

1 SUPERIOR COURT OF the State OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO

3
4
5 ELIEZER WILLIAMS, etc., et al.,
6 Plaintiffs,

7 vs.

NO. 312236

8 STATE OF CALIFORNIA, et al.,
9 Defendants.

/ VOLUME II

10 AND RELATED CROSS-ACTIONS. / PAGE 216 - 268

11
12 DEPOSITION OF JAMES P. HAGAN

13 BE IT REMEMBERED that pursuant to Notice and
14 Stipulation, and on Monday, October 29, 2001, at the hour
15 of 4:28 p.m., in the Law Offices of Lozano, Smith, 20
16 Ragsdale Drive, Suite 201, Monterey, California, before
me, JOANNE C. BUSHAW, CSR No. 4334, personally appeared
JAMES P. HAGAN.

17 APPEARANCES

18 For the Plaintiff:

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21
22 For the Defendants PAJARO VALLEY SCHOOL DISTRICT:

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25

1 APPEARANCES (CONTINUED)
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EDUCATION, STATE DEPARTMENT OF EDUCATION:

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4 400 South Hope Street
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5 BY: STEVEN LaCOMBE
6
7

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13 ON PAGE
14 FOR THE PLAINTIFFS:

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21 INDEX TO CERTIFIED QUESTIONS
22 PAGE/LINE
22 22/14 Now, during last night's communication with
Miss Perrin, what did you talk about?
23
24
25

1 carefully. If you have any questions about my questions,
2 I'll do my best to rephrase it if you point it out to me.
3 Will you do that for me?

4 A. I will.
5 Q. And answer the questions to the best of your
6 ability. If you don't know the answer for some reason,
7 say, "I don't know." There's no need to guess unless I do
8 ask you to make a guess or an estimate. Will you do that?

9 A. Yes.
10 Q. Okay. Your testimony today is under oath, so
11 it's very important that you respond to each question as
12 fully and fairly as you can. Will you do that?

13 A. Yes.
14 Q. If you need a break for any reason, let me know
15 and I'll ask the reporter to go off the record provided
16 that you've finished answering the question first, okay?

17 I think that's pretty much it. Do you have any
18 questions?

19 A. No.
20 Q. Okay. Now, Mr. Hagan, have you done anything to
21 prepare for today's deposition?

22 A. No.
23 Q. Nothing. Did you talk to any attorneys?
24 A. I talked to -- I came prepared today. Miss
25 Perrin; is that correct?

1 JAMES P. HAGAN,
2 having been first duly sworn, testified as follows:

3 EXAMINATION:
4 Q. (By Mr. LaCombe) Hello, Mr. Hagan.
5 A. Good afternoon. How are you today?
6 Q. I'm good, how are you doing?
7 A. Well, not too bad for an old man.
8 Q. Good. Now that we're back at it again, do you
9 need a refresher on the rules on --
10 A. Yes.
11 Q. -- how we play the game? Okay. Again I'm going
12 to ask you a series of questions, and both my questions
13 and your answers are going to be taken down by the court
14 reporter, who is Joanne today. To make sure that she gets
15 a clear record, be sure you state your answer in words
16 rather than "uh-huh" or "huh-uh," and also that you make
17 sure --
18 A. Uh-huh, yes.
19 Q. I'm guilty of it myself quite often. And also
20 to make sure that I finish the question before you begin
21 your answer.
22 A. Yes.
23 Q. So that's easier on her.
24 A. Yes.
25 Q. Okay. Please listen to each question very

1 MS. PERRIN: It is indeed.
2 THE WITNESS: I can't read my own writing. May
3 I have your card, by the way?

4 MS. PERRIN: Yes.
5 THE WITNESS: I talked to Miss Perrin by phone
6 last night, and I talked to her outside here for -- just
7 before coming in.

8 Q. (By Mr. LaCombe) And I see you opened up your
9 folder right there and looked at some notes.
10 A. Yes.

11 Q. What are those notes from?
12 A. What are those notes from?

13 Q. Yes.
14 A. Those are from our telephone conversation last
15 night.

16 Q. It's yours and Lois Perrin's?
17 A. That's correct.

18 Q. Okay. And do you understand that Lois Perrin --
19 do you understand Lois Perrin to be your counsel?

20 A. I do.
21 Q. Okay. What about Katherine Lhamon?

22 A. What about her?
23 Q. Do you understand her to be your attorney?

24 A. What was your previous question?
25 Q. My question is, is Lois Perrin your attorney?

1 That was the previous question.
 2 A. Yes.
 3 Q. Okay. And is Katherine Lhamon also your
 4 attorney?
 5 A. Yes. I think. I don't know.
 6 Q. Okay. Why do you say you don't know?
 7 A. Well, because I don't know what the hell you
 8 mean by -- you know, who's the attorney and who's a
 9 lawyer, and -- you know. I mean, whatever's sitting next
 10 to me is the person who's representing me. So the last
 11 time Katherine Lhamon was sitting next to me and I told
 12 you that, yes, she was my attorney or my lawyer, and at
 13 this point in time, Miss Perrin is sitting next to me and
 14 so I take her as my attorney or lawyer at this point in
 15 time.
 16 Q. Okay. Did you ever ask her to -- I guess either
 17 one of them to represent you in this case?
 18 A. Did I ask them? No.
 19 Q. Have you ever signed any agreement with either
 20 of them retaining them as an attorney?
 21 A. I don't know.
 22 Q. You don't know?
 23 A. That's correct.
 24 Q. Okay. Has Katherine Lhamon ever told you that
 25 she's your attorney?

1 MS. PERRIN: You can answer that as a "yes" or
 2 "no" question, but don't disclose any content of any
 3 communications that you would have had with Katherine.
 4 THE WITNESS: Would you repeat the question,
 5 please?
 6 Q. (By Mr. LaCombe) Yes. Has Katherine Lhamon
 7 ever told you that she's your attorney?
 8 A. I believe so.
 9 Q. Okay. What about Lois Perrin?
 10 A. Yes.
 11 Q. In order to understand the exact content, I'm
 12 going to ask some questions about the content of the
 13 communications that you had.
 14 Now, during last night's communication with Miss
 15 Perrin, what did you talk about?
 16 MS. PERRIN: I'm going to instruct you not to
 17 answer on the grounds of attorney/client privilege.
 18 MR. LaCOMBE: Okay. Do you accept her
 19 instruction?
 20 THE WITNESS: Absolutely.
 21 Q. (By Mr. LaCombe) Okay. You mentioned at the
 22 last deposition --
 23 A. Yes.
 24 Q. -- that you had had four or six phone calls,
 25 phone conversations with Katherine Lhamon previous to the

1 deposition; is that correct?
 2 A. If that's what I said in my previous -- whatever
 3 you call these things, then that's the way it is.
 4 Q. Okay. Do you now recall that you had four or
 5 six --
 6 A. No. I mean, we're talking what, six or eight
 7 months ago? I don't remember what I had for dinner last
 8 night.
 9 Q. Okay. Do you remember any communications with
 10 Katherine Lhamon other than the personal contacts that you
 11 had with her both in preparation for the deposition and at
 12 the school site?
 13 A. Would you repeat that question, please?
 14 Q. Okay. Last time, you mentioned that you had met
 15 Katherine Lhamon in person twice, once at the high school
 16 and also once prior to the deposition?
 17 A. That's correct.
 18 Q. And do you recall any communications with
 19 Katherine Lhamon other than those two personal meetings
 20 that you had with her?
 21 MS. PERRIN: Okay, objection to the word
 22 "communications." You can answer if you understand.
 23 THE WITNESS: Your question is, as I understand
 24 it, did I have any other communications with Katherine
 25 Lhamon other than the time when she visited Watsonville

1 High School or the night before the last deposition; is
 2 that correct?
 3 Q. (By Mr. LaCombe) Right. And this is all prior
 4 to the last deposition, if that makes sense.
 5 A. So you're not asking me whether Katherine and I
 6 had any exchange of information during the last
 7 deposition, as an example?
 8 Q. Right, that's correct. I'm not asking about
 9 that.
 10 A. So you're asking if I had any communications
 11 with Katherine Lhamon other than when she visited
 12 Watsonville High School and the night before the last
 13 deposition?
 14 Q. Prior to the deposition.
 15 A. Prior to the deposition. Yes.
 16 Q. Okay. And what were those communications?
 17 MS. PERRIN: Are you asking about the content of
 18 the communications?
 19 MS. PERRIN: I'm asking about the form, I'm
 20 asking about the -- okay.
 21 Q. (By Mr. LaCombe) How many communications were
 22 there, besides those two personal meetings?
 23 A. Well, I talked with her before we went into the
 24 deposition, immediately before. Those are rather
 25 sumptuous offices, if I may say so. How many previous

1 communications, so communications -- would you define
2 "communication" for me, please?

3 Q. Maybe by way of example, whether by e-mail, by
4 telephone, any exchange of written or oral communication,
5 letter, whatnot?

6 A. And you want to know how many of those I had
7 with Katherine prior to that deposition?

8 Q. Prior to the day of that deposition, yes.

9 A. Prior to the day of the deposition.

10 MS. PERRIN: Which, for the record, is
11 October 8, 2001.

12 MS. PERRIN: Exactly, October 7th and before
13 that.

14 THE WITNESS: My guess would be ten.

15 Q. (By Mr. LaCombe) Okay. And I mentioned various
16 media of communication like e-mail, telephone; what were
17 the media of communication amongst those ten?

18 A. We talked by telephone, we communicated by
19 e-mail, and I believe I received a letter.

20 Q. Okay.

21 A. Possibly two from Miss Lhamon.

22 Q. Okay. Do you remember one of those letters
23 specifically?

24 A. No.

25 Q. Do you remember the content of either of those

1 Q. I understand.

2 A. Maybe legally, it's 12, but -- you know,
3 whatever.

4 MS. PERRIN: We'll accept your definition of
5 one.

6 MR. LaCOMBE: I don't think it's been legally
7 decided yet.

8 THE WITNESS: Well, maybe we can have a case
9 about that.

10 MR. LaCOMBE: Why not?

11 Q. (By Mr. LaCombe) Do you recall the content --

12 A. It's billable hours, right?

13 Q. Do you recall the content of any of those
14 e-mails?

15 A. No.

16 MS. PERRIN: You can answer "yes" or "no," but
17 don't describe --

18 THE WITNESS: No.

19 Q. (By Mr. LaCombe) Okay. And now let's talk
20 about the phone calls.

21 A. Okay.

22 Q. How many of those were there?

23 MS. PERRIN: With Katherine?

24 MR. LaCOMBE: Yes.

25 MS. PERRIN: And give your best estimate. You

1 letters, or however many there were?

2 MS. PERRIN: You can answer "yes" or "no," but
3 don't disclose the content of the letters.

4 THE WITNESS: No.

5 Q. (By Mr. LaCombe) How many e-mails were there?

6 A. Possibly six.

7 Q. Okay. Did you ever write her an e-mail?

8 A. Yes.

9 Q. Okay. You're counting that among those six?

10 A. No.

11 Q. Okay. Let me see if I got this clear. Six
12 e-mails that came from Katherine Lhamon; is that what
13 you're counting as the six e-mails?

14 A. Yes.

15 Q. And how many e-mails did you send to Katherine
16 Lhamon?

17 MS. PERRIN: Well, objection, vague as to
18 "send." You're asking whether he replied or initiated on
19 his own accord.

20 MR. LaCOMBE: I mean either replied or
21 initiated.

22 THE WITNESS: If Miss Lhamon sent me six
23 e-mails, I probably sent her six replies.

24 Q. (By Mr. LaCombe) Okay.

25 A. But to me, that's one e-mail.

1 don't have to guess, but give your best estimate.

2 THE WITNESS: What's the difference between a
3 best estimate and a guess?

4 MS. PERRIN: I could give you my definition, but
5 you want to ask Steve.

6 THE WITNESS: What is it you want?

7 MS. PERRIN: The difference between an estimate
8 and a guess. A guess is really that you don't have any
9 idea and you're just picking a number out of the air. An
10 estimate would be you have some basis in fact or some
11 reason to believe that it would be around or approximately
12 that number. So you should give an estimate, but you
13 should not guess. Does that make sense?

14 THE WITNESS: I guess.

15 MS. KAATZ: I could see that coming!

16 MS. PERRIN: Me, too!

17 THE WITNESS: So what's your question?

18 Q. (By Mr. LaCombe) What is your estimate of the
19 number of phone calls between you and Katherine Lhamon?

20 A. Four.

21 Q. Do you recall how many of those were initiated
22 by her?

23 A. No.

24 Q. And when you count them as four, are those both
25 calls that were initiated by her and calls initiated by

1 you?

2 A. So we're trying to decide between four and
3 eight; is that right?

4 Q. Something like that.

5 A. I would expect we had approximately four
6 conversations or communications, okay, by voice, and that
7 may have involved Miss Lhamon calling me and leaving a
8 message that she called and would I call her back. And if
9 I called her back -- excuse me -- I would consider that
10 one communication. So -- and I may very well have called
11 her to return her call, but she was unavailable, and so I
12 would say, "Miss Lhamon, it's Jim Hagan calling," and then
13 she would call me back, and I would still consider that
14 not a complete communication between us until we actually
15 spoke to each other. On that basis, I'm estimating that
16 we had four conversations.

17 Q. I understand. Do you recall --

18 A. Good.

19 Q. Do you recall the content of any of those
20 communications?

21 A. No.

22 Q. Did you talk about this case?

23 MS. PERRIN: You can answer "yes" or "no," but
24 don't disclose any of the particulars.

25 THE WITNESS: I mean, I hate to be cynical, but

1 conversations, please do let me know.

2 MS. PERRIN: And then I'll instruct him not to
3 answer.

4 MR. LaCOMBE: There you go. Can we just put
5 that on the record? I mean, if you're going to -- if your
6 intent is to instruct him not to answer as to the content
7 of those communications...

8 MS. PERRIN: As to the content of the
9 communication after the legal relationship was
10 established, yes, that is our intent.

11 MR. LaCOMBE: Okay.

12 MS. PERRIN: Mr. Hagan did actually have -- he
13 wanted to clarify one question that was made during the
14 last deposition session with regard to the Power Point.

15 MR. LaCOMBE: Okay.

16 THE WITNESS: Yes, and I don't remember exactly
17 what it was, but it was relative to how many Power Point
18 presentations I did.

19 Q. (By Mr. LaCombe) Okay.

20 A. And I believe that I told you I did four a week.
21 I haven't obviously seen the deposition, but it's -- it's
22 not that many. I have not done four a week.

23 Q. Okay. How many have you done?

24 A. In what period of time?

25 Q. I'm trying to find what your -- honestly, I

1 what do you think we talked about, the weather?

2 Q. (By Mr. LaCombe) Okay. I'm trying to in any
3 way refresh your memory.

4 A. So what was your question, did we talk about
5 this case? Yes.

6 Q. Okay. Did you talk about conditions at
7 Watsonville High School?

8 A. I don't remember.

9 Q. Okay. Have you communicated with anyone else
10 from the ACLU -- and I mean an attorney, not a
11 receptionist or a secretary?

12 MS. PERRIN: About the suit?

13 MR. LaCOMBE: Yeah, about the suit.

14 THE WITNESS: Are you with the ACLU?

15 MS. PERRIN: I'm not.

16 THE WITNESS: No.

17 Q. (By Mr. LaCombe) Okay. Lois Perrin's from
18 Morrison & Foerster.

19 A. Okay.

20 Q. Have you spoken with any other attorneys with
21 Morrison & Foerster, that you know about?

22 A. No.

23 Q. Okay. I'm going to start talking about some
24 other things, okay. If it ever comes to your recollection
25 of anything that you might have talked about in those

1 don't recollect what your testimony on the Power Point was
2 in reference to, so I'm checking that.

3 MS. PERRIN: Can we go off the record for a
4 second?

5 MR. LaCOMBE: Yeah.

6 (Off the record briefly at 4:48 p.m.)

7 MR. LaCOMBE: Let's go back on.

8 Q. (By Mr. LaCombe) I see on Page 119 of the
9 deposition transcript, the first line says, "Question, how
10 often did you do Power Point presentations?" "Answer, I
11 probably did a Power Point maybe once a week."

12 A. Yes.

13 Q. Is that what you're referring to?

14 A. I believe so.

15 Q. And I believe this is in reference to a U. S.
16 History class?

17 A. That would be correct.

18 Q. I understand this is referring to last year that
19 you used -- that you did Power Point presentations maybe
20 once a week last year; is that correct?

21 A. Yes, I guess. I mean, I -- that's why I asked
22 you in what time frame do you mean.

23 Q. Okay. What is your -- your clarification today
24 is that -- is what?

25 A. That I did not do a Power Point presentation

1 once a week.
 2 Q. Okay. How often did you do it then last year?
 3 A. Last school year?
 4 Q. Yes.
 5 A. So from August until June of last year?
 6 Q. Yes.
 7 A. Maybe eight times.
 8 Q. All year?
 9 A. Yes.
 10 Q. Okay. What about this year?
 11 A. Possibly four.
 12 Q. Okay. Do you know why you testified at that
 13 point, on October 8th, that you probably did a Power Point
 14 presentation maybe once a week?
 15 A. Yes.
 16 Q. And what is that reason?
 17 A. I felt you were putting me down.
 18 Q. I'm sorry, I didn't mean that.
 19 A. Apology accepted.
 20 Q. What made you think I was putting you down?
 21 A. I felt you were making me wrong.
 22 Q. See, I just want to make it clear that I had no
 23 intentions along those lines at all; I just wanted to find
 24 out what your methods were in. Teaching. I apologize if
 25 you had that impression.

1 A. Apology accepted.
 2 Q. Is there anything else about your testimony from
 3 October 8th that you'd like to clarify?
 4 A. That was the only -- no. I don't know, I
 5 haven't seen it. This is the first time I've seen it.
 6 That was just something that came up for me literally on
 7 my way home.
 8 Q. Did you review any documents in preparation for
 9 today's deposition?
 10 A. Define "review."
 11 Q. Read.
 12 A. Define "read."
 13 Q. Well, were there any documents that you looked
 14 at in preparation for today's deposition?
 15 A. I looked at these directions, how to get here.
 16 I looked at these directions how to get here -- I'm now
 17 pointing to my note pad. And I looked at the business
 18 card of Sarah Levitan Kaatz, Katherine Lhamon, and Steven
 19 LaCombe, and I looked at the declaration of Jim Hagan, and
 20 I looked at -- do want me to read all this?
 21 MS. PERRIN: For the record, he is referring to
 22 Plaintiffs' First Amended Complaint.
 23 MR. LaCOMBE: I know what that document is.
 24 THE WITNESS: Okay, cool. I looked at them.
 25 Q. (By Mr. LaCombe) I understand.

1 A. I mean, I -- for instance, just to define "look
 2 at," I didn't look at O'Melveny & Myers nor 400 South Oak
 3 Street, I just looked at Steven LaCombe, okay?
 4 Q. Okay. Any other documents that you looked at in
 5 preparation for the deposition today?
 6 A. No.
 7 Q. On October 8th, we talked a bit about your class
 8 sizes for this year?
 9 A. Yes.
 10 Q. And you mentioned some numbers and you also
 11 mentioned -- I'm curious if those class sizes have changed
 12 since October 8th. These are for your --
 13 A. Yes.
 14 Q. How have they changed?
 15 A. Students have been admitted and students have
 16 left.
 17 Q. Okay. Do you know what the current class sizes
 18 are for your five periods?
 19 MS. PERRIN: Did you want him to give you a
 20 number for each course -- each class period?
 21 MR. LaCOMBE: Yes, please.
 22 THE WITNESS: Okay. I would say approximately
 23 34 for first period, approximately 13 for second period,
 24 approximately 34 for fourth period, approximately 20 for
 25 fifth period, and approximately 34 for sixth period.

1 Q. (By Mr. LaCombe) I'm sorry, when you're
 2 saying -- are you saying 30 for the class -- I mean the
 3 class has 30 students or the class has 34?
 4 A. No, first period has approximately 34 students.
 5 Q. Okay.
 6 A. Second period has approximately 14 students;
 7 fourth period has approximately 34 students; fifth period
 8 has approximately 20 students; and sixth period has
 9 approximately 34 students.
 10 Q. I take it sixth -- excuse me, second and fifth
 11 periods, are those your SIDI classes?
 12 A. That's correct.
 13 Q. And it looks like you now have 34 students in
 14 each of first, fourth, and sixth periods?
 15 A. Approximately.
 16 Q. What makes you say "approximately?"
 17 A. Because I'm not sure of the exact number.
 18 Q. Why is that?
 19 A. Because I don't know.
 20 Q. I understand that you don't -- not every student
 21 shows up every day; isn't that correct?
 22 A. Generally speaking.
 23 Q. Okay. And have there -- let me ask you. I
 24 believe on October 8th, you mentioned that each of
 25 these -- your classroom has 32 desks in it; is that

1 correct?
 2 A. I now have 34 desks. Actually, I think I have
 3 35 now.
 4 Q. Okay. Three new desks?
 5 A. Yes.
 6 Q. When did those desks arrive?
 7 A. I don't know.
 8 Q. Do you have an estimate?
 9 A. No.
 10 Q. Was it closer to October 8th?
 11 A. Oh, yes. Than today, yes.
 12 Q. Okay. Do you know if it was within a week of
 13 October 8th?
 14 A. I would think so, yeah.
 15 Q. Um-hum. Did you request those desks?
 16 A. Yes.
 17 Q. Do you know who brought them?
 18 A. No.
 19 Q. I take it they arrived when you weren't in the
 20 classroom?
 21 A. No, I was there, but I -- there were two kids
 22 brought them. I don't know who they are or who they were.
 23 Q. Since October 8th, have there been any days in
 24 which there have been not enough desks for the students in
 25 any of your classes?

1 A. Yes.
 2 Q. How many days -- I should say how many periods?
 3 A. Five, that's my estimate.
 4 Q. And I take it those five days were all before
 5 you got the three new desks; is that correct?
 6 A. I don't know.
 7 Q. Do you have any specific recollection of there
 8 not being enough desks for students since the time that
 9 you got the additional desks?
 10 A. No.
 11 Q. The three additional desks, did they arrive at
 12 the same time?
 13 A. Yes.
 14 Q. On October 8th, you mentioned that a lot of the
 15 textbooks -- or I should say the textbooks you've used --
 16 for example, American Odyssey, and the Magruder's American
 17 Government are over the heads of your students; do you
 18 recall that?
 19 A. I don't recollect using those words.
 20 Q. Okay. Do you understand what I'm talking about?
 21 A. Yes.
 22 Q. What -- how would you phrase it?
 23 A. I would say for some of my students, the syntax
 24 is too difficult.
 25 Q. Okay. What do you believe can or should be

1 done, if anything, to make the textbook more
 2 understandable to the students?
 3 A. What can or should be done in order to make the
 4 textbooks more understandable to the students?
 5 MS. PERRIN: I take it this is limited to the
 6 U.S. History books that Mr. Hagan has used?
 7 MR. LaCOMBE: Yes, and the American government.
 8 MS. PERRIN: Okay.
 9 THE WITNESS: Which were the textbooks from last
 10 year and the previous year?
 11 MR. LaCOMBE: Yes.
 12 Q. (By Mr. LaCombe) I mean, you did also mention,
 13 I believe, that the current textbook has the same issue,
 14 the syntax is too difficult for the students; is that
 15 correct or not?
 16 A. For some of my students --
 17 Q. Right.
 18 A. -- you're correct.
 19 Q. Okay, So I'll repeat the question. So amongst
 20 the textbooks that you've used, what can or should be
 21 done, if anything, to make the textbooks understandable to
 22 that group of your students?
 23 A. A plethora of things.
 24 Q. Like what?
 25 A. First, I would say it's the job of the teacher.

1 Q. Anything else?
 2 A. Yes, "a plethora" implies, I believe, more than
 3 one. Supplemental materials.
 4 Q. How do -- how do you believe that supplemental
 5 materials make the syntax more understandable for the
 6 students?
 7 A. Let's say, for example, we're discussing the
 8 transcontinental railroad and it may be referred to in the
 9 textbook as one of the monumental achievements of
 10 engineering. A supplemental piece that may give you an
 11 idea of the distance involved between Des Moines, Iowa,
 12 and Sacramento, California, would be of assistance in
 13 demonstrating that that indeed was a monumental
 14 achievement.
 15 Q. Are these supplemental materials that the
 16 students themselves would use that you're talking about?
 17 A. They could be.
 18 Q. What else could it be?
 19 A. Well, I could use them.
 20 Q. Among the plethora of things that can or should
 21 be done to make the textbook more understandable, are
 22 there any changes to the textbooks that you have in mind?
 23 A. Yes.
 24 Q. And what are those?
 25 A. Well, I -- in the ideal situation, there would

1 be a textbook written for each student.
 2 Q. Besides that, any other changes?
 3 A. From an idealistic point of view, no. That
 4 would be the ultimate, that a textbook could be tailored
 5 to each individual student, but I think on the face of it,
 6 that's absurd. Within a given context within a classroom,
 7 there are multiple levels of capabilities, and no one
 8 textbook will be ideal for probably any of the students.
 9 So the improvements in textbooks, in my opinion, would be
 10 best tailored to different levels of students based on
 11 multiple indices.
 12 Q. Are you aware of any textbook that's
 13 commercially available that you think would be better than
 14 the textbooks -- the textbook that you're using now in
 15 U.S. History to make the material, the syntax
 16 understandable to your students?
 17 A. Yes.
 18 Q. And what is that?
 19 A. What is the name of the book?
 20 Q. Yes.
 21 A. I don't know.
 22 Q. Are you thinking of a specific book?
 23 A. No.
 24 Q. Is there a book that you've seen?
 25 A. I have seen a number of textbooks for United

1 States History, as an example, and the one we have chosen
 2 is a compromise as any textbook would be in, my opinion.
 3 In discussing this situation with some of my peers, it was
 4 brought to my attention that there might -- that there is
 5 a textbook that might be more appropriate for some of
 6 those students whose capabilities are lower as defined by
 7 these indices.
 8 Q. These were titles that your colleague suggested?
 9 A. Yes.
 10 Q. You don't recall any of those titles?
 11 A. No.
 12 Q. How do you think that American Odyssey compares
 13 to the Americans -- your current textbook, in terms of
 14 understandability?
 15 A. I think there are positives and negatives to
 16 both textbooks relative to each other.
 17 Q. What were the positives of the Americans
 18 relative to American Odyssey?
 19 A. Well, the first thing is that the Americans that
 20 we have today is more current than the American Odyssey we
 21 had.
 22 Q. Anything else?
 23 A. Yes. I mean, there's -- the pictures are
 24 better.
 25 Q. I'm referring to the understandability of the

1 syntax.
 2 A. And again, I would offer for your consideration
 3 that the visuals aid in the understanding of the syntax.
 4 Q. I wasn't disputing that. I just wanted to make
 5 sure that you were thinking along those lines. So besides
 6 the pictures, anything else besides the pictures being
 7 better?
 8 MS. PERRIN: Slightly misstates his testimony.
 9 He also said the book was current.
 10 MR. LaCOMBE: And the currency of the book.
 11 THE WITNESS: So what other things can I suggest
 12 to you that the Americans might be a better textbook
 13 relative to American Odyssey; is that the question?
 14 Q. (By Mr. LaCombe) Yeah.
 15 A. So we've said, its currency, it's got better
 16 pictures, it has more color.
 17 Q. What are the negatives relative to American
 18 Odyssey?
 19 A. The print is small.
 20 Q. Anything else?
 21 A. The negatives of the Americans relative to
 22 American Odyssey; is that correct?
 23 Q. Yes.
 24 A. Not that I can think of offhand.
 25 Q. You mentioned on October 8th that teachers

1 received limited teacher support at Watsonville High
 2 School; o you recall that?
 3 A. No.
 4 Q. Does the school offer any support for the
 5 teachers that you know of?
 6 A. Yes.
 7 Q. What is that?
 8 A. They offer us regular meetings.
 9 Q. Go ahead and list all of the things they do to
 10 support you, to support teachers.
 11 A. Well, they pay me.
 12 Q. That helps.
 13 A. We don't have to pay for our health care plan --
 14 Q. Let me narrow the question a bit: Support
 15 teachers in providing quality instruction to students.
 16 A. The quality, I think, is a relative term.
 17 Q. Do you understand the question?
 18 A. Yes, but I think we would have to define what we
 19 mean by "quality."
 20 Q. Okay. I mean, any sort of support that the
 21 school might provide to teachers to help them teach
 22 better.
 23 A. We have lights in the classroom, and I can go on
 24 and on and on.
 25 Q. Aside from the provision of facilities.

1 A. Aside from the provision of facilities. Is a
2 textbook considered a facility?
3 Q. I don't know. Okay. You've got textbooks,
4 anything else?
5 A. Is a textbook considered a facility?
6 Q. I would not consider that a facility.
7 A. Okay. The school and the district provide -- I
8 would say there's at least an intention to supply moral
9 support.
10 Q. Anything else?
11 A. We have regularly scheduled meetings that I
12 think are intended to support the faculty.
13 Q. Are those departmental meetings?
14 A. Yes.
15 Q. Any other meetings that you're talking about?
16 A. Yes.
17 Q. What are those?
18 A. There are faculty-wide meetings, there are
19 meetings addressed to specific goals.
20 Q. Is that part of the regular meetings?
21 A. In my context, they're in addition to the
22 regular meetings; however, they are regularly scheduled,
23 but they're not part of the faculty meeting nor are they
24 part of the department meeting.
25 Q. Does the school provide any training for

1 Q. What about provided at the school site?
2 A. Provided at the school site? Is there any
3 training provided at the school site for teachers; is that
4 the question?
5 Q. Yes.
6 A. Yes.
7 Q. What is that?
8 A. There is certainly a program for new teachers.
9 There is -- has been computer training. There are other
10 meetings which I guess would be called teacher training --
11 whether they're methodology or content, I'm not certain --
12 on campus.
13 Q. Those are optional meetings?
14 A. Yes.
15 Q. Are you aware of any other training on campus?
16 MS. PERRIN: Are you asking for new teachers or
17 all teachers?
18 MR. LaCOMBE: All teachers.
19 THE WITNESS: Any other training for all
20 teachers on campus? No, I'm not aware of any other
21 training for all teachers on campus.
22 Q. (By Mr. LaCombe) Okay. You mentioned these
23 meetings, these optional meetings and new teacher programs
24 and the computer training. Have you participated in any
25 of those training programs?

1 beginning teachers?
2 A. Yes.
3 MS. PERRIN: Vague as to "beginning," but go
4 ahead.
5 THE WITNESS: Pardon me?
6 MS. PERRIN: Vague as to "beginning," but you
7 can answer, which you did. That's fine.
8 Q. (By Mr. LaCombe) What kind of training is that?
9 A. I have no idea.
10 Q. Have you ever received any such training?
11 A. No.
12 Q. Is there new teacher orientation?
13 A. I believe so.
14 Q. Have you ever participated in such?
15 A. I don't know.
16 Q. Is there a mentor system amongst teachers?
17 MS. PERRIN: Answer only if you know.
18 THE WITNESS: Pardon me?
19 MS. PERRIN: Answer only if you know.
20 THE WITNESS: I don't know.
21 Q. (By Mr. LaCombe) Is there any other training
22 for teachers that you're aware of?
23 A. There is so much available -- teacher training
24 available that there's departments in universities that
25 are devoted to teacher training.

1 A. Yes.
2 Q. Which ones have you participated in?
3 A. I've participated in numerous computer training
4 programs. I was not part of the new teacher project, and
5 there's only one other program that I'm aware of that
6 might be considered teacher training program, and I
7 haven't -- I have not attended that.
8 Q. What is that that you're referring to?
9 A. I believe it's called the Monterey Bay
10 Historical Association meeting.
11 Q. So computer training is basically what you've
12 done?
13 MS. PERRIN: Objection, that slightly misstates
14 his testimony, but go ahead, you can answer.
15 THE WITNESS: On campus?
16 MR. LaCOMBE: Yes.
17 Q. (By Mr. LaCombe) What about at the district
18 level?
19 MS. PERRIN: I'm sorry?
20 MR. LaCOMBE: I'm asking what training exists at
21 the district level, if anything.
22 MS. PERRIN: Objection, calls for speculation.
23 Answer only if you know.
24 THE WITNESS: I know some.
25 Q. (By Mr. LaCombe) And what's that?

1 A. They have had -- I know of computer training.
 2 Q. Is that it?
 3 A. That's all I -- that's all I'm familiar with.
 4 Q. Okay. And have you taken any of that?
 5 A. Yes.
 6 Q. Okay. And the computer training that you took
 7 at the school and at the district level, was that helpful?
 8 A. Yes.
 9 Q. What did you learn?
 10 A. How to use a computer.
 11 Q. More specifically?
 12 A. How to indent the left margin.
 13 Q. So in -- any particular application, is this
 14 Word that you're talking about, word processing?
 15 A. Yes, Word was one of the classes that I've
 16 taken.
 17 Q. Any other applications that you've taken classes
 18 on?
 19 MS. PERRIN: Vague as to "applications," but you
 20 can answer if you understand.
 21 THE WITNESS: If the program "Word" is
 22 considered an application, I have taken classes in Power
 23 Point, which I believe would be considered an application,
 24 the same as Word would be. I've taken other classes that
 25 I'm not sure would be considered an application or

1 program.
 2 Q. (By Mr. LaCombe) Okay. What were they,
 3 generally?
 4 A. How to use the computer in your social studies
 5 class.
 6 Q. Like methodology courses?
 7 A. Access to the Internet, various websites, how to
 8 connect them from your computer onto the television.
 9 Q. Do you use the skills that you've learned in
 10 those computer training classes in your instruction?
 11 A. I believe so.
 12 Q. Has it helped you to be a better teacher?
 13 A. I believe so.
 14 Q. And it seems that there's -- correct me if I'm
 15 wrong-- seems that there's other training programs, I
 16 guess, including these meetings, these optional meetings
 17 that you referred to that you've decided not to
 18 participate in. Is there any general reason why you've
 19 decided not to participate in those?
 20 MS. PERRIN: Are you referring to the specific
 21 ones held at Watsonville High?
 22 MR. LaCOMBE: Yes.
 23 THE WITNESS: Would you repeat the question,
 24 please?
 25 Q. (By Mr. LaCombe) Yes, as far as the training

1 programs that you know of that have been available at both
 2 the district and the school site that you've decided not
 3 to participate in, is there any reason why you've chosen
 4 not to do so?
 5 MS. PERRIN: Object that the question slightly
 6 misstates his testimony. Mr. Hagan testified that he was
 7 only aware of any other training besides computer training
 8 at the district level. To the extent that your question
 9 is limited to programs offered at Watsonville High, that's
 10 a different question.
 11 You can answer the question if you understand
 12 it. My point is that I believe that Steve was misstating
 13 your testimony with respect to the district-level training
 14 versus the training that was available at the school.
 15 THE WITNESS: Would you repeat the question,
 16 please?
 17 Q. (By Mr. LaCombe) Okay. I think it would be
 18 closer to a rephrasing. But as far as the training
 19 programs that you know of that have been available at
 20 Watsonville High School since you've been a teacher that
 21 you've participated decided not to participate in, is
 22 there any reason why you have chose not to do so?
 23 A. The only one that I'm specifically aware of that
 24 I've chosen not to take part in is this one called the
 25 Monterey Bay History Association or whatever, and the main

1 reason I didn't participate in that was lack of time.
 2 Q. All right. Have you ever asked anybody at the
 3 school site for more training opportunities -- I'm talking
 4 about teacher training here?
 5 A. Yes.
 6 Q. What kind of training opportunities have you
 7 asked for, if you've asked for any kind?
 8 A. I've asked to go to an advanced placement
 9 training.
 10 Q. This is offsite?
 11 A. Yes.
 12 Q. And did you go?
 13 A. Yes.
 14 Q. Anything else?
 15 A. Anything else as in, is there any other training
 16 that I have requested?
 17 Q. Yes.
 18 A. Is there any other training? No, I don't
 19 believe I requested any other training.
 20 Q. When you attended the AP training, was that paid
 21 for by the district or the school?
 22 A. Yes.
 23 Q. Do you know if it was paid -- which was it paid
 24 for by, if you know?
 25 A. Pardon me?

1 Q. Who paid for it, if you know?
 2 A. I don't know.
 3 Q. You didn't pay for it?
 4 A. Precisely.
 5 Q. Okay. You mentioned on October 8th that you
 6 thought teachers are grossly underpaid?
 7 A. ABSOLUTELY! (To the Reporter) Can you do that
 8 in capitals or exclamation points or anything like that?
 9 MS. PERRIN: I think that comment probably
 10 clarified it.
 11 Q. (By Mr. LaCombe) What do you think is an
 12 appropriate teacher's salary?
 13 A. I think teachers should start at a hundred
 14 thousand dollars a year.
 15 Q. Do you think non-fully credentialed teachers are
 16 qualified to teach?
 17 MS. PERRIN: Objection, calls for expert
 18 testimony, but you can answer as to your opinion.
 19 MS. KAATZ: Join.
 20 THE WITNESS: Pardon me?
 21 MS. PERRIN: When Sarah says "join," that means
 22 she joins in my objection, she just doesn't restate it for
 23 the benefit of the court reporter.
 24 MS. KAATZ: Except for privilege objections, I
 25 can just join in Miss Perrin's objections if no one has a

1 problem with that.
 2 MR. LaCOMBE: Do you mean globally?
 3 MS. PERRIN: Her objections so far as to form
 4 are fine with me.
 5 MS. KAATZ: Fine with me.
 6 THE WITNESS: What are you talking about?
 7 MS. PERRIN: Back to the question. Could you
 8 repeat the question?
 9 Q. (By Mr. LaCombe) Do you believe that emergency
 10 credentialed teachers are qualified to teach?
 11 MS. PERRIN: And our objection was we believe it
 12 calls for expert testimony, but you can certainly testify
 13 as to your opinion.
 14 THE WITNESS: My opinion is that some are.
 15 Q. (By Mr. LaCombe) How do you -- how does a
 16 teaching credential affect the quality of a teacher's
 17 ability to teach, if at all?
 18 MS. PERRIN: Same objections.
 19 THE WITNESS: Would you repeat the question,
 20 please?
 21 Q. (By Mr. LaCombe) Okay. How does a teaching
 22 credential affect the quality of a teacher's ability to
 23 teach, if at all?
 24 A. And we've made an objection that it calls for
 25 expert testimony and I'm not an expert, but I can express

1 my opinion; is that correct?
 2 MS. PERRIN: Absolutely.
 3 THE WITNESS: In my opinion, it can be --
 4 education can benefit a teacher in essentially one of two
 5 ways, either in knowledge of the subject or methodology.
 6 Q. (By Mr. LaCombe) Okay, all right.
 7 MR. LaCOMBE: I think I'm done.
 8 MS. PERRIN: Can we take a short break?
 9 MR. LaCOMBE: Sure.
 10 (Break from 5:35 p.m. to 5:43 p.m.)
 11 MS. KAATZ: All right.
 12 EXAMINATION
 13 Q. (By Ms. Kaatz) Just a follow-up on your
 14 statements that Ms. Lhamon or Ms. Perrin are representing
 15 you in this case. On October 8th, Mr. LaCombe asked you
 16 whether you had ever -- whether you had ever taken Ms.
 17 Lhamon on as an attorney, and your answer was, "No, hiring
 18 her?" And he said, "Accepting her as your legal
 19 representative," and you said, "Not really."
 20 At the time of October 8th deposition, did you
 21 understand that you were being represented by anyone
 22 during that deposition?
 23 MS. PERRIN: And you can answer that "yes" or
 24 "no," but don't disclose any contents of any
 25 communications.

1 THE WITNESS: I mean, I knew that Ms. Lhamon was
 2 there on my side.
 3 Q. (By Ms. Kaatz) Did you know whether you had
 4 ever retained her as an attorney?
 5 A. My idea was when you retain someone as your
 6 attorney, you give them a call and you say, "Hey, I've got
 7 a problem. Will you help me?" That never happened.
 8 Q. Okay. And between the October 8th deposition
 9 and now, has anything occurred that changed your mind as
 10 to whether or not you had ever retained her or taken her
 11 on as your attorney?
 12 MS. PERRIN: Again, you can answer that "yes" or
 13 "no," but don't disclose specific contents of
 14 conversations that you may have had with Katherine or me.
 15 THE WITNESS: Would you repeat the question,
 16 please?
 17 MS. KAATZ: Can you read it back?
 18 (The pending question was read.)
 19 THE WITNESS: I mean, I don't mean to be obtuse
 20 here, but she was on my side. Now, whether that means
 21 she -- I retained her or have taken her on, I don't know.
 22 I mean, I -- you know, I'm wary of you attorneys, very
 23 wary.
 24 Q. (By Ms. Kaatz) I understand. That's fine.
 25 That's the clarification that I needed. So let me see

1 what else I have.

2 In the year 2000-2001, the school year, that
3 would be last school year, do you recall what classroom
4 you were teaching from?

5 MS. PERRIN: Physical classroom?

6 MS. KAATZ: Yes, was there a number on the
7 classroom or the classroom space?

8 THE WITNESS: I believe I was in Room 11.

9 Q. (By Ms. Kaatz) Is that in the C building?

10 A. No.

11 Q. So it would be B wing?

12 A. Pardon me?

13 Q. Was it in the two-story?

14 A. Yes.

15 Q. Okay. So you were in Room 11 in the
16 two-story -- what some people call the B wing?

17 A. Okay, if they call it the B wing. I've never
18 heard that before.

19 Q. You've never heard that?

20 A. No.

21 Q. But it is the two-story, newer portable
22 building?

23 A. No, no. That's Motel 6.

24 Q. Okay.

25 MS. PERRIN: Would it help if you looked at a

1 semester with more than 34 students in any of your
2 classes?

3 A. I don't know, but I don't think so.

4 Q. Okay. So by the end of each semester, you think
5 your classes were down to 34 students?

6 A. I believe so.

7 Q. Okay. In the fall semester of 2000-2001, same
8 year, you testified on October 8th that you thought you
9 might have had 35 or 36 students?

10 A. For sure.

11 Q. Do you know at what point that number went down
12 to 34?

13 A. No, no.

14 Q. Okay. Do you know -- let me start with this.
15 There's a collective bargaining agreement between the
16 teachers and the school district?

17 A. Um-hum.

18 Q. Do you know whether there's a limit as to how
19 many students can be in each class according to that
20 agreement?

21 A. No.

22 Q. Okay.

23 MS. PERRIN: No, you don't know, or no, there's
24 no limit.

25 THE WITNESS: No, I do not know.

1 map.

2 THE WITNESS: It's called the Mello building.

3 MS. PERRIN: The Mello center?

4 THE WITNESS: Correct.

5 Q. (By 4eurbgs) Actually, that confirms. So you
6 were in Room 11 in the Mello center?

7 A. Yes.

8 Q. Perfect. What room are you in now?

9 A. 11.

10 Q. Same room as last year?

11 A. That's correct, I believe. I don't -- I think I
12 was there all last year.

13 Q. Okay. You'll have to excuse all the page
14 flipping.

15 A. No problem.

16 Q. Were you privy to any of the conversations
17 within the Science Department as to what textbook would be
18 purchased for their students?

19 A. No.

20 Q. Okay. Were you privy to any of the
21 conversations within the Social Science Department as to
22 what textbook would be purchased?

23 A. Yes.

24 Q. During last school year, so that's the 2000-2001
25 school year, did you -- let me see -- did you end either

1 Q. (By Ms. Kaatz) During the time that you have
2 been teaching at Watsonville High School, have you ever
3 signed any sort of an agreement with the school and the
4 union to have more than the contractual number of students
5 in your class?

6 A. Not that I'm aware of.

7 Q. Okay.

8 MS. KAATZ: That's all I have.

9 MS. PERRIN: Steve, do you have anything else?

10 MR. LaCOMBE: No.

11 MS. PERRIN: Great. Do you want to put your
12 stipulation on or was it on last time?

13 MR. LaCOMBE: It was on last time.

14 MS. PERRIN: So can we continue the same
15 stipulations as the prior deposition?

16 THE REPORTER: I wasn't at the prior
17 depositions.

18 MR. LaCOMBE: I can just read it into the
19 record. May we stipulate that the original of this
20 deposition be signed under penalty of perjury; that the
21 original be delivered to the offices of Lois Perrin.

22 MS. PERRIN: Leecia Welch.

23 MR. LaCOMBE: Leecia Welch at Morrison &
24 Foerster; that the court reporter is relieved of liability
25 for the original of the deposition; that the witness will

1 have 30 days from the date of the court reporter's
2 transmittal letter to Ms. Welch to sign and correct the
3 deposition, and Ms. Welch shall notify all parties in
4 writing of any changes in the deposition and what they
5 are, if there are any; that any unsigned or corrected copy
6 maybe used for all purposes as if signed and corrected.

7 MS. PERRIN: Yes, with just one clarification.
8 It's Morrison & Foerster in San Francisco.

9 MR. LaCOMBE: Okay.

10 MS. KAATZ: That's fine.

11 MS. PERRIN: I would like a copy, please.

12 MS. KAATZ: I need a copy as well.

13 MR. LaCOMBE: I need copy, too.

14 (Off the record briefly at 5:57 p.m.)

15 MS. KAATZ: Can I ask you another question,
16 Mr. Hagan?

17 THE WITNESS: You may.

18 FURTHER EXAMINATION

19 Q. (By Ms. Kaatz) Okay. I don't know that we need
20 to have this marked as an exhibit, but Mr. LaCombe had
21 asked you some questions about copyright dates on books,
22 and we didn't have any of the books or materials, so I
23 think you were going from your memory the last time.

24 So I'm wondering if you can take a look at that.
25 Do you recognize --

1 A. American Odyssey is the same, but I don't
2 recognize the plane.

3 MS. PERRIN: And for the record, the plane is on
4 the cover.

5 THE WITNESS: The airplane.

6 Q. (By Ms. Kaatz) Do you know if the cover on the
7 teacher's edition is the same as the cover on the
8 student's edition?

9 A. No, I do not because I never got a teacher's
10 edition.

11 Q. So you had a student's edition yourself?

12 A. Absolutely.

13 Q. Okay. If you don't think that's it, then that's
14 the end of my question.

15 A. I'm not saying it's not it, I'm just saying that
16 plane doesn't look right to me. I mean -- you know, I can
17 do the same thing, I can zip back and I'll look and see,
18 and there may very well be a plane on it. I mean, I guess
19 the chances are that there probably is, okay, but I
20 don't -- I don't think so.

21 Q. That's just fine, but we might as well play this
22 game again. Do you recognize this book? And may the
23 record reflect I'm handing him a different book, but I'll
24 only put something in as an exhibit if he actually
25 recognizes the book.

1 MR. LaCOMBE: Shall we mark it as an exhibit?

2 MS. KAATZ: Yeah, I guess we probably should.
3 We will go ahead and have that one marked.

4 (Marked for identification, Exhibit 3.)

5 Q. (By Ms. Kaatz) Do you recognize that?

6 A. I recognize American Odyssey.

7 Q. And what do you recognize that as?

8 A. The title of a textbook.

9 Q. And is it by chance the textbook that you used
10 to teach last year?

11 A. I don't know whether this is the exact one.

12 Q. I can fix that problem. If we can hold on for a
13 minute, I have a hard copy of it here so you can take a
14 look because I just want to make sure that we have on
15 record what the actual copyright date was.

16 A. Cool.

17 MS. KAATZ: Let me go grab that.

18 (Off the record briefly at 5:59 p.m.)

19 THE WITNESS: I certainly don't recognize it.
20 It looks awfully nice.

21 MS. KAATZ: Can we go back on the record.

22 THE WITNESS: I don't think that's it.

23 Q. (By Ms. Kaatz) You don't think that's the book?

24 A. No.

25 Q. Is it the same name as the book you were using?

1 A. I recognize Magruder's American Government, yes.

2 Q. Do you recognize -- did you ever teach out of
3 this edition of Magruder's?

4 A. I don't know. I don't know.

5 Q. That's fine.

6 MS. KAATZ: We can leave that in as an exhibit
7 or not. If he can't identify it as being the book that he
8 taught out of, then it's fine with me if we do not include
9 Exhibit 3.

10 MR. LaCOMBE: That's fine.

11 THE WITNESS: Is it okay if I keep these because
12 we could use them?

13 MS. KAATZ: Cute.

14 THE WITNESS: May the record reflect that she
15 calls me cute.

16 MS. KAATZ: And with a smile on my face.

17 MR. LaCOMBE: Can I ask a couple of questions in
18 follow-up.

19 MS. PERRIN: Sure.

20 EXAMINATION

21 Q. (By Mr. LaCombe) Can you describe to me,
22 Mr. Hagen, what the American Odyssey textbook that you're
23 using this year looks like?

24 A. We are not using American Odyssey this year.

25 Q. Excuse me, last year.

1 A. I think it had a train on the front.
 2 Q. Do you know what color the spine was?
 3 MS. PERRIN: Objection, to whether it was one
 4 color.
 5 THE WITNESS: There -- the spine is virtually
 6 the same, the same color, that red color, and it says
 7 American Odyssey, to the best of my recollection. It's
 8 going to be interesting. Truly.
 9 Q. (By Mr. LaCombe) In reviewing this book, is
 10 there anything that you recognize besides the title?
 11 MS. PERRIN: Do you want him to review the
 12 entire book?
 13 MR. LaCOMBE: Go ahead and look through it. You
 14 don't have to examine every page.
 15 THE WITNESS: I remember that guy. And this is
 16 a black man at Franklin Delano Roosevelt's funeral.
 17 Another significant one in the book was the -- I remember
 18 this from the internment camps. I'm just looking now for
 19 the raising of the flag at Iwo Jima. I'll recognize that
 20 for sure.
 21 MS. PERRIN: Let the record reflect that the
 22 witness is referring to Page 299.
 23 THE WITNESS: 399, thank you. Oh, I recognize a
 24 lot of this stuff.
 25 Q. (Mr. LaCombe) Based on your review, do you now

1 A. Yes.
 2 Q. Okay.
 3 A. Because I did go back to look at the book to try
 4 and ascertain how relevant it was. I may have misled you.
 5 Q. What did you learn when you examined the
 6 textbook?
 7 A. As I remember, it was just that it went up to
 8 the Clinton years.
 9 Q. Which is up until when in this textbook?
 10 A. Up until Page 797.
 11 Q. Okay. The material on Page 798, do you
 12 recognize any of that?
 13 A. I do not, and I'd have to think I'd remember
 14 Magic.
 15 Q. Magic Johnson?
 16 A. Yes, Magic Johnson.
 17 Q. He is on what page?
 18 A. 802.
 19 Q. Do you now have a belief whether that was the
 20 textbook that you used last year?
 21 A. Pardon me?
 22 Q. Do you now have a belief whether that was the
 23 textbook that you used last year?
 24 A. I don't know.
 25 MR. LaCOMBE: All right.

1 believe this to be the textbook that you used last year?
 2 A. I don't know. It's certainly similar and
 3 there's various editions. For instance, this shows it's
 4 copyrighted in 1994, 1992 and 1991, so these -- all three
 5 of those would be very, very similar, okay, with the
 6 exception of some of the additions of material at the end,
 7 just updated, and --
 8 Q. Can you examine the material on the end to see
 9 if this would be the same?
 10 A. Yes.
 11 Q. I believe on October 8th, you testified that the
 12 book continued up until the first portion of the Clinton
 13 administration.
 14 A. Yes.
 15 Q. Does that help you in identifying this?
 16 A. And I do see Clinton here, okay, but I'm not
 17 sure that it included "America Faces a New Century."
 18 MS. PERRIN: And for the record --
 19 THE WITNESS: Page 800.
 20 MS. PERRIN: And Section 3 of Chapter 24.
 21 THE WITNESS: But I do -- I did go back to look
 22 up the edition of the textbook, and now I'm concerned as
 23 to whether or not I answered your question honestly as to
 24 whether I reviewed any documents relative to the case.
 25 Q. (By Mr. LaCombe) Because you reviewed the book?

1 MS. KAATZ: Of that he seems certain.
 2 MS. PERRIN: Any other questions?
 3 MR. LaCOMBE: That's it.
 4 MS. KAATZ: No, that was it, but thank you for
 5 indulging me.
 6 (End of record, 6:08 p.m.)
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 11 I hereby declare under penalty of perjury that
 12 the foregoing pages, 216 through 268, is Volume II of my
 13 deposition under oath in the matter of Williams, etc., et
 14 al., v. State of California, et al., San Francisco County
 15 Superior Court Action No. 312236;
 16 That these are the questions asked of me and my
 17 answers thereto; that I have read my deposition and have
 18 made the corrections, additions, and changes to my answers
 19 that I deem necessary;
 20
 21 IN WITNESS THEREOF, I hereby subscribe my name
 22 on this _____ day of _____, 2001.
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JAMES P. HAGAN

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF MONTEREY)
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8 I, JOANNE C. BUSHAW, a Certified Shorthand
Reporter, License No. 4334, duly certified by the State of
9 California, do hereby certify:

10 That the foregoing deposition was taken before me at
the time and place first herein set forth;

11
12 That the witness, JAMES P. HAGAN, was by me first
duly sworn to testify to the truth, the whole truth, and
nothing but the truth, and that the foregoing transcript
13 is a true and correct record of the testimony given by the
witness and all proceedings had at the time and place of
14 examination, as recorded by me stenographically, to the
best of my ability, and thereafter prepared into
15 transcript form via computer-aided transcription;

16 I further certify that I am a disinterested person,
and that I am in no way interested in the outcome of said
17 action.

18 DATED this 12th day of November, 2001.
19
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21

Certified Shorthand Reporter
State of California
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