually know how to use it without her
15 advice and her help.

16 And we were just very angry having substitute
17 after substitute. And we just missed out on gaining any
18 knowledge during that year, and especially after the test
19 coming very soon, the AP test.

20 Q. Did any of the substitutes in that AP English
21 class make reference to the textbook that you purchased?

22 A. No, because most of the teachers have their own
23 idea of teaching and they didn't have like a stable
24 agenda for the students because it was substitute after
25 substitute.

1 to and the teacher will try to teach her class based on
2 the textbook.

3 Q. Was that the only textbook that -- I'm sorry.
4 What was the name of the teacher in that class again?

5 A. [REDACTED] And then she left.

6 Q. That's the one where you had a series of
7 substitutes?

8 A. Yes.

9 Q. Were there any other instructional materials
10 used in that AP English class other than this textbook
11 you just referred to that you had to pay for?

12 A. Not that I remember any other materials.

13 Q. What did the students who didn't purchase the
14 textbook use in that class, if you know?

15 A. I don't remember what exactly they used, but
16 they tried. They tried -- like they will know like sort
17 of the topic that they have to write about, and they will
18 just write it on their own instead of like referring to
19 the textbook for the examples and the essays, and they
20 just basically try to do the work on their own.

21 Q. Let me just see if I -- I'm sorry if I
22 interrupted you.

23 What were you going to say?

24 A. With the topic. Using their own words. Once
25 they have the topic, they have to write the essay.

1 Q. So the only teacher that gave you assignments
2 from the textbook you purchased in your AP English class
3 was [REDACTED] correct?

4 A. Correct.

5 Q. Am I also correct in my understanding that no
6 other instructional materials were used by any of the
7 substitute teachers in that AP English class?

8 A. No, because basically we just think -- like the
9 students, we just had like a free day basically because
10 the substitutes have no idea how to control the class and
11 how to give the materials. They have no idea how to
12 handle us since they were just substitute.

13 They were just there to take care of the
14 students that they will just sit down in their seats and
15 will not overreact in any case, but not basically work.

16 Q. I apologize. Is this your senior year or your
17 junior year?

18 A. I graduated.

19 Q. But when we are referring to [REDACTED]
20 class --

21 A. [REDACTED] class is eleventh grade.

22 Q. And this is just your first semester of eleventh
23 grade; correct?

24 A. Correct.

25 Q. In Exhibit 2, it says you got a [REDACTED] in your AP

1 English language class. Is that accurate to the best of
 2 your recollection?
 3 A. I got a [REDACTED] but I don't think I earned a [REDACTED]
 4 Q. What did you earn?
 5 A. I think I earned better than a [REDACTED] but basically
 6 they just -- the teachers, they just came out with what
 7 grade you should receive instead of actually looking back
 8 into what work you were doing.
 9 Q. Do you know what assignments or tests formed the
 10 basis for the grade?
 11 A. No. I don't know because, as I told you, they
 12 just based the grade on like -- I think it was on
 13 appearance, I am not sure, because they don't see how
 14 well you put your time into your work and back into
 15 assignments.
 16 Q. When you say they didn't see how well you put
 17 your time into your work or your assignments, is that
 18 because they just didn't give you any assignments or is
 19 that because they didn't grade the work or why is that?
 20 A. After substitute, there were no real assignments
 21 that they will take into consideration in grading.
 22 Q. There were assignments given by substitutes,
 23 though; correct?
 24 A. Not that I remember of like big assignments, but
 25 like basic little things, like short answers or so.

1 Q. Is that work given in class?
 2 A. Yes.
 3 Q. Did they also give work for you to do at home?
 4 A. If you don't finish your work during class time,
 5 you have to finish it at home.
 6 Q. Were any assignments given specifically for
 7 homework in your AP English class in eleventh grade?
 8 A. Not that I remember, because most of the
 9 students, they didn't take the work seriously. We feel
 10 that they didn't take our education serious, like even a
 11 good, stable substitute for that whole period of time.
 12 Q. Last time I asked you to give me your best
 13 estimate of the number of substitutes, and you were
 14 unable to do so.
 15 Has anything changed in your recollection of
 16 that semester to improve your ability to give us an
 17 estimate of how many substitutes you had?
 18 A. I still don't remember how many substitutes.
 19 Q. Do you see in paragraph 233 where it says "In
 20 one advanced placement English class, students had to buy
 21 their own test primer."
 22 Is that test primer the book that you purchased
 23 that you have testified about?
 24 A. Yes. This is what we are referring to, the
 25 textbook.

1 Q. Is that a test primer for the AP exam?
 2 A. What do you mean by "primer"?
 3 Q. Okay. I don't know. This is language your
 4 attorneys included in the Plaintiffs' Complaint and I am
 5 just wondering if they are referring to something
 6 different than the book that you had.
 7 A. No.
 8 MS. LHAMON: That's going to call for
 9 speculation since she is not the author of the Complaint,
 10 but if you want to define "primer" for her.
 11 BY MR. ROZWOOD:
 12 Q. I think a test primer is a book that helps you
 13 prepare to take a test. Maybe it helps you take a test
 14 by giving you examples of what the test might be like or
 15 by building skills that you will need to test during that
 16 examination.
 17 Was that the book you purchased, a test primer?
 18 A. Yes.
 19 Q. Do you see where it says "In an advertising
 20 design class, students paid for notebooks and special
 21 paint they were required to have in class"?
 22 Do you see that?
 23 A. Yes.
 24 Q. Do you have any knowledge about this advertising
 25 design class allegation?

1 A. No. I was never able to take any art class. It
 2 was not available during my track.
 3 Q. Just drama and film; right?
 4 A. Yes.
 5 Q. And paragraph 234, do you see where it says
 6 "Jefferson students receive approximately 20 fewer school
 7 days of instruction each year than do students who do not
 8 attend multi-track schools?"
 9 Do you see that?
 10 A. Yes.
 11 Q. Do you think that's a problem or that it
 12 interferes in any way with the students' ability to learn
 13 the subject matter?
 14 A. Yes, especially with the B track, because when
 15 they are about to take the AP test, basically they just
 16 have two months to go right after they have took the AP
 17 test, so they didn't receive enough knowledge. And
 18 that's because they have to be absent for vacations
 19 during those two months that they could be using in order
 20 to learn more and to do better in the AP test.
 21 So they basically after they are done with the
 22 AP test, they have to still continue with the class for
 23 two months instead of like -- for us it worked out okay,
 24 and we were lucky to be in C track because the test goes
 25 in May. And by that time we are almost already done with

1 that year.

2 But B track has to continue with like -- they
3 didn't use those two months appropriate, but they still
4 have to continue after doing that test.

5 Q. Can you think of any other ways the multi-track
6 schedule interferes with the students' ability to learn
7 the material in the classes?

8 MS. LHAMON: Objection. Calls for speculation
9 as to other students, but you should answer for yourself.

10 MR. ROZWOD: I'm sorry, I didn't hear that.

11 MS. LHAMON: Calls for speculation as to
12 answering for other students, but you should answer for
13 yourself.

14 THE WITNESS: Right now I don't remember real
15 specific examples.

16 BY MR. ROZWOD:

17 Q. Do you know of anyone that was on the B track
18 that had a problem with their ability to prepare for an
19 AP exam due to the multi-track schedule?

20 A. I used to talk to some of the students in B
21 track and they used to tell me that they would get angry.

22 And basically during the last two months after
23 taking the test, they would just be thinking about the
24 test and not like thinking about how to prepare
25 themselves because there was no reason why to think that

1 time without referring to any of the work, any of the
2 school work.

3 Q. What opportunities do students have during
4 intersession to continue their learning in a given
5 subject matter?

6 A. Intersession is not available for any student,
7 only those that have failed a class before. I tried to
8 take intersession. I wanted to finish with my school
9 like soon.

10 And basically I tried to go for intersession,
11 for extra practice in math. And I talked to some
12 counselors and they told me that I am doing okay, so why
13 on earth should I have to take an intersession class. It
14 is only available for those students who are failing the
15 classes. And I don't think that's right.

16 Q. Other than intersession classes, does Jefferson
17 offer any other opportunities to students to continue
18 their learning in a given subject matter?

19 A. Not really. Tutors will be a good idea, but I
20 never had heard from any teachers that tutoring was
21 available or during off track.

22 Q. And you would prefer there just to be one
23 two-month break during the year instead of two?

24 A. I would just like to be the traditional
25 calendar, like from public schools, from private schools,

1 way after you have took the test.

2 Q. Can you think of any names of any of the
3 students you had those conversations with?

4 A. It's a guy, but I don't remember his name so
5 well.

6 Q. So it was just one student that you have in
7 mind?

8 A. Yes.

9 Q. Did you talk to anybody else on the B track
10 about this issue?

11 A. No.

12 Q. If you think of his name, will you tell us?

13 A. Yes.

14 Q. Thank you.

15 Is the school year shorter for A track at
16 Jefferson, if you know, than it is for a traditional
17 school year calendar with summers off?

18 A. I am not familiar with the traditional school
19 year, but based on our -- based on our multi-track
20 schedule, calendar, I think we missed like -- we usually
21 should have just like two months after track, but we have
22 like four months in the whole year vacation.

23 Q. Is that too much time off, four months?

24 A. Yes. And it's kind of difficult. Like you have
25 to go back to the subject after having a long period of

1 not -- like the traditional calendar public schools have.

2 Q. So nine months on, three months off during the
3 summer? That's what you would prefer?

4 A. That works; right.

5 Q. Is that what you would prefer?

6 A. Yes.

7 Q. Do you see in the last sentence of paragraph 234
8 where it says "It is difficult and sometimes impossible
9 for the school to perform maintenance and repair without
10 impeding children's education"?

11 Do you see those allegations about maintenance
12 and repair interfering with children's education?

13 A. What page?

14 Q. Page 51, the third page of Exhibit 6. Take a
15 minute to read that sentence so you can understand what
16 it says.

17 A. Well, since students are at school most of the
18 school days, and there were no repairs done in the
19 restroom, and basically they would tell us because there
20 is no time with all the students being in school.

21 Q. How do you know there were no repairs done in
22 the restrooms?

23 A. Because once they shut down another restroom,
24 most of the students were unable to get into a restroom.
25 And that means more problems with the students having

1 access to a restroom.

2 Q. I want to focus on the statement you made just
3 before that answer. I think you said that "They told us
4 that no repairs were done in the restrooms because kids
5 were always on campus or always at the school site."

6 Is that what you said?

7 A. Yes.

8 Q. How do you know that? Or I should say who told
9 you that?

10 A. It's just from things like going from student to
11 student where it is spreading around. But also the
12 ceiling tiles will fall -- will be about to fall or they
13 would just fall during class, and no one took care of
14 them because every student -- because we will use that
15 classroom the whole day and there was no time for someone
16 to repair that.

17 Q. Okay. Did anybody tell you that -- strike that.

18 To your knowledge were the restrooms ever
19 cleaned at Jefferson?

20 A. I never saw that they were cleaned, because I
21 think -- there was also school, adult school during
22 that -- during late night right after school, and I think
23 that the school was busy most of the time.

24 And I don't think janitors would like to do
25 their work late at night, like around 10:00 to 12:00 to

1 always on the school site?

2 A. No. No one else had told me --

3 Q. The only place?

4 A. -- the administrators or so.

5 Q. I'm sorry to interrupt you. Go ahead.

6 A. Like no administrators or anything like that,
7 they have told me, because basically if you wanted to
8 talk to someone about any school problems, they will not
9 be telling you the truth that they do have problems.

10 They just want us to continue on with school.

11 If we notice any problems, they will just try to move
12 them aside and not listen to those students.

13 Q. Did you ever try to have a discussion with any
14 school official regarding the condition of the restrooms
15 at Jefferson?

16 A. No, but I can give you an example once that we
17 tried to talk to the principal because on their sandwich,
18 like a roach appeared on the sandwich and we tried to
19 talk to the principal. She didn't pay us any attention.

20 So that basically means if we try to talk to her
21 about the restrooms, they will not listen to us as well.

22 Q. When did this incident occur with respect to the
23 roach and the sandwich?

24 A. I believe it was my first semester during senior
25 year.

1 finish with the whole school being cleaned. But based on
2 my knowledge, I'm not sure that the restrooms were
3 cleaned because basically I would just go to the
4 restrooms like during the afternoon and during lunchtime,
5 and I would see like paper on the floor or stuff like
6 that. I don't think they were like basically very
7 well-cleaned and sanitized.

8 Q. But they were cleaned occasionally as far as you
9 could tell; correct?

10 A. Not really. Well, I wouldn't spend my time in
11 the restroom. Like I would not go in the restroom in the
12 morning because I would use it at home, to try to prevent
13 to use it in the morning.

14 So I'm not sure how to tell you that the
15 restrooms wasn't cleaned at any times when the only time
16 I attended in the restroom was during lunchtime. And by
17 that time I would see the restroom dirty. But I am not
18 sure around like if there was any time that the restroom
19 was clean.

20 Q. Okay. I understand.

21 Did anyone from the school, any teacher,
22 administrator, counselor, principal, maintenance person
23 or anyone else from the school ever tell you that they
24 were unable to clean the bathrooms or do any maintenance
25 repair work on the bathrooms because there were students

1 Q. Was this in the lunch area?

2 A. It is sandwiches that you purchase and you just
3 think your money goes to waste when you found something
4 that makes you unable to eat your sandwich, so it's like
5 during the -- it is in the cafeteria where they kept the
6 food.

7 Q. And can you tell, describe in detail what
8 happened?

9 A. I was not present during the time that that
10 happened because I was in a classroom during lunchtime
11 eating my lunch, and I have my friends. And they said
12 like "We have it on tape. We have it on tape."

13 Because by that time they were carrying cameras
14 because they are in film. They were so excited that
15 probably the principal will do something about it. And
16 even though they have it on tape, the principal didn't
17 pay much attention at all.

18 Q. Did you see the tape?

19 A. No.

20 Q. What is your understanding based on your
21 conversations with those students about what actually
22 happened in the cafeteria with respect to that roach and
23 that sandwich?

24 A. What do you mean by my understanding?

25 Q. What is your understanding about what happened?

1 What did they tell you happened?
 2 MS. LHAMON: He is asking you to tell the story
 3 in more detail.
 4 BY MR. ROZWOOD:
 5 Q. Tell the story you heard from the kids about
 6 somebody bought a sandwich, opened it up, found a roach
 7 inside. What happened?
 8 A. Well, it's just basically a sandwich that
 9 doesn't come like in a plastic bag already being like
 10 sealed. You know, I think that the cafeteria workers
 11 make the sandwich right there, because it's like on basic
 12 plastic wrap, that very thin wrap, so that means that
 13 most likely there will be some sort of animal like bug or
 14 something in there.
 15 So they just told me that when they grabbed
 16 their sandwich, and they just like took the bread, they
 17 lift the bread and they saw inside that there like there
 18 was a bug, after they had took a bite actually to it.
 19 MS. LHAMON: And we are all sorry we had more
 20 detail.
 21 MR. ROZWOOD: It is the price we pay at
 22 depositions.
 23 THE WITNESS: They feel something crunchy,
 24 probably.
 25 BY MR. ROZWOOD:

1 Q. Was that part of the story, that they actually
 2 had bitten into the bug?
 3 A. I'm not sure, because basically I think I was a
 4 loner in school, but from what I hear from my friends,
 5 and I do believe them.
 6 Why should they just invent something,
 7 especially when they say they have it on tape. And what
 8 if someone wants to see the tape.
 9 Q. Were you part of the group that approached the
 10 principal about this problem?
 11 A. They are close friends, but most of the time I
 12 like to spend my time alone at school, so not part of the
 13 group during that time, but yes, I was part of the group
 14 like during the year, but not spend my time, most of my
 15 time with them.
 16 Q. Okay. Let me ask a better question.
 17 Did you approach the principal, you personally
 18 approach the principal, about this incident with the
 19 roach and the sandwich?
 20 A. No, I didn't.
 21 Q. How do you know that other students approached
 22 the principal about this incident?
 23 A. Because there was this girl that she told me --
 24 there were around three students who actually tried to
 25 approach the principal.

1 Q. What were the names of those students?
 2 A. One was Lisa and the other two girls I don't
 3 remember.
 4 Q. Lisa Lopez?
 5 A. Yes.
 6 Q. And two other female students?
 7 A. Yes, I believe.
 8 Q. Are those students involved in this lawsuit in
 9 any way?
 10 A. No.
 11 Q. To your knowledge?
 12 A. No.
 13 Q. Was Lisa Lopez one of the people at the press
 14 conference you mentioned in May 2000?
 15 MS. LHAMON: Asked and answered the first day.
 16 THE WITNESS: Yes.
 17 BY MR. ROZWOOD:
 18 Q. Was that something she discussed at the press
 19 conference, if you recall, the incident with the roach?
 20 A. No. Because we decide to give out different
 21 stories, and that was not one of the stories that we were
 22 thinking about.
 23 Q. Was Lisa in your film class with you?
 24 A. Yes.
 25 Q. And the other two students to your knowledge,

1 were they also in your film class?
 2 A. Math class. Only one.
 3 Q. And what was -- was it Ms. Preciado that was
 4 principal at the time of the incident?
 5 A. Yes.
 6 Q. What was Ms. Preciado's response to Lisa and the
 7 other students about the roach incident?
 8 A. By that time I only had the conversation with
 9 the other student from my math class. Her name is
 10 Yahira.
 11 Q. Can you spell that for the reporter?
 12 A. Y-a --
 13 Q. If you can.
 14 A. Y-a-h-i-r-a, I believe.
 15 Q. And what did she tell you?
 16 A. Well, she was the one that was like shouting
 17 that they have it on tape and she told me that the
 18 principal just told them that next time it will not
 19 happen. And that's like basically telling them that they
 20 would supposedly take care of the problem by just saying
 21 that "Next time it will not happen" and that's it.
 22 Q. To your knowledge did anything like that ever
 23 happen again in the cafeteria after that, after the
 24 students complained to Ms. Preciado?
 25 A. With the group? Well, I don't know about the

1 other students, but with the same group, I don't think
2 so. We are talking about so many, so many students that,
3 well, I think the odds are high about a student getting
4 some sort of bug in their food.

5 Q. Well, let's stick to the facts you know of and
6 leave the probabilities to one side for the moment.

7 Are you aware of any actual facts relating to
8 any vermin in the cafeteria after you complained, after
9 the students complained to Ms. Preciado?

10 A. No, I didn't heard of any other story.

11 Q. Do you know what Ms. Preciado did to address
12 students concerns?

13 MS. LHAMON: Objection. Calls for facts not in
14 evidence, calls for speculation.

15 THE WITNESS: I don't know.

16 BY MR. ROZWOOD:

17 Q. Did you ever or did you or any other student
18 that you know of ever follow up to find out what
19 Ms. Preciado did to address that concern and that
20 incident?

21 MS. LHAMON: Same objection.

22 BY MR. ROZWOOD:

23 Q. If you know.

24 A. No. I don't know. But as I told you, she said
25 like "Oh, it will not happen."

1 But I don't think -- because if she will
2 actually have tried to solve the problem, she will have
3 like letters sent to the teachers, and like during their
4 homeroom time; right? That's like every student has a
5 homeroom. That's like ten minutes, just like to come in
6 and sit down.

7 And basically they will send letters and like
8 saying like to be careful with their food, and "We will
9 try to be more careful and sanitize the cafeteria."

10 But none of that took place so I don't believe
11 she did like something major in order to make the change
12 possible, that problem did not take place any longer.

13 Q. But to your knowledge the problem never
14 recurred; correct?

15 A. Correct.

16 Q. Do you think she should have sent a letter to
17 all homeroom teachers regarding the incident?

18 A. Yes, I believe that would be correct to do
19 because, you know, when they are going to have parent
20 conference night, they do send letters, and that's to
21 alert the students to get their parents to school and
22 talk to the teachers. So I believe it should be -- they
23 have done it before, sending letters. Why they cannot
24 send letters for the same incident.

25 Q. You mentioned that you believe that the ceiling

1 tiles weren't repaired at Jefferson because students were
2 always in the classrooms; correct?

3 A. Correct.

4 Q. How do you know that? Did anyone ever tell you
5 that the students' presence, constant presence on the
6 school site prevented maintenance personnel from
7 repairing the ceiling tiles?

8 A. I don't know as well, but during rainy season,
9 you could see like water leaks coming through and you
10 will see like yellow lines going. And the principal just
11 told us like to just stay away from it.

12 And we will even go down on the sidewalk and try
13 to walk on the stairs. We will see buckets with water
14 dropping in the bucket, and that problem actually wasn't
15 really well-solved because -- it was all by the weather.
16 So if it didn't rain, there was no leaks. And that's the
17 way we just tried to work.

18 Q. Okay. It sounds like there's two different
19 problems with the ceiling and maybe there are others you
20 could tell me, but let's just address the two that I have
21 heard so far, one at a time.

22 One problem you have mentioned is missing
23 ceiling tiles or falling ceiling tiles or weak and
24 potentially falling ceiling tiles; correct? That's one
25 problem?

1 A. Yes.

2 Q. Did anyone ever tell you they were unable to fix
3 that problem by either replacing loose tiles or putting
4 in missing tiles because the students were constantly in
5 class on the multi-track schedule? Did anyone ever tell
6 you that?

7 A. No. No one told me that, but I think if the
8 problem were to be solved, the tiles will be back on the
9 roof, will stick, but we would just see more of them
10 missing.

11 Q. Do you think the reason that the missing tiles
12 were never addressed was because of the multi-track
13 schedule?

14 A. Yes, I do believe because of the multi-track
15 schedule.

16 Q. On what do you base that belief?

17 A. Because there's no free time. Only during
18 Christmas season, like probably two weeks for Christmas,
19 but no one works at that time. Basically almost no one
20 is at school.

21 Q. Okay. Other than that, do you have any other
22 basis for your belief that it was the multi-track
23 schedule that prevented the maintenance people from
24 replacing missing ceiling tiles at Jefferson?

25 A. No.

- 1 Q. The other problems you mentioned about the
2 ceilings was water leakage when it rained.
- 3 A. Yes.
- 4 Q. Can you describe that problem in detail? Can
5 you tell us where on the campus it occurred, correction?
- 6 A. It occurred in my math class during -- I believe
7 it was during senior year, like the first semester
8 because we just show up that morning to class and it was
9 very -- and as we show up, we just look at the ceiling
10 tiles.
- 11 It looked like a sponge no one has dried. You
12 just see it thin. But when it has water, you see it a
13 little bit more, how do you say this, more thicker, and
14 like there was like water droppings.
- 15 And as I told you before, we will see like
16 yellow, yellow lines because it was like exactly on the
17 corner, we will see yellow lines going through the crack
18 of the room.
- 19 Q. Which room are you referring to?
- 20 A. Ms. Rivas' room during math class.
- 21 Q. Did this problem you described with respect to
22 water leakage from the ceilings occur anywhere else out
23 of classes outside of Ms. Rivas' classes during your
24 experience at Jefferson?
- 25 A. Somewhere else will only on -- I am not sure

- 1 about the other buildings, but as I told you, it was on
2 the same math building that in the halls they will put
3 buckets to get the water leakage.
- 4 Q. Okay. So one place it occurred was inside
5 Ms. Rivas' classroom. And another place it occurred was
6 in the math building generally?
- 7 A. Yes, uh-huh.
- 8 Q. In the halls?
- 9 A. Yes.
- 10 Q. Was that on the first floor, second floor?
- 11 A. That's the second floor.
- 12 Q. Okay.
- 13 A. Actually the first floor, because that math
14 building only has two floors. You go upstairs and
15 there's one floor that's like basically the math floor.
16 You just go upstairs again and that's basically like the
17 science floor, so it's the first floor for that building.
- 18 Q. Is that the building away from the main building
19 near the bungalows?
- 20 A. Yes.
- 21 Q. On the first floor of that building is where the
22 water leakage you are describing occurred; correct?
- 23 A. Yes.
- 24 Q. Did the water leakage occur on the stairwells or
25 near the stairwells of that building?

- 1 A. Yes.
- 2 Q. Anywhere else besides the stairwells?
- 3 A. No. Because I remember going down to some
4 stairs and that's like on the hall.
- 5 Q. And what about just the main hall of the first
6 floor? Did it occur anywhere in the main hall of the
7 first floor?
- 8 A. What?
- 9 Q. The water leakage.
- 10 A. Are you talking around the same building?
- 11 Q. Yeah. Well, let's just take one building at a
12 time. If there are others, you can tell me about those
13 after.
- 14 A. Well, basically my classroom was close to the
15 stairs and there was like just a little section of the
16 hall close to the stairs and that is where I saw the
17 water leakage.
- 18 Q. Okay. And what, to your knowledge, did the
19 school officials do about that problem?
- 20 A. As I told you, it was just based on the weather.
21 If it didn't rain, we didn't have much of a problem.
- 22 Q. Did you ever see -- that was also in your senior
23 year, first semester?
- 24 A. Yes.
- 25 Q. When you were taking Ms. Rivas for math?

- 1 A. Yes.
- 2 Q. Did you ever see any other water leakage in that
3 building at any other time during your experience at
4 Jefferson?
- 5 A. No.
- 6 Q. And for how many days did that water leakage
7 problem last in your senior year?
- 8 A. Well, during that week it was raining extremely
9 hard, so like for three days.
- 10 Q. And the problem stopped after three days?
- 11 A. After there was sunshine.
- 12 Q. And the rain never came back?
- 13 A. I guess. No.
- 14 Q. Do you know if the maintenance people fixed the
15 source of the leak or not?
- 16 A. I don't know because I was not actually there to
17 see that there were any repairs taking place.
- 18 Q. Okay. Other than the water leakage outside of
19 Ms. Rivas' math class or in the stairwell of that
20 building, are there any other places on campus where you
21 have experienced the same or a similar problem?
- 22 A. No.
- 23 Q. And that's over the course of your whole four
24 years there; correct?
- 25 A. Correct.

1 Q. Now, with respect to those ceiling tiles, did
2 their absence interfere with your ability to learn the
3 subject matter of any class that you took?

4 MS. LHAMON: Calls for expert testimony.

5 THE WITNESS: What do you mean "absence"?
6 BY MR. ROZWOOD:

7 Q. The fact that they were missing. Did the fact
8 that there were missing ceiling tiles interfere with your
9 ability to learn the subject matter of any class you took
10 at Jefferson?

11 MS. LHAMON: Same objection.

12 THE WITNESS: Well, if they are missing, I don't
13 care about that, but if you are working and you are just
14 thinking about probably one will fall on your head and
15 that will be like an embarrassment, you know. So that's
16 what you are thinking about.

17 So you have to lose your concentration on your
18 work just by thinking about that.

19 BY MR. ROZWOOD:

20 Q. Okay. So you don't care if they are missing,
21 but you care if they are loose and if they might fall on
22 you; correct?

23 A. Correct.

24 Q. Okay. Can you think of any instances in your
25 experience in any of the classes you took at Jefferson

1 Q. And when you came back the next day to that
2 classroom, what was the condition of that ceiling tile?

3 A. I think that ceiling tile was not there. It
4 just fell by the time we were there the next day.

5 Q. It was gone?

6 A. Yeah.

7 Q. Maybe it was removed?

8 A. I don't think so, because no one will actually
9 try to reach out for it. It's kind of pretty high. And
10 if you --

11 Q. Is it -- I'm sorry to interrupt. Go ahead.

12 A. To get ahold of that, you will need a ladder
13 instead of just like going up on a desk and try to reach
14 for it.

15 Q. Is it possible that a maintenance person at
16 Jefferson removed that loose ceiling tile, to your
17 knowledge?

18 A. No, because basically just taking care of
19 cleaning the school is like the floor and the trash, not
20 up on the ceiling.

21 Q. So it's not possible that a maintenance person
22 at Jefferson removed that ceiling tile for safety
23 reasons; correct?

24 A. Correct.

25 Q. And you base your statement on your knowledge of

1 where your concern about a loose ceiling tile interfered
2 with your concentration in class?

3 A. Yes, because I don't remember which class it
4 was, but I remember the teacher like sort of being by my
5 side, like just walking by. He got hold of the square
6 tile and like -- I think he was making some sort of
7 collection. He just put it aside.

8 Q. Did he take it from the floor or where did he
9 take it?

10 A. Yes, from the floor, because, you know, right
11 after the bell rings, and you just come in class and just
12 get on your seat. You are not really paying attention
13 all around the room. So I saw the teacher picked up one
14 of those ceiling tiles.

15 Q. Did you see it fall?

16 A. No, but we were about to -- in one class we were
17 about to see one ceiling tile fall. We were even making
18 fun of that. We didn't pay close attention to what we
19 were working on because it was just hanging on one end,
20 one of the corners, and we were just paying attention to
21 that, literally it is like about to fall, it is about to
22 fall, and who it will fall on.

23 And we didn't get to see the ceiling tile
24 falling because at that time the bell rang and we had to
25 go to our other class.

1 the duties and responsibilities of maintenance personnel
2 at Jefferson; correct?

3 A. Correct.

4 Q. Do you have any other basis for your statement
5 that it's just not possible that anybody in the
6 maintenance department actually got on the ladder and
7 removed that loose ceiling tile?

8 A. No. I don't think anyone did.

9 Q. Which class was that loose ceiling tile in? Do
10 you remember?

11 A. I think it was in my history class.

12 Q. What year?

13 A. I don't remember if it was in tenth grade or
14 eleventh grade during my regular history class or my AP
15 history class.

16 Q. Your tenth grade was world history and eleventh
17 grade was American history. Does that refresh your
18 recollection about which class it was in?

19 A. No.

20 Q. Do you remember any of the students that were in
21 the class joking around about the loose ceiling tile and
22 who it might fall on?

23 A. I don't remember any of the students.

24 Q. And for how long did the distraction caused by
25 the loose ceiling tile last, one day of class, a half day

1 of class, a week? How long?

2 A. Like for about a week, because basically I
3 didn't try to pay any attention to it, but you know how
4 you have your friends that are making fun of it. You try
5 to go along with them. But most of the times I just like
6 to concentrate on my work.

7 Q. Was that missing -- sorry. Was that loose
8 ceiling tile loose for more than one day to your
9 knowledge?

10 A. It was just that day that we saw the loose tile,
11 but as I told you, the next day it was already gone.

12 Q. The other class you mentioned was a class where
13 a teacher picked up a piece of a ceiling tile from the
14 floor; correct?

15 A. Yes.

16 Q. Do you remember what class that was?

17 A. I believe it was a bungalow.

18 Q. Can you think of any other instances other than
19 the ones that you testified to where the condition of the
20 ceiling tiles at Jefferson interfered with students'
21 ability to concentrate on the subject matter of their
22 classes?

23 A. No, I cannot think of any other.

24 Q. Did that bungalow incident interfere with
25 students' ability to concentrate on their subject matter?

1 A. Just for a partial time, not for an extremely
2 long period of time, but yes, it was on my concern.

3 Q. Well, I am asking you what the extent of your
4 concern was. If it wasn't constant and it was just part
5 of the time, can you help us quantify a little better so
6 we can understand the kinds of impacts situations like
7 these have on children's ability to learn in schools?

8 MS. LHAMON: Altagracia, I am not asking you to
9 change your testimony. I just was wondering if the
10 question was clear, and so you should just think about it
11 just based on a clear understanding of the question is
12 all.

13 THE WITNESS: Like how long that it took, my
14 concern?

15 BY MR. ROZWOOD:

16 Q. Let's just say you were there for four years
17 and, you know, you felt like -- this is just an example.
18 I don't really know how it interfered. I am trying to
19 understand how it interfered with you so I can get a
20 better understanding how it might interfere with other
21 students.

22 And I guess I am wondering if like in a
23 particular class where there is ceiling tile problems or
24 you feel like there's a risk that the ceiling tile might
25 fall on you, how does that impact your ability to

1 MS. LHAMON: Calls for expert testimony and for
2 speculation.

3 THE WITNESS: Just that they will fall on their
4 head, that ceiling tile.

5 BY MR. ROZWOOD:

6 Q. You talked about the risk of a ceiling tile
7 falling on your head and that being distracting. Did
8 that actually distract you at any time during your
9 experience at Jefferson?

10 A. Yes. Because as I am sitting on my desk, I am
11 trying to like write and just having the fact that it
12 could fall, the ceiling tile could fall on your head
13 doesn't allow you to concentrate.

14 Q. So this was an ever-present concern of yours
15 during classes that distracted you from the subject
16 matter of your coursework that a ceiling tile might fall
17 on your head or fall and hurt you?

18 A. Yes.

19 MS. LHAMON: Did you understand "ever-present,"
20 that phrasing?

21 BY MR. ROZWOOD:

22 Q. Constant. Was it a constant concern of yours
23 that constantly interfered with your ability to
24 understand and concentrate on the subject matter of your
25 classes?

1 concentrate and learn the subject matter of a given
2 class? If you could give me a better answer, that's
3 great. If not, that's fine.

4 A. Well, basically I would just say the same thing.

5 Q. Okay.

6 MS. LHAMON: I didn't mean to confuse things.
7 Sorry.

8 MR. ROZWOOD: Sorry.

9 Q. It sounds like it was not a constant concern in
10 every class, though; correct?

11 A. Correct.

12 Q. And if you took looks like six classes a year,
13 would you say it was a concern on average of one out of
14 those six classes or more or less than that?

15 A. Around two, two classes.

16 Q. And in those classes where you had the concern,
17 were you concerned every day or just occasionally?

18 A. Occasionally, especially when that was
19 happening.

20 Q. Did you ever communicate your concerns about the
21 ceiling tiles and their distraction and the distraction
22 they caused you to any school officials such as teachers
23 or maintenance personnel at Jefferson?

24 A. No. We never told anyone about it because since
25 this happens on any basis, we would just take it as being

1 something normal, but if we were to compare it to like
2 other schools, I think that we will actually be looking
3 at their problems, and we will be telling the teachers or
4 the principals or any other staffs to let them know about
5 the problems that we think they should be told.

6 But since we don't have any other schools, we
7 didn't -- on any other schools like where we can compare
8 and contrast, like that school with our school. And I
9 think we should have done that. We would be more able to
10 think about problems that they should be solved.

11 Q. But here is a situation where some of your
12 classes have no ceiling tile problems and some of your
13 classes have ceiling tile problems, so what purpose is
14 served by going and looking at other schools?

15 Can't you just tell that sometimes ceiling tiles
16 are in good condition and safe and sometimes they are not
17 and just point that out to a teacher or ask them about
18 it? Is that unreasonable?

19 MS. LHAMON: Objection. The question is
20 argumentative.

21 THE WITNESS: I don't -- it's like the teachers
22 don't have the time and we don't have the time to have a
23 discussion on ceiling tiles, so why waste our time
24 discussing about it.

25 BY MR. ROZWOOD:

1 classes that had ceiling tile problems communicate those
2 problems to any maintenance personnel or other school
3 officials at Jefferson?

4 A. No, not that I remember, that I know about.

5 Q. Is it possible that the teachers did communicate
6 those concerns to the maintenance personnel, to your
7 knowledge?

8 A. I don't know. Well, teachers might try to
9 communicate with the principal to do something about it,
10 but of course I don't have like steady conversations with
11 teachers. It is like basically saying I go to do my job,
12 like sit in class and receive some education. That's it.

13 Q. So to your knowledge it is possible; correct?

14 A. Correct.

15 Q. Okay. Are you aware of any instances where
16 ceiling tile problems were addressed and repaired by the
17 school?

18 A. Not that I remember that they were actually
19 repaired.

20 Q. Or replaced?

21 A. No, because -- you know, like it's kind of
22 saying like that joke is old, so you don't pay attention
23 to it. We were not paying attention to it so we would
24 not follow on to see whether it was fixed or not.

25 Q. Well, I guess I am confused, then, because you

1 Q. I am just trying to understand why you didn't
2 raise the issue. And one answer you gave was because you
3 couldn't compare your situation to other schools.

4 Is that one of the reasons why you didn't raise
5 the issue?

6 MS. LHAMON: Asked and answered.

7 THE WITNESS: Well, I was thinking about some
8 other problems, but as you mentioned, like some classes
9 do have ceiling tile problems, some classes don't. Why
10 can we not compare with other classes.

11 But as I am telling you, why waste our time?
12 Like most of the teachers, they don't like us even having
13 conversation with students, why have a conversation with
14 the teacher and waste our class period time and just a
15 conversation with ceiling tiles?

16 So we are just saying something about -- since
17 it rains, of course, it has to be leaks on the ceiling
18 tile since it rains. And since the buildings are old, of
19 course, the ceiling tiles will be falling. So that's
20 what I basically used to think.

21 And I just never tried to spend my time, most of
22 my time thinking about that, because I have other things
23 to do, especially with school work.

24 BY MR. ROZWOOD:

25 Q. To your knowledge did any of the teachers in the

1 said missing ceiling tiles and ceiling tile problems
2 interfered with your ability to learn and distracted you
3 from your subject coursework; correct?

4 A. Yes. And as I am telling you, that was just
5 like a partial time when it actually took place. But
6 then after, you will actually see no ceiling tiles about
7 to fall. You just try to concentrate on your work.

8 Q. Okay. So the distraction with respect to the
9 falling ceiling tiles is limited to just the time where
10 they actually look like they are falling and doesn't
11 extend to the rest of the school year; correct?

12 A. Correct.

13 Q. And so then you weren't really paying close
14 attention to whether or not missing ceiling tiles were
15 replaced from time to time in a given class; is that
16 correct?

17 A. Correct.

18 Q. Okay. And you have no knowledge as to what the
19 school did with respect to the water leakage that we had
20 discussed previously; correct?

21 A. Correct.

22 Q. With respect to that last sentence in paragraph
23 234, it's the third and fourth lines at page 51 of the
24 First Amended Complaint in Exhibit 6, where it says "It's
25 difficult and sometimes impossible for the school to

1 perform maintenance and repair without impeding
2 children's education."

3 Are you aware of any other instances other than
4 the ones we have discussed in your deposition where
5 maintenance or repair work was prevented or impeded due
6 to the multi-track schedule?

7 A. Not on my school, but I have my little brother
8 who attends elementary school. And we actually receive a
9 letter where they say they will be using some chemicals
10 so that they could get rid of rats and roaches.

11 Basically on that letter, from what I got is
12 that even during school times they will be using those
13 chemicals.

14 Q. What does the letter say?

15 A. That they will be using certain chemicals. They
16 even listed certain chemicals and names.

17 Q. Uh-huh.

18 A. And that they will be using -- since there are a
19 lot of problems with roaches and rats, they will be using
20 the chemicals.

21 Q. And does it say the chemicals will be used while
22 the children are on campus?

23 A. I believe they will be used because they even
24 specifically like give you some -- the names of the
25 chemicals and they think that they are harmless and

1 THE WITNESS: Not really.

2 BY MR. ROZWOOD:

3 Q. Okay. That's fair. This sentence where it says
4 "Multi-tracking," you know, the multi-track schedule
5 means that there is no school time where students -- I am
6 not reading this properly and I don't want to
7 mischaracterize.

8 MS. LHAMON: That's okay.

9 MR. ROZWOOD: You want to help out?

10 MS. LHAMON: Yeah.

11 Allegation just means that it is a claim that we
12 have made in this case, that the plaintiffs, the
13 schoolchildren have made in this case. An allegation is
14 something that we say is true and that we intend to prove
15 in the case.

16 Does that make sense? So then Ben's question
17 is9.

18 THE WITNESS: So what is written here on the
19 paper --

20 MS. LHAMON: Is the allegations.

21 BY MR. ROZWOOD:

22 Q. The plaintiffs are contending that multi-track
23 interferes with the ability to clean the schools because
24 kids are always on campus. It's one of the allegations.
25 It is one of the things that they contend is true.

1 that's why they will be able to use them.

2 Q. Okay. I am not asking you whether the chemicals
3 will be used. I am asking you whether or not the letter
4 says the chemicals will be used while children are
5 attending school or, in the alternative, while they are
6 not attending school. Does the letter say anything about
7 that?

8 A. It doesn't say specifically when they will be
9 using it, just that they will be using them.

10 Q. Is it a multi-track school, the elementary
11 school --

12 A. Yes.

13 Q. -- that your little brother goes to?

14 A. Yes.

15 Q. How old is your little brother? What grade is
16 he in?

17 A. Third grade.

18 Q. What school is that?

19 A. 28th Street School.

20 Q. That's where Ms. Diago went, I think.

21 So am I correct that you told us everything
22 about Jefferson that supports the allegation made in the
23 last sentence of paragraph 234 that you know of?

24 MS. LHAMON: Do you know what that phrase
25 "allegation" means"? Is that word clear?

1 So I am asking you if you have told me
2 everything you know of to support that allegation,
3 because the plaintiffs are going to try to prove that and
4 we want to know what evidence you know of, what facts you
5 have experienced that support that allegation.

6 And you have talked about bathrooms and you have
7 talked about tiles and you have talked about other things
8 like leakages and I am just wondering if you have
9 anything else to add to the list that supports that
10 allegation?

11 A. No.

12 Q. Do you understand the question I asked you?

13 A. Yes.

14 Q. And if you think of anything else, will you tell
15 us?

16 A. Yes.

17 MR. ROZWOOD: Can we take a break?

18 MS. LHAMON: Yeah.

19 (Recess taken.)

20 BY MR. ROZWOOD:

21 Q. Okay. Turning to paragraph 235 of the First
22 Amended Complaint which you have there an excerpt of in
23 Exhibit 6, do you see where it says "Course offerings at
24 the school are so limited that students either are
25 foreclosed from taking certain courses or must choose

1 between academic rigor and extracurricular involvement"?

2 A. Yes.

3 Q. Do you know what that statement means?

4 A. That there are not a variety of classes being

5 offered for students to take.

6 Q. Is it true that students have to choose between

7 academic classes and extracurricular classes at

8 Jefferson?

9 MS. LHAMON: Calls for speculation.

10 BY MR. ROZWOOD:

11 Q. To your knowledge.

12 A. First they try to take care of their basic

13 classes, the general requirements of graduation. But if

14 they are interested in taking like, how do you say it,

15 taking any extracurricular activities, any

16 extracurricular classes --

17 Q. Electives?

18 A. -- electives, yes, they have to make decisions

19 based on what they have.

20 Q. They have to choose amongst the various

21 electives?

22 A. Yes.

23 Q. But every student is offered sufficient academic

24 courses to your knowledge; correct?

25 A. Academic courses you refer to just like math,

1 history, English?

2 Q. And language classes; correct.

3 A. Yes.

4 Q. The basic academic courses you are required to

5 take to graduate, all of those classes are available to

6 your knowledge in sufficient number to all students at

7 Jefferson; correct?

8 MS. LHAMON: Asked and answered on the first

9 day.

10 THE WITNESS: Not really. Like right here we

11 mentioned French. I actually had some classmates who

12 during parent conference night, they try to get

13 signatures of the parents and they actually got like

14 three pages of signatures from parents because we wanted

15 to take a French class in her track. French was never

16 any option. It was never available. Only Spanish.

17 BY MR. ROZWOOD:

18 Q. Okay. Outside of the French instance, are there

19 any other examples where academic classes were not

20 available to the students who wanted to take them at

21 Jefferson?

22 A. Academic classes? No. There is no other

23 examples I can think.

24 Q. Okay. Let's talk about the French example.

25 What year of high school did that occur in?

1 A. During tenth grade.

2 Q. Now, does Jefferson start off in ninth grade?

3 A. Yes.

4 Q. And it's your testimony that students that took

5 French in ninth grade on a given track were not able to

6 take French on that same track in tenth grade; correct?

7 A. Excuse me, what do you mean?

8 MR. ROZWOOD: Can you repeat the question for

9 the witness, please.

10 (The record was read

11 by the reporter as follows:

12 "Q. And it's your testimony that students

13 that took French in ninth grade on a given

14 track were not able to take French on that

15 same track in tenth grade; correct?")

16 THE WITNESS: Correct, but usually students

17 start taking the language courses I believe during tenth

18 or eleventh grade.

19 BY MR. ROZWOOD:

20 Q. Okay. What do you mean "usually"?

21 A. Because in ninth grade we try to cover like

22 typing classes and health class and then there's math,

23 English and PE. So we cannot take language during that

24 year. After we have covered our PE class during ninth

25 and tenth.

1 Q. I see what you mean. Well, in paragraph 235,

2 the plaintiffs allege that "some students who took French

3 during their ninth grade year were not able to continue

4 with French instruction during the following year because

5 Jefferson did not offer second year French."

6 Do you see that?

7 A. Uh-huh.

8 Q. Do you have any knowledge that supports or

9 relates to that allegation?

10 A. No.

11 Q. You mentioned parent signatures were gathered.

12 Was that with respect to this French course?

13 A. No. It was -- I believe this is for some other

14 track and some other students make this statement, but

15 for our track, we never had the chance to take French.

16 It was never offered to us.

17 Q. French was never offered to you on your C track;

18 correct?

19 A. Correct.

20 MS. LHAMON: And just could I make sure that the

21 record is clear. When you said two statements ago "I

22 believe this is referring to another track," you were

23 referring to the sentence in paragraph 235 that begins

24 "some students who took French during the ninth grade

25 year"; is that right.

1 THE WITNESS: Yes.

2 MS. LHAMON: It is just if you point to
3 something, it doesn't show up on the transcript, so we
4 want to say what you are pointing to.

5 THE WITNESS: Yeah.

6 BY MR. ROZWOOD:

7 Q. What was the instance where parents' signatures
8 were gathered by petition that you referred to earlier?

9 A. When?

10 Q. Yes. Can you describe the circumstances under
11 which that petition was circulated and for what purpose?

12 A. The purpose? To have a teacher, to have a
13 teacher who actually teaches French, because our native
14 language is Spanish and if we continue having more
15 Spanish, it will not be of any use.

16 We want to have some other language that we
17 could learn something different, and that's why two of
18 the girls took that interest of getting the signatures,
19 the petition, in order for us to have the class
20 available.

21 Q. On C track; correct?

22 A. Yes.

23 Q. And how many signatures did you get?

24 MS. LHAMON: Objection. Assumes facts not in
25 evidence. She hasn't testified that she was part of the

1 A. Yes.

2 Q. And on what do you base that view other than the
3 fact that you speak it as a native language? Let me ask
4 it a different way. I'm sorry. These are bad legal
5 questions. I will try to get down to the nuts and bolts
6 here.

7 Can you think of any benefit at all even to
8 native Spanish speakers for taking advanced Spanish
9 language courses or Spanish literature courses?

10 A. They would just teach us about like verbs and
11 adverbs. And I think that was okay, but covering one
12 year in Spanish and trying to cover another year in
13 French, that would be just great. But that was never
14 done.

15 Q. You would prefer to take one year of Spanish --
16 I mean, strike that.

17 You would prefer to have a choice between the
18 language you take; right?

19 A. Yes.

20 Q. You acknowledge there is some value taking
21 Spanish even to a Spanish speaker, though; correct?

22 A. Yes.

23 Q. Do you see in paragraph 235 the allegation on
24 lines 9 and 10, "Students who take advance placement
25 courses cannot become involved in extracurricular school

1 signature-gathering.

2 BY MR. ROZWOOD:

3 Q. Were you part of the signature-gathering?

4 A. No, I was not part, but by the time I showed up
5 like during parent conference night --

6 (Telephone interruption.)

7 MR. ROZWOOD: I apologize. Let's go off the
8 record for one second.

9 (A discussion was held off the record.)

10 BY MR. ROZWOOD:

11 Q. I apologize. I got distracted by the phone
12 call. Are we back on the record?

13 (The record was read

14 by the reporter as follows:

15 "Q. Were you part of the
16 signature-gathering

17 "A. No, I was not part, but by the time I
18 showed up like during parent conference
19 night --")

20 THE WITNESS: -- I saw the girls like already
21 they have filled up a page and a half of signatures.

22 BY MR. ROZWOOD:

23 Q. You testified it would be of no value to you to
24 take more Spanish given Spanish is your native language;
25 correct?

1 activities such as student government and athletics"?

2 A. Uh-huh.

3 MS. LHAMON: Remember to say "yes" or "no"
4 because he is asking you.

5 THE WITNESS: Oh. Yes.

6 BY MR. ROZWOOD:

7 Q. Thank you. Are you aware of any facts that
8 support or relate to that allegation?

9 A. Yes. For example, I have my classmate, Ms. --
10 my classmate Cockche.

11 Q. How do you spell that for us?

12 A. C-o-c-k-c-h-e, Cockche. We always make fun of
13 her.

14 Q. There is a lot there to make fun of.

15 Okay, Cockche, your classmate. She has
16 graduated now, too; correct?

17 A. Yes.

18 Q. Go ahead. I'm sorry.

19 A. She always likes to take volleyball and we used
20 to have an AP class like during sixth period and she has
21 to miss most of the days because she has to be there for
22 practice or for the games. And that interrupts with her
23 basic class. And I guess like if she's thinking about
24 class, she will not be able to like fully concentrate on
25 the game.

1 Q. This was an AP class that she took with you?
 2 A. Yes.
 3 Q. In sixth period?
 4 A. Yes.
 5 Q. And what class was that?
 6 A. I believe it was the second semester of eleventh
 7 grade.
 8 Q. I am going to hand you a copy of Exhibit 2.
 9 MS. LHAMON: That's all right.
 10 BY MR. ROZWOOD:
 11 Q. You didn't bring Exhibit 2 with you; right --
 12 A. Right.
 13 Q. -- from last time and your attorney hasn't
 14 either.
 15 MS. LHAMON: That's okay. We don't need a copy,
 16 if you need to show it to her.
 17 MR. ROZWOOD: I prefer not to show her my copy,
 18 but if that's the only alternative that we have.
 19 Q. Which AP class was this?
 20 A. AP English.
 21 Q. Which was offered in sixth period?
 22 A. Yes.
 23 Q. And volleyball was during the first or second
 24 semester?
 25 A. I am not sure. I don't remember.

1 Q. Was it during the semester where you had the
 2 repeat substitute problem or was it --
 3 A. It was the second semester. The first semester
 4 of eleventh grade we had the problem with the substitute.
 5 The second semester we had a different teacher from a
 6 different track. He worked -- I believe he worked extra
 7 time when his class was off track.
 8 Q. So was Cockche able to play on the volleyball
 9 team or take the volleyball class that she wanted to?
 10 A. I think she decided she preferred to be more
 11 involved into sports instead of like try to take --
 12 instead of just staying in the room and for the class.
 13 Q. Did Cockche end up taking the AP English class
 14 with you all year during your eleventh grade year?
 15 A. Yes, but she was very disappointed with the
 16 grades she received.
 17 Q. As were you; correct?
 18 A. Yes.
 19 Q. But you didn't take volleyball; correct?
 20 A. Correct.
 21 MS. LHAMON: The question was vague.
 22 Are you asking if Altagracia was disappointed
 23 with the grade Cockche received or the grade that
 24 Altagracia received?
 25 MR. ROZWOOD: With the grade Ms. Garcia

1 received.
 2 Q. Were you disappointed in the grade you received
 3 in AP English?
 4 A. No. I was not disappointed. Only her. She was
 5 disappointed with her own grade.
 6 Q. Wasn't it the class you got the [REDACTED] in and you
 7 said you didn't deserve it?
 8 A. No. I am talking -- I believe I got an [REDACTED]
 9 Q. You are talking about the second semester?
 10 A. Yeah.
 11 Q. Thank you. I apologize. Thank you for the
 12 clarification.
 13 Do you know what grade Cockche got in her class,
 14 in the AP English class the second semester?
 15 A. The teacher was saying the grades out loud
 16 during like our last day, and from what I heard, like I
 17 think she earned a [REDACTED]
 18 Q. So the problem is that participating in
 19 extracurricular school activities such as volleyball team
 20 interferes with class time like AP classes; correct?
 21 A. Yes, especially since it is a sixth period
 22 class. And during that period is when the actual --
 23 Q. So the problem is that you can't join --
 24 MS. LHAMON: I'm sorry. I didn't think she
 25 finished her answer.

1 BY MR. ROZWOOD:
 2 Q. Are you finished?
 3 A. No.
 4 Q. I'm sorry. Go ahead.
 5 A. -- is the time when the actual trip, you know,
 6 they get bussed to the other schools where they have to
 7 play when the practices take time.
 8 Q. Okay. So the problem is not that students
 9 cannot become involved in extracurricular sports, but
 10 rather that when they choose to do so, it interferes with
 11 their ability to take certain classes at the latter part
 12 of the day; correct?
 13 A. Correct.
 14 Q. Okay. It says here "Extracurricular activities
 15 including student government prevents students from
 16 taking advanced placement courses."
 17 Are you aware of any facts that support that
 18 allegation?
 19 MS. LHAMON: I am going to object to the extent
 20 that it misstates what it actually says there.
 21 THE WITNESS: From student government, I don't
 22 know. I never met anyone talking to me about student
 23 government interfering. Probably that's from the other
 24 track.
 25 BY MR. ROZWOOD:

1 Q. Okay. And you have no knowledge whether student
2 government interfered with students' desire to take
3 advanced placement courses; correct?

4 A. What do you mean?

5 Q. You have no knowledge of whether that's true or
6 false; correct?

7 A. Correct.

8 Q. Other than Cockche's experience with the
9 volleyball team, are you aware of any other instances
10 where students were not able to become involved in
11 extracurricular school activities because of athletics?

12 A. There were guys who tried to take basketball,
13 but I didn't pay attention to them. Cockche used to talk
14 to us about her basic problems and how she likes
15 volleyball, but there were other students taking the
16 sports, but I had no communication with them so I don't
17 know exactly of any other, more examples.

18 Q. Okay. If you think of the names of any other
19 students that have that problem, can you tell us?

20 A. Yes.

21 Q. And what was Cockche's last name?

22 A. Eng, E-n-g.

23 Q. Thank you.

24 In paragraph 236 the plaintiffs make allegations
25 regarding the bathrooms at Jefferson. The first sentence

1 Q. So you don't think the four restrooms as they
2 exist at Jefferson even if they are all open is
3 sufficient to accommodate all of the girl students at
4 school?

5 A. No. Especially during lunchtime. You have to
6 make a long line to use the restroom.

7 Q. Do those long lines exist from the beginning of
8 lunch until the end of lunch or just at the beginning or
9 just at the end or when?

10 A. The beginning and the end of lunchtime.

11 Q. But not during the middle of lunch; correct?

12 A. Correct.

13 Q. How many stalls are in each bathroom for the
14 girls at Jefferson?

15 MS. LHAMON: Objection. Calls for speculation
16 to the extent that she hasn't been in the locked
17 bathrooms.

18 BY MR. ROZWOOD:

19 Q. Well, all the bathrooms -- the two bathrooms
20 that were locked, one was only locked for three weeks
21 after the attempted rape near the gym; correct?

22 A. Correct.

23 Q. And then it was open and you were in there;

24 correct? After that it was opened up and you were in it?

25 A. After that?

1 says "Jefferson does not have enough bathrooms for all
2 the students at the school."

3 Do you see that?

4 A. Yes.

5 Q. In your first day of deposition, we discussed
6 the fact that there were four bathrooms available for
7 girls to use on campus; is that correct?

8 A. Correct.

9 Q. Is that not enough bathrooms for all the
10 students to use at the school in your view?

11 A. Because two of them were shut down most of the
12 time, there were only two left, so I don't think there
13 were enough bathrooms.

14 Q. But if all four were open, would that be enough?

15 A. If there were enough, how do you call those --

16 Q. Security guards?

17 A. Not security guards.

18 Q. Supplies, soap, towels?

19 MS. LHAMON: Toilets?

20 THE WITNESS: Stalls, yeah, stalls.

21 BY MR. ROZWOOD:

22 Q. Stalls.

23 A. If there were enough stalls, yeah, but basically
24 in each room there were three to four stalls to use and
25 that's it. I don't think that would be enough.

1 Q. Yeah. After it was locked for three weeks --

2 A. Uh-huh.

3 Q. -- the school reopened it and made it available
4 for students to use; correct?

5 A. Correct.

6 Q. And did you ever go into that bathroom?

7 A. During lunchtime, yes.

8 Q. Okay. So have you been in all four bathrooms at
9 one time or another?

10 A. Yes, but I never count that stall.

11 Q. Okay. And is the reason you think there aren't
12 enough stalls is because there are long lines during
13 lunch?

14 A. Yes. I only remember specifically of two
15 restrooms, how many stalls there are, because the one
16 that is on the main building, that one exactly has four.

17 Q. Okay.

18 A. There is three small ones and then there is one
19 big one like someone that is like on a wheelchair.

20 Q. For handicap use?

21 A. Yes.

22 Q. So the main building has three regular stalls
23 and one handicap.

24 A. Uh-huh.

25 Q. And what about the other one that's open all the

1 time?

2 A. Well, I am telling you that I only remember

3 about that one that I had just told you about is open all

4 the time.

5 Q. Okay.

6 A. But the other one that I remember of how many

7 stalls is the one that was shut down for three weeks and

8 then reopened, but only like during lunchtime.

9 Q. That's the one by the gym?

10 A. Yes. By the gym.

11 Q. Okay. How many stalls does that one have?

12 A. Three.

13 Q. Okay. And how about the one on the second floor

14 of the main building that's locked during class time? Or

15 I don't know when it's locked, so I apologize.

16 A. That one is close to the library. I am not

17 sure. I just went in once when it was open like I

18 believe after 4:30.

19 Q. Did you notice how many stalls were in there?

20 A. No.

21 Q. How about the fourth one? Where is that?

22 A. That one is in the math building.

23 Q. On the second floor or first floor?

24 A. The first floor.

25 Q. Is that one always open, too?

1 A. Yes.

2 Q. And how many stalls does that one have?

3 A. I'm not sure, but they are a little bit more

4 than the other restrooms.

5 Q. How about the one close to the library? Is that

6 a little bit more, too, or do you not know?

7 A. No. It is a pretty small restroom.

8 Q. Okay. And how many stalls do you think are

9 necessary to accommodate the girl students at Jefferson?

10 MS. LHAMON: Calls for expert testimony.

11 THE WITNESS: How many? Well, it would be nice

12 if the four restrooms were open with complete seven

13 usable stalls.

14 BY MR. ROZWOOD:

15 Q. Seven all together or seven each bathroom?

16 A. Seven each bathroom. Between seven and ten each

17 bathroom, that would be fine.

18 Q. That would be pretty good.

19 Do you think that would be enough if you had

20 four bathrooms, ten stalls?

21 A. Completely enough. Because whenever I used to

22 go out for lunchtime, I wasted like 10 to 15 minutes just

23 on that line, and that was 15 available minutes of

24 getting my lunch and finishing some assignment that I

25 didn't complete it during lunchtime.

1 Q. The lines that you have described at the

2 beginning and at the end of lunchtime, are those the only

3 lines you have ever seen at Jefferson High School with

4 students waiting to use the bathroom?

5 A. Yes. Lunchtime and nutrition.

6 Q. Oh, okay. And nutrition?

7 A. Uh-huh.

8 Q. And the lines are at the beginning and end of

9 nutrition as well or throughout nutrition?

10 A. It is like usually at the beginning and end.

11 Q. The lines you are referring to are the lines to

12 use the restroom in the main building; correct?

13 A. The main building, you are not allowed to go

14 into the main building.

15 Q. The one that's always open in the main building?

16 A. It's open, but during lunchtime and nutrition no

17 student is allowed to go into the main building.

18 Q. Where are the lines? Which one of the restrooms

19 are the lines during lunch and nutrition?

20 A. The ones close to the gym, they will only open

21 it -- after the incident, they will only keep it open

22 during lunchtime because by that time there were several

23 students and like securities walking around, just walking

24 around.

25 So that was one that was open and the other one

1 that is open is the one in the math building.

2 Q. Okay. So you have seen lines during lunch and

3 nutrition outside of the bathrooms by the gym and on the

4 first floor of the math building; correct?

5 A. Yes; correct.

6 Q. Anywhere else during your time of your four

7 years at Jefferson?

8 MS. LHAMON: Are you asking lines for waiting

9 for bathrooms or lines for anything else?

10 BY MR. ROZWOOD:

11 Q. Lines waiting for bathrooms.

12 A. No.

13 Q. Do you see where it says "Only two girls' and

14 two boys' bathrooms are regularly unlocked and opened" in

15 paragraph 236? It is line 13 and 14 of the page 51 of

16 the Complaint in Exhibit 6.

17 A. Yes.

18 Q. Other than those three weeks where the girls'

19 restroom was closed after the attempted rape by the gym,

20 was that girls' bathroom by the gym opened and unlocked

21 on a regular basis?

22 A. No. I think it was just when they feel like

23 open it, they will open it have and security or sometimes

24 no security and just open. But not often because I

25 remember having to be close to the bungalows and walk all

1 the way from the bungalows to the math building. And it
2 would usually take me like five minutes to get there.

3 Q. To use the bathroom?

4 A. In the math building.

5 Q. How often did you do that?

6 A. I try not to do that so often during class time.

7 Q. How often did you do that? How many times did
8 you make the trip to use the bathroom in the math
9 building because it wasn't available by the bungalows?

10 A. Probably four times.

11 Q. On the first day of your deposition, you
12 testified that after the attempted rape incident, the
13 school assigned a security guard to the bathroom by the
14 gym; is that correct?

15 A. Correct.

16 Q. And was that security guard to your knowledge
17 there to address the safety concerns that arose from that
18 incident?

19 A. Not really, because they will spend their time
20 flirting around with the students, girl students.

21 Q. Did you ever see the security guard flirt with
22 the students?

23 A. Yes.

24 Q. Can you describe those incidents for us?

25 A. Well, I believe that if security is there to

1 A. A couple of days, no. Let's say like a day in a
2 week or every other two weeks.

3 Q. But most of the time it was open for nutrition
4 and lunch after it was reopened from that three-week
5 period?

6 A. Yes.

7 Q. And how often was there a security guard posted
8 near that location during the times those -- sorry.
9 Strike that.

10 How often was security posted at that location
11 after the bathroom was reopened?

12 A. Well, by the time it was lunchtime and
13 nutrition, you would have securities walking around. Not
14 securities that exactly were positioned -- were put there
15 to take care of that restroom, but, you know, securities
16 that will basically show up during lunch and nutrition.

17 Q. Okay. I am a little confused. I thought --
18 maybe I am misremembering what you testified to on your
19 first day.

20 I thought you said that there was a security
21 guard hired to address the safety concerns in that area
22 of the school site. Did I just get that wrong? Did you
23 not testify to that last time?

24 A. Yes. It was higher, but as I told you, I don't
25 think they were doing their job very well.

1 take care of like the restrooms, he has to be doing his
2 job of like looking around that everything is going well
3 instead of like having like conversations and smiling,
4 laughing with the other students. I don't think that's
5 appropriate.

6 Q. But other than smiling and laughing, are there
7 any incidents where there was actual flirting going on?

8 A. Well, I think that that's not appropriate, so I
9 consider that sort of flirting, because the security has
10 to have in mind that his job is just to take care of that
11 everything is working well and not like -- it is like
12 sort of the conversation that you see at parties that you
13 could actually picture them like having a good time
14 talking.

15 Q. Okay. So let's go back to the time when the
16 girls' bathroom by the gym was closed for three weeks and
17 then after that three-week period ended, it was reopened.

18 What was the schedule after that point that it
19 was available for students to use?

20 A. During class time it was not open.

21 Q. And during nutrition and lunch and before and
22 after school it was open?

23 A. Only nutrition and lunch.

24 Q. Okay, but it was open every day for nutrition
25 and lunch; correct?

1 Q. Okay. But how often was the security guard that
2 was hired to do that job, how often was he there to do
3 it? Every day? Every lunch and nutrition? Once in a
4 while?

5 A. After the incident happened, they will be mostly
6 every day.

7 Q. That the security guard was there at the girls'
8 restroom near the gym?

9 A. Yes.

10 Q. Okay. Looking to the next sentence in paragraph
11 236, it says "Often bathrooms lack toilet paper, soap,
12 and paper towels."

13 Do you have any knowledge as to how often the
14 bathrooms at Jefferson are stocked with toilet paper,
15 soap and paper towels?

16 A. That they don't have toilet paper?

17 Q. No. How often they are stocked, supplied with
18 those supplies, how often that happens. Do you have any
19 knowledge at all as to how often that happens at
20 Jefferson?

21 A. Like once a week.

22 Q. And what do you base that statement?

23 A. Because, as I told you, mostly I will use the
24 bathroom during lunchtime. And once -- well, I believe
25 not so many students used it that day when there was

1 actually paper, like towels and toilet paper because --
 2 it was not a lot that were left, but only a small amount.
 3 Q. So just by your normal use of the bathrooms, you
 4 believe that they were only stocked once per week;
 5 correct?
 6 A. Do you mean that the janitor or something, the
 7 maid puts every day only once a week?
 8 Q. Maybe I was confused. I am a little confused
 9 myself now.
 10 You know, I asked you how often you think that
 11 the bathrooms were stocked. That is, how often the
 12 people at Jefferson --
 13 A. Oh.
 14 Q. -- go and put these supplies in. You told me
 15 once a week. Is that what you believe?
 16 A. I think they do it every day, but not like twice
 17 a day. If it was done twice a day, it would be better.
 18 Q. I see. Okay. On what do you base your belief
 19 they do it once a day?
 20 A. Because we will right away run out. Like during
 21 lunchtime, we will run out of toilet paper and towels.
 22 So I think that before lunchtime when all of the students
 23 go in to use it, they should restock and check whether
 24 there is enough, but since we would run out right away at
 25 lunchtime, they only do it once a day, like early in the

1 Q. Is the basis for your understanding and your
 2 statements about there being never any soap and a lack of
 3 toilet paper and paper towels at the end of the lunch
 4 period, is the basis of your statement the fact that you
 5 go to the bathrooms and you personally have seen that
 6 yourself?
 7 A. Yes.
 8 Q. Okay. And you also think that based upon your
 9 usage of the bathrooms at Jefferson, that they are
 10 stocked once every day in the morning; correct?
 11 A. Correct.
 12 Q. But you prefer them to do it twice a day;
 13 correct?
 14 A. Correct.
 15 Q. And if they did that twice a day, that would be
 16 okay with you?
 17 A. Yes.
 18 Q. We have talked about stocking the bathrooms with
 19 supplies. I want to ask you about cleaning the
 20 bathrooms. How often do you think the bathrooms are
 21 cleaned based upon your usage of the bathrooms at
 22 Jefferson?
 23 A. I never saw the bathrooms being cleaned by the
 24 time I used, any time.
 25 Q. They were always dirty throughout all the four

1 morning.
 2 Q. So when you go to the bathrooms in the morning
 3 at Jefferson, they are stocked?
 4 A. I don't remember going so early in the morning
 5 to the restroom.
 6 Q. Okay. But when you go to the restrooms at lunch
 7 at Jefferson, if you go early in the lunch period, they
 8 are stocked?
 9 A. Just a little bit. Some small amount of toilet
 10 paper or towels we use.
 11 Q. With soap?
 12 A. There is never soap.
 13 Q. Never soap?
 14 A. Never.
 15 Q. And by the end of lunch you are out of toilet
 16 paper and towels; correct?
 17 A. Correct.
 18 Q. And that's because you go to the bathroom and
 19 you know that, you have seen that yourself; correct?
 20 A. Correct.
 21 MS. LHAMON: The question is vague if that's
 22 because do you mean her understanding is because she has
 23 seen it?
 24 MR. ROZWOOD: Right. I am just trying to get to
 25 the basis for her understanding.

1 years you ever went into a bathroom; correct?
 2 A. Correct.
 3 Q. To your knowledge they were never cleaned;
 4 correct?
 5 A. Like paper was on the floor and like it would
 6 not be swept.
 7 Q. How about graffiti? Was there a lot of graffiti
 8 in there in the bathrooms at Jefferson?
 9 A. Yes, some graffiti.
 10 Q. Was the graffiti ever cleaned or painted over?
 11 A. No.
 12 Q. So the same graffiti that was there when you
 13 were in ninth grade was there when you were in twelfth
 14 grade; correct?
 15 A. Well, I never paid attention to the graffiti in
 16 ninth grade, but there were spots of graffiti and I never
 17 saw it like being painted over.
 18 Q. Okay. And how about the toilets? Were those
 19 always dirty, too?
 20 A. Dirty by -- what do you mean by "dirty"?
 21 Q. Well, that's a good question. I am glad you
 22 asked that. And you should always ask a question like
 23 that when it's not clear what I am asking.
 24 Did it ever appear to you that the toilets had
 25 been cleaned?

1 A. No.

2 Q. So based upon your usage of the bathrooms at
3 Jefferson, you believe that the toilets were never
4 cleaned; correct?

5 A. I don't know if never. Hopefully they were
6 cleaned once in a while, but -- you know, you will not
7 see the toilet as clean as the one that you have at your
8 house. Like it will look white, but there it will look
9 beige.

10 Q. You haven't been to my house. I have got a lot
11 of kids running around.

12 MS. LHAMON: Thank you for the mental image.

13 MR. ROZWOOD: You don't want to know.

14 Q. Okay. How about the floors?

15 A. Floors?

16 Q. Were the floors ever cleaned, to your knowledge,
17 the bathroom floors at Jefferson?

18 A. I don't know, but when I used to use the
19 restroom, there was like sometimes we will not even know
20 if it was like urine or water that you step on, because
21 sometimes there was some damp of water or urine. They
22 were not really well-cleaned.

23 Q. How often were the floors cleaned, to your
24 knowledge?

25 A. Probably during the morning when they restocked

1 that girls' bathrooms -- sorry. Let me quote it.

2 Quote: "In the girls' bathrooms, many of the
3 stall doors are broken, so students have to hold doors
4 closed for each other to ensure privacy."

5 Do you have any knowledge that supports or
6 relates to that allegation?

7 A. Yes.

8 Q. Can you tell us what that is?

9 A. Like basically the doors will not be like
10 straight. They will be sort of hanging a little bit.

11 And you have to press the door and that way it will stay.

12 Q. Okay. How many stalls were in that condition
13 over the course of your four years at Jefferson?

14 A. I don't know.

15 Q. Was it more than one?

16 A. Yes.

17 Q. And why were the stalls in that condition; do
18 you know?

19 MS. LHAMON: Calls for speculation.

20 THE WITNESS: Well, throughout the time they
21 were old and not fixed.

22 BY MR. ROZWOOD:

23 Q. Can you think of any specific stall in any
24 specific bathroom that suffered from the condition
25 described in paragraph 236 that we were discussing?

1 the paper.

2 Q. Oh, okay. So it wasn't like the same junk and
3 urine and water that was on the floor on Monday was there
4 on Friday?

5 A. No.

6 Q. Okay. So you think that like the stocking, it
7 happened in the morning every day?

8 MS. LHAMON: "It" being the cleaning?

9 BY MR. ROZWOOD:

10 Q. The cleaning of the floors.

11 A. The cleaning.

12 Q. Do you believe that's true?

13 A. Yes.

14 Q. Okay. So you have testified an awful lot about
15 the condition of the restrooms based on your usage of the
16 restrooms.

17 Can you tell us give us an estimate of how often
18 you used the restrooms that allows you to form the basis
19 for your opinions on the schedule for cleaning and
20 stocking those bathrooms?

21 A. Like three to four days a week.

22 Q. That's over the course of your entire four-year
23 period, three to four days a week?

24 A. Yes.

25 Q. Okay. The last sentence in paragraph 236 is

1 A. The bathroom in the main building.

2 Q. And how many stalls in that bathroom had a
3 problem with a stall door?

4 A. Perhaps one from the four of them. But the
5 handicapped one was not really usable because there was a
6 wide gap between like the door and -- yes, there were
7 like gaps between the doors, so you could not actually
8 use it because you will be concerned about whether
9 someone could just see you even though they are just
10 standing there, because of the gap, so not many students
11 use that restroom, that.

12 Q. Stall?

13 A. That specific stall.

14 Q. That's the handicap stall?

15 A. Yes.

16 Q. Out of the other three stalls that were in that
17 bathroom, only one of them had a problem with the stall,
18 to your recollection?

19 A. Yes.

20 Q. Did you ever tell anybody about that problem?

21 A. No.

22 Q. Did anyone you know ever complain about that
23 stall door?

24 A. No.

25 Q. Was the problem with the stall door that it

1 wouldn't close and lock?
 2 A. Yes.
 3 Q. Were there any other problems with any other
 4 stall doors at the bathrooms at Jefferson?
 5 MS. LHAMON: Objection. She already testified
 6 about the handicap stall door.
 7 BY MR. ROZWOOD:
 8 Q. Other than the door your counsel is referring to
 9 and the door that we were discussing in the main
 10 building --
 11 A. Uh-huh.
 12 Q. -- that wouldn't close and lock, were there any
 13 other problems with the stall doors in your experience at
 14 Jefferson?
 15 A. With some other restrooms, there was one at the
 16 gym.
 17 Q. There was a problem with the stall door in the
 18 gym, too?
 19 A. Yes. You try to close it and it will open back
 20 on its own, because there are not those little metal
 21 handles that you will -- like that you could lock it
 22 with.
 23 Q. So you couldn't lock it and you couldn't close
 24 it; correct?
 25 A. Correct.

1 Q. The same problem existed in that stall in the
 2 main building?
 3 A. The other one you could actually fix it, like by
 4 pulling up onto the door and try to make it straight, and
 5 then it will get stuck.
 6 Q. Okay. Were those problems with those two stall
 7 doors in the gym in the main building girls' bathrooms
 8 ever fixed?
 9 A. Ever fixed? Probably after a while.
 10 Q. Do you know that they actually were fixed at
 11 some point?
 12 A. Do I know that they were actually fixed?
 13 Q. Well, you say "Probably." I am just wondering
 14 if you mean yes, they were eventually, but it took some
 15 time or "I don't know if they were fixed." I am just
 16 trying to figure out what you mean by "probably."
 17 A. I don't know. I basically didn't pay much
 18 attention to those problems.
 19 Q. Okay. So you don't know if they were ever
 20 fixed; correct?
 21 A. Correct.
 22 Q. And neither you nor anyone you knew ever
 23 complained about those stall doors; correct?
 24 A. Correct.
 25 Q. Let me ask you this. Was there a janitor on

1 campus?
 2 A. I didn't saw him around during class times.
 3 Only once when I stood after school, like by 5:00 I think
 4 he was doing his cleaning. I am not sure.
 5 Q. Okay. So you saw a janitor at the school site
 6 doing cleaning after school; correct?
 7 A. But it was pretty late. He was just dumping
 8 off the trash probably. Because we would stay after
 9 school kind of very late with our film teacher working on
 10 our projects, and I just saw the janitor walking into the
 11 classroom and taking out the garbage and that's it.
 12 Q. Did the janitor to your knowledge have an office
 13 located on the school site?
 14 A. No. I never heard of any office.
 15 Q. So if you wanted to talk to a janitor, how would
 16 you go about doing that?
 17 A. We never talked to a janitor.
 18 Q. Did you ever see any maintenance personnel at
 19 the school site during the school day at any time?
 20 A. School day? After school cleaning like the
 21 teachers' restrooms, doing some mopping, I guess.
 22 Q. And do you know where they kept their supplies,
 23 their mops and stuff, to do that kind of work?
 24 A. No, I don't know.
 25 Q. To your knowledge did the student

1 representatives, you know, the students on student
 2 government, ever take up the issue of the quality of the
 3 restrooms at Jefferson?
 4 MS. LHAMON: Calls for speculation.
 5 THE WITNESS: I never talked to any of those
 6 students and like never received the news around school
 7 about those student government working on that issue.
 8 BY MR. ROZWOOD:
 9 Q. Okay. Do you know if students participate in
 10 the decision-making processes relating to student
 11 concerns at Jefferson High School in any way?
 12 A. If the students what?
 13 Q. Do you know if any students participate in the
 14 decision-making processes that the school undertakes with
 15 respect to issues that affect students at Jefferson?
 16 A. The only time that I saw students like having
 17 some small meeting in the cafeteria after school, that
 18 was just when the incident took place of the intended
 19 rape. That's it. That's the only time that I saw that
 20 the students were trying to solve that problem like what
 21 to do and try to talk to teachers and like administrators
 22 what they should do. That was the only time.
 23 Q. Did you attend that meeting?
 24 A. Yes.
 25 Q. And how did you find out about it?

1 A. Through the teachers.
 2 Q. And who else attended that meeting?
 3 A. Just basically like one administrator. I think
 4 it's like the vice-principal and mostly students and a
 5 couple of teachers and that's it.
 6 Q. And do you feel the response to that incident on
 7 the part of the school administration was good?
 8 A. No.
 9 MS. LHAMON: Vague as to "good."
 10 THE WITNESS: No, because the students will
 11 actually come out of the -- came out of the meeting like
 12 angry and discussing about it and like they are not
 13 taking their words in mind, and they are not taking them
 14 very serious about what they have to say.
 15 Because like basically the administrator were
 16 just saying that -- were just saying words, but we didn't
 17 actually see any like real -- like, you know, any facial
 18 expressions or anything that will actually be say that he
 19 will take something very serious and the students have to
 20 say.
 21 BY MR. ROZWOOD:
 22 Q. Do you remember what the students were saying,
 23 what they were asking for, what they wanted the school
 24 administrator to do for them?
 25 A. Not really. All I remember is that they were

1 A. Well, basically we were throwing all the blame
 2 into the administrator, so the administrator found the
 3 only way to defend himself is by like having some
 4 students cooperating with him.
 5 Q. And what did the students say?
 6 A. That, well, we are taking this -- like we are
 7 taking this problem like beyond. We should not be making
 8 such a big deal. Because it was big news. Most of the
 9 students did know about that incidence and then they
 10 tried to be alert. Like I think that any little thing
 11 that happens like that, like students should be noticed
 12 about.
 13 Q. Do you think the school's response to the
 14 problem was sufficient to address the problem?
 15 A. The school's response?
 16 Q. Well, part of the school's response was to hire
 17 a new security guard and put him outside the bathroom. I
 18 don't know what else the school did.
 19 Did the school to your knowledge do anything
 20 else to address the student safety issues?
 21 A. No, just hire more security for that bathroom.
 22 Q. And do you think -- so to your knowledge the
 23 school didn't do anything but hire another security
 24 guard; correct?
 25 A. Correct.

1 like -- like there were students sitting from one side of
 2 the cafeteria and the other side and they were like
 3 shouting things that they considered, like shouting
 4 things back and forth from each other that they agree and
 5 disagree. And I think it was like some sort of rivalry,
 6 like hostile between them.
 7 Q. Do you remember what the issues that the
 8 students were arguing over were?
 9 A. About the restroom issue and attempted rape.
 10 Q. Maybe I am dense. What is there to argue about?
 11 There needs to be more safety for students. Was there
 12 someone taking the opposite view during that meeting?
 13 A. Because there were two attempted rapes. One was
 14 with a handicapped girl and the other was with a normal
 15 student, one of our classmates, and well, basically their
 16 friends will be -- like the friends that are close
 17 friends will be talking to them like that it is not right
 18 that this had happened and they will have like -- even go
 19 like probably into personal like feelings.
 20 And then there were like students who were more
 21 into the side of the administrator, the vice-principal.
 22 Probably he brainwashed them or something.
 23 Q. And what side was that? What did the
 24 administrator say that was different than what the
 25 students wanted?

1 Q. Do you think that was a sufficient response to
 2 the problem?
 3 A. Well, there was a security, but not -- the
 4 restroom was not like completely open every day during
 5 school, during class time, so I don't know what exactly
 6 was going on with the security because for the security
 7 to be there, the restroom has to be open during class
 8 time, lunch and nutrition, so basically all the hours,
 9 school hours.
 10 But as I told you before, it was not open like
 11 during class times, and the security was there some
 12 times. Sometimes you will see him there and sometimes
 13 you will not.
 14 Q. Okay. The last paragraph in the Complaint that
 15 relates to Jefferson, well, I won't say that, but let's
 16 just get to the last one in Exhibit 6, which is 237:
 17 "The school only has one college counselor to serve the
 18 entire school of approximately 3500 students."
 19 Is that Ms. Wallins?
 20 A. Ms. Wallins.
 21 Q. Ms. Wallins, thank you. It says "Students don't
 22 have sufficient access to the counselors' time to plan
 23 their future education and goals."
 24 Do you see that?
 25 A. Yes.

1 Q. During your first day of deposition testimony,
2 you testified that there were at least two track
3 counselors in addition to the college counselor that were
4 available to students; correct?

5 A. Correct.

6 Q. And correct me if I am wrong, but you testified
7 every time you tried to make an appointment, you were
8 able to meet with one of your track counselors; correct?

9 A. Any time that you will make an appointment, you
10 were able to meet?

11 Q. Yeah. You tried to make two appointments with
12 your track counselors and both times you were able to
13 meet with her; correct?

14 A. Able?

15 Q. Yeah. You met with --

16 A. No.

17 Q. Okay. I misunderstood your testimony from last
18 time. You said you met with your track counselor three
19 times. One, you were called out of class so she could
20 tell you you passed your exams.

21 A. Uh-huh.

22 Q. And she showed you the exams that we reviewed
23 last time in Exhibit 1, I believe. This one; right?

24 A. No. Those are the SATs. I believe they are on
25 the transcript right at the bottom.

1 Is it true that every time you made an
2 appointment with your track counselor, you were able to
3 meet with her?

4 A. After a period of time.

5 Q. After what period of time?

6 A. Yes. For example, as I told you, the
7 cosmetology class, at the first day I went and made an
8 appointment with that counselor that I wanted to change
9 that class, but almost throughout the end of that class,
10 the counselor calls me up. And it was just basically not
11 necessary by that time, because if I leave that class by
12 like the middle of the semester, it will hurt my grade.
13 I will not do well in that class nor the other class.

14 Q. How long did it take for you to get an
15 appointment after you signed up to meet with your track
16 counselor?

17 A. In that time it was like a month and a half by
18 that time.

19 Q. Okay. So on one occasion when you met with your
20 track counselor, it took six weeks to get that meeting;
21 correct?

22 A. Correct.

23 Q. And the other time you met as a result of making
24 an appointment with your track counselor, how long did it
25 take for that meeting to take place on that occasion?

1 Q. Right. It is a two-page document.

2 A. Yes.

3 Q. So in Exhibit 2, these tests, the Sharp Topics
4 and other tests down here, on one occasion your track
5 counselor called you out of class to tell you you had
6 passed those tests; correct?

7 A. Correct.

8 Q. Then you had two other meetings with your track
9 counselor over your four years at Jefferson. And both of
10 those meetings were as a result of you making an
11 appointment with them; correct?

12 A. To make an appointment, you have to sign your
13 name and like give some sort of like scheduled time, but
14 most of the times, the counselor, she didn't call me.

15 Like, for example, I wanted her to change a
16 class. It took time for me to change that class.

17 Like the one that I took during my first
18 semester during senior year, the cosmetology class. I
19 didn't want to take that class, but the counselor never
20 actually paid any attention to me until like the end of
21 that semester. That's why I took service class next
22 semester, because by that time she paid attention to me.

23 Q. I am trying to understand about paying attention
24 and sufficient access to counselor's time. I am trying
25 to understand what that means.

1 A. That time? I decided to spend like some of my
2 class time in that counseling office, that track, to meet
3 with the track counselor. That's why I actually got to
4 talk to her.

5 But if you just go and sign for an appointment,
6 you won't get it right away, but if you go and waste
7 valuable time from your class, you will.

8 Q. How long from the time you signed up did it take
9 for you to actually meet with your track counselor on
10 that other meeting you had with her? What was the name
11 of your track counselor?

12 A. I don't remember.

13 Q. Was it a woman?

14 A. Yes.

15 Q. And on one occasion you wanted to change out of
16 your cosmetology class and you went to sign up to meet
17 with her; correct?

18 A. Correct.

19 Q. It took six weeks to actually meet with her?

20 A. Correct.

21 Q. The other time you wanted to meet with your
22 track counselor, you went to sign up, and how long did it
23 take to meet with her on that occasion?

24 A. Around two days. I used to go after school and
25 try to talk to someone that I want to meet with her.

1 Then the next day I stood there for -- like
2 right after lunch because I tried to go like after lunch.
3 And then I tried to go to the counselor, so I spent time
4 there. Like she was on her lunchtime and by the time she
5 got there, I saw her walk in the office and I told her
6 that I needed to talk to her.

7 MR. ROZWOOD: Okay. I am going to move to
8 strike everything after "two days" as nonresponsive
9 because I think it relates to some other incidents that
10 we are not addressing, I wasn't addressing in my
11 question.

12 Q. So was there another time you tried to meet with
13 your track counselor without making an appointment? Is
14 that what you are talking about? Okay, is it confused?
15 Am I being confusing?

16 A. Yes. Because basically by making an
17 appointment, you have to sign in your name.

18 Q. Okay. What else do you do? You sign in your
19 name. Do you say what you want to meet about?

20 A. Yes.

21 Q. So she knew when you signed up to change your
22 cosmetology class that you wanted to change your
23 cosmetology class to the music class; correct?

24 A. There was no music class available.

25 Q. Or you wanted to change it to some other

1 A. No, not at all. Because she told me like "Don't
2 worry. You have it covered. You are taking Spanish.
3 That will cover your fine arts."

4 And that's very weird, very odd. How can a
5 language course will take care of an art class, the fine
6 art?

7 And she told me like "But it will only work to
8 the extent of this year. Next, the students for next
9 year, they have to take fine arts and technical arts.
10 Their Spanish class will not cover that."

11 Q. Do you remember what year in your high school
12 career that you had that meeting? Was it eleventh grade
13 or another year?

14 A. Eleventh grade my last semester. Because I was
15 concerned whether to take film that third year or take
16 some other class.

17 Q. And did you have any problems obtaining your
18 diploma as a result of the advice given to you by your
19 track counselor?

20 A. Well, I think that my track counselor was not
21 really helpful. She would check. "Okay. You are taking
22 these classes. Okay you passed this test. That's okay."

23 But she wouldn't actually look on the list and
24 tell me specifically what classes, like general education
25 on the list, like the requirements. Because I will feel

1 elective and not service; correct?

2 A. Yes, but since there was no other choice, I
3 just -- I was stuck with service.

4 Q. And the second time where it only took two days
5 to meet with her, what was the purpose that you wrote
6 down in scheduling an appointment with your track
7 counselor?

8 A. To see if I am like taking sort of like
9 appropriate classes, whether -- because my concern was if
10 I am taking film, does that actually cover like --
11 because you have to take art, art as -- how do you say
12 it?

13 Q. One of your required courses?

14 A. Yes.

15 MS. LHAMON: Fine arts?

16 THE WITNESS: Yeah. Fine arts and technical
17 arts.

18 BY MR. ROZWOOD:

19 Q. Okay.

20 A. So I wanted to talk to her because I took film
21 for three years. I wanted to talk with her whether that
22 covers my curriculum of fine arts and technical arts.
23 That's why.

24 Q. Okay. And when you met with her, did you get
25 your question answered satisfactorily?

1 much more comfortable if she had a list where it states
2 that those are the requirements that you have to take
3 care of in order to graduate.

4 Q. I see.

5 A. She would just look at the computer, look at
6 your record and like basically look at the grades and if
7 you are not failing, "Okay. You have passed some of the
8 tests, okay."

9 But thanks to a teacher, Mr. Bachrach, he will
10 actually like even took the concern of looking at what
11 math class should I take, what level, what teacher, what
12 period so he made my schedule work well.

13 Q. Did you have any trouble obtaining your
14 high-school diploma as a result of anything your track
15 counselor or college counselor did?

16 A. No.

17 Q. So you had all requirements necessary to
18 graduate high school?

19 A. Yes, but I always kept that concern of whether I
20 did well with the fine arts and the technical arts.

21 Q. And you actually satisfied those requirements;
22 correct?

23 A. According to her, yes.

24 Q. And you actually got your diploma; right?

25 A. Yes.

1 Q. So she was correct after all?

2 A. I guess, but the thing is that I was lucky. I
3 don't think she will be doing a good job with other
4 students if she just keeps saying that "This class will
5 cover all this year for that requirement."

6 MR. ROZWOOD: Okay. Counsel, it is about noon.
7 Do you want to break now? It is a natural point.

8 MS. LHAMON: Okay.

9 MR. ROZWOOD: If you are ready for lunch, we can
10 do it now.

11 MS. LHAMON: Sounds good.

12 MR. ROZWOOD: And convene at 1:15?

13 MS. LHAMON: Okay.

14 MR. ROZWOOD: Off the record.

15 (Whereupon a luncheon recess was
16 taken at 12:10 P.M.)

17

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1 given her consent for the district to provide this
2 complete copy by facsimile of your full and complete
3 transcript for purposes of this deposition?

4 THE WITNESS: Yes.

5 MS. LHAMON: Just so I am clear, we are going to
6 use this today, but we are not going to leave this copy
7 with the reporter because it is not redacted, right, and
8 we will wait for a redacted version to be the one that we
9 use as our record?

10 MR. ROZWOOD: That's fine. What exactly do you
11 want redacted on this?

12 MS. LHAMON: The address and Social Security
13 information. Thanks.

14 THE REPORTER: May we go off the record for a
15 moment?

16 MR. ROZWOOD: Yes.

17 (A discussion was held off the record.)

18 MR. ROZWOOD: All right. Back on the record.

19 (Deposition Exhibit 7 was marked
20 for identification and attached.)

21

22 EXAMINATION (Resumed)

23 BY MR. ROZWOOD:

24 Q. Ms. Garcia, you realize the oath you took this
25 morning applies to your testimony this afternoon as well?

1 LOS ANGELES, CALIFORNIA
2 FRIDAY, OCTOBER 26, 2001
3 1:22 P.M.

4

5 ALTAGRACIA GARCIA,
6 having been previously duly sworn, was examined
7 and testified further as follows:

8

9 MR. ROZWOOD: Let's go on the record. At the
10 break we received or actually Ms. Floyd received a copy
11 from her client by facsimile of the complete cumulative
12 record for Ms. Garcia at Jefferson High School.

13 And although this is a facsimile copy, we are
14 going to mark it as Exhibit 7 to Ms. Garcia's deposition.
15 And promptly upon receipt, Ms. Floyd is going to forward
16 the original or a clean copy, nonfacsimile copy, to the
17 reporter to be substituted in as the Exhibit 7 for
18 inclusion in the deposition transcript and at the same
19 time provide copies of Exhibit 7 to all counsel here
20 today. Is that okay with you?

21 MS. LHAMON: That's fine with me, with the
22 stipulation that the version we finally use be redacted
23 because this version obviously is not redacted. It is
24 just the fax.

25 MS. FLOYD: Just for the record, Ms. Garcia has

1 A. Yes.

2 Q. In addition to marking Exhibit 7, I would also
3 like to mark a document you brought today that we copied
4 and redacted as Exhibit 8.

5 (Deposition Exhibit 8 was marked
6 for identification and attached.)

7 BY MR. ROZWOOD:

8 Q. There are no Bates stamp numbers. Do you have a
9 copy of Exhibit 8 before you?

10 A. Yes.

11 Q. What is this document?

12 A. This is my report card that shows my last
13 semester of classes and grades. Last semester in senior
14 year.

15 Q. Can I ask you to look at a copy of the document
16 we have marked as Exhibit 7, which is a complete copy of
17 your cumulative record; correct?

18 A. Correct.

19 Q. Can you explain why Exhibit 8 is missing marks,
20 including grades and marks for work habits and
21 cooperation as well as absence and tardy information for
22 certain classes whereas your cumulative record seems to
23 be complete in that regard?

24 A. Well, this is a report card that I received in
25 the mail by May. And basically the teachers were out

1 like the last two months. Ms. Rivas was out for the last
 2 two months because she was about to have her baby. And
 3 Ms. Nicodemus, she was out for like the last -- for the
 4 last month because she was also about to have her baby.
 5 And Mr. Bachrach, I think he didn't have the time to fill
 6 out the grades completely, so by the time we have to
 7 receive a report card, they were unable to mark the
 8 grades.
 9 Q. Do you know when Ms. Rivas had her baby in 2001?
 10 A. It was around April.
 11 Q. And what happened in your math analysis class
 12 when Ms. Rivas took her leave, her maternity leave?
 13 MS. LHAMON: The question is vague and
 14 overbroad. Are you asking who taught the class
 15 afterwards?
 16 MR. ROZWOOD: Yeah.
 17 THE WITNESS: A teacher from B track. He --
 18 like by the time the track was on vacations, the
 19 teacher -- well, Ms. Rivas had a good communication with
 20 that teacher so she felt comfortable leaving the students
 21 with him.
 22 BY MR. ROZWOOD:
 23 Q. What was the name of that teacher?
 24 A. I don't remember his name.
 25 Q. Was he a good teacher?

1 A. Yeah. He had -- like Ms. Rivas left like a
 2 lesson plan for us to follow and he also had his own
 3 ideas on the lesson plan.
 4 Q. And did he follow the lesson plan Ms. Rivas left
 5 for him?
 6 A. Well, also Ms. Rivas left up to him how he
 7 wanted to teach the class, so he didn't really follow all
 8 of the lesson plan that she left.
 9 Q. The B track teacher, was he a permanent teacher
 10 on the B track?
 11 A. Yes.
 12 Q. Did he complete the rest of the semester as your
 13 teacher for math analysis?
 14 A. Yes.
 15 Q. Were there any problems with the teacher
 16 transition that semester as a result of Ms. Rivas having
 17 her baby?
 18 A. No, because she -- it's something that she
 19 already knew that she had to be missing, so she planned
 20 ahead on who can substitute her class and what way to do
 21 it.
 22 Q. She was proactive in the process?
 23 A. Yes.
 24 Q. Can you tell what your grade was by looking at
 25 Exhibit 7 in math analysis, the second semester of your

1 twelfth grade year?
 2 MS. LHAMON: This is Exhibit 7.
 3 THE WITNESS: No. It is very blurry. No. It's
 4 hard to tell.
 5 BY MR. ROZWOOD:
 6 Q. Okay. And do you know when Ms. Nicodemus had
 7 her baby?
 8 A. The first weeks in May.
 9 Q. And who took over teaching your drama class
 10 after Ms. Nicodemus left on maternity leave?
 11 A. We had substitutes.
 12 Q. Do you know approximately how many substitutes
 13 you had?
 14 A. Four or five.
 15 Q. Would you say there were any problems in the
 16 class as a result of having four to five substitutes
 17 finish the class?
 18 A. Yes. Because we didn't know how to continue
 19 because her pregnancy, like it was due before the time
 20 that the doctor had told her, so all of a sudden she just
 21 missed out of class. And that's why she didn't plan a
 22 substitute, I think.
 23 Q. Do you know how early the baby came?
 24 A. No.
 25 Q. I mean when it was expected?

1 A. No, but there were only some weeks left for us
 2 to go on vacations. So that's why I think she didn't
 3 have much concerns of planning a substitute and an
 4 agenda, but we had hard times like knowing what exactly
 5 to do for a final, because she had already expected us
 6 what to do, like monologues for finals. And we were all
 7 just asking ourselves like how are they going to grade
 8 us.
 9 Q. And how did they grade you, the substitutes?
 10 MS. LHAMON: Calls for speculation.
 11 THE WITNESS: I'm not sure.
 12 BY MR. ROZWOOD:
 13 Q. Did you perform monologues as final exams in
 14 your drama class?
 15 A. Did I prefer?
 16 Q. Yeah. Did the students -- in what form did the
 17 final exam take in the drama class?
 18 MS. LHAMON: Also he asked did you perform, not
 19 prefer.
 20 THE WITNESS: Perform? No. We just turned in
 21 some papers because we were comparing, contrasting two
 22 films that took -- ten things I hate about you. That's
 23 something that's done from this other film. I don't
 24 remember very well. And so we had to compare and
 25 contrast what is the difference and like how -- it is

1 basically telling the same story, but in different ways.
 2 BY MR. ROZWOOD:
 3 Q. Was that the final exam contemplated by
 4 Ms. Nicodemus before she left on maternity leave?
 5 MS. LHAMON: Calls for speculation.
 6 THE WITNESS: That was part of the exam and also
 7 our monologue in front of the whole class.
 8 BY MR. ROZWOOD:
 9 Q. And what happened to the monologue piece?
 10 A. We didn't complete it.
 11 Q. Nobody did?
 12 A. We only complete the written assignment.
 13 Q. And no students gave monologues as part of their
 14 final exam; right?
 15 A. Yes.
 16 Q. And you mentioned Mr. Bachrach didn't have the
 17 time to complete his grades for purposes of Exhibit 8?
 18 A. Yes.
 19 Q. How do you know that?
 20 A. Because after our last days of school, he had
 21 basically told all like the students that he will leave
 22 from school by that time. So he had like many things to
 23 plan.
 24 And he had to take care of school as well, so I
 25 think he didn't have enough time because they only had an

1 Jefferson? Pardon me my reach.
 2 A. Exactly after graduation?
 3 Q. Any time after graduation.
 4 A. Well, he attended our graduation.
 5 Q. Any time after that, did you speak to him?
 6 A. Just two weeks ago.
 7 Q. And what did you say to him? What did he say to
 8 you in that conversation?
 9 A. Just how he was doing and how I was doing and
 10 that's it.
 11 Q. Did you discuss this lawsuit?
 12 A. A little bit.
 13 Q. Did you discuss the fact that you had been
 14 deposed with him?
 15 A. That I am only doing it, a deposition, and
 16 that's it.
 17 Q. What do you mean "and that's it"?
 18 A. Yeah. I just told him whether it was correct,
 19 because I really do trust him and I would like to receive
 20 his advice, so I just told him whether -- what he thought
 21 about it.
 22 Q. What did he tell you?
 23 A. That it was okay.
 24 Q. What, being involved in a lawsuit? Let me ask a
 25 different question.

1 extended time for them to like actually bubble in the
 2 grade and correct the papers and see what kind of grade
 3 the student will receive.
 4 Q. Mr. Bachrach is a teacher currently at
 5 Jefferson?
 6 A. Yes.
 7 Q. Okay. So what did you mean when you said he was
 8 going to leave the school?
 9 A. Well, he didn't want to teach any longer. So he
 10 decided that he has to continue with his life, like doing
 11 things that he used to do before he got into teaching.
 12 Q. And so he stopped teaching altogether?
 13 A. Yes.
 14 Q. But he went back to Jefferson to teach again?
 15 A. No.
 16 Q. So he is not currently a teacher at Jefferson?
 17 A. No.
 18 Q. Okay. So he left the school entirely?
 19 A. Yes.
 20 Q. And he stopped teaching?
 21 A. Yes.
 22 Q. Do you know what he is doing now?
 23 A. All I know, that he is in Mexico working on his
 24 projects.
 25 Q. Have you spoken to him since you graduated

1 What specifically did you discuss with
 2 Mr. Bachrach two weeks ago?
 3 MS. LHAMON: Relating to this lawsuit or in
 4 general?
 5 BY MR. ROZWOOD:
 6 Q. Relating to this lawsuit. Sorry.
 7 A. Nothing, that I am continuing to be involved in
 8 and I am being deposed and just what he thinks. Does he
 9 think I am doing something wrong or something right.
 10 He told me that it is up to me, and so far he
 11 thinks that it's okay if I have a feeling to like
 12 continue with this. And that's it.
 13 Q. Was that on the telephone?
 14 A. Personally. He just came from Mexico for two
 15 weeks.
 16 Q. And how long did you meet with Mr. Bachrach in
 17 person?
 18 A. For how long? Like 30 minutes.
 19 Q. Was anyone else present?
 20 A. It was in school actually.
 21 Q. At Jefferson?
 22 A. Yes.
 23 Q. After school or where? I mean neither of you
 24 goes there anymore.
 25 MS. LHAMON: "Neither of you goes there"? I

1 mean he went there every day when he was a teacher.
 2 THE WITNESS: I don't know what he was doing.
 3 But he just wanted to check how the program is running
 4 now with the new teacher.
 5 BY MR. ROZWOOD:
 6 Q. Oh, okay.
 7 A. With the new film teacher.
 8 Q. How is it running? Did he say?
 9 A. No. He was just like there visiting, sitting on
 10 a desk and just seeing what the teacher was doing, but we
 11 didn't talk about it, about the class.
 12 Q. Okay. Did you discuss with Mr. Bachrach the
 13 possibility that you might seek to withdraw as a
 14 Plaintiff, as a named Plaintiff in this lawsuit?
 15 A. That I will withdraw?
 16 Q. Yeah.
 17 A. That I will no longer continue with what, this?
 18 Q. As a named Plaintiff in the lawsuit. Did you
 19 discuss that with him?
 20 A. No.
 21 Q. Did you discuss your interest in withdrawing
 22 from the litigation with him?
 23 A. No.
 24 Q. Okay. My fault. I am just a little confused.
 25 It's probably just like a language -- like my ability to

1 ask a good question. So just give me a minute.
 2 Did you earlier testify that you discussed with
 3 him whether you should continue on with this litigation?
 4 A. Yes.
 5 Q. Okay. What did you mean by that?
 6 A. Well, I just asked him is it okay that I am
 7 giving this deposition.
 8 Q. Okay.
 9 A. And that's it.
 10 Q. Did you have any specific discussions about the
 11 questions that were being asked in the deposition?
 12 A. No.
 13 Q. Did you discuss how you felt during the
 14 deposition with Mr. Bachrach?
 15 A. Well, I just told him that it's a long day of
 16 questioning and that's it.
 17 Q. And you didn't discuss anything specific about
 18 the questions or the topics covered in the deposition?
 19 A. No.
 20 Q. Okay. Now, as a teacher how would you rate
 21 Mr. Bachrach on a scale of 1 to 10, 10 being the best?
 22 A. 10 plus plus.
 23 Q. How about Ms. Nicodemus?
 24 A. 10.
 25 Q. How about Ms. Rivas?

1 A. 9.
 2 Q. How about Ms. Abea?
 3 A. Mr. Abea?
 4 Q. Mr. Abea, thank you.
 5 A. 9.
 6 Q. How about Ms. Burke?
 7 A. 7.
 8 Q. How about your AP government teacher
 9 Mr. Goodwin?
 10 A. 9.
 11 Q. So you had some pretty good teachers in your
 12 second semester of your senior year?
 13 A. Finally.
 14 Q. What factors are important to you in assessing
 15 whether a teacher is a good teacher or not when you
 16 ranged them on a scale of 1 to 10 and gave them a 10?
 17 What does the 10 have in your mind?
 18 A. A teacher that actually devotes his time into
 19 the students and not just during class time and not like
 20 just giving a lesson, but making the student involved in
 21 other activities that will actually make them learn even
 22 better what they are talking about.
 23 Q. How about communicating the lesson plan clearly?
 24 Is that important?
 25 A. Yes. Like it's nice to have a one-to-one

1 communication with a teacher without running around
 2 saying "Oops, sorry, I have to leave. I don't have the
 3 time right now" and having the time to actually help you
 4 with any assignment, with any questions that you have.
 5 Q. How about just showing up every day like instead
 6 of being absent? Is that important in your view in how
 7 good a teacher is?
 8 A. Yes, it is very important.
 9 Q. Can you think of anything else other than the
 10 things that you have listed that are important to you in
 11 a teacher?
 12 A. No.
 13 Q. How about a teacher that really knows the
 14 subject matter very well?
 15 A. Yes. A teacher that is actually prepared for
 16 that semester.
 17 Q. With a lesson plan?
 18 A. Yes.
 19 Q. The necessary instructional materials, for
 20 example?
 21 A. Yes.
 22 Q. If you had to guess how old or maybe you know
 23 how old Mr. Bachrach was, how old would you say he was?
 24 A. Mid 40's.
 25 Q. This is my favorite part.

1 MS. LHAMON: I am telling on you, too.
 2 BY MR. ROZWOOD:
 3 Q. How old would you say Ms. Nicodemus is?
 4 A. Late 20's.
 5 Q. How many years of teaching experience do you
 6 think she had when you took her?
 7 A. Perhaps two years.
 8 Q. How old would you say Ms. Rivas was?
 9 A. Mid 30's.
 10 Q. And how about Mr. Abea?
 11 A. As well, mid 30's.
 12 Q. Ms. Burke?
 13 A. Late 30's.
 14 Q. And Mr. Goodwin?
 15 A. Late 30's.
 16 Q. So at least for your second semester in your
 17 senior year, the youngest teacher that you had you think
 18 is Ms. Nicodemus; right?
 19 A. Yes.
 20 Q. Was she the one that it seemed to you had the
 21 least amount of teaching experience compared to the
 22 others in terms of number of years taught?
 23 A. No.
 24 Q. Who had less teaching experience than she did?
 25 A. She actually --

1 MS. LHAMON: Calls for speculation, but from
 2 what it seemed to you.
 3 BY MR. ROZWOOD:
 4 Q. Right.
 5 A. She actually did a great job being a teacher.
 6 She had ideas, and we actually went to field trips like
 7 to see "Romeo and Juliette." She is a great teacher.
 8 She knows how to organize plans and her lesson
 9 plans and get students involved. We actually did a big
 10 play in front of the entire school. And some teachers
 11 told her that "Well, you are able to do this play because
 12 you get to choose your students."
 13 And it's not true. The thing is she knows how
 14 to work with students. And like no one like just
 15 automatically gave up the idea of making a play.
 16 Q. So is another thing that is important about
 17 being a good teacher is knowing how to work with
 18 students?
 19 A. Yes.
 20 Q. Is there anything that you didn't like about
 21 Mrs. Nicodemus as a teacher?
 22 A. No.
 23 Q. Can you think of anything you didn't like about
 24 Mr. Bachrach as a teacher?
 25 A. No.

1 Q. Can you think of anything you didn't like about
 2 Mr. Abea as a teacher?
 3 A. No.
 4 Q. How about Mr. Goodwin?
 5 A. No.
 6 Q. Anything that you didn't like about Ms. Rivas as
 7 a teacher?
 8 A. Well, she was pretty tough, but that's her job,
 9 I think.
 10 Q. Do you appreciate the reasons why she's tough?
 11 MS. LHAMON: Vague as to "appreciate." Do you
 12 mean understand or "are you glad for"?
 13 BY MR. ROZWOOD:
 14 Q. Do you understand the importance of being tough
 15 as a teacher and do you appreciate it?
 16 A. Yeah. But she gave like several assignments
 17 after assignments.
 18 Q. So is that something you didn't like about
 19 Ms. Rivas?
 20 A. And test after test.
 21 Q. So if you had less assignments and less tests,
 22 you would have no complaints about Ms. Rivas?
 23 A. I mean like it would be okay, but if we had like
 24 special tutoring for us.
 25 Q. Okay. Do you have any other complaints about

1 Ms. Rivas?
 2 A. No.
 3 Q. Do you have any complaints about Ms. Burke as a
 4 teacher?
 5 A. She tried to do her job, but she was carried
 6 with school jobs.
 7 Q. What do you mean by that?
 8 A. By writing like big long sheet of papers like
 9 for the principal. I am not sure what exactly it was.
 10 Like a grant, I think, for the school so we will receive
 11 some money.
 12 Q. Did her work for the principal interfere with
 13 her ability to teach your English class?
 14 A. Yes.
 15 Q. Can you think of any specific instances where
 16 Ms. Burke's work for the principal interfered with your
 17 English class?
 18 A. She would run late to our class and she will --
 19 actually she never returned any of our essays being
 20 graded or any of our work with any marks of grades.
 21 Q. Can you look at Exhibit 8 and tell me why there
 22 are [REDACTED] absences in your English class and only [REDACTED] for
 23 example, in your service and only [REDACTED] in your government
 24 class?
 25 A. Because she didn't even have the time to

1 actually take roll. And she just guessed on how many
 2 times I might have been absent, but actually I never was
 3 absent in school. Some of the teachers don't -- they are
 4 not like very careful with taking roll.
 5 Q. It says "Es un placer tenerlo en clase." "It is
 6 a pleasure to have her in class." I can get that.
 7 What does the Spanish mean in line 3 under
 8 "Teacher's Comments"? Can you translate for me?
 9 A. Which one, for Ms. Burke?
 10 Q. Yes.
 11 A. That I do more of the work than is actually
 12 being assigned. That I do take the kind of work assigned
 13 serious and try to do a better job, not just by turning
 14 it in.
 15 Q. Okay. Thanks.
 16 I want to mark as Exhibit 9 a copy of your
 17 declaration that you have signed in this case, so I am
 18 going to hand a copy to the reporter. It bears Bates
 19 stamp Nos. PLTF 01807 to 01808 and the reporter will
 20 stamp it and give you a copy.
 21 (Deposition Exhibit 9 was marked
 22 for identification and attached.)
 23 BY MR. ROZWOOD:
 24 Q. Okay. If you look at -- do you have a copy of
 25 Exhibit 9?

1 A. Yes.
 2 Q. If you look at paragraph 2, it says "Going to
 3 school at Jefferson has been a very difficult experience.
 4 It seems like there are so many barriers to getting an
 5 education."
 6 Do you see that?
 7 A. No.
 8 Q. On paragraph 2 of the first page of your
 9 declaration.
 10 A. Oh, yes.
 11 Q. Okay. We have discussed a number of barriers to
 12 your education, things that interfere with your ability
 13 to get an education and distract you from your classes
 14 and things like that in your deposition so far; correct?
 15 A. Correct.
 16 Q. Other than what you testified to, are there any
 17 other items that support or relate to your statement in
 18 this paragraph 2?
 19 A. Well, basically what I think, getting an
 20 education is getting into classes that interest you. And
 21 if there were a big variety and if the school got a lot
 22 of funding for arts, I think that that's another barrier
 23 because I am sort of now like kind of undeclared on any
 24 majors for college, but I think if I would have more
 25 classes in art, I would specifically know what kind of

1 art I will get into.
 2 Q. Can you think of any other barriers to getting
 3 an education other than what you have already testified
 4 to in your deposition that you have experienced at
 5 Jefferson?
 6 A. No.
 7 Q. Will you tell us if you think of any others?
 8 A. Yes.
 9 Q. Can you read paragraph 3 of your declaration,
 10 referring to your chemistry class.
 11 A. Reading it out loud?
 12 Q. No, just to yourself so you are familiar with
 13 it. When was the last time you saw your declaration,
 14 this Exhibit 9 that you have in front of you?
 15 A. Two to three weeks ago.
 16 Q. After your first day of deposition or before?
 17 A. Before and after.
 18 Q. How many times did you look at it after your
 19 deposition?
 20 A. I didn't look at it very critically, but I just
 21 tried to read it fast.
 22 Q. Just once?
 23 A. Like once before and once after.
 24 Q. And after you read it quickly once after your
 25 deposition, did you ever look at it again until now?

1 A. No.
 2 Q. Okay. So just go ahead and look at paragraph 3
 3 to refresh your recollection of what you said. And on
 4 your first day of deposition we covered the crowded
 5 chemistry class pretty extensively. Do you remember
 6 that?
 7 A. Yes.
 8 Q. Do you have anything to add to your testimony
 9 regarding the crowded chemistry class? Strike that.
 10 Other than what you have already testified to
 11 about your crowded chemistry class, is there anything
 12 else that you can think of as you sit here today that
 13 interfered with your ability to learn the subject matter
 14 in that class?
 15 A. I don't remember mentioning about the labs,
 16 the -- let me see.
 17 Q. That you wanted to do more labs?
 18 A. Yes.
 19 Q. Okay. Well, that's in paragraph 4 so we can get
 20 to that. But other than that, is there anything else
 21 that you wanted to add?
 22 A. No.
 23 Q. So in paragraph 4 it says "Chemistry should be a
 24 class where you do lots of hands-on work and experiments,
 25 but we hardly ever did experiments, maybe once of twice."

1 Is that "of" supposed to be "or once or twice"?

2 A. Yeah.

3 Q. "When we did, there were too many students for

4 each lab station, so mostly I watched rather than do the

5 experiments myself."

6 I want to ask you when you did labs, were the

7 labs done in groups of students?

8 A. Yes.

9 Q. How many students per group?

10 A. Around ten.

11 Q. So in the class of 40, there were four different

12 groups?

13 A. Yes.

14 Q. And it says "Maybe once or twice."

15 Can you pin it down how many labs you actually

16 did in that class?

17 A. Throughout the whole year?

18 Q. Yes.

19 A. I think only three.

20 Q. Okay. What were the three labs you did?

21 A. One, we have to work with cans.

22 Q. With what?

23 A. Cans, aluminum cans.

24 MS. LHAMON: Aluminum cans.

25 BY MR. ROZWOOD:

1 Q. Okay. Do you remember what the experiment was?

2 A. It was just like boiling water, boiling water

3 and like putting the can upside down to see it just

4 automatically like shrink, like plaster to be squashed.

5 Q. Depressurized?

6 A. Yeah.

7 Q. That was a good one. What was the second one?

8 Sounds like fun. What was the second one you did?

9 A. He brought like dirt or, I don't know, it was

10 dirt mixed with little pieces of -- like little pieces of

11 metal, small, small pieces of metal.

12 Q. And what was the purpose of the experiment?

13 A. To see whether we could get those pieces of

14 metal separated from the dirt.

15 Q. Using magnets or something else?

16 A. Yeah, magnets.

17 Q. Okay.

18 MS. LHAMON: Sounds like what he had fun in his

19 chemistry class.

20 MR. ROZWOOD: My son is taking these classes so

21 I kind of like want to compare.

22 Q. And what was the third experiment you can

23 remember doing?

24 A. He had old bottles of like -- the thing that you

25 put on your salad.

1 MS. LHAMON: Salad dressing?

2 THE WITNESS: Yeah, salad dressing, just to see

3 like how much oil and how much actually salad dressing

4 there is, and like others, fruit juice as well, to see

5 how much of sugar and how much of this, the real juice

6 there is, and that's basically it.

7 BY MR. ROZWOOD:

8 Q. Okay. Now, I just want to get a sense for what

9 you mean that there were too many students. So you

10 mostly watched rather than doing the experiment yourself.

11 With respect to the dirt mixed with metal, was

12 there just one magnet that one student got to use or how

13 did the students participate in that experiment? Can you

14 describe it to me?

15 A. We will share magnets. It is like -- it is not

16 a real actual big metalized magnet. There were like

17 little pieces that we have to work with and we will share

18 it among groups.

19 Q. So for ten students, you had one little tiny

20 piece of magnet use or share?

21 A. One or two.

22 Q. And the one or two were shared amongst all ten

23 students?

24 A. Yes.

25 Q. So each one of you got to participate a little

1 bit in that experiment?

2 A. Yes.

3 Q. How about for the mixtures, assessing the

4 composition of the juice and the salad dressing? How did

5 that one work?

6 A. We will make a line and like walk just to see

7 those mixtures and like write on the paper what we saw

8 and that's basically it.

9 Q. So each lab station would have a different

10 mixture of liquid?

11 A. Yes.

12 Q. And you would be able to go and observe it, each

13 one of the students got to observe it and make comments;

14 correct?

15 A. Correct.

16 Q. What about the aluminum cans? What was the

17 involvement the students had in that experiment?

18 A. Only one actually did that.

19 Q. One out of ten?

20 A. Yes.

21 Q. One of the students?

22 A. Yes.

23 Q. The one that wanted to risk his hand in the

24 burning water? Was it a volunteer thing or did the

25 teacher pick who got to do that?

1 A. He was the first one to run into the station,
2 the lab station.
3 Q. So it was the fastest student that got to do
4 that one?
5 A. Yeah.
6 Q. Can you look at Exhibit 7 which is your
7 cumulative record. It may not be clear, but I only have
8 one copy of Exhibit 2, which is your cumulative record,
9 through the first semester of your senior year.
10 And I want to ask you about your declaration in
11 paragraph 5 with reference to your math classes generally
12 and ask you which of your math classes you are referring
13 to in paragraph 5 of your declaration.
14 Okay. So do you have a copy of your declaration
15 in front of you?
16 A. Yes.
17 Q. And do you have a copy of your cumulative record
18 or is it not legible to you?
19 A. It's not so legible.
20 Q. Okay. We will do the best we can and if we
21 can't, we will just have to make an extra copy of this
22 one, "this one" being Exhibit 2.
23 In paragraph 5 you say "We do not have enough
24 books in many of our classes. In one of my math classes
25 we do not have enough books for the students in the class

1 quote: "We also were not allowed to take the books home
2 for homework," end quote.
3 Was that a reference to your math class?
4 A. Yes.
5 Q. Are you referring to any other class when you
6 make that statement?
7 A. For literature. My AP literature during the
8 senior grade.
9 Q. Uh-huh. Was that Ms. Burke?
10 A. Yes.
11 Q. Paragraph 5 continues, quote: "We rarely had
12 homework." End quote.
13 Is that a reference to your math class or just
14 your classes generally at Jefferson?
15 MS. LHAMON: Just so I am clear on the question,
16 are you asking if in the context of the declaration, that
17 sentence refers to the math class or are you asking if
18 that sentence is true for her classes in general, whether
19 or not she was only referring to math classes in the
20 declaration?
21 MR. ROZWOOD: I am asking her what she meant
22 when she said, "We rarely had homework."
23 MS. LHAMON: In the declaration, then?
24 MR. ROZWOOD: In the declaration.
25 MS. LHAMON: Thank you.

1 so we had to share books."
2 Which math class are you referring to in that
3 line?
4 A. Eleventh grade.
5 Q. Was that Mr. Carderas? I can't remember who
6 your teacher was.
7 A. No. Eleventh grade that's Ms. Rivas.
8 Q. Okay, Ms. Rivas. We discussed that extensively
9 last time?
10 A. Yes.
11 Q. Ultimately you got the books, but it took a
12 while?
13 A. Yes.
14 Q. Other than that math class, was there any other
15 math class that you had where you had to share books in
16 class?
17 A. The tenth grade the first two weeks.
18 Q. We went over that as well; right?
19 A. Yes.
20 Q. Other than what you already testified to, is
21 there anything else in your experience that would support
22 the statement you make in the second sentence of
23 paragraph 5 of your declaration?
24 A. No.
25 Q. It says -- paragraph 5 continues as follows,

1 THE WITNESS: Well, based on the fact that we
2 didn't have enough textbooks, there were not enough
3 homework being assigned from the textbooks.
4 BY MR. ROZWOOD:
5 Q. That's something we discussed earlier today;
6 correct?
7 A. Yes.
8 Q. And that refers to your math class?
9 A. Yes.
10 Q. In your eleventh grade year?
11 A. Yes.
12 Q. Is that a true statement about any of your other
13 classes at Jefferson?
14 A. Yes.
15 Q. What other classes is it true that you rarely
16 had homework at Jefferson?
17 A. The one that we discussed about having
18 substitute after substitute.
19 Q. And which one was that?
20 A. Eleventh grade first semester.
21 Q. Is it true of any other classes you had at
22 Jefferson?
23 A. For Spanish.
24 Q. You rarely had homework in your Spanish classes
25 at Fremont?

1 MS. LHAMON: Jefferson.
 2 MR. ROZWOOD: Thank you.
 3 Q. Jefferson?
 4 A. Yes.
 5 Q. Why is that?
 6 A. We just have like enough books to share during
 7 class, because he will have just one set of books for the
 8 whole entire five classes that he teaches in Spanish.
 9 And basically if you have enough understanding of that
 10 material, I don't think you have to go on into like
 11 homework, just go over your notes.
 12 Q. Were you given homework assignments in your
 13 Spanish class?
 14 A. Yes.
 15 Q. What kind of homework assignments did you get if
 16 they weren't from the textbook?
 17 A. Answering questions.
 18 Q. Questions written on the board or on handouts?
 19 A. Board.
 20 Q. How often, how many times per week, for example,
 21 did you get homework assignments in your Spanish classes
 22 at Jefferson?
 23 A. Like three days a week, because basically what
 24 we had to do is like copy a paragraph from a book onto
 25 your own sheet of papers, and then from there you have to

1 circle like the verbs and the nouns and stuff like that
 2 from a paragraph.
 3 And also he will give us like -- he will tell us
 4 to write letters that starts with a C in Spanish and
 5 stuff like that, small stuff like that.
 6 Q. Okay. You took one year of Spanish; correct --
 7 A. Yes.
 8 Q. -- and in your eleventh grade year and who was
 9 your teacher?
 10 A. Mr. Abea.
 11 Q. Is Abea A-b-a-a?
 12 A. Uh-huh.
 13 Q. Were you ever able to take your textbook home in
 14 your Spanish class with Mr. Abea?
 15 A. No.
 16 Q. Did you ever ask Mr. Abea if you could take your
 17 Spanish book home?
 18 A. Well, basically the less books you carry, the
 19 better for you. You will have less pain on your back,
 20 back pain, but -- so basically we didn't ask him.
 21 Q. Did you need to take your textbook home with you
 22 to do the homework assignments Mr. Abea gave to you?
 23 A. Yes, because there was not enough time for us to
 24 copy like a full paragraph on the book. And like there
 25 was also assignments where you had to copy a whole page

1 with sentences with blanks on it that you have to fill
 2 in, so it was necessary, because I didn't want to spend
 3 like after school time when I have other things to do
 4 after school like copying stuff from a textbook.
 5 Q. So it would be better to carry the book even
 6 though it hurt your back?
 7 A. Yes. I would like to add something, but it is
 8 not really much about -- well, it is textbooks and
 9 lockers.
 10 It would be nice if we had at least like two
 11 textbooks per class to leave one textbook in your locker.
 12 We are not allowed to use lockers at all. If we are, you
 13 have to assign for them and you have to wait a long
 14 period of time but not every student has a chance to have
 15 a locker.
 16 And like I have heard that other schools do have
 17 two textbooks just for one class, one they sent home and
 18 one stays on your locker and when you need it, you take
 19 it out of your locker and take it to class. That way you
 20 don't have to carry big heavy backpack like you are
 21 carrying rocks in it so I would like that to happen at
 22 Jefferson.
 23 Q. You can learn more from books than you can learn
 24 from rocks, though; right?
 25 A. Yes.

1 Q. Well, how is the locker situation at Jefferson?
 2 I mean are there enough lockers for every student?
 3 A. I try to assign for a locker, but they told us
 4 that the person who is in charge of locker distribution
 5 is not there and we went first one day and then the
 6 following week we went another day and we just basically
 7 gave up about getting a locker.
 8 Q. Who did you approach about getting a locker?
 9 A. We went to the attendance office. That's where
 10 they told us we should go.
 11 Q. Who told you to go to the attendance office?
 12 A. First -- we were trying to go up into offices
 13 like the counseling office and then they sent us to the
 14 attendance office.
 15 Q. So the first place you went to get a locker was
 16 your counselor, counselor's office; correct?
 17 A. Yes.
 18 Q. Who in your counselor's office told you to go to
 19 the attendance office?
 20 A. Just a lady that gets to work there, with anyone
 21 who needs any information.
 22 Q. Okay.
 23 A. It's like a secretary or something.
 24 Q. So she's on the staff of Jefferson High School?
 25 A. Yes.

1 Q. She's not a student?
 2 A. No.
 3 Q. And she told you that to get a locker, you had
 4 to go to the attendance office?
 5 A. Yes.
 6 Q. And what happened when you got to the attendance
 7 office?
 8 A. First of all. They told us that we need our IDs
 9 so we had our IDs, but they told us we need our IDs for
 10 the following year, like the following semester.
 11 Especially we have to give a chance -- because
 12 it was by the time the new school year had started, and
 13 we thought that since the new school year has started, we
 14 will have a higher possibility of getting a locker, but
 15 they told us we need a new ID and we also need to give a
 16 chance to the new students that they just came into the
 17 high school.
 18 Q. Okay. So was this in your tenth grade year you
 19 first went to get a locker?
 20 A. I don't remember.
 21 Q. You didn't go and try to get a locker in ninth
 22 grade; correct?
 23 A. Correct.
 24 Q. And you didn't try to get a locker in tenth
 25 grade?

1 MS. LHAMON: Asked and answered. She didn't
 2 remember.
 3 THE WITNESS: Correct.
 4 BY MR. ROZWOOD:
 5 Q. Okay. Do you remember if it was eleventh grade
 6 was the first time that you tried to get a locker?
 7 A. Yes.
 8 Q. It was?
 9 A. Most likely, yes, it was eleventh grade like the
 10 first semester.
 11 Q. Okay. Now, prior to that time did anyone ever
 12 approach you either in homeroom or your counselor or any
 13 teacher or did you ever receive any other information
 14 from any other source about how a student goes about
 15 getting a locker?
 16 A. Never.
 17 Q. Who do you think should have provided you that
 18 information?
 19 MS. LHAMON: Calls for speculation.
 20 THE WITNESS: Well, I think that anyone as long
 21 as it is valid information. Like as I told you, we have
 22 this homeroom selected especially during the beginning of
 23 the year. Right there they should give us an explanation
 24 of what things can we do like around school, what can we
 25 get, and like activities that are around, clubs that are

1 around.
 2 BY MR. ROZWOOD:
 3 Q. Like a list of resources and activities?
 4 A. Yes.
 5 Q. Was anything like that made available to you
 6 when you first arrived at Jefferson?
 7 A. No.
 8 Q. You think it should have been made available to
 9 you at your homeroom, for example?
 10 A. Yes.
 11 Q. Or some other reasonable place --
 12 A. Yes.
 13 Q. -- on the school site; correct?
 14 A. Correct.
 15 Q. Was anything ever mailed to you or given to your
 16 parents listing the activities and resources available to
 17 students at Jefferson?
 18 A. No. They just basically mailed like parents'
 19 conferences, a notice or to like being in some meetings
 20 to elect some officers, but that's just bilingual office.
 21 Q. So what happened when you realized you needed a
 22 new ID from the attendance office to get a locker? What
 23 did you do next?
 24 A. We have to wait until we take the picture IDs
 25 and it usually takes like two months and a half to take a

1 picture.
 2 Q. Two months and a half from the beginning of the
 3 school year?
 4 A. Yes.
 5 Q. Okay. So you wouldn't get your new ID for the
 6 school year for three months or so into the school year?
 7 A. Yes.
 8 Q. And did you get your new ID that year?
 9 A. Yes.
 10 Q. And how long did it actually take to get it?
 11 A. You have to wait for two months to take it and
 12 then like two weeks to actually receive it.
 13 Q. Okay. So you got it after two and a half months
 14 approximately?
 15 A. Approximately like three months.
 16 Q. Okay. And once you got your new ID, did you go
 17 back to the attendance office to get a locker?
 18 A. By that time I didn't have any time to go back
 19 so I didn't even bother.
 20 Q. Did you do anything else to try to get a locker
 21 while you were at Jefferson?
 22 A. No.
 23 Q. You testified that you think it would be better
 24 if each student had two textbooks, one to take home and
 25 one to leave in their locker; correct?

1 A. Correct.
 2 Q. Is that something you are seeking in this
 3 lawsuit?
 4 A. Yes.
 5 Q. You see the statement in paragraph 5 of
 6 Exhibit 9, your declaration where you say "Because we did
 7 not have enough books, we had to waste class time copying
 8 down problems"?
 9 Do you see that?
 10 A. Yes.
 11 Q. Other than what you testified to, the classes
 12 you have identified for us so far in your deposition, are
 13 there any other classes where you were forced to waste
 14 class time copying down problems at Jefferson?
 15 A. No. I don't think. I cannot think of any other
 16 examples.
 17 Q. So are you referring to your math and Spanish
 18 classes and only those classes when you make these
 19 statements in paragraph 5 regarding the wasting class
 20 time copying down problems?
 21 A. Yes.
 22 Q. Okay. In paragraph 6 it says "In my AP English
 23 class I had to pay for one of the books.
 24 That is the test primer we referred to earlier;
 25 correct?"

1 A. Yes.
 2 Q. Do you see at the end of that paragraph where
 3 you say "Some students did not buy a book, but I do not
 4 see how they were able to get much out of the class"?
 5 A. Yes.
 6 Q. Did you ever have any specific conversations
 7 with any students who failed to purchase a test primer
 8 for their AP English class about how that affected their
 9 ability to learn the subject matter in that class?
 10 A. No.
 11 Q. Do you know anybody that failed to purchase that
 12 test primer in AP English?
 13 A. Not that I remember.
 14 Q. You don't know the names of any students who
 15 didn't purchase one of those test primers; correct?
 16 A. Probably a student named Leticia, but I don't
 17 remember very well.
 18 Q. And you never discussed with Leticia the impact
 19 not having the test primer might have had on her
 20 education experience in that class; correct?
 21 A. Correct.
 22 Q. In paragraph 7 you say "There are a lot of
 23 problems with the facilities at Jefferson." You go on to
 24 say "In some of my classrooms like Mr. Bachrach's, the
 25 temperatures are horrible."

1 Where was your classroom -- let me ask you this.
 2 Which classroom are you referring to? Because you had
 3 Mr. Bachrach for more than one film class; correct?
 4 A. Yes.
 5 Q. You only took him for film; right?
 6 A. Just for film.
 7 Q. Three years of film; correct?
 8 A. Yes.
 9 Q. The statement you make in paragraph 7 about
 10 temperatures being horrible, is that true for all three
 11 years of film?
 12 A. During the summer.
 13 Q. And where was the film class located?
 14 A. Far away from the main building, close to the
 15 bungalows.
 16 Q. Was it in a classroom or was it in the shop
 17 area?
 18 A. It's in the shop area.
 19 Q. That machine shop we discussed before?
 20 A. Yes. It's right next to the machine shop,
 21 because before it was like a printing shop or something
 22 like that.
 23 Q. The film class was held in the former printing
 24 shop?
 25 A. Yes, where they have to like cut metals and

1 stuff, because Mr. Bachrach actually tried to -- actually
 2 he talked to the principal to get rid of those
 3 equipments, like previous, that they didn't used to use
 4 at all because that class was out of the school. And I
 5 actually think there was some sort of sharp -- some sort
 6 of sharp machines, and even Mr. Bachrach, he had an
 7 accident with those machines being on the way.
 8 Q. Did any students get hurt by those machines, to
 9 your knowledge?
 10 A. No.
 11 Q. How many times did Mr. Bachrach get hurt by
 12 those machines, to your knowledge?
 13 A. He told me once. I didn't have him as a teacher
 14 at that time, but he told me about that story.
 15 Q. What did he tell you?
 16 A. It was like he told to most of the students when
 17 we had him like after a year, that it was like around his
 18 first year in teaching, teaching at Jefferson.
 19 Q. Okay. What did he say happened?
 20 A. He was trying to put up a poster and all of a
 21 sudden he lost his balance, because I think he was -- I
 22 don't know how, why he was on top of, but he lost his
 23 balance. And there was a machine and he tried to like
 24 fall -- he tried to put his arm in order to -- he was
 25 going to hold himself when he was going to fall down, but

1 his arm got broken and kind of like completely twisted,
2 went like all the way to the side where his palm of his
3 hand can touch like sort of like the side of his
4 shoulders. Not the shoulders, but how do you call this?

5 MS. LHAMON: The forearm?

6 BY MR. ROZWOOD:

7 Q. Forearm?

8 A. Yeah. And he actually had an operation, I
9 think, and he once let me like touch his wrist and it's
10 like I actually felt like that pretty hard, like what is
11 the white thing they put around your arm?

12 MS. LHAMON: Cast?

13 THE WITNESS: Cast.

14 BY MR. ROZWOOD:

15 Q. Okay. So he broke his arm falling, putting up a
16 poster on the wall; correct?

17 A. Yes.

18 Q. Did he get hurt by any of the machine or sharp
19 machines that you mentioned earlier?

20 A. No.

21 Q. So no student ever got hurt by any of those
22 machines and Mr. Bachrach never got hurt by those
23 machines to your knowledge; right?

24 MS. LHAMON: To your knowledge, calls for
25 speculation.

1 gives numbers. I think it really -- I think close to it
2 there's the switch for the fan, for that air conditioner.

3 Q. Okay. So if you look at this thermometer, can
4 you read the number of the temperature? Like it will say
5 it is 85 degrees today or is it something else that you
6 have to figure out?

7 A. I think you have to figure out because I never
8 pay attention to reading that temperature. I will just
9 take his word. It was very hot.

10 And he tried to turn on the air conditioner and
11 it was very loud so we have to deal with it because he
12 couldn't give out his lecture. We couldn't listen to his
13 words.

14 Q. So you never looked at the thermometer yourself
15 to figure out what the temperature was in the class? You
16 just relied on Mr. Bachrach; is that correct?

17 A. Yeah.

18 Q. Okay. How did the heat interfere with your
19 ability to learn the subject matter in the film class?

20 A. Well, you cannot concentrate. You are
21 constantly trying to move from -- after like warming up
22 your seat and like being close to a student, and you are
23 just thinking about whether you smell or you have any
24 strong smell because of the -- because it's very hot.

25 Q. How many students were in your film classes?

1 THE WITNESS: Correct, because what I know, by
2 that time they had a metal fence. That's the only
3 solution the principal could find, is putting a metal
4 fence instead of calling somebody to remove the machines
5 away from there.

6 So the students were sort of kept away from
7 those machines because of the fence.

8 BY MR. ROZWOOD:

9 Q. Okay. And about the temperatures of the class,
10 it was the same classroom for all three years; correct?

11 A. Correct.

12 Q. What was the problem with the temperatures in
13 that class? Can you describe those for us?

14 A. It used to get very hot.

15 Q. How hot?

16 A. I am not sure, but he used to keep like this
17 sort of thermometer close to his door.

18 Q. How hot did you ever see it get?

19 A. I don't know much about like degrees and
20 temperatures, but it was hot, probably like 80 something
21 degrees, 90 degrees.

22 Q. Was it one of those thermometers that had
23 numbers on it or was it one of those ones where the red
24 mercury in the thermometer rises as it gets hotter?

25 A. It was sort of like a wide square that kind of

1 A. I don't remember. Around 35 to 40.

2 Q. In each year there was 35 to 40 or did they vary
3 from year to year?

4 A. They vary from year to year.

5 Q. Can you give us your best estimate?

6 A. Like the first two years, that was my tenth
7 grade and eleventh grade. There were about 35 to 40
8 students.

9 Q. And in your senior year?

10 A. Between 25 or 30.

11 Q. And you mentioned that the thermometer was next
12 to the fan switch?

13 A. Yes.

14 Q. And the fan switch turned on what, overhead fans
15 or air conditioning or what?

16 A. Some loud air conditioning.

17 Q. Loud air conditioning?

18 A. Yes.

19 Q. And if you turned on the air conditioning, did
20 that work? I mean in terms of adjusting the heat
21 problem?

22 A. Not really.

23 Q. So they weren't very good air conditioners?

24 A. Yes, they were not very good air conditioners.

25 Q. Do you know if it was like if there were

1 different vents placed throughout the classroom or if it
2 was just one unit in the corner? Do you remember how the
3 air conditioning worked in that class?

4 A. It was like up on the ceiling and there was like
5 one big metal box that was just up on the ceiling, and it
6 just made this big loud noise.

7 Q. But it didn't cool the room down?

8 A. No.

9 Q. Oh. Did you ever complain to anyone about the
10 air conditioning problem in Mr. Bachrach's film class?

11 A. No.

12 Q. Did Mr. Bachrach to your knowledge ever complain
13 to anyone about the problem?

14 A. Not that I know, but we used to tell him that it
15 is very hot in his room.

16 Q. Do you know if anyone ever over those three
17 years you took that class, if anyone ever fixed or
18 replaced the air conditioning unit in that class?

19 A. I don't think so. That metal box is still
20 there.

21 Q. And it never was fixed so that it worked
22 properly in your view?

23 A. Yes.

24 Q. Yes, that's your view?

25 A. Yes.

1 Q. Okay. Paragraph 8 of your declaration, "The
2 bathrooms at Jefferson are a real mess. First of all,
3 there are not enough bathrooms."

4 We have discussed that so far; correct?

5 A. Correct.

6 Q. Do you have anything to add to your testimony
7 about the availability of bathrooms at Jefferson?

8 A. No.

9 Q. Can you tell us any other facts that support the
10 allegation that there are not enough bathrooms other than
11 the ones that you already testified to here in your
12 deposition?

13 A. No.

14 Q. Okay. Now you see where you say "Jefferson is a
15 very big school, but there are only four bathrooms for
16 girls and two of them are locked"?

17 A. Yes.

18 Q. This declaration you signed on April 25, 2001;
19 correct?

20 A. Uh-huh, yes.

21 Q. Was that a time at which the girls' bathroom at
22 the gym was locked after the rape incident or the
23 attempted rape incident?

24 A. It was not locked permanently, but --

25 Q. Was it locked at the time that you signed this

1 declaration?

2 A. No.

3 Q. The bathroom by the girls' gym -- sorry. The
4 girls' bathroom by the gym was not locked when you signed
5 this declaration?

6 A. Not entirely like the whole year, but some days
7 it was and some days it was not locked.

8 Q. I apologize. I interrupted you. You signed
9 this declaration on April 25, 2001. I just want to know
10 whether or not the girls' bathroom by the gym was locked
11 during that three-week period on April 25, 2001.

12 A. No.

13 Q. It was not locked?

14 A. No.

15 Q. When did that three-week period occur?

16 MS. LHAMON: Asked and answered on the first
17 day.

18 You can answer it.

19 THE WITNESS: I don't remember very well.

20 BY MR. ROZWOOD:

21 Q. But it was not in April of 2001?

22 A. No.

23 Q. Okay. So at the time you signed this

24 declaration, only one of the bathrooms was locked;
25 correct?

1 A. Correct.

2 Q. That was the one on the second floor of the main
3 building?

4 A. Yes.

5 Q. But the one on the first floor of the main
6 building was open?

7 A. Except for lunch and nutrition.

8 Q. And the one by the library was open ?

9 A. No. That's the one that it was always being
10 kept locked.

11 Q. And the one in the math building on the first
12 floor was open?

13 A. Yes.

14 Q. And the one by the gym was open; correct?

15 A. Correct.

16 Q. So at the time you signed this declaration,
17 three out of the four bathrooms were open and available
18 to students; correct?

19 MS. LHAMON: Objection. Mischaracterizes her
20 testimony.

21 BY MR. ROZWOOD:

22 Q. Isn't that correct?

23 A. Correct.

24 Q. You say in the next sentence of the paragraph
25 "We have about 12 working toilets for girls."

1 Is that including all four bathrooms or just
2 three bathrooms? I am just asking to what you are
3 referring to in this sentence, quote: "We have about 12
4 working toilets for girls."

5 A. You are referring to the handicap one?

6 Q. I am asking -- this is something you wrote and
7 said. I am asking what you meant by it. Are you
8 referring to the 12 working toilets in just three
9 bathrooms or are you referring to 12 working toilets
10 available to girls in all four bathrooms? I could ask it
11 in a different, simpler way.

12 What did you mean when you said, "We have about
13 12 working toilets for girls"?

14 A. Like the ones that were available. The ones
15 that were available and the ones that were during the
16 time that the bathrooms were open.

17 Q. So this statement doesn't include the bathroom
18 that was closest to the library that was locked; correct?

19 A. Correct, because no one can use that bathroom.

20 Q. So you meant there were 12 working toilets for
21 girls including the main building, the math building and
22 the bathroom by the gym?

23 A. Yes.

24 Q. Excluding the bathroom closest to the library;
25 correct?

1 Q. So every day -- every time you ever went into a
2 bathroom, the bathrooms were disgusting and smelled
3 really bad?

4 A. Not completely smelled really bad, but they were
5 dirty.

6 Q. Okay. So how often did they smell really bad?

7 A. Do you want me to tell by the week, period,
8 month, year?

9 Q. Whatever you are most comfortable with, the way
10 it occurs to you naturally. Like "I remember once a week
11 it smelled really, really bad" or "Most of the time" or
12 "Always it smelled" -- whatever.

13 However you remember is what I really want.

14 A. Like twice a month.

15 Q. Twice a month it smelled really, really bad?

16 A. Yes.

17 Q. Okay. But they were always disgusting?

18 A. Yes.

19 Q. What did you say, I forget, twice a week?

20 What did she say?

21 MS. LHAMON: Three times a week.

22 BY MR. ROZWOOD:

23 Q. Okay. So three times a week they were
24 disgusting and twice a month they smelled really bad; is
25 that correct?

1 A. Correct.

2 Q. You go on to say "The bathrooms are disgusting.
3 They smell really bad."

4 How many times did you have the opportunity to
5 experience these conditions that I have just described
6 from your declaration?

7 MS. LHAMON: Asked and answered. She testified
8 to how many times a week she went into the bathrooms.

9 MR. ROZWOOD: It is different. They may not
10 always have been disgusting every single time. If that's
11 her testimony, she can say so. I just didn't know that.

12 THE WITNESS: Well, being completely disgusting,
13 it is just that we get used to like the restrooms being
14 dirty so I don't know. What is your view about being
15 completely disgusting and just being dirty?

16 BY MR. ROZWOOD:

17 Q. Well, let's go this way. You wrote this
18 statement. I am asking what was your view and how often
19 you had that view. You make a general statement "The
20 bathrooms at Jefferson are disgusting and smell really
21 bad."

22 My question to you is how many times can you
23 recall going to a bathroom at Jefferson where the
24 bathrooms were disgusting and smelled really bad?

25 A. The whole complete time that I was in Jefferson.

1 A. Correct.

2 Q. Then you go on to say, quote: "A lot of the
3 time toilets are stopped up and overflowing."

4 What did you mean when you said, "A lot of the
5 time"?

6 A. A lot of the time is not really, but it actually
7 took place about like trying to flush a toilet and it
8 didn't flush well. Instead, it will fill up with water
9 and it will get messy.

10 Q. How often did that happen?

11 A. I just remember that happening once when I went
12 to the restrooms.

13 Q. Okay. Can you remember any other occasions
14 where the toilets were stopped up or overflowing other
15 than what you have just described?

16 A. No, I don't remember.

17 Q. You see where you say, quote: "There is water
18 and paper on the floors and graffiti on the walls."

19 We have discussed water and paper on the floors
20 in the past. How often in your experience were there
21 water and paper on the floors of the bathrooms at
22 Jefferson?

23 A. As I told you, the times that I went to the
24 restrooms like those three days a week, three to four
25 days a week, there was always graffiti, paper on the

1 floor.
 2 Q. So every time you went into the bathroom, it was
 3 true that there was water, paper and graffiti?
 4 A. Yes.
 5 Q. You say here "I try not to use the bathrooms
 6 even though it is difficult sometimes."
 7 How many times do you think you avoided using
 8 the bathrooms because of your concern with the condition
 9 that they were in?
 10 A. How many times throughout each year?
 11 Q. However you remember it.
 12 MS. LHAMON: I think the question is vague. Are
 13 you asking how many times did she contemplate using the
 14 bathroom and decide not to go?
 15 MR. ROZWOOD: Yeah.
 16 MS. LHAMON: Or are you asking --
 17 MR. ROZWOOD: Yeah. That's what I am asking.
 18 Q. Is that what you understood me to be asking?
 19 How many times did you think about using the bathroom and
 20 decide not to because the conditions were as you
 21 described in paragraph 8?
 22 A. Perhaps three times a year.
 23 Q. And the other times you just proceeded to use
 24 the bathrooms?
 25 A. Yes. I try not to drink so much, too many

1 liquids during the school hours.
 2 Q. And that was something you discussed with your
 3 mom and she said it was unhealthy for you; right?
 4 A. Yes.
 5 Q. In paragraph 9 of your declaration, you say
 6 "Jefferson is a year-round, multi-track school. Students
 7 are divided into three tracks, two which are in school at
 8 one time while a third is on break. There are lots of
 9 problems with tracks."
 10 We discussed in your deposition so far some of
 11 the problems with the tracks like availability of
 12 electives, availability of language classes like in that
 13 French case.
 14 Can you think of anything other than what you
 15 have already testified to in your deposition that would
 16 support your claim that there are lots of problems with
 17 the tracks at Jefferson?
 18 A. Well, especially with that of concerning our
 19 families because my brothers and I, we are all in
 20 different tracks, and my mom always tried to spend time
 21 with all my brothers and me together and like going out
 22 to at least one restaurant, but we are never able to go
 23 because sometimes I have homework to do, and my brothers,
 24 sometimes they have to meet with one of their friends to
 25 complete a project.

1 And my mom, she had always told me "When will I
 2 actually see all of you guys together with me?" So
 3 that's one of the problems. We can never like even like
 4 take small vacations with our family to visit our uncles
 5 or something. We are not able to do that.
 6 Q. Not on the weekends?
 7 A. On the weekends there's not enough time
 8 actually.
 9 Q. Any other problems you can think of other than
 10 what you have testified to regarding the tracks, the
 11 problems with the tracks at Jefferson?
 12 A. Most of the tracks, the students cannot -- I
 13 mean there is no actual work that can take place to
 14 improve the school because every time there is students
 15 in school.
 16 Q. Over your four years at Jefferson, was there any
 17 major maintenance or repair work done to improve the
 18 facilities that you can think of?
 19 A. Not really the facilities, but they were only
 20 trying to fix the bleachers and that's it. It took time
 21 to get fixed, actually like around two years.
 22 Q. Were the bleachers replaced or painted or what
 23 happened to them?
 24 A. They were replaced.
 25 Q. Do you know how much money the school spent on

1 the bleachers?
 2 A. No.
 3 Q. Would you have rather had the school spend the
 4 money on textbooks for students?
 5 A. Well, it's hard to answer that question because
 6 it's very important for a school to have games. That way
 7 like students will be motivated and be proud. If they
 8 are winning their games, of course you will be proud of
 9 your school and we will be recognized, but on the other
 10 hand, it will also be great if we had that money spent on
 11 textbooks. So it is vice versa. You don't know exactly
 12 what to do with the small amount of money.
 13 Q. So it is a tough decision to make?
 14 A. Yes.
 15 Q. Do you think the people that make that decision
 16 should be members of the local community, the teachers
 17 and the students and the parents that attend Jefferson or
 18 work there or do you think it's better if somebody like
 19 the governor in Sacramento makes the decision on how to
 20 spend school funds?
 21 MS. LHAMON: Calls for speculation and expert
 22 testimony.
 23 BY MR. ROZWOOD:
 24 Q. With respect to this particular decision on
 25 spending money on bleachers or textbooks, do you think

1 the students and the parents and the teachers at
 2 Jefferson are in a better position to make that decision
 3 or do you think somebody like the governor is in a better
 4 position to make that decision?

5 MS. LHAMON: Calls for speculation and expert
 6 testimony.

7 THE WITNESS: I believe that all of the people
 8 that aren't within the community within the parents,
 9 teachers, students should be the ones to make the
 10 decision because they are the actual ones living
 11 throughout those experiences and they know what is the
 12 best that it should be done based on their experiences.

13 The government, he has other things to worry
 14 about and will not actually look straight into that
 15 problem and spend his time trying to figure out exactly
 16 what should be done. He will just make decisions like
 17 quickly out of his mind I guess because he has other
 18 things to worry about.

19 BY MR. ROZWOOD:

20 Q. How about someone at the Los Angeles Unified
 21 School District like the superintendent of the
 22 Los Angeles Unified School District? Do you think that
 23 person is in a better position to make decisions on how
 24 schools spend funds or do you think it should be left in
 25 the hands of parents, students and teachers in the local

1 and shelter. But that's why they don't have the time.

2 But if they -- some letters were sent, then
 3 like, for instance, like letters are being sent from
 4 school, I do try to go over them, and if something -- if
 5 it's something important, I try to let my mom know about
 6 it.

7 So I think that letters should be sent because
 8 if they try to held meetings, it will not be too, well,
 9 effective.

10 BY MR. ROZWOOD:

11 Q. Are students given the opportunity to
 12 participate in decisions such as the one we are
 13 discussing?

14 A. Not that I know about.

15 Q. Are parents given the opportunity to participate
 16 in decisions such as the one we are discussing?

17 A. Not that I know about.

18 Q. How about teachers? Are they given an
 19 opportunity to participate in that process?

20 A. I don't know.

21 Q. Can you think of any other major maintenance or
 22 construction or repair work that was done at Jefferson
 23 High School while you were there other than the bleachers
 24 being replaced?

25 A. Well, after a parents' conference with the LTLU,

1 community?

2 MS. LHAMON: Calls for speculation and for
 3 expert testimony.

4 Go ahead.

5 THE WITNESS: Well, I believe that they should
 6 not just make the decision on their own, that they should
 7 alert the parents. They should let the parents and the
 8 students and teachers know about what decisions they have
 9 in mind and that way the people can actually say their
 10 opinion and it's better if they take that on concern, in
 11 concern.

12 BY MR. ROZWOOD:

13 Q. Do you think the decision-making process for
 14 making spending decisions like the one we are discussing
 15 now should include parents and teachers and students from
 16 the school affected by those decisions?

17 A. Yes.

18 Q. Do you think those decisions at Jefferson do, in
 19 fact, include parents, teachers and students?

20 A. No.

21 MS. LHAMON: Calls for speculation.

22 THE WITNESS: I don't think it really like has
 23 the parents involved because most of the parents in the
 24 small communities, they work up to like 7:00 or 8:00
 25 just in order to provide their kids with even the food

1 they just try to paint over graffiti, only on the outside
 2 of the buildings. Other than that, I don't remember
 3 anything else.

4 Q. Were any bungalows ever added to the school site
 5 during your four years at Jefferson?

6 A. Not at all.

7 Q. So as far as you are concerned, the school in
 8 terms of its basic structure never changed?

9 MS. LHAMON: During the four years?

10 MR. ROZWOOD: It is vague and ambiguous. I will
 11 object.

12 MS. LHAMON: Thanks.

13 MR. ROZWOOD: I will withdraw that question.

14 Q. Do you think that any of the structures of the
 15 buildings at Jefferson required any major maintenance or
 16 repair work that was not done over your four years at
 17 Jefferson?

18 MS. LHAMON: Calls for speculation.

19 THE WITNESS: The rooms that are being used for
 20 film and it was used for my Spanish year, the ones that
 21 were workshops before and they turned them into like
 22 classrooms, those really need some major repairs and I
 23 think they still do.

24 And the bungalows, I think they should be
 25 replaced. I don't remember, but I heard this from -- I

1 just heard, but I don't remember very well, that
2 bungalows should be replaced every three years. Or I am
3 not sure, because they are not really well built with
4 like real strong wood and so they have to be replaced.

5 BY MR. ROZWOOD:

6 Q. Where did you hear that?

7 A. I don't remember very well, but like around with
8 like people that I talked to.

9 Q. Do you remember anybody's name that told you
10 that?

11 A. No.

12 Q. Other than replacing the bungalows and repairing
13 those rooms that you referred to, is there any other
14 major maintenance or construction or repair work that
15 needed to be done that didn't get done in your view while
16 you were a student at Jefferson?

17 A. No.

18 MR. ROZWOOD: Okay. We are done with your
19 declaration, Exhibit 9. It is a convenient time to
20 break. Do you want to take a break or continue?

21 A. Take a break.

22 MR. ROZWOOD: Let's go off the record.
23 (Recess taken.)

24 MR. ROZWOOD: Back on the record. I have a copy
25 of Exhibit 3, one extra which is your brag sheet that we

1 we will tell people like to sign up for -- so that they
2 are registered -- to register in order for them to vote.

3 Q. When you say "we," who is "we"?

4 A. Three more other students that I know.

5 Q. From Jefferson?

6 A. Classmates, yes. Three other seniors. One
7 senior and one sophomore.

8 Q. What were their names?

9 A. His name is Edilverto.

10 Q. Can you spell that for us?

11 A. E-d-i-l-v-e-r-t-o.

12 Q. And what is his last name?

13 A. Flores.

14 Q. And the other two students?

15 A. It was just him and I -- well, there was this
16 sophomore student. He will only participate for like one
17 day, but the ones that worked more into it is Yahira.

18 Q. Can you spell that for us?

19 A. Y-a-h-i-r-a.

20 Q. Do you remember her last name?

21 A. Landaverde.

22 Q. That I can do. Let me guess.

23 L-a-n-d-a-v-e-r-d-e?

24 A. Yes.

25 Q. Can you remember the name of any other students

1 discussed last time. I just wanted you to look at the
2 front page and see where it says "Community activities"
3 and it says "Organizations church or social," do you see
4 that.

5 A. Yes.

6 Q. You see how you have marked boxes 9, 10 and 11
7 for church service?

8 A. Yes.

9 Q. What does that mean?

10 A. That I attended church and I also helped like
11 collecting the money for nations, selling some stuff like
12 fund-raising for church, and also to go to our -- like
13 sort of a trip away from here to the woods and think
14 about like our family.

15 Q. And the boxes in 9, 10, 11 means you did those
16 things at various times in your ninth, tenth and eleventh
17 grade years?

18 A. Yes.

19 Q. And the fact that the "X" is not in 12 means you
20 stopped doing those things with your church?

21 A. Yes.

22 Q. The next line says?

23 A. "Southwest Voters Registration Project."

24 Q. What is that?

25 A. We would just basically have our own booth where

1 that were involved in the voter registration project?

2 A. No.

3 Q. How did you get involved in that project?

4 A. I don't remember quite well.

5 Q. Do you remember how you first heard about the
6 Voters Registration Project?

7 A. From this adult named Juan.

8 Q. At school?

9 A. Yes.

10 Q. And what was Juan's connection to Jefferson High
11 School?

12 A. He actually gave a presentation during our class
13 with Mr. Goodwin. He gave a presentation about like
14 voting and if we wanted to help him out, like just
15 register voters. And so I was interested in it and I
16 actually did help.

17 Q. And that's Mr. Goodwin's AP government --

18 A. Yes.

19 Q. -- politics class?

20 A. Yes.

21 Q. And what does the next line say?

22 A. De Leticia Education Network.

23 Q. What is that?

24 A. Well, they help us out with -- they, like

25 several students, several students attend to those

1 meetings and we know more about the AB 540.
 2 Q. What is that?
 3 A. The AB 540 is a law that actually passed for a
 4 lot of students especially who are not born in California
 5 to pay the in-state tuition for college instead of the
 6 out-of-state tuition.
 7 Q. How did you first learn of the Leticia Education
 8 Network?
 9 A. Also throughout the students in school.
 10 Q. In connection with Mr. Goodwin's class?
 11 A. No. That was with Mr. Bachrach.
 12 Q. Did someone come and make a presentation to
 13 Mr. Bachrach's class?
 14 A. No.
 15 Q. How did you first learn about it in connection
 16 with your film class, then?
 17 A. He just told us about it. He had like a small
 18 handout.
 19 Q. Mr. Bachrach did?
 20 A. Yes.
 21 Q. Can I have that copy back of Exhibit 2. Thank
 22 you.
 23 A. You are welcome.
 24 Q. Is Rosa Garcia your sister?
 25 A. No.

1 Q. I have a declaration here that I would like to
 2 mark as Exhibit 10 and I will hand a copy to the reporter
 3 so she can stamp it and give it to you.
 4 (Deposition Exhibit 10 was marked
 5 for identification and attached.)
 6 BY MR. ROZWOOD:
 7 Q. The document we have marked as Exhibit 10 bears
 8 Bates stamp Nos. PLTF 02268 through 02270. Have you ever
 9 seen this document before?
 10 A. No.
 11 Q. Do you know who Rosa Garcia is?
 12 A. Yes.
 13 Q. Who is Ms. Garcia? I will use who is Rosa?
 14 A. She is a classmate.
 15 Q. She was a senior when you were a senior at
 16 Jefferson?
 17 A. Yes.
 18 Q. She was on your track; correct?
 19 A. Correct.
 20 Q. Was she at the press conference in May of 2000
 21 relating to this lawsuit --
 22 A. No.
 23 Q. -- at the ACLU downtown?
 24 A. No.
 25 Q. Is she a Plaintiff in this litigation?

1 A. I am not sure.
 2 Q. Have you discussed this litigation with her at
 3 all?
 4 A. No.
 5 Q. Never from the beginning?
 6 A. No.
 7 Q. Do you see where she says in paragraph 1 "I make
 8 this declaration based on my own personal knowledge"?
 9 Do you see that?
 10 A. Yes.
 11 Q. You made your declaration based on your own
 12 personal knowledge, too; correct?
 13 A. Correct.
 14 Q. Do you know what that means?
 15 A. Your experiences throughout your four years in
 16 high school.
 17 Q. Then the facts you declare to are based on your
 18 own experiences; is that what it means?
 19 A. Yes.
 20 Q. Do you see where it says "If called to testify,
 21 could and would do so competently as follows"?
 22 A. Yes.
 23 Q. Do you know if Ms. Rosa Garcia intends to
 24 testify in this matter at a trial if necessary?
 25 A. I don't know.

1 Q. Do you intend to appear as a witness at trial if
 2 necessary in this case?
 3 MS. LHAMON: Calls for a legal conclusion.
 4 MR. ROZWOOD: Her intentions do?
 5 MS. LHAMON: Yup.
 6 BY MR. ROZWOOD:
 7 Q. Do you have that intention in your head?
 8 A. Yes.
 9 Q. You do?
 10 Are you aware that your attorneys have made a
 11 motion to remove your name from the list of named
 12 Plaintiffs in this case?
 13 A. Yes.
 14 Q. What is your understanding of the reason why you
 15 are doing that?
 16 MS. LHAMON: I instruct you not to answer that
 17 based on the attorney-client privilege.
 18 BY MR. ROZWOOD:
 19 Q. Do you have an understanding of why you are
 20 doing that?
 21 A. Yes.
 22 Q. And did you get that understanding solely from
 23 communications with your counsel?
 24 A. Yes.
 25 Q. Are you any less committed to this lawsuit today

1 than you were when you filed it?
 2 A. No. I am fully committed.
 3 Q. Is Ms. Rosa Garcia one of the students who
 4 obtained parents' signatures to get French offered on C
 5 track?
 6 A. No.
 7 Q. Do you see where she says in paragraph 4 "you
 8 can hardly walk to class because the people are all
 9 bunched up on the stairwell" on line 22?
 10 A. Yes.
 11 Q. Is that an accurate statement?
 12 A. Yes.
 13 Q. Is that an accurate statement about the
 14 condition of the stairwell both before, after and during
 15 the breaks between classes at Jefferson?
 16 A. Yes.
 17 Q. Have you ever seen any students get hurt as a
 18 result of this congestion in the stairwells?
 19 A. Not really get hurt badly, but we just push
 20 around just to get through. We usually push each other
 21 around.
 22 Q. Have you seen anybody get hurt?
 23 A. No.
 24 Q. Do you see where she says in paragraph 5 "We
 25 almost always have to wait in line for the bathroom

1 because there are a lot of people in there"?
 2 A. Yes.
 3 Q. Other than at the times when you have described
 4 at the beginning and end of lunch and nutrition, is that
 5 statement accurate about any other time at Jefferson?
 6 A. I can only speak from what I have an experience
 7 in. I am not sure.
 8 Q. Based on your experience, is it true that you
 9 almost always have to wait in line for the bathroom
 10 because there are a lot of people in there?
 11 A. Yes.
 12 Q. How long is lunch, by the way, how many minutes?
 13 A. 25 minutes or a half an hour.
 14 Q. How long is nutrition?
 15 A. 20 minutes or 15.
 16 Q. And approximately how long do the lines last at
 17 the beginning and end of nutrition at bathrooms at
 18 Jefferson?
 19 A. I try to walk away from class early so that I
 20 can like sort of be the first one to be there, but the
 21 latest that it lasts, the line lasted were about 10 to 15
 22 minutes.
 23 Q. So is that throughout the entire nutrition?
 24 A. Yeah.
 25 Q. Okay. Let me ask it a different way. Nutrition

1 starts and then there is a line to use the bathroom.
 2 A. Yes.
 3 Q. How many minutes in your best estimate does that
 4 line last?
 5 A. For ten minutes.
 6 Q. And then close to the end of nutrition there is
 7 a line that begins to form. How many minutes does that
 8 line before nutrition ends -- strike that.
 9 How long before nutrition ends does that line
 10 begin to form?
 11 A. How long before nutrition?
 12 Q. Yes.
 13 A. We are not allowed to leave class, but --
 14 Q. Oh, before nutrition ends, I'm sorry.
 15 A. Before nutrition ends?
 16 Q. Like five minutes before it ends, does it begin
 17 to form or ten minutes before it ends does it begin to
 18 form, or does it never -- does the line stay constant
 19 throughout all of nutrition?
 20 A. It's around five minutes before the bell rings.
 21 Q. Okay. So there is a line for the first ten
 22 minutes and then there is a line of nutrition and then
 23 there is a line for the last five minutes of nutrition?
 24 A. Yes.
 25 Q. In your experience?

1 A. (Witness nodded head up and down.)
 2 Q. And we are talking about the bathroom where?
 3 A. The gym.
 4 Q. At the gym. Okay. Now how about lunch? How
 5 long do the lines last at the bathroom at Jefferson at
 6 the start of lunch and at the end of lunch?
 7 A. The same time.
 8 Q. About ten minutes to begin with and about five
 9 minutes toward the end?
 10 A. Yes.
 11 Q. Do you see where she says "We have four
 12 bathrooms for girls on campus including the one in the
 13 bungalow, but really there are only two bathrooms for
 14 girls to use most of the time"?
 15 A. Yes.
 16 Q. Do you think that's an accurate statement?
 17 A. Yes.
 18 Q. Which two bathrooms are available for girls to
 19 use most of the time?
 20 MS. LHAMON: Do you want to take a moment to
 21 read the rest of the paragraph to see everything she
 22 said.
 23 BY MR. ROZWOD:
 24 Q. Do you know which two bathrooms she is referring
 25 to on line 28 on the first page of her declaration in

1 Exhibit 10?

2 MS. LHAMON: Calls for speculation because she's
3 not the declarant.

4 THE WITNESS: Not really. Only the science and
5 the main building.

6 BY MR. ROZWOOD:

7 Q. And do you get that by looking at line 10 of
8 page 2 of her declaration?

9 A. Yes. By science, she refers to the one that I
10 was talking about, the math building.

11 Q. Okay. And the main building is the one with the
12 handicap stall; correct?

13 A. Correct.

14 Q. She says "The bathroom in the quad is always
15 locked during class time because of safety concerns" on
16 the lines 1 and 2 of the second page of the declaration.

17 A. Uh-huh.

18 Q. Is that accurate statement?

19 A. Well, I am not sure what she was referring to
20 with that line.

21 Q. Well, is the bathroom in the quad always locked
22 during class time because of safety concerns?

23 A. I am not sure if by "the quad" she means the one
24 that is close to the girls' gym.

25 Q. She means the one that was locked as a result of

1 of the toilets overflowed there and the school had to fix
2 the bathroom"?

3 A. Yes.

4 Q. Do you have any knowledge of that incident?

5 A. No.

6 Q. Do you see where she says "the girls' bathrooms
7 in the quad and the main building each have four stalls"
8 on lines 13 and 14 of page 2 of her declaration?

9 A. Yes.

10 Q. Is that an accurate number of stalls, to your
11 knowledge?

12 A. Yes.

13 Q. And she continues "And the girls' bathroom in
14 the science building has about six to eight stalls."

15 Is that an accurate statement, to your
16 knowledge?

17 A. Yes.

18 Q. Did you take AP English with Rosa Garcia?

19 A. Yes.

20 Q. Did you ever find out what was wrong with your
21 English teacher that she had to stop coming after a
22 couple of weeks in the first semester of AP English?

23 A. Not really. Well, we were just told that she
24 was ill. No more than that.

25 Q. But you don't know the circumstances surrounding

1 the attempted rape. Is that the one by the gym?

2 A. Yes.

3 Q. Okay. So if we assume, and I will represent to
4 you that that's what she is referring to, that the
5 bathroom in the quad refers to the bathroom by the gym,
6 is it true that it is always locked during class time
7 because of safety concerns?

8 A. Yes.

9 Q. Do you have any knowledge about the changing of
10 the lightbulb in that bathroom?

11 A. Yes.

12 Q. What knowledge do you have?

13 A. That before that accident actually happened, I
14 went into that restroom and it was pretty dark and then
15 after that accident happened, the incident happened, and
16 the restroom being locked like for the three weeks, and
17 then when I went in, it used to seem like a little bit
18 more brighter.

19 Q. Do you know whether the light was replaced or
20 lights were added or do you know what the school
21 administration did to improve the lighting from before to
22 after the attempted rape incident?

23 A. I don't know.

24 Q. Do you see where she refers on line 11 to "the
25 bathroom in the science building was closed because one

1 her departure other than that?

2 A. Yes.

3 Q. Yes, you do understand or that's the extent of
4 your understanding?

5 A. That's the extent of my understanding.

6 Q. Do you know Gloria de Santos?

7 A. Yes.

8 Q. Did you take any other classes with her besides
9 AP English?

10 A. AP government and English during eleventh grade
11 and world history during tenth grade.

12 Q. Do you know what score she got on the AP English
13 test?

14 MS. LHAMON: Calls for speculation.

15 BY MR. ROZWOOD:

16 Q. If you don't know, you can just say you don't
17 know. If you do, you can say you do.

18 A. I don't know.

19 Q. Okay. Do you see where Rosa Garcia refers to
20 the WASC accreditation team on line 11 of page 36 her
21 declaration? It is the first line of paragraph 10.

22 MS. LHAMON: Page 3.

23 BY MR. ROZWOOD:

24 Q. WASC, the first line of paragraph 10. Do you
25 see that reference? Why don't you take a minute and

1 review the paragraph if you like.
 2 Have you had a chance to review paragraph 10?
 3 A. Yes.
 4 Q. Are you familiar with the WASC accreditation
 5 team?
 6 A. Yes.
 7 Q. Do you know what it does or what it is?
 8 A. Well, I am just familiar with that accreditation
 9 deal that was going on through school, like we have
 10 this -- we actually try to work on displays, like put
 11 displays around the school, like things that we get to
 12 do, but most of the times those displays were empty.
 13 There was nothing on them, and by the time that the
 14 school heard that the accreditation people were going to
 15 come around, they try to make everything look perfect.
 16 Q. Do you know any of the school officials that
 17 were involved in preparing the school for the arrival of
 18 the accreditation team?
 19 A. Ms. Burke.
 20 Q. When you said she was working for the principal
 21 to prepare like a grant proposal or something,
 22 was that something separate from her work on the
 23 accreditation process?
 24 A. I think that's what she was actually working on.
 25 Q. On what do you base that belief?

1 A. Because only by that time that the accreditation
 2 thing was taking place, she was referring to this, like
 3 to this poster where they have like special rules that
 4 the ESLRs, ESLR No. 1, ESLR No. 2, like we should teach
 5 students to read effectively. And I don't know what.
 6 She would try to give us little tests based on that, like
 7 to please I think Ms. Preciado, I think.
 8 Q. What is an ESLR?
 9 A. ESLR, I don't know what they stand for, but
 10 basically it is short summaries of what are the
 11 intentions of teachers and the intentions of students.
 12 MS. LHAMON: Do you how do you spell ESLRs.
 13 THE WITNESS: It is just ESRL, something like
 14 that, just capitalized.
 15 MS. LHAMON: Maybe ESLR?
 16 THE WITNESS: I think so.
 17 MS. LHAMON: Or ESRL?
 18 THE WITNESS: I don't remember well, but they
 19 were just capitalized. It meant something. I don't
 20 know exactly what. Ms. Burke told us what it means.
 21 BY MR. ROZWOOD:
 22 Q. Do you see on line 17 and 18 "Administrators
 23 told students that if they didn't fix the school up, then
 24 our diplomas wouldn't mean anything because the school
 25 might not get accredited"?

1 Do you see that?
 2 A. Yes.
 3 Q. Did administrators ever tell you that?
 4 A. No. Ms. Burke was the one that told us that.
 5 Q. What did she say?
 6 A. Well, she told us that basically if the school
 7 doesn't meet the requirements according to the credit
 8 people, their checklist, it means we are not receiving a
 9 real education and our diploma doesn't mean anything at
 10 all.
 11 Q. Is that what Ms. Burke said to you?
 12 A. Yes. And that they will also close down the
 13 school.
 14 Q. Is that what Ms. Burke said to you?
 15 A. Yes.
 16 Q. Did Ms. Burke tell you anything else about the
 17 accreditation process --
 18 A. No.
 19 Q. -- and what it meant?
 20 A. No.
 21 Q. You have told me everything Ms. Burke told you
 22 about the WASC process?
 23 A. Yes.
 24 Q. Did any other administrators tell the students
 25 to your knowledge anything else about the accreditation

1 process?
 2 A. No.
 3 Q. Do you know Ms. Gutierrez?
 4 MS. LHAMON: That's a common last name. What is
 5 the first name.
 6 BY MR. ROZWOOD:
 7 Q. Christine.
 8 A. No.
 9 Q. She was an English and social studies teacher
 10 that left Jefferson I believe in 1998. So she might have
 11 been there when you were a freshman or a sophomore. Did
 12 you ever have any contact with a teacher of English and
 13 social studies named Ms. Gutierrez?
 14 A. No.
 15 Q. Are you aware of something called the Humanitas
 16 Interdisciplinary Program?
 17 A. I heard about it, but it is not like some huge
 18 program.
 19 Q. What is it?
 20 A. We just used to call them academies.
 21 Q. What are academies?
 22 A. Like Humanitas, like for example I was involved
 23 in that film and art academy. Humanitas, that was
 24 something else separate.
 25 Q. Are students supposed to turn their textbooks in

1 before intersession or when they transfer out of a class
2 or the school at Jefferson?

3 A. Before they go off track? Yes.

4 Q. And in your experience do students ever forget
5 to turn in their textbooks when they are supposed to
6 return them?

7 MS. LHAMON: Calls for speculation.

8 BY MR. ROZWOOD:

9 Q. In your experience has it ever happened? Have
10 you ever seen it happen?

11 A. Yes. I have heard some students. But they have
12 hard times finding their textbook around their house, so
13 right after we go off track, I see them like after two
14 weeks turning in their book back to the student store, to
15 the textbook room.

16 Q. Who is the textbook clerk at Jefferson?

17 A. I don't know.

18 Q. Is there someone that is the textbook clerk
19 there?

20 A. What do you mean by "clerk"? Someone that
21 passes out the books.

22 Q. Yeah, someone that stays in the textbook room
23 and manages the inventory, keeps tracks of the ins and
24 the outs, what they have got and what they need --

25 A. Yes.

1 A. I have heard rumors, but I am not sure that that
2 teacher actually left.

3 Q. What rumors have you heard?

4 A. For example, I believe that Mr. Goodwin, his
5 intention is to leave this year or the next year. And he
6 actually used to tell us around during our class time
7 that like it seems that he had enough with the students.

8 Q. Was his complaint about the students not being
9 cooperative or attentive during class or was it something
10 else?

11 A. I believe it was also with the school system.
12 Because he actually -- he was one of the teachers who
13 told me that it's not very good that students get to --
14 if students receive all the tests like the Stanford 9
15 because it's actually a test that is not being intended
16 for that school. It's just something that the government
17 gets to pick out of the shelf just because he has to
18 choose a test for every school to take after every year.

19 Q. Okay. So Mr. Goodwin had complaints about the
20 school system with respect to the testing, standardized
21 testing?

22 A. Yes.

23 Q. And he had complaints about the students. Did
24 he have any other complaints to your knowledge?

25 A. No.

1 Q. -- in terms of textbooks. There is someone like
2 that?

3 A. Yes. There is someone that just checks that the
4 books are -- like that the teachers actually turn back
5 the same amount of textbooks that they have borrowed.

6 Q. I see. Do you know the name of that person?

7 A. No.

8 Q. Do you have any personal experience of students
9 losing or damaging their textbooks?

10 A. If they lose a textbook, they have to pay for
11 it. And I actually had this friend Maria Duron, she had
12 to pay for her math textbook.

13 Q. Because she lost it?

14 A. Yes.

15 Q. Do you think that's fair of the school to
16 require a student to pay for a replacement textbook in
17 the event that they lose one?

18 A. It could be fair, but not the full, full amount
19 of money that the textbook actually cost because it's not
20 completely -- I mean the textbook is not completely new
21 for her to pay all that amount of money. I believe she
22 had to pay around \$70.

23 Q. Wow. That's an awful lot.

24 Are you aware in your personal experience of any
25 teachers that left Jefferson to teach at another school?

1 Q. What were his specific complaints about the
2 students?

3 MS. LHAMON: Calls for speculation except for
4 the ones that he has told her about.

5 BY MR. ROZWOOD:

6 Q. Okay. Just the ones that you know of, the ones
7 you were referring to when you said he complained about
8 the students.

9 A. Probably he felt that students would not take
10 their education seriously, but it is very difficult in
11 the conditions that we are. It is difficult for us in
12 order to continue with our education.

13 I think he would have like expected something
14 different since he lives in Long Beach, like a nice area,
15 I guess. I believe that he's used to something being in
16 an environment that is beautiful and clean.

17 Q. Okay. Other than Mr. Goodwin, have you heard
18 any other teachers express dissatisfaction with the
19 students or the school system?

20 A. Mr. Bachrach.

21 Q. And what has Mr. Bachrach said about the
22 students or the school system?

23 A. He was the one especially that wanted changes to
24 be made in school. And like I think Ms. Preciado and
25 Mr. Bachrach would not get along with each other.

1 Q. What did Mr. Bachrach say? What did he say in
2 expressing his concerns or criticisms of the school
3 system?

4 A. Like try to see how the money is being spent
5 like to get funded. Like the funds that the school gets,
6 how it should be distributed, because I was told that
7 most of the school, the money that the school receives
8 stays in the bilingual office and it's only being made
9 like to pay to the persons that are working like sort of
10 as interns, and there is where the money is being used.

11 And also he told me something about like
12 meetings that they have and the substitutes were the ones
13 that were going to have a raise instead of the teachers
14 who actually had more of the time being there teaching.

15 Q. Anything else that Mr. Bachrach said in
16 expressing his concerns about or criticisms of the school
17 system at Jefferson?

18 A. Not that I remember.

19 Q. I want to mark a document as Exhibit 11. I am
20 going to hand a copy to the reporter. She can stamp it
21 and give it to you.

22 (Deposition Exhibit 11 was marked
23 for identification and attached.)

24 BY MR. ROZWOOD:

25 Q. Do you have a copy of Exhibit 11?

1 Jefferson in your second semester of your junior year, to
2 your recollection?

3 MS. LHAMON: Vague as to "deep cleaning."
4 If you can understand the question, you can
5 answer it.

6 THE WITNESS: That the school got actually
7 cleaned?

8 BY MR. ROZWOOD:

9 Q. Well, I mean I don't know. Let's look at this
10 language in Exhibit 11. In the second full paragraph in
11 the fourth line, it says "The restrooms were recently
12 deep cleaned and I could notice improvement as soon as I
13 entered the restrooms."

14 Do you recall a deep cleaning of the restrooms
15 at Jefferson in the second semester of your junior year?

16 MS. LHAMON: The question is still vague as to
17 "deep clean."

18 BY MR. ROZWOOD:

19 Q. If you don't understand, you can just say "I
20 don't understand what deep cleaning means."

21 A. I don't understand.

22 Q. Okay. Do you recall there being any special
23 efforts to clean the campus in the second semester of
24 your junior year?

25 A. Only at accreditation moment and after we had

1 A. Yes.

2 Q. It has Bates stamp No. DT-LA 00753 at the
3 bottom?

4 A. Yes.

5 Q. Do you recognize those names at the bottom?
6 Well, Virginia Preciado was your principal, is your
7 principal or was your principal during the time you were
8 there?

9 A. Yes.

10 Q. All four years?

11 A. Yes.

12 Q. How about Bonnie Rubio? Do you recognize that
13 name?

14 A. No.

15 Q. Gloria Cox?

16 A. No.

17 Q. Robert Hamm?

18 A. No.

19 Q. Jean Herweg?

20 A. No.

21 Q. Willie Horton?

22 A. No.

23 Q. How about Bill Van De Water?

24 A. No.

25 Q. Was there a deep cleaning of the school of

1 our press conference, Ms. Preciado tried to like maintain
2 the school clean, but only for a small amount of time.

3 Q. And your press conference was in May of 2000;
4 correct?

5 A. Correct.

6 Q. Do you recall what date? Was it before May 9th?

7 A. It was May the 5th.

8 Q. May 5th?

9 A. Yes.

10 Q. Cinco de Mayo?

11 THE WITNESS: Was it May 5th?

12 MS. LHAMON: It is your testimony. It is not my
13 recollection, but it's your testimony.

14 But if you are not sure, you can say that you
15 are not sure.

16 THE WITNESS: I'm not sure.

17 BY MR. ROZWOOD:

18 Q. Okay. Does the name Gabriel Jackson ring a
19 bell?

20 A. No.

21 Q. It's not familiar in any way?

22 A. No.

23 Q. Okay. I am going to mark another document as
24 Exhibit 12. I am going to hand a copy to the reporter so
25 she can stamp it and hand it to you.

1 (Deposition Exhibit 12 was marked
2 for identification and attached.)
3 BY MR. ROZWOOD:
4 Q. Do you have a copy of Exhibit 12?
5 A. Yes.
6 Q. Do you recognize any of the names of these
7 people listed under the heading "10/13/99 - Covered
8 period by period Williams, Wakefield, Kohne, Casey,
9 Randall"? Do you recognize any of those names?
10 A. Probably Mr. Abea.
11 Q. What do you mean by that?
12 A. If there is no other teacher named by Mr. Abea,
13 then it is him.
14 Q. Oh, I see, in period 6 down below?
15 A. Yes.
16 Q. Okay. But I am just wondering in the list above
17 for 10-13-99, not 10-14-99.
18 A. Uh-huh.
19 Q. October 13th. Do you recognize any of the names
20 in that list?
21 A. No.
22 Q. Okay. And how about other than Mr. Abea, do you
23 recognize any of the other names in the list for
24 October 14, '99?
25 A. No.

1 Q. Okay. Do you see the names in the list for the
2 remaining October dates in 1999, Gianopoulos, Aucutt,
3 Lamberg, Aucutt? Do you recognize any of those names?
4 A. No.
5 Q. Was there a clean restroom hotline at Jefferson
6 at any time while you were a student there?
7 MS. LHAMON: Calls for speculation.
8 If you know.
9 THE WITNESS: Clean restroom hotline?
10 BY MR. ROZWOOD:
11 Q. Yeah, you can call a number and report a dirty
12 restroom?
13 A. No.
14 Q. Do you recognize the name Curt Baker?
15 A. No.
16 Q. Do you recognize the name -- do you know a
17 student named [REDACTED]
18 A. [REDACTED] what?
19 Q. I don't know her last name.
20 A. I just know someone named [REDACTED]
21 Q. Do you know if she ever complained about the
22 condition of the restrooms?
23 A. I believe she was the one with the attempted
24 rape incident.
25 Q. Were there any instances where toilets were

1 missing seat covers in any of the restrooms at Jefferson?
2 A. Not that I know of.
3 Q. Do you recognize the name Lynn Roberts,
4 Ms. Roberts?
5 A. No.
6 Q. How about Mr. Cortines?
7 A. No.
8 Q. Mr. Isaacs?
9 A. No.
10 Q. Mr. Miller?
11 A. No.
12 Q. Mr. Bucksbaum?
13 A. Unh-unh, no.
14 Q. Can you recall any instances of graffiti
15 scratched into the mirrors at the restrooms or elsewhere
16 on campus at Jefferson?
17 A. There were some mirrors scratched with graffiti,
18 yes.
19 Q. Did those mirrors ever get repaired or replaced?
20 A. No.
21 Q. So whenever you saw a scratched mirror, did it
22 remain that way for the rest of your time at Jefferson?
23 A. Yes.
24 Q. How about the soap dispensers? Were they all
25 the same in every bathroom or were there any soap

1 dispensers or can you describe those for me?
2 MS. LHAMON: Calls for speculation as to the
3 boys' bathrooms.
4 MR. ROZWOOD: I am just talking about the girls'
5 bathroom.
6 MS. LHAMON: Okay.
7 MR. ROZWOOD: Sure.
8 THE WITNESS: Soap dispensers, those that
9 actually have the soap in?
10 BY MR. ROZWOOD:
11 Q. Maybe just the dispensers. Maybe they are not
12 full of soap because they haven't filled them up.
13 How are the dispensers? Are they all the same?
14 You pulled them, pushed the button, got soap? How were
15 they supposed to work presuming they got filled?
16 A. You have to push a button.
17 Q. Were they all the same in all the bathrooms?
18 A. Yes.
19 Q. Were they ever -- were they sometimes filled
20 with soap?
21 A. Never.
22 Q. They never had any soap in them ever?
23 A. I always liked to wash my hands before going out
24 and eat and I actually had this friend Leticia and it was
25 very funny. I used to look at her why is she trying to

1 get some soap out of there. All that comes out is just
 2 like yellow ooze or mildew or something from there.
 3 Q. Were the soap dispensers ever replaced or
 4 repaired or improved over the course of your time at
 5 Jefferson?
 6 A. Never.
 7 Q. Would you have rather had the school spend money
 8 to improve the soap dispensers instead of replacing and
 9 providing new bleachers?
 10 MS. LHAMON: Incomplete hypothetical.
 11 THE WITNESS: I don't know. I don't know how to
 12 categorize what is most important based from like the
 13 bleachers, textbooks, or soap, but I believe if I have to
 14 put them in order from what I think what is most
 15 important should be fixed first, the textbook problems,
 16 and the bleachers and then the soap, but they should all
 17 be fixed right away at the same time, not take time to
 18 get fixed.
 19 Q. You know, you made reference to the limited
 20 number of photocopies that teachers were able to make.
 21 Do you remember that?
 22 A. Yes.
 23 Q. Were the limits placed on teachers ever improved
 24 or removed over your time as a student at Jefferson, to
 25 your knowledge?

1 A. No. That was the only time that I heard about
 2 like the limit of the copies was with Ms. Burke.
 3 Q. Okay. And you never heard about a limit to
 4 copies any other time; correct?
 5 A. Correct.
 6 Q. How many kids were in your ninth grade math
 7 class?
 8 A. I don't remember.
 9 Q. Were there enough textbooks for everybody in
 10 that class?
 11 MS. LHAMON: Asked and answered on the first
 12 day.
 13 BY MR. ROZWOOD:
 14 Q. If you recall.
 15 A. Yes.
 16 Q. And were there enough desks for all the
 17 students?
 18 A. Usually teachers try assigning students up to
 19 the point where every desk is filled, and then they try
 20 to like put the students in some other class, math class
 21 some other period.
 22 Q. Do you recognize the name Beverly Clopton?
 23 A. No.
 24 Q. Do you recognize the name James Konantz,
 25 K-o-n-a-n-t-z?

1 A. No.
 2 Q. Do you know if the Los Angeles Unified School
 3 District has a procedure in place for reporting concerns
 4 about the quality or amount of textbooks at various
 5 schools in the district?
 6 A. No.
 7 MR. ROZWOOD: I am going to mark a document as
 8 Exhibit No. 13 and I am going to hand a copy to the
 9 reporter so she can stamp it for you.
 10 (Deposition Exhibit 13 was marked
 11 for identification and attached.)
 12 BY MR. ROZWOOD:
 13 Q. Exhibit No. 13 has Bates stamp number on the
 14 bottom DT-LA 22423 and it also has a number LS 6933.
 15 This is a policy, looks like. Actually it looks
 16 like it is interoffice correspondence because that's what
 17 it says on the top, dated June 8, 1998 from Principal
 18 Virginia Preciado to faculty at Thomas Jefferson High
 19 School regarding the subject, quote, "distribution of
 20 textbooks to all students."
 21 Do you have a copy there?
 22 A. Yes.
 23 Q. There are a number of bullet points on the
 24 correspondence and it says "Teachers are to" and the
 25 first bullet point says "Issue textbook to all students

1 to take home during the first days of the new semester.
 2 If a student is enrolled in your class, he/she should be
 3 issued a textbook."
 4 Other than the classes you have testified to so
 5 far in your deposition, were there any classes where
 6 teachers failed to issue a textbook to all students in
 7 accordance with this directive?
 8 A. Not that I know of.
 9 Q. Okay. Do you see the third bullet point stating
 10 that teachers are to "Review with students the proper
 11 care of and importance of textbooks" and to "Do this on a
 12 regular basis"?
 13 A. Yes.
 14 Q. Was that something that teachers did with the
 15 students at Fremont on a regular basis?
 16 MS. LHAMON: Jefferson.
 17 MR. ROZWOOD: Thank you.
 18 Q. At Jefferson.
 19 A. No. The teachers didn't actually check the
 20 students' textbooks.
 21 Q. The teachers at Jefferson never checked the
 22 students' textbooks?
 23 A. No.
 24 MS. LHAMON: Calls for speculation as to other
 25 teachers in the classes.

1 BY MR. ROZWOOD:

2 Q. To your knowledge.

3 A. To my knowledge, no. Only when we had to turn
4 in the textbook. She had to check whether it was the
5 same number for the book that we signed out for.

6 Q. How about when the teachers distributed the
7 textbooks at the beginning of the semester? Did they
8 review then with the students the proper care of
9 textbooks?

10 MS. LHAMON: Calls for speculation as to other
11 classes.

12 BY MR. ROZWOOD:

13 Q. To your knowledge.

14 A. Not really. They would just tell like,
15 according to you, do your thing. There is A book, B, C
16 and so on and we would just give a grade to the textbook
17 and put on the number of the textbook. We will sign with
18 our names and like our parents' information like address
19 and phone numbers.

20 Q. And were you forced to cover the books?

21 A. Yes.

22 Q. And what happened if you didn't keep them
23 covered?

24 A. The teacher would just give us -- if they have
25 like a cover for the books, they would just give us

1 would give them replacement bookcovers for free as well;
2 correct?

3 A. Correct.

4 Q. Do you see on the fourth bullet point where it
5 says "Conduct regular textbook checks (announced monthly
6 in the 'Speedometer.'" what is the Speedometer, if you
7 know?

8 A. I don't know, probably is --

9 Q. Well, don't speculate. If you don't know, it is
10 okay. Unless you know.

11 A. I don't know.

12 Q. Were regular textbook checks conducted by the
13 teachers at Jefferson?

14 MS. LHAMON: Calls for speculation as to other
15 teachers.

16 BY MR. ROZWOOD:

17 Q. To your knowledge.

18 A. No. Just at the beginning and at the end of the
19 semester.

20 Q. Okay. Do you see at the bottom in the bullet
21 point where it says "Issue homework assignments related
22 to textbooks. Textbooks should be utilized regularly at
23 home"?

24 Do you see that?

25 A. Yes.

1 another one. But it was like one big issue at the
2 beginning of the semester.

3 Q. How so?

4 A. Because they would pass out bookcovers and I
5 think it was actually intended for us always to have a
6 bookcover for our textbook. They will ask the students
7 if anyone has damaged their bookcover, whether they need
8 another one.

9 Q. And if they needed another one, would the
10 teacher provide one for free to the student?

11 A. They will run out of bookcovers.

12 Q. But if they had textbook covers, they give them
13 to the students; correct?

14 A. Yes.

15 Q. At the outset of the semester together with the
16 distribution of books at the beginning, did they give out
17 bookcovers to the students?

18 A. At the beginning, yes, they gave out bookcovers
19 to every student.

20 Q. For free; correct?

21 A. Yes, for every student that I know of.

22 Q. Right, but it was for free; correct?

23 A. Yes.

24 Q. And if the student lost their bookcover or it
25 became damaged and the teacher had some available, they

1 Q. We have heard a number of instances where
2 textbooks were not used, were not available for students
3 to use in connection with their homework assignments;
4 correct?

5 A. Right.

6 Q. Other than the times that we have discussed so
7 far and that you have testified to so far in your
8 deposition, can you think of any other occasions in which
9 textbooks were not made available to students for use at
10 home?

11 MS. LHAMON: Calls for speculation for other
12 students, other classes.

13 BY MR. ROZWOOD:

14 Q. Just to your knowledge.

15 A. I just told you about what I have known. I
16 don't have any more like knowledge based on that fact.

17 Q. Do you see where it says "teachers should report
18 immediately to Mrs. Clopton any instance where a textbook
19 shortage may occur? It's bold and underlined.

20 A. Yeah.

21 Q. Do you have any knowledge of any teachers
22 reporting the possibility of a textbook shortage to
23 administrators at Jefferson?

24 A. No. I don't have any knowledge of that.

25 MR. ROZWOOD: Okay. Let's go off the record for

1 a second.
 2 (A discussion was held off the record.)
 3 MR. ROZWOOD: Let's go back on the record.
 4 Okay. At the break Ms. Lhamon had a chance to consult
 5 with Ms. Garcia and has informed us that Ms. Garcia is a
 6 little bit tired and wishes to stop at the moment and we
 7 all agreed to do so. We all agreed to reconvene next
 8 Friday, November 2nd, at 10:00 A.M. and proceed to
 9 continue the deposition at that time. Is that correct?
 10 MS. LHAMON: Yes.
 11 MS. FLOYD: That's correct.
 12 MR. ROZWOOD: Okay. Let's enter into the
 13 following stipulation with respect to this transcript for
 14 this day. Copies of documents attached to this
 15 deposition, I think Exhibit 7 through 13 may be used as
 16 originals in this case.
 17 The original of this deposition will be signed
 18 under penalty of perjury. The reporter will be relieved
 19 of her responsibilities under the applicable statutes for
 20 maintaining the original deposition transcript, and the
 21 original will be delivered to Ms. Lhamon, at which point
 22 the witness will have 30 days from the date of the court
 23 reporter's transmittal letter to Ms. Lhamon to make any
 24 corrections to the deposition transcript.
 25 Ms. Garcia or her attorney will notify all

1 parties of the changes to her deposition. And if there
 2 are no such changes communicated by that time, any
 3 unsigned or corrected copy may be used for all purposes
 4 in this litigation or any proceeding related hereto as
 5 though signed by the deponent. Can we stipulate to that?
 6 MS. LHAMON: So stipulated.
 7 MS. FLOYD: So stipulated.
 8 THE REPORTER: Do you need a copy of the
 9 transcript?
 10 MS. LHAMON: I do. And we get the disk as well
 11 the mini.
 12 THE REPORTER: Ms. Floyd, copy of the
 13 transcript?
 14 MS. FLOYD: Yes, please.
 15 (Whereupon at the hour of 4:11 P.M., the
 16 deposition was adjourned.)
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1 STATE OF CALIFORNIA)
 2) ss
 3 COUNTY OF LOS ANGELES)
 4 I, ALTAGRACIA GARCIA, hereby
 5 certify under penalty of perjury under the laws of the
 6 State of California that the foregoing is
 7 true and correct.
 8 Executed this day of ,
 9 2001, at , California.

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 14 ALTAGRACIA GARCIA
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1 STATE OF CALIFORNIA)
 2) ss
 3 COUNTY OF LOS ANGELES)
 4 I, SYLVIA P. SHEAR, CSR #3010, in and for
 5 the State of California do hereby certify:
 6 That, prior to being examined, the
 7 witness named in the foregoing deposition was by me duly
 8 sworn to testify the truth, the whole truth, and nothing
 9 but the truth;
 10 That said deposition was taken down by me
 11 in shorthand at the time and place therein named, and
 12 thereafter reduced to typewriting under my direction, and
 13 the same is a true, correct and complete transcript of
 14 said proceedings.
 15 I further certify that I am not
 16 interested in the event of the action.
 17 WITNESS MY HAND this 6th day of November, 2001.

18
 19
 20
 21 Certified Shorthand Reporter
 22 for the State of California
 23
 24
 25