



1 Deposition of GEYMAN HERNANDEZ, taken on behalf  
2 of the Defendant State of California, at 400 South Hope  
3 Street, Fifteenth Floor, Los Angeles, California on  
4 SATURDAY, JANUARY 19, 2002, at 9:39 A.M. before SYLVIA P.  
5 SHEAR, RPR, CSR NO. 3010.

6  
7 APPEARANCES:

8  
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17 FOR THE DEFENDANT STATE OF CALIFORNIA:

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5 P.M. Session 97

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7 NO. PAGE DEPOSITION EXHIBITS  
8 1 13 Notice of Deposition

9  
10 2 204 Declaration of Geyman Hernandez

11  
12 INFORMATION REQUESTED  
13 (NONE)

14  
15 UNANSWERED QUESTIONS  
16 Page Line  
17 211 6

1 LOS ANGELES, CALIFORNIA  
2 SATURDAY, JANUARY 19, 2002  
3 9:43 A.M.

4  
5 GEYMAN HERNANDEZ,  
6 having been first duly sworn, was examined  
7 and testified as follows:

8  
9 EXAMINATION

10 BY MR. CHOATE:

11 Q. Good morning. Let me just ask you first would  
12 you prefer that I call you Geyman today or Mr. Hernandez?

13 A. Geyman is fine.

14 Q. My name is Peter Choate. I am with the law firm  
15 of O'Melveny & Meyers and I represent the State in the  
16 lawsuit entitled Williams versus State of California.

17 Do you know why you are here today?

18 A. Yeah. To give my declaration, talk about the  
19 conditions of schools, yeah.

20 Q. Have you ever had your deposition taken before?

21 A. No.

22 Q. Let me explain to you briefly what we are going  
23 to do today. I am going to ask you a series of questions  
24 to determine what facts you know about conditions at  
25 Huntington Park High School and about issues that are

1 relevant to this lawsuit.  
 2 Your job today is simply to listen to my  
 3 questions and answer them to the best of your ability, to  
 4 give me your most complete and truthful testimony.  
 5 When this is all over with, my questions and  
 6 your answers will be transcribed into a booklet. You  
 7 will have a chance to review that and to make any  
 8 corrections that you feel are necessary, okay?  
 9 A. Oh, yeah.  
 10 Q. One of the ground rules that we are going to try  
 11 to stick to today is when I ask you a question, your  
 12 response needs to be audible and you need to say "yes" or  
 13 "no" depending on the question or to offer a verbal  
 14 explanation. The court reporter can't take down nods of  
 15 the head and she can't distinguish between "uh-huh's" and  
 16 "unh-unh's" so it's important to try to give a clear  
 17 answer; all right?  
 18 A. Okay.  
 19 Q. All right. Do you understand that you are  
 20 giving testimony under oath today?  
 21 A. Yes.  
 22 Q. And that being under oath, you are subject to  
 23 the penalties of perjury if you give false testimony?  
 24 A. Yeah.  
 25 Q. That was a "yes"?

1 A. Yes.  
 2 MR. WEISS: Give your answers as clearly as  
 3 possible.  
 4 THE WITNESS: Okay.  
 5 BY MR. CHOATE:  
 6 Q. Because you are testifying under oath, it's  
 7 important that you give me your most truthful testimony  
 8 today.  
 9 A. Okay.  
 10 Q. When you receive the transcript that contains my  
 11 questions and your answers, you will have a chance to  
 12 review the transcript and to make changes that you feel  
 13 are necessary, but I have to warn you now that I and  
 14 other lawyers in the case will be able to comment on any  
 15 changes that you do make at trial or in any other  
 16 proceeding. And that may cause you embarrassment  
 17 depending on the changes that you have made.  
 18 Do you understand that?  
 19 A. Yes.  
 20 Q. Listen carefully to my questions. I only want  
 21 you to answer the questions that I ask you. If you don't  
 22 understand a question, let me know. Sometimes I may ask  
 23 bad questions that just nobody can understand.  
 24 If that's the case, tell me, and I will try to  
 25 rephrase the question if I can, okay?

1 A. Yes.  
 2 Q. Let me finish my questions before you begin to  
 3 give your answer. That way it makes it easier on the  
 4 court reporter to transcribe what's happening today  
 5 accurately. I am going to do the same thing. I am going  
 6 to let you finish your answers before I ask another  
 7 question; all right?  
 8 A. Okay.  
 9 Q. If you don't tell me that you don't understand a  
 10 particular question, I am going to assume that you do  
 11 understand the question, okay?  
 12 A. Yes.  
 13 Q. During today's deposition, I don't want you to  
 14 guess at any of my questions. I am entitled to your best  
 15 estimate, but I don't want you to guess.  
 16 Do you understand the difference between a guess  
 17 and an estimate?  
 18 A. Yes.  
 19 Q. If you need to take a break at any time, speak  
 20 up and let me know and we will arrange to take a break.  
 21 The only thing that I would ask is you answer whatever  
 22 questions I have asked you before we take a break, okay?  
 23 A. Okay.  
 24 Q. Do you have any questions before we start today?  
 25 A. No.

1 Q. Is there any reason why you may be unable to  
 2 testify today or to provide me with your most complete,  
 3 truthful testimony?  
 4 A. No.  
 5 Q. Have you recently consumed any medication,  
 6 alcohol or any other substance that clouds your mind or  
 7 would interfere with your ability to understand or answer  
 8 my questions?  
 9 A. No.  
 10 Q. Are you currently taking any drugs or  
 11 medications?  
 12 A. No.  
 13 Q. Do you suffer from a disability of any kind?  
 14 A. No.  
 15 Q. Can you tell me what you did to prepare for  
 16 today's deposition?  
 17 A. Today or --  
 18 MR. WEISS: Let me just say one thing. Any  
 19 conversations that we have had are privileged by the  
 20 attorney-client privilege and should not be disclosed.  
 21 THE WITNESS: Okay.  
 22 BY MR. CHOATE:  
 23 Q. What things, if any, did you do to prepare  
 24 yourself for today's deposition?  
 25 A. We just like, me and Mr. Weiss, we just like --

1 he kind of just let me know what I might expect. That's  
 2 all.  
 3 Q. Did you speak with Mr. Weiss in person or over  
 4 the telephone?  
 5 A. Yeah, I spoke to him in person.  
 6 Q. In person?  
 7 A. Uh-huh.  
 8 Q. Without telling me what was said between you and  
 9 Mr. Weiss, did you speak with Mr. Weiss in person about  
 10 today's deposition?  
 11 THE WITNESS: When? Wednesday?  
 12 MR. WEISS: Yes.  
 13 THE WITNESS: It was Wednesday. The 16th.  
 14 BY MR. CHOATE:  
 15 Q. Did you meet at Mr. Weiss' office?  
 16 A. No. We --  
 17 MR. WEISS: Actually object as to relevance of  
 18 where we met.  
 19 BY MR. CHOATE:  
 20 Q. Okay. You can answer the question. That's  
 21 another thing I forgot to tell you. Sometimes today I  
 22 will ask you questions and your lawyer may object.  
 23 You still have to answer my questions, though,  
 24 if you understand them.  
 25 MR. WEISS: Unless I instruct you not to answer

1 the question.  
 2 BY MR. CHOATE:  
 3 Q. Your lawyer may instruct you not to answer a  
 4 question, and if you decide to follow his advice and not  
 5 answer the question, then you don't have to answer the  
 6 question, but unless he gives you the instruction, you  
 7 need to answer my questions if you understand them.  
 8 A. Okay.  
 9 Q. Where did you meet with Mr. Weiss on Wednesday  
 10 in preparation for today's deposition?  
 11 A. We met at a restaurant in Huntington Park.  
 12 Huntington Park.  
 13 Q. About how long did you meet for?  
 14 A. I would say maybe an hour.  
 15 Q. Did you meet with or speak with Mr. Weiss or any  
 16 other lawyers in preparation for today's deposition other  
 17 than on that one occasion on Wednesday?  
 18 A. Did I speak with any other lawyer?  
 19 Q. In preparation for today's deposition.  
 20 A. No.  
 21 Q. Can you tell me when Mr. Weiss became your  
 22 lawyer in connection with this lawsuit?  
 23 A. I can't recall. I was told that he was going to  
 24 be my lawyer for this lawsuit, but I don't remember when,  
 25 the exact date I was notified.

1 MR. WEISS: Just for clarification, actually  
 2 Morrison & Foerster is representing the class, not me as  
 3 an individual.  
 4 BY MR. CHOATE:  
 5 Q. Are Morrison & Foerster your attorneys in  
 6 connection with this lawsuit?  
 7 A. I am not sure how to answer that question.  
 8 Q. Do you recall when you were first represented by  
 9 an attorney in connection with this lawsuit?  
 10 A. Do I -- can you state the question again.  
 11 Q. Sure. Do you recall when you were first  
 12 represented by an attorney in connection with this  
 13 lawsuit?  
 14 A. No.  
 15 Q. Other than with Mr. Weiss, have you spoken with  
 16 anybody else in preparation for today's deposition?  
 17 A. No.  
 18 Q. Did you review any documents in preparation for  
 19 today's deposition?  
 20 A. Did I review any documents?  
 21 Q. Yes.  
 22 A. Yes, just my declaration.  
 23 Q. Other than your declaration, did you review any  
 24 other documents in preparation for today's deposition?  
 25 A. No.

1 Q. How much time did you spend reviewing your  
 2 declaration in preparation for today's deposition?  
 3 A. Well, I have seen it before, maybe -- not long,  
 4 half an hour just looking over it.  
 5 Q. And when did you spend a half hour looking over  
 6 your declaration?  
 7 A. When I met with Mr. Weiss on Wednesday.  
 8 MR. CHOATE: I would like to mark as Exhibit 1 a  
 9 document entitled "Defendant State of California Notice  
 10 of Depositions of Plaintiffs, Guardians Ad Litem and  
 11 Nonparty Declarants' Request for Production of  
 12 Documents."  
 13 (Deposition Exhibit 1 was marked  
 14 for identification and attached.)  
 15 MR. CHOATE: Do you need an extra copy?  
 16 MR. WEISS: Yeah, that would be great. Are you  
 17 marking this as Exhibit 1?  
 18 MR. CHOATE: Yes. I am marking this as Exhibit  
 19 1.  
 20 Q. Geyman, have you seen this before?  
 21 A. Yes.  
 22 Q. Would you take just a minute, please, and just  
 23 review pages 6 through 8. Tell me when you are done.  
 24 A. Okay.  
 25 Q. Do you recall when you first saw this document?

1 A. Yeah.  
 2 Q. When was that?  
 3 A. On Wednesday.  
 4 Q. That would be Wednesday, of this last week?  
 5 A. Yes.  
 6 Q. Did you conduct a search for the documents  
 7 identified on pages 6 through 8?  
 8 A. Yeah, yes.  
 9 Q. When did you conduct that search?  
 10 A. Thursday, maybe Friday.  
 11 Q. And how long did you spend looking for documents  
 12 identified on pages 6 through 8?  
 13 A. Not long.  
 14 Q. Approximately how many minutes?  
 15 MR. WEISS: Or if it was longer than minutes,  
 16 hours.  
 17 THE WITNESS: Maybe 30 minutes.  
 18 BY MR. CHOATE:  
 19 Q. And where did you look for documents?  
 20 A. I usually keep all my school records in one area  
 21 and I just looked there.  
 22 Q. Did you find any documents that were responsive  
 23 to this request?  
 24 A. No.  
 25 Q. I'm sorry, was that "no"?

1 A. "No." I -- can I just -- I did not find  
 2 anywhere I was looking, but I just -- I found two, I  
 3 guess my PRC and my schedule.  
 4 Q. Did you bring any documents with you today?  
 5 A. Yes.  
 6 MR. WEISS: We have the documents right here.  
 7 MR. CHOATE: Can I take a look at them? I will  
 8 have copies made.  
 9 MR. WEISS: I actually made copies.  
 10 MR. CHOATE: Oh.  
 11 MR. WEISS: The originals are on top. There are  
 12 two documents.  
 13 MR. CHOATE: Let's go off the record.  
 14 (A discussion was held off the record.)  
 15 BY MR. CHOATE:  
 16 Q. You indicated that you keep your school records  
 17 in one place.  
 18 A. Yes.  
 19 Q. Where?  
 20 A. I usually keep them in my -- in a drawer.  
 21 Q. In your bedroom?  
 22 A. Yes.  
 23 Q. What kind of documents, school records do you  
 24 keep?  
 25 A. Usually anything I get, receive from school,

1 including homework, old homework or assignments.  
 2 Q. Do you keep your report cards and things like  
 3 that?  
 4 A. No.



13 Q. Is it possible that you have other documents  
 14 responsive to this request in your custody that you did  
 15 not locate during your initial search on Thursday or  
 16 Friday?  
 17 A. Can you repeat that.  
 18 Q. Yeah. Is it possible that you have other  
 19 documents at your home other than these two that you  
 20 brought with you that are responsive to this request that  
 21 you weren't able to find?  
 22 A. It may be possible.  
 23 Q. Would you be willing to do another search for  
 24 documents responsive to this request?  
 25 A. Yeah.

1 Q. Let your counsel, Mr. Weiss, know after you  
 2 conduct a further search for documents what, if any, you  
 3 have found.  
 4 A. Okay.  
 5 MR. CHOATE: Mr. Weiss, you will let me know  
 6 what he tells you?  
 7 MR. WEISS: Yes.  
 8 BY MR. CHOATE:  
 9 Q. When you receive your report cards, do you show  
 10 them to your parents?  
 11 A. No.  
 12 Q. Are the report cards sent to your home from  
 13 school?  
 14 A. Yes.  
 15 Q. Are they addressed to you or your parents?  
 16 A. They are addressed to my parents.  
 17 Q. Do you know if your parents keep your report  
 18 cards?  
 19 A. No.  
 20 Q. No, you don't know?  
 21 A. I doubt it because I have collected all my  
 22 report cards.  
 23 Q. Will you ask your parents when you do your  
 24 search whether they have copies of any of your report  
 25 cards?

1 A. Yes.  
 2 Q. Do you have in your possession or custody any  
 3 notes relating to the conditions at Huntington Park High  
 4 School or any other issues in the lawsuit?  
 5 A. Yes. The only ones I would have would be my  
 6 declaration, would be on the declaration.  
 7 Q. Other than your declaration do you have any  
 8 notes about conditions at Huntington Park High School?  
 9 A. No.  
 10 Q. Do you have any notes relating to any  
 11 discussions that you may have had with teachers,  
 12 administrators, parents, other students about conditions  
 13 at your school or any issues in this lawsuit?  
 14 A. No.  
 15 Q. Do you have in your possession or custody any  
 16 correspondence between you and any person or entity other  
 17 than your lawyers about conditions at Huntington Park  
 18 Senior High School or any other issues that are relevant  
 19 to this lawsuit?  
 20 A. Any evidence or --  
 21 Q. Any correspondence or other documents.  
 22 A. Documents? In my possession? No. No.  
 23 Q. Do you know what this lawsuit is about, Geyman?  
 24 A. Yes.  
 25 Q. What is it about?

1 A. It is about schools that are not supplied --  
 2 schools that are not being -- okay. Pretty much just  
 3 unfair school conditions, school conditions that should  
 4 not exist.  
 5 Q. What do you hope to achieve through this  
 6 lawsuit?  
 7 A. Gain -- just gain improvement in all schools.  
 8 Q. What about Huntington Park High School?  
 9 A. Better resources and supplies there also.  
 10 Q. I want you to think back and tell me do you  
 11 remember the first time you heard about this lawsuit?  
 12 A. Okay. Do you want the specific date?  
 13 Q. If you remember.  
 14 A. Around the middle of 2000, summer, summer of  
 15 2000.  
 16 Q. How did you first hear about the lawsuit? From  
 17 whom?  
 18 A. I first heard from a youth organizer I was  
 19 working with and she presented to it us.  
 20 Q. What was her name?  
 21 A. Yuki Kidokoro.  
 22 MR. WEISS: You want to spell that for the court  
 23 reporter?  
 24 THE WITNESS: Kidokoro, I am not sure.  
 25 BY MR. CHOATE:

1 Q. Who initiated the contact between you and Yuki?  
 2 A. No one, just she just told us, me and her.  
 3 Q. Was this a conversation in person you had with  
 4 Yuki?  
 5 A. Yes.  
 6 Q. Where did it take place?  
 7 A. It took place in the CB office in Huntington  
 8 Park.  
 9 Q. What is the CB office?  
 10 A. CB office is Community for a Better Environment.  
 11 It is an organization that bases its concerns on  
 12 environmental issues and also social.  
 13 Q. Is that an organization affiliated with  
 14 Huntington Park High School or is that a community  
 15 organization?  
 16 A. It is a community organization. It does have  
 17 affiliation with Huntington Park High School.  
 18 Q. What kind of affiliation does it have with  
 19 Huntington Park High School?  
 20 A. It just has a club there.  
 21 Q. When you spoke with Yuki in the summer of 2000  
 22 about this lawsuit, was anybody else present while you  
 23 were talking?  
 24 A. Yes.  
 25 Q. How many people --

1 A. She talked also to the group at the time.  
 2 Q. -- about?  
 3 A. About five people, five-six people.  
 4 Q. Do you recall their names?  
 5 A. The people in the group?  
 6 Q. Yeah.  
 7 A. Mayeli Hernandez. I mean yes, I know names.  
 8 Q. Could you tell me their names, please.  
 9 A. Mayeli Hernandez, Mayeli, M-a-y-e-l-i. That  
 10 would be my sister. Hector. I do not know his last  
 11 name. Isaac, Lizette Ruiz, I think Jirus, J-i-r-u-s.  
 12 Q. Is that it?  
 13 A. I think that's -- from what I can remember.  
 14 Q. Is Jirus a student at Huntington Park Senior  
 15 High?  
 16 A. He at the time, he was, I think. No, actually,  
 17 correction. He graduated at that -- by then.  
 18 Q. He is a former Huntington Park student?  
 19 A. Yes.  
 20 Q. What about Hector?  
 21 A. He is still a Huntington Park student.  
 22 Q. What is Hector's last name?  
 23 A. I don't know.  
 24 Q. What is Jirus' last name?  
 25 A. I don't know.

1 Q. And your sister's name is Mayeli?  
 2 A. Mayeli. "Mayeli."  
 3 Q. Mayeli, is she a Huntington Park student?  
 4 A. She was.  
 5 Q. She was. Has she graduated?  
 6 A. Uh-huh.  
 7 Q. What did Yuki say to you in the group at this  
 8 meeting in the summer of 2000?  
 9 A. She announced the ACLU had -- was going to have  
 10 a lawsuit with the state, or I can't recall what it was  
 11 back then, but she just presented the lawsuit, asked if  
 12 we would be interested.  
 13 Q. What did she tell you about the lawsuit?  
 14 A. The lawsuit was based on school -- on school  
 15 conditions and just that. This lawsuit was to help just  
 16 conditions in school.  
 17 Q. Did she tell you anything else?  
 18 A. Not that I could recall.  
 19 Q. Did you say anything to her that you can recall?  
 20 A. That I was interested in the lawsuit.  
 21 Q. Why were you interested in the lawsuit?  
 22 A. It seemed like something I would like to take  
 23 part of.  
 24 Q. Why?  
 25 A. Because at the time there was my youth group had

1 a campaign going on which was very much related. It was  
 2 a better bathroom campaign because our bathrooms were  
 3 very bad.  
 4 Q. What is the name of the youth group that you  
 5 belong to which took part in this better bathroom  
 6 campaign?  
 7 A. Youth-EJ.  
 8 Q. I'm sorry?  
 9 A. Youth, dash, EJ, meaning Youth, Youth for  
 10 environmental Justice. That's what it stands for.  
 11 Q. This is a Youth Group at Huntington Park High?  
 12 A. This youth group originated with CBE,  
 13 Communities for a Better Environment, and it was started  
 14 by the youth organizer.  
 15 Q. Yuki?  
 16 A. Yes.  
 17 Q. What conditions, if any, did Youth-EJ campaign  
 18 against other than bath conditions, if you recall?  
 19 A. School related or what conditions?  
 20 Q. Related to Huntington Park High.  
 21 A. I think -- I believe that's the only one, just  
 22 the bathroom conditions.  
 23 Q. Was one of the reasons you wanted to get  
 24 involved in this lawsuit to improve bathroom conditions  
 25 at Huntington High?

1 A. Yes, but not only bathroom conditions. Just  
 2 all, all conditions in high school, in my high school,  
 3 and any other high school for that matter.  
 4 Q. You were one of the plaintiffs who filed the  
 5 Complaint in this action, weren't you?  
 6 A. Yes.  
 7 Q. And you dismissed your claims without prejudice,  
 8 didn't you?  
 9 MR. WEISS: Objection. Calls for a legal  
 10 conclusion.  
 11 MR. CHOATE: I'm sorry. Excuse me.  
 12 Q. Were your claims in this lawsuit dismissed  
 13 without prejudice?  
 14 MR. WEISS: Objection. Calls for a legal  
 15 conclusion.  
 16 BY MR. CHOATE:  
 17 Q. You can answer the question.  
 18 A. If I could answer it, I don't understand.  
 19 Q. We will come back to it after lunch. How old  
 20 are you right now, Geyman?  
 21 A. Right now I am 18.  
 22 Q. And what grade are you in at Huntington Park  
 23 High?  
 24 A. I am a senior.  
 25 Q. What is your birthday?

1 A. November 20, 1983.  
 2 Q. Did you attend Huntington Park High for ninth,  
 3 tenth, and eleventh grades?  
 4 A. Yes.  
 5 Q. Huntington Park is the only high school that you  
 6 have attended?  
 7 A. Yes.  
 8 Q. Where did you go to junior high?  
 9 A. I went to Gage Middle School.  
 10 Q. For sixth, seventh and eighth grades?  
 11 A. Yes.  
 12 Q. Gage is the only middle school you attended?  
 13 A. Yes.  
 14 Q. Where did you go to elementary school?  
 15 A. I went to -- I went to two. For first and  
 16 second grade I went to -- I was at Miles Elementary.  
 17 Q. Miles Elementary?  
 18 A. Miles Elementary.  
 19 Q. Is that in the L.A. Unified School District?  
 20 A. Yes.  
 21 Q. Yes?  
 22 A. And in third grade I was transferred to Walnut  
 23 Park.  
 24 Q. Walnut Park?  
 25 A. Walnut Park.

1 Q. Is that also in LAUSD?  
 2 A. Yes.  
 3 Q. Is Miles Elementary a multi-track school?  
 4 A. Yes.  
 5 Q. Was it a multi-track school when you attended  
 6 it?  
 7 A. Yes.  
 8 Q. Was it a, if you know, was it a Concept 6  
 9 school?  
 10 A. Concept 6?  
 11 Q. Yeah.  
 12 MR. WEISS: Don't guess if you don't know the  
 13 answer.  
 14 BY MR. CHOATE:  
 15 Q. Don't guess. If you don't know, you can tell me  
 16 you don't know.  
 17 A. Right. I have heard that term before, but I  
 18 don't remember what that means.  
 19 Q. How many tracks were there at Miles Elementary?  
 20 A. There is when I was going there three, and they  
 21 are on the plans of putting a fourth, another one.  
 22 Q. Now?  
 23 A. No. When I was going there.  
 24 Q. What track were you on at Miles, if you  
 25 remember?

1 A. I was on -- I believe I was on B track and then  
 2 the school got crowded so I ended up on D track.  
 3 Q. Is Walnut a multi-track school?  
 4 A. Yes.  
 5 Q. Do you recall how many tracks there were at  
 6 Walnut?  
 7 A. Three.  
 8 Q. Do you recall what track you were on?  
 9 A. C.  
 10 Q. Is Gage Middle School a multi-track school?  
 11 A. Yes.  
 12 Q. How many tracks?  
 13 A. Three.  
 14 Q. What track were you on at Gage?  
 15 A. C.  
 16 Q. When you started at Huntington Park -- let me  
 17 back up. Huntington Park is a multi-track school?  
 18 A. Yes.  
 19 Q. Three tracks?  
 20 A. Yes.  
 21 Q. What track did you start on at Huntington Park?  
 22 A. C.  
 23 Q. Is that the same track you have been on up to  
 24 the present?  
 25 A. Yes.

1 Q. You have only been on the C track at Huntington  
 2 Park?  
 3 A. Yes.  
 4 Q. What do you plan on doing after graduating from  
 5 Huntington Park?  
 6 A. I think I am going to apply to El Camino  
 7 College.  
 8 Q. To a community college?  
 9 A. Uh-huh, El Camino.  
 10 Q. El Camino. Have you applied yet or not?  
 11 A. No, not yet.  
 12 Q. Do you want to start El Camino College as soon  
 13 as you graduate from Huntington Park?  
 14 A. Yes.  
 15 Q. When do you have to apply by; do you know?  
 16 A. I believe it's mid February.  
 17 Q. Are you in the process of applying?  
 18 A. No.  
 19 Q. When are you planning on getting an application  
 20 before?  
 21 A. The middle of February.  
 22 Q. Let's talk about some of the conditions at  
 23 Huntington Park.  
 24 MR. WEISS: Counsel, may we have a short recess?  
 25 MR. CHOATE: Sure.

1 MR. WEISS: Short break.  
 2 (Recess taken.)  
 3 MR. CHOATE: Back on the record.  
 4 Q. You can put Exhibit 1 aside if you like,  
 5 Exhibit 1. You can set that aside. You don't need to  
 6 keep looking at that.  
 7 Are you nervous today a little bit?  
 8 A. Yes.  
 9 Q. You don't need to be nervous. You are doing a  
 10 fine job. And remember, all you have to do is just  
 11 answer my questions to the best of your ability, provide  
 12 me truthful testimony. There's nothing more than that.  
 13 So don't be nervous. You are doing fine.  
 14 Although I can understand why you could be nervous. I  
 15 have had my deposition taken before and it's not the most  
 16 pleasant experience.  
 17 Do you know how many students attend Huntington  
 18 Park High?  
 19 A. I can't give you an exact number.  
 20 Q. What is your best estimate?  
 21 A. I want to say -- I want to say 4,000, but I am  
 22 not sure.  
 23 Q. How many students would you estimate are on your  
 24 C track?  
 25 A. I don't know. I have no idea.



1 Q. Could it be under a thousand?  
 2 A. I think -- my estimate would be probably around  
 3 a thousand.  
 4 Q. Around a thousand. Would that be the same for A  
 5 track and B track do you think?  
 6 A. I believe so.  
 7 Q. How many classrooms are there at Huntington Park  
 8 High?  
 9 A. I can't recall.  
 10 Q. Are you familiar with the term "intersession"?  
 11 A. Yes.  
 12 Q. What does that term mean to you?  
 13 A. School during -- going to school during your  
 14 off-time, your vacation time.  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 Q. If a student is interested in a class, wants to  
 19 take a particular class and that class was offered during  
 20 intersession, could they decide to take intersession?  
 21 A. I believe, yeah. Yes, yeah. They would have to  
 22 be bussed out. They would have to be bussed out. They  
 23 would have to be on the bus, bussed to another school.  
 24 Q. Do Huntington Park High students take  
 25 intersession at Huntington Park High?

1 twice during any academic year; is that correct?  
 2 A. Yeah.  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 MR. WEISS: Were there any other reasons?  
 19 MR. CHOATE: Excuse me, Counsel. That's  
 20 entirely inappropriate on your part.  
 21 If you have an objection, you can make an  
 22 objection, but this is my deposition. It's not your  
 23 place to ask questions of the witness. So I would ask  
 24 that you not do that again.  
 25 Q. Geyman, can you recall what your grade point

1 A. Yes.  
 2 Q. Are there any restrictions that you are aware of  
 3 on who can participate in intersession or for what  
 4 reasons?  
 5 A. Yes.  
 6 Q. What are those?  
 7 A. If it's to take classes that you have to make up  
 8 that you have failed, that is, if you failed it, like if  
 9 you have too many absences or too many trancies, I think  
 10 that's it, if you have too many trancies and absences,  
 11 you can't attend intersession at Huntington Park High.  
 12 Q. You cannot?  
 13 A. You cannot.  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 Q. And how many times is intersession offered for,  
 20 let's say, students on C track?  
 21 A. It's offered every time we have vacation or off.  
 22 Q. How many vacations do you have as a C track  
 23 student?  
 24 A. We have two and each are about two months.  
 25 Q. A student on C track can attend intersession

1 average was after your ninth grade year?  
 2 A. I can't. I don't know.  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 Q. What about your cumulative GPA after your tenth  
 8 grade year? [REDACTED]  
 9 A. Yes. I don't know the exact numbers, but I  
 10 could say it [REDACTED]  
 11 Q. Was it [REDACTED]  
 12 A. I don't -- I can't recall.  
 13 Q. What about after your eleventh grade year?  
 14 A. [REDACTED]  
 15 Q. Was it [REDACTED]  
 16 A. I can't recall.  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

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Q. What elective courses have you taken during intersession because you were interested in them?

A. Typing and auto mechanic.

Q. Auto mechanic?

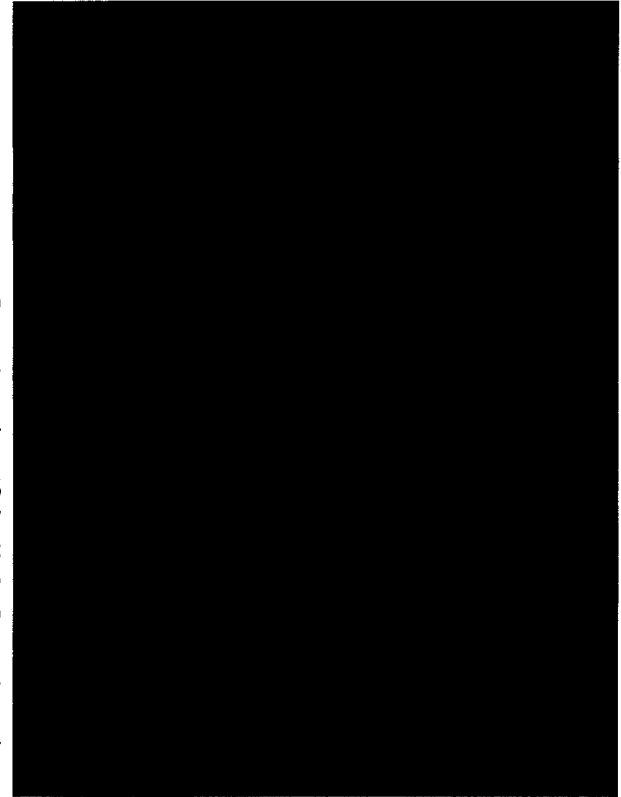
A. Right. Engineer -- I forget the name of the course.

Q. Other than those two electives, are there any other electives that you took during intersession because you were interested in them?

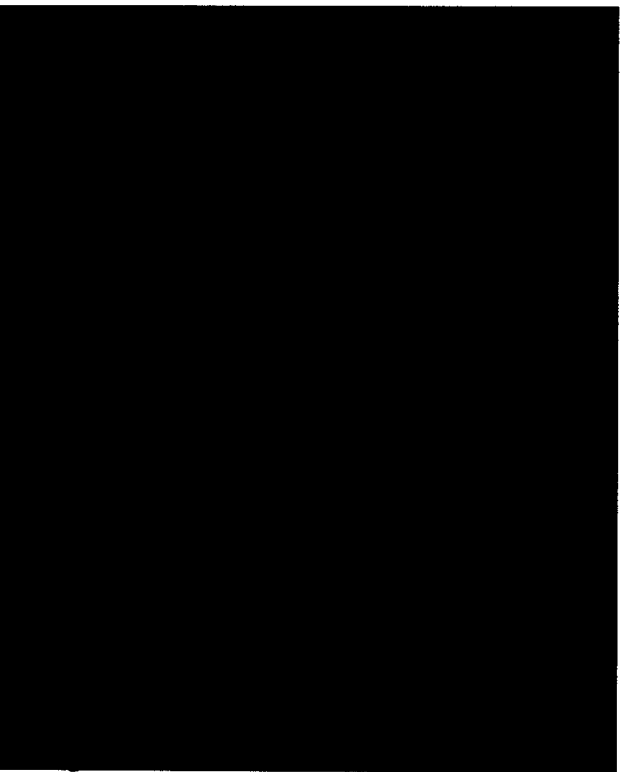
A. No.



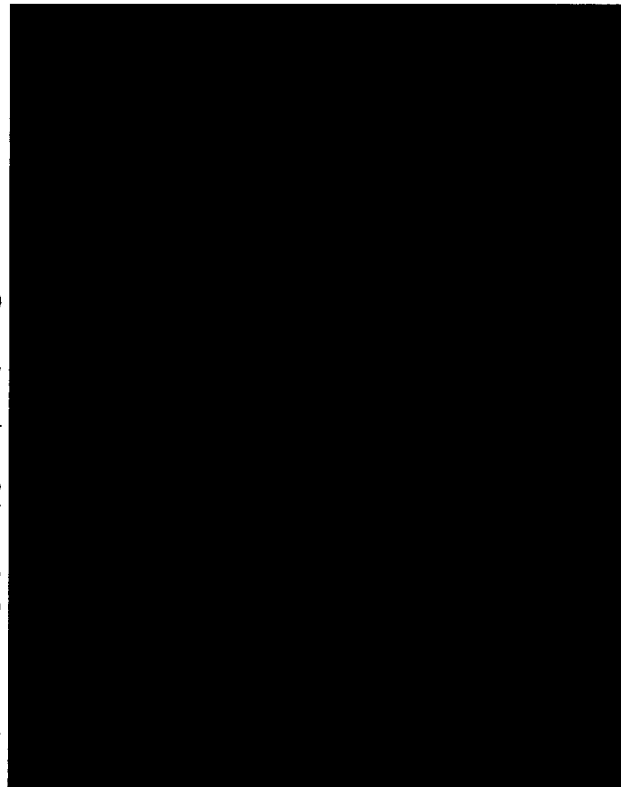
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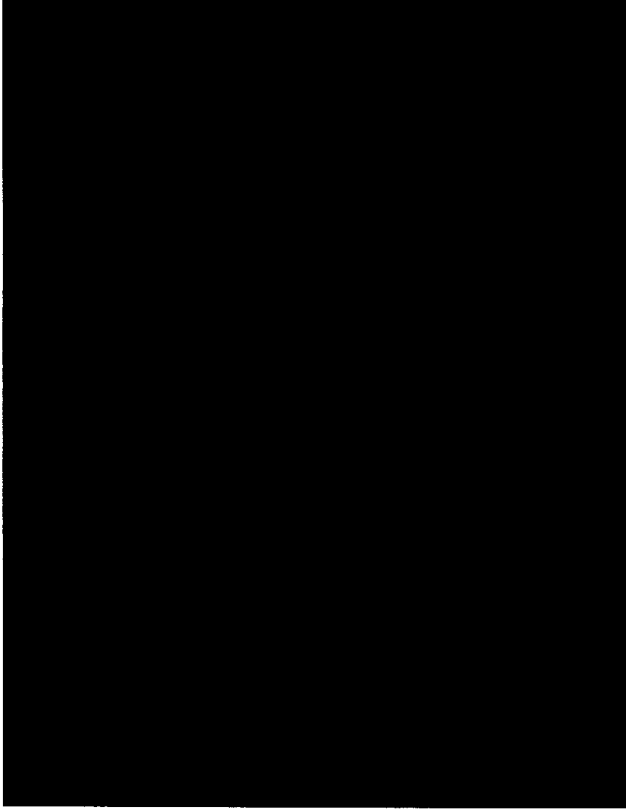
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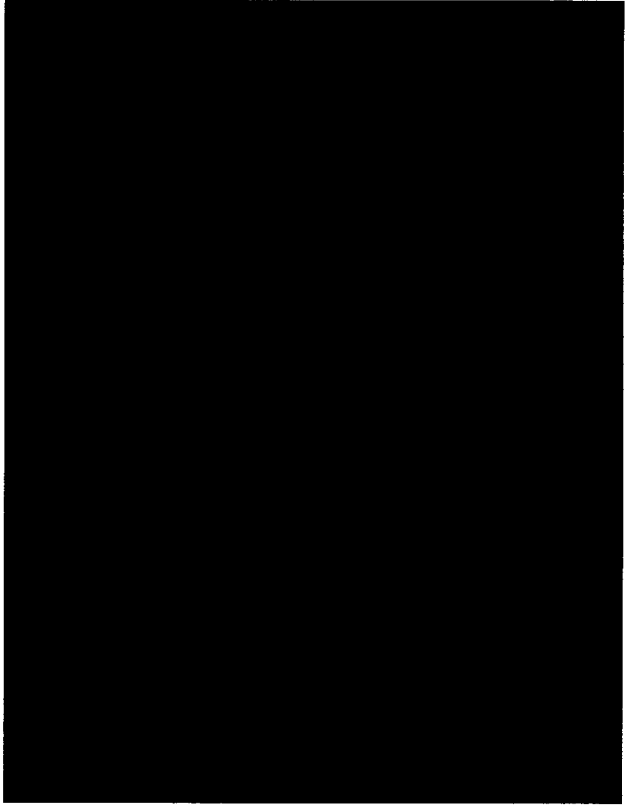
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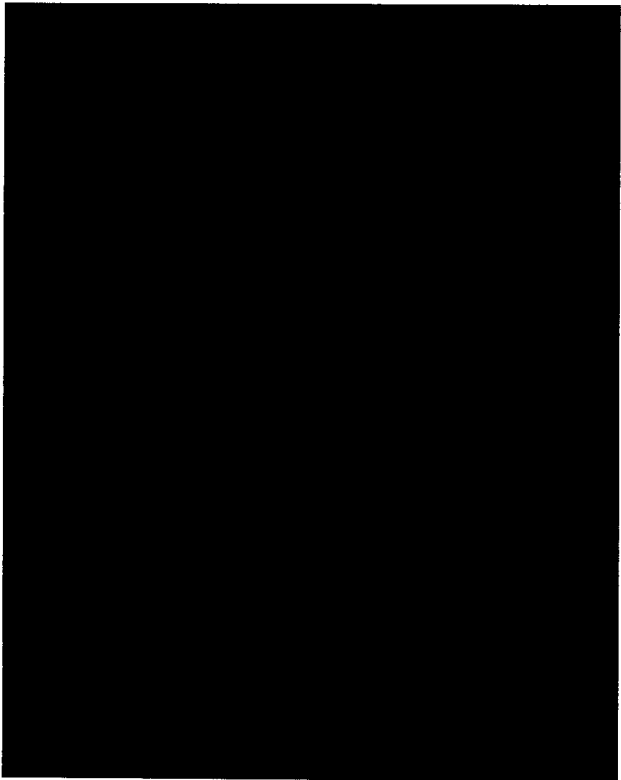
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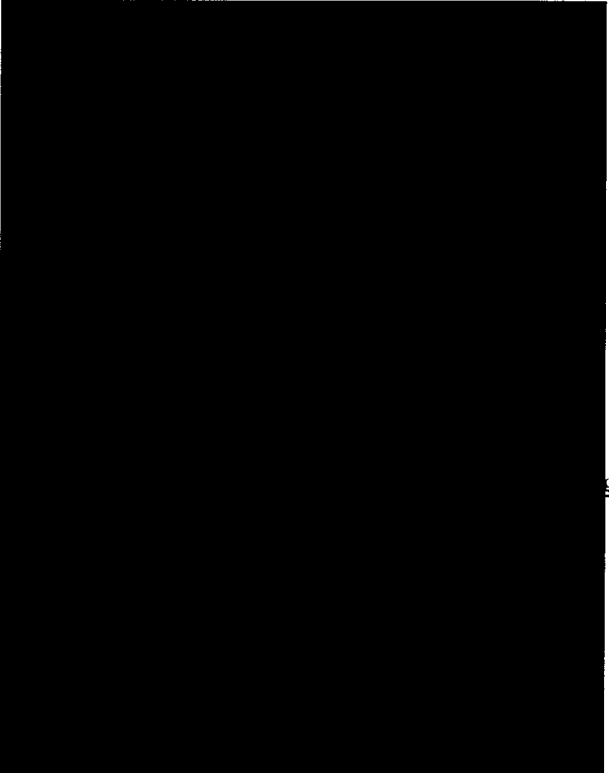
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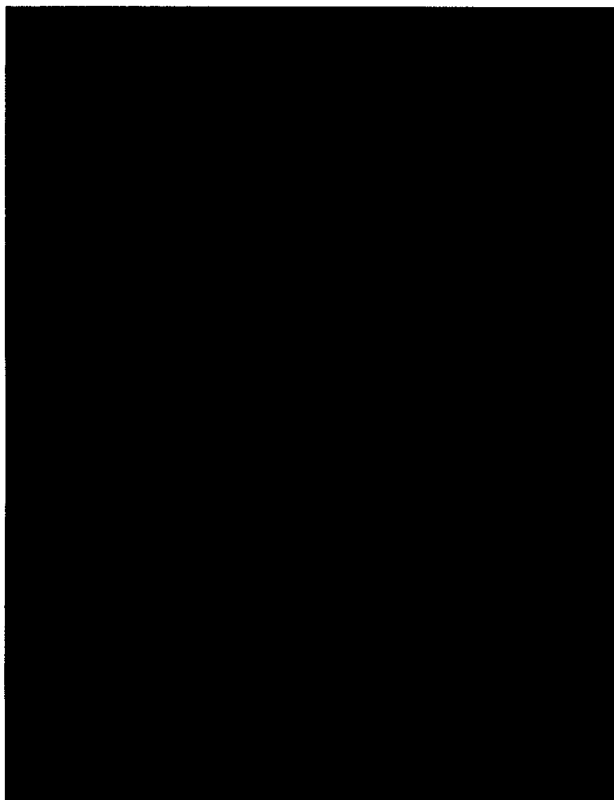
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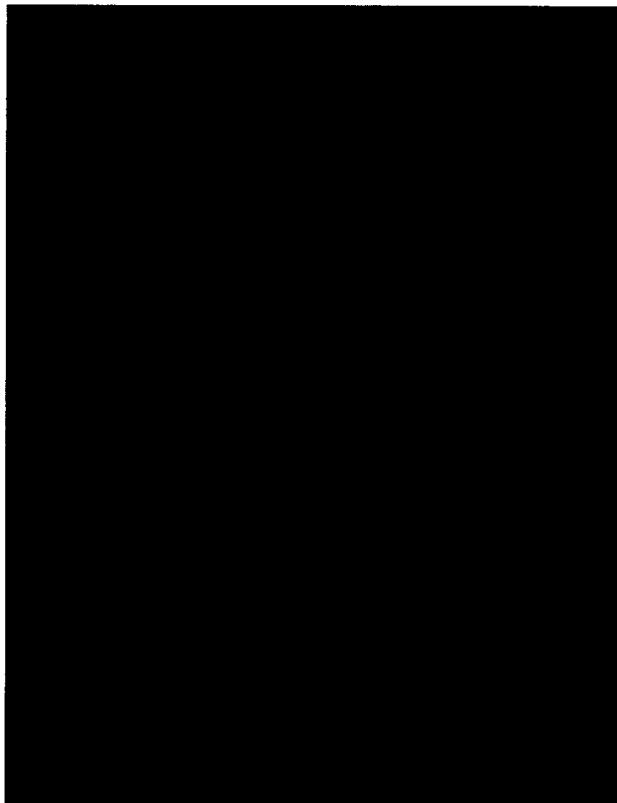
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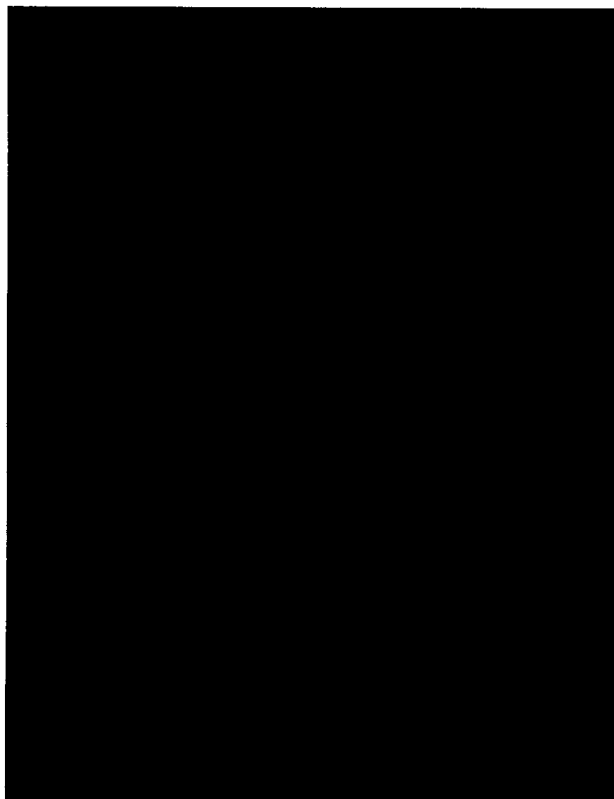
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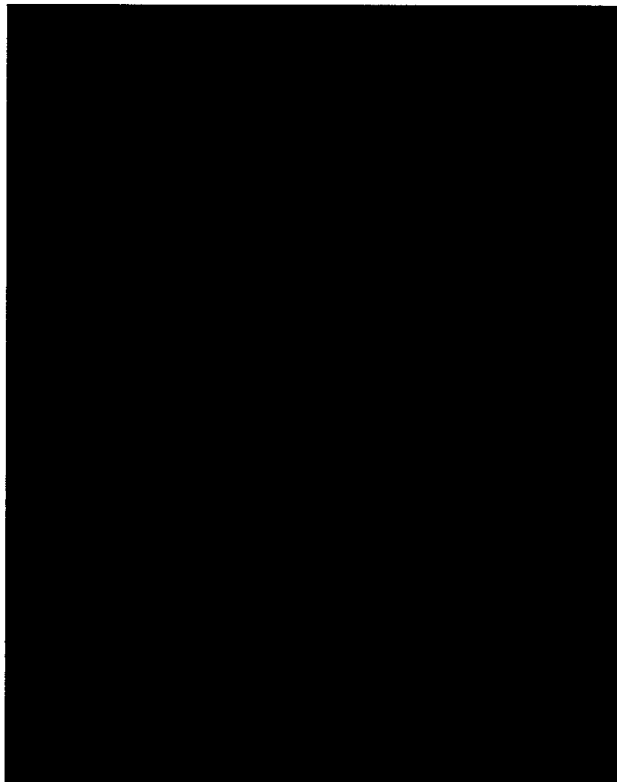
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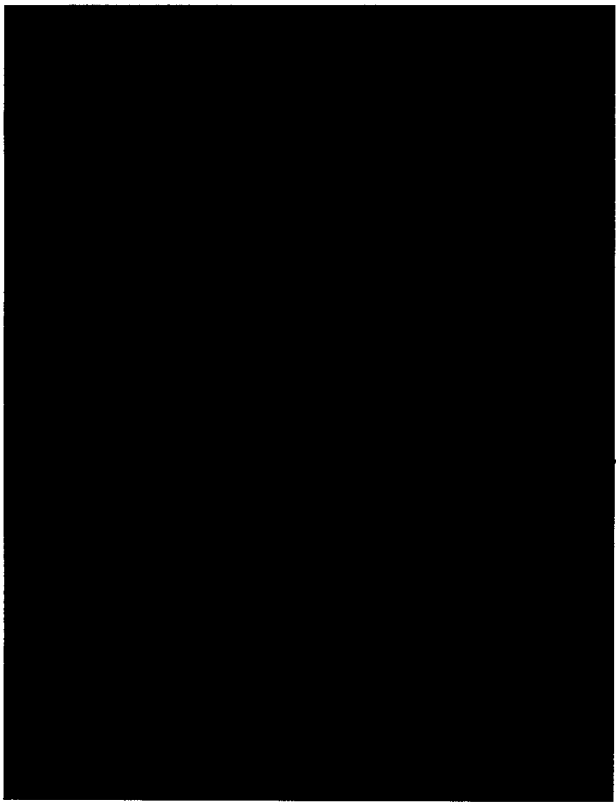
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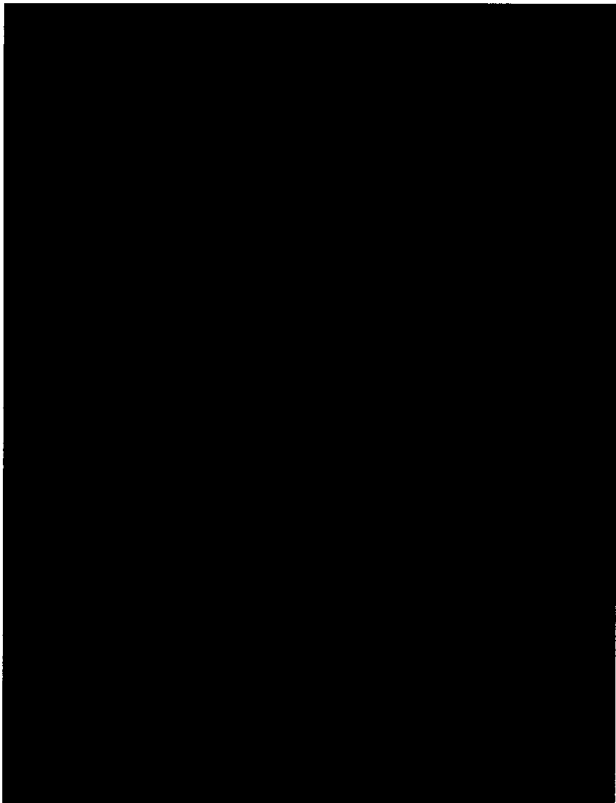
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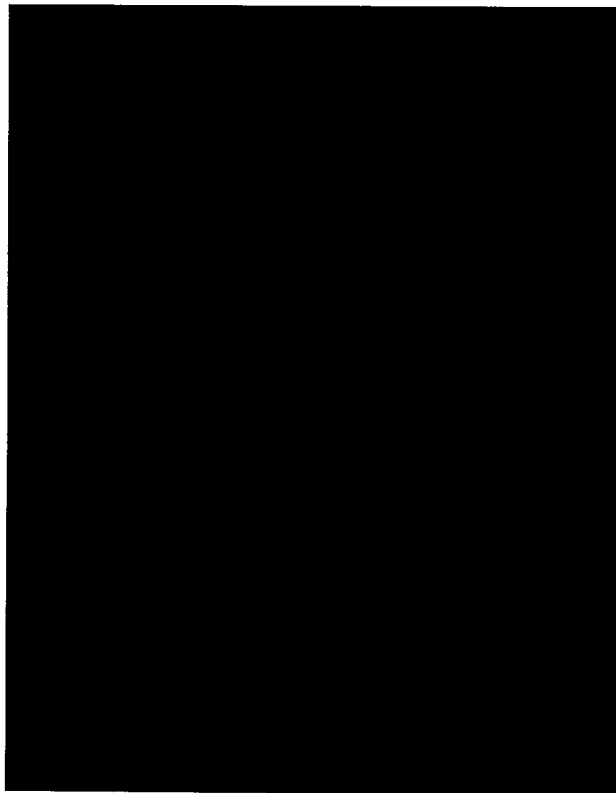
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1 Q. You took in your eleventh grade year -- did you  
2 take an art class?  
3 A. My eleventh grade year?  
4 Q. Yeah.  
5 A. No. No. No, I didn't take an art class in my  
6 eleventh grade year.  
7 Q. Have you taken an art class this year?  
8 A. No. Actually -- does design count?  
9 Q. Did you take a design class in your eleventh  
10 grade year?  
11 A. No. I am taking a design class now.  
12 Q. Currently?  
13 A. Yes.  
14 Q. Who is your design teacher?  
15 A. Mr. Nakamatsu, N-a-k -- it is on my paper  
16 somewhere, N-a-k-a-m-a-t-s-u.  
17 Q. You didn't take any design or art class in your  
18 eleventh grade year?  
19 A. I took music in my eleventh grade year. I took  
20 guitar.  
21 Q. You took guitar in your eleventh grade year?  
22 A. Yes.  
23 Q. Did you take any art classes in your tenth grade  
24 year?  
25 A. Yes.

- 1 Q. What art classes did you take in your tenth  
2 grade year?  
3 A. I can't -- I don't remember the specific class,  
4 course name.  
5 Q. You just took one art class in your tenth grade  
6 year?  
7 A. I think I took -- both semesters I had an art  
8 class.  
9 Q. Okay. Which art classes did you take?  
10 A. I can't remember.  
11 Q. In those art classes you took in your tenth  
12 grade year, do you recall any occasion in which some  
13 students didn't have a seat to sit in for a certain  
14 amount of time?  
15 A. Yes.  
16 Q. Yeah?  
17 A. Yeah.  
18 Q. Was it in your first art class that that  
19 occurred or your second art class?  
20 A. I think it was my first, the first semester of  
21 art class.  
22 Q. First semester of your tenth grade year?  
23 A. Yes.  
24 Q. How many students didn't have a seat?  
25 A. I think two.

- 1 Q. Two students didn't have a seat?  
2 A. Two or three. Yeah.  
3 Q. Two or three students didn't have a seat?  
4 A. Uh-huh.  
5 Q. For how long did they not have a seat?  
6 A. For a while. I don't know. I don't remember.  
7 Q. Approximately?  
8 A. Like a month or two.  
9 Q. About a month or two?  
10 A. Uh-huh.  
11 Q. Where did they sit, those students, during that  
12 month or two?  
13 A. I remember two of them would sit on the counter  
14 and I think one of them was real friendly so he would sit  
15 on someone's lap.  
16 Q. Two sat on a counter and a third sat on a  
17 friend's lap?  
18 A. Yeah. Or shared a chair.  
19 Q. Who was your art teacher, do you remember, in  
20 that class?  
21 A. My track did not have a specific art teacher  
22 like for that track. So it had to be -- it was two, so  
23 for like the first two months it was Ms. -- Mrs. -- I  
24 forgot her name, and Mr. -- the second two months was  
25 Mr. Baker.

- 1 And both of them are -- one is an A track  
2 teacher and the other was a B track teacher.  
3 Q. These two to three students didn't have a chair  
4 during the time that the female teacher taught the class;  
5 is that right?  
6 A. Yeah. About.  
7 Q. Or during part of the time that she taught the  
8 class?  
9 A. Yeah.  
10 Q. Do you know whether your teacher in the art  
11 class made any attempts to find extra chairs for those  
12 two students?  
13 A. I am sure there was an attempt. I mean she  
14 attempted it, but it's -- there's like -- there was no  
15 more room in that space to put any more chairs, maybe  
16 like -- I am sure there's already people seated on the  
17 edges, but like tables, for instance, there is no way of  
18 putting any more tables in that room.  
19 Q. Do you know whether she made an attempt, your  
20 teacher, to get extra chairs, or do you not know?  
21 A. I guess -- I don't know.  
22 Q. Did those two to three students in your art  
23 class, did they perform all the same projects and do all  
24 the same work that all the other students did?  
25 A. I don't know if they could.

- 1 Q. Well, my question is do you know if they did or  
2 do you not know?  
3 A. I don't know.  
4 Q. Do you remember what their names are?  
5 A. No.  
6 Q. Are you taking any classes this year which seem  
7 crowded to you?  
8 A. That seem crowded to me?  
9 Q. Yeah.  
10 A. Yeah. Let's see. My economics class, my  
11 English class and my math class.  
12 Q. Are those the only ones?  
13 A. Oh, yeah. The other two are -- the other ones  
14 are elective, so electives generally aren't as crowded  
15 except for art class.  
16 Q. Are you taking art right now?  
17 A. No.  
18 Q. Design?  
19 A. Design, yes.  
20 Q. What other classes are you taking this year?  
21 A. Spanish.  
22 Q. Are you taking any history classes this year?  
23 A. [REDACTED] No. I am not taking a history  
24 class.  
25 Q. You haven't taken a history class in your

- 1 twelfth grade year?  
 2 A. No.  
 3 Q. How many students are in your economics class?  
 4 A. Exact number? I can't --  
 5 Q. Approximately.  
 6 A. 30 for sure. Every seat is taken.  
 7 Q. All students have a seat in that class?  
 8 A. Yeah.  
 9 Q. What about your English class? Approximately  
 10 how many students in the class?  
 11 A. 30 for sure.  
 12 Q. Do all those students have a seat?  
 13 A. Barely, yeah.  
 14 Q. Do they all have a seat?  
 15 A. Yes.  
 16 Q. What about your math class?  
 17 A. 30 also.  
 18 Q. Do all the students in your math class have a  
 19 seat?  
 20 A. Yes.  
 21 Q. Are you taking Spanish now, too?  
 22 A. Yes.  
 23 Q. How many students in that class?  
 24 A. Around 20.  
 25 Q. All those students have a seat?

- 1 A. Yes.  
 2 Q. How about your design class?  
 3 A. It's not very popular. Maybe barely 20.  
 4 Q. Do all those students have a seat?  
 5 A. Yes.  
 6 Q. Other than that art class you took, I guess in  
 7 your tenth great year where two to three students didn't  
 8 have a seat for a month or two, do you recall any other  
 9 classes that you had where any students didn't have a  
 10 seat for any portion of time?  
 11 A. I can't recall, but for some reason I do  
 12 remember my freshman year being very overcrowded, but I  
 13 can't give you specifics, exactly what happened.  
 14 Q. But in your freshman year you can't recall any  
 15 students that didn't have a seat, though, at any point in  
 16 time, can you?  
 17 A. No. I can't recall if they did or they didn't.  
 18 I don't remember.  
 19 MR. CHOATE: If we can go off the record and  
 20 take a break for just a minute.  
 21 MR. WEISS: Sure.  
 22 (Recess taken.)  
 23 MR. CHOATE: All right. Let's go back on the  
 24 record.  
 25 Q. Geyman, have you ever been unable to enroll in a

- 1 class at Huntington Park High School because there was  
 2 not enough room in the class for additional students?  
 3 A. Yes.  
 4 Q. Which classes have you been unable to enroll in  
 5 because there was not enough room?  
 6 A. I don't remember. I can't recall. I don't  
 7 remember what course it is.  
 8 Q. Was it just one?  
 9 A. I think it was couple. More than one, but I am  
 10 not sure how much, how many.  
 11 Q. Can you recall what classes they were?  
 12 A. Not really, although one more for sure. One I  
 13 kind of remember for sure was painting class.  
 14 Q. A painting class?  
 15 A. Yeah. But like anything else, I can't remember.  
 16 I think that's the one I really, really wanted.  
 17 Q. The painting class?  
 18 A. Yeah.  
 19 Q. When was this, what year?  
 20 A. Well, maybe sophomore, junior year. I can't  
 21 remember.  
 22 Q. What was the enrollment capacity of that class;  
 23 do you know?  
 24 A. No.  
 25 Q. What do you have to do when you want to take an

- 1 elective class? Do you have to fill out a form prior to  
 2 the start of the new year?  
 3 A. Yeah. Usually you have to -- the first day you  
 4 check into your classes. Then the following day you pick  
 5 up a program request sheet and you turn it into your  
 6 counselor.  
 7 Q. That's if you want to change into a different  
 8 class?  
 9 A. Uh-huh.  
 10 Q. What class did you want to change out of so that  
 11 you could go into the painting class?  
 12 A. Probably -- I mean I don't remember, but it was  
 13 probably just another elective class. It didn't really  
 14 matter. Maybe child development or something.  
 15 Q. Before the beginning of whatever year it was  
 16 that we are talking about, did you request to take the  
 17 painting class before the year commenced?  
 18 A. Before? I think I have, yes. That is true,  
 19 yeah. You do get to check out which electives you want  
 20 the next year. I believe they just couldn't fit me in  
 21 there.  
 22 Q. But what I want to know, though, is before the  
 23 school year began, did you list the painting class as one  
 24 of the electives you wanted to take?  
 25 A. Yes.

1 Q. What choice was it; do you know? Because you  
 2 have a choice of electives you can take; right?  
 3 A. Right.  
 4 Q. And you are allowed to list several electives?  
 5 A. Right.  
 6 Q. In rank of preference?  
 7 A. Right, 1 through 6.  
 8 Q. Where did you list the painting class; do you  
 9 know?  
 10 A. Probably maybe second -- first -- I would  
 11 probably say first, but I probably put on second or  
 12 third.  
 13 Q. You are not sure where you put it, though, are  
 14 you?  
 15 A. No. That's true.  
 16 Q. Do you know why you weren't initially enrolled  
 17 in that class?  
 18 A. Do I know why?  
 19 Q. Yeah.  
 20 A. I believe there was no space for me.  
 21 Q. Did you ever speak to the counselor about that?  
 22 A. Yes.  
 23 Q. When? After the course began?  
 24 A. Yes. I believe after I turned in my program  
 25 request.

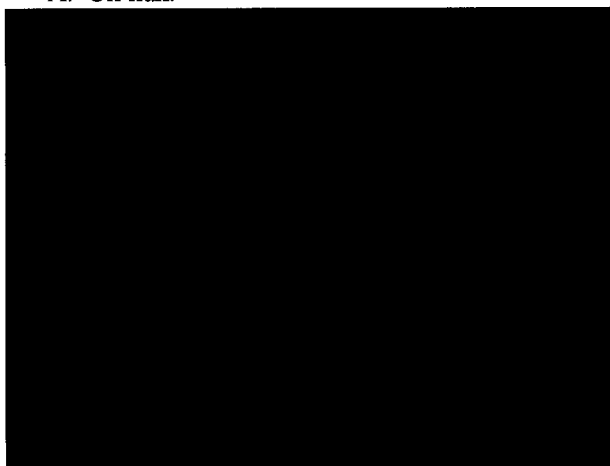
1 Q. What was your counselor's name; do you remember?  
 2 A. At the time it was Ms. Hunt.  
 3 Q. And you spoke with Ms. Hunt about trying to get  
 4 into the painting class?  
 5 A. Yeah.  
 6 Q. Are you sure or do you not remember?  
 7 A. No. I started remembering. In fact, I have  
 8 been there more than once to request other classes. And  
 9 I remember it was -- I went in a math class and I  
 10 remember I didn't get one.  
 11 Q. Let's talk about the painting class.  
 12 A. Okay.  
 13 Q. Do you recall actually speaking with Ms. Hunt --  
 14 A. Yeah.  
 15 Q. -- about trying to get into the painting class?  
 16 A. Yes.  
 17 Q. And what did she tell you?  
 18 A. There was like no room. Usually -- I have  
 19 talked to my counselor so many times, I know who she is  
 20 already. There is no room and you can't change your  
 21 schedule around, like your academics, or your academics  
 22 interfere with that period of painting.  
 23 Q. What elective did you end up taking instead of  
 24 painting?  
 25 A. I can't recall.

1 Q. Well, try to think back.  
 2 A. I don't know.  
 3 Q. You have no idea?  
 4 A. I think maybe drafting, but that's just a guess.  
 5 Q. Was the painting class required to graduate from  
 6 Huntington Park High?  
 7 A. No.  
 8 Q. Now, you also indicated that I believe you spoke  
 9 to your counselor about trying to get into math class?  
 10 A. Yes.  
 11 Q. What math class?  
 12 A. It has been a while. I don't remember the  
 13 course, the course name. Yeah. I don't remember the  
 14 course name.  
 15 Q. What year did it take place in?  
 16 A. My junior -- I don't remember. I don't  
 17 remember, but I think I am assuming it was my second  
 18 semester of my tenth grade. Or so I believe, I think.  
 19 Q. Why are you assuming that we are talking about  
 20 the second semester of your tenth grade year?  
 21 A. Because I remember talking to my counselor about  
 22 that math class because it was just odd that I received  
 23 my schedule and I had no math class there.  
 24 Q. Was it a geometry class?  
 25 A. No. Basic algebra or class -- it's called

1 actually integrated 1 or 2.  
 2 Q. Integrated math?  
 3 A. Yeah.  
 4 Q. How many years of math have you taken at  
 5 Huntington Park Senior High School?  
 6 A. That I have gotten credits for or --  
 7 Q. Did you take a math class in your ninth grade  
 8 year?  
 9 A. Yes.  
 10 Q. Okay. Do you know what math class that was?  
 11 A. I am assuming integrated 1.  
 12 Q. Did you receive credits for that class?  
 13 A. Yes.  
 14 Q. Was that a year-long class?  
 15 A. Yes.  
 16 Q. You received a passing grade in that class?  
 17 A. Yes.  
 18 Q. Did you take a math class in your tenth grade  
 19 year?  
 20 A. Yes.  
 21 Q. What math class did you take in your tenth grade  
 22 year?  
 23 A. I don't remember the course name.  
 24 Q. Was it a year long course?  
 25 A. It was supposed to be a year long course, yeah.



- 1 Q. Did you receive credits for that course?  
 2 A. I think the first semester.  
 3 Q. You received credits for the first semester?  
 4 A. Uh-huh.

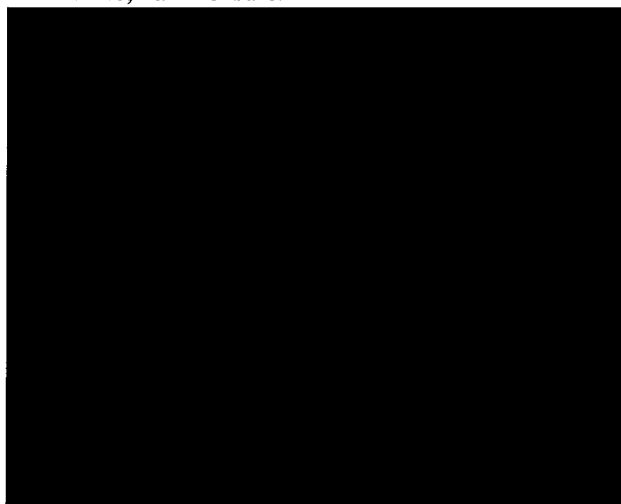


- 20 Q. Did you take a math class during your eleventh  
 21 grade year?  
 22 A. No. No.  
 23 Q. No?  
 24 A. No.  
 25 Q. Are you taking a math class in your twelfth

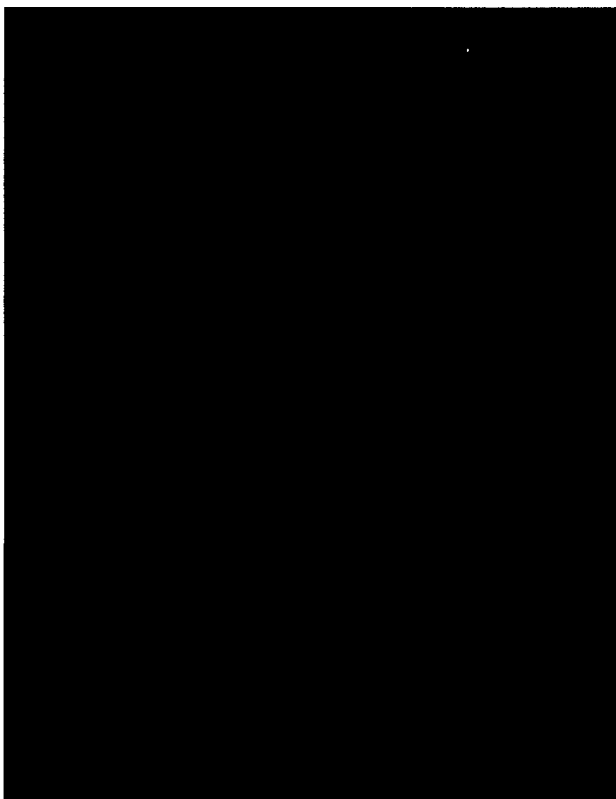
- 1 Park High School is --  
 2 A. Two years.  
 3 Q. -- two years of math?  
 4 A. Two years of math.  
 5 Q. Did you want to take a math class in your  
 6 eleventh grade year?  
 7 A. Yes.  
 8 Q. What math class did you want to take?  
 9 A. Whichever came after my last math class.  
 10 Q. What did you do in order to try to take a math  
 11 class in your eleventh grade year?  
 12 A. I had to sign up the request form.  
 13 Q. And your counselor told you that you didn't  
 14 need it --  
 15 A. To graduate.  
 16 Q. Okay. Let me finish my question.  
 17 A. I'm sorry.  
 18 Q. That's okay. That's okay.  
 19 Your counselor told you you didn't need another  
 20 year of math to graduate?  
 21 A. Yes.  
 22 Q. And that's why you didn't take the math class in  
 23 eleventh grade?  
 24 A. Yeah.  
 25 Q. Is there any other reason why you didn't take a

- 1 grade year?  
 2 A. Now, yes.  
 3 Q. That's algebra?  
 4 A. Yes.  
 5 Q. Are you in your second semester now?  
 6 A. Yes.  
 7 Q. In your first semester you took algebra 1-A?  
 8 A. Of my senior year?  
 9 Q. Yes.  
 10 A. No.  
 11 Q. No. What math class are you taking in your  
 12 senior year?  
 13 A. My first semester senior year, no.  
 14 Q. You didn't?  
 15 A. No.  
 16 Q. What math class are you taking now?  
 17 A. Algebra 1-B.  
 18 Q. Did you take algebra 1-A at any point?  
 19 A. I don't think so.  
 20 Q. Why did you not take a math class during your  
 21 eleventh grade year?  
 22 A. My counselor's exact words? I didn't -- she  
 23 said I didn't need it to graduate. The requirement is  
 24 two years.  
 25 Q. The requirements to graduate from Huntington

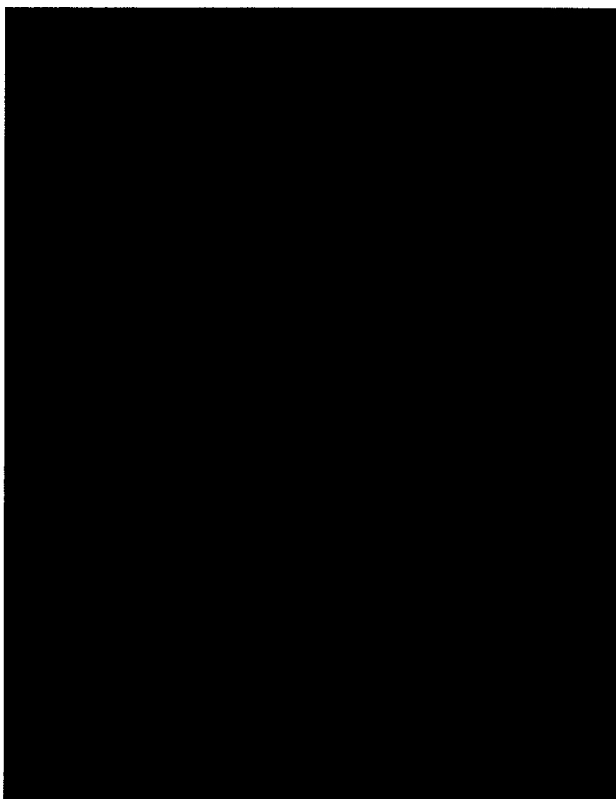
- 1 math class in eleventh grade?  
 2 A. I think also -- I am not sure, though.  
 3 Q. Remember, I don't want you to guess.  
 4 A. Right.  
 5 Q. I am asking you --  
 6 A. Right.  
 7 Q. -- if there is any other reason you didn't take  
 8 a math class in your eleventh grade year?  
 9 A. No, I am not sure.



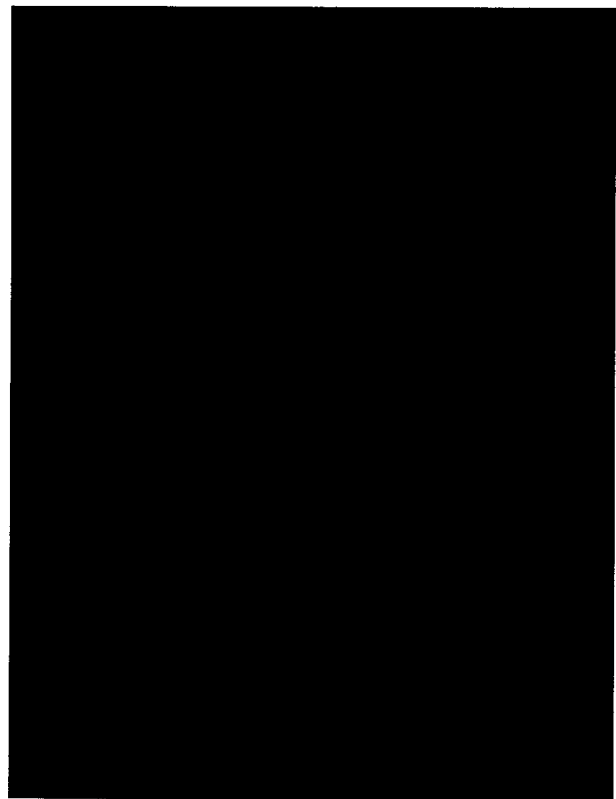
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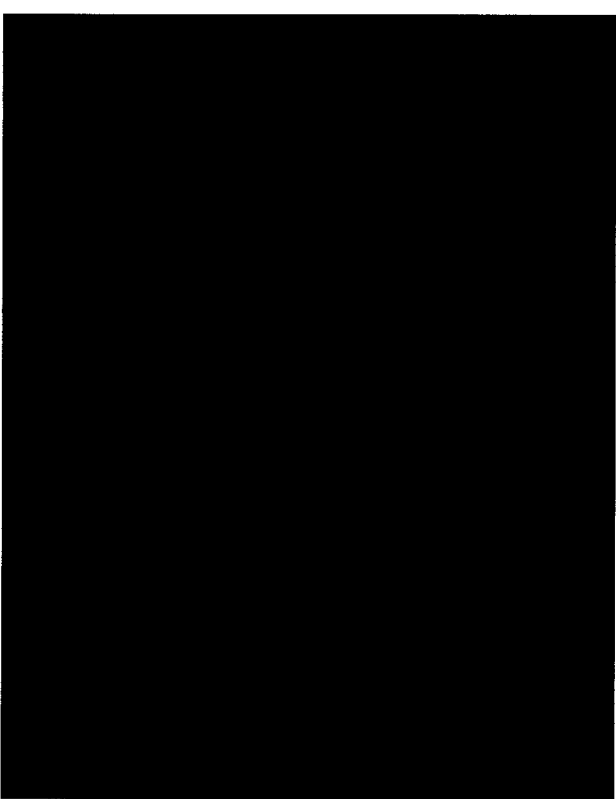
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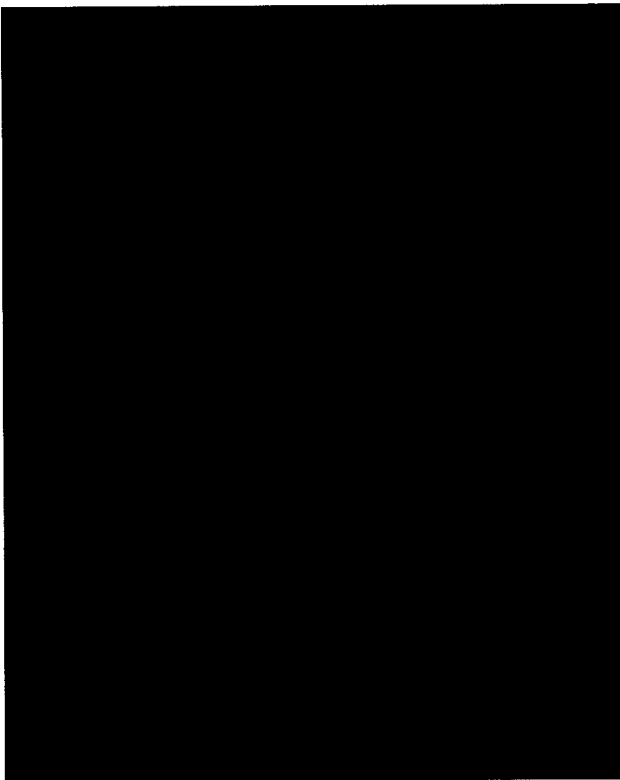
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1 class that they wanted to take because there was not  
2 enough room for additional students in that class?  
3 A. Yeah.  
4 Q. Who?  
5 A. I have a friend who has -- I have two friends  
6 who didn't take an ECP class, which is like career  
7 planning, because it didn't fit their schedule.  
8 Q. Two of your friends wanted to take an ECP class?  
9 A. It is required to take it and a health class.  
10 Those two are required and they couldn't because they did  
11 not fit the schedule.  
12 Q. Is ECP like educational career planning?  
13 A. Yeah.  
14 Q. What are the names of your friends?  
15 A. One was Burton, Burton, your guess is as good as  
16 mine, and the other was Erika, is Erika.  
17 Q. What is Erika's last name?  
18 A. I am not sure.  
19 Q. When did these two friends of yours want to take  
20 an ECP class but were unable to?  
21 A. Generally ECP and health are given to you your  
22 freshman year, but they just didn't -- they didn't fit  
23 their schedule because I believe mostly -- most of  
24 their -- most of their -- most of the AP classes were  
25 during those when those courses are given.

1 Q. These two classes aside, have there been any  
2 occasions in which you have wanted to enroll in a class  
3 at Huntington Park Senior High School but were unable to  
4 because there was not enough space for additional  
5 students?  
6 A. Repeat that.  
7 Q. Sure. Have there been any occasions at  
8 Huntington Park Senior High School other than the  
9 painting class that we talked about where you have been  
10 unable to enroll in a class that you wanted to take  
11 because there wasn't enough room for additional students?  
12 A. I can't recall the exact course.  
13 Q. You can't recall any course other than painting  
14 course?  
15 A. That I could say for sure, like that I am  
16 confident that is true. Yeah, painting course.  
17 Q. Can you recall any courses? I mean have you  
18 been unable to enroll in any courses other than the  
19 painting course because there wasn't enough room for  
20 additional students?  
21 A. I can't remember.  
22 Q. You don't know?  
23 A. No.  
24 Q. Do you know any students at Huntington Park  
25 Senior High School who have been unable to enroll in a

1 Q. Are these two friends of yours, are they in the  
2 same grade?  
3 A. Yes.  
4 Q. When you guys were in ninth grade, these two  
5 students were unable to take an ECP class because the  
6 class was offered during a time that conflicted with  
7 their schedules?  
8 A. Yes.  
9 Q. Did these two friends of yours take AP  
10 classes --  
11 A. Yes.  
12 Q. -- during the ninth grade year?  
13 A. I am not sure about then, but now they do.  
14 Q. Did these two friends of yours ultimately take  
15 the ECP course?  
16 A. I don't know about Erika, but Burton did, but he  
17 had to go to adult school.  
18 Q. He had to go to adult school?  
19 A. Yes.  
20 Q. Is that a type of intersession?  
21 A. It is school. Adult school is like for people  
22 who didn't finish their -- get their GED, just make up  
23 credits there and he had to go there after school.  
24 Q. And when did he do that?  
25 A. That's a good question, because he had

1 basketball. Right after basketball practice after  
 2 school.  
 3 Q. During his freshman year?  
 4 A. No. He barely did, he barely did this last  
 5 semester.  
 6 Q. So your friend, it is Burton?  
 7 A. Burton, yeah.  
 8 Q. Burton fulfilled his ECP requirement in your  
 9 current twelfth grade year?  
 10 A. Yes.  
 11 Q. Do you know why he had to go to adult school?  
 12 A. They couldn't fit -- they couldn't -- they just  
 13 couldn't schedule out his classes for ECP. Why he took  
 14 it in adult school?  
 15 Q. Well, how do you know the reason why Burton had  
 16 to go to adult school in his twelfth grade year to  
 17 satisfy his requirement?  
 18 A. Because I have him for homeroom.  
 19 Q. Because he told you?  
 20 A. Yeah.  
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1 didn't take ECP until the twelfth grade in adult school  
 2 was because he was taking AP classes instead and knows AP  
 3 classes conflicted with the time that ECP was offered;  
 4 isn't that right?  
 5 A. I suppose. Yeah.  
 6 Q. Yes?  
 7 A. Yes.  
 8 Q. Well, it doesn't sound to me like he was unable  
 9 to take the ECP classes because there wasn't sufficient  
 10 room in the classes for him to enroll; is that correct?  
 11 MR. WEISS: Objection. Argumentative.  
 12 BY MR. CHOATE:  
 13 Q. You can answer.  
 14 A. There wasn't enough AP classes for him to change  
 15 the class.  
 16 MR. CHOATE: Could you read that answer back.  
 17 (The record was read  
 18 by the reporter as follows:  
 19 "A. There wasn't enough AP classes for him  
 20 to change the class.")  
 21 BY MR. CHOATE:  
 22 Q. How do you know?  
 23 A. Because the AP classes are limited. Usually you  
 24 don't have them this period or this period. If there  
 25 would have been another one, he could have probably --

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 9 Q. What did your friend Burton tell you about why  
 10 he had to take ECP in adult school?  
 11 MR. WEISS: Objection. Asked and answered.  
 12 MR. CHOATE: It wasn't answered.  
 13 THE WITNESS: I think I did answer that  
 14 actually.  
 15 BY MR. CHOATE:  
 16 Q. Well, go ahead and answer it again. Actually  
 17 tell me what your friend Burton told you why he had to go  
 18 to adult school to take the ECP course.  
 19 A. It did not fit in his schedule. It did not --  
 20 it con- -- because of his AP classes, he couldn't take  
 21 that class.  
 22 Q. What about your friend Erika? Do you know  
 23 whether she was able to complete her ECP requirement?  
 24 A. I don't know if she has done it yet.  
 25 Q. But your friend Burton, I mean the reason why he

1 Q. I'm sorry. I interrupted you. That was my  
 2 mistake.  
 3 Go ahead.  
 4 A. If there was maybe at least another time that  
 5 class would have been given, he probably could have made  
 6 some kind of alternative.  
 7 Q. But what I am trying to get at, though, is you  
 8 don't know whether there was room to accommodate him in  
 9 the ECP class or not, though, do you?  
 10 MR. WEISS: Objection. Asked and answered.  
 11 MR. CHOATE: No. I didn't ask that question and  
 12 he didn't answer it.  
 13 Q. Do you know whether there was room in the ECP  
 14 class in ninth grade for Burton to be enrolled in that  
 15 class?  
 16 A. I don't know.  
 17 Q. So there could have been room in the ECP class  
 18 for Burton to enroll in that class in the ninth grade; is  
 19 that correct?  
 20 A. Can you restate that.  
 21 Q. Yeah. It's possible that there was room in the  
 22 ECP class in ninth grade for Burton to enroll in, isn't  
 23 it?  
 24 A. If I didn't take an AP class, if he didn't take  
 25 that class, whatever class it was, yes, there was room.

- 1 Q. My question is this. It's possible there was  
2 room in the ECP class in the ninth grade for Burton to  
3 take that class if he wanted to; is that correct?  
4 A. It's possible.  
5 Q. Do you know any students at Huntington Park  
6 Senior High School who have been unable to enroll in a  
7 class offered at school because there wasn't sufficient  
8 enrollment capacity in that class?  
9 A. There are cases, but I can't recall any, I can't  
10 think of it.  
11 Q. You don't know any students who have been unable  
12 to enroll in a class in Huntington Park Senior High  
13 School because there hasn't been enough room for  
14 additional students in the class; is that correct?  
15 MR. WEISS: Objection. Mischaracterizes his  
16 testimony.  
17 BY MR. CHOATE:  
18 Q. Do you want me to rephrase the question?  
19 A. Yeah.  
20 Q. Sitting here today, do you know any students at  
21 Huntington Park Senior High School who have been unable  
22 to enroll in a class because there hasn't been enough  
23 room for that student in the particular class?  
24 A. I don't know.  
25 Q. Geyman, can you tell me what science classes you

- 1 A. Biology? I believe so.  
2 Q. Do you recall having taken any other science  
3 classes in your ninth grade year?  
4 A. I don't recall.  
5 Q. Do you recall taking any science classes in your  
6 eleventh grade year?  
7 A. Yes.  
8 Q. And that's the class that you are unsure of what  
9 the title is?  
10 A. Yes.  
11 Q. Would it have been a class called  
12 inter-coordinated science?  
13 A. Would it have been?  
14 Q. Does that ring a bell to you?  
15 A. I don't remember.  
16 Q. And you haven't taken any science class in your  
17 twelfth grade year; is that correct?  
18 A. Yes.  
19 Q. So you can recall taking just two science  
20 classes at Huntington Park Senior High?  
21 A. Uh-huh, yes.  
22 Q. It's difficult to remember sometimes.  
23 A. Yeah.  
24 Q. But you are doing fine.  
25 In your science classes, did students perform

- 1 have taken while you have been a student at Huntington  
2 Park Senior High School?  
3 A. What science classes?  
4 Q. Yeah.  
5 A. Biology for sure, and I don't know what you  
6 would call the other year. It was like science and  
7 advanced physical science.  
8 Q. Biology you took in your eleventh grade year;  
9 right?  
10 A. Biology? I don't remember.  
11 Q. I think you testified earlier you took biology  
12 in your eleventh grade year. [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 A. Eleventh grade year? I don't know if it was  
16 my --  
17 Q. Maybe I am mistaken.  
18 A. Right.  
19 Q. Do you recall when you took biology at  
20 Huntington Park?  
21 A. I believe it was my sophomore, I think.  
22 Q. Okay. That would be your tenth grade year?  
23 A. Uh-huh.  
24 Q. Is that the only science class you took in your  
25 tenth grade year?

- 1 group projects, group science projects?  
2 A. My science classes? Yes.  
3 Q. Do they do that in biology class?  
4 A. Yeah. I think -- yeah.  
5 Q. What kind of group projects would students do in  
6 your biology class in tenth grade?  
7 A. Tenth grade? I don't remember. I don't  
8 remember.  
9 Q. Do you remember doing any group projects in your  
10 biology class?  
11 A. Yeah. I mean I'm sure -- I am sure we have done  
12 projects, but I just don't -- I can't explain to you what  
13 we did exactly.  
14 Q. Were they like -- I mean did you do like  
15 experiments, kind of things like that?  
16 A. I am sure some experiments, sure.  
17 Q. What about in your science class in the eleventh  
18 grade year? Do you recall doing group projects with  
19 students in that class?  
20 A. Yes.  
21 Q. Do you have any recollection as to what types of  
22 projects you did in that class?  
23 A. I do remember making soap.  
24 Q. You do remember making soap?  
25 A. Yeah, I remember making soap.

1 Q. That was one of the group projects?  
 2 A. I believe so, yeah.  
 3 Q. How did you guys make soap?  
 4 A. Acid/base, I don't remember. I don't remember.  
 5 Q. Do you remember any other group projects you did  
 6 in the eleventh grade science class?  
 7 A. I don't remember.  
 8 Q. Do you know why students in your science classes  
 9 performed group projects?  
 10 A. Why?  
 11 Q. Yeah.  
 12 A. Not enough room, not enough materials.  
 13 Q. Any other reasons?  
 14 A. Not that I can any of.  
 15 Q. How do you know that students in your science  
 16 courses performed group projects because there was not  
 17 enough space in classes or materials?  
 18 A. I mean usually the teacher would specify -- that  
 19 alone it is hard to get the materials that we got.  
 20 Q. My question, though, is how do you know that  
 21 students performed group projects in your science classes  
 22 because there was not enough room in the classes or not  
 23 enough materials?  
 24 A. Well, not enough room is obvious because we took  
 25 up the whole back space which is where projects were

1 supposed to be made.  
 2 Q. And what did the whole back space consist of?  
 3 A. Well, they are kind of like -- they are tables,  
 4 usually like with a little -- like a drain. It was just  
 5 a basic table and counter.  
 6 Q. Why did you think students in your science  
 7 classes performed group projects because there were not  
 8 enough materials?  
 9 A. Because I do remember once for sure. I forgot  
 10 what we were using. We were using some -- I can't recall  
 11 what it was, but I do remember we had to be careful how  
 12 much we took of that substance because there wasn't --  
 13 like you would have to -- there was just no more, that  
 14 she didn't have anymore.  
 15 Q. Was that your biology class?  
 16 A. My eleventh grade first semester science class.  
 17 Q. When you say she didn't have any more, what do  
 18 you mean?  
 19 A. Like I do remember -- like she did say -- I mean  
 20 she said to be like "Don't waste." All I remember is  
 21 like a bucket or thing and she said, "Just don't waste  
 22 it."  
 23 Q. Did your science teacher ever tell students you  
 24 have to perform group projects because we don't have  
 25 enough materials?

1 A. I don't think she ever said it specifically, no.  
 2 Q. Do you think there was any educational reason  
 3 why students in your science classes performed group  
 4 projects as opposed to performing projects individually?  
 5 A. Educational reasons?  
 6 Q. Yeah, working in a group. Was that one of the  
 7 reasons do you think why students performed group  
 8 projects?  
 9 A. Large group projects? I don't know.  
 10 Q. You don't know?  
 11 A. No.  
 12 Q. Well, when you performed group projects how did  
 13 you -- I mean what did you do with the other students?  
 14 Do you recall how you interacted with the other  
 15 students?  
 16 A. Yeah. Usually it would be about maybe three of  
 17 us, three, because really, it's not like big projects.  
 18 Usually there would only be like three. You really don't  
 19 need three people to work on it, two, even, you partner  
 20 up with two. Usually it was five.  
 21 So maybe like two or three would be involved and  
 22 people would be off on the side.  
 23 Q. Other than that one comment that your science  
 24 teacher made that time about having to not waste the  
 25 material --

1 A. Uh-huh.  
 2 Q. -- are there any other reasons that you think  
 3 that students performed group projects because there were  
 4 not enough materials in your science projects?  
 5 A. Not that I can think of right now.  
 6 Q. Did you enjoy your science classes?  
 7 A. Yeah.  
 8 Q. Was the science class you took this year, was  
 9 that like an integrative science class?  
 10 A. The class I took this year?  
 11 Q. Or I mean last year.  
 12 [REDACTED]  
 13 [REDACTED]  
 14 A. Was it an integrated course?  
 15 Q. Yeah. I am just trying to see if I can get to  
 16 you, ring a bell as to what the class was called. Maybe  
 17 you just can't remember.  
 18 A. I can't remember.  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

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Q. When you performed group projects in your science classes, did you enjoy doing those projects with other students?

1 A. Yeah. It would be fun.  
2 Q. It was fun?  
3 A. Yeah.  
4 Q. In your science class last year, think back to  
5 that class.  
6 A. Uh-huh.  
7 Q. Were you required to purchase or pay for any  
8 materials in order to take that class?  
9 A. Yes. We had to get a calculator for that one,  
10 that class.  
11 Q. Anything else?  
12 A. Maybe like, I don't know, maybe ruler, special  
13 type of notebook or something. Oh, yeah. It was like a  
14 notebook type thing.  
15 Q. Like a pad of paper?  
16 A. Yeah, I guess. It was kind of more like little,  
17 I don't know, like little journal type things.  
18 Q. What did your teacher tell you, if anything,  
19 about the calculator?  
20 A. Just bring in the calculator.  
21 Q. He said just bring in the calculator?  
22 A. Yeah.  
23 Q. Did he say you had to go out and buy a  
24 calculator?  
25 A. Well, if you didn't have one, you had to buy

1 one.  
2 Q. Did he say that students couldn't take the  
3 course unless they bought a calculator?  
4 A. Couldn't take the course?  
5 Q. Did he say that students wouldn't be allowed to  
6 take the science course unless they went out and  
7 purchased a calculator?  
8 A. No, I don't think he ever said that, but I think  
9 it was -- I think they did specify it would be difficult  
10 if you didn't have a calculator.  
11 Q. Did some students in your science class share  
12 calculators?  
13 A. I don't remember.  
14 Q. Did you have a calculator at home?  
15 A. Yeah. I am sure I had a calculator somewhere.  
16 Q. Well, do you recall having to buy a calculator  
17 for this class or do you recall that you had a calculator  
18 at home that you used for the class?  
19 A. I think -- I don't remember what I used.  
20 Q. You don't remember if you used a calculator?  
21 A. Yeah. I mean I used a calculator, but I don't  
22 remember, because -- I mean I remember it, like trouble  
23 for me finding a calculator, but I remember what I went  
24 through.  
25 Q. What trouble did you have finding a calculator?

1 A. I think I couldn't find one at home, or the ones  
2 I did find didn't work anymore or something so I probably  
3 had to go get my own.  
4 Q. Do you remember buying a calculator or do you  
5 not remember buying a calculator?  
6 A. I don't remember.  
7 Q. You don't remember if you actually went out and  
8 bought a calculator?  
9 A. I don't remember, no.  
10 Q. What did you need the calculator for in that  
11 science class?  
12 A. Probably basically, I guess equations, or I  
13 don't remember. I don't remember. Just mostly because  
14 you deal with large numbers.  
15 Q. Was it difficult for you to get a calculator?  
16 A. I don't recall anymore. I guess -- I guess I  
17 eventually got my hands on one.  
18 Q. Was that difficult to get a calculator?  
19 A. No. I mean it's not difficult, just kind of out  
20 of my way, but, yeah, I eventually got one, I think.  
21 Q. Do you still have that calculator?  
22 A. I don't know. I had to get a calculator. No,  
23 never mind.  
24 Q. Do you still have the calculator?  
25 A. That calculator for that class? I don't

1 remember.

2 Q. You don't know?

3 A. I don't know.

4 Q. I think you said you had -- well, you mentioned

5 something about a ruler.

6 A. Uh-huh.

7 Q. Were students required to buy a ruler for that

8 class or why don't you tell me about the ruler.

9 A. Just like -- like basic I guess equipment just

10 for that class. I think I remember a ruler, like six --

11 I don't know why. I think I remember a six-inch ruler

12 for some reason.

13 Q. Did the teacher tell students they had to buy a

14 ruler to participate in the class?

15 A. In projects, yeah, usually, yeah, usually like

16 sophomore and freshman years teachers tell you "Oh, you

17 have to get this or else I am going to deduct points" or

18 whatnot.

19 Q. Wait a second. Listen to my question. Did your

20 teacher, your science class tell students that they had

21 to buy a ruler to participate in the class?

22 A. I don't recall.

23 Q. Have you ever had a teacher in a science class

24 that told you you had to buy something to participate in

25 the class?

1 A. My -- yes, in my most recent advanced physical

2 science. That I did need a special type of calculator

3 that was a little difficult because I couldn't just get

4 any kind of calculator. I had to get a specific type.

5 Q. In your advanced --

6 A. Physical science that I took on intersession.

7 Q. Okay.

8 A. That one I did have to get a special type of

9 calculator. Which that one I ended up having to

10 borrow.

11 Q. You used a calculator in the science class you

12 took in the eleventh grade. Did you not use the same

13 calculator you used in your advanced physical

14 science?

15 A. No, I really doubt it, because I am sure the

16 calculator I used in I guess my eleventh grade year was

17 just a basic times, multiply calculator, and the one I

18 used in my advanced physical science was to a square root

19 and whatnot.

20 Q. What did your teacher tell you about the

21 calculator in the advanced physical science class?

22 A. Get one or buy one.

23 Q. He didn't say you had to go out and buy

24 calculator at the store to take to class, did he?

25 A. You didn't have to buy one, but you needed one.

1 Q. You were able to get a calculator from someone?

2 A. Yes. Eventually I was able to borrow a

3 calculator from one of my friends.

4 Q. Any students in that class that didn't have a

5 calculator?

6 A. I am sure there was.

7 Q. Do you recall any students in that class that

8 didn't have a calculator?

9 A. No, I can't give you the specific names now.

10 Q. Do you recall any students who didn't have a

11 calculator, without telling me their names?

12 A. Right.

13 Q. Do you recall any students who didn't have a

14 calculator in the class?

15 A. I think -- I am sure there was like one or two.

16 I mean I remember one would actually ask me to lend him

17 my calculator.

18 Q. Okay. Other than that student who borrowed your

19 calculator from time to time, do you recall any students

20 who didn't have a calculator in your science class, your

21 advanced physical science class?

22 A. A calculator? No.

23 MR. CHOATE: Can you read back that answer.

24 (The record was read

25 by the reporter as follows:

1 "A. A calculator? No.")

2 BY MR. CHOATE:

3 Q. You don't recall any other students who didn't

4 have a calculator?

5 A. No, I don't recall.

6 Q. What about in your science class last year, this

7 notebook journal? Did your teacher tell you that you had

8 to go out and buy a notebook or journal to take the

9 class?

10 A. I think -- I mean it was one of the requirements

11 for that class. I remember because he had -- I remember

12 because I think I even -- no, no, wait. That was --

13 yeah. You needed that type of book or journal type thing

14 for that class.

15 Q. Did your teacher ever tell students in the

16 science class if they didn't go buy that book, that they

17 wouldn't be allowed to take the class?

18 A. I don't know if you could be -- I don't know if

19 you could say you are not allowed to take the class,

20 but --

21 Q. I am asking you did your teacher ever say

22 anything like that to the students, that they wouldn't be

23 allowed to take the class if they didn't go out and buy

24 this journal?

25 A. No, I don't think they said that.



1 Q. Did your teacher ever tell students they would  
2 have points deducted from the grades in the science class  
3 if they didn't go and buy the journal?

4 A. Yeah.

5 Q. Your teacher said that? Do you recall him  
6 specifically saying that or not?

7 A. That teacher specifically?

8 Q. In your science class last year did your science  
9 teacher tell students they would have points deducted  
10 from their grades if they did not go out and buy this  
11 notebook or journal?

12 A. That teacher, no.

13 Q. Did you have any science teacher that told  
14 students in a class that if they didn't go out and buy a  
15 particular supply, they would have points deducted from  
16 their grades?

17 A. Yes.

18 Q. What teacher?

19 A. I think my biology teacher.

20 Q. What specifically --

21 A. She was just real strict. Just, I don't know,  
22 like a notebook for the class and certain -- I remember.

23 Q. What specifically did your biology teacher tell  
24 students to purchase?

25 A. Notebook, black and blue pen and I think a red

1 students those three-ring binders?

2 A. I don't know. Because in some cases some people  
3 can't, whatever. I don't know.

4 MR. CHOATE: It is a little after 12:00 now. We  
5 could take a break now if you want to and go to lunch.

6 MR. WEISS: That's great.

7 MR. CHOATE: You want until 1:00?

8 MR. WEISS: Let's take an hour if it is all  
9 right.

10 MR. CHOATE: So let's get back here at ten after  
11 1:00.

12 MR. WEISS: Perfect.

13 (Whereupon a luncheon recess was  
14 taken at 12:07 P.M.)

1 one, just stuff like that.

2 Q. Kind of as a general matter as a student in high  
3 school, did you have one of those three-ring notebooks  
4 that students typically carry that you keep your papers  
5 and divide it by classes?

6 A. Do I have one?

7 Q. Yeah.

8 A. I keep all my -- no. I keep all my -- I keep  
9 all my work in notebooks now. It keeps me organized  
10 better.

11 Q. Like what kind of notebooks?

12 A. Like three --

13 Q. Three-ring binders?

14 A. Right.

15 Q. Do other students at school keep their papers in  
16 three-ring binders?

17 A. I am sure they do, yeah.

18 Q. Do you buy your own three-ring binders?

19 A. Yeah.

20 Q. Do you think the school should buy those for  
21 you?

22 A. Three-ring binders?

23 Q. Yeah.

24 A. Those? I guess -- I don't know. I guess not.

25 Q. You don't think the school should buy the

1 LOS ANGELES, CALIFORNIA  
2 SATURDAY, JANUARY 19, 2002  
3 1:20 P.M.

4  
5 GEYMAN HERNANDEZ,  
6 having been previously duly sworn,  
7 was examined and testified further as follows:

8  
9 MR. CHOATE: Let's go back on the record.

10  
11 EXAMINATION (Resumed)

12 BY MR. CHOATE:

13 Q. Good afternoon, Geyman. Do you realize you are  
14 still under oath?

15 A. Yes.

16 Q. And you are still required to answer my  
17 questions to the best of your ability and to provide  
18 complete and truthful testimony?

19 A. Yes.

20 Q. Is there any reason why you can't give your most  
21 truthful, accurate testimony this afternoon?

22 A. No.

23 Q. I think you testified earlier before we broke  
24 that you don't remember whether you actually purchased a  
25 calculator for your science class last year; is that

1 correct?  
 2 A. Yes.  
 3 Q. Have you ever been required to pay a fee to take  
 4 a course at Huntington Park Senior High School?  
 5 A. To take a course?  
 6 Q. Yes.  
 7 A. No.  
 8 Q. Have you ever been required to pay a fee to  
 9 participate at any activity at Huntington Park Senior  
 10 High School?  
 11 A. To participate like to pay for grad night and  
 12 things like that.  
 13 Q. I am just wondering if you ever had to pay a fee  
 14 in order to participate at an activity at Huntington Park  
 15 High School?  
 16 A. Do like dances and whatnot count? Yes? Well,  
 17 yeah. Yes.  
 18 Q. You have had to pay a fee to attend dances?  
 19 A. Yeah.  
 20 Q. Other than dances, have you had to pay a fee to  
 21 participate in an activity at school?  
 22 MR. WEISS: Objection. Vague as to the  
 23 definition of "activity."  
 24 BY MR. CHOATE:  
 25 Q. Have you been required to pay a fee to

1 participate in any extracurricular activities at school?  
 2 A. That I can think of right now? Not really,  
 3 right now.  
 4 Q. The answer is "No"?  
 5 A. "No."  
 6 Q. I want to make sure I get a correct answer, a  
 7 correct response, because I think it was a little unclear  
 8 on the record.  
 9 Your answer to my last question was "No"; is  
 10 that correct?  
 11 A. Yes.  
 12 Q. Do you know any students at Huntington Park  
 13 Senior High School that have been asked to pay a fee in  
 14 order to take a course at your school?  
 15 A. Not that I know of, no.  
 16 Q. Do you know of any students at Huntington Park  
 17 Senior High School that have been asked to pay a fee in  
 18 order to participate in an extracurricular activity?  
 19 A. Not that I know of, no.  
 20 Q. Have you ever had any points deducted from your  
 21 grades at any class at Huntington Park Senior High School  
 22 because you did not purchase a supply of some kind for  
 23 that class?  
 24 A. I could say yes.  
 25 Q. What class?

1 A. I don't recall which class, but I do remember  
 2 maybe not -- being deducted maybe five points for not  
 3 bringing in my notebook or something or another.  
 4 Q. You recall in one class you had five points  
 5 deducted from your grade for not bringing in your  
 6 notebook?  
 7 A. I believe -- deducted points, yes.  
 8 Q. What class?  
 9 A. I don't recall, but it has happened.  
 10 Q. You don't recall what class?  
 11 A. No.  
 12 Q. What year?  
 13 A. Maybe my -- I don't know.  
 14 Q. How can you be so sure it happened then if you  
 15 don't remember the class and the year?  
 16 A. I mean I know it has happened because I remember  
 17 I forgot my -- I remember that situation. I think it may  
 18 be my sophomore year.  
 19 Q. And in your sophomore year in this class, points  
 20 were deducted because you didn't bring your notebook to  
 21 class?  
 22 A. Yes.  
 23 Q. Yes?  
 24 A. Yes.  
 25 Q. My question, however, was have you ever had

1 points deducted from a grade in any class in Huntington  
 2 Park Senior High School because you did not purchase one  
 3 or more instructional supplies for that class?  
 4 A. Ask the question again.  
 5 Q. Have you ever been told by a teacher at  
 6 Huntington Park Senior High School that grades would be  
 7 deducted from your grade in a particular class if you did  
 8 not purchase one or more instructional supplies for that  
 9 class?  
 10 A. I guess that's a "yes" then.  
 11 Q. Okay. And what class was that?  
 12 A. I don't remember the specific course.  
 13 Q. Was it one course or was it more?  
 14 A. For now I will say one course.  
 15 Q. What does that mean for now you will say one  
 16 course?  
 17 A. Like from what I can remember now, at this time  
 18 period.  
 19 Q. Can you remember what that course -- what was  
 20 the subject of that course?  
 21 A. I am thinking. I am thinking it's a biology  
 22 class.  
 23 Q. And what did your biology teacher tell you?  
 24 A. Just to bring in certain materials.  
 25 Q. What materials?

1 A. Pen, paper, notebook, calculator.  
 2 Q. What did your biology teacher tell you  
 3 specifically about points being deducted from your score,  
 4 from your grade?  
 5 A. Like if you didn't have the certain materials  
 6 when she would check, she would deduct points.  
 7 Q. Did she tell you that specifically?  
 8 A. Yeah.  
 9 Q. And the materials that you are talking about are  
 10 a pen and paper?  
 11 A. Pen and paper, yeah.  
 12 Q. Is that it?  
 13 A. Well, no. I was going to say book, but that  
 14 doesn't count as a purchase. Like your science book or  
 15 whatever.  
 16 Q. Have you ever been required to purchase a book  
 17 at Huntington Park Senior High School?  
 18 A. No.  
 19 Q. In this biology class did your teacher tell the  
 20 students they had to purchase a pen and paper or you had  
 21 to bring a pen and paper to class?  
 22 A. That you had to bring a pen and paper to class.  
 23 Q. But she didn't say you had to go out and buy a  
 24 pen and paper in order to participate in the class, did  
 25 she?

1 A. No.  
 2 Q. And were there any occasions in which you forgot  
 3 to bring a pen and paper to class?  
 4 A. Yes, there is an occasion where I forgot some  
 5 type of material like pen and paper.  
 6 Q. How many occasions?  
 7 A. I don't know, maybe twice, around, maybe two  
 8 times, maybe.  
 9 Q. Are you guessing?  
 10 A. Yes, I am.  
 11 Q. All right. I don't want you to guess.  
 12 A. All right.  
 13 Q. Were points deducted from your grade in that  
 14 class on one or more of the occasions in which you forgot  
 15 to bring a pen and paper?  
 16 A. That is what she said, yes.  
 17 Q. What did she tell you?  
 18 A. She said, "I would deduct" -- like "Those who do  
 19 not have material will be deducted points."  
 20 Q. Do you think that's a good rule?  
 21 A. I don't know.  
 22 Q. Well, what do you think? What's your opinion?  
 23 A. I don't know. I guess it's just her way of  
 24 trying to make sure things are -- people bring things to  
 25 class.

1 Q. Do you think students should bring pens and  
 2 papers to class if their teachers bring pens and paper to  
 3 class?  
 4 A. I suppose, yes.  
 5 Q. How many counselors are there at Huntington Park  
 6 Senior High School?  
 7 A. I mean -- overall?  
 8 Q. Yeah.  
 9 A. I don't -- right now I'm not sure exactly how  
 10 many. On my track there are three.  
 11 Q. There are three counselors on your track?  
 12 A. Uh-huh.  
 13 Q. Do you have any reason to believe there are  
 14 fewer than three counselors on the A track or B track?  
 15 A. I don't know.  
 16 Q. You don't have any reason to believe that there  
 17 are fewer counselors on the A track or the B track?  
 18 A. I don't know.  
 19 Q. Do you understand my question?  
 20 A. Can you repeat it.  
 21 Q. You testified that there are three counselors on  
 22 the C track.  
 23 A. Right.  
 24 Q. Do you have any reason to believe that there are  
 25 fewer than three counselors on the A track or B track?

1 A. Right, at this point, yes, because we already  
 2 got a new third counselor. Originally there was only  
 3 two.  
 4 Q. When did a third counselor come to the C track?  
 5 A. Barely the beginning of the semester.  
 6 Q. This semester of your twelfth grade year?  
 7 A. The beginning, yes.  
 8 Q. Do you have any reason to believe that there is  
 9 not also a third counselor now in the A track or B track?  
 10 A. I don't know.  
 11 Q. What is your counselor's name?  
 12 A. Right now it is Ms. Chavez.  
 13 Q. Ms. Chavez. Has she been your counselor  
 14 throughout the entire twelfth grade year?  
 15 A. So far, yes.  
 16 Q. Who was your counselor during your eleventh  
 17 grade year?  
 18 A. Ms. Hunt.  
 19 Q. Was Ms. Hunt your counselor during your entire  
 20 eleventh grade year?  
 21 A. Yes.  
 22 Q. Was she -- I'm sorry. Was Ms. Hunt your only  
 23 counselor during your eleventh grade year?  
 24 A. Yes.  
 25 Q. Who was your counselor during your tenth grade

1 year?  
 2 A. Ms. Hunt.  
 3 Q. Was she your only counselor during your tenth  
 4 grade year?  
 5 A. Yes.  
 6 Q. And who was your counselor during your ninth  
 7 grade year?  
 8 A. Ms. Hunt.  
 9 Q. Was she your only counselor during your ninth  
 10 grade year?  
 11 A. Yes.  
 12 Q. Why is Ms. Chavez your counselor in the twelfth  
 13 grade year now; do you know?  
 14 A. I don't know the exact reasons why.  
 15 Q. How many times per year on average do you see  
 16 your counselor?  
 17 A. Average?  
 18 Q. Yeah. Well let's just start with your ninth  
 19 grade year. Approximately how many times did you speak  
 20 with your counselor Ms. Hunt during your ninth grade year  
 21 at Huntington Park Senior High School?  
 22 A. I don't know. For sure at least -- for sure --  
 23 for sure more than twice.  
 24 Q. Why for sure more than twice?  
 25 A. Because she calls you in like when you enroll,

1 Q. Did you meet with her on fewer than five  
 2 occasions?  
 3 A. Maybe around -- maybe about. Three to five.  
 4 Q. You met with her you are estimating between  
 5 three and five times in your eleventh grade year?  
 6 A. Yes.  
 7 Q. What about during your twelfth grade year? On  
 8 how many occasions can you recall having met with  
 9 Ms. Chavez?  
 10 A. I think between so far two -- oh, wait. Twelfth  
 11 grade year? So far maybe more than two, less than six.  
 12 Q. How many times specifically do you recall  
 13 meeting with Ms. Chavez during your twelfth grade year,  
 14 specific occasions that stand out in your memory?  
 15 A. How many times -- would you repeat the question.  
 16 Q. I want to know how many specific occasions do  
 17 you remember on which you met with Ms. Chavez during your  
 18 twelfth grade year? And if you don't know, you don't  
 19 know, but I just want to know how many specific occasions  
 20 you recall having met with your counselor in twelfth  
 21 grade.  
 22 A. Exact number, I don't know.  
 23 Q. You are not sure?  
 24 A. No.  
 25 Q. What is the purpose of a high school counselor

1 like usually the first day, like each semester, so for  
 2 sure more than twice.  
 3 Q. So generally at school at least once each  
 4 semester a student will speak with his or her counselor?  
 5 A. Right.  
 6 Q. And did you meet with Ms. Hunt at least twice in  
 7 your tenth grade year?  
 8 A. At least my twelfth grade year?  
 9 Q. Tenth grade.  
 10 A. Oh, tenth. At least twice? Yeah. Yeah.  
 11 Q. Do you recall having met with her on more than  
 12 two occasions during the tenth grade year?  
 13 A. I can't recall, no.  
 14 Q. What about during your ninth grade year? Do you  
 15 recall having met with your counselor on more than two  
 16 occasions?  
 17 A. I can't recall.  
 18 Q. What about during your eleventh grade year? Did  
 19 you meet with or do you recall having met with Ms. Hunt  
 20 during your eleventh grade year on more than two  
 21 occasions?  
 22 A. My eleventh grade year? Yeah. Yes.  
 23 Q. On how many occasions did you meet with Ms. Hunt  
 24 during your eleventh grade year?  
 25 A. More than twice. Specific number, I don't know.

1 in your opinion?  
 2 A. In my opinion? Pretty much give you advice on  
 3 what classes you should take to graduate and maybe like  
 4 best decision for you to make to get into college.  
 5 Q. Have you been happy with Ms. Hunt as a counselor  
 6 during your ninth through your eleventh grade years?  
 7 A. Ms. Hunt? I can't say that I have, no.  
 8 Q. Have you been unhappy with Ms. Hunt?  
 9 A. Yes.  
 10 Q. How so?  
 11 A. She just -- even though I have met with her a  
 12 couple times, it doesn't seem like -- each time it has  
 13 only been for a few minutes. And usually like it's not  
 14 very -- it's not good because she doesn't give you very  
 15 much -- a lot of options.  
 16 Q. What options did she not give you?  
 17 A. I can't think of the specific ones, but like  
 18 usually she -- it's not -- you are not given many  
 19 options. I am trying to think of an example. Just  
 20 classes in general that you would want. There just  
 21 wasn't like a lot of choices.  
 22 Q. In terms of?  
 23 A. Just like classes that you regularly want or --  
 24 Q. What classes have you wanted to take that you  
 25 talked to Ms. Hunt about and you were unhappy with the

1 advice she gave you?  
 2 A. I guess that painting class, for instance.  
 3 Q. Can you recall any other occasion?  
 4 A. Yeah. The fact that I wanted a math class.  
 5 Q. Anything else?  
 6 A. At the moment, no.  
 7 Q. The painting class was a class you wanted to  
 8 take in your ninth grade year, right, or is that not  
 9 right?  
 10 A. I don't know. I don't remember.  
 11 Q. You don't recall what year at Huntington Park  
 12 Senior High School you wanted to take the painting class?  
 13 A. I don't believe it was my freshman year. But I  
 14 don't remember what year it was.  
 15 Q. Did she ever discuss with you why you were  
 16 unable to enroll in the class?  
 17 A. The painting?  
 18 Q. Yeah.  
 19 A. Yeah.  
 20 Q. What did she tell you?  
 21 A. That it didn't -- she can't fit me in because of  
 22 my schedule.  
 23 Q. Did you ever try to take a painting class on any  
 24 other occasion?  
 25 A. I do remember asking for that class more than

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 Q. Are you unhappy with the advice you have  
 17 received from Ms. Chavez this year?  
 18 A. No.  
 19 Q. No?  
 20 A. No.  
 21 Q. What is the procedure in Huntington Park Senior  
 22 High School for meeting with your counselor? How does  
 23 that work?  
 24 A. If I wish to speak to my counselor?  
 25 Q. Well, I think you indicated that each student

1 once, but I didn't get it.  
 2 Q. Did you ever speak to Ms. Hunt on a different  
 3 occasion about why you can't take painting?  
 4 A. Yeah.  
 5 Q. How many occasions did you speak with Ms. Hunt  
 6 about the painting class?  
 7 A. I can't. I don't know.  
 8 Q. You don't have any idea?  
 9 A. No.  
 10 Q. Did you ever consider trying to take -- is  
 11 painting offered during intersession?  
 12 A. I don't know. I don't know.  
 13 Q. Did you ever ask Ms. Hunt?  
 14 A. No.  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

1 meets at least twice a year with the counselor.  
 2 A. Right.  
 3 Q. How does that work, that process?  
 4 A. She either summons you into her class or into  
 5 her office, or how Ms. Hunt has done it before, she would  
 6 go to your -- one of your classes and give you -- like  
 7 just talk to you there in that class also while you  
 8 choose your elective for the next semester.  
 9 Q. And which way did it typically work with you?  
 10 Were you summoned to go see Ms. Hunt in her office or did  
 11 Ms. Hunt typically come to your class and speak with you  
 12 in class?  
 13 A. I have done both. Like she has come to my class  
 14 before.  
 15 Q. Have you ever had to miss class time, class  
 16 instruction because of your need to meet with your  
 17 counselor?  
 18 A. Yeah.  
 19 Q. How many times?  
 20 A. Exact number, I can't. I don't know.  
 21 Q. Approximately?  
 22 A. Over a year, in a year's time or --  
 23 Q. Well, I mean, one of the ways you can meet with  
 24 your counselor is being summoned to her office.  
 25 A. Right.

- 1 Q. Would you typically be summoned to your  
2 counselor's office while you were in class?  
3 A. Yes.  
4 Q. So one of the reasons you would miss class time  
5 is because you have been summoned to the counselor's  
6 office to meet with the counselor; right?  
7 A. Yes.  
8 Q. How much time would it typically take you, you  
9 know, when you are summoned to go see your counselor, how  
10 much time does it take you to go down and meet with your  
11 counselor and get the advice and get back to class?  
12 A. Depending. Usually there was a long line. Like  
13 it would take a while. Like you would be sitting there  
14 for a while.  
15 Q. And how long is a "while"?  
16 A. 30 minutes.  
17 Q. Was it always that long or was it sometimes  
18 shorter than that?  
19 A. Once in a while it was shorter. But usually,  
20 especially freshmen and sophomores, usually seniors get  
21 first priority.  
22 Q. So freshmen and sophomores sometimes have to  
23 wait a little longer --  
24 A. Yes.  
25 Q. -- so seniors can be dealt with first?

- 1 A. Yes.  
2 Q. So a freshman, let's say, may if it takes a half  
3 hour to wait and see your counselor, sometimes that  
4 freshman may miss a class that half hour if she has to  
5 meet with the counselor; is that correct?  
6 A. Yes.  
7 Q. In your opinion has your education at Huntington  
8 Park Senior High School been impaired in any way because  
9 you had to miss class time occasionally to see your  
10 counselor?  
11 A. Yeah. Yeah.  
12 Q. And can you tell me how?  
13 A. Just for that day you either miss the lecture.  
14 If you are summoned early in the period, you miss the  
15 lecture in whatever was taught that period or you miss  
16 the homework. You miss something. You miss an  
17 assignment or whatnot.  
18 Q. On those days when, let's say you, in the times  
19 when you were summoned out of a class to go see your  
20 counselor, what did you do? Did you ask a friend for  
21 notes or did you ask to speak to your teacher to see what  
22 happened that day?  
23 A. I don't think I did.  
24 Q. Why not?  
25 A. Too busy going to class. I don't know. I

- 1 didn't ask.  
2 Q. Do you think that Huntington Park Senior High  
3 School should change the way counselors interact with  
4 students so you don't have to miss class time?  
5 A. Yeah.  
6 Q. And how do you think the school would change  
7 that process?  
8 A. Well, just like one -- I don't know about the  
9 whole process, but one would be to find a way that  
10 counselors wouldn't be as busy so you could just have  
11 more time to talk with them.  
12 Q. But students would still be summoned out of  
13 class, wouldn't they?  
14 A. Well, yeah, but like find a way so they are not  
15 as busy so you get down there, you wait half an hour,  
16 hour and you can talk to your counselor about five  
17 minutes, even less, just so you won't have to wait just  
18 so they won't be as busy.  
19 Q. What do you think your school can do to make  
20 counselors not as busy?  
21 A. I am saying the population may be -- the only  
22 thing I can think of is right now, maybe more counselors.  
23 Q. How many times would you estimate you have had  
24 to miss class because you have had to wait for a  
25 counselor to advise you?

- 1 A. How many times?  
2 Q. Uh-huh. Yeah. How many different times?  
3 A. I can't. I don't know.  
4 Q. Do you have any idea?  
5 A. Well, for sure more than twice. That's like a  
6 for sure number. Like two times.  
7 Q. Since you have been at Huntington Park?  
8 A. Maybe like more than two times in the school  
9 year.  
10 Q. I thought you said sometimes counselors come to  
11 your class, though, and advise students in class.  
12 A. Yeah, but like eventually -- I mean personally  
13 me, I can say I have been summoned a lot more than two  
14 times and missed that time.  
15 Q. And on any of the occasions on which you were  
16 summoned out of class, did you ever make any effort to  
17 find out what happened in class, ask students for notes  
18 or talk to your teachers after class?  
19 A. I can't say that I have.  
20 Q. Do you think that that would have been a good  
21 idea?  
22 A. Might have, yeah.  
23 Q. Why didn't you do it?  
24 A. I don't know. I didn't think about it at the  
25 time. Kind of forgetful.

1 Q. Have you met with the counselor about your plans  
2 to attend community college?  
3 A. Like my plans on going to community college?  
4 Q. Have you ever spoken to a counselor at  
5 Huntington Park Senior High School about the possibility  
6 of you attending community college?  
7 A. I can't say that I have. I don't think, not my  
8 counselors.  
9 Q. Why not?  
10 A. Too many other stuff to worry about. I don't  
11 know.  
12 Q. What other things do you have to worry about?  
13 A. Homework, class work, school on time.  
14 Q. How are you going about or how do you foresee  
15 about the application process for community college?  
16 A. How would I?  
17 Q. Yeah. How are you going to do that?  
18 A. First I would have to go, I guess, I would go to  
19 the college office, see what they tell me. Usually they  
20 have applications there. If not, I think they will tell  
21 me where to go pick one up.  
22 Q. We had talked earlier about whether you knew of  
23 any students who have been unable to enroll in the course  
24 because there wasn't enough space. And I kind of want to  
25 ask you a similar line of questions.

1 Have you ever been unable to participate in an  
2 extracurricular activity at Huntington Park Senior High  
3 School because the activity was offered on a different  
4 track than the C track?  
5 MR. WEISS: Objection. Vague and ambiguous.  
6 BY MR. CHOATE:  
7 Q. Have you ever wanted to participate in an  
8 extracurricular activity that was offered only while you  
9 were off track?  
10 A. No.  
11 Q. Do you know any students who have -- do you know  
12 of any students who have chosen to participate in  
13 extracurricular activities that are offered when those  
14 students are off track?  
15 A. Yes.  
16 Q. How many students do you know like that?  
17 A. Around for sure three.  
18 Q. What are their names?  
19 A. Burton, Burton, Carlos Lopez and who else?  
20 Milton.  
21 Q. Burton, Carlos Lopez and Milton. Are these  
22 three students on C track?  
23 A. Yes.  
24 Q. What activities does Burton participate in or  
25 has he participated in that are offered while he's off

1 track?  
2 A. Basketball.  
3 Q. Any others?  
4 A. Well, he has calculus which is only given by an  
5 A track teacher.  
6 Q. I am just talking about extracurricular  
7 activities.  
8 A. Yeah, just basketball.  
9 Q. Okay. What about Carlos Lopez? What activities  
10 has he participated in while he has been off track?  
11 A. Basketball also.  
12 Q. Is that it?  
13 A. Basketball.  
14 Q. Is that the only activity that Carlos  
15 participates in off track?  
16 A. That I can think of, yeah.  
17 Q. What about Milton?  
18 A. Band.  
19 Q. Is that the only activity Milton participates in  
20 off track, to your knowledge?  
21 A. Yeah.  
22 Q. When is basketball offered?  
23 A. It's usually during whatever basketball season  
24 is open, which is I think right now. But usually the  
25 season carries on into our vacation time, into, yeah, our

1 vacation time.  
2 Q. Well, does the basketball season extend into the  
3 C track?  
4 A. A portion, yeah.  
5 Q. And a portion of the basketball season is in  
6 another track or is it during all three tracks?  
7 A. No. It's only whenever the season is open, I  
8 guess. But they only have -- I do know they play off,  
9 like they do play-offs or whatever during vacation time  
10 or, you know.  
11 Q. The basketball class meets sixth period, doesn't  
12 it?  
13 A. Yes.  
14 Q. At the end of the day?  
15 A. Yes.  
16 Q. Students on the basketball team have to -- do  
17 they have practice every day?  
18 A. I'm not certain. I guess so.  
19 Q. Well, when Burton is off track, he has to come  
20 back during his free time to participate in the  
21 basketball team?  
22 A. Uh-huh. Yes.  
23 Q. And that takes place at the -- he has to come  
24 back in the afternoon to participate in the basketball  
25 team; is that right?

1 A. Yes.  
 2 Q. And the same would be true for Carlos Lopez?  
 3 A. Yes.  
 4 Q. When is band offered; do you know?  
 5 A. It is offered same time as when football season  
 6 is open.  
 7 Q. Do you know when the band class meets?  
 8 A. I'm not sure.  
 9 Q. Does it meet in the afternoon; do you know?  
 10 A. I'm not sure.  
 11 Q. Have you spoken with Burton and Carlos about  
 12 their experiences participating in basketball in terms of  
 13 having to come back when they are off track?  
 14 A. Not Carlos, but I have Burton, yeah.  
 15 Q. And what's been, you know, Burton's experience?  
 16 A. He had a little trouble with it because he had a  
 17 job, so he had to after work go to play basketball.  
 18 Q. Was he able to do both?  
 19 A. Well, he did it, yeah.  
 20 Q. And you never spoke with Carlos about his  
 21 experience in terms of coming to participate in  
 22 basketball when he was off track?  
 23 A. No.  
 24 Q. Did you ever speak with Milton about his  
 25 experience coming to participate in band when he was off

1 activity during their off track time, can they do that?  
 2 A. I don't know.  
 3 Q. You have no idea?  
 4 A. I don't know.  
 5 Q. Do you think it's a good thing that students can  
 6 come back during their off track time and participate in  
 7 extracurricular activities at school?  
 8 A. Some extracurricular activities, as long as it's  
 9 not in the morning.  
 10 Q. You think it's a bad thing for a student not to  
 11 come back to school during their off track time in the  
 12 morning to participate in activities?  
 13 A. Well, my personal opinion, I wouldn't enjoy it.  
 14 Q. Do you know whether other students do enjoy it?  
 15 A. I don't know.  
 16 Q. Do you know any students who have been unable to  
 17 participate in an extracurricular activity that was  
 18 offered in part during their off track time?  
 19 A. I don't know.  
 20 Q. My question is, do you know any students who  
 21 have been unable to participate in an extracurricular  
 22 activity that was offered in part during their off track  
 23 time?  
 24 A. I can't think of anyone right now.  
 25 Q. Your friend Burton on, the basketball team, he

1 track?  
 2 A. Yeah. He has mentioned it.  
 3 Q. What has Milton said to you in terms of that  
 4 experience?  
 5 A. I think it does bother him. Now that I think  
 6 about it, his band is in the morning, first period, so on  
 7 vacation time he has to wake up, still has to wake up  
 8 early.  
 9 Q. What time does he have to wake up; do you know?  
 10 A. Classes start at 7:25, so whatever time it takes  
 11 him to get to school at 7:25.  
 12 Q. First period starts at 7:25?  
 13 A. Yes.  
 14 Q. Does he enjoy the band; do you know?  
 15 A. I don't know. He's in it.  
 16 Q. But you have never actually participated in an  
 17 extracurricular activity that was offered only while you  
 18 were off track, have you?  
 19 A. Me? No.  
 20 Q. Do you know any student at Huntington Park  
 21 Senior High School who has been unable to participate in  
 22 an extracurricular activity because that activity was  
 23 offered while the student was off track?  
 24 A. No.  
 25 Q. If any student wants to participate in an

1 had a job during his off-track time?  
 2 A. Yeah.  
 3 Q. Do you know what he did?  
 4 A. I'm not sure. I think -- I think he was working  
 5 at [REDACTED]  
 6 Q. And then after his job was over, he would come  
 7 back to school and participate in basketball?  
 8 A. Uh-huh, yes.  
 9 Q. And that was in the afternoon?  
 10 A. Yes.  
 11 Q. Is there a building at Huntington Park Senior  
 12 High School that's known as the 300s building?  
 13 A. Yes.  
 14 Q. What is that? I mean is it like the main  
 15 administration building or --  
 16 A. No. It's just one of the buildings.  
 17 Q. Do you know what classes are taught in there?  
 18 A. From my experience, generally science or math.  
 19 Q. Do you know how many classrooms are there in  
 20 that building?  
 21 A. Exact number, I don't know.  
 22 Q. Are you aware of any safety hazards in that  
 23 building?  
 24 A. I have heard someone mention about maybe like  
 25 five hazard upstairs.



1 Q. I'm sorry, could you --  
 2 A. Just like a hazard from the stairs.  
 3 Q. What kind of hazard from the stairs?  
 4 A. Like worry that they were just not -- they are  
 5 not -- like not big enough, not wide enough for so many  
 6 students.  
 7 Q. Is that the only safety hazard that you are  
 8 aware of in the 300s building?  
 9 A. There are others, but I don't know what. I  
 10 can't say for sure right now.  
 11 Q. How do you know there are others?  
 12 A. I mean I remember them being mentioned, but I  
 13 don't remember what and where.  
 14 Q. How many fire exits are there in the 300s  
 15 building?  
 16 A. Fire exits?  
 17 Q. Uh-huh.  
 18 A. Right now there are three exits.  
 19 Q. And do those function as fire exits?  
 20 A. Yes.  
 21 Q. Do you recall an occasion on which there have  
 22 been fewer than three fire exits in that building?  
 23 A. Yes.  
 24 Q. When was that?  
 25 A. I don't know when, but a few months. In the

1 past there was only two stairs in use to exit. The back  
 2 stairs is occasionally closed, locked.  
 3 Q. When you say "in the past," when are you  
 4 referring to?  
 5 A. Maybe two years ago, two years ago.  
 6 Q. Would that be the '99 to 2000 school year?  
 7 A. Yes.  
 8 Q. So is it your testimony that in the 1999 to 2000  
 9 school year, there were two fire exits in the 300s  
 10 building, but the third exit was sometimes closed and  
 11 sometimes open?  
 12 A. I don't think -- like you couldn't go back there  
 13 because that exit led to outside and usually they would  
 14 lock it, so like people wouldn't be -- you would cut  
 15 school.  
 16 Q. But there were still two other ways to get in  
 17 and out of the building; right?  
 18 A. Yes.  
 19 Q. And how did that create a safety hazard in your  
 20 opinion?  
 21 A. In my opinion it just didn't seem like in case  
 22 of an emergency, those children -- children? -- students  
 23 could get down quickly.  
 24 Q. Did that concern you?  
 25 A. Me? Yes.

1 Q. Did you ever voice your concern to anybody in  
 2 the administration at Huntington Park Senior High School?  
 3 A. No, I did not.  
 4 Q. Why not?  
 5 A. Honestly I didn't think my concern would draw,  
 6 like, attention.  
 7 Q. You didn't think your concern would draw  
 8 attention?  
 9 A. Unh-unh.  
 10 Q. Why not?  
 11 A. I don't know.  
 12 Q. Are you aware of any occasion in which the 300s  
 13 building didn't comply with legal requirements relating  
 14 to fire exits?  
 15 MR. WEISS: Objection. Calls for a legal  
 16 conclusion.  
 17 BY MR. CHOATE:  
 18 Q. You can answer the question.  
 19 A. I don't know.  
 20 Q. You don't know?  
 21 A. No.  
 22 Q. You said the school or the administration  
 23 sometimes kept the back exit from the 300s building  
 24 closed so students would not ditch class?  
 25 A. Yes.

1 Q. And when you say it was usually locked, how  
 2 often would you say that door was kept locked?  
 3 A. I don't know. I don't know. There is no reason  
 4 for me to go back there anyway, so I don't know.  
 5 Q. Can you recall any specific occasions in the '99  
 6 to 2000 school year that you went and checked if that  
 7 back door would open and you found that it was locked?  
 8 A. No.  
 9 Q. No?  
 10 A. Not that I can recall.  
 11 Q. How do you know that back door, then, was  
 12 usually locked?  
 13 A. It has been said that it was looked.  
 14 Q. Who said that?  
 15 A. Usually other students who try to leave before.  
 16 Q. So you have heard other students or other  
 17 students have told you that sometimes that back door was  
 18 looked?  
 19 A. Uh-huh.  
 20 Q. But you never actually discovered yourself  
 21 whether that back door was locked or unlocked at any  
 22 point, did you?  
 23 A. No.  
 24 Q. And is it your understanding that that back door  
 25 is now open?

1 A. Now it is.  
 2 Q. When did you learn that the administration  
 3 opened up that back door?  
 4 A. When they did some construction back there.  
 5 They made it so that -- they stretched the fence that was  
 6 right near that door. They stretched it -- they put it  
 7 back more so that people could get out through those  
 8 doors and still be in the campus.  
 9 Q. And is this what somebody told you?  
 10 A. No. I go down to there.  
 11 Q. You go now out that door?  
 12 A. Uh-huh.  
 13 Q. And is there in your opinion, is there a safety  
 14 hazard there now?  
 15 A. I don't know. I don't know if standard  
 16 proceedings or what's -- like what exits are supposed to  
 17 look like.  
 18 Q. Well, do you have any concerns that that exit in  
 19 the back of the 300s building is somehow unsafe?  
 20 A. Unsafe?  
 21 Q. Yeah.  
 22 A. No.  
 23 Q. Can you open the door in the back --  
 24 A. Yes.  
 25 Q. -- of the 300s building?

1 A. Yes.  
 2 Q. Can you open it all the way?  
 3 A. Yeah.  
 4 Q. That was a "yes"?  
 5 A. Yes.  
 6 Q. You are not aware of any occasion, though, in  
 7 which there was never a fire exit in the 300 building,  
 8 though?  
 9 A. Am I aware?  
 10 Q. Are you aware of any occasion in which there was  
 11 not a fire exit in the 300s building?  
 12 MR. WEISS: Objection. Vague and ambiguous as  
 13 to definition of a "fire exit."  
 14 THE WITNESS: I don't know. I don't know how to  
 15 answer that.  
 16 BY MR. CHOATE:  
 17 Q. Let me just rephrase the question.  
 18 Are you aware of any occasion on which there was  
 19 not a fire exit in the 300s building?  
 20 A. I suppose. Not aware? Wait. Can you repeat.  
 21 Q. Sitting here today, are you aware of any  
 22 occasion since you have been a student at Huntington Park  
 23 Senior High School in which there was not a fire exit in  
 24 the 300s building?  
 25 MR. WEISS: Objection. Same as to vague and

1 ambiguous as to the definition of a "fire exit."  
 2 MR. CHOATE: It is the definition you guys used  
 3 in the declaration, so I am sure he's equipped to answer.  
 4 THE WITNESS: Repeat the question.  
 5 BY MR. CHOATE:  
 6 Q. Sure. Are you aware of any occasion since you  
 7 have been a student at Huntington Park Senior High School  
 8 in which there was not a fire exit in the 300s building?  
 9 MR. WEISS: Same objection.  
 10 THE WITNESS: I don't know how to answer that.  
 11 BY MR. CHOATE:  
 12 Q. It is a real simple question. Are you aware of  
 13 any occasion in which there was not a fire exit that  
 14 worked in the 300s building?  
 15 MR. WEISS: Same objection.  
 16 THE WITNESS: For a time that back door was  
 17 not -- they were just -- you couldn't open those doors  
 18 back then.  
 19 BY MR. CHOATE:  
 20 Q. But you never discovered that you couldn't open  
 21 the doors. You actually never found that door locked,  
 22 did you?  
 23 A. It has been told and usually you need someone to  
 24 go back there to open it.  
 25 Q. You have never found that door locked, though,

1 have you?  
 2 A. I have never -- I can't say I have gone back  
 3 there.  
 4 Q. You have never found the door locked, have you?  
 5 A. No.  
 6 Q. And even during the times when it was your  
 7 understanding the doors were locked, there's still two  
 8 other exits that were opened at that building; correct?  
 9 A. Yeah, but they have been said to be not good  
 10 enough. It has been said those two were not good enough.  
 11 Q. Who said that?  
 12 A. My teachers.  
 13 Q. What teachers told you that?  
 14 A. I remember it being discussed by teachers.  
 15 Q. What teachers?  
 16 A. Whichever -- I don't remember, whatever teachers  
 17 were in at the time that building, my --  
 18 Q. What do you remember being discussed?  
 19 A. There was a discussion that those stairways are  
 20 not wide enough for students to go down in case of an  
 21 emergency.  
 22 Q. But you can't recall who those teachers were?  
 23 A. No. Specifically, no.  
 24 Q. How many boys' restrooms are there in Huntington  
 25 Park High School?

1 MR. WEISS: Counsel, can we just go off the  
2 record for a moment?  
3 MR. CHOATE: Sure.  
4 (A discussion was held off the record.)  
5 MR. CHOATE: Let's go back on the record.  
6 Q. Geyman, how many boys' restrooms are there in  
7 Huntington Park Senior High School?  
8 A. There's about six.  
9 Q. And where are they?  
10 A. There's two in the 300s building, two in the  
11 main building. Wait. Two -- I said 300s; right?  
12 Q. Yeah.  
13 A. Two in the 300s building, two in the main  
14 building, one in the PE locker room. And there's one in  
15 the music room.  
16 Q. The main administration building is that known  
17 as the 200s building?  
18 A. The main, yes.  
19 Q. It is?  
20 A. Yes.  
21 Q. Of those six bathrooms, which ones have you been  
22 in?  
23 A. Probably been to all of them.  
24 Q. You sound a little unsure, though.  
25 A. I was thinking about it. Yeah, I have been to

1 use the restrooms, that you have to use the restroom at  
2 Huntington Park Senior High School, do you use the  
3 restroom in the 200s building?  
4 A. Yes.  
5 Q. And there are two restrooms in the 200s  
6 building; right?  
7 A. Yes.  
8 Q. Do you use one of those?  
9 A. I use the only one that's open.  
10 Q. Which one is that?  
11 A. The one on the lower -- on the first floor.  
12 Q. So 80 percent of the time you use that one  
13 restroom on the lower floor of the 200s building?  
14 A. Right.  
15 Q. Okay. And the rest of the time is there a  
16 particular bathroom you usually use for the remaining  
17 20 percent of the time?  
18 A. Like I say, maybe 10 percent the one in 300s and  
19 10 percent the one near the music room.  
20 Q. Is the music room located by the gym by any  
21 chance?  
22 A. No.  
23 Q. No. Okay.  
24 Describe for me generally the condition of the  
25 bathroom in the 200s building that you use.

1 all of them.  
2 Q. How often do you use the restrooms at school?  
3 A. Quite a lot. I always use it after nutrition  
4 and after -- I always use it at nutrition and lunch.  
5 Q. So at least two times a day you use the  
6 restroom?  
7 A. Yes.  
8 Q. Every day?  
9 A. Practically, yeah.  
10 Q. And which restrooms do you typically use at  
11 Huntington Park?  
12 A. I usually use the one in the 200s building, the  
13 main building.  
14 Q. Is that the only one you typically use?  
15 A. Yeah. Yeah. That's the most convenient one  
16 like right next to my locker, so --  
17 Q. Kind of as a percentage in terms of, you know,  
18 all the times you use the bathroom, what percent of the  
19 time would you say you use the bathroom in the 200s  
20 building? 80 percent?  
21 A. I'm sorry, say that again.  
22 Q. Yeah. As a percentage, what percent of the time  
23 do you use the bathroom in the 200s building?  
24 A. 80, 80 percent of the time.  
25 Q. So approximately 80 percent of the time that you

1 A. What I use is generally clean.  
2 Q. Generally clean?  
3 A. Yeah, it's clean.  
4 Q. And has it always been like that in the 200s  
5 building?  
6 A. No.  
7 Q. If you can try and think back, when did the  
8 bathroom in the 200s building start becoming generally  
9 clean?  
10 A. Probably like during my junior year.  
11 Q. That would be in the 2000-2001 school year?  
12 A. Yes.  
13 Q. Would you put the time frame more at the  
14 beginning of the year or when?  
15 A. I could say like slowly during that year it got  
16 improved.  
17 Q. And now things are generally okay in that  
18 bathroom?  
19 A. In that one bathroom, yes.  
20 Q. Why don't you try to think back kind of to the  
21 time, you know, when the bathroom in the 200s building  
22 wasn't generally clean, so kind of I guess before the  
23 2000-2001 school year and maybe the beginning of it.  
24 What kind of conditions in that bathroom did you  
25 find to be objectionable?

- 1 A. Just it was dirty. But in the day like maybe  
2 fifth, sixth, trash cans would be full, no soap to wash  
3 your hands.
- 4 Q. Also kind of by the fifth or the sixth period?
- 5 A. Well, the soap thing kind of -- it kind of --  
6 like my guess is that they filled up Monday, so like you  
7 have soap Monday, and by sixth period it's gone and then  
8 they don't like refill it, so like you will go the next  
9 day without soap or towels.
- 10 Q. That's a guess, though?
- 11 A. Well, like, no, that you would go without soap  
12 or towels, but that's --
- 13 Q. So it's dirty. Sometimes there wouldn't be soap  
14 or towels. What other types of conditions are in that  
15 bathroom?
- 16 A. I occasionally find presence in the toilets.
- 17 Q. What kind of presence would you find in the  
18 toilets?
- 19 A. Not Christmas presents. Just like No. 2  
20 generally.
- 21 Q. I don't mean to embarrass you, but when you say  
22 No. 2, what are you referring to?
- 23 A. Like poop.
- 24 Q. Okay. And you would find that in the toilets?
- 25 A. Yes.

- 1 Q. What other conditions did you find in that  
2 bathroom?
- 3 A. Every once in a while you will find an  
4 overflowing urinal.
- 5 Q. When you say "once in a while," how often would  
6 you discover an overflowing urinal in the 200s building?
- 7 A. Secure to say about once every two months.
- 8 Q. Can you recall any other conditions that you  
9 found objectionable in the 200s building bathroom?
- 10 A. Yeah. When they weren't open. Since they  
11 wouldn't be open, either restrooms.
- 12 Q. What else?
- 13 A. Just, I don't know, I guess tagging, [REDACTED]  
14 [REDACTED]
- 15 Q. When you say "tagging," you are referring to  
16 graffiti?
- 17 A. Yeah.
- 18 Q. Anything else that you can recall?
- 19 A. Dirty floors.
- 20 Q. When you say "dirty floors," what do you mean?
- 21 A. Just dirty. They look dirty. Usually from, I  
22 don't know, somehow the floor would get wet from  
23 something leaking or another, and, you know, people are  
24 coming from who knows where, bringing dirt and mud, so it  
25 would get kind of muddy or dirty in there.

- 1 Q. I am still asking you questions about the  
2 period -- well, first actually, let me back up for a  
3 second.
- 4 You said you used the 200s building bathroom  
5 about 80 percent of the time. That was true also during  
6 your previous years at Huntington Park?
- 7 A. No. Maybe more like down to maybe 50 percent,  
8 maybe like freshman towards junior, maybe 50 percent of  
9 the time I used that restroom.
- 10 Q. You indicated that during the time period,  
11 2000-2001 school year and kind of earlier, the floors  
12 would be dirty and the trash cans would be full during  
13 the fifth or sixth period.
- 14 A. Right.
- 15 Q. Is that right?
- 16 A. Like I want to say yeah, but then there are days  
17 that you will find it the same way the next day.
- 18 Q. But in general?
- 19 A. Yes.
- 20 Q. In general you will notice that the bathrooms or  
21 that the 200s building bathroom is dirtier and the trash  
22 cans were full by the fifth and sixth period, towards the  
23 end of the day?
- 24 A. Yes.
- 25 Q. And in general the bathroom was cleaner and

- 1 there was less trash in the trash can in that bathroom in  
2 the beginning of the day. As a general matter is that  
3 accurate?
- 4 A. Yes.
- 5 Q. How often would you find No. 2 floating in the  
6 toilets in the 200s building restroom?
- 7 A. That I would have to say like for sure once a  
8 week. I don't know why. They just get clogged.
- 9 Q. Do you think sometimes the reason was that a  
10 student sometimes just didn't flush the toilet?
- 11 A. I don't know. Some of them -- I don't know.  
12 Some of them look like they have been flushed because  
13 they look kind of ready to tip over the bowl or whatnot,  
14 but --
- 15 Q. How do the toilets get clogged; do you know?
- 16 A. I don't know. I mean I don't know if you want  
17 to get into detail. I don't know.
- 18 Q. Well, I mean do they get clogged sometimes  
19 because there's too much, you know, students put too much  
20 paper into the toilets?
- 21 MR. WEISS: Objection. Calls for speculation.
- 22 THE WITNESS: I can't. I am not sure. I can't.
- 23 I can't say I like researched there.
- 24 BY MR. CHOATE:
- 25 Q. Well, I remember being a student and I remember

1 kids putting toilet paper in the toilets all the time.  
 2 Clogging them up. And I guess I am wondering if that's  
 3 kind of been your experience that students sometimes  
 4 throw a lot of excessive toilet paper in the toilets and  
 5 that clogs up the toilets.  
 6 A. My personal opinion --  
 7 Q. Uh-huh.  
 8 A. -- would be I don't think -- that's not really a  
 9 problem. I don't think people -- my personal opinion, I  
 10 haven't seen anyone really from what I have seen, anyone  
 11 like clog them on purpose.  
 12 Q. You don't think students do that on purpose?  
 13 A. No. I don't know anyone and haven't heard  
 14 anyone do it.  
 15 Q. But students do graffiti in the bathrooms, don't  
 16 they?  
 17 A. Yes.  
 18 Q. And that's done on purpose, isn't it?  
 19 A. Yes.  
 20 Q. Then you said kind of through the 2000-2001  
 21 school year, the bathroom in the 200s building has gotten  
 22 better?  
 23 A. Say that again.  
 24 Q. I think you testified that throughout the  
 25 2000-2001 school year, the bathrooms at Huntington Park

1 started to get -- started being in better shape than they  
 2 were previously. Is that right?  
 3 A. Did I say 2000-2001?  
 4 Q. Yeah.  
 5 A. Yeah. They did improve.  
 6 Q. And do you have any understanding as to why the  
 7 bathrooms at Huntington Park improved throughout that, I  
 8 guess it was the last school year?  
 9 A. In that building?  
 10 Q. In that building, yeah.  
 11 A. They have put -- they put more time into that  
 12 bathroom.  
 13 Q. When you say "they," who are you referring to?  
 14 A. I don't know, whoever gives -- I don't know,  
 15 principal or whoever or the school put more like touches  
 16 up to that bathroom so I am assuming like -- that's just  
 17 assumption. I don't know.  
 18 Q. How have they given "more touches up"? What do  
 19 you mean by that?  
 20 A. Like one thing, they put automatic flushers on  
 21 the urinals. And there's soap in it every day and  
 22 instead of using -- like paper towels still runs out, but  
 23 they have put hand dryers instead.  
 24 Q. And that helps to keep the bathrooms cleaner?  
 25 A. Yes. And like I do realize there are more --

1 there's more janitors now. So I am sure there's more.  
 2 Q. How many janitors are there at Huntington Park  
 3 Senior High School?  
 4 A. I can't say exact numbers. I don't know.  
 5 Q. How do you know there are more janitors now?  
 6 A. Because -- I don't know. It seems like there's  
 7 more. You see more people cleaning up now.  
 8 Q. How often do you see people cleaning up the  
 9 bathrooms in Huntington Park Senior High?  
 10 A. I don't know. I don't know. I can't say. I am  
 11 not sure.  
 12 Q. You say you see more people cleaning the  
 13 bathrooms now. I am trying to get a sense from you how  
 14 often do you see people cleaning the bathrooms?  
 15 A. They are always in there after school.  
 16 Q. Custodians are always in the bathrooms after  
 17 school cleaning the bathrooms?  
 18 A. Yes.  
 19 Q. Tell me about the 300s building bathroom that  
 20 you use about 10 percent of the time. What's the  
 21 condition of that bathroom?  
 22 A. Probably the same as 200 was, 200 were -- was.  
 23 Dirty, no toilet paper, torn seat covers, towels, soap.  
 24 Q. How often, for example, do you find that there  
 25 is no toilet paper in the 300s buildings bathroom?

1 A. Often. I mean I think 10 percent of the time I  
 2 go there, there's no paper in there.  
 3 Q. In any of the stalls?  
 4 A. In any, yeah.  
 5 Q. Do you check each of the stalls every time you  
 6 go in?  
 7 A. Yeah, because I always have a runny nose so I  
 8 always need paper so I always check every stall.  
 9 Q. What about the bathroom by the music room?  
 10 A. About the same conditions.  
 11 Q. How often do you find that there is no toilet  
 12 paper in the bathroom by the music room?  
 13 A. I guess -- I don't know.  
 14 Q. Can you recall any occasions on which you have  
 15 discovered that there is toilet paper in that bathroom?  
 16 A. Occasions, yes.  
 17 Q. Can you recall occasions in which you found  
 18 toilet paper in the 300s building bathroom?  
 19 A. Occasion -- once in a while.  
 20 Q. Sometimes you find toilet paper in that  
 21 bathroom?  
 22 A. Sometimes, yeah.  
 23 Q. You had mentioned I think as part of the  
 24 Youth-EJ program that I think one of the things the  
 25 students in that program did was campaign for better

1 bathrooms?  
 2 A. Yes.  
 3 Q. When did students campaign for better bathrooms  
 4 as part of that program?  
 5 A. I don't remember when exactly.  
 6 Q. Was it this year?  
 7 A. No.  
 8 Q. Was it last year?  
 9 A. No.  
 10 Q. Was it during your sophomore year?  
 11 A. I think around that time.  
 12 Q. Would that be in the 1999-2000 school year?  
 13 A. It was -- yeah. Say maybe 2000, yeah. My  
 14 sophomore year, '99-2000.  
 15 Q. You are sure?  
 16 A. Yeah, around there, around that time.  
 17 Q. But it wasn't in your junior year, though?  
 18 A. I don't -- I don't know. I can't say for sure  
 19 specifically.  
 20 Q. Well, tell me what students did as part of that  
 21 campaign.  
 22 A. I think -- I don't remember everything we did,  
 23 but I think we signed -- I think we signed petitions.  
 24 And I wasn't too involved in that campaign, but I do  
 25 remember having a small demonstration from the school.

1 Q. Why were you not too involved in that campaign?  
 2 A. I don't know. I think -- I don't know. I  
 3 wasn't too involved in the group at the time.  
 4 Q. And did you sign a petition as part of that  
 5 campaign?  
 6 A. I believe I did, yeah.  
 7 Q. What were students asking for as part of that  
 8 competition?  
 9 A. For just cleaner, sanitary bathrooms, really  
 10 like the general overall idea of the petition.  
 11 Q. Do you know how many students signed that  
 12 petition?  
 13 A. I'm not sure.  
 14 Q. Was that petition provided, to your knowledge,  
 15 to administrators at the school?  
 16 A. I am not sure. Like I don't know what happened  
 17 to that, like what was done with that petition.  
 18 Q. Did you start -- did you notice that the  
 19 bathrooms started to get a little bit better at about the  
 20 time that that bathroom campaign took place?  
 21 A. After the demonstration, it did improve.  
 22 Q. When did the demonstration take place?  
 23 A. Exact day, I can't recall.  
 24 Q. Approximately?  
 25 A. In my sophomore year.

1 Q. And where did the demonstration take place?  
 2 A. Right in front of school.  
 3 Q. How many students were involved?  
 4 A. I don't know. Around 20 to 60.  
 5 Q. And after that demonstration took place, you  
 6 noticed conditions in the bathrooms at Huntington Park  
 7 Senior High School started to improve?  
 8 A. Yes.  
 9 Q. And that was during your sophomore year?  
 10 A. Yes.  
 11 Q. So 1999-2000?  
 12 A. Yes.  
 13 Q. Have you ever complained to anybody at the  
 14 administration at Huntington Park Senior High School  
 15 about the conditions in the bathrooms?  
 16 A. Yes.  
 17 Q. To whom have you complained?  
 18 A. Just probably teachers.  
 19 Q. Do you recall any specific teachers?  
 20 A. Yeah.  
 21 Q. What are their names?  
 22 A. Just I remember one specifically, Ms. Dolhi,  
 23 D-o-l-h-i. Yeah.  
 24 Q. Do you recall anybody else?  
 25 A. No. I recall talking to her specifically.

1 Q. When did you speak to Ms. Dolhi?  
 2 A. When I had her for, I don't remember, I think I  
 3 had her for first period. I think we brought up the  
 4 issue or something.  
 5 Q. What class did you have her as a teacher for?  
 6 A. I had her for world history.  
 7 Q. In what school year?  
 8 A. My sophomore.  
 9 Q. This is the 1999-2000 school year?  
 10 A. Yes.  
 11 Q. And what did you tell Ms. Dolhi about the  
 12 bathrooms?  
 13 A. Just that they are unsanitary. It's kind of  
 14 like the whole class brought it up, too, brought up the  
 15 subject as well.  
 16 Q. And do you know if Ms. Dolhi, did she do  
 17 anything about -- did she try to do anything about the  
 18 bathrooms after the class had this discussion?  
 19 A. I don't think -- she -- I think she suggested  
 20 that it would be better if we as a student -- it would be  
 21 better if it came from a large amount of students than  
 22 one teacher.  
 23 Q. How would you characterize the bathrooms now? I  
 24 mean would you characterize them as in fair condition or  
 25 good condition or how would you characterize them now?

1 MR. WEISS: Objection. Vague and ambiguous as  
2 to which bathrooms.

3 BY MR. CHOATE:

4 Q. In general.

5 A. Any bathroom?

6 Q. Well, I would just take the bathrooms at  
7 Huntington Park High as a whole. If you are able to  
8 characterize them, how would you do it?

9 A. I don't think any of you would want to use it,  
10 any of you in this room would want to use it.

11 Q. Would you characterize them as being in fair  
12 condition?

13 A. Fair? It's hard because like if you compare it  
14 to other schools, it doesn't seem very fair.

15 Q. What other schools' bathrooms have you seen?

16 A. I don't know. I have seen other schools'  
17 bathrooms, but they were just as bad as ours, Jefferson's  
18 and Roosevelt.

19 Q. You have been to another school that you have  
20 seen has bathrooms in good condition?

21 A. No. I haven't really been to too many schools.

22 Q. Have you been to any schools with bathrooms in  
23 good condition, what you would consider to be good  
24 condition?

25 A. No.

1 have. Everyone can't go to the 200s building.

2 Q. But in your experience the 200s building  
3 bathroom is the one that you use now and that one usually  
4 has toilet paper, doesn't it?

5 A. That one does.

6 Q. What else could be done do you think in your  
7 opinion that could make the bathrooms in your school  
8 better?

9 A. Maybe open up those two bathrooms they always  
10 keep closed.

11 Q. Anything else that could be done that you could  
12 think of?

13 A. Just supplies and I would say more janitors, but  
14 I think we have a lot already.

15 Q. The school has a lot of janitors?

16 A. Now it does, yeah.

17 Q. In your opinion has your ability to learn at  
18 Huntington Park Senior High School been impaired by the  
19 conditions in the school's bathrooms?

20 A. Once in a while, yeah.

21 Q. How has your ability to learn been impaired once  
22 in a while?

23 A. Whenever you use the restroom, but you don't  
24 want to use it because it looks -- it just doesn't look  
25 decent enough or, I don't know, it's just hard to focus

1 Q. Is there a procedure at Huntington Park High  
2 School that students can use to complain about the  
3 bathroom conditions?

4 A. Procedure?

5 Q. Yeah.

6 A. Like any formal way of complaining about it?

7 Q. Yeah.

8 A. Get your parents to call in.

9 Q. Have you ever gotten your parents to call in?

10 A. No.

11 Q. Why not?

12 A. My parents seem -- they are busy as they are, as  
13 it is.

14 Q. Other than Ms. Dolhi, have you complained to  
15 anyone at Huntington Park Senior High School about the  
16 bathrooms?

17 A. Complain to anybody else? Maybe other students.

18 Q. What about anybody else in the administration?

19 A. Oh. I don't know. I don't remember.

20 Q. In your opinion what could be done to make the  
21 bathrooms at Huntington Park Senior High School better?

22 A. Soap and toilet paper for starters.

23 Q. There's typically toilet paper in the 200s  
24 bathroom, isn't there?

25 A. Yeah, but there is other restrooms that don't

1 when you have to hold it.

2 Q. Have you had a hard time focusing in any of your  
3 classrooms in the current school year because of any of  
4 the conditions in the bathrooms?

5 A. Have I?

6 Q. Yeah, this year, in this current school year.

7 A. This current school year? No.

8 Q. Did you have a hard time on any occasion during  
9 your eleventh year focusing in class because of the  
10 conditions in the bathrooms?

11 A. I think -- not my junior year. I think my  
12 sophomore year though. There was times I had to use the  
13 restroom and I just couldn't use it.

14 Q. I will talk to you about that in a second.

15 Let's just go back to your junior year.

16 A. Okay.

17 Q. Is it true that you can't recall any occasions  
18 during your eleventh grade year when you have not been  
19 able to focus or concentrate in class because of the  
20 bathroom conditions?

21 A. Eleventh grade year? No.

22 Q. I think I know what your answer is, but I am  
23 going to say it again because I don't think it is  
24 entirely clear on the record.

25 A. Okay.

- 1 Q. So just be patient with me.  
 2 A. All right.  
 3 Q. Is it correct that you can't recall any  
 4 occasions during your eleventh grade year when you had  
 5 difficulties concentrating in class because of the need  
 6 to use the restroom?  
 7 A. That was a long one. Can you repeat it.  
 8 Q. We were talking earlier about sometimes it is  
 9 difficult for you to concentrate in class because you  
 10 have to use the restroom, but you don't want to use it  
 11 because of the conditions of the bathrooms.  
 12 A. Uh-huh.  
 13 Q. And you have told me, you testified that you  
 14 couldn't recall any occasions in your twelfth grade year  
 15 when that happened. And I think your testimony is that  
 16 you can't recall any occasions during your eleventh grade  
 17 year when that happened; is that correct?  
 18 A. Yes.  
 19 Q. But in your sophomore year there were occasions  
 20 on which you found it difficult to concentrate in class  
 21 because of the need to use the restroom?  
 22 A. Yes.  
 23 Q. Approximately how many times did that happen to  
 24 you in your sophomore year?  
 25 A. More than two.

- 1 Q. How many times? More than two, approximately,  
 2 your best estimate? Don't guess, but just give me your  
 3 best estimate.  
 4 A. Three or four.  
 5 Q. What about during your freshman year? Do you  
 6 recall any occasions, sitting here today, on which you  
 7 had difficulty concentrating in class because you needed  
 8 to use the restroom?  
 9 A. Yeah. At least once.  
 10 Q. You can recall one time?  
 11 A. I recall once.  
 12 Q. When did that occur?  
 13 A. Like what date?  
 14 Q. No, I don't want a date, but like what class  
 15 were you in where you had -- in your freshman year where  
 16 you had difficulty concentrating because you had to use  
 17 the restroom?  
 18 A. I don't remember what period it was, but I do  
 19 remember I had to go. I think it was between passing  
 20 periods and like the bathroom was locked, the nearest  
 21 bathroom was too far away for me to get to, so it was  
 22 like either be late to class or use the restroom. So I  
 23 went to class.  
 24 Q. And in class on that occasion in your freshman  
 25 year, did you feel uncomfortable?

- 1 A. Yes.  
 2 Q. Did it prevent you, though, from concentrating  
 3 on your lessons in that class?  
 4 A. It did distract me.  
 5 Q. After that class was over, did you use the  
 6 restroom?  
 7 A. I think I did.  
 8 Q. How were you distracted in that class? Can you  
 9 be a little more precise for me? I mean did it keep you  
 10 from hearing what your teacher was saying?  
 11 A. Just like keeping the focus of not having to use  
 12 the restroom, like to holding it and being -- remembering  
 13 you have to go, but thinking to yourself -- just having  
 14 this big debate in your head, sidetracked, not focused.  
 15 Q. Do you think that your grade in that class  
 16 suffered because of that occasion?  
 17 A. I guess, yeah.  
 18 Q. Do you really think --  
 19 A. I mean I think --  
 20 Q. Is it your testimony today that your grade in  
 21 that class in ninth grade was affected because you had to  
 22 use the restroom on one occasion?  
 23 A. Well, I think all these little distractions had  
 24 affected my grade in there.  
 25 Q. I think we are just talking about that one

- 1 distraction in your class.  
 2 A. All right.  
 3 Q. I want to know in your opinion do you think that  
 4 one occasion in your ninth grade class affected the grade  
 5 that you received in that class?  
 6 A. That one occasion, maybe not, no.  
 7 Q. Do you think that any of your grades that you  
 8 have received in any of your classes at Huntington Park  
 9 Senior High School have been affected adversely --  
 10 because of the conditions in the bathrooms?  
 11 A. Repeat the question, please.  
 12 Q. Yeah. Do you think that -- in your opinion have  
 13 you received any grades in any of your classes at  
 14 Huntington Park Senior High School that have been  
 15 affected negatively by the conditions in the restrooms at  
 16 your school?  
 17 A. I mean I am not too sure how to answer that one.  
 18 I don't know. Like I want to say -- okay. No.  
 19 Q. Are you aware of a 1-800 number that's in use by  
 20 the LAUSD that students can call to complain about the  
 21 bathrooms?  
 22 A. No, I am not aware of that.  
 23 Q. Have you ever attempted to contact somebody from  
 24 the district, from your school district, to complain  
 25 about the bathrooms?



1 A. I think when that campaign happened, someone  
2 from the district did come to Huntington Park High School  
3 to investigate. But have we contacted them before that?  
4 No.  
5 Q. I think you mentioned that some of the bathrooms  
6 at Huntington Park Senior High School were occasionally  
7 locked?  
8 A. Yeah.  
9 Q. Which of the bathrooms are occasionally locked?  
10 A. The ones -- one in the main building.  
11 Q. That's the 200s building?  
12 A. The 200s building. Usually -- right now, the  
13 top floor, the second floor is locked.  
14 Q. The one bathroom on the second floor is locked?  
15 A. Uh-huh.  
16 Q. Do you know why that bathroom is locked?  
17 A. No.  
18 Q. Do you have any knowledge as to how long that  
19 bathroom has been locked for?  
20 A. I don't -- I can't recall exactly. But since I  
21 have been -- since my twelfth year, my twelfth year has  
22 started, I haven't seen that bathroom open once, to my  
23 knowledge.  
24 Q. On how many occasions have you tried to use that  
25 bathroom and found it to be locked in your twelfth grade

1 year?  
2 A. I usually -- I mean it's usually very obvious  
3 when it is open because there's always people coming in  
4 and out.  
5 Q. Do you know whether that bathroom is locked  
6 because construction work has been performed to that  
7 bathroom?  
8 A. I don't know.  
9 Q. Okay. Other than that bathroom, are there any  
10 other bathrooms to your knowledge that are usually locked  
11 at your school?  
12 A. Yes.  
13 Q. Which ones are those?  
14 A. The 300 building, the second -- or should I say  
15 the third floor bathroom is locked.  
16 Q. And there is two boys' bathrooms in the 300  
17 building?  
18 A. Yes.  
19 Q. And one of those is usually locked?  
20 A. Yes.  
21 Q. And one of those is usually opened?  
22 A. Yes.  
23 Q. And the one that's usually locked is the one  
24 that's on the third floor?  
25 A. Yes.

1 Q. How long has that bathroom been usually locked?  
2 A. That bathroom is rarely open. Once in a great  
3 while I will find it because my homeroom is near there.  
4 I will find it open, but that is once. It isn't often.  
5 Q. Well, how often do you check that bathroom and  
6 find it locked?  
7 A. Like whenever I have to go, I usually like, you  
8 know, like hit the knob to see if it moves or anything.  
9 Q. Do you have any understanding as to why that  
10 bathroom is locked occasionally?  
11 A. No.  
12 Q. Are there any other bathrooms you are aware of  
13 at your school that you have found to be usually locked?  
14 We have talked about the one in the main building, the  
15 one in the 300s building.  
16 A. Right.  
17 Q. Any others?  
18 A. Occasionally the one in the music room, in the  
19 music room is locked.  
20 Q. Sorry. Go ahead.  
21 A. But that's because someone forgets to open it or  
22 something.  
23 Q. How do you know that that is a reason?  
24 A. Well, okay, that's an assumption because it's  
25 only closed for that day.

1 Q. Sometimes that bathroom is open, sometimes it's  
2 closed?  
3 A. Yes.  
4 Q. But you are not sure exactly why the bathroom is  
5 closed on those occasions, are you?  
6 A. No.  
7 Q. Do you know if the bathrooms at Huntington Park  
8 High School are ever closed in order to deal with  
9 vandalism in the bathrooms?  
10 A. Once in a while they are. They are locked  
11 because of that. It is locked because they just painted  
12 it.  
13 Q. And which bathroom is that?  
14 A. Like whichever -- once in a while like one  
15 bathroom is locked because they just painted over --  
16 painted the walls.  
17 Q. So it is temporarily locked and they are  
18 reopened as soon as they are done painting?  
19 A. Yes.  
20 Q. Other than those, the bathroom in the 200s  
21 buildings, one in the 300s building and occasionally the  
22 music bathroom, the other three bathrooms are usually  
23 open?  
24 A. In the main building and the 300s, yes. The PE  
25 one, that one is usually only open during the periods

1 that are like for PE. They aren't really open during  
 2 nutrition or lunch because it is in the boys' locker  
 3 room.  
 4 Q. Why? Do you have any understanding as to why  
 5 that bathroom is usually closed during PE/lunch?  
 6 A. I don't know the exact reason.  
 7 Q. Is the PE locker room near the area where the  
 8 students usual eat their lunch?  
 9 A. It is fairly close.  
 10 Q. Can you recall any occasions on which you have  
 11 needed to use a restroom and you have been unable to find  
 12 an open restroom?  
 13 A. Have I ever been in that situation?  
 14 Q. Yeah. Have there been occasions in which you  
 15 have needed to use the restroom and have been unable to  
 16 find a restroom that's open?  
 17 A. Yeah.  
 18 Q. About how many times has that happened to you  
 19 since you have been at Huntington Park?  
 20 A. I will say three.  
 21 Q. About three occasions?  
 22 A. Right.  
 23 Q. When did those occasions occur, if you can  
 24 recall?  
 25 A. Mostly my freshman, sophomore year.

1 Q. So other than these three occasions during your  
 2 freshman/sophomore year, there haven't been any other  
 3 occasions that you can recall in which you have been  
 4 unable to find an open restroom when you needed one; is  
 5 that correct?  
 6 A. No, it's hard. I can imagine myself using the  
 7 restroom a lot. Yeah.  
 8 Q. I am just going to ask it again because I just  
 9 want to make sure that the record is clear.  
 10 Other than those three occasions during your  
 11 freshman or sophomore year, is it correct you can't  
 12 recall any other occasions on which you have been unable  
 13 to find an open restroom when you needed to use a  
 14 restroom?  
 15 A. Okay. All right, yes, there have been other  
 16 occasions, but I can't recall like exactly when.  
 17 Q. Can you recall any -- you may not know the date,  
 18 but can you recall specifically any other occasions or  
 19 not?  
 20 A. Can I recall specifically --  
 21 Q. I know you may not be able to know exact dates,  
 22 but I want to know if you can recall specific occasions  
 23 when you have tried a -- when you have needed to use a  
 24 restroom and you have not been able to find an open  
 25 restroom. And you told me you think there were three

1 occasions in either your freshman or sophomore year, and  
 2 I want to know whether sitting here today, you can recall  
 3 any other specific occasions in your junior and senior  
 4 years in which you needed to use the restroom, but were  
 5 unable to find an open restroom.  
 6 A. That was nearest to me; right?  
 7 Q. No.  
 8 A. That I had access to?  
 9 Q. No. My question is during your junior and  
 10 senior years, have there been any occasions that you can  
 11 recall where you needed to use a restroom, but you were  
 12 unable to find an open restroom to use?  
 13 A. No.  
 14 Q. I am going to ask you some questions about the  
 15 drinking fountains at your school. How many drinking  
 16 fountains are there approximately at Huntington Park  
 17 Senior High?  
 18 A. There are around between six to eight.  
 19 Q. Can you describe for me the condition of the  
 20 drinking fountains at your school?  
 21 A. Drinking fountain? Freshman/sophomore year they  
 22 are basically dirty, the ones I usually went to. Some of  
 23 them don't work.  
 24 Q. Are you talking about during your  
 25 freshman/sophomore year?

1 A. I guess I can say now, too, some of them still  
 2 don't work.  
 3 Q. Are the drinking fountains basically dirty now  
 4 as well or not?  
 5 A. I guess not as before.  
 6 Q. The drinking fountains at Huntington Park Senior  
 7 High School are cleaner now than they were before?  
 8 A. The fountain itself, yeah. Although there has  
 9 been times when people -- where you have been announced  
 10 not to drink water from the drinking fountain.  
 11 Q. When did that occur?  
 12 A. Sophomore/junior year.  
 13 Q. Are you referring to an occasion in July of '99  
 14 when there was a problem with the drinking fountains?  
 15 A. Yeah, that, too, but also like in my junior --  
 16 yeah, around the same time, yeah.  
 17 Q. In general are the drinking fountains at your  
 18 school now cleaner than they used to be in the past?  
 19 A. I don't know.  
 20 Q. Well, you just said they are.  
 21 A. Okay, sorry. They are a little cleaner than  
 22 they were in the past, yes.  
 23 Q. When did they become a little cleaner than they  
 24 were in the past? When did you notice that?  
 25 A. After my junior -- beginning of the senior year.

1 Q. From kind of the beginning of your junior year  
2 forward, the drinking fountains became cleaner than they  
3 were during your ninth and tenth grade years?

4 A. Uh-huh.

5 Q. How were they cleaner?

6 A. They just don't look -- usually there would be  
7 trash, before there used to be trash in them, they just  
8 look, I don't know, they didn't look clean. They looked  
9 kind of dirty, dusty, even.

10 Q. But you didn't notice that as much in your  
11 junior and senior years?

12 A. That's right.

13 Q. And why do you think that the -- in your opinion  
14 why is it that the drinking fountains became cleaner in  
15 your junior and senior years?

16 A. I am not too sure.

17 Q. Did you ever see the custodians cleaning the  
18 drinking fountain?

19 A. No, I can't say that I have.

20 Q. How often do you use the drinking fountains at  
21 your school?

22 A. Lately? Not at all even.

23 Q. Why not?

24 A. Just, I don't know, too many like -- just the  
25 fact that we have been told not to drink it once in this

1 everybody was told absolutely not to drink water, and  
2 they brought -- that day I remember clearly, not clearly,  
3 but better than most things I remember. They brought --  
4 they even gave teachers a gallon of water.

5 Q. Is it your recollection that that occurred in  
6 July of 1999?

7 A. I am not sure. I am not sure.

8 Q. On that first occasion when students were told  
9 not to drink the water, do you know how long, for what  
10 period of time the students were told not to drink the  
11 water?

12 A. I don't remember. I don't remember.

13 Q. Did it last more than a day?

14 A. I don't remember.

15 Q. On that occasion the school provided teachers  
16 with water in their classroom for students?

17 A. Yes.

18 Q. Is that correct?

19 A. The teachers?

20 Q. No. Did the school provide teachers --

21 A. Okay.

22 Q. -- with water in their classrooms for students?

23 A. They provided a gallon.

24 Q. Each teacher was provided with a gallon of water  
25 per class?

1 day or that day, drinking fountains. It's been suggested  
2 to drink our own bottled water. I prefer not to drink  
3 from it at all.

4 Q. On how many occasions have you been told not to  
5 drink the water in the fountains at your school?

6 A. For sure twice.

7 Q. On two occasions?

8 A. That I am positive, yes.

9 Q. Who told you not to drink the water on those  
10 occasions?

11 A. Usually they were announced over the intercom.

12 Q. And do you know when those two occasions were?

13 A. Specific dates, no.

14 Q. Not specific dates, but roughly? I mean were  
15 they in your freshman year, your junior year?

16 A. Sophomore junior.

17 Q. Sophomore and junior years?

18 A. Uh-huh.

19 Q. Try to think back to the first occasion if you  
20 can, okay. When roughly were you told not to drink --  
21 were students told not to drink water from the drinking  
22 fountains?

23 A. I think it was my sophomore year.

24 Q. That would be 1999-2000?

25 A. I think, yeah. There's this one day that we,

1 A. Almost each teacher.

2 Q. Did you have any teachers that were not provided  
3 with water?

4 A. I think there was -- I think there was one  
5 teacher who did not get one.

6 Q. One of your teachers?

7 A. I think so. Yeah. I think it was one teacher.

8 Q. What was your teacher's name?

9 A. It was Ms. -- I remember what course, but it was  
10 Ms. Perry.

11 Q. You don't remember what course you had her for?

12 A. No. I don't remember.

13 Q. Are you positive that Ms. Perry wasn't provided  
14 water by the school?

15 A. I think it was her. I remember one of my  
16 teachers that did not have a gallon of water.

17 Q. And do you have any understanding as to why that  
18 teacher did not have a gallon of water?

19 A. No, I don't.

20 Q. You have no idea?

21 A. No.

22 Q. Do you know what caused the water to become not  
23 drinkable on that occasion at Huntington Park Senior High  
24 School?

25 A. No.

1 Q. You have no idea?  
 2 A. No, I am not sure.  
 3 Q. During that occasion, that first occasion during  
 4 your sophomore year, do you have any understanding as to  
 5 whether teachers were allowed to ask the school for  
 6 additional water if they wanted it for their classes?  
 7 A. Can you repeat that.  
 8 Q. Is it your understanding that during this  
 9 occasion in your sophomore year when the water was  
 10 undrinkable, that teachers could actually request the  
 11 school for additional water for their classes if they  
 12 needed it?  
 13 MR. WEISS: Objection. Assumes facts not in  
 14 evidence.  
 15 THE WITNESS: I can't recall.  
 16 BY MR. CHOATE:  
 17 Q. During that occasion in your sophomore year,  
 18 other than maybe with Ms. Perry's class, were there any  
 19 classes in which the students didn't have enough water to  
 20 drink that you can recall?  
 21 A. I can't. I don't remember.  
 22 Q. In any of your classes during that year, do you  
 23 recall any students asking for water, but there not being  
 24 enough water for students or do you not recall that?  
 25 A. I don't recall.

1 Q. Are you aware of whether any teachers on that  
 2 occasion in your sophomore year had to buy water for  
 3 their classes with their own money?  
 4 A. I do remember one case of a teacher buying  
 5 water.  
 6 Q. What teacher was that?  
 7 A. Patino. I don't remember.  
 8 Q. You don't remember the teacher's name?  
 9 A. No.  
 10 Q. But you just can recall one teacher who bought  
 11 water with his or her own money?  
 12 A. Yeah.  
 13 Q. Not more than one teacher, though?  
 14 A. I don't know.  
 15 Q. How do you know -- was this teacher whose name  
 16 you can't remember one of your teachers?  
 17 A. Yeah. Patino. I am not sure his name, but  
 18 yeah, he was one of my teachers.  
 19 Q. And how do you know that this teacher had to  
 20 purchase water with his or own money?  
 21 A. Because he mentioned it.  
 22 Q. What did he say?  
 23 A. He was just complaining, the fact that he had  
 24 to -- like I think his gallon of water ran out and he had  
 25 to get one. He didn't have to, but he felt like getting

1 more water.  
 2 Q. He felt like getting more water? That's what he  
 3 said?  
 4 A. Yeah.  
 5 Q. Did he tell you where he got the water from?  
 6 A. No.  
 7 Q. Did he tell you how he got the water?  
 8 A. No.  
 9 Q. Did he tell you he used his own money to buy the  
 10 water?  
 11 A. I think he mentioned he purchased that water  
 12 himself.  
 13 Q. Did he tell students that the school wouldn't  
 14 provide his class with more water?  
 15 A. I don't remember.  
 16 Q. You mentioned that there was a second occasion  
 17 on which students were told not to drink water.  
 18 A. Yes.  
 19 Q. When did that occur, to your best knowledge?  
 20 A. I am thinking more in my junior year.  
 21 Q. When during your junior year? Was it at the  
 22 beginning or near the end, if you can recall?  
 23 A. I can't. I don't remember.  
 24 Q. Was this warning against drinking the water  
 25 announced over the school's speaker system?

1 A. I think it was. Actually now I don't recall. I  
 2 don't remember. I just remember a trash bag being pulled  
 3 over the water fountains.  
 4 Q. Are you sure, are you positive that was a  
 5 different occasion than what you have already testified  
 6 to about?  
 7 A. There was like -- I don't know why, but that  
 8 occasion was more serious than the last one, the most  
 9 recent one.  
 10 Q. What was more serious?  
 11 A. The first water incident, water fountain  
 12 incident.  
 13 Q. You are positive the incidents are talking about  
 14 are two different occasions?  
 15 A. Yeah, because the first one felt more like not  
 16 just one day. It felt like it was two days, and that  
 17 other occasion I think was only one day.  
 18 Q. Which water fountains had plastic bags put over  
 19 them?  
 20 A. The one I remember was in the 300s building.  
 21 Q. Just one water fountain?  
 22 A. Well, the one I saw, yeah.  
 23 Q. But you didn't see any other water fountains  
 24 with bags over them on that occasion?  
 25 A. On that occasion, no.

1 Q. Did you see water fountains on that occasion  
2 that did not have bags over them?  
3 A. Yeah, yeah.  
4 Q. And were students allowed to drink from those  
5 other water fountains that didn't have bags over them?  
6 A. I don't think they were -- I don't think they  
7 were supposed to.  
8 Q. You don't think they were supposed to?  
9 A. Yeah. It was announced not to.  
10 Q. Do you know what the cause of that announcement  
11 was why students were told not to drink from those water  
12 fountains?  
13 A. No.  
14 Q. You have no idea?  
15 A. No.  
16 Q. Did you ever ask anybody?  
17 A. No.  
18 Q. Other than those two occasions you have told me  
19 about, have there ever been any other occasions you can  
20 recall that students have been told not to drink the  
21 water from the water fountains in the school?  
22 A. Not that I can think of right now.  
23 Q. You mentioned that some of the water fountains  
24 in your school don't work.  
25 A. Yes.

1 Q. How many of the approximately six to eight water  
2 fountains in your school would you estimate don't work?  
3 A. Maybe about -- I would estimate about two.  
4 Q. Of the six to eight water fountains at  
5 Huntington Park Senior High School, about two of them  
6 don't work?  
7 A. Yes.  
8 Q. What is it about those two water fountains that  
9 don't work?  
10 A. They just don't work. No water comes out.  
11 Q. None at all?  
12 A. No.  
13 Q. How long have you noticed that these two water  
14 fountains at Huntington Park Senior High don't work?  
15 A. Well, one of them, I have noticed that it's  
16 never -- every time, every time I try to drink water  
17 there, it doesn't work.  
18 Q. And this is which water fountain?  
19 A. Yeah, both of them are in the main building.  
20 Q. The 200s building?  
21 A. The 200s building.  
22 Q. Okay.  
23 A. Those never have water.  
24 Q. Can you recall any occasion on which the two  
25 water fountains in the 200s building have worked?

1 A. Not to my knowledge, no.  
2 Q. The other water fountains at the school work?  
3 A. Yeah.  
4 Q. And do you use those other water fountains from  
5 time to time?  
6 A. I haven't used them in a while, in a long while.  
7 Q. And why is that?  
8 A. Because it's -- I guess I don't trust the  
9 quality of the water.  
10 Q. In your opinion do you feel that your ability to  
11 learn at Huntington Park Senior High School has been  
12 impaired in any way by the condition of the water  
13 fountains at your school?  
14 A. When I am thirsty for water, I guess. I suppose  
15 not, no.  
16 Q. Your ability to learn hasn't been impaired in  
17 your opinion by the condition of the water fountains?  
18 A. No.  
19 MR. WEISS: Can you read that back, please, that  
20 question and answer.  
21 (The record was read  
22 by the reporter as follows:  
23 "Q. Your ability to learn hasn't been  
24 impaired in your opinion by the condition of  
25 the water fountains?

1 "A. No.")  
2 BY MR. CHOATE:  
3 Q. And by that answer, you meant that no, your  
4 ability to learn has not been impaired?  
5 A. Specifically because of the water fountain, no.  
6 Q. What could be done to improve the condition of  
7 the water fountain at your school, do you think?  
8 A. Fix them. I don't know.  
9 Q. You are talking about the two that you say don't  
10 work?  
11 A. Yeah. And somehow make sure that clean water  
12 comes out of them just so you don't have to deal with --  
13 I don't know what it takes to get clean water to come  
14 out, but just make sure clean water comes out of them.  
15 Q. Other than these two occasions that you have  
16 talked to me about in your junior -- well, I guess in  
17 your junior and your sophomore year, you are not aware of  
18 any other occasions on which the water in the water  
19 fountains in your school has been unclean or unsafe to  
20 drink, are you?  
21 A. That I can think of, no, right now, no.  
22 Q. And if the two water fountains in the main  
23 administration building were repaired, would you start  
24 using the water fountains at that school?  
25 A. I don't know.

1 Q. Have you ever seen a rat in Huntington Park  
2 Senior High School?  
3 A. No.  
4 Q. Have you ever seen a mouse at your school?  
5 A. No.  
6 Q. Do you have any friends who have seen a rat?  
7 A. I have friends that, yeah, talked about seeing a  
8 rat, yeah.  
9 Q. How many of your friends have talked to you  
10 about having seen a rat?  
11 A. Maybe two.  
12 Q. Two?  
13 A. Two, three.  
14 Q. Okay. Can you recall the names?  
15 A. No.  
16 Q. You can't recall the names of any of the two to  
17 three of your friends?  
18 A. No. I haven't had that conversation in a while.  
19 Q. When did you have the conversations?  
20 A. Freshman, sophomore year.  
21 Q. That would be the 1998 to '99 year and the '99  
22 to 2000 year?  
23 A. Yeah.  
24 Q. Do you recall what your friends told you on  
25 those occasions?

1 A. Something about seeing rats in the 90s building.  
2 Q. Did your friends say that they actually saw a  
3 rat in the 90s building?  
4 A. I don't remember.  
5 Q. You don't remember if your friends told you that  
6 they saw a rat; is that correct?  
7 A. Correct.  
8 Q. Have any of your friends ever spoken to you  
9 about having seen a mouse at your school?  
10 A. Not to my knowledge. No, not that I could, no.  
11 Q. Have any of your teachers complained to you  
12 about rats or mice at your school?  
13 A. Yeah.  
14 Q. Which teachers have complained to you?  
15 A. Two, Ms. Byrd, B-y-r-d, and Ms. Dolhi.  
16 Q. Ms. Dolhi?  
17 A. Uh-huh.  
18 Q. When did Ms. Byrd talk to you about -- well,  
19 when did this conversation with Ms. Byrd take place?  
20 A. It wasn't really a conversation, but it's kind  
21 of like -- she kind of not announced it, but kind of just  
22 said it because she realized that something ate through  
23 one of her science projects, a display.  
24 Q. And when did Ms. Byrd say this?  
25 A. When I was in her class my sophomore year.

1 Q. What class did you have Ms. Byrd for in your  
2 sophomore year?  
3 A. Biology.  
4 Q. And she said that something had eaten through  
5 what?  
6 A. Like I think she had like two of them, two  
7 projects. One was like a volcano and something ate  
8 through the back of it and whatnot.  
9 Q. Did Ms. Byrd tell you that she had actually seen  
10 a rat or a mouse?  
11 A. I don't know if she ever said that. She's --  
12 Q. Has Ms. Byrd ever told you or did she ever tell  
13 you that she saw a rat or mice at Huntington Park Senior  
14 High School?  
15 A. No, I can't say that she said it.  
16 Q. And Ms. Dolhi told you something at some point;  
17 right?  
18 A. Yeah. She said that she's seen rats.  
19 Q. When did Ms. Dolhi tell you this?  
20 A. Whenever I had her. Sophomore, in my sophomore  
21 year in world history.  
22 Q. Ms. Dolhi was your history teacher in your tenth  
23 grade year?  
24 A. Yes.  
25 Q. And when you were in tenth grade, she told you

1 that or she told the class on occasion --  
2 A. Yeah.  
3 Q. -- that she had seen a rat?  
4 A. Yes.  
5 Q. What did she say specifically?  
6 A. I don't remember specific words, but I do  
7 remember she mentioned that she has seen rats. Rat or  
8 rats.  
9 Q. She had seen what?  
10 A. She had seen a rats or rats.  
11 Q. You don't recall whether she said rats or  
12 whether she said a rat?  
13 A. I don't remember.  
14 Q. Did she say where she saw the rat or the rats?  
15 A. No, I don't know. I don't remember.  
16 Q. Other than these two conversations that you had  
17 with Ms. Byrd -- well, let me strike that.  
18 Other than these two instances with Ms. Byrd and  
19 Ms. Dolhi in your tenth grade year, have you heard any  
20 other teachers in your school complain about the presence  
21 of rats or mice at Huntington Park Senior High School?  
22 A. Complain?  
23 Q. Yeah. Have you --  
24 A. Yeah, I have.  
25 Q. Okay.

- 1 A. One other teacher, Ms. Warren.  
 2 Q. Ms. Warren. And was Ms. Warren one of your  
 3 teachers?  
 4 A. Yes.  
 5 Q. What class did you have Ms. Warren for?  
 6 A. I had her for American lit.  
 7 Q. What year was that?  
 8 A. My junior year.  
 9 Q. That was last year?  
 10 A. Yes.  
 11 Q. What did Ms. Warren say to you?  
 12 A. She was just -- she was just saying she was --  
 13 like she was disgusted because she sees roaches and rats.  
 14 Q. Did she, did Ms. Warren tell you on how many  
 15 occasions she had seen a rat?  
 16 A. No.  
 17 Q. Did she say this to your American lit class or  
 18 to you personally?  
 19 A. She just said it. Her class is fairly small so  
 20 she just said it.  
 21 Q. Did she say that at the beginning of your junior  
 22 year?  
 23 A. The end my junior year.  
 24 Q. Have you heard any other teachers complain on  
 25 any other occasion about rats or mice at your school?

- 1 A. No, not that I can think of right now.  
 2 Q. Just these three occasions?  
 3 A. Yes.  
 4 Q. Are there any steps that the school takes to,  
 5 you know, deal with this perceived problem of rats or  
 6 mice?  
 7 A. I don't know.  
 8 Q. And do they set traps for rats or mice; do you  
 9 know?  
 10 A. I'm not too sure. I am not too sure, but I  
 11 have -- I have been stuck to one, so -- to a I think  
 12 either a mouse or some kind of vermin, insect trap.  
 13 Q. What did that trap look like?  
 14 A. It was flat. It was like that, and it was just  
 15 sticky.  
 16 Q. There is no lever that closed?  
 17 A. No. It was just like -- it was like -- it was  
 18 just like sticky paper and it was just like a tray and  
 19 they just put it on the floor.  
 20 Q. And when did this occur?  
 21 A. It happened to me -- I don't remember. I am  
 22 thinking either my sophomore or junior year.  
 23 Q. Do you remember what class that occurred in?  
 24 A. Either biology or science.  
 25 Q. And were you surprised when your foot was stuck

- 1 in the trap?  
 2 A. Yeah. I was a little worried. I didn't know  
 3 why I couldn't move my foot.  
 4 Q. How did you get your foot off the trap?  
 5 A. I just like -- I just stepped on the corner and  
 6 ripped my foot off.  
 7 Q. Did that disrupt your day in any way?  
 8 A. It was interesting. I mean I guess you learn to  
 9 ignore it, things like that.  
 10 Q. Well, this kind of sticky trap, this was in  
 11 either your biology or one of your other science classes?  
 12 A. Uh-huh.  
 13 Q. Have you seen traps like that in your other  
 14 classes?  
 15 A. No, I don't think so.  
 16 Q. As you sit here today, the only time you have  
 17 seen one of those kind of sticky traps is in that biology  
 18 or science class in your ninth or tenth grade year?  
 19 A. Yeah.  
 20 Q. Yes?  
 21 A. Yes.  
 22 Q. Do you know whether those sticky traps are put  
 23 into other classrooms or do you not know?  
 24 A. No, I don't know.  
 25 Q. Have you ever seen roaches at Huntington Park

- 1 Senior High School?  
 2 A. I have not, no.  
 3 Q. In the three and a half years you have been at  
 4 your school, you have never seen a roach?  
 5 A. No. No.  
 6 Q. Okay. Are there roaches at your school?  
 7 A. It's mentioned, yes, that roach sightings have  
 8 been -- have happened at any school.  
 9 Q. You have been told by people that roaches have  
 10 been seen on campus?  
 11 A. Yes.  
 12 Q. Have your friends told you that?  
 13 A. Not many, but there has been.  
 14 Q. You can recall one person who has?  
 15 A. Yes.  
 16 Q. Who was this person?  
 17 A. It's like something that has been said.  
 18 Q. Can you recall how many times you have heard  
 19 from friends of yours since you have been at Huntington  
 20 Park Senior High School that they have seen a roach at  
 21 your school?  
 22 A. One for sure, an incident once, some girls. I  
 23 don't remember.  
 24 Q. One girl on one occasion told you she saw a  
 25 roach?

1 A. Yes.  
 2 Q. Do you recall what year this took place in?  
 3 A. No. Freshman, sophomore.  
 4 Q. You think it was in your freshman or sophomore  
 5 year?  
 6 A. Yes.  
 7 Q. Can you recall any other students who told  
 8 you -- as you sit here today, can you recall any other  
 9 occasions on which a student has told you he or she has  
 10 seen a roach at Huntington Park Senior High School?  
 11 A. Students? No.  
 12 Q. Can you recall any occasions on which the  
 13 teacher has told you that he or she has seen a roach at  
 14 Huntington Park Senior High School?  
 15 A. Yes.  
 16 Q. Okay. How many different teachers have told you  
 17 that they have seen a roach at your campus?  
 18 A. That I can think of? Just two.  
 19 Q. Can you recall the names?  
 20 A. Same, Ms. Dolhi and Ms. Warren.  
 21 Q. Ms. Dolhi and Ms. Warren?  
 22 A. Uh-huh.  
 23 Q. Did Ms. Dolhi tell you that she had seen a roach  
 24 or roaches when you had her in tenth grade?  
 25 A. Ms. Dolhi? Yes. Yeah.

1 Q. Is that the same occasion when she talked about  
 2 a rat, I think?  
 3 A. I think it came on, yeah, I think it came on the  
 4 same time.  
 5 Q. What about Ms. Warren? When did she tell you  
 6 she had seen a roach?  
 7 A. Probably the same time she said seeing about  
 8 that rat or saying about rats.  
 9 Q. Did Ms. Warren tell you where she saw a roach?  
 10 A. I don't know. I don't remember.  
 11 Q. You don't remember?  
 12 A. No.  
 13 Q. Did Ms. Dolhi tell you where she had seen a  
 14 roach?  
 15 A. No. I can't -- no, I don't remember.  
 16 Q. Other than those two occasions -- well, other  
 17 than those two occasions which I take it were in your  
 18 tenth grade year and eleventh grade year, can you recall  
 19 any teachers telling you they had seen a roach at your  
 20 school?  
 21 A. Any other ones? Not at the moment, no.  
 22 Q. Do you think sitting here today that rats and  
 23 mice are a problem at Huntington Park Senior High School?  
 24 A. Well, I don't think they should be there.  
 25 Q. But do you think the Huntington Park Senior High

1 School has a problem with rats and mice?  
 2 A. A large problem? No.  
 3 Q. Do you think that -- okay. So you don't think  
 4 that Huntington Park Senior High has a large problem with  
 5 rats and mice?  
 6 A. No.  
 7 Q. Do you think Huntington Park Senior High has a  
 8 problem with rats and mice at your school?  
 9 A. I think they have, yes.  
 10 Q. That they do have a problem?  
 11 A. I mean -- I mean if it is visible, if teachers  
 12 sight, yeah, it is a problem right there because they  
 13 don't like it any more than the students.  
 14 Q. Well, you have told me about three teachers, two  
 15 in your tenth grade year and one in your eleventh grade  
 16 year that you mentioned having seen a rat.  
 17 Based on those three instances one to two years  
 18 ago, do you believe that your school really has a problem  
 19 with rats and mice?  
 20 A. I mean I see it as two teachers that actually  
 21 are willing to just -- you know, that's like without me  
 22 asking teachers if they have seen it, But --  
 23 Q. But do you think that based on those three  
 24 things from teachers that you have heard, that your  
 25 school has a problem with rats and mice?

1 A. I think, yeah, I think they do.  
 2 Q. Still to this day?  
 3 MR. WEISS: Objection. Argumentative.  
 4 BY MR. CHOATE:  
 5 Q. Still to this day do you think there is a  
 6 problem at this time at Huntington Park Senior High  
 7 School with rats and mice?  
 8 A. Yeah. I think that they have a problem.  
 9 Q. Okay. I would like you to explain for me why  
 10 you believe that your school has a problem with rats or  
 11 mice at the present time.  
 12 MR. WEISS: I want to make one objection before  
 13 you answer. Argumentative, again.  
 14 THE WITNESS: If the teachers complain about it  
 15 and it makes them uncomfortable, even though I can't  
 16 recall too many students, student, students, that  
 17 complained about it, I think it is a problem.  
 18 BY MR. CHOATE:  
 19 Q. I guess what I am -- and really, I am not  
 20 meaning to be argumentative with you, but I am truly  
 21 trying to understand the basis of your testimony.  
 22 And you have told me about three teachers that  
 23 one to two years ago who told you about having seen a  
 24 rat. And I guess what I want to know is why based on  
 25 what those teachers told you back then do you think your



1 school still has a problem today with rats and mice? And  
2 that is what I don't understand.

3 MR. WEISS: I am going to object, calls for  
4 speculation as to why counsel doesn't understand why  
5 there's still a problem today.

6 MR. CHOATE: It does call for speculation  
7 because I can't figure out.

8 THE WITNESS: There aren't that many changes  
9 that were made to, let alone like -- well, there aren't  
10 many changes that I see since my freshman -- I mean  
11 things are a little cleaner, but I think there are  
12 still -- there are probably still rats and roaches in  
13 there.

14 BY MR. CHOATE:

15 Q. But you are just assuming that?

16 A. From what those three teachers have told me and  
17 that student, yes.

18 Q. Okay. That's fair enough.

19 Has your ability in your opinion to obtain an  
20 education at your school been impaired in any way by this  
21 perceived presence of vermin at your school?

22 MR. WEISS: Objection. Mischaracterizes the  
23 testimony, that it is perceived vermin as opposed to how  
24 he has testified as to -- as opposed to how he has  
25 testified with respect to vermin.

1 Q. Or are they all pretty much about the same?

2 A. About the same.

3 Q. Are there any classrooms which you have seen at  
4 Huntington Park Senior High School that are dirty?

5 A. The ones in the 90s, yeah.

6 Q. Are you referring to the 90s building?

7 A. 90's building, uh-huh.

8 Q. Where is the 90s building located on the campus?

9 A. It is generally located near the PE field.

10 Q. Approximately how many classrooms are located in  
11 the 90s building?

12 A. Well, they are not buildings. They are  
13 bungalows.

14 Q. Okay. Are they like trailer classrooms or not?

15 Well, let me rephrase the question.

16 How many different bungalows are there that make  
17 up the 90s building?

18 A. Two, I believe.

19 Q. And in each bungalow there are a number of  
20 classrooms or are there just three classrooms?

21 A. Like in one bungalow structure there would be  
22 like -- like one, there is four and another bungalow  
23 structure is three.

24 Q. Okay. And there is just those two bungalow  
25 structures?

1 MR. CHOATE: Well, let me rephrase it  
2 differently.

3 Q. Do you feel that you have been unable to get a  
4 quality education at your school because of rats, mice or  
5 roaches?

6 A. No.

7 Q. I am going to move on to a different subject.

8 Can you describe for me kind of the general  
9 appearance of your classrooms at Huntington Park Senior  
10 High School.

11 A. The appearance of the classrooms?

12 Q. Yeah. I guess what I am getting at is just in  
13 terms of their, you know, physical condition in terms of  
14 cleanliness. Do your classrooms to you seem to be clean  
15 or how would you characterize them?

16 A. I am just thinking of my classes in general.  
17 They are decent.

18 Q. And has that been the case of, you know, your  
19 classrooms throughout your ninth, tenth, eleventh and  
20 twelfth grade year?

21 A. I think, yeah.

22 Q. Let's just talk about this year. Do you have  
23 any classrooms this year that seem to be not quite as  
24 clean as some of your other classrooms?

25 A. No.

1 A. There is one more, but I don't know what that  
2 one is. That's hardly used, I believe.

3 Q. In these two bungalow structures that have a  
4 total of seven classrooms, have you noticed that some of  
5 those classrooms are dirtier than others or are they all  
6 about the same?

7 A. Those are generally a little dirtier.

8 Q. And why is it you think that those classrooms  
9 are dirtier?

10 A. Well, there was a section that to get to the 90s  
11 bungalows, it was just like a small pathway and then like  
12 dirt, so like that pathway, like students crossing would  
13 walk on the dirt and then like go into their classrooms.

14 Q. Have you ever had classrooms in the 90s  
15 building?

16 A. Yes.

17 Q. Do you have any classes there this year?

18 A. No.

19 Q. Have you noticed that -- well, are the  
20 classrooms in the 90s building, are they generally clean  
21 during the beginning of the school day, to your  
22 experience?

23 A. From what I remember? Not exactly.

24 Q. What do you mean by "not exactly"?

25 A. I mean they are -- I mean the floors were

1 just -- like it was a little dirty in the morning  
 2 already. I can imagine how it gets. Because I would  
 3 have the 90s in the morning, so --  
 4 Q. Were they very dirty or just a little dusty  
 5 or --  
 6 MR. WEISS: Objection as to vague, ambiguous as  
 7 to what time of the day we are talking about.  
 8 BY MR. CHOATE:  
 9 Q. What time of the day are you talking about?  
 10 A. When I had her in the morning. I mean I still  
 11 can't put my stuff on the floor.  
 12 Q. What period did you have your class in the 90s  
 13 building?  
 14 A. First.  
 15 Q. First period?  
 16 A. Yes.  
 17 Q. So 7:25 in the morning?  
 18 A. Yes.  
 19 Q. What year was that in?  
 20 A. Sophomore.  
 21 Q. Do you know how often those classrooms are  
 22 cleaned?  
 23 A. No.  
 24 Q. Did the teachers ever do anything to try to keep  
 25 the classrooms clean?

1 A. No. I am not sure what attempts they have done.  
 2 Q. Did you ever see teachers try to sweep the  
 3 classrooms, try to keep them clean?  
 4 A. Yes, I have seen a teacher sweep.  
 5 Q. Did your teacher sweep your classroom to try to  
 6 keep it clean?  
 7 A. Yeah. She did have a broom in the room to  
 8 sweep.  
 9 Q. Where did you put your backpack when you were in  
 10 that class?  
 11 A. Usually I try to put it either on an empty seat  
 12 or hang it on my chair. Or if worse came to worse, on  
 13 the floor.  
 14 Q. In your opinion did the fact that the floor was  
 15 dusty, did that impair in any way your ability to learn  
 16 in that class?  
 17 A. Well, I ignore it like the rest of the things.  
 18 No.  
 19 Q. What class was that; do you recall?  
 20 A. What subject?  
 21 Q. Yeah.  
 22 A. It was world history.  
 23 Q. Have you had other than your world history  
 24 class, that classroom in the 90s bungalow area, have you  
 25 had any other classes in that area?

1 A. Yes. I had my U.S. world history class.  
 2 Q. And what year was that in?  
 3 A. Junior, junior year.  
 4 Q. Any other classes?  
 5 A. After that, no.  
 6 Q. In the other class you just told me about in the  
 7 90s as bungalow area, was the floor in that classroom  
 8 also dusty?  
 9 A. Yes.  
 10 Q. Did that distract you from learning in that  
 11 class?  
 12 A. Just made it interesting to walk.  
 13 Q. How did it make it interesting to walk?  
 14 A. Just like, you know, just have like all this  
 15 dirt and whatnot on your shoes so you can imagine on  
 16 rainy days.  
 17 Q. Did your teacher in that class also try to sweep  
 18 to keep that classroom clean?  
 19 A. That teacher? No. He was a guy. I don't  
 20 think -- no.  
 21 Q. No? He didn't?  
 22 A. No.  
 23 Q. Would it have made a difference if he had tried  
 24 to sweep like your other teacher?  
 25 A. No.

1 Q. In the two classes that you had in the 90s  
 2 bungalow area, was your ability to learn in the  
 3 classroom -- were you distracted in terms of your ability  
 4 to concentrate in class?  
 5 A. The only distraction I can think of, there  
 6 wasn't air conditioning, good air conditioning in those  
 7 bungalows.  
 8 Q. In those bungalows?  
 9 A. Yeah.  
 10 Q. Okay.  
 11 A. So like in the summertime it would get very hot  
 12 and uncomfortable.  
 13 Q. Did you have good air conditioning in your other  
 14 classrooms?  
 15 A. I don't know about good, but like most of them  
 16 had, most of them had air conditioning.  
 17 Q. Do you recall any occasions in the two classes  
 18 that you had in the 90s bungalow area that because of the  
 19 lack of air conditioning, you were unable to concentrate  
 20 in class?  
 21 A. Yeah, you could say that.  
 22 Q. In which class?  
 23 A. For sure my U.S. history because I was --  
 24 Q. That was in your ninth grade year?  
 25 A. No. U.S.? U.S. was my eleventh grade.

- 1 Q. And then you had world history, too, right, in  
2 the bungalows area?  
3 A. Yes.  
4 Q. That was what grade?  
5 A. Tenth grade.  
6 Q. Okay. And in which class did you have a hard  
7 time concentrating because of the lack of air  
8 conditioning?  
9 A. My U.S. history.  
10 Q. But your world history was okay?  
11 A. Early in the morning still fresh.  
12 Q. What period did you have U.S. history in the  
13 eleventh grade?  
14 A. U.S. history in third period.  
15 Q. What time of day was that?  
16 A. Like 10:20.  
17 Q. 10:20. And then it would go for about an hour?  
18 A. Yeah.  
19 Q. Is that classroom air conditioned?  
20 A. It had an air conditioner, but I think for a  
21 while it wasn't working properly so it just -- it got  
22 real hot and stuffy there.  
23 Q. For how long did that air conditioning not work?  
24 Can you recall?  
25 A. Exact I can't, exactly how long, no.

- 1 Q. Do you recall on how many occasions you found  
2 that -- well, how were you distracted in that class by  
3 air conditioning?  
4 A. Personally I can't concentrate under warm  
5 conditions. I just become very -- I just can't focus  
6 very well.  
7 Q. How warm does it have to get? At what point do  
8 you stop focusing very well?  
9 A. I mean I have to get pretty warm.  
10 Q. Like what?  
11 A. I can't. I don't know exact like temperatures.  
12 Q. Well, try to estimate it.  
13 A. 90, 93.  
14 Q. On how many occasions would you say you found it  
15 difficult to concentrate in your U.S. history class  
16 because the air conditioning was not functioning?  
17 A. How many times?  
18 Q. Yeah.  
19 A. Maybe a week or two.  
20 Q. A week or two out of the entire year?  
21 A. Maybe a week or two, yeah. Maybe. Yeah.  
22 Q. And how was your concentration affected during  
23 that week or two?  
24 A. It would just be a warm, sticky day and I just  
25 can't -- I wouldn't be able to focus.

- 1 Q. You couldn't focus at all?  
2 A. I mean I would try, but I just -- I just get --  
3 I just can't focus.  
4 Q. Was it for a week or two weeks straight?  
5 A. Yeah. Like I remember it was warm for a long  
6 period of time, especially in the morning. I remember I  
7 just couldn't -- I just felt very -- I wasn't able to  
8 focus.  
9 Q. Did you ask your teacher for any help, let's say  
10 after school, in order to help you with what was being  
11 taught in the class during that time?  
12 A. No.  
13 Q. Why not?  
14 A. I don't know. I just figured -- I mean I was  
15 there in the classroom so I just figured why waste your  
16 time after school.  
17 Q. Do you think it would be a waste of time to get  
18 help from your teachers after school?  
19 A. Well, no, but also I had other things to do  
20 after school.  
21 Q. What type of grade did you receive in U.S.  
22 history; do you recall?  
23 A. U.S.?  
24 Q. Yeah.  
25 A. [REDACTED]

- 1 Q. In your opinion was your grade in that class  
2 affected negatively by the occasional warm days that you  
3 experienced in that class?  
4 A. I think considering that the period -- how often  
5 it would get warm there, I think, yeah, a bit. A week of  
6 not focusing could I think affect work studies or grades.  
7 Q. Do you think it affected your grade, though, in  
8 that class?  
9 A. Yeah.  
10 Q. You do?  
11 A. Well, yeah. I mean --  
12 Q. Do you recall having gotten a grade on a test  
13 that you think was lower than your average grades that  
14 you attribute to the heat?  
15 A. I think I thought that before, yeah, in that  
16 class.  
17 Q. In that class?  
18 A. Uh-huh.  
19 Q. You can recall a specific test that you think  
20 you did poorly on because of the heat?  
21 A. Not a specific test, but the type of test we  
22 would take, I think it affected how I concentrated and  
23 how I focused on my test.  
24 Q. What about in your other classes, not -- you  
25 know, aside from classes in the 90s bungalow area? Did

1 you have problems with air conditioning that you think  
 2 interfered with your education?  
 3 A. My -- yeah.  
 4 Q. What classes?  
 5 A. My English class. It was also in a bungalow.  
 6 Q. What year is this in?  
 7 A. In my junior, junior year.  
 8 Q. That is your eleventh grade year?  
 9 A. Yes.  
 10 Q. What period did you have English?  
 11 A. I don't -- I can't -- I don't remember. Either  
 12 fifth or sixth.  
 13 Q. Any other classes you can recall?  
 14 A. No, not at the moment.  
 15 Q. Why don't you describe for me what happened in  
 16 your English class. First of all, did that English class  
 17 in your eleventh grade year have air conditioning?  
 18 A. I don't know if it did because it would be hot  
 19 in there.  
 20 Q. Are you sure that your class didn't have air  
 21 conditioning?  
 22 A. If it did, it probably didn't work because it  
 23 would just be too hot in there.  
 24 Q. On how many occasions would you say that you  
 25 found it difficult to concentrate in that class because

1 of the heat?  
 2 A. Well, a lot. For instance, we would read like  
 3 the first 15 minutes, we would read a book. And if I  
 4 would open the book, I would kind of, just kind of doze  
 5 off from the heat.  
 6 Q. Did you ever complain to anybody in the  
 7 administration about the air conditioning in that class?  
 8 A. No.  
 9 Q. Why not?  
 10 A. I don't know. I just thought -- I don't know.  
 11 I didn't think about it.  
 12 Q. Did you ever complain to your teacher about the  
 13 air conditioning in that class?  
 14 A. No.  
 15 Q. Did your teacher ever do anything to lessen the  
 16 heat, like close the door and close the blinds?  
 17 A. She would close the blinds.  
 18 Q. Did that help?  
 19 A. I don't know. I don't know.  
 20 Q. Well, did it?  
 21 A. Well, I don't know. It was just closing the  
 22 blinds. I don't think it helped a lot.  
 23 Q. Did it help some?  
 24 A. Honestly, no, in my opinion.  
 25 Q. What grade did you receive in that class?

1 A. I don't remember.  
 2 Q. Do you feel that the grade you received in that  
 3 class was impaired by the heat in the classroom  
 4 occasionally?  
 5 A. A little.  
 6 Q. But you don't know what grade you got in the  
 7 class, though?  
 8 A. I mean it was passing, but I am not sure what it  
 9 was.  
 10 Q. And do you think that if the air conditioning  
 11 functioned properly every day in that class, you would  
 12 have had a better grade?  
 13 A. Yeah, probably would have been a little sharper.  
 14 MR. CHOATE: Want to take a break?  
 15 MR. WEISS: Sure.  
 16 (Recess taken.)  
 17 MR. CHOATE: Want to go back on?  
 18 MR. WEISS: Sure.  
 19 MR. CHOATE: Let's go back on the record. I am  
 20 going to introduce as Exhibit 2 a document entitled  
 21 "Declaration of Geyman Hernandez."  
 22 (Deposition Exhibit 2 was marked  
 23 for identification and attached.)  
 24 BY MR. CHOATE:  
 25 Q. Would you take a look at page 4 of this

1 document.  
 2 A. Page 4?  
 3 Q. Yeah. It's the last page. Is that your  
 4 signature in kind of towards the top of the page on the  
 5 right side?  
 6 A. Yes.  
 7 Q. Did you sign this document on November 8, 2001?  
 8 A. Yes.  
 9 Q. Can you identify for me what this document is?  
 10 A. This document is my words of -- like my opinions  
 11 and what -- like my opinions on school, on my school,  
 12 pretty much.  
 13 Q. Were you asked by someone to provide this  
 14 declaration?  
 15 A. Was I asked by someone to provide?  
 16 Q. Yeah.  
 17 MR. WEISS: Objection if the answer requires --  
 18 if the answer is that one of your attorneys asked you to  
 19 put together a declaration, it would violate the  
 20 attorney-client privilege. If that's the case, I  
 21 instruct you not to answer the names of any attorneys who  
 22 asked you to prepare the declaration.  
 23 THE WITNESS: Okay.  
 24 BY MR. CHOATE:  
 25 Q. Well, you know, I will just back up for a

1 second. When did you first see this document?  
 2 A. A long time ago. I don't -- when I first saw  
 3 it? I do not remember exactly when.  
 4 Q. Well, take a look on page 4. There is a  
 5 handwritten notation that says 8 November 2001. Is that  
 6 your handwriting?  
 7 A. Yes.  
 8 Q. You see that the word "July" and the No. 2000 is  
 9 crossed out?  
 10 A. Yes.  
 11 Q. Did you or do you recall having seen this  
 12 document sometime around July of 2000?  
 13 A. Sometime around?  
 14 Q. Do you recall seeing this document around July  
 15 of 2000?  
 16 A. Yeah.  
 17 Q. Was the first time you saw this document in July  
 18 of 2000?  
 19 A. It was I think around July 2000.  
 20 Q. I want to get a sense of kind of how this  
 21 document was prepared. Did you speak with somebody prior  
 22 to July of 2000 about -- well, first of all, let me back  
 23 up.  
 24 Did you prepare this document personally? Did  
 25 you prepare this document?

1 A. I did not write it, but they are in my words.  
 2 Q. Did you provide your words to somebody else who  
 3 then put them into this document?  
 4 A. Yes.  
 5 Q. And you provided your own testimony to somebody  
 6 prior to July of 2000; is that correct?  
 7 A. I provided my testimony?  
 8 Q. Well, did you meet with somebody in person for  
 9 the purpose of preparing this declaration?  
 10 A. Yes.  
 11 Q. Who did you meet with?  
 12 A. The name, I don't remember.  
 13 Q. Was she somebody -- was she a lawyer who  
 14 represents the plaintiffs in this case?  
 15 A. Yes.  
 16 Q. Do you know what her name is?  
 17 A. No.  
 18 Q. Did you meet with this person face-to-face?  
 19 A. Yes.  
 20 Q. Do you recall when approximately you met with  
 21 this person?  
 22 A. Sometime in earlier 2000, before July 2000.  
 23 Q. Okay. Did you meet with this person on just one  
 24 occasion for the purpose of providing the information  
 25 that was put into your declaration?

1 A. Yes.  
 2 Q. Do you recall approximately, I know it has been  
 3 a while, do you recall approximately how long the meeting  
 4 between yourself and this other person lasted on that  
 5 occasion in early 2000?  
 6 A. I can't. I don't know.  
 7 Q. Did it last less than an hour?  
 8 A. I can't be -- I am not certain.  
 9 Q. After this occasion in early July 2000 or in  
 10 early 2000 when you met with this woman, did you speak  
 11 with her on subsequent occasions about the information  
 12 that appears in this declaration or did you just speak  
 13 with her on that one occasion?  
 14 A. I only spoke with her that one occasion.  
 15 Q. And during this meeting that took place between  
 16 you and this woman, was it just the two of you present?  
 17 A. Yeah.  
 18 Q. Yes?  
 19 A. Yeah.  
 20 Q. Do you recall where the two of you met?  
 21 A. We met in the CB office.  
 22 Q. The Community for Better --  
 23 A. The Community for Better Environment office.  
 24 Q. And you first saw this actual physical document  
 25 sometime in July of 2000; is that correct?

1 A. Yes.  
 2 Q. How did you see the document? Was it mailed to  
 3 you or did somebody hand it to you in person?  
 4 A. It was mailed.  
 5 Q. Try to estimate, if you can, about how much time  
 6 elapsed between the time the meeting took place between  
 7 you and this woman and the time you actually received the  
 8 declaration.  
 9 A. I am not certain.  
 10 Q. When you received the declaration in July of  
 11 2000, you didn't sign it, did you?  
 12 A. No.  
 13 Q. No?  
 14 A. When I received it in the mail, no, I didn't.  
 15 Q. Have you seen any other drafts of the  
 16 declaration other than the one that's in front of you?  
 17 A. It has -- this has been -- it has been changed  
 18 since the first time when I first made it, when it was  
 19 first done.  
 20 Q. Okay. You received the declaration in July of  
 21 2000?  
 22 A. Yes.  
 23 Q. Right?  
 24 A. Yes.  
 25 Q. When you received the declaration, did you --

1 were changes subsequently made to the declaration?  
 2 A. Yes. There is some changes made.  
 3 Q. So this is not the declaration, the exact  
 4 declaration that you received in July of 2000, is it?  
 5 A. This one in front of me?  
 6 Q. Yeah, that you have signed.  
 7 A. The exact one? No.  
 8 Q. No?  
 9 A. No.  
 10 Q. Okay. Do you recall what changes were made to  
 11 the declaration?  
 12 A. I don't. I don't remember.  
 13 Q. Were there more than one other draft of the  
 14 declaration that you saw?  
 15 A. There was, yeah.  
 16 Q. How many different drafts of the declaration, of  
 17 your declaration, have you seen?  
 18 A. Maybe just one other one. So I received this  
 19 one. I sent it back. And I got the other, the other --  
 20 I got -- so I -- okay. So I received this one, sent it  
 21 back, got the new draft. I think I did changes one more  
 22 time and I think then we have this one.  
 23 Q. Okay. So the first draft of your declaration  
 24 you received in July of 2000?  
 25 A. Yes.

1 Q. Okay. Do you recall what changes you made to  
 2 that first draft that you received in July 2000?  
 3 A. No.  
 4 Q. Do you recall about how many changes you made?  
 5 A. No, I can't recall.  
 6 Q. Can you describe for me the changes? Were they  
 7 substantive in nature or were they more -- I mean were  
 8 they --  
 9 MR. WEISS: I am going to object. Calls for  
 10 privileged attorney-client privileged information and  
 11 instruct you not to answer.  
 12 MR. CHOATE: Let me make sure I understand this.  
 13 You are instructing him not to answer based on changes he  
 14 made to his declaration?  
 15 MR. WEISS: That he sent back to his attorney  
 16 because it's a communication between an attorney and the  
 17 client, yes.  
 18 MR. CHOATE: Okay. Well, I am sure that we have  
 19 requested discovery, all former drafts of the  
 20 declarations. And I think that's obviously discoverable  
 21 material.  
 22 Q. When approximately did you send the draft that  
 23 you received in July of 2000? Do you recall when you  
 24 sent that back to your lawyers?  
 25 A. No.

1 Q. Did you mail it back to your lawyers?  
 2 A. I do not remember.  
 3 Q. Do you recall who you mailed it to?  
 4 A. Actually I think someone picked it up.  
 5 Q. Someone came to your home and picked it up?  
 6 A. Yes. Someone came to the CB office and picked  
 7 it up.  
 8 Q. Do you recall who that person was?  
 9 A. Her name, no.  
 10 Q. It was a woman?  
 11 A. Uh-huh.  
 12 Q. Did she work with the ACLU?  
 13 A. I am not certain.  
 14 Q. Do you recall when approximately she came to the  
 15 CB office to pick up the draft declaration?  
 16 A. No.  
 17 Q. When approximately did you receive the revised  
 18 draft declaration? Let me back up for a second.  
 19 The original draft that you received in July of  
 20 2000, did you make handwritten notations on the draft?  
 21 A. Yes.  
 22 Q. And you sent back the revised draft with your  
 23 handwritten notations on it or a woman picked up the  
 24 revised draft with your handwritten notations on it?  
 25 A. Yeah.

1 Q. Did you keep a photocopy of the revised draft?  
 2 A. No.  
 3 Q. You gave your original revisions to the person  
 4 who picked it up at the CB office?  
 5 A. I believe so, yes.  
 6 Q. When did you receive the second draft of the  
 7 declaration, the revised draft?  
 8 A. The second one? I think -- I received it I  
 9 think a little bit before November 2001.  
 10 Q. How did you receive it, by mail?  
 11 A. I think -- no. By person.  
 12 Q. And that was sometime around the 1st of November  
 13 or before the 1st of November?  
 14 A. Around the 1st of November.  
 15 Q. Was the declaration delivered to your home?  
 16 A. I don't remember.  
 17 Q. Do you remember where you received it?  
 18 A. I don't remember.  
 19 Q. But you do remember that somebody gave it to you  
 20 in person?  
 21 A. I don't remember. I remember meeting with  
 22 somebody and discussing this, not discussing it, but  
 23 going over if it was correct. And that was I suppose on  
 24 November 8th.  
 25 Q. I want to just back up for a second. I think

1 you had testified that you received a draft in July of  
2 2000.  
3 A. Uh-huh.  
4 Q. You made revisions.  
5 A. Right.  
6 Q. You received a second draft.  
7 A. Yes.  
8 Q. You made some more revisions.  
9 A. Yes.  
10 Q. And then you received the final draft.  
11 A. Yeah.  
12 Q. Right?  
13 A. Yes.  
14 Q. So there were three different versions of your  
15 declaration that you received; is that correct?  
16 A. Versions?  
17 Q. Three.  
18 A. Yes.  
19 Q. In the second version did you receive that  
20 version on or around the 1st of November?  
21 A. The second version?  
22 Q. Yeah.  
23 A. I don't know.  
24 Q. Okay. Well, I know it has been a while, but the  
25 second version that you received, did you receive that by

1 mail or did you receive it in person?  
2 A. I believe I got a copy by mail and then I was  
3 later visited in person.  
4 Q. Do you know when approximately you received the  
5 copy by mail?  
6 A. No, I do not.  
7 Q. When you received the copy by mail, did you make  
8 changes to it?  
9 A. I don't remember.  
10 Q. Well, you said you made changes to your  
11 declaration on a second occasion.  
12 A. Right. When I was -- when someone came to me to  
13 pick this up or get this, I did changes, quick changes  
14 over that one day.  
15 Q. Okay. And was that on or around November 1st?  
16 A. I don't know. I think -- I don't remember.  
17 Q. All right. Well, you made changes the second  
18 time?  
19 A. Right.  
20 Q. And then you received a third draft of the  
21 declaration; correct?  
22 A. Yes.  
23 Q. And do you recall when you received the final,  
24 the third and final draft of the declaration?  
25 A. No.

1 Q. You don't remember?  
2 A. No.  
3 Q. You remember signing it on November 8th?  
4 A. Yeah.  
5 Q. Did you receive it on November 8th or did you  
6 receive it before November 8th?  
7 A. I don't remember.  
8 Q. Did you receive it by mail or did you receive it  
9 in person?  
10 A. I can't recall.  
11 Q. Did you review Exhibit 2 in its entirety before  
12 you signed it to make sure that it was accurate?  
13 A. Yes.  
14 Q. Once you signed the declaration, what did you do  
15 with it? Did you give it to somebody?  
16 A. Yes.  
17 Q. Do you recall when you gave it to -- who did you  
18 give it to?  
19 A. Same person.  
20 Q. Did you give it to her in person or did you mail  
21 it to her?  
22 A. In person.  
23 Q. Was that on November 8th or was it after  
24 November 8th?  
25 A. I don't remember.

1 Q. When you signed the declaration, was somebody  
2 else with you; do you recall?  
3 A. Yes.  
4 Q. Yes?  
5 A. Yes.  
6 Q. You reviewed this declaration. Was the person  
7 who was with you, was it a lawyer?  
8 A. Yes.  
9 Q. You reviewed the final draft of your declaration  
10 in the presence of a lawyer and then signed it in the  
11 presence of a lawyer; is that correct?  
12 A. Yes.  
13 Q. And you don't remember her name?  
14 A. No.  
15 Q. Okay.  
16 A. The last changes I remember doing, it was  
17 scratching out the 16 and put 17.  
18 Q. Scratching 16 and putting 17. Where are you  
19 referring to?  
20 A. Right there. 17, first line or second.  
21 Q. Let the record reflect that Geyman is pointing  
22 to line 2 of his declaration.  
23 And you scratched out the word "16" and wrote in  
24 "17"?  
25 A. Uh-huh.

1 Q. Okay. Was that the second revision you made?  
 2 Was that the second time, the second draft?  
 3 A. I don't remember.  
 4 MS. FLOYD: You are referring to line 5.  
 5 BY MR. CHOATE:  
 6 Q. Right, line 5. You scratched out word 16 and  
 7 scratched it out and inserted the word 17?  
 8 A. Yes.  
 9 Q. You didn't do that revision, though, on  
 10 November 8th when you signed the declaration, did you?  
 11 A. Excuse me, sorry? Say that again.  
 12 Q. You signed this declaration on November 8th; is  
 13 that correct?  
 14 A. Yeah.  
 15 Q. On November 8th you scratched out the word  
 16 "July" and the number "2000" and put in handwriting "8"  
 17 November 2001; correct?  
 18 A. Yes.  
 19 Q. You told me just a second ago on some occasion  
 20 you also scratched out the word "16" from line 5 and put  
 21 in the word "17."  
 22 A. I am confused. I did that before that. The  
 23 last time I received this draft, I went over it and it  
 24 was the last, whichever draft it was, I reviewed it and  
 25 I -- we just -- yeah, I signed it that date. I found

1 there was nothing wrong with it.  
 2 Q. So the revision you made to the word "16" and  
 3 changing it to the word "17" --  
 4 A. That was another draft.  
 5 Q. -- that was a different occasion?  
 6 A. Yes.  
 7 Q. That was before November 8th?  
 8 A. Yes.  
 9 Q. Okay. So we know that at least on one occasion  
 10 in July of 2000, you made handwritten notations on a  
 11 draft and sent that to your lawyers?  
 12 A. Yes.  
 13 Q. And then on a second occasion you also made a  
 14 notation to the word "16" and changed it to "17"?  
 15 A. I believe so, yes.  
 16 Q. Other than those two occasions, do you recall  
 17 having made any other changes to the declaration?  
 18 A. Before the 8th of November?  
 19 Q. Yeah.  
 20 A. No, I can't remember.  
 21 Q. All right. Take a look, would you, at  
 22 paragraph 4. Just read paragraph 4 on the first page.  
 23 Just read that to yourself and tell me when you are done.  
 24 A. Okay.  
 25 Q. Okay. You testified earlier that in your

1 twelfth grade year, you did not take an art class; is  
 2 that correct?  
 3 A. My twelfth grade year?  
 4 Q. Yeah. In your current twelfth grade year, you  
 5 weren't enrolled in an art class.  
 6 A. Yes.  
 7 Q. Have you been enrolled in a history class in  
 8 your twelfth grade year?  
 9 A. No.  
 10 Q. So when your declaration says "This year in my  
 11 history and art classes," that actually is inaccurate,  
 12 isn't it? You see what I am saying? You didn't take  
 13 history or art classes in your twelfth grade year, did  
 14 you?  
 15 A. No.  
 16 Q. So that line is inaccurate; right?  
 17 A. Yes.  
 18 Q. Does that line refer to a history and art class  
 19 that you had taken in your junior year, to your  
 20 knowledge?  
 21 A. To my knowledge I believe that -- I believe  
 22 that's referring to my sophomore year, but, yeah.  
 23 Q. That's referring to your sophomore year?  
 24 A. I believe so, that line, yeah.  
 25 Q. "This year in my history and art classes," that

1 refers to a history and art class that you took in your  
 2 tenth grade year which was 1999 to 2000?  
 3 MR. WEISS: Counsel, can you just refer to line  
 4 numbers so we know where we are?  
 5 MR. CHOATE: Yeah. I'm sorry.  
 6 Q. Line 18, line 18 reads "This year in my history  
 7 and art classes, each seat is filled and the classroom  
 8 seemed very crowded." Do you see that?  
 9 A. Yeah.  
 10 Q. Are you testifying that that line refers to  
 11 history and art classes that you took in your 1999 to  
 12 2000 school year?  
 13 A. Yeah.  
 14 Q. In 1999 or 2000 you were in track C; correct?  
 15 A. Yes.  
 16 Q. When does the school year for track C end?  
 17 A. School year?  
 18 Q. Yeah.  
 19 A. April, April, the end of April sometime.  
 20 Q. Near the end of April?  
 21 A. Usually like the 25th or 27th of April.  
 22 Q. So your sophomore year would have ended in  
 23 around April 25th of 2000?  
 24 A. Yes, around that time.  
 25 Q. And when would your junior year have commenced?



1 A. July, depending on what day the 4th of July was,  
 2 July 5th or 6th or any of those days.  
 3 Q. Did you take an art class in your ninth grade  
 4 year?  
 5 A. I think -- yeah. I had to take an intro to art.  
 6 Q. Intro to art?  
 7 A. Uh-huh.  
 8 Q. Okay. Well, I am a little confused right now  
 9 because I think you testified earlier today that in your  
 10 tenth grade art class, there were about two students who  
 11 didn't have a seat, their own seat in your art class for  
 12 about one to two months.  
 13 A. Right.  
 14 Q. Do you recall that?  
 15 A. Yes.  
 16 Q. And you testified that that took place in your  
 17 tenth grade art class; correct?  
 18 A. Yes.  
 19 Q. Line 16 of your declaration suggests that there  
 20 were two students your ninth grade art class who didn't  
 21 have a seat. And I guess what I am trying to do is to  
 22 reconcile the discrepancy in the time.  
 23 A. Right. This line says that --  
 24 Q. Look at line 16.  
 25 A. Okay.

1 Q. It says "Last year in my art class there weren't  
 2 enough seats to hold all students."  
 3 A. Right.  
 4 Q. Two to four students had to sit on the counter  
 5 the whole semester because they didn't have a seat?  
 6 A. Okay.  
 7 Q. Is that line of your declaration referring to  
 8 your ninth grade art class?  
 9 A. It might.  
 10 Q. It might be?  
 11 A. Yeah.  
 12 Q. Well, in line 18 you are referring to your art  
 13 class this year and you told me that refers to your tenth  
 14 grade year.  
 15 A. Right.  
 16 Q. So if line 18 refers to the art class you had in  
 17 your tenth grade year, line 16 must refer to the art  
 18 class that you had in your ninth grade year; is that  
 19 correct?  
 20 A. Line 16, my ninth grade, and line 18, my tenth  
 21 grade.  
 22 Q. Is that correct?  
 23 A. Yeah. I mean I took two art classes, so --  
 24 Q. And what I want to know is in which art class,  
 25 which of those two art classes did the two to three

1 students not have a seat for one to two months?  
 2 A. Most likely my intro to art class.  
 3 Q. Which was your ninth grade year?  
 4 A. Yeah.  
 5 Q. Correct?  
 6 A. Yes.  
 7 Q. How long does a mester last?  
 8 A. A mester?  
 9 Q. Yeah.  
 10 A. Two months.  
 11 Q. In line 17 where it says that "two to four  
 12 students had to sit on the counter for a whole mester,"  
 13 it's actually possible that two to three students had to  
 14 sit on a counter for less than a whole mester; isn't that  
 15 right? You testified earlier today that two to three  
 16 students were without a seat for about one to two months.  
 17 A. Right. So the question is?  
 18 Q. So the question is, it's possible that line 17  
 19 is inaccurate when it says they had to sit on the counter  
 20 for a whole mester; is that fair?  
 21 A. For about two months? Oh, I said for about one  
 22 to two months.  
 23 Q. When you said for one to two months.  
 24 A. And here I say for a whole mester?  
 25 Q. Yeah. Here you say a whole mester. So what I

1 am trying to see is which --  
 2 A. I would say this one is more accurate because  
 3 I -- my memory is a little off, but --  
 4 Q. Sitting here today, you don't know whether those  
 5 two to three students were without a seat for an entire  
 6 two months, though; is that correct?  
 7 A. Those students were without a seat for about  
 8 two -- for about two to -- did you say two or three?  
 9 Q. No. What I am asking you is, sitting here  
 10 today, you don't know for sure whether those two to three  
 11 students were without their own seat for an entire two  
 12 months?  
 13 MR. WEISS: Objection. The line 17 and 18 refer  
 14 to two to four students.  
 15 MR. CHOATE: I know. And he testified earlier  
 16 two to three students for one to two months. And I just  
 17 want to -- I mean I am trying to get a sense of, you  
 18 know, what the story is.  
 19 Q. And I just want to know is it possible that line  
 20 17 of your declaration is inaccurate?  
 21 A. Because here I said two to four and earlier I  
 22 said two to three?  
 23 Q. Right.  
 24 A. Oh. You want to know if it is inaccurate?  
 25 Q. You told me earlier today --

1 A. Right.  
 2 Q. -- that you thought these two to three students  
 3 were without a seat for one to two months.  
 4 A. Right.  
 5 Q. And your declaration says for sure they were  
 6 without a seat for the entire two months and I am trying  
 7 to get a sense for what really was the case. And what I  
 8 want to know is sitting here today --  
 9 A. Right.  
 10 Q. -- are you sure, are you positive that those two  
 11 students were without a seat for the entire two months?  
 12 A. The entire two months? For around a month or  
 13 two. I can't remember exactly, but it was around a month  
 14 or two.  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 Q. Do you recall when that was?  
 20 A. When I had my class in the auditorium?  
 21 Q. Yes, like in what school year?  
 22 A. My junior year. Or no. Wait. I can't give  
 23 exactly the date. Maybe around 2001. 2001.  
 24 [REDACTED]  
 25 [REDACTED]

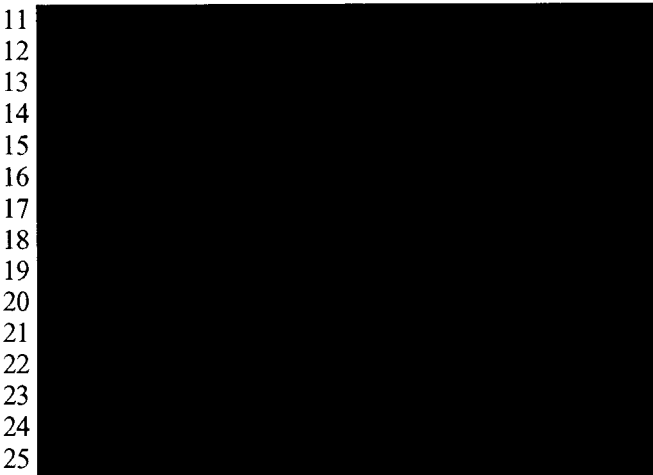
1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 Q. And you are not sure whether there were any  
 10 other classes in the auditorium?  
 11 A. I am not sure.  
 12 Q. Okay. Do you recall being distracted by noise  
 13 in the auditorium?  
 14 A. It was generally quieter in the auditorium, but  
 15 then the auditorium didn't have the seats, like tables.  
 16 Q. Do you recall being distracted when you received  
 17 instruction in the auditorium by noise?  
 18 A. In the auditorium? No.  
 19 Q. What was the problem in the auditorium with  
 20 seats?  
 21 A. Well, it's like an auditorium. There are just  
 22 rows of seats. There is no table.  
 23 Q. So what would you do, use your note pad on your  
 24 knee?  
 25 A. Yeah.

1 [REDACTED]  
 2 [REDACTED]  
 3 Q. Do you recall what subject you had in the  
 4 auditorium?  
 5 A. I had biology and I don't remember.  
 6 [REDACTED]  
 7 [REDACTED]  
 8 Q. But you do remember taking biology?  
 9 A. Yeah.  
 10 Q. In the auditorium?  
 11 A. Uh-huh.  
 12 Q. How many students were in your [REDACTED]  
 13 biology class? Do you recall, approximately?  
 14 A. Between 20 and 35.  
 15 Q. Do you recall whether there were any other  
 16 classes that were also receiving instruction in the  
 17 auditorium while your biology class received instruction?  
 18 A. I am not sure.  
 19 Q. You can't recall whether there were other  
 20 classes that also received instruction at the same time  
 21 as your biology class?  
 22 A. In the auditorium?  
 23 Q. Right.  
 24 A. I do remember like another class, but I am not  
 25 sure. I am not positive.

1 Q. Did that complicate the class for you?  
 2 A. It was uncomfortable.  
 3 Q. Were you still able to learn biology, do you  
 4 think, in your opinion?  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 Q. Would you read to yourself paragraph 5, please,

1 on page 1.  
 2 Let's go off the record.  
 3 (A discussion was held off the record.)  
 4 MR. CHOATE: Let's go back on.  
 5 THE WITNESS: Okay.  
 6 BY MR. CHOATE:  
 7 Q. All right. Lines 20 to 21, the declaration  
 8 indicates you wanted to "take an algebra class this year  
 9 because I need three years of math to be eligible for  
 10 college."  
 11 A. Right.  
 12 Q. In what year was it? What year are you  
 13 referring to in which you wanted to take an algebra  
 14 class?  
 15 A. I am assuming eleventh grade, 2001.  
 16 Q. Was algebra the class you took during Saturday  
 17 school?  
 18 A. The class course name?  
 19 Q. The declaration, you say that to make up for the  
 20 class, the algebra class you wanted to take, I plan on  
 21 taking Saturday school where courses are offered to  
 22 students who need to make up coursework."  
 23 You testified earlier about a math class you  
 24 took in Saturday school for seven months.  
 25 A. Right.

1 math for college; correct?  
 2 MR. WEISS: Objection. Mischaracterizes his  
 3 testimony. Mischaracterizes the deponent's earlier  
 4 testimony about math requirement.  
 5 BY MR. CHOATE:  
 6 Q. You are taking algebra this year, aren't you?  
 7 A. Yeah.  
 8 Q. And they had space for you in the algebra class,  
 9 didn't they?  
 10 A. Yeah.



1 Q. Was that math class an algebra class?  
 2 A. It was -- no. It wasn't an algebra class.  
 3 Q. In lines 22 to 23, you say that you asked your  
 4 counselor to "add a math class to my schedule, but she  
 5 said there wasn't any more space."  
 6 A. Uh-huh.  
 7 Q. You told me earlier today that when you spoke to  
 8 your counselor about adding a math class to your  
 9 schedule, your counselor told you that you didn't need  
 10 math for college.  
 11 A. Right.  
 12 Q. Right?  
 13 A. (Witness nodded head up and down.)  
 14 Q. When I asked you if she had told you anything  
 15 else, you said no. And I am wondering whether it's true  
 16 that she told you, she actually told you that there  
 17 wasn't any more space in the math class for you, you  
 18 know, in the regular curriculum at Huntington Park. Did  
 19 she tell you that?  
 20 A. If I wrote it down, I guess she did.  
 21 Q. Do you recall her saying that to you, sitting  
 22 here today?  
 23 A. Right now? I can't remember.  
 24 Q. But you remembered earlier that she told you,  
 25 though, that you didn't need math, that extra year of

1  
 2  
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 6  
 7 Q. You know, I had asked you earlier if there were  
 8 any classes that you wanted to enroll in, but you were  
 9 unable to enroll in because there was no space for  
 10 additional students. And you told me there was that  
 11 painting class which, and correct me if I am wrong, I  
 12 believe was in your ninth grade year?  
 13 A. The painting class?  
 14 Q. The painting class that you originally wanted to  
 15 take.  
 16 A. In my ninth grade year?  
 17 Q. Is that not true? It was not your ninth grade  
 18 year?  
 19 A. No.  
 20 Q. Do you recall when it was that you wanted to  
 21 take the painting class but weren't able to?  
 22 A. No.  
 23 Q. I had asked you if there were any other classes  
 24 that you were unable to take because there wasn't enough  
 25 room for additional students and you said there weren't



1 any, that you couldn't remember any. Do you recall that?  
 2 I asked you we talked earlier today --  
 3 A. Right.  
 4 Q. -- about whether you were unable to take any  
 5 classes at Huntington Park Senior High School because  
 6 there wasn't enough space for additional students in the  
 7 class. Do you recall when we talked about that?  
 8 A. Yes.  
 9 Q. And you had told me about this painting class,  
 10 this elective class that you wanted to take.  
 11 A. Right.  
 12 Q. Do you recall that?  
 13 A. Yes.  
 14 Q. And I asked you if there were any additional  
 15 classes that you were unable to take because of space  
 16 issues. And you told me that you couldn't remember any.  
 17 Do you recall that?  
 18 A. Yeah.  
 19 Q. You do recall that?  
 20 A. I do remember saying I couldn't remember any  
 21 other classes.  
 22 Q. Right.  
 23 A. Right.  
 24 Q. Okay. And I had asked you if you knew of any  
 25 students who were unable to enroll in the class because

1 of space issues and you said that you didn't remember any  
 2 or you couldn't recall any. Do you recall having  
 3 testified like that?  
 4 MR. WEISS: Objection. Mischaracterizes his  
 5 earlier testimony regarding other students.  
 6 MR. CHOATE: No. I am just asking if he  
 7 recalls having testified like that.  
 8 THE WITNESS: If I recall --  
 9 BY MR. CHOATE:  
 10 Q. Do you know, sitting here today, are you aware  
 11 of any students who have been unable to enroll in a class  
 12 at Huntington Park Senior High School because there  
 13 wasn't enough space for that student?  
 14 A. I can't think of any right now.  
 15 Q. Would you just look finally, please, at  
 16 paragraph 6.  
 17 A. Right here?  
 18 Q. Yes. Just read paragraph 6 to yourself and we  
 19 will wrap this up today.  
 20 A. Okay.  
 21 Q. Okay. Line 28 at the very end says "One of my  
 22 friends wanted to take Spanish to fulfill his foreign  
 23 language requirement but had to take French because  
 24 Spanish was full."  
 25 A. Right.

1 Q. Do you recall who that friend was?  
 2 A. Yeah.  
 3 Q. What was his name?  
 4 A. Eduardo.  
 5 Q. Eduardo. What was Eduardo's last name?  
 6 A. I think it's Hernandez.  
 7 Q. Hernandez. What did Eduardo Hernandez tell you  
 8 about his foreign language class issue?  
 9 You can set the declaration aside for just a  
 10 second. I want to get a sense of if you remember, if you  
 11 remember what you spoke to Eduardo about, sitting here  
 12 today.  
 13 A. Like I remember the conversation.  
 14 Q. Uh-huh.  
 15 A. I remember talking about it. What was the  
 16 question? If --  
 17 Q. Your friend Eduardo, is he still in school with  
 18 you?  
 19 A. Yeah.  
 20 Q. Has he taken a full year of French?  
 21 A. I don't know.  
 22 Q. Do you know if he has taken any Spanish?  
 23 A. I guess -- I don't know. I guess -- I don't  
 24 know.  
 25 Q. You don't know?

1 A. No.  
 2 Q. What did Eduardo tell you about a Spanish class  
 3 being full?  
 4 A. What did he tell me about the Spanish class  
 5 being full?  
 6 Q. Yeah.  
 7 A. As I remember, he just complained it was full.  
 8 He had to take something else.  
 9 Q. Did he say that Spanish was his first choice of  
 10 electives? Did he tell you that?  
 11 A. I mean, I don't remember.  
 12 Q. Do you know whether he satisfied his foreign  
 13 language requirement at Huntington Park High?  
 14 A. I don't know.  
 15 Q. Other than Eduardo, are you aware of any other  
 16 students who haven't been able to take a particular class  
 17 they wanted because there's not enough room in the class?  
 18 A. I can't think of any right now.  
 19 Q. Just look lastly at the first sentence of  
 20 paragraph 6. It says "Other students can't get the  
 21 classes they need because the classes fill up so  
 22 quickly."  
 23 A. Right.  
 24 Q. Do you see that?  
 25 A. Yes.

1 Q. What students are you referring to?  
 2 A. I don't remember which.  
 3 Q. Are you aware of any students who couldn't get  
 4 the classes they need because the classes fill up so  
 5 quickly?  
 6 A. I can't think of any right now. I don't  
 7 remember.  
 8 Q. Have you ever been unable to get the classes you  
 9 need because the classes fill up so quickly?  
 10 A. I can't think of any right now.  
 11 Q. No?  
 12 A. No.  
 13 MR. CHOATE: All right. I can just call it  
 14 quits for today. And we can come back. Let me just get  
 15 a stipulation on the record.  
 16 MR. WEISS: Can we go off the record for a  
 17 moment.  
 18 MR. CHOATE: Yeah.  
 19 (A discussion was held off the record.)  
 20 MR. CHOATE: Less go back on the record. This  
 21 deposition is not over. I still have additional  
 22 questions to ask Mr. Hernandez.  
 23 Mr. Hernandez has agreed to conduct an  
 24 additional search for documents that may be responsive to  
 25 the document request that was served upon him. All

1 parties have agreed to recommence this deposition on  
 2 Sunday, February 10th at 9:00 o'clock. If that date does  
 3 not work for Mr. Hernandez or his counsel,  
 4 Mr. Hernandez's counsel will notify me as soon as  
 5 possible and we will arrange an alternative date  
 6 convenient to all.  
 7 May we stipulate that copies of documents  
 8 attached to this deposition may be used as originals and  
 9 that the original of this deposition be signed under  
 10 penalty of perjury; that the reporter is relieved of her  
 11 responsibilities under the applicable statutes for  
 12 maintaining the original deposition transcript, and that  
 13 the original be delivered to the office of Mr. Weiss;  
 14 that the witness will have 30 days from the date of the  
 15 court reporter's transmittal letter to sign and correct  
 16 the deposition; and that Mr. Weiss shall notify all  
 17 parties in writing of any changes in the deposition.  
 18 And that if there are no such changes  
 19 communicated within that time, that any unsigned and  
 20 uncorrected copy may be used for all purposes in this  
 21 litigation or any proceedings related thereto as if  
 22 signed by the deponent.  
 23 MR. WEISS: So stipulated.  
 24 MR. CHOATE: Stipulated.  
 25 THE REPORTER: Who needs copies of the

1 transcript?  
 2 MS. FLOYD: Yeah, plus the mini and diskette.  
 3 THE REPORTER: Do you?  
 4 MR. WEISS: I don't need a copy. Off the record  
 5 for a moment.  
 6 (Whereupon at the hour of 5:35 P.M., the  
 7 deposition was adjourned.)  
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1 STATE OF CALIFORNIA )  
 2 ) ss  
 3 COUNTY OF LOS ANGELES )  
 4 I, GEYMAN HERNANDEZ, 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.  
 10  
 11  
 12  
 13  
 14 GEYMAN HERNANDEZ  
 15  
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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 4th day of February, 2002.

18  
19

20 \_\_\_\_\_  
21 Certified Shorthand Reporter  
22 for the State of California

23  
24  
25