

1                   SUPERIOR COURT OF THE STATE OF CALIFORNIA

2                   FOR THE COUNTY OF SAN FRANCISCO

3  
4       ELIEZER WILLIAMS, et al.,    ) No. 312 236

5                   Plaintiffs,        )

6       v.                                )

7       STATE OF CALIFORNIA;         )

8       DELAINE EASTIN, State        )

9       Superintendent of Public     )

10      Instruction; STATE            )

11      DEPARTMENT OF EDUCATION;    )

12      STATE BOARD OF EDUCATION,   ) VOLUME I

13                   Defendants.       ) Pages 1 - 307

14                                       )

15  
16  
17      DEPOSITION OF:

18                               THOMAS IBARRA

19                               MONDAY, SEPTEMBER 17, 2001

20                               9:50 A.M.

21  
22      Reported by:

23                               C. JANE HARMAN

24                               CSR No. 5266

25

<p style="text-align: right;">Page 2</p> <p>1 Deposition of THOMAS IBARRA, the witness,  2 taken on behalf of DEFENDANT STATE OF CALIFORNIA,  3 at 9:50 A.M., MONDAY, SEPTEMBER 17, 2001, at 400  4 South Hope Street, Fifteenth Floor, Los Angeles,  5 California, before c. jane harman, CSR No. 5266.  6  7 APPEARANCES OF COUNSEL  8  9 FOR PLAINTIFFS:  10 MORRISON &amp; FOERSTER, LLP  11 BY: BENJAMIN J. FOX, ESQ.  12 555 West Fifth Street  13 Los Angeles, California 90013-1024  14 213 892 5201  15  16 FOR DEFENDANT STATE OF CALIFORNIA:  17 O'MELVENY &amp; MYERS, LLP  18 BY: S. BENJAMIN ROZWOOD, ESQ.  19 400 South Hope Street  20 Fifteenth Floor  21 Los Angeles, California 90071-2899  22 213 430 6000  23  24  25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X  2 WITNESS EXAMINATION PAGE  3 THOMAS IBARRA  4 BY MR. ROZWOOD 6  5 Afternoon session 121  6  7  8  9 INSTRUCTED NOT TO ANSWER  10 (None)  11  12  13  14 INFORMATION REQUESTED  15 (None)  16  17  18  19  20  21  22  23  24  25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED  2  3 FOR CROSS-DEFENDANT AND INTERVENER LOS ANGELES  4 UNIFIED SCHOOL DISTRICT:  5 LOZANO SMITH  6 BY: CYNTHIA S. FLOYD, ESQ.  7 2800 28th Street  8 Suite 240  9 Santa Monica, California 90405-2934  10 310 382 5300  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 5</p> <p>1 E X H I B I T S  2 No. Page Description  3 1 22 Cover letter and deposition notices,  4 20 pages  5 2 118 Diagram of Gulf Avenue Elementary  6 School, 1 page  7 3 122 Gulf Avenue School Year-Round  8 Calendar, 1 page  9 4 146 "Rats" report by Mr. Ibarra's class,  10 20 pages  11 5 241 Declaration of Thomas Ibarra,  12 4 pages  13 6 270 Document headed "Policies and  14 General Instructions," 4 pages  15 7 303 California Department of Education  16 memorandum concerning Title 1  17 Program Improvement Schools,  18 6 pages  19  20  21  22  23  24  25</p>

1 LOS ANGELES, CALIFORNIA  
 2 MONDAY, SEPTEMBER 17, 2001  
 3 9:50 A.M.  
 4 -oOo-

5  
 6 THOMAS IBARRA,  
 7 having been first duly sworn, was  
 8 examined and testified as follows:

9  
 10 EXAMINATION

11  
 12 BY MR. ROZWOOD:

13 Q. Good morning, Mr. Ibarra.

14 A. Good morning.

15 Q. Can you state your full name and address  
 16 for the record.

17 A. My full name is Thomas Lorenzo Ibarra.

18 My address is [REDACTED]  
 19 [REDACTED]

20 Q. My name is Ben Rozwood and I represent the  
 21 State of California in this litigation. I want to  
 22 ask you a couple questions to determine how familiar  
 23 you are with this environment.

24 Have you ever had your deposition taken  
 25 before?

1 A. No.

2 Q. Do you know what a deposition is?

3 A. Not entirely, no.

4 Q. Okay. Let me briefly explain what we're  
 5 going to be doing here today.

6 I'm going to ask you some questions under  
 7 oath to determine the facts related to this lawsuit,  
 8 if any, that you have personal knowledge of.

9 Does that make sense?

10 A. Uh-huh. Yes.

11 Q. Thank you.

12 Sitting next to you is a court reporter.  
 13 She's going to be recording all of my questions  
 14 and all of your answers, which at the end will be  
 15 recorded into a written transcript.

16 You will be provided a copy of the  
 17 transcript and you'll have opportunity to make any  
 18 changes you feel are necessary.

19 However, all the lawyers in this case will  
 20 be free to comment on any changes you decide to  
 21 make, either at trial or any other hearing or  
 22 proceeding in this case.

23 Do you understand that?

24 A. Yes.

25 Q. So again, it's very important that you

1 respond to all questions as fully and fairly as you  
 2 possibly can.

3 Is that acceptable to you?

4 A. Yes.

5 Q. Okay. The testimony you will be providing  
 6 here today is given under oath.

7 Do you understand that?

8 A. Yes, I do.

9 Q. Even though we're in an informal setting  
 10 here today, your testimony must be given with the  
 11 same solemnity and sanctity as if you were sitting  
 12 in a formal courtroom environment. Your testimony  
 13 will have the same force and effect as if you were  
 14 testifying in a court of law.

15 Do you understand that?

16 A. Yes, I do.

17 Q. Okay. You are therefore subject to all the  
 18 penalties for perjury for giving false testimony.  
 19 It is very important that you answer all of my  
 20 questions completely and truthfully.

21 Do you understand all of that?

22 A. Yes.

23 Q. Okay. We -- one of the consequences of  
 24 having a reporter writing everything down is that we  
 25 have to verbalize all of our answers and not use

1 "uh-huhs" and "huh-uhs." And so we caught that  
 2 early on -- you caught that, actually.

3 But I want to make sure that nods and  
 4 shakes of the head aren't recorded. And in order to  
 5 give your truthful and accurate testimony, that  
 6 you're verbalizing all your responses.

7 Is that okay?

8 A. I understand, yes.

9 Q. Thank you.

10 Also, you're being great so far and  
 11 hopefully we'll continue this way. It's important  
 12 you let me finish my question before you give an  
 13 answer in order for the reporter to get the full  
 14 transcript in an accurate fashion so that we don't  
 15 speak over each other.

16 Is that acceptable to you?

17 A. Yes, it is.

18 Q. It is important that you listen carefully  
 19 to the question. If you do not understand a  
 20 question, let me know. And if appropriate, I'll  
 21 make an effort to rephrase it for you.

22 If you answer a question, we'll presume you  
 23 understood the question as I asked it.

24 Does that sound fair?

25 A. Yes.

1 Q. Okay. We don't want you to guess. You are  
2 required to answer my questions just to the best of  
3 your ability. Only if you know. If you do not know  
4 the answer, we do not want you to guess. However,  
5 we are entitled, in the event that you have one, to  
6 your best estimate, if you're able to provide one.

7 Does that distinction make sense?

8 A. Yes, it does.

9 Q. Okay. Now, if you need a break for any  
10 reason, to go to the bathroom or anything else, just  
11 let me know. I will instruct the court reporter  
12 that we're off the record and we'll take a break.

13 The only thing I ask is that we try to do  
14 it when there's not a question pending, or we're not  
15 in the middle of a line of questions. But  
16 otherwise, we'll be as accommodating as we can.

17 Okay?

18 If you remember at any point during today's  
19 deposition something more you'd like to add to a  
20 response you gave earlier in the deposition, please  
21 tell me that -- please tell me that information and  
22 we'll get it on the record.

23 (Telephonic interruption.)

24 BY MR. ROZWOOD:

25 Q. If you do not, we will assume that the

1 A. Mr. Fox.

2 Q. When did Mr. Fox become your lawyer?

3 MR. FOX: Objection. Calls for a legal  
4 conclusion.

5 BY MR. ROZWOOD:

6 Q. You can answer.

7 A. I found out that he was going to be my  
8 attorney on Friday of last week.

9 Q. Today is the 17th, so that would be the  
10 14th; correct?

11 A. The 14th, correct.

12 Q. Is that the first lawyer that's represented  
13 you in connection with this litigation?

14 A. Yes, it is.

15 Q. So no other lawyer has represented you  
16 other than Mr. Fox in connection with this  
17 litigation; correct?

18 A. Correct.

19 Q. Have you ever sought legal advice in  
20 connection with this litigation from any other  
21 lawyer besides Mr. Fox?

22 A. Yes.

23 Q. Can you tell me who those lawyers are?

24 A. Mark Coleman.

25 Q. Any other lawyers?

1 answers you give today are full and complete in and  
2 of themselves.

3 Can we agree to that?

4 A. Yes.

5 Q. Okay. Do you understand the ground rules?

6 A. Yes, I do.

7 Q. Do you have any questions --

8 A. No.

9 Q. -- before I begin?

10 Is there any reason why you may not be  
11 unable to testify or give your best testimony here  
12 today?

13 A. No, there's not.

14 Q. Have you recently consumed any medication,  
15 alcohol or other substance that may interfere with  
16 your ability to understand or answer my questions?

17 A. No.

18 Q. Do you suffer from a disability of any kind  
19 that would interfere with your ability to understand  
20 and answer my questions truthfully and accurately?

21 A. No.

22 Q. Okay. Are you represented by counsel at  
23 this deposition?

24 A. Yes.

25 Q. Okay. Who is your counsel?

1 A. No.

2 Q. Is Mr. Coleman an attorney with Mr. Fox's  
3 firm?

4 A. No, he's not.

5 Q. And did Mr. Coleman ever represent you in  
6 connection with this litigation?

7 A. No.

8 Q. Did Mr. Coleman provide you any advice with  
9 respect to this litigation?

10 A. No, he did not.

11 Q. Okay. I want to ask you some questions,  
12 but let me go off the record for one second and get  
13 some of these copied -- we're going to go off the  
14 record for a minute.

15 (Conference held off the record  
16 between the witness and Mr. Fox.)

17 MR. ROZWOOD: Okay. Let's go back on the  
18 record.

19 And let the record show that Mr. Ibarra  
20 conferred with his attorney, Mr. Fox, off of the  
21 record and we're back on the record.

22 Q. Do you have anything that you would like to  
23 add with respect to your prior testimony?

24 A. Yeah, I just want to clarify something. I  
25 misinterpreted one of your questions when you

1 mentioned about when I found out about Mr. Fox or  
 2 when I was going to have legal representation.  
 3 I initially got that phone call sometime in  
 4 August, probably mid August. And I was told that my  
 5 deposition would take place today.  
 6 Q. Okay. Mid August of 2001?  
 7 A. Correct.  
 8 Q. Okay. And who made that call?  
 9 A. Catherine Lhamon.  
 10 Q. Did you understand Ms. Lhamon to be your  
 11 lawyer for purposes of that call?  
 12 A. As it pertains to this case, yes.  
 13 Q. Okay. So other than Ms. Lhamon and Mr. Fox  
 14 and Mr. Coleman, are there any other lawyers that  
 15 you understand have represented you with respect to  
 16 this litigation?  
 17 A. No.  
 18 Q. Before we took a break, I was going to ask  
 19 you what you did to prepare for this deposition.  
 20 Can you tell me what you did to prepare for this  
 21 deposition?  
 22 A. I reread my deposition.  
 23 Q. Your declaration?  
 24 A. Declaration, excuse me. Yes.  
 25 Q. How many declarations have you provided in

1 this litigation?  
 2 A. One.  
 3 Q. Just one.  
 4 That's the one dated July 20th, 2000?  
 5 A. Yes.  
 6 Q. Other than rereading your declaration, is  
 7 there anything else you did to prepare for your  
 8 deposition today?  
 9 A. No.  
 10 Q. Did you have communications with counsel?  
 11 A. This morning, yes.  
 12 Q. Prior to this morning, did you have any  
 13 communications with counsel regarding your  
 14 deposition?  
 15 A. I spoke briefly with someone, yes.  
 16 Q. With Catherine Lhamon?  
 17 A. No. With another attorney at the ACLU.  
 18 Q. Okay. That's why I asked you before if  
 19 there were any attorneys. So maybe this is  
 20 refreshing your recollection some.  
 21 Other than Ms. Lhamon, Mr. Fox and  
 22 Mr. Coleman, are there any other attorneys that you  
 23 spoke with about this litigation?  
 24 A. Yes, there is.  
 25 Q. Okay. Can you tell me the names of those

1 attorneys?  
 2 A. His name was Peter, first name, and  
 3 Eliasberg is the last name.  
 4 Q. How many times have you spoken to  
 5 Mr. Eliasberg about this case?  
 6 A. I spoke with him on -- once.  
 7 Q. Approximately when did you speak with  
 8 Mr. Eliasberg about this case?  
 9 A. On Tuesday, I believe it was last week.  
 10 Q. Was it about this deposition?  
 11 A. Yes.  
 12 Q. Okay. Other than the attorneys you've  
 13 mentioned, can you think of any other attorneys  
 14 you've spoken with about this litigation?  
 15 A. Entirely, from way back from when I first  
 16 gave it, back in July or --  
 17 Q. At any time.  
 18 A. At any time, it would have been Catherine  
 19 Lhamon.  
 20 Q. Okay.  
 21 A. Peter Eliasberg.  
 22 Q. Okay.  
 23 A. And Mr. Fox.  
 24 Q. And Mark Coleman; right?  
 25 A. Well, Mark Coleman, I did not talk to him

1 about the declaration.  
 2 Q. But I'm just talking about this case.  
 3 A. Yeah, about the case, yeah.  
 4 Q. Okay. What else did you do aside from  
 5 speaking with Mr. Eliasberg and reviewing your  
 6 declaration to prepare for your deposition today?  
 7 A. Nothing else.  
 8 MR. ROZWOOD: Okay. Let's go off the  
 9 record for a minute so I can get some documents.  
 10 (Pause in the proceedings.)  
 11 MR. ROZWOOD: Back on the record.  
 12 Q. If you think of anything else, you'll let  
 13 us know; correct?  
 14 A. Oh, yes, I will.  
 15 Q. How many conversations did you have with  
 16 Catherine Lhamon about this litigation?  
 17 A. It's hard for me to estimate, but I will  
 18 try because it's been since -- since last -- it's  
 19 been a full year and a couple of months. Most of  
 20 the contacts were by phone -- well, actually all of  
 21 them were, except the initial meeting that we had.  
 22 And I would say they're roughly probably about 15  
 23 times.  
 24 Q. And when did you first speak with  
 25 Ms. Lhamon about this litigation?

1 A. This is -- it may have been, I believe in  
 2 the month of June, 2000.  
 3 Q. Was that in person or over the telephone?  
 4 A. That was in person.  
 5 Q. Was that the only in-person meeting that  
 6 you've had with Ms. Lhamon?  
 7 A. That was the only in-person meeting I've  
 8 had with Ms. Lhamon, yes.  
 9 Q. And where was this meeting held?  
 10 A. It was held at -- in Rolling Hills Plaza,  
 11 which is near my home.  
 12 Q. Any particular location or ...  
 13 A. It was a restaurant.  
 14 Q. And who else attended this meeting?  
 15 A. Let's see. I was there, my teaching  
 16 colleague, Susan Carol Boysal, B O Y -- I get  
 17 confused, it's either S A L or S O L, I think it's  
 18 A L.  
 19 MR. ROZWOOD: A L.  
 20 THE REPORTER: Thanks.  
 21 BY MR. ROZWOOD:  
 22 Q. Other than Ms. Boysal, yourself and  
 23 Ms. Lhamon, did anyone else attend that initial  
 24 meeting?  
 25 A. Yes. There were -- there was another

1 with either the anonymous male or anonymous female  
 2 that attended that meeting at the restaurant in  
 3 Rolling Hills?  
 4 A. No.  
 5 Q. And after that initial meeting, did you  
 6 ever again meet in person with Ms. Lhamon?  
 7 A. No.  
 8 Q. You testified earlier, I believe you spoke  
 9 with her by telephone on approximately 15 subsequent  
 10 occasions?  
 11 A. Approximately, yes, that's true.  
 12 Q. Can you give me your best estimate as to  
 13 how long these phone conversations lasted?  
 14 A. I estimated between five to ten minutes.  
 15 Q. The longest phone call you ever had with  
 16 Ms. Lhamon was approximately ten minutes?  
 17 A. Yes.  
 18 Q. Okay. At the initial meeting in the  
 19 restaurant in Rolling Hills, do you remember the  
 20 name of the restaurant?  
 21 A. Macaroni Grill.  
 22 MR. ROZWOOD: Let's go off the record for a  
 23 second so we can let her do that, if that's okay.  
 24 (Pause in the proceedings.)  
 25 /// ///

1 female, name I don't recall. And another male.  
 2 Q. Were these other participants from the  
 3 ACLU?  
 4 A. That I'm unaware. I believe they may have  
 5 been trainees. They may not have been officially  
 6 with the ACLU, but may have been learning.  
 7 Q. Okay. Only if you know. If you don't  
 8 know --  
 9 A. Yeah, I don't know.  
 10 Q. -- you don't need to tell me, that's okay.  
 11 You can tell me you don't know.  
 12 Do you know if either the anonymous male or  
 13 anonymous female were teachers or administrators of  
 14 California public schools?  
 15 A. I believe --  
 16 MR. FOX: Calls for speculation.  
 17 THE WITNESS: I believe they were not.  
 18 BY MR. ROZWOOD:  
 19 Q. Okay. On what do you believe they were not  
 20 teachers or administrators of California public  
 21 schools?  
 22 A. As I was speaking to Catherine Lhamon, both  
 23 of them were writing notes.  
 24 Q. Oh, okay.  
 25 Did you have any subsequent communications

1 BY MR. ROZWOOD:  
 2 Q. At your meeting at the Macaroni Grill, did  
 3 you review any documents?  
 4 A. No.  
 5 Q. Have you ever seen a copy --  
 6 A. Other than my own, or something that was  
 7 presented to me?  
 8 Q. Yeah, were any documents reviewed during  
 9 that meeting?  
 10 A. Documents that I had brought.  
 11 Q. Okay. Have all of those documents been  
 12 produced in this litigation?  
 13 MR. FOX: Calls for a legal conclusion.  
 14 Calls for speculation.  
 15 THE WITNESS: I don't know.  
 16 BY MR. ROZWOOD:  
 17 Q. Did you give them all to the attorneys?  
 18 A. I gave them all. I don't know, you know,  
 19 if they're being used or not.  
 20 Q. That's fair.  
 21 But all the documents that you brought to  
 22 the meeting at the Macaroni Grill you subsequently  
 23 provided copies to your -- to the ACLU; correct?  
 24 A. Correct.  
 25 Q. What I'd like to do is provide you with a

1 copy of the deposition notice and request for  
 2 production of documents, together with a cover  
 3 letter that we served on plaintiffs' counsel and ask  
 4 you just a few questions.  
 5 I'll provide a copy to you after the court  
 6 reporter stamps it. And to your counsel. (Handing.)  
 7 THE REPORTER: Are you starting off with  
 8 Exhibit 1?  
 9 MR. ROZWOOD: Yes. Let's mark this  
 10 as Exhibit 1.  
 11 Just so you know, there's two separately  
 12 stapled documents but it's just a single exhibit.  
 13 (The document referred to was marked by the  
 14 Reporter as Deposition Exhibit 1 for identification  
 15 and is attached hereto.)  
 16 BY MR. ROZWOOD:  
 17 Q. Can you review Exhibit 1, please.  
 18 A. (Examining document.)  
 19 Q. Your name appears on page 9 of the  
 20 deposition notice and request for production on  
 21 line 23.  
 22 Have you seen a copy of this document  
 23 before?  
 24 A. No, I have not.  
 25 Q. As the cover letter states, the reason we

1 noticed your deposition, among others, is because  
 2 the plaintiffs have produced declarations from a  
 3 number of people and we wanted to make sure that the  
 4 entire story gets told. And we're entitled to all  
 5 the facts that you have in your possession that bear  
 6 on issues in this litigation to the same extent that  
 7 the plaintiffs' counsel are.  
 8 And so we sent this letter out stating  
 9 that:  
 10 "If there are declarants ... will  
 11 not be called as witnesses at trial  
 12 and if their declarations will not be  
 13 used in connection with any motion  
 14 practice, we are willing to forego  
 15 depositions of such declarants.  
 16 Please advise if any declarants fall  
 17 into this category."  
 18 Do you see that in the cover letter of  
 19 Exhibit 1, the second full paragraph, the last three  
 20 lines?  
 21 A. Yeah, I see that.  
 22 Q. Do you intend to appear as a witness at  
 23 trial in this matter?  
 24 A. If I'm called to, yes, I do.  
 25 Q. Do you have any knowledge as to whether or

1 not any party intends to call you as a witness at  
 2 trial on -- in this matter?  
 3 MR. FOX: Objection. To the extent it  
 4 calls for attorney-client communications, I'll  
 5 instruct the witness not to answer.  
 6 MR. ROZWOOD: The question just asks for  
 7 his knowledge. It has nothing to do with where he  
 8 got it from. And I'm entitled to the contents of  
 9 his mind regardless of where it comes from.  
 10 MR. FOX: To the extent it doesn't  
 11 constitute an attorney-client communication, you can  
 12 answer yes or no.  
 13 THE WITNESS: Can you repeat the question,  
 14 I forgot it.  
 15 MR. ROZWOOD: Sure.  
 16 Q. Do you have any knowledge as to whether any  
 17 party intends to call you as a witness at trial in  
 18 this matter?  
 19 A. No.  
 20 Q. Do you know where the case is pending, what  
 21 court?  
 22 A. I believe superior court.  
 23 Q. Correct.  
 24 In which city?  
 25 A. San Francisco.

1 Q. Are you willing to appear as a witness in  
 2 San Francisco Superior Court at a trial in this  
 3 matter?  
 4 A. Yes, I am.  
 5 MR. FOX: Objection. Asked and answered.  
 6 BY MR. ROZWOOD:  
 7 Q. Can you answer?  
 8 A. Yes.  
 9 Q. "Yes," you are willing to go?  
 10 A. Yes, I am willing to go.  
 11 Q. In the event that you do decide to go,  
 12 assuming you're called, are you willing to incur the  
 13 expense of traveling on your own?  
 14 A. Yes.  
 15 Q. Okay. Towards the back of Exhibit 1,  
 16 there's a request for production of documents that  
 17 begins on pages -- it runs from page 11 through  
 18 page 14 of Exhibit 1. It's called Attachment A.  
 19 Have you ever seen this document before?  
 20 A. No, I have not.  
 21 Q. Do you see on page 13 at the bottom, where  
 22 it says "description of documents"?  
 23 A. Yes, I do see it.  
 24 Q. Okay. When we served this deposition  
 25 notice and request for documents to be produced by

1 the deponents named therein, we requested that those  
2 deponents produce, quote:

3 "Any and all documents which refer,  
4 pertain or relate to the education of  
5 any and all plaintiffs in any and all  
6 California public schools. Such  
7 documents should include, but are not  
8 limited to, Mandatory Permanent Pupil  
9 Records, Mandatory Interim Pupil  
10 Records, Permissive Pupil Records,  
11 including those documents which refer,  
12 pertain or relate to a legal name,  
13 date of birth and verification of date  
14 of birth, place of birth, name of  
15 parent, annual verification of  
16 address, dates of enrollment, subjects  
17 taken, grades and credits towards  
18 graduation, date of high school  
19 graduation or equivalent, access logs,  
20 language training records, progress  
21 reports, directory information,  
22 rejoinders to records, parental  
23 authorizations or prohibitions, all  
24 standardized tests and test results,  
25 absence slips and verifications,

1 including those needed for fiscal  
2 audits, suspension notices, expulsion  
3 records, objective staff ratings,  
4 routine disciplinary data, behavior  
5 observations and disciplinary  
6 notices," end quote.

7 Do you see that document request?

8 A. Yes, I do.

9 Q. Do you have in your possession, custody or  
10 control any documents that respond to that category  
11 of documents?

12 A. No.

13 Q. Have you conducted a search for any such  
14 documents?

15 A. No.

16 Q. If you were to search for such documents,  
17 where would you do so?

18 A. I'd have to ask my school principal.

19 Q. Okay. Well, other than documents within  
20 the school's possession, custody or control, do you  
21 have any other documents responsive to that  
22 category?

23 A. According to my understanding, all these  
24 deal with students in my classroom; am I correct?

25 Q. Any student of any public school classroom.

1 A. My current classroom I probably -- I do  
2 have some of these, like my grade book. But if  
3 you're referring -- if this refers to the class that  
4 I had at the time I filed my deposition, I don't  
5 have that information with me. Those kids are not  
6 in middle school.

7 Q. Everything you have with respect to your  
8 prior classrooms has been produced in this  
9 litigation; correct?

10 MR. FOX: Again, objection. Calls for  
11 speculation.

12 BY MR. ROZWOD:

13 Q. If you know.

14 A. Rephrase the question, I didn't --

15 Q. All the documents that relate to your prior  
16 classroom students have been produced to your  
17 counsel in this litigation?

18 A. All the ones that I have produced have been  
19 given to the ACLU. As far as student records and  
20 grades, I -- that I don't know.

21 Q. Okay. And I'm just interested in things  
22 you have in your personal custody, possession and  
23 control. Not what the school has.

24 So everything you personally have has been  
25 provided to the ACLU --

1 A. Yes.

2 Q. -- that relates to this case?

3 A. Yes.

4 Q. That's all I wanted to know.

5 Have you ever reviewed a copy of the  
6 complaint filed in this action?

7 A. No.

8 Q. Have you ever seen a copy of the complaint?

9 A. Is that it right there in your hand?

10 Q. Yes.

11 A. No. I have not seen anything like that,  
12 no.

13 Q. Okay. Other than the lawyers that we've  
14 listed, have you spoken to anyone else, teachers,  
15 family, friends, students, about this lawsuit?

16 A. I have spoken with family. I have spoken  
17 with friends. I have spoken with other teachers.

18 Q. Have you spoken with any students?

19 A. No.

20 Q. Any administrators of public schools?

21 A. Yes.

22 Q. With which members of your family have you  
23 discussed this lawsuit?

24 A. With both my mom and my dad.

25 Q. Anyone else in your family?



<p style="text-align: right;">Page 30</p> <p>1 A. Brothers and sisters.  2 Q. Anyone else?  3 A. No.  4 Q. How many conversations have you had with  5 members of your family about this litigation?  6 MR. FOX: Objection. Relevance.  7 BY MR. ROZWOOD:  8 Q. You can answer.  9 A. I would estimate it to be about five.  10 Q. Are those in person or --  11 A. In person.  12 Q. All of them?  13 A. All of them.  14 Q. Let's just go one-by-one.  15 What did you say to your family members and  16 what did they say to you in the first conversation  17 you had about this lawsuit?  18 MR. FOX: Objection. Relevance. Waste of  19 time.  20 THE WITNESS: Answer?  21 MR. FOX: (Nods head.)  22 THE WITNESS: Originally back in 2000,  23 June, I told them that I was participating in this  24 lawsuit.  25 ///</p>	<p style="text-align: right;">Page 32</p> <p>1 lawsuit might improve California public schools?  2 A. I told them that hopefully schools would be  3 funded better.  4 Q. More money?  5 A. Correct.  6 Q. Other than the prospect of getting more  7 money out of this lawsuit, is there anything else  8 that you told your family you thought the lawsuit  9 might achieve to improve California public schools?  10 A. No.  11 Q. Can you recall what you discussed with your  12 family in the second in-person conversation about  13 this case?  14 A. I think I -- it was probably just a few  15 months ago where the last conversations have taken  16 place. It was more to the extent, not directly  17 about the lawsuit but more being in Newsweek. I got  18 an award by the National Teacher Organization, talk  19 radios, more of that kind of thing.  20 Q. Were those awards and articles related to  21 your involvement in this lawsuit?  22 A. Yes, they were.  23 Q. Have you ever had any other discussions  24 about what you hoped to achieve through your  25 involvement in this lawsuit with your family?</p>
<p style="text-align: right;">Page 31</p> <p>1 BY MR. ROZWOOD:  2 Q. Did you say anything else about the lawsuit  3 to them?  4 MR. FOX: Objection. Waste of time.  5 And I would like to have a running  6 objection so I don't have to make it each time when  7 we're talking about communications with people not  8 involved in this lawsuit in any way.  9 THE WITNESS: Answer?  10 MR. FOX: (Nods head.)  11 THE WITNESS: Could you repeat your  12 question?  13 BY MR. ROZWOOD:  14 Q. Yeah.  15 Did you say anything else to them about  16 this lawsuit in your first conversation?  17 A. I tried to explain it to them the best that  18 I could. They're not in the field of education, nor  19 are they attorneys. So a lot of it, they ... you  20 know, I had to just bring it down.  21 Q. And what did you tell them about the  22 lawsuit?  23 A. I told them that hopefully it would improve  24 California public schools.  25 Q. Did you tell them how you thought the</p>	<p style="text-align: right;">Page 33</p> <p>1 A. No.  2 Q. Okay. You mentioned a Newsweek article.  3 A. It was a -- an ad in Newsweek, yes. The  4 September 3rd edition of Newsweek.  5 Q. September 3rd, 2001?  6 A. Correct.  7 Q. And what was the nature of the article?  8 A. Seven teachers recognized nationally by the  9 NEA president, Mr. Bob Chase. Seven teachers were  10 picked for doing extraordinary things. I was one of  11 the seven.  12 Q. What does NEA stand for?  13 A. National Educators -- Education, excuse me,  14 Association.  15 Q. And what extraordinary things have you done  16 to -- what -- let me withdraw it and rephrase.  17 What extraordinary things were cited by the  18 NEA in giving you the award?  19 A. That I was one of the first teachers to  20 speak up on behalf of this lawsuit.  21 Q. Was anything else cited by the NEA in  22 granting you the -- the recognition?  23 A. No.  24 Q. Okay. And you mentioned talk radio?  25 A. Correct. Talk radio.</p>

1 Q. Which radio program?  
 2 A. Ken -- I want to say Ken and Bob. It  
 3 wasn't Ken and Bob. It was KFI Talk Radio. Ken  
 4 and ... not Ken and Bob. I can't think of the  
 5 second name, I'm sorry. It was 4:00 o'clock, KFI.  
 6 Q. 4:00 in the afternoon?  
 7 A. Yeah, 4:00 in the afternoon.  
 8 Q. That's a better time slot than 4:00 in the  
 9 morning.  
 10 Then you mentioned something else. Do you  
 11 know what date -- I'm sorry. Do you know what date  
 12 that radio program aired?  
 13 A. Let's see. It was after I was on the cover  
 14 of the Daily Breeze, South Bay Daily Breeze, which  
 15 was early July. So it had to be around mid July.  
 16 Q. Okay. Do you have a copy of the transcript  
 17 of that radio program?  
 18 A. Tape? Yes, I do.  
 19 Q. You have a tape? Okay.  
 20 Okay. So you appeared on the cover of the  
 21 South Bay Daily Breeze?  
 22 A. Correct.  
 23 Q. Is that a local newspaper?  
 24 A. It's the local newspaper in the South Bay,  
 25 yes.

1 Q. Okay. It's not an education paper, it is a  
 2 general newspaper; correct?  
 3 A. It is a general newspaper, yes.  
 4 Q. Do you have a copy of -- or do you have a  
 5 date that that article was published?  
 6 A. I have a copy, but the exact date ...  
 7 Q. Can you give me the approximate month?  
 8 A. It was sometime in July.  
 9 Q. Of 2001?  
 10 A. 2001, yes.  
 11 Q. Okay. What is the substance of the article  
 12 in the South Bay Daily Breeze about you?  
 13 A. It mentioned the fact that I had received  
 14 national recognition from the NEA. And there was  
 15 one other teacher -- she wasn't a teacher, a school  
 16 psychologist, who also received national recognition  
 17 on that day. And the district mentioned her in  
 18 their Spotlight -- in the monthly Spotlight magazine  
 19 but had failed to mention anything about me.  
 20 So the title, if I recall, of the front  
 21 page article was "Teacher Shunned by District," I  
 22 think, something like that.  
 23 Q. When did you -- when were you first  
 24 notified that the NEA had selected you to receive  
 25 a -- one of its seven awards?

1 A. I'm -- I don't recall the exact even  
 2 month -- it had to have been maybe sometime in  
 3 January 2001.  
 4 Q. Do you know the title of the award that the  
 5 NEA provided to you?  
 6 A. I believe it was the Distinguished Honor  
 7 Award.  
 8 Q. Is that an annual award from the NEA?  
 9 A. I don't know.  
 10 Q. Do you know if they gave this award out in  
 11 2000?  
 12 A. I don't know.  
 13 Q. Okay. Have you told me in sum and  
 14 substance everything you discussed with your family  
 15 about this lawsuit?  
 16 A. Yes.  
 17 Q. Okay. If you think of anything else, will  
 18 you let us know?  
 19 A. Yes.  
 20 Q. Okay. You mentioned that you spoke with  
 21 some friends about this lawsuit --  
 22 MR. FOX: Again, same objection. Waste of  
 23 time. Vague and ambiguous.  
 24 BY MR. ROZWOD:  
 25 Q. Correct?

1 A. Yes. That is correct.  
 2 Q. Okay. Which friends?  
 3 A. I spoke with -- you want names?  
 4 Q. Yes. Thank you.  
 5 A. I spoke with Juan Rodriguez.  
 6 Q. Anyone else?  
 7 A. Luis Manzano. M A N Z A N O.  
 8 Carla Miller.  
 9 Q. Any other friends?  
 10 A. Bobby Hernandez.  
 11 Q. Anyone else?  
 12 A. That's it.  
 13 Q. How many conversations have you had with  
 14 Juan Rodriguez about this lawsuit?  
 15 MR. FOX: Same objections.  
 16 And again, I would like a running objection  
 17 as to this line of questioning.  
 18 THE WITNESS: It -- I might see him, he's  
 19 also a teacher at my school, so we see each other.  
 20 We also go to kickboxing together. And I go twice a  
 21 week. And I might mention, you know, a sentence or  
 22 two about it each week.  
 23 BY MR. ROZWOD:  
 24 Q. Can you -- do you want to -- I can go  
 25 through each one but in the interest of not wasting

1 your time, can we get to the sum and substance of  
 2 what you said to Juan Rodriguez and what Juan  
 3 Rodriguez has said to you about this lawsuit?  
 4 A. I just mentioned different things that I  
 5 might -- that will be coming up in the future. I'm  
 6 going to be on Michael Jackson Talk Radio at the end  
 7 of this month. And I mentioned the Newsweek article  
 8 when they came out. We talked about the South Bay  
 9 Daily Breeze cover when it had came out.  
 10 Prior to that, I don't remember the  
 11 conversations.  
 12 Q. Other than the press that you're getting as  
 13 a result of your involvement, have you ever had --  
 14 have you had any discussions with Juan Rodriguez  
 15 about this case?  
 16 A. No. Most of it involved around the press  
 17 and ...  
 18 Q. Have you told me everything that -- in sum  
 19 and substance that you've discussed with Juan  
 20 Rodriguez about this case?  
 21 A. Yes, I have.  
 22 Q. Okay. Can you told me how many times  
 23 you've spoken with Luis Manzano about this case?  
 24 A. Again, I would have to say about once a  
 25 week, twice a week. He's a teacher at my school.

1 Q. What grade does Mr. Juan Rodriguez teach?  
 2 A. Currently, he's teaching third grade.  
 3 Q. And Luis Manzano?  
 4 A. He's the computer lab teacher. So he  
 5 teaches all grades, K through five.  
 6 Q. Okay. And you say about once a week you  
 7 have had a discussion about this lawsuit with Luis  
 8 Manzano, approximately?  
 9 A. Approximately once a week.  
 10 Q. Okay. Can you give me the sum and  
 11 substance of your conversations about this case with  
 12 Luis Manzano?  
 13 A. It revolves around the press. Occasionally  
 14 revolves around a discussion on the principal and  
 15 how I felt she was -- I was being harassed by the  
 16 principal for my involvement in the case.  
 17 Q. What did you tell Luis Manzano about how  
 18 you felt you were being harassed by the principal?  
 19 You're speaking the principal -- the school  
 20 principal?  
 21 A. The school principal, correct, [REDACTED]  
 22 [REDACTED]  
 23 Q. What did you say to Luis Manzano about  
 24 that?  
 25 A. I told him in one conversation I

1 resented -- that I felt the principal had  
 2 encouraged -- or maybe had not encouraged, but  
 3 certainly did not discourage a teacher from walking  
 4 around the school with a rat puppet, making fun of  
 5 the fact that I had rats in my classroom and did  
 6 that at staff meetings.  
 7 Q. How many staff meetings were there at which  
 8 a school official brought a rat puppet?  
 9 A. One that I saw. Most of the time the rat  
 10 puppet was circulated in the teachers' cafeteria.  
 11 Q. When you say "circulated," what do you  
 12 mean?  
 13 A. The teacher walked around campus during  
 14 their break, recess and lunch -- we have three  
 15 recesses and three lunches, his break was different  
 16 than mine -- and had a rat puppet and just walked  
 17 into the cafeteria, according to some of my friends,  
 18 and mocked the situation. And said, "Oh, yeah, I'm  
 19 scared, there's rats in my room," and ...  
 20 Q. And your complaint to Luis Manzano was  
 21 that the principal either encouraged or failed to  
 22 discourage that conduct?  
 23 A. Yes.  
 24 Q. Do you have any knowledge about what  
 25 Principal [REDACTED] did with respect to that

1 conduct?  
 2 A. It's various things that she did. She  
 3 called me into her office on more than one occasion  
 4 demanding to know what I was doing. I told her that  
 5 this had nothing to do with my job as a teacher.  
 6 She told me that she asked other teachers  
 7 to inquire about what I was doing, what I was up to.  
 8 She asked me that directly. She told me that other  
 9 teachers were going up to her office and telling  
 10 her, you know, "Ibarra's lines aren't straight when  
 11 they're outside." I just feel various different  
 12 things to try to "catch me," quote, unquote.  
 13 Q. Do you have any specific knowledge about  
 14 anything Principal [REDACTED] did with respect to  
 15 the rat puppet?  
 16 A. I mentioned to her that I thought it was  
 17 completely unprofessional. I asked her to speak  
 18 with that teacher. And I don't think she ever did.  
 19 Q. Do you have any knowledge as to whether she  
 20 did or didn't?  
 21 A. No, I do not.  
 22 Q. Can you tell me everything you know, as you  
 23 sit here today, that makes you feel like Principal  
 24 [REDACTED] did not handle the rat puppet incident  
 25 professionally or properly?

1 A. I don't think she handled it properly, no,  
 2 I don't.  
 3 Q. Okay. Can you tell me all the reasons why  
 4 you feel that way.  
 5 A. I think that she just demonstrated through  
 6 her leadership, or lack of leadership, and -- just  
 7 in the -- a way of life at Gulf that allows for  
 8 people to tattle, to mock the case. I think rather  
 9 than going up to a teacher and telling them, you  
 10 know, "Don't come to my office and tell me these --  
 11 these petty little things," she encourages it.  
 12 "Tell me more."  
 13 Q. Okay. What I want to try to do is, I  
 14 want to try to deal with -- there are a number of  
 15 incidences that trouble you that's occurred at Gulf  
 16 and I want to deal with them, if possible. They  
 17 might all feel like one big experience for you, and  
 18 I don't doubt that. But I just want to try to deal  
 19 with them one at a time so we can try to get a clear  
 20 record of what has happened.  
 21 So just with respect to the rat puppet,  
 22 can you tell me all the reasons why you believe  
 23 Principal [REDACTED] did not handle that situation  
 24 professionally or properly.  
 25 A. I think the moment that the teacher started

1 walking around with the rat puppet, it should have  
 2 been stopped. And it was several weeks after that  
 3 that same teacher came into the staff meeting with  
 4 the rat puppet, so apparently it wasn't stopped.  
 5 Q. Okay. So it took several weeks to stop it?  
 6 A. Correct.  
 7 Q. Okay. Anything else?  
 8 A. In regards to ...  
 9 Q. Reasons why you think the situation was not  
 10 handled properly or professionally.  
 11 A. Just in terms of the rat puppet?  
 12 Q. Correct.  
 13 A. No, not that I can think of.  
 14 Q. Okay. Just that it took too long to  
 15 respond to the improper conduct; correct?  
 16 A. Correct.  
 17 MR. ROZWOOD: Okay. Let's take a break.  
 18 Your counsel --  
 19 MR. FOX: If you don't mind.  
 20 MR. ROZWOOD: -- your counsel has actually  
 21 stood up and wants to take a break without asking  
 22 for one, but let's --  
 23 MR. FOX: Just two minutes.  
 24 MR. ROZWOOD: Okay. Go ahead.  
 25 MR. FOX: Thank you.

1 (Recess taken from 10:42 to 10:46.)  
 2 MR. ROZWOOD: Okay. Let's go back on the  
 3 record.  
 4 Q. Before we broke, we were discussing  
 5 incidents that you had shared with Luis Manzano, one  
 6 of your fellow teachers at Gulf; correct?  
 7 A. Correct.  
 8 Q. One of them was this rat puppet incident  
 9 that took too long to respond to, in your view;  
 10 correct?  
 11 A. Correct.  
 12 Q. Did you share any other communications  
 13 about this lawsuit with Luis Manzano?  
 14 A. Just press-related items.  
 15 Q. The press-related items we previously  
 16 discussed?  
 17 A. Correct.  
 18 Q. Any others?  
 19 A. No.  
 20 Q. And what did you tell, you know, Mr. -- is  
 21 it Mr. Manzano?  
 22 A. Manzano, correct.  
 23 Q. -- about the press articles, generally?  
 24 A. He just wanted to know, you know, what they  
 25 were about, when they were coming out, when Newsweek

1 was coming out, dates.  
 2 Q. And what is your reaction to the press that  
 3 you've received as a result of your involvement in  
 4 this lawsuit?  
 5 A. My reaction? I just ... you know, I don't  
 6 think much of it.  
 7 Q. Okay. You mentioned Carla Miller was  
 8 another friend that you had spoken to about this  
 9 lawsuit; correct?  
 10 MR. FOX: And same objection. Relevance.  
 11 Waste of time.  
 12 THE WITNESS: Correct.  
 13 BY MR. ROZWOOD:  
 14 Q. Can you tell me the sum and substance of  
 15 what you've discussed with Carla Miller about this  
 16 lawsuit.  
 17 A. With Carla Miller just the different press,  
 18 when the newspaper was coming out, she wanted to  
 19 read it. When Newsweek was coming out, she wanted  
 20 to read it. She wanted to hear me on the radio.  
 21 Q. Anything else?  
 22 A. No.  
 23 Q. And you mentioned Bobby Hernandez?  
 24 A. Correct.  
 25 Q. Can you tell me the sum and substance of

1 what you discussed with Bobby Hernandez.  
 2 MR. FOX: Same objections.  
 3 THE WITNESS: Bobby Hernandez just merely  
 4 the press, newspaper articles he wanted to read,  
 5 radio. He wanted to listen to the tape that I had.  
 6 He's my boxing coach, so he's really not too much  
 7 interested in education.  
 8 BY MR. ROZWOOD:  
 9 Q. Your kickboxing coach?  
 10 A. Yes.  
 11 Q. How long have you been kickboxing?  
 12 MR. FOX: Objection. Relevance. Waste of  
 13 time.  
 14 THE WITNESS: With him as my trainer with  
 15 private lessons for about two years.  
 16 BY MR. ROZWOOD:  
 17 Q. So you started two years ago?  
 18 A. I started off taking just some mediocre  
 19 classes about a year prior to that.  
 20 Q. Okay. So Carla Miller, is she a teacher as  
 21 well?  
 22 A. She is a teacher.  
 23 Q. At Gulf?  
 24 A. No. She's not a teacher at Gulf, no.  
 25 Q. At a L.A. Unified school?

1 A. No. She's a teacher in -- I believe she's  
 2 in Long Beach Unified.  
 3 Q. Okay. Can you think of any other friends  
 4 that you had discussions with about your involvement  
 5 in this lawsuit?  
 6 A. No.  
 7 Q. Have you told me everything in sum and  
 8 substance that you discussed with your friends about  
 9 this lawsuit?  
 10 A. Yes, I have.  
 11 Q. Okay. You mentioned a few other teachers  
 12 already, are there any other teachers that you've  
 13 had discussions with about this lawsuit?  
 14 MR. FOX: Objection. Asked and answered.  
 15 THE WITNESS: No.  
 16 BY MR. ROZWOOD:  
 17 Q. No other teachers?  
 18 A. No other teachers, no.  
 19 Q. How about school administrators?  
 20 MR. FOX: Same objection.  
 21 THE WITNESS: I spoke with the principal.  
 22 BY MR. ROZWOOD:  
 23 Q. Any other school officials?  
 24 A. No.  
 25 Q. Okay. Now, you testified earlier that

1 Ms. Buettgenbach called you into her office?  
 2 A. Uh-huh.  
 3 Q. On several occasions; is that correct?  
 4 A. Several occasions, yes.  
 5 Q. Okay. How many occasions were you called  
 6 into the principal's office?  
 7 A. I would say about four or five times.  
 8 Q. All related -- all related to your  
 9 involvement in this lawsuit?  
 10 A. Yes.  
 11 Q. Okay.  
 12 Okay. Can you tell us the sum and  
 13 substance of your discussion with Ms. Buettgenbach  
 14 in -- during the first time you were called into his  
 15 office -- her office?  
 16 A. They occurred last year in June 2000, maybe  
 17 early in July, also. I cannot recall specifically  
 18 what was said other than she was concerned about  
 19 what this lawsuit was about and whether or not she  
 20 would get in trouble and ...  
 21 Q. What did she say?  
 22 A. She said that she was just concerned about  
 23 what it was about and -- and whether or not people  
 24 would be, you know, snooping around campus looking  
 25 through our files, looking through budgets.

1 Q. Do you recall any specific words  
 2 Ms. Buettgenbach used during your first meeting  
 3 with her in her office?  
 4 A. No.  
 5 Q. Do you recall any specific words that you  
 6 used to her in that meeting?  
 7 A. No.  
 8 Q. Other than her concern about the lawsuit  
 9 and the other concerns you've already testified to,  
 10 is there anything else that you discussed or she  
 11 said to you during that first meeting in her office?  
 12 A. No.  
 13 Q. Okay. Can you tell me the sum and  
 14 substance of your discussion during your second  
 15 meeting in her office?  
 16 A. Yes. The second meeting was the same. It  
 17 all revolved around the case, the lawsuit.  
 18 Q. Can you remember anything specific that you  
 19 said to her or she said to you during that meeting?  
 20 A. No.  
 21 Q. Is there anything you could do to refresh  
 22 your recollection about what was said during that  
 23 meeting?  
 24 A. No.  
 25 Q. Can you tell me the sum and substance of

1 what was discussed, to the best of your  
 2 recollection?  
 3 A. At that second meeting?  
 4 Q. Yes, thank you.  
 5 A. It revolved again about the lawsuit,  
 6 concerns about the lawsuit, about what it was.  
 7 Q. So just a retracing of prior discussions?  
 8 A. Right.  
 9 Q. Okay. How about the third meeting? Was  
 10 there anything new discussed at the third meeting in  
 11 her office?  
 12 A. No. The third revolved around the same,  
 13 just a retracing of prior conversations.  
 14 Q. Do you have any recollection of what she  
 15 said to you or you said to her during that third  
 16 meeting?  
 17 A. No, I do not.  
 18 Q. Is there anything you could do to refresh  
 19 your recollection about what you said to her or what  
 20 she said to you during that meeting?  
 21 A. No.  
 22 Q. Other than what you've testified to, is  
 23 there anything else that was discussed during that  
 24 third meeting?  
 25 A. No.

1 Q. Okay. How about the fourth meeting,  
 2 anything new there?  
 3 A. The fourth meeting I had with her didn't  
 4 revolve around the lawsuit. That was my evaluation.  
 5 Q. Were any issues relating to the lawsuit  
 6 raised during that meeting?  
 7 A. No.  
 8 Q. Are you satisfied with the results of the  
 9 evaluation?  
 10 A. Yes.  
 11 Q. Was -- do you recall anything specific that  
 12 she said to you or you said to her during your  
 13 fourth meeting?  
 14 A. No.  
 15 Q. Is there anything you could do to refresh  
 16 your recollection about what was said during that  
 17 meeting?  
 18 A. I could look at my STULL evaluation.  
 19 Q. How do you spell that?  
 20 A. S T U L L.  
 21 Q. Do you have a copy of that in your  
 22 possession?  
 23 A. No.  
 24 Q. How would you go about obtaining it?  
 25 A. Ask the principal for a copy.

1 Q. Okay. And then you mentioned a possible  
 2 fifth time you had a meeting with Ms. Buettgenbach  
 3 in her office?  
 4 A. I don't recall there being a fifth time.  
 5 Q. To be fair, you said four or five and  
 6 that's four, so that's right. So the first time you  
 7 discussed the lawsuit and the fourth related to your  
 8 evaluation; correct?  
 9 A. Correct.  
 10 Q. And is there anything else other than what  
 11 you've already testified about that you discussed  
 12 with Ms. Buettgenbach in her office about this --  
 13 about this lawsuit?  
 14 A. No.  
 15 Q. Okay. Did you ever have any discussions  
 16 with Ms. Buettgenbach or anybody else outside of her  
 17 office?  
 18 A. No.  
 19 Q. Okay. So those three meetings were the  
 20 only meetings where you've ever discussed this case  
 21 or any issue relating to this case with  
 22 Ms. Buettgenbach; correct?  
 23 A. Correct.  
 24 Q. Was anyone else present during these  
 25 meetings with Ms. Buettgenbach in her office?

1 A. The union rep was present at the first  
 2 meeting. Her name was Claudia Martinez.  
 3 Q. Is that the UTLA rep?  
 4 A. Correct, UTLA rep.  
 5 Q. Is that the rep for your school, or for the  
 6 district, or how does that work?  
 7 A. She's just a teacher at our school. She is  
 8 just at the school.  
 9 Q. Okay. Have you discussed this case with  
 10 Ms. Martinez?  
 11 A. No, I have not.  
 12 Q. Okay. Has -- was anyone else in attendance  
 13 at any of these meetings besides Ms. Martinez?  
 14 A. No.  
 15 Q. Okay. You testified earlier that there  
 16 were some practices that you objected to that were  
 17 undertaken in response to your involvement in this  
 18 lawsuit. One was the rat puppet; correct?  
 19 A. Correct.  
 20 Q. Other -- others you mentioned were  
 21 tattletaling by your fellow teachers?  
 22 A. Correct.  
 23 Q. Can you tell me all the instances in which  
 24 you felt other teachers were tattletaling on you?  
 25 MR. FOX: Objection. Relevance. Waste of

1 time.  
 2 THE WITNESS: I never personally found out  
 3 what was being said, it was the principal who -- who  
 4 told me --  
 5 BY MR. ROZWOOD:  
 6 Q. Okay.  
 7 A. -- that she was tired of teachers coming in  
 8 and tattling.  
 9 Q. Okay. What did she tell you?  
 10 A. That's all she said.  
 11 Q. She didn't tell you the specific --  
 12 A. No.  
 13 Q. You mentioned one earlier about your lines  
 14 not being straight?  
 15 A. She mentioned -- not the lines being  
 16 straight. She didn't mention that. She just merely  
 17 said that people were tattling and she was tired of  
 18 it. The lines being straight was just an example  
 19 of, you know ...  
 20 Q. How did you learn someone told the  
 21 principal that your lines were not straight?  
 22 MR. FOX: Same objections.  
 23 THE WITNESS: One of the teachers who  
 24 supervised the area of the lines told me.  
 25 ///

1 BY MR. ROZWOOD:  
 2 Q. Do you remember the name of that teacher?  
 3 A. No, I don't know any of their names.  
 4 Q. Okay. Okay. Other than the people we've  
 5 already discussed, have you discussed this lawsuit,  
 6 your involvement in this lawsuit or any issues  
 7 raised in this lawsuit with anybody else?  
 8 A. No.  
 9 MR. FOX: Asked and answered.  
 10 THE WITNESS: No.  
 11 BY MR. ROZWOOD:  
 12 Q. You mentioned that you have additional  
 13 press opportunities planned for yourself. Can you  
 14 tell us what those are?  
 15 MR. FOX: Objection. Mischaracterizes the  
 16 witness's testimony.  
 17 THE WITNESS: I had a producer who called  
 18 me up from the Michael Jackson Talk Radio show who  
 19 wants me to be on the show.  
 20 BY MR. ROZWOOD:  
 21 Q. Are you going to do that?  
 22 A. I plan on doing it, yes, if I am in town.  
 23 Q. And when is that scheduled to occur?  
 24 A. I ... September the 28th or 29th, at 11:00  
 25 o'clock. One of those dates. I don't remember

1 exactly which one.  
 2 Q. Do you know what radio station this is?  
 3 A. It is an a.m. station. I want to say it's  
 4 540, but I'm not sure.  
 5 Q. Okay.  
 6 A. Maybe 520.  
 7 Q. Is it your understanding that the ultimate  
 8 goal of this lawsuit is to get more money for public  
 9 schools in California?  
 10 A. Basically, yes.  
 11 Q. When you say "basically" --  
 12 A. Basically, I -- I don't know all the  
 13 technicalities of the lawsuit, I can only speak for  
 14 me as a teacher in my class and my school. I see  
 15 the lawsuit giving me things that -- or giving my  
 16 students things that they currently don't have.  
 17 Q. Can you give me a list of the things you  
 18 think you -- your students will receive as a result  
 19 of this lawsuit?  
 20 MR. FOX: Objection. Calls for  
 21 speculation. Hopelessly overbroad. Lacks  
 22 foundation.  
 23 THE WITNESS: Answer?  
 24 MR. FOX: (Nods head.)  
 25 THE WITNESS: I want to see my students

1 have just the basics to learn. I want each child to  
 2 have a text in subject matter; I want them to have  
 3 the supplies that they need to learn.  
 4 BY MR. ROZWOOD:  
 5 Q. Anything else?  
 6 A. No.  
 7 Q. Clean facilities?  
 8 A. Yeah, clean facilities.  
 9 Q. Safe environment?  
 10 A. Safe environment.  
 11 Q. Anything else that you can think of that  
 12 you believe your students would be entitled to if  
 13 this lawsuit is successful?  
 14 A. No, I can't think of any others.  
 15 Q. Will you just tell me if you think of more?  
 16 A. Sure.  
 17 Q. Okay. Thank you.  
 18 A. Yes.  
 19 Q. So is it correct that -- well, strike that.  
 20 Did you review any of the news articles or  
 21 audiotapes of your various press involvements in  
 22 connection with your preparation for this  
 23 deposition?  
 24 A. No.  
 25 Q. Okay. Was Marie Arreola a name you

1 recognize?  
 2 A. Maria Arreola that's -- yes, I do recognize  
 3 that name.  
 4 Q. Where do you recognize that name from?  
 5 A. It is a mother of one of my students.  
 6 Q. Which student?  
 7 A. Erika Hernandez.  
 8 Q. Okay. Is she one of your current students?  
 9 A. No, she's not.  
 10 Q. She was one of your students in the  
 11 previous school year?  
 12 A. She was a student in my classroom the last  
 13 year, I believe.  
 14 Q. So that's the 2000/2001 school year?  
 15 A. 2000/2001, correct.  
 16 Q. Or I might be wrong, is it --  
 17 A. This would be 2001/2002.  
 18 Q. Okay. So the current school year is  
 19 2001/2002?  
 20 A. Correct.  
 21 Q. So Erika Hernandez was a student of yours  
 22 in the 2000/2001 school year?  
 23 A. Correct.  
 24 Q. And what grade was she in at that time?  
 25 A. Fifth grade.

1 Q. Do you recognize the name Maria Hernandez?  
 2 A. No.  
 3 Q. How about Leticia Hernandez?  
 4 A. No.  
 5 Q. How about Sonia Mata?  
 6 A. No.  
 7 Q. How about Ruth Mata?  
 8 A. No.  
 9 Q. Do you have any correspondence between you  
 10 and any person relating to the conditions at your  
 11 school or any other issues raised by this lawsuit?  
 12 A. Would you rephrase the question?  
 13 Q. Sure.  
 14 Do you have any written communications or  
 15 correspondence, such as letters, emails, faxes, or  
 16 anything else that relate to the conditions at your  
 17 school, or any other issues raised by this lawsuit?  
 18 MR. FOX: Objection. Vague and ambiguous.  
 19 THE WITNESS: No.  
 20 BY MR. ROZWOD:  
 21 Q. Okay. When did you first hear about this  
 22 lawsuit?  
 23 A. Early June 2000.  
 24 Q. How did you hear about it?  
 25 A. I recall reading a story, something in the

1 newspaper.  
 2 Q. You recall which paper?  
 3 A. L.A. Times, South Bay Daily Breeze. I'm  
 4 not sure which one. I read them both.  
 5 Q. We've talked about what your -- strike  
 6 that.  
 7 We've talked about your understanding of  
 8 what the lawsuit seeks; correct?  
 9 A. Correct.  
 10 Q. You've testified that it seeks more than to  
 11 make sure that your students and students at your  
 12 school have the things that they need. And we've  
 13 talked about those; correct?  
 14 A. Correct.  
 15 Q. And if you think of any more, you're going  
 16 to tell us what those are?  
 17 A. Correct.  
 18 Q. Now, what I'm interested in now is not what  
 19 the lawsuit seeks, but basis, your understanding of  
 20 the basis for the claim that the plaintiffs are  
 21 making that they are entitled to more money for  
 22 those things.  
 23 If you have an understanding, can you share  
 24 that with me?  
 25 MR. FOX: Objection. Calls for a legal

1 conclusion. May seek expert testimony.  
 2 THE WITNESS: Answer?  
 3 MR. FOX: (Nods head.)  
 4 THE WITNESS: Can you repeat the question.  
 5 BY MR. ROZWOD:  
 6 Q. What is your understanding of the basis for  
 7 the plaintiffs' claims that they're entitled to more  
 8 money so that they can have more --  
 9 MR. FOX: The legal basis --  
 10 BY MR. ROZWOD:  
 11 Q. -- things?  
 12 Let me -- I was interrupted. Let me finish  
 13 my question and then you can state your objection.  
 14 What is your understanding of the basis for  
 15 the plaintiffs' claim that they're entitled to more  
 16 money from the State of California?  
 17 MR. FOX: Objection. Vague and ambiguous.  
 18 It may seek a legal conclusion. It may seek expert  
 19 testimony.  
 20 Go ahead.  
 21 THE WITNESS: I believe the basis is to --  
 22 the concern that all schools should be equal.  
 23 MR. FOX: Objection. Relevance.  
 24 Sorry for the belated objection.  
 25 /// ///



1 BY MR. ROZWOOD:

2 Q. Is there any other basis for the  
3 plaintiffs' claim, to your understanding?

4 A. No.

5 Q. Okay. It's a claim based on equality,  
6 then, to your understanding?

7 A. Equality, yes.

8 MR. FOX: Same objections.

9 BY MR. ROZWOOD:

10 Q. Where did you get that understanding?

11 A. Articles that I read.

12 Q. The ones you read in the L.A. Times or the  
13 Daily Breeze?

14 A. The initial article. The initial article  
15 that I mentioned that I read.

16 Q. And that was either in the Daily Breeze or  
17 the L.A. Times?

18 A. Correct.

19 Q. Have you spoken to anyone from UCLA about  
20 this lawsuit?

21 A. No.

22 Q. Okay. Mr. Ibarra, I wanted to ask you  
23 about your professional and educational background.  
24 So one way we can do it is I could ask you lots of  
25 questions, or you could just tell me.

1 What I would like you to do is just have  
2 you describe your educational background and then  
3 just ask any follow-up questions I have.

4 So if you want to start off with your  
5 educational background and then we can move on to  
6 the professional later.

7 Can you describe your educational  
8 background for me, please.

9 A. Graduated high school. Went on to college,  
10 graduated. Got my teaching credential. And have  
11 been teaching for -- well, I've been in the field of  
12 education for 16 years: 15 years as a teacher, one  
13 year as acting vice principal.

14 Q. Okay. Where did you go to high school?

15 A. Carson High School.

16 Q. Is that in the L.A. Unified School  
17 District?

18 A. L.A. Unified School District, correct.

19 Q. And where did you go to college?

20 A. California State University,  
21 Dominguez Hills.

22 Q. And what was your emphasis of study?

23 A. Science and Technology.

24 Q. And did you receive a BS, Bachelor of  
25 Science degree?

1 A. BA or BS, I don't recall which one it was.

2 Q. Okay. And what was your major?

3 A. The major, that's the name of the degree,  
4 Science and Technology.

5 Q. Okay. And that was for how many years of  
6 college?

7 A. This was five years.

8 Q. And then you said immediately after you  
9 graduated college you obtained your teaching  
10 credential?

11 A. No, not immediately after. No.

12 Q. Okay. Where did you -- what did you do --  
13 sorry.

14 Was there any additional full-time  
15 education after college?

16 A. No.

17 Q. Okay. So you went to work?

18 A. Yes, I started -- I went to work, yes.

19 Q. What was your first job?

20 A. School teacher.

21 Q. Okay. What school?

22 A. Hollenbeck Middle School.

23 Q. In the Los Angeles Unified School District?

24 A. Correct.

25 Q. Is it okay if I just say "LAUSD"?

1 MR. FOX: That's fine.

2 THE WITNESS: That's fine.

3 BY MR. ROZWOOD:

4 Q. What city is Hollenbeck located?

5 A. East Los Angeles.

6 Q. Is this an elementary school?

7 A. It's a middle school.

8 Q. What grade did you teach?

9 A. Seventh grade.

10 Q. Is that a school that had different  
11 teachers for different subjects, or did you have one  
12 class for all subjects?

13 A. One -- I taught one subject and different  
14 students came to me.

15 Q. Okay. And what subject did you teach?

16 A. I taught biological science and one --  
17 well, physical science. I don't recall exactly  
18 which one when, but those two subjects were the  
19 subjects I taught.

20 Q. Okay. Excuse me.

21 What year did you graduate college?

22 A. 1985.

23 Q. And what year did you start at Hollenbeck?

24 A. 1985.

25 Q. How long were you a teacher at Hollenbeck

1 Middle School?  
 2 A. I -- I would say probably four years. I  
 3 don't recall. It was so long ago.  
 4 Q. Do you have a resume or anything like that?  
 5 A. No.  
 6 Q. No. So until approximately 1989?  
 7 A. Approximately, yes.  
 8 Q. Other than your teaching duties, did you  
 9 have any other responsibilities as a teacher at  
 10 Hollenbeck Middle School?  
 11 A. I was in charge of leadership.  
 12 Q. Student leadership?  
 13 A. Student leadership.  
 14 Q. So were you sort of the staff person that,  
 15 what is it called, not mentors, but is the sponsor  
 16 of the --  
 17 A. School functions.  
 18 Q. -- student council?  
 19 A. School functions, school dances.  
 20 Q. How about -- what is it called? -- student  
 21 council?  
 22 A. Yeah, I met with student council.  
 23 Q. Okay. Other than that responsibility and  
 24 your teaching responsibilities, did you have any  
 25 other responsibilities at Hollenbeck Middle School?

1 A. I recall doing a lot of little tasks to  
 2 help the principal. I can't pinpoint exactly what  
 3 those tasks were, but I just remember it being  
 4 small, little things. We worked closely.  
 5 Q. Which -- what was the name of the  
 6 principal?  
 7 A. Evelyn Lucero.  
 8 Q. Can you spell that for the reporter.  
 9 A. L U C E R O.  
 10 Q. Was Ms. Lucero the principal for your  
 11 entire four years at Hollenbeck?  
 12 A. The first year there was Al Cobos.  
 13 Q. C O B O S?  
 14 A. C O B O S.  
 15 Q. And the next three years Ms. Lucero was the  
 16 principal?  
 17 A. Correct.  
 18 Q. Did Ms. Lucero come from within the  
 19 administrative ranks of Hollenbeck, or from outside  
 20 the school?  
 21 A. She came from outside the school.  
 22 Q. Do you know where she came from?  
 23 A. No.  
 24 Q. Did she do a good job when she got there?  
 25 A. Yeah, a wonderful job.

1 Q. Other than assisting the principal, your  
 2 involvement with student leadership, and your  
 3 teaching duties, did you have any other  
 4 responsibilities at Hollenbeck Middle School?  
 5 A. No.  
 6 Q. Okay. Where did you go after Hollenbeck?  
 7 A. I transferred to Southgate Middle School.  
 8 Q. In LAUSD?  
 9 A. Yes.  
 10 Q. What city?  
 11 A. Southgate.  
 12 Q. Okay. You can't be too careful.  
 13 And what -- was that an elementary school?  
 14 A. Middle school.  
 15 Q. And what grade did you teach?  
 16 A. Seventh grade science. Eighth grade  
 17 science, I believe, also.  
 18 Q. How many years were you at Southgate Middle  
 19 School?  
 20 A. I ... three, four years.  
 21 Q. Why did you leave Hollenbeck to go to  
 22 Southgate?  
 23 MR. FOX: Objection. Waste of time.  
 24 And for the record, we're taking a lot of  
 25 time on preliminary matters. And, you know, I want

1 you to realize we have a third-party witness and we  
 2 assume that we're going to be done in a day.  
 3 Of course, feel free to ask your questions.  
 4 MR. ROZWOOD: For the record, you know,  
 5 your objections are taking up more time than my  
 6 preliminary questions. And these are essential to  
 7 establish this witness' foundation for the testimony  
 8 he's providing in this case.  
 9 So if you just keep your objections to a  
 10 minimum, then we'll be through. But if we're not  
 11 done in a day, we'll have to come back. That's  
 12 something you should consider when making these  
 13 extraneous, repeated, obstructive objections.  
 14 I'm being very polite. We're moving very  
 15 quickly. And I don't appreciate being constantly  
 16 interrupted.  
 17 MR. FOX: Well, I hear what you're saying.  
 18 I'm not constantly interrupting you. And I don't  
 19 want to have an extensive dialogue on or off the  
 20 record. And I will keep my objections to a minimum.  
 21 But, you know, if we go two days, that's something  
 22 to be discussed, you know, before the second day  
 23 starts.  
 24 BY MR. ROZWOOD:  
 25 Q. You can answer, Mr. Ibarra.

1 A. Sure.  
 2 Can you rephrase the question?  
 3 Q. Sure.  
 4 Why did you leave Hollenbeck to go to  
 5 Southgate Middle School?  
 6 A. I was living in Long Beach at the time. It  
 7 just became too far of a drive and my car wasn't  
 8 that great and I tried to get someplace a little bit  
 9 closer.  
 10 Q. So it was a geographic preference for you?  
 11 A. Yes, it was closer.  
 12 Q. Is that something you think the school  
 13 district should accommodate, if possible, teachers'  
 14 geographic preferences?  
 15 MR. FOX: Objection. Relevance.  
 16 THE WITNESS: It's helpful to the teacher.  
 17 BY MR. ROZWOOD:  
 18 Q. So you think that they should accommodate  
 19 teachers' geographic preferences, if possible?  
 20 A. I don't really think it's possible, but if  
 21 they can, it would be great.  
 22 Q. Were you proactive in getting a transfer to  
 23 Southgate Middle School -- yeah, Southgate Middle  
 24 School?  
 25 MR. FOX: Objection. Relevance. Vague and

1 ambiguous.  
 2 THE WITNESS: Answer?  
 3 MR. FOX: (Nods head.)  
 4 THE WITNESS: I just spoke with the  
 5 principal and told her I wanted to transfer  
 6 someplace closer. And she said, you know, "You're  
 7 going to be missed." And I did the paperwork  
 8 and ...  
 9 BY MR. ROZWOOD:  
 10 Q. So you applied for the transfer yourself?  
 11 A. Right.  
 12 Q. Okay. No one transferred you?  
 13 A. No.  
 14 Q. Okay.  
 15 Let's see. Other than your teaching  
 16 responsibilities, did you have any other  
 17 responsibilities at Southgate?  
 18 A. Southgate ...  
 19 One year I was department chair of the  
 20 science department.  
 21 Q. Was that your last year there?  
 22 A. No, no. That was towards the -- the -- it  
 23 was the second year I was there.  
 24 And then I also started a program called  
 25 Winning Words, which was a vocabulary-based program

1 that involved all teachers and all students in the  
 2 school.  
 3 Q. What were your responsibilities as  
 4 department chair of the science department?  
 5 A. Ordering, ask teachers what they needed.  
 6 Q. You're talking about instructional  
 7 materials?  
 8 A. Other instructional materials, supplies.  
 9 Q. Anything else?  
 10 A. You know what, I'm sorry. I'm thinking of  
 11 the second school. I was not the department chair  
 12 there. Correction. The next school I went to, I  
 13 was department chair there.  
 14 Q. Okay. That's okay. That's good.  
 15 Okay. You were a teacher at Southgate  
 16 Middle School?  
 17 A. Correct.  
 18 Q. And you did start the Winning Words program  
 19 there?  
 20 A. Yes.  
 21 Q. Other than the Winning Words program  
 22 and the teaching duties, did you have any other  
 23 responsibilities at Southgate?  
 24 A. No.  
 25 Q. Okay. And where did you go after Southgate

1 Middle School?  
 2 A. After Southgate Middle School, I got a job  
 3 right near my home. Pretty much Long Beach,  
 4 Long Beach Unified. That's it. I just kept getting  
 5 closer and closer.  
 6 Q. And was that at your request as well?  
 7 A. Yeah, that was at my request.  
 8 Q. Was that -- can you describe any  
 9 differences, if there were any, between your  
 10 transfer within L.A. Unified and your transfer from  
 11 L.A. Unified to Long Beach Unified? Was it -- were  
 12 there any differences in between your two transfers?  
 13 MR. FOX: Vague and ambiguous.  
 14 THE WITNESS: No. They were just the same.  
 15 BY MR. ROZWOOD:  
 16 Q. Fill out some paperwork?  
 17 A. Simple process, yes.  
 18 Q. Did you become aware of an opening and then  
 19 apply for it; is that how it works?  
 20 A. I'm trying to recall how that came about.  
 21 I just recall I just ... applying for it. Going  
 22 down to Long Beach Unified School District offices  
 23 and just applying.  
 24 Q. Okay. And what was the name of the school  
 25 in Long Beach Unified?

1 A. Hollen -- not Hollenbeck ... too many  
 2 schools.  
 3 Q. Well, if you -- if you can think of it. It  
 4 will come to you.  
 5 A. It will come to me, I'm sorry.  
 6 Q. That's okay.  
 7 How many years were you there?  
 8 A. That's a school I was there for I think  
 9 two or three years as a teacher and one year as  
 10 assistant principal.  
 11 Q. Okay.  
 12 Who was the principal at Southgate Middle  
 13 School while you were there?  
 14 A. Dr. Pete Ferry.  
 15 Q. Can you spell that for us.  
 16 A. Last name, F E R R Y.  
 17 Q. And did Mr. Ferry do a good -- Dr. Ferry do  
 18 a good job as principal?  
 19 A. He was an excellent principal.  
 20 Q. What makes an excellent principal in your  
 21 view?  
 22 MR. FOX: Objection. Relevance.  
 23 BY MR. ROZWOOD:  
 24 Q. You can answer.  
 25 A. I think, one, that he walked around, talked

1 to the kids.  
 2 Q. Anything else?  
 3 A. Just seemed to be really a caring guy. He  
 4 was honored, I think by the President. He got some  
 5 kind of presidential award for being a principal, if  
 6 I recall.  
 7 Q. Okay. Just in general, are there any other  
 8 characteristics or qualities that you think go in to  
 9 making a principal excellent?  
 10 A. No.  
 11 MR. FOX: Same objection.  
 12 BY MR. ROZWOOD:  
 13 Q. If you think of any other qualities  
 14 that you think are important to the quality or  
 15 effectiveness of a school principal, will you let  
 16 us know?  
 17 A. Yes.  
 18 Q. Who was the school principal at the  
 19 Long Beach Unified School that you taught at?  
 20 A. Karen Devries.  
 21 Q. How do you spell that?  
 22 A. D E, V as in Victor, R I E S.  
 23 Q. Was she the principal for the entire time  
 24 that you were at that school?  
 25 A. Yes, she was.

1 Q. What -- was that a middle school as well?  
 2 A. Middle school, yes.  
 3 Q. And did you teach seventh grade science?  
 4 A. Seventh grade science, eighth grade  
 5 science.  
 6 Q. Did you teach any other subjects?  
 7 A. No.  
 8 Q. You mentioned you became department chair  
 9 at one point?  
 10 A. Yes.  
 11 Q. Do you remember the name of the school yet?  
 12 A. No, I'm sorry, I don't.  
 13 Q. Okay.  
 14 A. My mind is a blank.  
 15 Q. What were your duties as a department  
 16 chair, other than what you've previously testified  
 17 to?  
 18 MR. FOX: Objection. Relevance. Waste of  
 19 time.  
 20 THE WITNESS: Calling meetings with other  
 21 teachers, sharing ideas, lesson plans, discussing  
 22 what worked in the classroom, what didn't work.  
 23 BY MR. ROZWOOD:  
 24 Q. How often did you hold those meetings?  
 25 A. They started off being once a month. And

1 as time progressed, they were as often as much as  
 2 once a week.  
 3 Q. Did you find those to be effective  
 4 mentoring and sharing tools for teachers in your  
 5 department?  
 6 A. Yes.  
 7 Q. What other purposes besides mentoring and  
 8 sharing of experiences in the classroom did those  
 9 meetings serve?  
 10 MR. FOX: Same objections.  
 11 THE WITNESS: They -- that's what I said,  
 12 that's usually why teachers meet, for those reasons  
 13 that I mentioned.  
 14 BY MR. ROZWOOD:  
 15 Q. Is it the department chair's responsibility  
 16 to make sure that happens at schools?  
 17 A. The department chair and the principal and  
 18 the administration.  
 19 Q. Do you believe that the governor should  
 20 have any involvement in this area of the department  
 21 chair's responsibilities?  
 22 MR. FOX: Objection. Vague and ambiguous.  
 23 THE WITNESS: I can't even ... I mean, who  
 24 knows. If he says so, then ...  
 25 /// ///

1 BY MR. ROZWOOD:

2 Q. But you think it would be good for the  
3 school and the children if someone from Sacramento  
4 made it their business to dictate the terms upon  
5 which teachers could gather and share information  
6 like you did in your science department at the  
7 Long Beach Unified Middle School you taught at?

8 MR. FOX: Objection. Relevance. Vague and  
9 ambiguous.

10 THE WITNESS: It might help in the  
11 structure.

12 BY MR. ROZWOOD:

13 Q. How so?

14 A. That someone higher up just said, you know,  
15 all schools are going to have meetings, such the  
16 state should -- says should be discussed and there  
17 might be some continuity.

18 Q. Do you have any knowledge of any such  
19 policy in place at the local district or district  
20 level --

21 A. No, I don't.

22 Q. -- for Gulf Elementary School?

23 A. No.

24 Q. What local district is Gulf Elementary  
25 School?

1 And how did your duties and  
2 responsibilities change when you became assistant  
3 principal?

4 A. Well, they changed from being a teacher to  
5 being an administrator.

6 Q. And what does that change involve?

7 A. Not working directly -- not teaching  
8 students directly, working more with staff.

9 Q. Now, I've talked to people that are APs of,  
10 you know, of different areas of school operations.  
11 They have a title of assistant principal operations,  
12 assistant principal curriculum, assistant principal  
13 Title 1.

14 Were you in charge of any particular area  
15 of Marshall Middle School's operations?

16 A. There was three assistant principals there  
17 at that school. Each one of us took a different  
18 grade level. And I don't recall, I think I may have  
19 been seventh grade.

20 Q. Okay. And what were your responsibilities  
21 as an assistant principal in charge of the seventh  
22 grade?

23 A. The bulk of it was student discipline.

24 Q. Nothing in the area of curriculum or  
25 attendance?

1 A. Gulf Elementary?

2 Q. (Nods head.)

3 A. L.A. Unified District.

4 Q. And what local district?

5 A. You mean the cluster?

6 Q. Well, there are no more clusters in  
7 L.A. Unified so --

8 A. I think they're called regions now.

9 Q. Okay.

10 A. I think they're called areas now, actually.  
11 Area K.

12 Q. Okay. I apologize. I understood there are  
13 local districts. Maybe they're called areas now.  
14 But anyway, Area K.

15 Who is the local superintendent for Area K?

16 A. I think it is Mr. -- Dr. Vladivic  
17 (phonetic).

18 Q. Can you spell that for us?

19 A. I have ... sorry.

20 Q. Okay. It doesn't sound too easy.

21 Other than your -- okay.

22 So you became assistant principal at that  
23 Long Beach Middle School as well; correct?

24 A. Marshall Middle School was the name.

25 Q. Marshall.

1 A. That came up occasionally, but that was  
2 rare.

3 Q. How about bell schedule?

4 A. No. That was the principal's  
5 responsibility. I think I did that once. We had a  
6 special day.

7 Q. And did you have any occasion to  
8 communicate with members of the administration of  
9 LAUSD in -- when you were assistant principal at  
10 Marshall?

11 A. That is Long Beach Unified, not L.A. --

12 Q. Thank you.

13 So did you talk to anybody at Long Beach  
14 Unified when you were assistant principal at  
15 Marshall?

16 A. I worked closely with the district science  
17 coordinator.

18 Q. Can you describe your -- what you mean when  
19 you say you worked closely with the district science  
20 coordinator?

21 MR. FOX: As to the rest of the questions  
22 in this area, they are all irrelevant and a waste of  
23 time.

24 THE WITNESS: You're talking to me when I  
25 was -- from a teacher or as an administrator?

1 BY MR. ROZWOOD:

2 Q. When you were assistant principal -- well,  
3 maybe you had dealings as department chair as well.

4 A. Yeah, I did.

5 Q. I'm interested in your experience with the  
6 district.

7 A. Well, I was just asked by Dean Gilbert, who  
8 was in charge of the science curriculum of the  
9 district, to lead in-services for teachers  
10 throughout the district.

11 Q. What are "in-services"?

12 A. In-services are small, sometimes they are  
13 one-, two-day meetings on specific topics where  
14 teachers throughout the district are invited to  
15 present on whatever that topic is.

16 Q. How many of those meetings did you  
17 coordinate?

18 A. I would say at least four.

19 Q. Was that while you were a department of --  
20 a science department chair?

21 A. That's while I was the teacher.

22 Q. Okay.

23 Okay. I'm interested in communications  
24 you had with Long Beach Unified while you were  
25 department chair and while you were assistant

1 A. A police officer came down to the school.

2 Q. Can you think of any other occasions in  
3 which you had an opportunity to communicate with  
4 Long Beach Unified while you were an assistant  
5 principal or department chair at Marshall Middle  
6 School?

7 A. There was a time when I was contacted by  
8 the Board of Education.

9 Q. That's the --

10 A. Long Beach Unified Board of Education.

11 Q. Long Beach?

12 A. Yeah.

13 Q. And what was that communication about?

14 A. They wanted me present at their meeting.  
15 They were giving me an award.

16 Q. What award was that?

17 A. I got an award for writing science  
18 standards for the district that were coming from the  
19 state and trickled down to the district.

20 MR. ROZWOOD: Okay. I'm going to ask you  
21 if I can take a short break. It's 11:30. We'll go  
22 off the record. And I'll take a short break and  
23 we'll go for another hour and then we'll take a  
24 lunch break.

25 Is that okay?

1 principal. Can you describe those for me, please?

2 A. The --

3 MR. FOX: Objection. Overbroad.

4 THE WITNESS: Rare.

5 BY MR. ROZWOOD:

6 Q. Okay. Can you think of any as you sit here  
7 today?

8 A. I recall calling someone from the district  
9 when one of the -- one of the kids at my school  
10 committed suicide. He didn't commit suicide, he was  
11 actually shot in the head at a Burger King. But  
12 that's all.

13 Q. This was while you were at Marshall?

14 A. Correct.

15 Q. Your student?

16 A. No. He wasn't personally my student, no.  
17 I was AP and I just had to make the call.

18 Q. This was not on campus, but near campus?

19 A. At Burger King. Not on campus.

20 Q. Was it near the school site?

21 A. I'm not quite sure what Burger King it was  
22 at.

23 Q. Was it during school hours?

24 A. I don't recall.

25 Q. How did you learn of the shooting?

1 (Discussion held off the record.)

2 (Recess taken from 11:35 to 11:44.)

3 MR. ROZWOOD: Can we go back on the record.

4 Q. Before we broke, we were just discussing  
5 opportunities you had to communicate with the local  
6 district -- excuse me -- the Long Beach Unified  
7 School District from your position at Marshall  
8 Middle School.

9 Can you think of any other occasions on  
10 which you had communications with the Long Beach  
11 Unified School District school officials?

12 A. No.

13 Q. How about the county of education, the  
14 County Board of Education or the county supervisor  
15 in Long Beach. Did you ever have any occasion to  
16 communicate with them?

17 A. Not with them, but maybe it was a branch --  
18 I had to call up on a child abuse case where a  
19 mother burnt her child with an iron.

20 Q. And you spoke with the County Board of  
21 Education or division there?

22 A. I don't recall.

23 Q. Okay. You testified that you contacted  
24 someone at the district when there was a shooting.  
25 You talked to someone at the county when there was a

1 serious child abuse case.  
 2 Is it correct that in extraordinary  
 3 circumstances you make extraordinary communications  
 4 to the county or the district?  
 5 MR. FOX: Objection. Vague and ambiguous.  
 6 Overbroad. Incomplete hypothetical.  
 7 THE WITNESS: Not -- no, not always. Most  
 8 of the problems you handle on your own.  
 9 BY MR. ROZWOOD:  
 10 Q. Okay. What about problems you can't handle  
 11 on your own, are those the problems that you raised,  
 12 you know, to the attention of the district or county  
 13 you're in?  
 14 MR. FOX: Lacks foundation. Incomplete  
 15 hypothetical. Vague and ambiguous.  
 16 THE WITNESS: Contacting the child abuse,  
 17 the county, that's mandated that I do that by law.  
 18 And the shooting incident was the police actually  
 19 notified me.  
 20 BY MR. ROZWOOD:  
 21 Q. And you let the district know?  
 22 A. I think -- I remember having a brief  
 23 conversation, but I think the police already  
 24 notified the district, also.  
 25 Q. Okay. Can you think of any other occasions

1 in which you've had communications with the district  
 2 or county during your time at Marshall Middle  
 3 School?  
 4 A. No.  
 5 Q. Do you know what year you left Marshall  
 6 Middle School?  
 7 A. No, I don't. I can give you an estimate.  
 8 Q. Can you give me your best estimate, then?  
 9 A. About '90 ... '96 or '97. '97.  
 10 Q. Okay. Now, you can't move any closer to  
 11 your house at that point?  
 12 A. Right.  
 13 Q. So where did you move after Marshall Middle  
 14 School?  
 15 A. After Marshall Middle School, I moved --  
 16 not moved to a school, but moved to Rancho Palos  
 17 Verdes where I currently live right now.  
 18 Q. Oh, okay.  
 19 A. I'm sorry. Prior to that -- prior to  
 20 Marshall Middle School, I decided on getting my  
 21 elementary school credential, so I attended National  
 22 University and got my elementary school credential.  
 23 Then I went to teach at Henry Elementary School in  
 24 Long Beach.  
 25 Q. And how long were you at Henry?

1 A. Just one year.  
 2 Q. Is that from '96 to '97, or ...  
 3 A. Roughly, yeah.  
 4 Q. And what grade did you teach?  
 5 A. Third grade.  
 6 Q. Is that all subjects?  
 7 A. All subjects.  
 8 Q. Can you describe the process by which you  
 9 obtained your teaching credential for your middle  
 10 school years after you graduated college?  
 11 A. Well, take classes in the evening.  
 12 Q. How many classes, for how long?  
 13 A. You take ... I can't recall how many  
 14 classes there are. I believe it's 60 units.  
 15 Q. Can you recall any of the specific courses  
 16 you took in obtaining your teaching credential for  
 17 middle school?  
 18 A. No.  
 19 Q. What subject matter was covered in those  
 20 classes?  
 21 A. Classroom management.  
 22 Q. Anything else?  
 23 A. That's all I recall.  
 24 Q. And how long did it take for you to obtain  
 25 your full, clear teaching credential after you

1 graduated college?  
 2 A. I finished my ... at National, that would  
 3 have been the year 1998. I believe.  
 4 Q. 1998?  
 5 A. 1998, yeah, when I got my elementary school  
 6 credential.  
 7 Q. Oh. I'm talking about your first  
 8 credential when you graduated college. Did you need  
 9 a teaching credential to teach at middle --  
 10 A. I was on emergency credential.  
 11 Q. So you never got a teaching credential to  
 12 teach those years in middle school?  
 13 A. I was -- I was taking the units to get the  
 14 credential. And I took the required, I think it's  
 15 six units a year.  
 16 Q. Okay. So the minimum number of units  
 17 towards the 60 is six per year, or it was back then?  
 18 A. It was. Approximately.  
 19 Q. And you met the minimum progress  
 20 requirements?  
 21 A. Right.  
 22 Q. Six units per year.  
 23 And the only -- I just want to give you a  
 24 chance to supplement the record, if you have better  
 25 testimony. The only course you can recall, subject

1 matter wise, is classroom management?  
 2 A. Correct.  
 3 Q. If you think of any others, will you let us  
 4 know?  
 5 A. Yes.  
 6 Q. Okay. So when you graduated in 1985, and  
 7 until approximately 1996, you were located at middle  
 8 schools the entire time; correct?  
 9 A. Correct.  
 10 Q. And those were the three middle schools we  
 11 discussed: Hollenbeck, Southgate and Marshall?  
 12 A. Right.  
 13 Q. No other schools; correct?  
 14 A. No other schools, no.  
 15 Q. Okay. And during that period of time, you  
 16 were working at a rate of six units per year towards  
 17 your teaching -- your full, clear teaching  
 18 credential; correct?  
 19 A. Correct.  
 20 Q. And in 1995, approximately, you decided to  
 21 try and obtain your elementary teaching credential;  
 22 correct?  
 23 A. Yeah.  
 24 And prior to that, I was working on my  
 25 administrative credential, also.

1 Q. Okay. Did you ever obtain your  
 2 administrative credential?  
 3 A. No. Not the clear one, no.  
 4 Q. So when you were assistant principal --  
 5 excuse me -- at Marshall, you were working without  
 6 an administrative credential; correct?  
 7 A. Correct.  
 8 Q. How does that work? Do you need to have a  
 9 credential to be an assistant principal, or is there  
 10 a waiver process? How does that work?  
 11 A. I'm not sure how it worked out  
 12 specifically. I know my principal asked me to take  
 13 over for someone, I believe, who had a heart attack.  
 14 Q. And did you immediately begin your --  
 15 taking your credentialing credits for your  
 16 administrative credential?  
 17 A. I had taken classes prior to that.  
 18 Q. Okay. Why did you decide to switch tracks,  
 19 so to speak, and in moving from an assistant  
 20 principal's position at Marshall Middle School to a  
 21 teaching position at Henry Elementary School?  
 22 MR. FOX: Objection. Relevance.  
 23 THE WITNESS: Answer?  
 24 MR. FOX: (Nods head.)  
 25 THE WITNESS: In L.A. Unified District and

1 all districts, the more units you can accumulate,  
 2 the higher you go on the pay scale. So it was to my  
 3 advantage to take additional course work. Once you  
 4 get above 96, then you are on top of the pay rate.  
 5 BY MR. ROZWOOD:  
 6 Q. But this was in Long Beach; correct?  
 7 A. Correct.  
 8 Q. Is it the same -- same kind of --  
 9 A. It's the same principle.  
 10 Q. Same principle, okay.  
 11 So, did you like being assistant principal?  
 12 MR. FOX: Same objection.  
 13 THE WITNESS: Yes.  
 14 BY MR. ROZWOOD:  
 15 Q. Do you like being a teacher more than being  
 16 an administrator?  
 17 A. I enjoy them both equally.  
 18 Q. Okay. And did you -- I just want to make  
 19 sure it's clear on the record. You never obtained a  
 20 full, clear credential for administration?  
 21 A. No.  
 22 Q. And you never obtained a full, clear  
 23 teaching credential for middle school?  
 24 A. Correct.  
 25 Q. When did you obtain your full, clear

1 teaching credential for elementary school?  
 2 A. I believe that was 1990 ... '97, I believe.  
 3 Q. Were you able to apply some of the units  
 4 that you had obtained in your middle school training  
 5 towards your elementary school teaching credential?  
 6 A. No. They're entirely two different  
 7 credentials.  
 8 Q. So how many units did you have to take to  
 9 get your elementary school teaching credential?  
 10 A. That's -- the university I went to,  
 11 National University, I believe it was maybe 50 or  
 12 60.  
 13 Q. And were those night classes as well?  
 14 A. Yes.  
 15 Q. Do you remember the subject matter or names  
 16 of courses you took at National University?  
 17 A. I remember a computer course.  
 18 Q. How to use computers?  
 19 A. Correct.  
 20 Q. Any other courses or subject matters  
 21 covered during that credentialing process at  
 22 National University?  
 23 A. Classroom management. They had different  
 24 courses -- one course in how to teach math, one  
 25 course in how to teach reading, and one on how to



1 teach science.  
 2 Q. At that point, you had been teaching for  
 3 ten years; correct?  
 4 A. Approximately, yeah.  
 5 Q. Did you need to take that classroom  
 6 management class, or was it a waste of time?  
 7 MR. FOX: Objection. Vague and ambiguous.  
 8 THE WITNESS: I think you can always learn  
 9 something from the instructor, just how they present  
 10 the subject matter.  
 11 BY MR. ROZWOOD:  
 12 Q. And how about how to teach science, did you  
 13 learn a lot in that class?  
 14 MR. FOX: Same objection.  
 15 THE WITNESS: Again, I think you learn bits  
 16 and tads of information from the presenter, from the  
 17 instructor.  
 18 BY MR. ROZWOOD:  
 19 Q. Okay. Is this the only teaching credential  
 20 you hold, the elementary school teaching credential?  
 21 A. Yes, it is.  
 22 Q. And no other administrative teaching  
 23 credentials?  
 24 MR. FOX: Asked and answered.  
 25 THE WITNESS: No.

1 BY MR. ROZWOOD:  
 2 Q. Okay. Other than your teaching  
 3 responsibilities at Henry Elementary School, did you  
 4 have any other responsibilities at that school?  
 5 A. No.  
 6 Q. Okay. Where did you go after Henry  
 7 Elementary School?  
 8 A. That's when I moved to Rancho Palos Verdes  
 9 and I got a job close to my home at Gulf Elementary  
 10 School.  
 11 Q. This time back in the Los Angeles Unified  
 12 School District?  
 13 A. Correct.  
 14 Q. That was in 1998?  
 15 A. Approximately, yeah.  
 16 Q. Okay. Let's see, in your declaration it  
 17 says you have been at Gulf since August of 1998; is  
 18 that --  
 19 A. Then that is correct, yes.  
 20 Q. -- accurate?  
 21 So were you at Henry Elementary School for  
 22 one full school year?  
 23 A. Yes.  
 24 Q. Okay. You mentioned a lot of awards that  
 25 you have received. Can you think of any other

1 awards or recognitions that you have received other  
 2 than the ones you've mentioned so far?  
 3 A. At Marshall, I did receive the -- the  
 4 principal's -- or the staff's Golden Apple Award.  
 5 Q. And what is that given for?  
 6 A. It's voted on by the entire staff and they  
 7 pick one person working at the school that they feel  
 8 has done an extraordinary job.  
 9 Q. Is that one time per year or --  
 10 A. It's one time per year.  
 11 Q. Can you think of any other awards other  
 12 than the ones that you've previously testified to  
 13 here today?  
 14 A. No.  
 15 Q. We've discussed, you know, your employment  
 16 up through and including Gulf and certain of your  
 17 credentialing course work. Other than what we've  
 18 already covered here today, is there any other  
 19 relevant training, work experience, or background  
 20 that you have that qualifies you to be a teacher at  
 21 public schools?  
 22 MR. FOX: Vague and ambiguous.  
 23 THE WITNESS: Not that I'm aware of, no.  
 24 BY MR. ROZWOOD:  
 25 Q. Are there any seminars that you attend --

1 have attended relating to your duties as a teacher  
 2 in California public schools?  
 3 A. Yes.  
 4 Q. Can you describe those seminars?  
 5 A. They vary from district mandated seminars  
 6 that all teachers attend on math implementation for  
 7 the new math textbooks to the new reading series,  
 8 Open Court.  
 9 Q. How is that working out, Open Court?  
 10 MR. FOX: Vague and ambiguous.  
 11 BY MR. ROZWOOD:  
 12 Q. Do you like it?  
 13 A. I like it.  
 14 Q. Do you think it's effective?  
 15 A. Yes.  
 16 Q. Other than district mandated seminars, are  
 17 there any other seminars that you attend on your own  
 18 voluntarily basis?  
 19 A. Yes.  
 20 Q. Can you describe those for me?  
 21 A. Educational Travel Services has different  
 22 enrichment courses that are offered for teachers  
 23 that you do on your own. I have taken a few classes  
 24 with them.  
 25 Q. Can you tell me the -- the subject matters

1 covered or the titles of the courses taken with  
 2 Educational Travel Services?  
 3 A. The last course I took was Africa -- Black  
 4 Americans in the United States, a history, and prior  
 5 to that I took one on Asian American studies.  
 6 Q. Can you think of any others?  
 7 MR. FOX: Objection. Relevance. Waste of  
 8 time.  
 9 THE WITNESS: I've taken several others. I  
 10 don't recall the names.  
 11 BY MR. ROZWOOD:  
 12 Q. Can you give me your best estimate of how  
 13 many others you've taken?  
 14 A. I've taken at least two others.  
 15 Q. Can you give me your best estimate as to  
 16 how many district mandated seminars you've attended  
 17 over your years as a public school official?  
 18 A. I would say anywhere from 15 to 20.  
 19 Q. So four voluntary and 15 to 20 mandated  
 20 seminars?  
 21 A. Correct.  
 22 Q. Do you think the ones that you took on  
 23 a voluntary basis should be mandatory for all  
 24 teachers?  
 25 A. No, I don't.

1 Q. Why not?  
 2 A. I think that that's what makes them  
 3 voluntary. Some people just don't have the time or  
 4 the money it costs to take these courses.  
 5 Q. Well, if the district made sufficient time  
 6 and money available, do you think that the subject  
 7 matters covered should be made mandatory for --  
 8 MR. FOX: Objection.  
 9 BY MR. ROZWOOD:  
 10 Q. -- for public school teachers in  
 11 California?  
 12 MR. FOX: Objection. Incomplete  
 13 hypothetical. Lacks foundation. Assumes facts.  
 14 THE WITNESS: I -- I couldn't say. I can  
 15 only speak for myself. They were helpful for me,  
 16 but I couldn't say whether they were helpful for  
 17 every teacher in the district.  
 18 BY MR. ROZWOOD:  
 19 Q. Can you think of any LAUSD or local  
 20 District K programs or classes that you've  
 21 participated in over your years as an LAUSD public  
 22 school official?  
 23 A. I can only remember the most recent.  
 24 Q. Okay. Which one was that?  
 25 A. It was the one I mentioned earlier about

1 Open Court training and math training.  
 2 Q. How about for Long Beach Unified, any  
 3 special programs or seminars provided by the  
 4 Long Beach Unified School district?  
 5 A. Yes, there are.  
 6 Q. Did you take any?  
 7 A. Yes, I did.  
 8 Q. Do you recall how many, approximately?  
 9 A. No, I don't recall.  
 10 Q. More -- more than ten?  
 11 A. I ... would have to estimate maybe about  
 12 eight.  
 13 Q. And those were all mandated by the  
 14 district?  
 15 A. Some were voluntary.  
 16 Q. Okay. Do you have knowledge or experience  
 17 with the budgeting process at a school?  
 18 A. No, I don't.  
 19 Q. How about facility's construction or  
 20 maintenance issues?  
 21 MR. FOX: Vague and ambiguous.  
 22 THE WITNESS: Can you rephrase that?  
 23 MR. ROZWOOD: Sure.  
 24 BY MR. ROZWOOD:  
 25 Q. Do you have any experience or knowledge

1 with respect to the school's maintenance, you know,  
 2 maintenance programs, so -- let me rephrase.  
 3 Do you have any knowledge or experience  
 4 with school maintenance issues?  
 5 MR. FOX: Vague and ambiguous.  
 6 THE WITNESS: In terms of --  
 7 BY MR. ROZWOOD:  
 8 Q. In terms of any issue --  
 9 A. -- how they operate or their budget?  
 10 Q. Yeah, the budgets, how they operate --  
 11 A. No. As a teacher, I have no access to that  
 12 information.  
 13 Q. How about the staffing, the schedules,  
 14 the cleaning duties and responsibilities of the  
 15 custodians?  
 16 A. All that's done by administration.  
 17 Q. And you don't have any knowledge or  
 18 experience in that area?  
 19 A. No.  
 20 Q. Do you have any knowledge about whether the  
 21 custodians at Gulf Avenue Elementary School are  
 22 employees of the school or independent contractors,  
 23 for example?  
 24 A. I -- I would guess that they are employees  
 25 of the school district, but I don't know that for a

1 fact.  
 2 Q. Okay. How about in the area of  
 3 construction funds for new facilities. Do you have  
 4 any knowledge or experience as to how a district, a  
 5 county or a school or a community go about obtaining  
 6 funds to build or expand school facilities?  
 7 A. No.  
 8 MR. FOX: Relevance. Vague and ambiguous.  
 9 MR. ROZWOOD: Did you get his answer?  
 10 THE REPORTER: (Nods head.)  
 11 BY MR. ROZWOOD:  
 12 Q. Do you have any knowledge or experience  
 13 with the purchasing of school supplies or  
 14 instructional materials other than what you've  
 15 already testified to here today?  
 16 MR. FOX: Vague and ambiguous.  
 17 THE WITNESS: No.  
 18 BY MR. ROZWOOD:  
 19 Q. Do you understand what I mean?  
 20 A. You mean do I know the process that the  
 21 principal orders supplies and does all that other  
 22 kinds of stuff?  
 23 Q. (Nods head.)  
 24 A. Pencils? No, I have no idea.  
 25 Q. I think we can limit this to whether you

1 have any personal knowledge or experience. I mean,  
 2 not with what you have heard, I just want to know if  
 3 you have any personal knowledge or experience in  
 4 this area.  
 5 What is the process by which Gulf Avenue --  
 6 well, let me ask you this: How is Gulf Avenue  
 7 Elementary School organized?  
 8 MR. FOX: Vague and ambiguous. Overbroad.  
 9 BY MR. ROZWOOD:  
 10 Q. Administratively.  
 11 A. Well, you have the principal.  
 12 Q. And who is that?  
 13 That is Ms. Buettgenbach; right?  
 14 A. Ms. Buettgenbach.  
 15 We have the assistant principal.  
 16 Q. How many assistant principals are there?  
 17 A. Just one.  
 18 Q. What's that person's name?  
 19 A. Mrs. Ferguson.  
 20 Q. Has Ms. Buettgenbach been the principal the  
 21 entire time you've been at Gulf?  
 22 A. Yes.  
 23 Q. Do you know how long she's been the  
 24 principal at Gulf?  
 25 A. I've heard that she's been there 18 years.

1 Q. Has Ms. Ferguson been the assistant  
 2 principal the entire time?  
 3 A. No.  
 4 Q. Who was the assistant principal before  
 5 Ms. Ferguson?  
 6 A. I recall her name is Mrs. Fagen.  
 7 Q. Do you know why she left?  
 8 A. No, I do not.  
 9 Q. Are there any other assistant principals  
 10 or administrators that assist Principal Buettgenbach  
 11 at Gulf Avenue Elementary?  
 12 A. No.  
 13 Q. How many -- how many students attend Gulf?  
 14 A. A little over 1600, I believe.  
 15 Q. How many students attended Hollenbeck  
 16 Middle School?  
 17 A. I do not recall that.  
 18 Q. Was it comparable in terms of size, or  
 19 was it, you know -- can you give me your best  
 20 estimate? Was it over a thousand?  
 21 A. I -- I just recall that -- it not being  
 22 year-round. I don't know.  
 23 Q. Okay. So it was a traditional summer-off  
 24 calendar?  
 25 A. Correct.

1 Q. How about Southgate, was that a traditional  
 2 summer-off calendar as well?  
 3 A. That school was year-round.  
 4 Q. Multi-track?  
 5 A. Correct.  
 6 Q. Concept 6?  
 7 A. That I don't know.  
 8 Q. Three tracks?  
 9 A. I believe there was three tracks, yes.  
 10 Q. Did you teach on the same track all of your  
 11 years at Southgate?  
 12 A. Yes, I did.  
 13 Q. Which track was that?  
 14 A. I don't recall which track that was.  
 15 Q. Okay. And how about Marshall Middle  
 16 School, was that a multi-track school?  
 17 A. Traditional.  
 18 Q. Summers off?  
 19 A. Correct.  
 20 Q. Approximately how many students attended  
 21 Southgate Middle School?  
 22 A. I -- I recall people saying -- or the  
 23 school motto was basically that it was the largest  
 24 middle school in the country. I would estimate it  
 25 to be in the thousands, maybe 3-, 4,000. Probably

1 closer to 4,000.  
 2 Q. Okay. And I know it's just your estimate.  
 3 No one is going to hold you to that.  
 4 What about Marshall Middle School, how many  
 5 students attended there?  
 6 A. That was under a thousand, if I recall.  
 7 I'm not sure.  
 8 Q. Okay. So Gulf Avenue was a multi-track  
 9 school; correct?  
 10 A. Correct.  
 11 Q. And the 1600 -- the over 1600 students that  
 12 you say attend Gulf, are those split up amongst the  
 13 three tracks?  
 14 A. I don't know. I don't know how they divide  
 15 up the children.  
 16 Q. Okay. Do you have -- over your years as a  
 17 teacher and administrator in California public  
 18 schools, did you ever have an occasion to become  
 19 involved in the hiring or firing of employees?  
 20 A. No.  
 21 Q. Did you ever have occasion to become  
 22 involved in the issue of busing or transportation?  
 23 A. No.  
 24 Q. Have you ever been involved over those  
 25 years in a school's efforts to obtain Title 1 funds?

1 A. No.  
 2 Q. Have you ever been involved over those  
 3 years in a school's decision on how to spend Title 1  
 4 funds?  
 5 A. No.  
 6 Q. Have you ever participated over your years  
 7 as a public school official in an accreditation  
 8 process?  
 9 A. No.  
 10 Q. Have you ever heard of the Western  
 11 Association for Schools and Colleges?  
 12 A. Yes.  
 13 Q. What is your knowledge of the WASC?  
 14 A. I don't know anything about it. I just  
 15 recall hearing their name.  
 16 Q. Okay. You have never had any dealings with  
 17 anybody from WASC?  
 18 A. No.  
 19 Q. Have you ever had occasion over your years  
 20 as a public school official to help a school prepare  
 21 a grant or an award application --  
 22 A. No.  
 23 Q. -- for money?  
 24 A. No.  
 25 Q. Not from the state? Not from the federal

1 government?  
 2 A. No.  
 3 Q. Have you ever been involved over your years  
 4 as a school official in the decision of how to spend  
 5 money obtained from the state or federal government?  
 6 A. No.  
 7 Q. Have you ever had occasion over your years  
 8 as a public school official to participate in the  
 9 completion of the school accountability report card?  
 10 A. No.  
 11 Q. No.  
 12 Do you know what a school accountability  
 13 report card is?  
 14 A. Not entirely. I believe it's where the  
 15 schools get to -- a grading system on how they  
 16 perform academically.  
 17 Q. Have you ever heard of Public Advocates?  
 18 A. I have heard of the name, yes.  
 19 Q. Do you know what it is?  
 20 A. With respect to schools, I believe it is  
 21 just somebody who is -- you know, speaks up on any  
 22 issue that they have that pertains to any given  
 23 school.  
 24 Q. Do you have any -- have you had any  
 25 communications with anyone from that organization?

1 A. No.  
 2 Q. Have you ever heard of the Center for Law  
 3 and Public Interest?  
 4 A. No, I have not.  
 5 Q. Have you heard of Lawyers Committee for  
 6 Civil Rights?  
 7 A. No, I have not.  
 8 Q. Have you ever heard of MALDEF or the  
 9 Mexican-American Legal Defense and Education Fund?  
 10 A. I have heard of that, yes.  
 11 Q. Have you had -- have you had any  
 12 communications with that organization?  
 13 A. No.  
 14 Q. How about the ACLU, are you a member of the  
 15 ACLU?  
 16 A. I'm not a member, no.  
 17 Q. Okay. Other than the communications  
 18 we've covered already, have you had any independent  
 19 communications with the ACLU?  
 20 A. Repeat that again.  
 21 Q. Other than what we've already discussed --  
 22 A. Uh-huh.  
 23 Q. -- including your conversations with  
 24 Ms. Lhamon and others from the ACLU, have you had  
 25 any other communications with the ACLU?

1 A. No, I have not.  
 2 Q. Okay. Are you familiar with the acronym  
 3 IIUSP?  
 4 A. No.  
 5 Q. Immediate Intervention Under Performing  
 6 Schools Program?  
 7 A. No.  
 8 Q. Have any of your schools, to your  
 9 knowledge -- let me ask you this way.  
 10 Have any of the schools at which you've  
 11 worked over your years been involved in the IIUSP  
 12 program --  
 13 MR. FOX: Calls for speculation. He  
 14 testified that he has never heard of it.  
 15 THE WITNESS: Not to my knowledge, no.  
 16 BY MR. ROZWOOD:  
 17 Q. Okay. Have you had any experience or  
 18 dealings with, over your years as a public school  
 19 official, the English Language Learner program?  
 20 A. Yes, I have.  
 21 Q. Can you describe your experience with that  
 22 program.  
 23 A. I was never a teacher involved in the  
 24 program. I know that it is meant for students who  
 25 speak a language other than English. It's designed

1 assistant principal.  
 2 Q. Okay. Unless you have a particular reason  
 3 for saying so, you can safely say you don't know.  
 4 A. Okay.  
 5 Q. We just prefer to get your knowledge,  
 6 that's all we want. So if you don't know, you don't  
 7 know.  
 8 Do you know who makes the bell schedule?  
 9 A. I don't know.  
 10 Q. Okay. Do you know if there are any  
 11 standards that the bell schedule has to meet in the  
 12 Los Angeles Unified School District?  
 13 A. I don't know.  
 14 Q. Do you know who sets the curriculum at  
 15 Gulf Avenue Elementary School?  
 16 A. No.  
 17 Q. Do you know if there are any standards,  
 18 local, district, county or state standards, against  
 19 which the curriculum must be set?  
 20 A. Yes.  
 21 Q. What standards are those?  
 22 A. There's the state standards and the  
 23 district standards.  
 24 Q. Any others?  
 25 A. Not that I'm aware of, no.

1 to help them learn English rapidly while they're  
 2 also doing, I believe, their core study work, math  
 3 science, in their native language.  
 4 Q. But you were never an ELL teacher; correct?  
 5 A. Correct.  
 6 Q. And you never had any students that were in  
 7 the ELL program?  
 8 A. Correct.  
 9 Q. Did you ever have an occasion as a teacher  
 10 or administrator to become involved with the  
 11 administration of the program in any way?  
 12 A. No.  
 13 Q. Okay. Is the -- I want to ask the same set  
 14 of questions as to the ESL programs, English as a  
 15 Secondary Language. Do you understand that there is  
 16 a difference between the two or ...  
 17 A. I don't see -- I don't really know much  
 18 about either program. I would assume that they're  
 19 both the same.  
 20 Q. And have you had any involvement beyond  
 21 what you've testified to with respect to ELL or on  
 22 any ESL program?  
 23 A. No.  
 24 Q. Who at Gulf makes the bell schedule?  
 25 A. I assume it would be the principal or the

1 Q. Okay. Do you know who makes the spending  
 2 decisions at Gulf?  
 3 A. No, I don't.  
 4 MR. FOX: Vague and ambiguous.  
 5 BY MR. ROZWOOD:  
 6 Q. Do you know how the decisions are made  
 7 with respect to the expenditure of budget funds at  
 8 Gulf Avenue Elementary School?  
 9 A. No.  
 10 Q. You have no idea?  
 11 A. No.  
 12 Q. Who at Gulf is responsible for school site  
 13 maintenance?  
 14 A. I don't know.  
 15 Q. Isn't there a plant manager at Gulf?  
 16 A. There may be. I don't know if there is.  
 17 Q. Has there ever been a plant manager at Gulf  
 18 during your years at that school?  
 19 A. I don't know. I don't keep -- they may not  
 20 use the term "plant manager." I haven't heard that  
 21 term before. But there is a man there that is in  
 22 charge.  
 23 Q. Oh, really. What is his title?  
 24 A. I have no idea.  
 25 Q. Is he the person that you go to if there is

1 a maintenance issue?  
 2 A. Yes.  
 3 Q. Okay. What's that person's name?  
 4 A. I don't know his name.  
 5 Q. Is it the same person that has always been  
 6 in charge of maintenance issues at Gulf since you've  
 7 been there?  
 8 A. No. There was another man who was in  
 9 charge --  
 10 Q. Okay.  
 11 A. -- when I first started there at Gulf. Now  
 12 there's someone else.  
 13 Q. Okay. Since you've arrived at Gulf in  
 14 1998, there have been two different people in charge  
 15 of maintenance issues at that school; correct?  
 16 A. Correct.  
 17 Q. Do you know the name of the first person?  
 18 A. No.  
 19 Q. You don't know the name of the second  
 20 person.  
 21 Do you know if there -- what the shift --  
 22 what hours that person works?  
 23 A. No.  
 24 Q. Do you know if they're there during the  
 25 class -- the school day for children?

1 Sorry. That's a bad question.  
 2 What are the hours that the school is open  
 3 to children at Gulf?  
 4 A. The school opens at 7:00 -- 7:10 the gates  
 5 open.  
 6 Q. And when does the first class start?  
 7 A. 7:55.  
 8 Q. And when does the school day end?  
 9 A. 2:40 -- 2:51.  
 10 Q. And the gates close at some point, or ...  
 11 A. At some point they do close, yes.  
 12 Q. Do you know the time?  
 13 A. No, I don't.  
 14 Q. Okay. Do you know how many custodial  
 15 personnel are employed at Gulf Avenue Elementary  
 16 School?  
 17 A. No.  
 18 Q. Do you know whether or not the custodial  
 19 personnel arrive -- you know -- strike that.  
 20 Do you know when the custodians arrive at  
 21 Gulf Avenue Elementary School?  
 22 A. No.  
 23 Q. Okay. Do you know how often the restrooms  
 24 are cleaned at Gulf Avenue Elementary School?  
 25 A. No, I don't.

1 Q. Do you know how often the drinking  
 2 fountains are cleaned at Gulf Avenue Elementary  
 3 School?  
 4 A. No.  
 5 Q. Do you know how often the classrooms are  
 6 cleaned at Gulf Avenue Elementary School?  
 7 A. No.  
 8 Q. Do you know how often the administrative  
 9 buildings are cleaned at Gulf?  
 10 A. No.  
 11 Q. What is the procedure for addressing pest  
 12 problems at Gulf?  
 13 MR. FOX: Lacks foundation. Assumes facts.  
 14 THE WITNESS: It's a -- there is no  
 15 procedure, to my knowledge.  
 16 BY MR. ROZWOOD:  
 17 Q. You mean no official procedure?  
 18 A. Correct.  
 19 Q. How does someone who has a pest problem at  
 20 Gulf go about resolving that problem?  
 21 MR. FOX: Calls for speculation.  
 22 THE WITNESS: They would go to notify the  
 23 administration.  
 24 BY MR. ROZWOOD:  
 25 Q. Who in the administration?

1 A. Either the principal or vice principal.  
 2 Q. Is that the same process by which a problem  
 3 with the bathroom facilities would be reported?  
 4 MR. FOX: Vague and ambiguous.  
 5 THE WITNESS: Yes.  
 6 BY MR. ROZWOOD:  
 7 Q. So if there's a problem with the  
 8 facilities, whether it's a pest problem or a  
 9 bathroom problem, you would notify the principal  
 10 or vice principal; correct?  
 11 A. Correct.  
 12 Q. Is the person that you referred to earlier,  
 13 the plant manager -- let me strike that. You didn't  
 14 say -- you didn't say that.  
 15 The gentleman you referred to earlier as  
 16 being in charge of maintenance at Gulf, are those  
 17 people -- do they have an office on the school site?  
 18 MR. FOX: Lacks foundation. Assumes facts.  
 19 THE WITNESS: I wouldn't call it an office.  
 20 They have a small, little closet-like space in one  
 21 of the buildings.  
 22 BY MR. ROZWOOD:  
 23 Q. What building?  
 24 A. It's referred to as the "new building."  
 25 Q. Okay. I'm going to show you a document

1 and ask you if this accurately reflects the map of  
 2 Gulf Avenue Elementary School.  
 3 A. (Examining document.)  
 4 Q. I'm going to -- if it does, then I'll mark  
 5 it as an exhibit. We can talk about it.  
 6 MR. ROZWOOD: (Handing.)  
 7 MR. FOX: Thanks.  
 8 BY MR. ROZWOOD:  
 9 Q. Is that an accurate depiction of the layout  
 10 for Gulf Avenue Elementary School?  
 11 A. Yes, it is. It is different than what I've  
 12 seen, but it is.  
 13 MR. ROZWOOD: Okay. Can we mark this  
 14 document as Exhibit 2 to Mr. Ibarra's deposition.  
 15 It bears Bates stamp number PLTF01456.  
 16 (The document referred to was marked by the  
 17 Reporter as Deposition Exhibit 2 for identification  
 18 and is attached hereto.)  
 19 BY MR. ROZWOOD:  
 20 Q. You mentioned that the -- I don't know if I  
 21 can -- is it fair to call it the office? I don't  
 22 know if you called it an office. Did you call it a  
 23 closet? I don't know.  
 24 The maintenance office is located in the  
 25 new building; is that correct?

1 A. Correct.  
 2 Q. And where is that on this map you're  
 3 holding as Exhibit 2?  
 4 A. It's next to the number -- well, it is  
 5 right in front of 16, beside 18.  
 6 Q. And that's the box -- the box marked  
 7 "custodian offices"?  
 8 A. Correct.  
 9 Q. C U S T, period; O F F, period?  
 10 A. Correct.  
 11 Q. Next to the girls and boys bathrooms?  
 12 A. Correct.  
 13 Q. Okay. Is that a storage room for supplies,  
 14 or is there an actual desk in there?  
 15 A. In the custodial office?  
 16 Q. Yeah.  
 17 A. There are supplies in there. There is a  
 18 small desk in there.  
 19 Q. So if you wanted to talk to the custodian,  
 20 you could go to that location and either leave a  
 21 message or speak with the person; correct?  
 22 A. No. It's locked all the time.  
 23 Q. You couldn't leave a message on the door,  
 24 if you needed to?  
 25 A. No.

1 Q. Is there a phone in the custodian's office?  
 2 A. No. Not to my knowledge, no.  
 3 Q. What does the principal or assistant  
 4 principal do when a pest problem or a facilities  
 5 problem, such as a dirty bathroom, is reported to  
 6 them; do you know?  
 7 MR. FOX: Objection. Calls for  
 8 speculation.  
 9 THE WITNESS: I don't know.  
 10 BY MR. ROZWOOD:  
 11 Q. You have no knowledge as to what they do  
 12 whatsoever; correct?  
 13 A. Correct.  
 14 MR. ROZWOOD: Okay. I would like to take a  
 15 short break. Can we go off the record.  
 16 (At 12:28 p.m., the deposition  
 17 was adjourned for noon recess.)  
 18 /// (Please see next page.) ///

1 (At 1:20 p.m., the deposition  
 2 of THOMAS IBARRA was reconvened  
 3 with the same persons present.)  
 4 -oOo-  
 5  
 6 MR. ROZWOOD: Okay. We're back on the  
 7 record.  
 8  
 9 EXAMINATION RESUMED  
 10  
 11 BY MR. ROZWOOD:  
 12 Q. Have you ever spoken with any custodians at  
 13 Gulf Avenue Elementary School?  
 14 A. Just a brief hello.  
 15 Q. Okay. But never about any custodial issues  
 16 or facilities issues at the school site?  
 17 A. Once I did. Once I did.  
 18 Q. Can you describe that occasion for me.  
 19 A. It was a time when I had rats in my  
 20 classroom.  
 21 Q. Okay. Other than that incident, have  
 22 you ever had any other occasion to discuss any  
 23 facilities issues or cleanliness issues with any  
 24 of the custodial staff at Gulf Avenue Elementary?  
 25 A. No.

1 Q. Okay. I want to hand you a document marked  
2 PLTF01457 and ask you if you recognize this  
3 document.

4 A. Yes, I do.

5 MR. ROZWOOD: I would like to mark that  
6 document as Exhibit 3.

7 (The document referred to was marked by the  
8 Reporter as Deposition Exhibit 3 for identification  
9 and is attached hereto.)

10 BY MR. ROZWOOD:

11 Q. Can you tell me what it is?

12 A. This is our school's year-round calendar.

13 Q. This is the school calendar for the  
14 1999/2000 school year; correct?

15 A. Correct.

16 Q. Is this the same calendar as you're using  
17 for the current school year?

18 A. No.

19 Q. Can you tell me which ways it differs?

20 A. Well, this may -- may not even have been  
21 correct for the year '99/2000 because there's often  
22 changes. Teachers' dates often change, buy-back  
23 dates change. There's always changes in the year  
24 calendar, school year calendar.

25 Q. Okay. Is there any distinction between

1 this calendar and the calendar you're on at  
2 Gulf Avenue currently?

3 A. I -- I wouldn't be able to answer that  
4 unless I had this year's calendar right in front of  
5 me.

6 Q. Okay.

7 A. I'm sure they're quite similar, yet at the  
8 same time they're different.

9 Q. And which track do you teach on?

10 A. I teach on B track.

11 Q. Have you always taught on B track?

12 A. Yes, I have.

13 Q. I want to try to see if I can read this  
14 chart correctly. The first day of school for  
15 track B on this chart is on July 6th, '99; correct?  
16 In early July '99 it looks like here, July 6th?

17 A. Correct.

18 Q. The B track is the second bar on the chart  
19 in terms of its vertical position on the chart;  
20 correct?

21 A. Correct.

22 MR. FOX: Vague and ambiguous.

23 BY MR. ROZWOOD:

24 Q. Could you just mark on there with your own  
25 handwriting, which track is B track? I'll give you

1 a pen.

2 A. (Witness complies.)

3 Do you want me to circle it, or --

4 Q. Just draw a line pointing to it and put "B"  
5 in a circle and that will indicate which track is  
6 B track on this calendar.

7 And can you do that for both the first and  
8 second pieces of the chart.

9 A. (Witness complies.)

10 Q. Thank you.

11 So is it correct there is a break in the  
12 B track from approximately September 4th through  
13 approximately October 29th on this calendar?

14 MR. FOX: The document speaks for itself.

15 THE WITNESS: Yes.

16 BY MR. ROZWOOD:

17 Q. Is that the approximate break that you're  
18 scheduled to have in the current school year?

19 A. Yes.

20 Q. Okay. And there is a similar break between  
21 late February and late April; correct?

22 A. Correct.

23 Q. And does that approximate the break that  
24 you'll be taking -- that you'll be taking this  
25 calendar year? Excuse me, this school year?

1 A. It is approximate, yes.

2 Q. Okay. And then there's an additional  
3 break, it looks like over the -- maybe the Christmas  
4 break. December 24th, through the new year, a week  
5 at the end of the calendar year. Do you have one of  
6 those breaks in the current school calendar?

7 A. Yes, there is a break. It may not be the  
8 entire week. It depends on when the holiday falls  
9 on. Sometimes it is a day or two less.

10 Q. Okay. I'm going to ask you about your  
11 experience with multi-tracking. Do you know when  
12 Gulf Elementary turned multi-track?

13 A. No.

14 Q. Was it multi-track during your entire time  
15 at Gulf?

16 A. Yes.

17 Q. Can you think of any disadvantages of  
18 multi-track schedules?

19 A. Yes.

20 MR. FOX: Objection. Vague and ambiguous.  
21 Overbroad.

22 BY MR. ROZWOOD:

23 Q. Please tell me the disadvantages you think  
24 exist with the multi-track schedule.

25 MR. FOX: Same objections.



1 THE WITNESS: I could speak only on  
 2 B track, the track that I teach. My students are  
 3 in and out of school consistently. They're in my  
 4 classroom for the month of July and August, and then  
 5 they have approximately two months off. A lot of  
 6 the curriculum that was taught had -- is forgotten.  
 7 They come back for approximately two months  
 8 October, November, midway through December they get  
 9 another week off for the holidays.  
 10 Then they come back January and February,  
 11 they get an additional two months off. And they  
 12 come back in May.  
 13 And on this particular calendar they're  
 14 tested on Stanford 9, they're given a Stanford 9  
 15 state test within, I believe it's the first week and  
 16 a half that they're back in school. So they're --  
 17 they've forgotten a lot of the things that they have  
 18 learned over that two-month break and they're asked  
 19 by the state to take a test.  
 20 Then they're off four -- they have me until  
 21 June, they graduate, and they have another two  
 22 months off before they start middle school.  
 23 BY MR. ROZWOOD:  
 24 Q. Okay. So the disadvantages are that you  
 25 forgot what you've learned over the two-month

1 I also give them a book, at my expense, to  
 2 take home and read and write a book report.  
 3 Q. Other than the things you've listed so far,  
 4 are there any other disadvantages to the multi-track  
 5 schedule, to your knowledge or experience?  
 6 A. Yes, there are.  
 7 I know not on B track, but on C track,  
 8 which is the bottom row --  
 9 Q. On Exhibit 3?  
 10 A. On Exhibit 3.  
 11 Kids graduate from school or their last day  
 12 is April 28, 2000. They go off to a middle school  
 13 that's on a traditional calendar, and that middle  
 14 school doesn't start until September. So those kids  
 15 on C track have four months off.  
 16 And because the middle school does not have  
 17 any kind of program for entering middle school  
 18 students, there is no summer school for those kids.  
 19 Q. Summer school to make up for poor  
 20 performance in prior classes, or something else?  
 21 A. The school that, let's say, 95 percent of  
 22 them attend is Wilmington Middle School, the local  
 23 middle school in the area. They offer summer school  
 24 programs for ... not the incoming students, which  
 25 would be the B students from Gulf, they offer it for

1 intersession; is that right?  
 2 A. That's one of them, yes.  
 3 Q. And you're asked to take a Stanford 9 exam  
 4 during the first week or two once you return from  
 5 one of those sessions; is that correct?  
 6 A. Correct.  
 7 Q. Any other disadvantages other than the ones  
 8 you've testified to, to the multi-track schedule, to  
 9 your knowledge?  
 10 A. They're not able to take any books home,  
 11 school textbooks home during the time that they're  
 12 off. So the four months that they're off during the  
 13 year, myself as a school teacher can only give them  
 14 a few handouts to try to keep them up to pace with  
 15 learning.  
 16 Q. What do you mean with respect to pace --  
 17 "keep them up to pace with learning"?  
 18 A. Well, it's -- the amount of time they have  
 19 off to do absolutely nothing and to be -- have --  
 20 not have them access -- or not give them access to  
 21 textbooks is a long time to sit down and do nothing  
 22 when you're a child.  
 23 So I go to Kinko's Copies and I make copies  
 24 of what I can afford to make. And I make packets  
 25 for them to study while they're on vacation.

1 kids that have been there for at least one year.  
 2 And whether it is not for -- and whether it's for  
 3 remedial purposes, I don't know.  
 4 Q. Okay. Does Gulf offer any remedial  
 5 intersession services to students on C track?  
 6 A. A small amount.  
 7 Q. Well, can you describe the amount you're  
 8 referring to?  
 9 A. For the entire B track, I think they offer  
 10 one intersession course. And that accommodates only  
 11 20 students.  
 12 Q. For C track?  
 13 A. For B track.  
 14 Q. Oh, for B track.  
 15 Okay. So you think another disadvantage is  
 16 the limited availability of intersession classes for  
 17 students on certain tracks?  
 18 A. Correct.  
 19 Q. Are there any other disadvantages that  
 20 you can think of based upon your knowledge and  
 21 experience?  
 22 A. Yeah, the year-round calendar allows for  
 23 three lunches, the three recesses. Some kids are  
 24 required to eat lunch a lot earlier than probably  
 25 most students at traditional school. It also

1 requires some students to eat lunch a lot later than  
 2 some students do at traditional school.  
 3 Q. Can you explain why you have to have three  
 4 lunches on a multi-track school?  
 5 A. The school is only built to accommodate so  
 6 many students during lunchtime. So they could never  
 7 accommodate the amount of students in one lunch.  
 8 Therefore, they need three. There would not be  
 9 enough room for students to even sit down in the  
 10 cafeteria.  
 11 Q. So at a given point during the school year,  
 12 when, say, A and B tracks are on and C track are  
 13 off -- let's just pick the month of December, in  
 14 December, C track is off; correct?  
 15 A. Correct.  
 16 Q. And A and B tracks are on?  
 17 A. Correct.  
 18 Q. Okay. So are you saying that in order to  
 19 accommodate the students on A and B track during the  
 20 month of December, the school has to stagger three  
 21 different lunches?  
 22 A. Correct.  
 23 Q. And that's because the school doesn't have  
 24 enough space to seat all the students in the  
 25 cafeteria at once; correct?

1 A. Correct.  
 2 Q. Are there any other disadvantages that you  
 3 can think of to the multi-track schedule?  
 4 A. Yes. Our school library, for example, is  
 5 impacted at times with kids taking intersession  
 6 courses while they are on vacation while those  
 7 students that are in that -- the library, the  
 8 library is closed to everyone.  
 9 Q. You mean on a day when there's an  
 10 intersession class, no one else can enter the  
 11 library?  
 12 A. No, because there is a class in session.  
 13 Q. What about before or after that class?  
 14 A. Before school, the library is closed.  
 15 The -- after school, the library is closed. After  
 16 intersession ends at approximately 12:30, then the  
 17 library is open.  
 18 Q. Okay. So the library is open to the  
 19 general student body during intersession, but just  
 20 for reduced hours?  
 21 MR. FOX: Mischaracterizes his testimony.  
 22 THE WITNESS: It's not open for the entire  
 23 school body, no. My particular case, my library  
 24 time was earlier on during the day. My kids lost  
 25 out.

1 BY MR. ROZWOOD:  
 2 Q. Can you explain what you mean "earlier on  
 3 during the day"?  
 4 A. Well, if any teacher has their library time  
 5 between the hours of intersession, which would be  
 6 7:45 until 12:30, all those teachers that have their  
 7 library schedule to meet during those hours lose  
 8 that time because the afternoon is already filled up  
 9 with other teachers.  
 10 Q. And the library is closed before and after  
 11 school; correct?  
 12 A. Yes, it is closed.  
 13 Q. And it's closed on the weekends, too;  
 14 right?  
 15 A. On the weekends?  
 16 Q. (Nods head.)  
 17 A. The entire school is closed on the  
 18 weekends.  
 19 Q. Are there any Saturday classes?  
 20 A. Occasionally there is.  
 21 Q. Okay. Other than what you've testified to,  
 22 can you tell me any other disadvantages to the  
 23 multi-track schedule?  
 24 A. Textbooks. Textbooks become a problem  
 25 because there are so few textbooks in the school

1 that when I go off track a week before school ends,  
 2 approximately a week before school ends, textbooks  
 3 have to be returned to the book room so they can be  
 4 inventoried and ready for the new teachers that are  
 5 coming in.  
 6 Q. Is there a policy at Gulf regarding when  
 7 toward the end of a semester the textbooks have to  
 8 be returned to the textbook clerk for inventory  
 9 purposes?  
 10 A. Yes, there is.  
 11 Q. What is it?  
 12 A. That's usually about one week prior to  
 13 the ending of school. We receive a memo from the  
 14 principal.  
 15 Q. And what does that memo say?  
 16 A. That all books must be returned to the book  
 17 room.  
 18 Q. And that's a disadvantage of  
 19 multi-tracking?  
 20 A. Yes.  
 21 Q. How does that differ from how -- how it  
 22 works with traditional summer-off calendars?  
 23 A. What I recall from traditional schools is I  
 24 had my textbooks until the end of the school year.  
 25 And after the kids left, we came back to school as

1 teachers only, kids stayed home, and then I turned  
2 in my textbooks to the textbook room.

3 Q. Oh, I see.

4 So on your track you have to turn them in  
5 twice. You know, once in September and once in  
6 February; correct?

7 A. They have to -- yes.

8 Q. And instead of just once at, like, in May  
9 or June before the summer in a traditional school  
10 calendar. Is that the distinction you're drawing?

11 A. No.

12 The distinction I'm drawing is I have to  
13 turn my textbooks in an entire week earlier. So  
14 the kids have no books to learn from at the end of  
15 September when they go off track and at the end of  
16 April when they go off on track.

17 In addition to that, at the start of the  
18 school year it also takes about a week for these  
19 books to be dispersed because they had just been  
20 collected from the previous track.

21 And that also applies to the beginning of  
22 October, mid October, when my students come back to  
23 school, there is also a week wait approximately  
24 before we get our textbooks because they had just  
25 been returned from C track.

1 September the 9th, actually the week before that  
2 they turn them in. So sometime in late -- it would  
3 be late August, actually, they would turn in the  
4 textbooks. And they would turn them in again before  
5 the next off-track period, which would be ...

6 BY MR. ROZWOOD:

7 Q. Late February?

8 A. Well, the week before -- the last week  
9 of February that's marked here. Which would be  
10 February the 20 ... 20th, it looks like.

11 Q. Okay. So one problem with the multi-track  
12 is that you have to return your books twice because  
13 you go off track twice during a single academic  
14 school year; correct?

15 A. I'm sorry. Repeat that.

16 MR. ROZWOOD: Can you read that back,  
17 please.

18 (The record was read.)

19 THE WITNESS: It would actually be three  
20 times you would turn them in earlier. Because if  
21 you look at June, we would have to turn them in a  
22 week before June, also.

23 BY MR. ROZWOOD:

24 Q. So there are three occasions on which you  
25 have to collect books from your students on B track

1 Q. So there are -- there are two sessions,  
2 correct, on B track, is that correct, the --

3 A. Two sessions of --

4 Q. -- is that the way -- is it two semesters?

5 How do you refer to the two blocks of time  
6 your classes are in session on B track?

7 A. They're referred to as off-track time.

8 Q. When you were on track, what is it referred  
9 to as?

10 A. Just merely on-track time.

11 Q. So there are two stretches of on-track time  
12 on the B track?

13 A. There's three: You have July through  
14 September; you have the end of October through the  
15 end of February; and then you have that third  
16 session in late April until the end of June.

17 Q. How many times does a student on B track  
18 have to turn in their textbooks during a single  
19 academic year?

20 A. Let's see. Once at the end of December  
21 before they go off track. And they turn them in  
22 again at the --

23 MR. FOX: I'm sorry. At the beginning of  
24 September?

25 THE WITNESS: I'm sorry. The exact date --

1 for each school year; correct?

2 A. Yes. That is correct. There are three  
3 different occasions in which books must be collected  
4 at least one week prior.

5 Q. It's at least one week prior, now?

6 A. At least. It's definitely the week before,  
7 yes.

8 Q. Well, if the school year -- session ends on  
9 a Friday, do you have to collect the books the week  
10 before that week?

11 A. That has been the case, yes.

12 Q. And that's what that memo from the  
13 principal tells you to do; correct?

14 A. It's either a memo from the principal or a  
15 memo from the textbook clerk.

16 Q. Okay. And the memo --

17 A. It's usually both.

18 Q. And the memo tells you to collect the  
19 textbooks the week before the school session ends?

20 A. The memo gives a date, the week before when  
21 different tracks should turn in their books so as  
22 not to overload the textbook clerk.

23 And then on top of that, each teacher is  
24 given a more or less specific ballpark figure,  
25 timewise, when to turn in those books, because there

1 is --  
 2 Q. Okay. Go ahead. Don't let me interrupt.  
 3 I didn't know if you were finished.  
 4 A. Oh, okay.  
 5 For example, if books were collected  
 6 towards -- before we went -- the kids went off track  
 7 in the end of August, I was given a specific -- not  
 8 just the date, everyone has the same date, but a  
 9 specific time. Because there's so many teachers,  
 10 that one teacher is told to turn in their books  
 11 between the hours of 8:00 to 9:00. Another one is  
 12 told 9:00 to 10:00, etcetera.  
 13 Q. Okay. And how do you receive these memos  
 14 from the textbook clerk or principal?  
 15 A. They're placed in our mailbox.  
 16 Q. Have you always had a mailbox at  
 17 Gulf Avenue Elementary School?  
 18 A. Yes.  
 19 Q. Is that the custom and practice, at  
 20 least in the L.A. Unified School District, for  
 21 communicating between the administration and  
 22 teachers at a given school?  
 23 MR. FOX: Vague and ambiguous. Calls for  
 24 speculation.  
 25 THE WITNESS: It can vary. But usually

1 they are done with memos to teachers. Occasionally  
 2 they're in the school bulletin.  
 3 BY MR. ROZWOD:  
 4 Q. Have you always had a mailbox over your  
 5 career at whatever school you're working at?  
 6 A. Yes.  
 7 Q. Okay. So sometimes they communicate by  
 8 leaving notices in your mailbox, other times through  
 9 the school bulletin?  
 10 A. Correct.  
 11 Q. Are there any other ways in which policies  
 12 or procedures are communicated by school officials  
 13 to teachers?  
 14 A. The PA system is often used.  
 15 Q. How often -- is there a school bulletin at  
 16 Gulf?  
 17 A. Yes, there is.  
 18 Q. How often is that published?  
 19 A. Once a week.  
 20 Q. Does the custodian have a mailbox?  
 21 A. I don't know.  
 22 Q. Or does -- let me ask: Do any of the  
 23 custodial staff at Gulf have a mailbox?  
 24 A. I don't know.  
 25 Q. Does the principal have a mailbox or a

1 similar way you can communicate with her?  
 2 A. No. The principal has no mailbox.  
 3 Q. Is there a similar way you can communicate  
 4 with her? You know, like, does she have an in-box?  
 5 Is there a secretary? Is there a place you can  
 6 leave her a note?  
 7 A. I usually just slipped a note underneath  
 8 her door.  
 9 Q. And what about the vice principal, is there  
 10 a way that teachers can communicate concerns or  
 11 issues to her?  
 12 A. I'm not sure. I don't know if she has a  
 13 mailbox. I've never had to write her a note. If I  
 14 need to speak with her, I usually do it during  
 15 recess.  
 16 Q. Okay. Other than what you've identified so  
 17 far, can you think of any other disadvantages to the  
 18 multi-track schedule?  
 19 A. Yes.  
 20 Q. Can you tell me what those are, please.  
 21 A. Students have to be shuttled from room to  
 22 room. This year, for example, my class was in room  
 23 23, and we were in there for the months of July and  
 24 August. When we -- when they come back from  
 25 vacation, we'll be in room 20 for the months of

1 November and December.  
 2 And when they come back after their week  
 3 vacation for the holidays, we go back into room 23  
 4 for the months of January and February. Then  
 5 they're off track two months, March and April, where  
 6 we switch again and we go back to room 20.  
 7 Q. So you have to use two different classrooms  
 8 for the entire school year; correct?  
 9 A. Correct.  
 10 Q. Any other disadvantages that you can think  
 11 of?  
 12 A. There are other disadvantages, I just can't  
 13 think of any right now.  
 14 Q. Okay. Well, you can hold on to that  
 15 Exhibit 3 and if that or anything else that comes  
 16 up today refreshes your recollection about the  
 17 disadvantages that you are aware of, feel free to  
 18 tell me.  
 19 Okay?  
 20 A. Okay, yes.  
 21 Q. Can you think of any advantages that are  
 22 associated with the multi-track calendar?  
 23 A. No.  
 24 Q. Is there any less instructional time  
 25 on a multi-track calendar than on a traditional

1 summer-off calendar for kids?  
 2 A. I don't know. I believe there's not,  
 3 though.  
 4 Q. You believe there's not, what?  
 5 A. There's a -- I believe it is the same  
 6 instructional amount of hours, but I don't know.  
 7 Q. Has there ever been any busing at  
 8 Gulf Avenue Elementary School?  
 9 A. To my knowledge, no.  
 10 Q. You testified that there were  
 11 approximately -- over 1600 students at Gulf;  
 12 correct?  
 13 A. Correct.  
 14 Q. And are -- only approximately two-thirds of  
 15 those students are on the school site at any given  
 16 time; correct?  
 17 A. Correct.  
 18 Q. Okay. So let's just say a little over 500,  
 19 call it 530. So maybe there's, you know, 1,050 --  
 20 over 1,050 students at the school site at any given  
 21 time, just as an estimate.  
 22 Does that sound approximately accurate?  
 23 MR. FOX: Lacks foundation.  
 24 THE WITNESS: That would sound  
 25 approximately correct.

1 BY MR. ROZWOOD:  
 2 Q. Okay. Do you know -- have you ever, in  
 3 your career as a school official, had any experience  
 4 with students that have had to be bused to their  
 5 school?  
 6 MR. FOX: Vague and ambiguous.  
 7 THE WITNESS: Not to my knowledge, no.  
 8 Yes, I do. When I was in Long Beach at  
 9 Marshall Middle School, there were some kids that  
 10 were bused in from downtown, the downtown area.  
 11 BY MR. ROZWOOD:  
 12 Q. But never kids that were turned away  
 13 from the school you taught at and bused to another  
 14 school; correct?  
 15 MR. FOX: Calls for speculation.  
 16 BY MR. ROZWOOD:  
 17 Q. To your knowledge?  
 18 A. That I don't know.  
 19 Q. Okay. Did you notice -- did you have  
 20 occasion to teach any of the students from the  
 21 downtown schools that were bused in to Marshall?  
 22 A. I had no idea who was bused in and who was  
 23 not.  
 24 Q. Do you have any basis upon which to assess  
 25 the impact of busing on a student's ability to

1 learn?  
 2 MR. FOX: Calls for speculation. May seek  
 3 expert testimony.  
 4 THE WITNESS: Answer?  
 5 MR. FOX: (Nods head.)  
 6 THE WITNESS: I recall when I was assistant  
 7 principal at Marshall Middle School, I used to greet  
 8 the buses as they came in. And I know that the  
 9 children had to wake up a lot earlier and when they  
 10 came to school and they appeared to be tired.  
 11 BY MR. ROZWOOD:  
 12 Q. In your opinion, is it better to  
 13 accommodate children at their local community  
 14 schools as opposed to busing them?  
 15 MR. FOX: Incomplete hypothetical.  
 16 THE WITNESS: If there is space in their  
 17 school, sufficient space, I think it would probably  
 18 be best for them to stay in their own school, close  
 19 to their home.  
 20 BY MR. ROZWOOD:  
 21 Q. Well, do you know what the school capacity  
 22 is at Gulf Avenue Elementary? How many students it  
 23 can accommodate?  
 24 A. I don't know that.  
 25 Q. There are -- strike that.

1 Does Gulf Avenue Elementary School receive  
 2 any more funding because it is a multi-track school?  
 3 A. I don't know.  
 4 Q. You mentioned that you had an occasion to  
 5 speak with one of the members of the custodial staff  
 6 in connection with a rat problem in your class?  
 7 A. Correct.  
 8 Q. Do you recall what you said to that  
 9 custodian and what he or she said to you in  
 10 connection with that incident?  
 11 A. I don't recall what was said, no.  
 12 Q. Do you recall the sum --  
 13 A. I can visually see and tell you what took  
 14 place, but as to what was specifically said, I don't  
 15 recall.  
 16 Q. Okay. Who did you complain to first about  
 17 the rat problem in your class?  
 18 A. The very first person I spoke with was one  
 19 of the secretaries, when I pushed the button down on  
 20 my PA system and told them that there were rats in  
 21 my classroom.  
 22 Q. And do you recall when that was? What day?  
 23 What month?  
 24 A. I don't recall --  
 25 Q. Or what year?

1 A. -- it was in January. It was before --  
2 before recess. It would have -- timewise it would  
3 have been sometime between the start of school, 7:55  
4 and 9:55.

5 MR. ROZWOOD: I'm going to mark the next  
6 document as Exhibit 4, and it's -- bears -- let's  
7 see, excuse me. It bears Bates stamp numbers  
8 PLTF01415 through 01433.

9 (The document referred to was marked by the  
10 Reporter as Deposition Exhibit 4 for identification  
11 and is attached hereto.)

12 BY MR. ROZWOOD:

13 Q. After she stamps that can you look at  
14 Exhibit 5 -- excuse me. Exhibit 4.

15 A. (Examining document.)

16 Q. I want to ask you if the rat incident you  
17 were testifying about was -- occurred in January of  
18 2000.

19 A. Yes, it did.

20 Q. Do you recall the date in January where you  
21 first saw a rat in your class?

22 A. It was early in January, right after the  
23 winter break.

24 Q. And this was in the '99/2000 school year?

25 A. Correct.

1 Q. Can you make a circle around that "R" so  
2 it's clear on the record.

3 A. (Witness complies.)

4 Q. Thank you.

5 MR. FOX: Let the record reflect the "R"  
6 and circle are pointing to number 28.

7 BY MR. ROZWOOD:

8 Q. In the bungalow section?

9 A. Correct.

10 Q. Other than in bungalow number 28, is there  
11 any other location on campus where you have had  
12 occasion to witness any rats, mice, vermin, or any  
13 other rodents?

14 A. Yes.

15 Q. Where?

16 A. They weren't witnessed by myself, but I  
17 know the teacher in room 21 -- excuse me, 31 --

18 Q. No. Let's go back. I don't usually  
19 interrupt. But I just want occasions where you  
20 yourself have seen rats, not where you've heard  
21 other people. That's the question that I am asking  
22 you right now.

23 A. No.

24 Q. Okay. That's the only place you've ever  
25 seen any rat -- any rodent whatsoever on this school

1 Q. The school year depicted in Exhibit 3?

2 A. Yes.

3 Q. Okay. So sometime in the early part of  
4 January.

5 Do you recall the date in particular in  
6 January --

7 MR. FOX: Asked and answered.

8 THE WITNESS: No, I don't recall the  
9 specific date.

10 BY MR. ROZWOOD:

11 Q. Okay. Is there any way that you could  
12 refresh your recollection about what the date was?  
13 Was it the first day back from school, for example,  
14 or some other associated event in your mind with the  
15 day you first saw rats in your class?

16 A. I can't pick a specific date. I do recall  
17 when I came into my classroom after Christmas break,  
18 there was a strong stench that I was unfamiliar  
19 with. And I teach in the bungalows, and I assumed  
20 that it was just the smell of the room being closed.

21 Q. Can you look at Exhibit 2, which is the  
22 area map of Gulf, and put an arrow with an "R" in a  
23 circle pointing to the classroom in which you saw  
24 these rats.

25 A. (Witness complies.)

1 site?

2 A. Yes.

3 Q. Now, a separate question. You mentioned  
4 someone else told you they saw some rodents on  
5 campus. Who was that that saw rodents on your  
6 campus?

7 A. They were the teachers in room 31 and 30.  
8 And I just don't think they saw them, I believe  
9 there were actually some caught.

10 I believe the teacher in room 31, I  
11 believe, if my recollection is correct, was  
12 Ms. Carbonal. And she told me that she had one that  
13 had been trapped on that sticky, like, gummy tape.  
14 It's not tape actually, it was like a sticky gum  
15 contraption. And its body had been half eaten by  
16 another one. And she was pretty disgusted about  
17 that.

18 Q. So other than Ms. Carbonal, do you know any  
19 of the other school officials or personnel that have  
20 ever seen rats on the school site at Gulf Avenue  
21 Elementary School?

22 A. Yes, I do.

23 Q. Okay. What are their names?

24 A. Mr. Manzano.

25 Q. And where did Mr. Manzano tell you he saw

1 rodents at Gulf?  
 2 A. He told me he saw one dead outside the  
 3 computer lab.  
 4 Q. And where is that on the area map marked as  
 5 Exhibit 2?  
 6 A. Twenty-five.  
 7 Q. The computer lab is in bungalow number 25?  
 8 A. Correct.  
 9 Q. And what are the names of the other  
 10 personnel that told you they saw rodents at Gulf?  
 11 A. Mrs. Mitchell.  
 12 Q. And what did she tell you?  
 13 A. Well, I heard hers on public radio when I  
 14 was on KFI. She called up and said that she had  
 15 rodents in her -- at the time she was in the science  
 16 lab, which may or may not have been room 34. It was  
 17 room 34 when I started working at Gulf, but it may  
 18 have been a different room.  
 19 Q. Do you have the names of any other people  
 20 at Gulf that saw rodents there?  
 21 A. Yes, I do.  
 22 Q. Can you give me all the names?  
 23 A. All the names?  
 24 Q. Yes.  
 25 A. Ms. Uchida.

1 Q. How do you spell that?  
 2 A. U C H I D A.  
 3 Q. Okay. What did she tell you?  
 4 A. She told me that prior to me teaching at  
 5 Gulf -- I believe she's been there for over 15  
 6 years -- she said there was a massive problem with  
 7 rats at that school. And they had built these  
 8 dome-like homes in back of the auditorium. She said  
 9 they were huge. She said the school had taken  
 10 pictures or the principal had taken pictures of  
 11 them.  
 12 Q. For the rats to live in?  
 13 A. She described them as these -- she said  
 14 they were about this big (indicating). Which is  
 15 about, what, 30 inches? She said they were these  
 16 dome-like things in the back of the auditorium where  
 17 they lived or nested.  
 18 Q. Did she tell you how long that was?  
 19 A. No, she did not.  
 20 Q. Did you ever see the dome-like homes in  
 21 back of the auditorium that she described to you?  
 22 A. No, I did not.  
 23 Q. Did Ms. Uchida tell you anything else about  
 24 rodents at Gulf?  
 25 A. She told me that she didn't understand why

1 there was some people who were denying that there  
 2 were rodents on campus when, especially the teachers  
 3 that had been there for many years, know that  
 4 there's been problems.  
 5 Q. Did she tell you anything else?  
 6 A. No.  
 7 Q. Okay. Any other names?  
 8 A. Room 24 there was -- I know there was traps  
 9 set in that room. I don't know if they caught  
 10 anything. That was Ms. Cozola's room.  
 11 I'm sorry. She was in room 26, right  
 12 behind me, not 24.  
 13 Q. I'm just asking you for names of people who  
 14 told you they saw rats. That's what I'm asking you.  
 15 Are there any other names of people who  
 16 told you they saw rats at Gulf?  
 17 A. Yes.  
 18 Q. Okay.  
 19 A. Mr. Rodriguez.  
 20 Q. Okay. Mr. Rodriguez.  
 21 And what did Mr. Rodriguez tell you?  
 22 A. He told me he had seen a rat.  
 23 Q. When did he tell you that?  
 24 A. I don't recall.  
 25 Q. Was it this school year? Last school year?

1 A. It was ... this school year, 2000/2001.  
 2 Q. Okay. Not the new school year that just  
 3 started?  
 4 A. It is the school year that I am currently  
 5 in right now.  
 6 Q. The school year that you are currently in  
 7 right now.  
 8 A. 2001/2002, excuse me.  
 9 Q. Okay.  
 10 A. Sorry, I was confused.  
 11 Q. And when did he tell you he saw the rat,  
 12 Mr. Rodriguez?  
 13 A. I don't -- I don't recall. He didn't give  
 14 a date.  
 15 Q. Okay. Did he tell you where he saw the  
 16 rat?  
 17 A. In the old brick building.  
 18 Q. And where is that on this area map?  
 19 A. That's marked rooms 11, 8, 12, 9, 13, 10,  
 20 and 1, 5, 6, 2, 3, 7 and 4.  
 21 Q. Did he tell you where in the brick building  
 22 he saw rats?  
 23 A. No.  
 24 Q. Did anybody else tell you that they saw a  
 25 rat at Gulf, or a rodent?

1 A. There was an adult that told me that there  
 2 was one going across the cafeteria area, which is  
 3 marked "A" here on this map. The name, I don't  
 4 recall.  
 5 Q. Do you have occasion to frequent the  
 6 cafeteria in the course of performing your duties  
 7 as a teacher at Gulf?  
 8 A. I'm able to attend the cafeteria during  
 9 recess and lunchtime.  
 10 Q. Are you assigned the cafeteria for  
 11 supervision on occasion?  
 12 A. No.  
 13 The only time we're assigned to cafeteria  
 14 duty is when school is made a minimum day. School  
 15 is out at 12:20.  
 16 Q. Have you ever seen a rodent in the  
 17 cafeteria at Gulf?  
 18 A. No.  
 19 Q. Other than the adult that you can't  
 20 remember the name of, did anyone else ever tell you  
 21 they saw a rat in the cafeteria at Gulf, or any  
 22 rodent?  
 23 A. Adults or students?  
 24 Q. Yeah, just anybody.  
 25 A. Oh, students.

1 I had a student during the 1999/2000 school  
 2 year in my classroom, 28 -- the students recognize  
 3 vermin having had it in our classroom -- were asked  
 4 by the school to pick, I believe it's six student to  
 5 work in the cafeteria.  
 6 One girl refused because she said she had  
 7 seen vermin in the cafeteria. She didn't want to  
 8 work there anymore.  
 9 Q. Actual vermin, or was it something else?  
 10 A. She said she saw the vermin.  
 11 Q. What did she tell you?  
 12 A. She said -- she said it made her sick. She  
 13 said she didn't want to eat there anymore.  
 14 Q. Was that Erika Hernandez, or someone else?  
 15 A. No, another student.  
 16 Q. Do you remember the name of your student?  
 17 A. Not offhand. But if I had a class roster  
 18 or a student list, I would definitely recognize the  
 19 name.  
 20 Q. Okay. So the first indication you had with  
 21 school officials about your rat problem was over the  
 22 PA?  
 23 A. Correct.  
 24 Q. And that's a PA system that's accessible to  
 25 you in your classroom; correct?

1 A. Correct.  
 2 Q. And what was the response?  
 3 A. I was told that it would be taken care of.  
 4 Q. Who told you that?  
 5 A. One of the secretaries.  
 6 Q. Do you remember her name? His name?  
 7 A. No, I do not remember. It was a her.  
 8 Q. Okay. And you're talking about one of  
 9 the administrative secretaries, the principal's  
 10 secretary or someone else?  
 11 A. There's a congregation of about five  
 12 secretaries in there. They all do various tasks.  
 13 They all don't work specifically for anybody.  
 14 Q. Okay. Did she tell you, the secretary,  
 15 what --  
 16 Do you remember the name of the secretary  
 17 you spoke with?  
 18 A. No.  
 19 Q. Did she tell you what would be done?  
 20 A. No.  
 21 Q. Did you ask what was going to be done?  
 22 A. No.  
 23 Q. Okay. What was the second communication  
 24 you had with school officials about the rat problem  
 25 in your class?

1 A. That same day, I got no response from the  
 2 PA about what was going to be done about the  
 3 situation. I had -- rodents were crawling over  
 4 students' backpacks with their feet.  
 5 When the bell rang, I dismissed the kids to  
 6 go outside and play and I walked to the office and I  
 7 spoke with Miss Ferguson.  
 8 Q. That's the assistant principal; correct?  
 9 A. Correct.  
 10 Q. So is it vice principal, which is which?  
 11 A. I think both terminologies are used.  
 12 Q. Okay. So you walked to the office after  
 13 the bell rang and you spoke to Ms. Ferguson. What  
 14 did you say to her and what did she say to you?  
 15 A. I told her there were rats in my classroom  
 16 and vermin and urine all over the place; that that  
 17 room needed to be cleared out.  
 18 Q. And what did she say to you?  
 19 A. She shrugged her shoulders and said she  
 20 lived in the Anaheim Hills and that there was rats  
 21 there, also.  
 22 Q. Did she tell you anything else?  
 23 A. No.  
 24 Q. Was it your understanding that she was  
 25 going to have the problem addressed after your



1 conversation?  
 2 A. I recall her saying that the room would be  
 3 cleaned out that day.  
 4 Q. She told you the room would be cleaned out  
 5 that day?  
 6 A. After school.  
 7 Q. During that first conversation that you had  
 8 with her after the bell rang and you walked to the  
 9 office, she told you that?  
 10 A. Correct.  
 11 Q. Did Ms. Ferguson say anything else to you  
 12 during that conversation?  
 13 A. Not that I recall, no.  
 14 Q. Did she ask you any questions during that  
 15 conversation?  
 16 A. No.  
 17 Q. Did she ask you what the -- what was  
 18 attracting the rodents?  
 19 A. No.  
 20 Q. Okay. And what was the next time you spoke  
 21 with a school official about the rat problem in your  
 22 class?  
 23 A. The following morning.  
 24 Q. Was that over the weekend, you came back,  
 25 or was that the next consecutive school day?

1 A. It was the next consecutive school day.  
 2 Q. And what was -- who did you speak with?  
 3 A. I spoke with Ms. Ferguson again.  
 4 Q. What did you say to her, and what did she  
 5 say to you?  
 6 A. I told her that the room was not cleaned  
 7 out -- she had told me so -- that it was still  
 8 filthy, there was still vermin. There was a --  
 9 urine on the students' desks that I had to wipe off  
 10 that morning. The smell was atrocious. And at that  
 11 time she told me that it would be cleaned out  
 12 that -- by the end of the school day.  
 13 Q. And did she say anything else to you?  
 14 A. No.  
 15 Q. Did you speak to anyone else about the rat  
 16 problem other than Ms. Ferguson and this secretary  
 17 over the PA?  
 18 A. Mrs. Ferguson was the only available  
 19 administrator. Mrs. Buettgenbach was on jury duty  
 20 at that time, so Ms. Ferguson was the acting  
 21 principal.  
 22 Q. Did you speak with anyone else at Gulf  
 23 besides Ms. Ferguson and the secretary over the PA  
 24 about the rat problem in your class?  
 25 A. It might have been the second day, I don't

1 recall exactly when -- when I talked to the teacher  
 2 in front of me, Ms. Carbonal, and I talked to the  
 3 teacher behind me, Ms. Gazola (phonetic), and the  
 4 teacher in my adjoining room, which I believe was  
 5 Ms. Hernandez, room 29.  
 6 Q. And what was the sum and substance of your  
 7 conversations with these teachers?  
 8 A. I asked them if they had -- had an unusual  
 9 odor in their room. And they said, yes, they did.  
 10 Q. Did anything else -- did you discuss  
 11 anything else with your fellow teachers about this  
 12 problem?  
 13 A. No.  
 14 Q. So on the day you came back after the first  
 15 day you saw the rats and you spoke with Ms. Ferguson  
 16 again and she told you it was going to be cleaned  
 17 that day, what happened after that?  
 18 A. I left school and went back the next day.  
 19 Q. Was this over a weekend, or again on the  
 20 next consecutive school day?  
 21 A. I don't recall if the third day was over  
 22 the weekend or not, I'm not sure. But it was the  
 23 same story, the room had not been cleaned out.  
 24 And somewhere in between that day, I --  
 25 after school, I called the health department.

1 Q. Which health department, the county health  
 2 department?  
 3 A. I don't recall which one it was. I just  
 4 picked up my phone and --  
 5 Q. In the class?  
 6 A. No, I didn't -- I don't have a cell phone  
 7 in my classroom, or at least I didn't have one then.  
 8 And there are no phones in the classroom.  
 9 Q. So this is at home?  
 10 A. This is at home, yes.  
 11 Q. After the third day after you saw the rats?  
 12 A. Correct.  
 13 Q. After the third day, you called the health  
 14 department. And what did you tell the health  
 15 department?  
 16 A. I told them that there were rats in my  
 17 classroom and me and my students were in there. And  
 18 they asked me to describe them.  
 19 And I remember her specifically telling me  
 20 that if they had -- she asked what their bellies  
 21 looked like. I said I wasn't sure. She said if  
 22 they have a round circular white spot, they carry  
 23 some kind of disease of some kind.  
 24 I told her that what could I do to clean it  
 25 up. Because evidently at that time nobody was going

1 to clean it up. She said, "Well, first of all, you  
2 shouldn't be cleaning it up. Wear some heavy-duty  
3 gloves and definitely wear a mask." And then I  
4 guess she filed her report.

5 Q. Did you ever get a copy of the report?

6 A. No.

7 Q. Did you ever have any follow-up  
8 communications with the health department?

9 A. No.

10 Q. That was the third day; correct?

11 A. That was the third day, yes.

12 Q. Did you go to school on the fourth day?

13 A. The fourth day, yeah. I had to go to  
14 school on the fourth day, yeah.

15 Q. And when you arrived on the morning of the  
16 fourth day, was there -- had the problem changed at  
17 all?

18 A. It still was not cleaned up.

19 Q. Okay. And you taught -- you taught to your  
20 students in that classroom again for the fourth day?

21 A. Yes.

22 Q. And did you have any further conversations  
23 with anyone at the school or anywhere else about  
24 your problem?

25 A. Sometime during the day, I spoke with

1 the custodian came in and placed these little sticky  
2 box-like things for the rats to stick on. They were  
3 placed in my room, the room next door, the two rooms  
4 in front of me and the room behind me.

5 Q. Okay. And -- and in terms of cleaning up  
6 your room of the rats -- droppings and urine, that  
7 didn't happen until the fifth day?

8 A. No cleaning took place until it was either  
9 the mid fourth day or fifth day.

10 Q. Okay. The document that I have in front of  
11 you there as Exhibit 4 --

12 A. Uh-huh.

13 Q. -- is that a document related at all to the  
14 rat incident in early January 2000?

15 A. Yes, it is.

16 Q. Can you tell me what these -- what this  
17 document is?

18 A. My students went to the computer lab -- the  
19 computer lab once a week, and had -- this was done  
20 in the computer lab. And it was a lesson done by  
21 the computer teacher who thought that by having the  
22 kids write it out on the computer and drawing the  
23 pictures of the rats, it would release  
24 psychologically from the -- basically the horror  
25 that they had from the experience.

1 Ms. Ferguson who ... I believe it was the fourth  
2 day, it may have been the fifth day, but it was  
3 either the fourth or fifth day that she asked my  
4 classroom to go outside and play while one of the  
5 custodians began cleaning out the -- the room.

6 Q. When you say "cleaning out the room," you  
7 just meaning cleaning the -- what do you mean?

8 A. I mean sweeping the floors of the vermin --

9 Q. When you say "vermin," you're not saying --  
10 you mean something -- you don't sweep vermin, do  
11 you? I mean --

12 A. I don't know. I wouldn't sweep it, but  
13 somehow they cleaned it up.

14 Q. You're saying rat droppings?

15 A. Right.

16 Q. Okay. I see what you're saying. Because  
17 I'm using "vermin" to mean a rat or a rodent.

18 A. No. Technically vermin is the rat  
19 dropping.

20 Q. Oh, wow. That changes everything. Okay.  
21 Now I understand what you meant earlier.

22 Okay. You were trying to get your room  
23 cleaned up. Do you have any knowledge of what the  
24 school did to solve your classroom's rat problem?

25 A. It was either the third or fourth day when

1 Q. I'm sorry. I didn't hear that last term  
2 you used.

3 A. The horror that they experienced.

4 Q. What was the name of the computer lab  
5 teacher?

6 A. Mr. Manzano.

7 Q. Did you ever have any discussions with  
8 Mr. Manzano about the rat problem in your class in  
9 January 2000?

10 A. Not that I recall personally.

11 I think at that time the -- pretty much the  
12 whole school knew about what was going on. Because  
13 it wasn't just taking place in my classroom, there  
14 were other rooms where they were being caught.

15 Q. You see on the second page of Exhibit 4,  
16 with the Bates stamp PLTF01416, the work done by  
17 Daniel Fuentes --

18 A. Yes.

19 Q. -- do you see where Daniel Fuentes writes,  
20 "There was blood all over the place"?

21 A. Yes, I do.

22 Q. Is that an accurate statement?

23 A. I recall Daniel writing that out because he  
24 was one of the first students to see a rat caught in  
25 one of the traps.

1 Q. One of the glue traps?

2 A. One of the glue traps.

3 And it was just moving about trying to  
4 release its body from that glue trap. And in the  
5 process, part of its abdomen area just ripped and  
6 the skin was attached to the glue. And the kids saw  
7 what he writes is "blood all over" -- all over the  
8 trap and all over the rat.

9 Q. Was this -- I just don't understand how  
10 this could happen. Maybe you can help me. Is it  
11 that -- is it just that no one cleaned the traps  
12 before school started and your students just came  
13 into class and that's how they found it; is that  
14 what happened?

15 A. The traps -- we were in the classroom for  
16 the entire time, so the traps were placed in the  
17 classroom while we were still in there. So in the  
18 process of teaching, there were some being caught.  
19 And it -- yeah, after lunch there would be one or  
20 two more caught on a trap.

21 Q. So what day were the traps placed? The  
22 first day you complained or --

23 A. Not the first day, or the second. It was  
24 the third or the fourth day.

25 Q. Okay. And so rats would be caught in the

1 over her foot or over her backpack.

2 Q. Anyone who had one actually run over their  
3 feet?

4 A. I don't recall. I don't recall. There  
5 were several. Their names I don't recall.

6 Q. Okay. So several students had that  
7 experience but you don't recall their names;  
8 correct?

9 A. Correct.

10 Q. Okay. Did you review these pages in  
11 Exhibit 4 before your deposition?

12 A. No.

13 (Recess taken from 2:25 to 2:30.)

14 MR. ROZWOOD: Back on the record.

15 Q. Did you ever learn what was attracting the  
16 rats?

17 MR. FOX: Calls for speculation.

18 THE WITNESS: The principal told me it  
19 was -- could have been the glue that was kept on one  
20 of the shelves in the classroom.

21 BY MR. ROZWOOD:

22 Q. Did you ever come to learn how the rats  
23 were gaining access to your classroom?

24 MR. FOX: Same objection.

25 THE WITNESS: Eventually someone came from

1 glue traps during class as well as during the lunch  
2 break?

3 A. And recess break.

4 Q. And recess break?

5 A. Possibly after school. Overnight.

6 Q. And when a rat was trapped, what did you do  
7 to -- or what was done to remove the rat from the  
8 classroom?

9 A. The -- I notified the office. And the  
10 office sent one of the custodians to pick it up and  
11 remove it.

12 Q. And how long did that process take?

13 A. That was fast.

14 Q. So when there was an actual rat, the  
15 custodian appeared quickly to remove it?

16 A. Only when it was on the trap.

17 Q. When it was --

18 A. When it wasn't on the trap and they were  
19 just going about the classroom, going over kids'  
20 feet, then, no. He was only there when -- to pick  
21 it up when it was already on the trap.

22 Q. Can you tell me the students that actually  
23 had a rat run over their feet?

24 A. There were several. I remember a young  
25 girl named Sierra Moreno, who had one crawl either

1 the district and they sprayed. And they tried to  
2 tighten up the rooms, any holes they could find.

3 I recall there may have been -- well,  
4 actually I don't recall, there was. There was two  
5 holes in the floor. And the bungalows sit on kind  
6 of like stilts and they could come in through that  
7 way.

8 They also sealed both doors. And I know  
9 one of the workers told me they could have even gone  
10 through -- the door, where they can squeeze their  
11 bodies through. But I'm not quite sure.

12 BY MR. ROZWOOD:

13 Q. Were the holes that they identified -- were  
14 they closed?

15 A. The holes were sealed with some kind of  
16 like a foam that eventually hardened.

17 Q. So they were sealed eventually?

18 A. They were sealed, yes.

19 Q. Well, how long did it take to seal the  
20 holes and clean the vermin and other rat residue  
21 from your class in January of 2000?

22 A. I don't recall how long it took. For me it  
23 seemed like forever. I would say it was probably a  
24 week, week and a half, two weeks at the most.

25 Q. Okay. And then once it was cleaned up

1 and the holes were closed, did you have any more  
 2 problems with the rats?  
 3 A. No.  
 4 Q. Did you have any more problems with any  
 5 rodents?  
 6 A. Oh, yes. There was always the roaches that  
 7 were in --  
 8 Q. I'm just talking about rodents, not  
 9 insects.  
 10 A. No, not in the classroom. Not with  
 11 rodents, no.  
 12 Q. Well, anywhere on campus did you ever have  
 13 any trouble with rodents? After the holes were  
 14 closed and the classroom was cleaned in January  
 15 2000, did you ever have any other problems with  
 16 rodents at Gulf?  
 17 MR. FOX: Objection. Vague and ambiguous.  
 18 Overbroad.  
 19 THE WITNESS: I personally have not had any  
 20 problems with rodents.  
 21 BY MR. ROZWOOD:  
 22 Q. Since that time?  
 23 A. Since that time.  
 24 Q. And that's the only incident that you've  
 25 had with rodents at Gulf; correct?

1 A. Correct.  
 2 Q. You mentioned earlier that one of the rats  
 3 ate another rat?  
 4 A. That's what the teacher told me, yes.  
 5 Q. All right. You never saw that?  
 6 A. No, I didn't see that.  
 7 Q. And none of your kids saw that; right?  
 8 A. None of my students, no.  
 9 Q. Did any students see that?  
 10 A. I don't know. Some of her students may  
 11 have seen that.  
 12 Q. And which teacher was that?  
 13 A. That was Ms. Carbonal.  
 14 Q. And she was in room 30?  
 15 A. She was either in room 30 or 31. They  
 16 rotate. She roves. So part of the year she's in 30  
 17 or 31. She was in either one of the rooms, either  
 18 30 or 31.  
 19 Q. Can you turn to page PLTF01427 in  
 20 Exhibit 4. It's the -- it appears to be the essay  
 21 written by Chris Cockrell.  
 22 Was Chris a student of yours?  
 23 A. Yes.  
 24 Q. Do you see where he says in bold at the  
 25 bottom, "the janitor had to take the rats out"?

1 A. Yes, I do.  
 2 Q. Was that the ultimate solution to the  
 3 problem?  
 4 MR. FOX: Objection. Vague and ambiguous.  
 5 Calls for speculation.  
 6 THE WITNESS: Would you rephrase the  
 7 question?  
 8 BY MR. ROZWOOD:  
 9 Q. Do you understand what I mean, or --  
 10 A. No, I didn't understand what you -- what  
 11 you asked.  
 12 Q. What was the ultimate solution to the rat  
 13 problem in January 2000 at Gulf? What was it?  
 14 A. The solution, I think was when the district  
 15 came out and they sprayed the entire bungalow area  
 16 with some kind of substance, poison, I'm too not  
 17 sure what it was. I remember them coming in in  
 18 these white space-like suits and they just sprayed  
 19 underneath. I think that solved the problem.  
 20 Q. Can you turn to page PLTF01432. It's the  
 21 second page from the last page in Exhibit 4.  
 22 A. (Witness complies.)  
 23 Adriana Chavez. That's the young lady who  
 24 worked in the cafeteria and said she never wanted to  
 25 go back.

1 Q. Because she saw rat feces; correct?  
 2 A. Uh-huh.  
 3 Q. That's what you were referring to earlier?  
 4 A. Yes, that's her.  
 5 Q. Are there any other students -- you said  
 6 you had six students that worked in the cafeteria.  
 7 Are there any other students that you are aware of  
 8 that had a similar experience to Ms. Ferguson?  
 9 A. A similar experience as Ms. Ferguson, or a  
 10 similar experience as Ms. Chavez?  
 11 Q. Oh, I'm sorry. Ms. Chavez I meant to say.  
 12 Yeah, Ms. Chavez in the cafeteria.  
 13 I was just wondering if any of your other  
 14 students had a similar experience that Adriana  
 15 Chavez had in the cafeteria, to your knowledge?  
 16 A. Not to my knowledge.  
 17 Q. Okay. Have you at any time had any  
 18 conversations with the computer lab teacher  
 19 regarding this assignment that we see in Exhibit 4?  
 20 A. Prior, or ...  
 21 Q. At any time before, during or after?  
 22 A. No.  
 23 Q. Okay.  
 24 A. No.  
 25 Prior to them doing this, I -- I didn't

1 know that that was going to be an assignment. He  
2 thought of it as being a good idea for them to  
3 release mentally what was on their mind by writing  
4 it out and drawing pictures.

5 We spoke about it afterwards.

6 Q. What did you say to him and what did he say  
7 to you about it afterwards?

8 A. Just I recall him saying it was pretty  
9 disgusting.

10 Q. What did you tell him?

11 A. I said, yes, it was.

12 Q. Are you satisfied with the way the problem  
13 was ultimately addressed by the district?

14 MR. FOX: Objection. Vague and ambiguous.

15 THE WITNESS: I was only satisfied that it  
16 was done. I was unsatisfied with the fact that it  
17 took so long.

18 BY MR. ROZWOOD:

19 Q. But if they had done what they actually  
20 ended up doing within a day or two, would that have  
21 been a satisfactory response, to your mind?

22 A. No.

23 Q. What would have been a satisfactory  
24 response?

25 A. Not having the rodents in my classroom to

1 install the traps.

2 Q. Did Ms. Ferguson ever ask you to move your  
3 class to the library so that the custodians could  
4 address the rat problem in January of 2000?

5 A. No.

6 Q. Okay. You mentioned that there were some  
7 problems with insects as well. Do you want to just  
8 start off with the roaches, make our way to the  
9 ants?

10 A. That's -- that's been -- I've seen roaches  
11 since I first started working there. They come and  
12 go.

13 Q. Have you seen them anywhere in particular  
14 on campus?

15 A. I've seen them come out of students' desks.  
16 I've seen them coming out of my desk.

17 Q. Is there food in there?

18 A. Students' desks? Not to my knowledge.

19 Q. Where on Exhibit 2 have you seen roaches  
20 on -- at the Gulf school site?

21 MR. FOX: Objection. Compound. Complex.  
22 Overbroad.

23 THE WITNESS: I've seen them in my room,  
24 28; the room that I'm currently teaching in, 23.

25 ///

///

1 begin with.

2 Q. Did Ms. Ferguson or anyone else from the  
3 school ever ask to move your class -- strike that.

4 Did anyone ever ask you to move -- to move  
5 your classroom -- strike that.

6 Did anyone ever ask you to move your  
7 students to another location in order to clean your  
8 classroom in response to the rat problem that you  
9 communicated to them?

10 A. No.

11 The only time when that was mentioned was  
12 when they actually told me to escort my kids to the  
13 play area. That was either the fourth or fifth day  
14 prior to that. But prior to that, we were not given  
15 an opportunity to go to another classroom.

16 Q. Did you take your students out of the  
17 classroom when asked to?

18 A. Yes, I did.

19 Q. Have you told me every person that you  
20 spoke with about the rat problem at the Gulf  
21 Elementary school?

22 A. Everyone that I recall.

23 Q. Okay. And you don't recall speaking to any  
24 custodians about the problem?

25 A. Only when he came into my classroom to

1 BY MR. ROZWOOD:

2 Q. Any other rooms?

3 A. And the room I also rove into, room 20.

4 Q. So you rove into an adjacent classroom in  
5 this case?

6 A. Correct.

7 Q. Now, are there any other occasions on  
8 Exhibit 2 where you've witnessed a roach --

9 A. No.

10 Q. -- or other insects -- yeah, just roaches,  
11 I guess now.

12 Okay. So rooms 28, 23 and 20. No where  
13 else; correct?

14 A. Correct.

15 Q. How about ants? Have you seen any ants at  
16 the school?

17 A. Yes. I've seen ants in room 28, 23 and 20.

18 Q. Anywhere else on campus?

19 A. No.

20 Q. What do you do when you see a roach in  
21 order to respond to the problem?

22 A. Usually it's killed instantly, if we can  
23 catch it.

24 Q. Do you do the killing?

25 A. Usually it's a kid who stomps on it because

1 usually they're by their desk and someone screams  
2 out "roach" and the first thing they do is just slam  
3 a book on it or just stomp on it.

4 Q. Do you inform anyone at the school  
5 regarding the incident?

6 A. No.

7 Q. So for the times where you've witnessed  
8 roaches in rooms 23, 20 and 28, you've never  
9 reported those incidents to school officials?

10 A. No. They've been isolated, maybe one roach  
11 here and there.

12 Q. So you don't consider it to be a problem  
13 that warrants the school's attention?

14 A. No.

15 Q. How about with respect to the ants?

16 A. The ants I have notified the office.

17 Q. What -- what do you do when you have an ant  
18 problem?

19 A. That's a really big distraction in the  
20 classroom. Ants, as you know, travel in packs.  
21 They go off the students' desks, across the student  
22 chairs and up and around. You try to squash them as  
23 you go along and notify the office.

24 And they -- I don't think they spray. I'm  
25 not quite sure what they do. I know they can't

1 one, two occasionally.

2 Q. And you've never reported those sightings  
3 to any school officials or custodians; correct?

4 A. No.

5 Q. Okay. Other than what we've discussed so  
6 far, are there any other pests problems that  
7 you would like to -- that you've experienced at  
8 Gulf Avenue Elementary School?

9 A. None that I recall, no.

10 Q. Okay. Good.

11 To your knowledge, Mr. Ibarra, are there  
12 any school or local district or LAUSD, or other  
13 policies or procedures for teachers or other staff  
14 to follow when notifying the office of pest problems  
15 on a school site?

16 A. I believe that after the rat incident in my  
17 classroom and other classrooms, I think now there is  
18 a procedure that has to be followed. But prior to  
19 that, I believe there was not.

20 Q. Okay. What's the current procedure?

21 A. I don't know. I don't know what that  
22 current procedure is. I would assume that I would  
23 contact the vice principal and things would get  
24 expedited a lot faster than what they were in the  
25 past.

1 spray because fumes get into the kids' lungs, but  
2 there is something they do. I'm not quite sure what  
3 it is.

4 Q. And do they respond adequately, to your  
5 mind, to these problems with ants?

6 A. They have, yes.

7 Q. Do you know what the school does when they  
8 get a complaint from you or someone else about ants?

9 A. Specifically what they do, no.

10 Q. Okay. But whatever they do, it seems to be  
11 responsive enough to you?

12 A. Yes.

13 Q. Do you have any other experience with pests  
14 that we haven't discussed so far here today at Gulf?

15 A. There is an occasional, I believe they're  
16 called earwigs.

17 Q. Are those water bugs?

18 A. They might be referred common name as water  
19 bugs. They have the two small pinch-like devices in  
20 the back.

21 Q. Oh, yeah, I know what you're talking about.

22 A. I think they're considered earwigs.

23 Q. And do you consider those to be a problem  
24 that warrants the school's attention?

25 A. No. Again, like the roaches, I usually see

1 MR. FOX: Move to strike as nonresponsive.  
2 Don't speculate.

3 BY MR. ROZWOD:

4 Q. Well, how do you know that there was a new  
5 procedure that was adopted? Was it something that  
6 was communicated to staff through the mailbox or  
7 school bulletin?

8 A. It was communicated by the principal  
9 orally.

10 Q. At a staff meeting, or ...

11 A. It was orally to me.

12 Q. Okay. So Principal Buettgenbach told you  
13 that she adopted -- well, what did she tell you?  
14 Let me ask you that way.

15 A. She told me that she was not present at the  
16 time. Had she been present, that would not have  
17 happened. And that there was a procedure that was  
18 going to be followed in the future.

19 Q. Did she tell you what that procedure was?

20 A. No.

21 Q. Did she tell you that that was a procedure  
22 that was adopted at the school, or by the district,  
23 or did she mention anything?

24 A. She didn't say.

25 Q. Are you aware of any district-level policy

1 for pest control at LAUSD schools?  
 2 A. No, I'm not.  
 3 Q. Are you aware of any state standards or  
 4 regulations that address the area of pest control at  
 5 all?  
 6 A. No.  
 7 Q. How about the local district, K, Area K,  
 8 are you aware of any policies that local District K  
 9 has in place with respect to pest control?  
 10 A. No.  
 11 Q. Have you ever heard of a custodial request  
 12 form?  
 13 A. Yes, I have.  
 14 Q. What are those?  
 15 A. It's a form that's filled out if you maybe  
 16 need your pencil sharpener serviced, or if the screw  
 17 is loose on it, it gets tightened up.  
 18 Q. And are those forms made available to all  
 19 staff?  
 20 A. Yes, they are.  
 21 Q. And do they come with instructions?  
 22 A. No.  
 23 Q. And when you -- have you ever used a  
 24 custodial request form?  
 25 A. I don't recall.

1 Q. Have you ever made a request that the  
 2 custodians fix something in your classroom?  
 3 A. Yes, I have.  
 4 Q. Okay. What -- what did you have -- what  
 5 did you request to be fixed?  
 6 A. A leaky faucet that was running, dripping.  
 7 Q. Anything else?  
 8 A. Bookcases that were damaged.  
 9 Q. Damaged from the rats, or something else?  
 10 A. No, damaged -- the prongs were missing on  
 11 the side to hold up one of the boards.  
 12 Q. So to replace those missing prongs?  
 13 A. Correct.  
 14 Q. Anything else that you can think of that  
 15 you asked the custodians to do?  
 16 A. That's all I recall.  
 17 Q. Did you make those requests in writing or  
 18 verbally?  
 19 A. The requests are not made to the custodian,  
 20 they are made to the assistant principal. And the  
 21 school custodian doesn't fix those things, someone  
 22 else is called in from the district. And they call  
 23 the plumber in to fix the sink, and they call in  
 24 someone from the construction department, I suppose,  
 25 to fix the bookcases.

1 Q. Were those -- strike that.  
 2 On the times that you made requests for  
 3 custodial support, were your requests responded to  
 4 in a timely fashion?  
 5 A. We're only given -- once a year we're given  
 6 an opportunity to make these requests. And once a  
 7 year someone from the district comes down with their  
 8 maintenance truck and they fix as many as -- as many  
 9 of the problems that they can possibly get to.  
 10 They can't get to all of them, so they try  
 11 to prioritize things that are critical or important  
 12 from one to ten and fix those first, the highest  
 13 priority, and sometimes they don't get to the -- the  
 14 lesser things.  
 15 Q. And in your case, were your -- was your  
 16 leaky faucet and your missing prongs, were they  
 17 addressed in a timely fashion, to your mind?  
 18 A. I had to wait to address those problems  
 19 until they came down to the school. So we're given,  
 20 I would say about a two-week notice to their  
 21 arrival, and we list things that need to be  
 22 corrected in the classroom.  
 23 Q. And whatever -- are you aware of anything  
 24 that was listed that needed to be fixed by the  
 25 district maintenance truck personnel that went

1 unaddressed?  
 2 A. Yes.  
 3 Q. Okay. Can you tell me what those things  
 4 were?  
 5 A. Tiles falling off from the ceiling, but not  
 6 actually falling off but loose enough to fall off.  
 7 Student desks uneven. Broken chairs.  
 8 Q. Anything else that you can think of?  
 9 A. Broken window blinds.  
 10 Q. Anything else?  
 11 A. Cracked windows.  
 12 Q. Anything else?  
 13 A. That's all I can recall.  
 14 Q. Are the uneven student desks or broken  
 15 chairs -- are those chairs and desks used by  
 16 students in your class?  
 17 A. Yes.  
 18 Q. Well, how do they use those -- like a  
 19 broken chair -- well, I guess my question is: In  
 20 what way are the chairs you're referring to broken?  
 21 A. The chairs are wooden chairs and they often  
 22 crack down the center.  
 23 Q. Of the seat?  
 24 A. Of the seat.  
 25 And they become loose. So the kids sit on

1 them, but at times, according to how their bottom is  
 2 moving, they kind of adjust, they can get pinched  
 3 from behind.  
 4 Q. Okay. How about the desks, those -- those  
 5 uneven desks. Is that just because one leg has  
 6 gotten shorter than the other for some reason?  
 7 A. Usually a bolt has broken and the legs  
 8 are -- extend or contract, depending on how you want  
 9 them sized. And when that happens they become loose  
 10 and wobbly and one is longer than the others, or  
 11 shorter.  
 12 Q. And is that a prevalent problem in your --  
 13 for students in your class?  
 14 A. I would say out of 30 classroom chairs,  
 15 there might be about three like that. And desktops,  
 16 there's about 17 in the classroom. I would say  
 17 about two are like that.  
 18 Q. I guess I'm not -- I missed something.  
 19 There are 30 student desks, or chairs?  
 20 A. There's 30 student chairs, approximately.  
 21 Q. Okay. So three out of those chairs have  
 22 the broken seat problem, approximately?  
 23 A. That's correct.  
 24 Q. And two out of the 17 desktops have the  
 25 desktop problem, the broken bolt problem that you

1 items that need to be fixed in the school and these  
 2 were lesser items.  
 3 Q. Did she tell you what any of the major  
 4 items were?  
 5 A. No.  
 6 Q. Did you ask?  
 7 A. No.  
 8 Q. When you are given two weeks' notice, is it  
 9 by way of memorandum or writing, or how is that  
 10 notice given to you?  
 11 A. It's by memo.  
 12 Q. Okay. And is the custodial request form  
 13 attached to that memo, or is that something  
 14 different?  
 15 A. The custodial request form is something  
 16 different.  
 17 Q. Okay. How does the custodial request form  
 18 get used?  
 19 A. That form is used if there is a --  
 20 something that can be fixed by the custodian, a  
 21 pencil sharpener, if there is an extra one they can  
 22 re- -- put one on.  
 23 Q. Can't --  
 24 A. If --  
 25 Q. I'm sorry. I didn't mean to interrupt.

1 mentioned?  
 2 A. Correct.  
 3 Q. And you asked to have those fixed?  
 4 A. Yes.  
 5 Q. And they have not been fixed?  
 6 A. I was in room 28 when I asked for those to  
 7 be fixed and I've left 28, so I don't know if those  
 8 have been fixed since that time.  
 9 Q. But they weren't fixed when the district  
 10 maintenance truck came to Gulf when you were  
 11 teaching at room 28; correct?  
 12 A. No.  
 13 MR. FOX: "No," meaning correct?  
 14 THE WITNESS: No, they were not fixed.  
 15 BY MR. ROZWOOD:  
 16 Q. Did you ever follow up with anyone about  
 17 getting those fixed?  
 18 A. No.  
 19 Q. Did you ever ask after the maintenance  
 20 truck left anyone at Gulf why they weren't fixed?  
 21 A. Yes, I did.  
 22 Q. And what -- who did you ask and what did  
 23 they say?  
 24 A. I spoke with Ms. Ferguson. She told me  
 25 at that time that they have to prioritize the major

1 A. If your room, you know, needs to be cleaned  
 2 out, that it may get swept.  
 3 Q. Anything else that you can use the  
 4 custodial request form to do at -- for Gulf?  
 5 A. Not to my knowledge.  
 6 Q. And have you ever used one of these?  
 7 A. No, I have not.  
 8 Q. And where are you supposed to leave the  
 9 custodian request form, if you decide to use one?  
 10 A. That I don't know.  
 11 Q. Do you normally read what is put in your  
 12 mailbox?  
 13 A. Yes, I do.  
 14 Q. Including any staff notice or school  
 15 bulletins relating to the issues raised in this  
 16 litigation?  
 17 A. In terms of ...  
 18 Q. Like a textbook bulletin, a facilities  
 19 notice, like there is going to be a cleaning, is  
 20 that something that would normally appear in your  
 21 teacher mailbox?  
 22 A. Yeah.  
 23 For example, when the school is -- when our  
 24 floors are mopped once a year, that's put in your  
 25 mailbox. And we're told on that particular day we



1 need to have students put everything outside their  
2 desks and store them somewhere else so they can move  
3 the furniture out.

4 Q. So that's something that appears in your  
5 mailbox; correct?

6 A. Correct.

7 Q. Do you have any knowledge as to how many  
8 times your floors are mopped at Gulf?

9 A. That's a mystery at the school. I've asked  
10 several times and no one can give me a straight  
11 answer when my room is swept.

12 Q. There is a difference between swept and  
13 mopped?

14 A. Oh, mopped is once a year.

15 Q. You know for a fact that your floor is only  
16 mopped once a year at Gulf; correct?

17 A. Correct.

18 Q. Do you know how often classrooms are  
19 cleaned by the custodial staff on-site a Gulf?

20 A. I -- I don't know.

21 Q. Do you have any knowledge as to what the  
22 custodial staff at Gulf do as part of their routine  
23 cleaning -- classroom cleaning process?

24 A. I have never seen their duties, but I've  
25 been told that they are to sweep out the room, take

1 Throw out the trash cans, or the trash in the trash  
2 cans. I get to school early and do that myself.

3 Q. Do you do that every day?

4 A. There has been times where my trash has not  
5 been emptied for three consecutive days, so I dump  
6 it out myself.

7 Q. How often is your classroom swept, every  
8 week?

9 MR. FOX: Asked and answered.

10 THE WITNESS: I -- it's -- it's so sporadic  
11 that I couldn't -- I don't know.

12 BY MR. ROZWOD:

13 Q. You said earlier that they should just do  
14 their job. What do you mean by that?

15 A. Well, whatever their job description is for  
16 them to do, it should be done. I'm not quite sure  
17 what their job description is or what they are  
18 supposed to be doing.

19 Q. Is it possible that they're doing  
20 everything that they're supposed to do?

21 A. No.

22 Q. Have you ever inquired with the school  
23 administration about this?

24 A. Yes.

25 Q. And who have you discussed it with?

1 out the trash, erase the chalkboards, dust the chalk  
2 that's accumulated on the -- on the baseboard along  
3 the chalkboard, empty out the pencil sharpener. Yet  
4 most of those things are never done.

5 Q. Do you think the custodial staff at Gulf do  
6 a good job?

7 A. No.

8 Q. "No"?

9 A. No.

10 Q. Do you think they could improve their --  
11 their performance in any way?

12 A. Yes.

13 Q. How do you think that they can improve  
14 their performance?

15 MR. FOX: Objection. Overbroad. Compound.  
16 Complex.

17 THE WITNESS: By simply doing their job.

18 BY MR. ROZWOD:

19 Q. In what specific ways could they improve  
20 their job performance, in your view?

21 A. I don't know specifically what they're  
22 supposed to do, so I can't, you know, give you a  
23 straightforward answer.

24 I think the basic things that they could do  
25 is sweep out the rooms, which is hardly ever done.

1 A. Ms. Ferguson?

2 Q. Anyone else?

3 A. No.

4 Q. On how many occasions did you speak  
5 with Ms. Ferguson about the custodial staff's  
6 performance?

7 A. At least three times.

8 Q. And what did you say to her, and what did  
9 she say to you in these conversations?

10 A. Twice I asked her when my room was swept.  
11 And I was told that she would look into it. And I  
12 never got a response.

13 Q. Anything else that you said to her or she  
14 said to you during these conversations?

15 A. No.

16 Q. You said there were three conversations,  
17 though; right?

18 A. Correct.

19 Q. And all three related to the sweeping of  
20 your classroom?

21 A. Not necessarily sweeping. The third item  
22 was more than just sweeping. It was the fact that  
23 my trash was not being thrown out.

24 Q. So if they swept your classroom every day  
25 and they took out the trash every day, that would be

1 sufficient from your perspective?  
 2 A. No.  
 3 Q. Okay. What else would they have to do to  
 4 satisfy you that they're doing their job?  
 5 A. Well, I think, or I was told by another  
 6 teacher that's been there for a while, they're  
 7 supposed to do a lot more than just sweep out the  
 8 classrooms and throw out the trash.  
 9 They're supposed to, you know, clean out  
 10 the pencil sharpener, the shavings, clean out the  
 11 dust, clean blinds, general dusting of some of the  
 12 equipment.  
 13 Q. If they did those things, would they be  
 14 doing their job to your satisfaction?  
 15 A. They would be better.  
 16 Q. Is there anything else that you would like  
 17 them to do that they're not currently doing?  
 18 A. None that I can think of right now.  
 19 Q. Okay. Please let us know if there's  
 20 anything else that you can think of; okay?  
 21 A. Okay.  
 22 Q. Let's talk about -- well, let me ask you  
 23 this: Are you aware of any policies at the district  
 24 level relating to -- when I say "the district  
 25 level," I mean LAUSD -- relating to the duties of

1 Q. Okay. Who were the other two?  
 2 A. The vice principal.  
 3 Q. Is that Ms. Ferguson?  
 4 A. That was the prior --  
 5 Q. Okay.  
 6 A. -- vice principal, Ms. Fagen.  
 7 Q. Okay. Miss Fagen.  
 8 And other than Ms. Fagen, who was the other  
 9 one?  
 10 A. There was the ... one of the facilitators.  
 11 Q. What does that mean, "facilitators"?  
 12 A. I believe she handles the -- one of the  
 13 budgets.  
 14 Q. She's a permanent employee?  
 15 A. She's a teacher.  
 16 Q. She's a teacher.  
 17 A. Who works out of the classroom. Outside of  
 18 the classroom, rather.  
 19 Q. Is there any mentoring policy at Gulf for  
 20 new teachers or new arrivals?  
 21 MR. FOX: Objection. Vague and ambiguous.  
 22 BY MR. ROZWOD:  
 23 Q. Do you understand what I'm referring to?  
 24 A. I do understand.  
 25 I know of one teacher that is in the

1 the custodial staff?  
 2 A. No.  
 3 Q. Okay. Let's talk about teachers. Who is  
 4 responsible at Gulf Elementary for recruiting  
 5 teachers?  
 6 A. I have no idea.  
 7 Q. Who is responsible for hiring and firing of  
 8 teachers at Gulf?  
 9 A. I would say it was the principal.  
 10 Q. Is that who hired you?  
 11 A. Yes.  
 12 Q. And what is the interview process like? Is  
 13 it just the principal interviews candidates, or do  
 14 other people participate in that process?  
 15 A. They interview -- the interview, usually  
 16 it's a committee, with the principal having the  
 17 final say-so.  
 18 Q. Okay. Who is on the committee?  
 19 A. Whoever the principal asks.  
 20 Q. Okay. How many people are on the  
 21 committee?  
 22 A. When I was interviewed, there was three  
 23 people that interviewed me.  
 24 Q. In addition to the principal?  
 25 A. Including the principal.

1 program.  
 2 Q. What program?  
 3 A. Who is a mentor.  
 4 Q. Oh, okay.  
 5 And who is that?  
 6 A. At that time, when I was hired, it was  
 7 Mrs. -- Mrs. -- Mrs. Struthers.  
 8 Q. Was this a school-based mentor program, or  
 9 a district-based mentor program, or something else?  
 10 A. I don't know.  
 11 Q. Okay. She was the only mentor for the  
 12 teachers, the new arrival teachers?  
 13 A. To my knowledge.  
 14 Q. Okay. Did she act as your mentor?  
 15 A. No, she did not.  
 16 Q. Did you ask her to?  
 17 A. (Shakes head.)  
 18 Q. Why not?  
 19 A. I ... met -- she was one of the first  
 20 teachers that I met because we went to a conference  
 21 together. And I think the year-round school  
 22 environment just created an overwhelming sense where  
 23 they help the teachers that are really in dire  
 24 straits, and I wasn't one of those.  
 25 Q. You didn't need a mentor; correct?

1 A. I didn't feel that I needed --  
 2 MR. FOX: Argumentative. Lacks foundation.  
 3 BY MR. ROZWOOD:  
 4 Q. I'm sorry. I was just trying to express  
 5 what you were testifying to, if I got it wrong, just  
 6 tell me.  
 7 Did you or did you not need a mentor when  
 8 you arrived at Gulf?  
 9 A. I think it would have been helpful to have  
 10 someone tell me -- each school has their own policy  
 11 and they're all different, even though they're all  
 12 within the same school district. It would have been  
 13 nice to have someone say, you know: This is how  
 14 things are done here.  
 15 Q. Was there a training process that you went  
 16 through to acclimate yourself to the new school  
 17 environment at all upon your arrival at Gulf?  
 18 A. Not at the school site itself. There was a  
 19 district -- what was it? -- three-day program, where  
 20 I sat in and just explained some district, you know,  
 21 procedures and ...  
 22 Q. Was that the LAUSD?  
 23 A. LAUSD, yes.  
 24 Q. And what types of procedures were covered  
 25 in that three-day -- was that a training program, or

1 what was it?  
 2 A. It was like a workshop, I would call it,  
 3 program, where they discussed what -- what it is  
 4 like to work with the LAUSD roll book --  
 5 Q. I'm sorry. I didn't hear that.  
 6 A. Roll book.  
 7 Q. Roll book, like for counting attendance?  
 8 A. Right.  
 9 Q. Okay. The roll book.  
 10 I'm sorry. Go ahead.  
 11 A. How to fill out a child abuse form  
 12 correctly.  
 13 Q. Any other topics covered in this LAUSD  
 14 workshop program?  
 15 A. Not that I can recall.  
 16 There were others, but I don't recall the  
 17 others.  
 18 Q. Anything on curriculum?  
 19 A. I ... there was a portion of the day where  
 20 they handed out state standards and L.A. Unified  
 21 School District's standards.  
 22 Q. So as far as you know, Mrs. Struthers was  
 23 the only teacher that ever acted as a mentor to  
 24 newly arrived teachers at Gulf?  
 25 A. Yes.

1 Q. Approximately how many teachers are there  
 2 at Gulf?  
 3 A. I would estimate about 73.  
 4 Q. And what would you base that estimate on?  
 5 A. Just that I recall seeing memos and things  
 6 explaining how many teachers were at the school and  
 7 I recall that I believe 73 was the number.  
 8 Q. Who handles -- who is responsible for  
 9 teacher evaluations at Gulf?  
 10 A. Either the principal or the vice principal.  
 11 Q. Other than the STULL evaluation that you  
 12 mentioned earlier, is there any other type of  
 13 teacher evaluation that goes on at Gulf?  
 14 A. No.  
 15 Q. Okay. And are those annual evaluations,  
 16 the STULL evaluations?  
 17 A. No.  
 18 Q. How often are those conducted?  
 19 A. Once every other year.  
 20 Q. Can you describe the process by which a  
 21 teacher has their STULL evaluation taken?  
 22 A. A form is submitted to the principal where  
 23 a teacher explains what they're teaching for that  
 24 year, and the principal comes into your classroom on  
 25 one occasion in the year -- or several occasions in

1 the year, depending on how much time she has -- and  
 2 you are evaluated on that.  
 3 Q. Observing your in-class teaching  
 4 performance?  
 5 A. Correct.  
 6 Q. While the students are there?  
 7 A. Correct.  
 8 Q. On one or two times during that year?  
 9 A. Correct.  
 10 Q. Is it announced or unannounced, the visit?  
 11 A. One is announced, the others are  
 12 unannounced, if there is another.  
 13 Q. On that workshop program you mentioned  
 14 earlier, was there anything on lesson plans or other  
 15 teaching tools?  
 16 A. I don't recall.  
 17 Q. Was there any -- did any part of that LAUSD  
 18 workshop cover issues relating to multi-tracking?  
 19 A. No.  
 20 Q. Such as the disadvantages you've described  
 21 earlier?  
 22 A. No.  
 23 Q. Who -- how do promotions work, to your  
 24 knowledge, at the -- at Gulf?  
 25 A. I don't know.

1 Q. Have you -- have you ever received a  
 2 promotion, or does that make sense even?  
 3 A. I don't think a teacher can receive a  
 4 promotion, we're all teachers.  
 5 Q. You just get a raise?  
 6 A. No. You only get raises by submitting  
 7 course work that you've taken at the university.  
 8 Q. Is that a LAUSD policy?  
 9 A. Yes, it is.  
 10 MR. FOX: Calls for speculation.  
 11 BY MR. ROZWOOD:  
 12 Q. Do you know for a fact that it is a LAUSD  
 13 policy?  
 14 A. Yes, I do. The more units that you take,  
 15 the higher up the pay scale that you go.  
 16 Q. And the pay is not based on the content of  
 17 the STULL evaluation in any way; correct?  
 18 A. No, it is not based on the STULL evaluation  
 19 at all.  
 20 Q. Is it based -- is a teacher's salary based  
 21 in any way on a teacher's performance in class?  
 22 A. No.  
 23 Q. Is it based in any way on a student's  
 24 performance on standardized tests?  
 25 A. No.

1 Q. Were standardized tests something that was  
 2 covered in the LAUSD workshop?  
 3 A. Not that I recall.  
 4 Q. Does Gulf have any special education  
 5 students?  
 6 A. Yes, there is.  
 7 Q. And how many teachers, special ed. teachers  
 8 are there at Gulf?  
 9 A. I don't know.  
 10 Q. Do you know how many special education  
 11 students there are?  
 12 A. No.  
 13 Q. Does Gulf offer the ELL program, the  
 14 English Language Learners program?  
 15 A. Not that I know of.  
 16 Q. Does it offer any programs relating to ESL  
 17 or English as a Second Language?  
 18 A. No. All that was disheveled with the  
 19 passing of that prop English only.  
 20 Q. Prop 227?  
 21 A. If that's what the number was. Or 127, I  
 22 think it was.  
 23 Q. You think it was 127?  
 24 A. I'm not sure.  
 25 Q. What -- was Proposition 227 passed before

1 or after you arrived at Gulf; do you know?  
 2 A. I'm not sure.  
 3 Q. What -- what do you understand the impact  
 4 of Proposition 227 to be on the students of Gulf  
 5 Elementary School?  
 6 A. That teachers that teach bilingual  
 7 education are to instruct in English.  
 8 Q. Do you -- do you have any knowledge of the  
 9 teaching credentials of the various teachers at  
 10 Gulf Avenue Elementary School?  
 11 A. Yes, I do.  
 12 Q. Okay. How do you have that knowledge?  
 13 A. It's public information passed out in our  
 14 mailboxes all the time.  
 15 Q. Okay. What do you know about the teaching  
 16 credentials of the Gulf Avenue Elementary School  
 17 teachers?  
 18 A. That a lot of teachers aren't credentialed.  
 19 Q. When you say "aren't credentialed," what do  
 20 you mean?  
 21 A. They're on an emergency basis.  
 22 Q. I'm not sure I asked you. Were you on an  
 23 emergency credential for the first ten years of your  
 24 teaching career?  
 25 A. Yes, I was.

1 Q. Do you think you were a good teacher over  
 2 those ten years --  
 3 MR. FOX: Objection. Vague and ambiguous.  
 4 Calls for speculation. Relevance.  
 5 THE WITNESS: I don't -- I don't know.  
 6 It's hard to evaluate yourself. I was doing the  
 7 best I could.  
 8 BY MR. ROZWOOD:  
 9 Q. Well, did you receive any awards during  
 10 that period for your performance?  
 11 A. Yes, I did.  
 12 Q. The ones you've testified to earlier?  
 13 A. Yes.  
 14 Q. And did you receive any recognition for  
 15 your performance as a teacher during those years?  
 16 A. Yes.  
 17 Q. Do you consider yourself to be a good  
 18 teacher?  
 19 MR. FOX: Same objection. Relevance.  
 20 Calls for speculation.  
 21 THE WITNESS: I do the best I can.  
 22 Again, I can't evaluate myself.  
 23 BY MR. ROZWOOD:  
 24 Q. Well, can you evaluate other people?  
 25 A. No.

1 Q. You can't evaluate whether someone is a  
2 good or a bad teacher?

3 A. No, because I don't -- as a teacher, I  
4 don't know what goes on in their classroom.

5 Q. No, but if you were to evaluate a teacher,  
6 what factors would you consider important in  
7 determining whether that person was a good teacher?

8 A. I don't think I could make that judgment  
9 unless I was out of the classroom and had access to  
10 their classroom and was able to visit them on many  
11 different occasions.

12 Q. All right. Supposing you were -- this is a  
13 hypothetical question. What would you look at to  
14 determine whether or not -- whether or not a teacher  
15 was good? You mentioned you would go to their  
16 classroom on several occasions. What would you look  
17 for?

18 MR. FOX: Objection. Relevance. It's an  
19 incomplete hypothetical.

20 THE WITNESS: I -- I wouldn't know really  
21 what to look for because I just -- I think that's a  
22 whole 'nother way of training, to be a principal,  
23 that you would have that background knowledge of  
24 what to look for.

25 ///

///

1 Q. Do you think a teachers' interest in  
2 student learning matters at all in determining  
3 whether they are an effective teacher?

4 A. Yes.

5 Q. Can you think of anything else that might  
6 go into -- go into making a good teacher?

7 A. No. Every teacher has their own unique  
8 style, and they're all different.

9 Q. Can you describe the manner in which the  
10 textbooks are purchased at Gulf?

11 A. I don't know.

12 Q. Is there a textbook clerk there?

13 A. Yes, there is.

14 Q. What is her name?

15 A. I don't know.

16 Q. Have you ever had -- spoken with the  
17 textbook clerk?

18 A. Yes, I have.

19 Q. Is her name Gloria, Gloria Marquez?

20 A. Yes, that is her name.

21 Q. Has she been the textbook clerk since  
22 you've been at Gulf?

23 A. I don't know.

24 Q. And what have you discussed with the  
25 textbook clerk at Gulf?

1 BY MR. ROZWOOD:

2 Q. So you don't have any opinions after  
3 teaching for 17 years as to what makes a good  
4 teacher?

5 A. No. I can only say what -- what I do in  
6 the classroom.

7 Q. But you -- another teacher could do none of  
8 the things that you do and be good, too; right?

9 A. They could, yes.

10 Q. Okay. So you don't have a recipe for a  
11 good teacher?

12 A. No, I don't think there is a recipe.

13 Q. Well, is it -- once you -- it doesn't  
14 matter as to whether the teacher is knowledgeable in  
15 his or her subject matter?

16 A. That could play a role. That would have  
17 to, I would think.

18 Q. What about having a lesson plan?

19 A. Well, I think that there are some teachers  
20 that have been teaching for some 30-odd years that  
21 have their lesson plan in their head.

22 Q. That -- what about teachers showing up to  
23 class and not missing school days. Is that  
24 important?

25 A. Yeah. Yes.

1 A. My -- my conversations with her have been  
2 minimal to null.

3 Q. Can you summarize the sum and substance of  
4 your conversations with the textbook clerk at Gulf?

5 A. Having to reiterate to me of when books are  
6 to be turned into the book room.

7 Q. Is that because she contacts you, or you  
8 contact her for clarification?

9 A. I usually just, you know, see her in  
10 passing, walking down the hall, or something, just  
11 ask her.

12 Q. Do you know how long she's worked at Gulf?

13 A. No.

14 Q. When you spoke with her, did you find her  
15 to be competent?

16 A. I wouldn't make a judgment, either/or.

17 Q. Was she helpful and responsive?

18 A. From what I recall, yes, she was.

19 Q. You mentioned when you were a department  
20 chair, I think it was at Marshall, you obtained  
21 information from teachers in their departments about  
22 textbook needs and assisting in the process of  
23 making textbook orders; is that correct?

24 A. We suggested books only, and the program  
25 had the final say whether or not there was money to

1 purchase those books.  
 2 Q. But you identified the needs and you  
 3 communicated those needs and recommended book titles  
 4 to the principal. That's -- that's something you  
 5 did; correct?  
 6 A. Not core books, they were all supplemental  
 7 books for the classroom. The books that were core  
 8 books used by the entire school are used by the  
 9 entire district, and that decision is made way above  
 10 me.  
 11 Q. And that goes back to those state and  
 12 district curriculum issues that we discussed  
 13 earlier?  
 14 A. Correct.  
 15 Q. When during the year are the textbook needs  
 16 determined at Gulf?  
 17 A. I don't know.  
 18 Q. Are there department chairs at Gulf?  
 19 A. No.  
 20 Q. Are there departments?  
 21 A. No.  
 22 Q. Okay. So an elementary school doesn't work  
 23 like that; correct?  
 24 A. Correct.  
 25 Q. So do you -- how are the textbook needs

1 Q. Anyone else?  
 2 A. The facilitator, April Meagher,  
 3 M E A G H E R.  
 4 Q. April Meagher?  
 5 A. Correct.  
 6 Q. Is it part of the facilitator's  
 7 responsibility to facilitate textbook issues?  
 8 A. I ... believe it is.  
 9 Q. Other than the program and Ms. Meagher,  
 10 did you speak with anyone else about the need for  
 11 textbooks or instructional materials?  
 12 A. No.  
 13 Q. Okay. On how many occasions have you  
 14 spoken with Ms. Meagher about this issue?  
 15 A. I can't give a specific amount. Numerous  
 16 times when I first started working at Gulf, I told  
 17 her that my classroom didn't have any math books; it  
 18 didn't have any cursive writing books; it didn't  
 19 have any health books. No dictionaries; no science  
 20 books; no history books.  
 21 Q. And what -- did you say anything else to  
 22 Ms. Meagher about this issue?  
 23 A. I spoke with her again when I moved into  
 24 room 23 and we were just beginning to implement the  
 25 Open Court reading program.

1 determined at Gulf? That is, how -- you know, I  
 2 think -- strike that.  
 3 Does -- to your knowledge, does the  
 4 principal place the textbook orders, or you have no  
 5 idea?  
 6 A. I don't know.  
 7 Q. Okay. How are the textbook needs  
 8 determined at Gulf?  
 9 A. I don't know.  
 10 Q. Do you know when during the year orders are  
 11 placed for new textbooks?  
 12 A. No, I do not.  
 13 Q. Do you know when during the year ordered  
 14 textbooks or other instructional materials are  
 15 received?  
 16 A. No, I do not.  
 17 Q. Have you had any discussions with anyone at  
 18 Gulf regarding textbook or instructional -- strike  
 19 that.  
 20 Have you ever had any discussions with  
 21 anyone at Gulf regarding the need for textbooks or  
 22 instructional materials?  
 23 A. Yes, I have.  
 24 Q. Okay. Who have you discussed that with?  
 25 A. The principal.

1 Q. When was that Open Court reading program  
 2 adopted?  
 3 A. I -- I don't know.  
 4 Q. And what did you say to her during that  
 5 conversation?  
 6 A. I told her that my entire classroom student  
 7 body did not have the complete, necessary textbooks  
 8 that go with Open Court.  
 9 Q. And what did she say?  
 10 A. I don't recall what she said. It was ...  
 11 Q. Did you ever obtain the complete set of  
 12 materials for the Open Court program?  
 13 A. The following year I received two  
 14 additional books with my new group of students.  
 15 Q. Who makes the decisions on how to spend  
 16 money in the budget, in the school budget at Gulf;  
 17 do you know?  
 18 A. I don't know.  
 19 Q. What is your involvement in the process for  
 20 determining textbook or instructional materials  
 21 needs, if any?  
 22 A. As teachers, we don't have a say.  
 23 Q. Is there a school-based management council  
 24 at Gulf?  
 25 A. I believe there is, yes.

1 Q. And what is the school-based management  
2 council?  
3 A. Specifically what they do, I don't know.  
4 Q. Have you ever attended a meeting of the  
5 school -- of the school-based management council?  
6 A. No.  
7 Q. Are meetings held regularly?  
8 A. I don't know.  
9 Q. Are the meetings open to teachers?  
10 A. I don't know.  
11 Q. Have you heard of a school site council?  
12 A. Yes.  
13 Q. Is that different than the school-based  
14 management council?  
15 A. Yes, they are two different things.  
16 Q. What's the difference; do you know?  
17 A. I don't know. I know that this year I -- I  
18 volunteered to be a teacher on the school site  
19 council.  
20 Q. And how did you learn about the school site  
21 council?  
22 A. These committees are just placed on the  
23 chalkboard in the auditorium on our first day back  
24 in July as the school year begins and people just  
25 raise their hand.

1 Q. Are there -- well, how often -- well --  
2 strike that.  
3 When you say "these committees," which  
4 committees are you referring to?  
5 A. Well, there's the art committee, there's a  
6 music committee, and a school site council.  
7 Q. Is another such committee?  
8 A. Is another such committee, yes.  
9 Q. Are there any other committees?  
10 A. Yes, there are.  
11 Q. Can you tell me what those are?  
12 A. I can't recall what they are.  
13 Q. How does -- who sits on the school site  
14 council?  
15 A. The principal is a member. And there is --  
16 has to be teachers, because I'm one of them. And I  
17 don't know who else.  
18 Q. Has the school site council met this year?  
19 A. Yes, they have.  
20 Q. Have you attended that meeting?  
21 A. I -- before I left school on vacation, I  
22 wrote a principal to -- wrote a message or memo to  
23 my principal asking that she please tell me in  
24 advance when these meetings are so when I'm on  
25 vacation I could go out of my way to attend.

1 And I just found out through a colleague  
2 that there was a meeting on Friday last week and she  
3 failed to tell me about this meeting.  
4 Q. Is that something you would normally get  
5 notice of through your mailbox?  
6 MR. FOX: Calls for speculation.  
7 THE WITNESS: I don't know. I don't know.  
8 I -- I -- in the past I remember seeing them in the  
9 school bulletin.  
10 BY MR. ROZWOD:  
11 Q. Okay.  
12 Okay. So you have seen announcements for  
13 school site council meetings in the school bulletin  
14 in the past?  
15 A. In the past.  
16 Q. Okay. Because you were on vacation and  
17 because the principal didn't contact you, you  
18 weren't aware of the meeting that took place Friday,  
19 September 14th; correct?  
20 A. Correct. The principal failed to notify me  
21 of the meeting, correct.  
22 Q. Okay. So that was the first meeting that  
23 took place this year, to your knowledge?  
24 A. To my knowledge, that was the first  
25 meeting, yes.

1 Q. Okay. So you don't know who else sits on  
2 the council except for you and the principal so far?  
3 A. I don't know who else sits on the council,  
4 no.  
5 Q. What is the purpose of the council? What  
6 is the mission?  
7 A. I don't know.  
8 Q. Is there any communication about the school  
9 site council other than meeting times in the school  
10 bulletin?  
11 A. No, there's not.  
12 Q. Is there any communication or notice or --  
13 strike that.  
14 Is there any notice or other communication  
15 regarding the school-based management council  
16 through the school bulletin or otherwise?  
17 A. I have seen school-based management in the  
18 bulletin.  
19 Q. And that's just meeting times as well?  
20 A. Just meeting time and location. That's it.  
21 Q. Is the school-based management council one  
22 of those committees that gets listed on the  
23 chalkboard at the outset of the new school year?  
24 A. Yes, it is.  
25 Q. Okay. So there's the art committee, the

1 music committee, the school site council, the  
2 school-based management council. Any others that  
3 you can think of?

4 A. There are others, but I just don't recall  
5 what they are.

6 Q. Okay. Do you have any idea what the  
7 responsibilities of the school-based management  
8 council are?

9 A. No.

10 Q. Have you ever made any inquiry in that  
11 regard?

12 A. No.

13 Q. Have you ever discussed the  
14 responsibilities of the school-based management  
15 council with Principal Buettgenbach?

16 A. No.

17 Q. Have you ever discussed the school-based  
18 management council's responsibilities with  
19 Mrs. Ferguson?

20 A. No.

21 Q. Have you discussed or made any inquiry  
22 regarding the school-based management council with  
23 any administrator at the Gulf Avenue Elementary  
24 School?

25 A. No.

1 Q. And your role with the school site council  
2 is brand-new and you don't really know what you're  
3 going to be doing with that yet?

4 A. Correct, it's brand-new.

5 Q. Your role is brand-new?

6 A. My role in the school site council is  
7 brand-new, correct.

8 Q. Do you know if any students sit on the  
9 school site council?

10 A. I don't know.

11 Q. Do you know if any students sit on the  
12 school-based management council?

13 A. I don't know.

14 Q. Do you know how many classrooms there  
15 are -- let me ask you this way: Is Exhibit 2 an  
16 accurate depiction of the number of classrooms that  
17 are available at Gulf?

18 A. It --

19 MR. FOX: Vague and ambiguous.

20 THE WITNESS: -- appears to be.

21 BY MR. ROZWOD:

22 Q. It shows here at least 44 different  
23 classrooms; is that accurate?

24 A. I could be incorrect. There may be one  
25 more room beyond this 38, that had been added,

1 another bungalow. I could be wrong. Otherwise,  
2 yes, it appears to be accurate.

3 Q. How about with respect to the girls and  
4 boys bathrooms? Is this an accurate depiction of  
5 the number of girls and boys bathrooms available to  
6 the students at Gulf?

7 A. No, it is not.

8 Q. What's inaccurate about it?

9 A. Next to 23 --

10 Q. Yes.

11 A. -- those marked as a restroom are -- has  
12 been -- I've been working there not that long, but  
13 I've been told they've been closed at least 15 years  
14 and used as storage.

15 Q. The box marked "lavatory" next to rooms 21  
16 and 23?

17 A. Correct.

18 Q. That's been locked for 15 years and used as  
19 storage?

20 A. To my knowledge, yes. It's currently being  
21 made into a restroom, cleaned out.

22 Q. When did that start?

23 A. That -- they began to clean that up a week  
24 after I went on KFI public radio and mentioned that  
25 there were not enough restrooms at the school. And

1 the restroom right next to my classroom, 23, had  
2 been closed for over 15 years.

3 Q. Other than that, are the other indications  
4 of bathrooms accurate on this map on Exhibit 2?

5 A. Yes, they appear accurate.

6 Q. I see two boys bathrooms and two girls  
7 bathrooms. Is that accurate?

8 A. Yes. One in the old brick building and one  
9 in the new building.

10 Q. Okay. Are there any other bathrooms  
11 available for student use on the school site at  
12 Gulf?

13 A. No.

14 Q. Do you know how many toilets there are in  
15 these bathrooms?

16 A. In the boys restroom next to room 18 in the  
17 new building, there are two toilets.

18 Q. And the number --

19 A. In the other restroom, the old brick  
20 building, the one opposite where it says "math lab,"  
21 which is actually no longer the math lab, I don't  
22 know what they're using that room for now, that's  
23 just for exclusive use of students in the old brick  
24 building. My students are not allowed to go in  
25 there. Nor is anyone from room 16, 15, 14 and



1 beyond that, including all bungalows. They're all  
2 to use the -- the boys are all to use the restroom  
3 with just the two toilets.

4 Q. How many are in the one in the brick  
5 building?

6 A. I don't know.

7 Q. Have you ever been in that restroom?

8 A. Once I have been in there, yes.

9 Q. Okay. Do you have any knowledge of how  
10 many urinals there are in the boys restrooms at  
11 Gulf?

12 A. In which building? The old brick building?  
13 You're referring to the one next to room 16, or  
14 either one?

15 Q. Yes, let's take them one at a time. Let's  
16 take the one in the new building.

17 A. The new building?

18 I don't know. I would estimate, I think  
19 there's four, possibly three.

20 Q. And do you have an estimate of how many  
21 there are in the old brick building?

22 A. No, I don't.

23 Q. Okay. Do you have any knowledge of the  
24 facilities available for girls to use in the  
25 bathrooms at Gulf?

1 A. Recess and lunch, which is the only time  
2 they're allowed to use the restroom.

3 Q. Is that for safety reasons?

4 A. I don't know.

5 Q. I mean, can you give one of your students a  
6 pass to go to use the --

7 A. During class time, yes.

8 Q. So they are allowed to use the restrooms  
9 during class, after all?

10 A. During class time, yes, with the teacher's  
11 permission.

12 Q. Okay. And the times that you've witnessed  
13 the long lines, you're unable to quantify the number  
14 of students in the line in any way?

15 A. I cannot because there are several  
16 classrooms. Kids are allowed to use the restroom  
17 after recess. Teachers escort their kids directly  
18 to this restroom. And kids are in and out of there,  
19 pushing, shoving, I can't tell how many are in or  
20 out.

21 Q. Have you ever seen kids pushing or shoving  
22 to use the restroom?

23 A. I don't necessarily see them pushing or  
24 shoving to actually use the restroom, they do that  
25 in there because it is something to do, to play. I

1 A. No, I have not been into the girls  
2 restroom.

3 Q. Okay. Do you know if there are any school  
4 policies relating to the maintenance of restroom  
5 facilities on school site?

6 A. No, I'm not familiar with any policies.

7 Q. Do you know if there are any policies at  
8 the local district or LAUSD level relating to  
9 maintenance of restrooms at Gulf?

10 A. No, I'm not aware.

11 Q. Have you ever seen lines to -- of students  
12 to use the restrooms at Gulf?

13 A. Yes.

14 Q. On how many occasions?

15 A. Every day.

16 Q. How long are the lines?

17 A. They're out the door.

18 Q. How many kids in a line?

19 A. Well, that I can't -- I can't give an  
20 estimate on that. There's -- I would have to look  
21 at what teachers have my lunchtime, third lunch, and  
22 I could -- would be able to estimate. But offhand,  
23 I can't tell you.

24 Q. The times you've witnessed the lines out  
25 the door have been during the lunch period?

1 can't say that they're doing it specifically just to  
2 get to a stall or urinal.

3 Q. Have the facilities at Gulf been remodeled  
4 in any way in the last ten years, to your knowledge?

5 A. I recall the school being painted.

6 Q. When was that?

7 A. I don't recall. I've been there for --  
8 since 1998. So somewhere since either '98 or '99.

9 Q. How about new lighting, has that occurred  
10 since you've arrived?

11 A. I'm -- I'm not sure about that. I do  
12 recall hearing something about that, though.

13 Q. How is the air-conditioning at Gulf?

14 A. There's times when my air conditioner has  
15 broken. But normally, on average, it runs quite  
16 well.

17 Q. And when it breaks, what do you do?

18 A. You notify the assistant principal or  
19 principal and someone from the -- they call someone  
20 from the district and someone eventually comes out.

21 Q. How long does that process take?

22 A. Oh, boy. It varies. I've had it be just  
23 four to five days, and another time, during the  
24 summer months, July and August, it was -- it was a  
25 while. At least about five to six weeks, once.

1 Q. So the longest it's ever been down is five  
 2 to six weeks?  
 3 A. Correct.  
 4 Q. And what do you do?  
 5 A. You just open up the windows and ask for a  
 6 fan.  
 7 Q. And did you get a fan?  
 8 A. Yes.  
 9 Q. Do you know why it takes so long to fix the  
 10 air conditioner, or in that instance, why it took so  
 11 long?  
 12 A. In that particular instance I was told a  
 13 particular part of the motor had gone out and  
 14 they had to order it from somewhere other than  
 15 California. So it had to be -- you know, make the  
 16 way down.  
 17 Q. Who told you that?  
 18 A. The assistant principal.  
 19 Q. Is that Ms. Ferguson?  
 20 A. Correct.  
 21 Q. And other than that one occasion, what's  
 22 the longest the air conditioner has ever been down?  
 23 A. Just four to five days.  
 24 Q. And on how many occasions has that  
 25 occurred?

1 A. Once.  
 2 Q. Okay. So in your time there it's been down  
 3 twice, once for four to five days and once for five  
 4 to six weeks; correct?  
 5 A. Correct.  
 6 Q. How about the heating, is there a heating  
 7 problem at Gulf?  
 8 A. I haven't had any problems with a heater,  
 9 no.  
 10 Q. How about the roof, did -- did -- did Gulf  
 11 purchase a new roof recently?  
 12 A. I'm not aware of that.  
 13 Q. Okay.  
 14 A. But I did hear that they did have to reroof  
 15 the old brick building prior to me getting there,  
 16 that it was leaking in the classrooms.  
 17 Q. To your knowledge, did any of the  
 18 facilities maintenance or repair activities  
 19 interfere with class time?  
 20 MR. FOX: Vague and ambiguous.  
 21 THE WITNESS: In retrospect, yeah, they all  
 22 did, that I'm aware of. The maintenance crews  
 23 always came during class time.  
 24 BY MR. ROZWOD:  
 25 Q. So the painting occurred during class time?

1 A. Yeah, for year-round school, there's always  
 2 someone there.  
 3 Q. When did the painting occur; do you  
 4 remember what months?  
 5 A. The painting of the school, I don't recall.  
 6 I -- I remember my classroom doors being painted  
 7 with us in the classroom because the kids were  
 8 getting kind of, you know, faint like, getting  
 9 headaches, because it was that strong enamel paint.  
 10 Q. All of these activities occurred during the  
 11 school day, not before school, after school, not on  
 12 the weekend and not during periods of time that the  
 13 students weren't at the school; correct?  
 14 A. Correct, during the school day.  
 15 I remember that we had new windows being  
 16 put in and that was during the school day because I  
 17 recall the electrical devices going on and off and  
 18 extension cords being placed in the back of the  
 19 room.  
 20 Q. Are you aware of any facilities maintenance  
 21 or repair or construction activities that took place  
 22 outside of the school day?  
 23 A. No.  
 24 Q. Is there a school policy on photocopying?  
 25 A. Yes, there is.

1 Q. What is it?  
 2 A. Teachers are allowed a thousand copies a  
 3 month.  
 4 Q. And what happens if a teacher needs to  
 5 exceed 1,000 copies in a month?  
 6 A. You go to Kinko's and pay for it yourself.  
 7 Q. Is there any other option available to  
 8 teachers?  
 9 A. Well, if the secretary is in a good mood  
 10 you can ask her for a code. You might get it, but  
 11 probably not.  
 12 Q. Have you ever asked a secretary for a code  
 13 for copies at Gulf?  
 14 A. No, I have not.  
 15 Q. And what do you base your statement that  
 16 you probably would not get one from a secretary if  
 17 you had asked?  
 18 A. I've heard -- I've heard that from other  
 19 teachers.  
 20 Q. Which teachers have you heard that from?  
 21 A. I don't recall specifically.  
 22 Q. When you want to make copies, what's the  
 23 turn-around time like?  
 24 A. Well, when you make copies, you make the  
 25 copies yourself --

1 Q. Excuse me.

2 A. If you're using the duplo machine, then you  
3 may submit it to someone working -- a clerk working  
4 in one of the offices. And the turn-around is up to  
5 a week to two weeks.

6 Q. What's the shortest amount of time it's  
7 taken to turn around a duplo order?

8 A. One week.

9 Q. I had someone come in and bring a check in  
10 the amount of \$35. It is O'Melveny & Myers check  
11 number 516157, made out to Thomas Ibarra, in the  
12 amount of \$35, which are your witness fees in this  
13 case. I'll provide you with the original check.  
14 Your counsel can see it.

15 In addition, there was a calculation of  
16 witness -- of mileage done. And because of the  
17 short notice, we're making payment in cash for that.  
18 I believe the amount of mileage fees that was  
19 calculated --

20 MR. FOX: Thank you, Counsel. I don't  
21 think we need to do it on the record, but we  
22 appreciate you getting it to us.

23 MR. ROZWOOD: -- based upon the address you  
24 provided was \$8.72. Here's \$8.72 cash and your  
25 witness fee. I just wanted to make sure you got

1 A. We find information out as teachers after  
2 the students have already left. My classroom had  
3 gone off to the middle school. They're tested in  
4 May. It takes a few months before we get the  
5 results and they're already off to middle school.

6 Q. But you do learn the -- you know, how your  
7 class -- your particular students performed on the  
8 Stanford 9 eventually?

9 A. Yes.

10 Q. Do you know how your students performed on  
11 the Stanford 9 relative to the other students at  
12 Gulf?

13 A. No, I don't.

14 Q. So you get no information on the other  
15 students' performance?

16 A. No.

17 Q. Do you get any information on how students  
18 generally performed on the Stanford 9 outside of  
19 Gulf Avenue Elementary School?

20 A. Just what I read in the papers, yes.

21 Q. Do you think the Stanford 9 is a -- is a  
22 worthwhile test of students' performance?

23 A. I think it's worth --

24 MR. FOX: Vague and ambiguous.

25 THE WITNESS: I think it's worthwhile when

1 everything you were supposed to get today.

2 Sorry for the interruption.

3 Q. How many photocopiers are available for  
4 teachers' use at Gulf?

5 A. One.

6 Q. Have you ever been denied a request to make  
7 copies by any school official at Gulf?

8 A. Not that I recall.

9 Q. You mentioned that students at Gulf take  
10 standardized tests. Is that what you mentioned  
11 earlier, the Stanford 9?

12 A. Correct.

13 Q. Do they take the Stanford 9 at the same  
14 time every year?

15 A. It's in the same month. It may not be the  
16 same day.

17 Q. Is that in April?

18 A. May.

19 Q. May?

20 Any other standardized tests given to the  
21 students at Gulf?

22 A. Not to my knowledge, no.

23 Q. Do you have any knowledge of how the  
24 students that you teach perform on the Stanford 9 in  
25 a given year?

1 students have access to the content that's in the  
2 Stanford 9 test.

3 BY MR. ROZWOOD:

4 Q. Can you say that again.

5 A. What I meant is that, for example, in the  
6 Stanford 9, there -- they ask students to use the  
7 dictionary. Use some part of the dictionary skill.  
8 Yet in my classroom there's no dictionaries, so it  
9 becomes very difficult to teach that skill.

10 Q. But skills tested in the Stanford 9 are  
11 important skills; correct?

12 A. Correct.

13 Q. Okay. Has Gulf Elementary experienced any  
14 growth in its academic performance index?

15 A. I'm unaware.

16 Q. Do you know what the academic performance  
17 index is?

18 A. I believe the state categorizes schools on  
19 a number basis, and I believe that Gulf is -- is as  
20 low as it can go, at a one.

21 Q. A one out of a scale of one to ten?

22 A. I don't -- I don't know how high the  
23 numbers go up.

24 Q. On what do you base the understanding that  
25 Gulf is a one?

1 A. I read it in the L.A. Times.  
 2 Q. Do you recall what date?  
 3 A. No, I don't.  
 4 Q. Do you recall what month or what year?  
 5 A. I recall looking at the test scores since I  
 6 have been there, each succeeding year and each time  
 7 it's been a one, the bottom five percent of schools  
 8 in the state.  
 9 Q. Has there been any improvement in the  
 10 Stanford 9 scores taken by the students of  
 11 Gulf Avenue elementary?  
 12 A. I don't know.  
 13 Q. Has Gulf received any recognition or awards  
 14 for its performance on the Stanford 9?  
 15 A. We did receive the -- I wouldn't call it an  
 16 award, but we did meet, I guess, the state criteria  
 17 for going up a few notches where each teacher got a  
 18 check, I think it was somewhere around 2- or \$300.  
 19 Q. Can you describe that process for us?  
 20 A. I don't know what that process involves.  
 21 Q. Okay. But you got a check?  
 22 A. Yes, I did.  
 23 Q. As did every other teacher at Gulf?  
 24 A. Yes. And secretaries.  
 25 Q. Oh, so every employee at Gulf got a check?

1 A. To my knowledge, yes.  
 2 Q. And your understanding is it's related to  
 3 the performance of your school's students on the  
 4 Stanford 9 exam.  
 5 A. I understand that it's because we went up  
 6 just a few points.  
 7 Q. I don't understand what you mean, you  
 8 understand it's because you went up just a few  
 9 points.  
 10 A. The scores are critiqued by a point system.  
 11 On the API, we scored one. If the kids take a test  
 12 in math, for example, I believe in math this year 80  
 13 percent of the kids scored higher than students at  
 14 Gulf, or Gulf scored worse -- or 80 percent in the  
 15 state scored higher than Gulf, if I recall that  
 16 number correctly. I believe we went up maybe two or  
 17 three points, five points. And we did get money for  
 18 improving a little bit, yes.  
 19 Q. Let -- let me ask another question. Why  
 20 did the school employees receive money in connection  
 21 with the students' performance on the Stanford 9, to  
 22 your knowledge?  
 23 MR. FOX: Objection. Asked and answered.  
 24 THE WITNESS: Our scores went up a few  
 25 points.

1 BY MR. ROZWOOD:  
 2 Q. On the Stanford 9 exam?  
 3 A. On the Stanford 9 exam, yes.  
 4 Q. Did the school itself receive money apart  
 5 from the employees, or separate and apart from the  
 6 employees?  
 7 A. I don't know.  
 8 MR. FOX: If you know.  
 9 MR. ROZWOOD: I'm sorry. Did you have an  
 10 objection?  
 11 MR. FOX: If you know.  
 12 BY MR. ROZWOOD:  
 13 Q. Is Gulf Avenue a Title 1 program  
 14 improvement school?  
 15 A. Yes, it is.  
 16 Q. It's currently a program improvement  
 17 school?  
 18 A. To my knowledge it still is, yes.  
 19 Q. Have you -- do you have any involvement or  
 20 knowledge of the program improvement program at  
 21 Gulf?  
 22 A. No, I don't.  
 23 Q. Do you know whether Gulf meets its yearly  
 24 progress goals or not?  
 25 A. No, I don't know that.

1 Q. Who is the person responsible for  
 2 administering the program improvement program at  
 3 Gulf?  
 4 A. I don't know.  
 5 Q. How do you know it's an API school?  
 6 A. API school?  
 7 Q. Well, a program improvement school?  
 8 A. It's a Title 1 school.  
 9 Q. Well, oh, yeah. Of course, it's a Title 1.  
 10 But I'm asking about the specific program, the  
 11 program improvement program.  
 12 A. I don't know if it is a PI school. I  
 13 thought you said if I knew if it is a Title 1  
 14 school, and, yes, it is Title 1.  
 15 Q. Okay. And you don't know who it is that  
 16 runs the Title 1 program?  
 17 A. No, I don't.  
 18 Q. What about the separate program improvement  
 19 program, have you heard of this program?  
 20 A. No, I have not.  
 21 Q. Okay. Do you know if there is a local  
 22 school or local district or LAUSD policy relating to  
 23 the minimum number of instructional days in a school  
 24 year?  
 25 A. Yes, I do know there is a policy that each

1 school must have so many hours of instructional  
2 time, yes.  
3 Q. I'm just talking about a minimum number of  
4 instructional days.  
5 A. Yes, I do know. There is a minimum number  
6 of instructional days, yes.  
7 Q. How do you -- or how did you become aware  
8 of that policy?  
9 A. Just word of mouth. I may have read it in  
10 a memo.  
11 Q. In the bulletin?  
12 A. Maybe in a district Spotlight newspaper.  
13 Q. Is that something that's separately  
14 provided to you, the district Spotlight newspaper?  
15 A. That's provided once a month.  
16 Q. Through your mailbox at school?  
17 A. Correct.  
18 Q. It is your testimony there is a district  
19 policy, a LAUSD policy on the minimum amount of  
20 instructional days for each school year; correct?  
21 A. Correct.  
22 Q. Are you aware of any local school, local  
23 district, or LAUSD policy providing procedures for  
24 fixing problems that arise at the school site with  
25 respect to its facilities or maintenance issues?

1 A. No, I'm not.  
2 Q. How about problems with respect to textbook  
3 or instructional materials availability?  
4 A. No, I'm not.  
5 Q. Are there any such policies to your  
6 knowledge, relating to student conduct, discipline?  
7 A. From the district?  
8 Q. Local school, local district, or LAUSD  
9 policies, anyone.  
10 A. There's a policy from the school, yes. And  
11 there's a policy from the district, yes.  
12 Q. What is that policy, to your knowledge?  
13 A. I don't know.  
14 Q. And how did you become aware of that  
15 policy?  
16 A. I just -- I read it somewhere.  
17 Q. One of the places we've identified?  
18 A. It may have been.  
19 Q. Okay. Other than the mailbox, the school  
20 bulletin and the district's -- what is that called?  
21 A. Spotlight.  
22 Q. -- the district Spotlight newspaper, what  
23 other sources of information do you have about the  
24 operations and policies of the schools at which you  
25 work?

1 MR. FOX: Vague and ambiguous. Also  
2 overbroad.  
3 THE WITNESS: To my knowledge, there are no  
4 other ones.  
5 BY MR. ROZWOOD:  
6 Q. Okay. And you couldn't remember where you  
7 learned of the policy regarding student conduct and  
8 discipline?  
9 A. No, I don't.  
10 MR. FOX: While you're looking at the  
11 notes, your notes, why don't we take a two-minute  
12 break.  
13 MR. ROZWOOD: Great. That's fine.  
14 (Recess taken from 4:05 to 4:12.)  
15 MR. ROZWOOD: Okay. Back on the record.  
16 Q. You mentioned during your deposition that  
17 you've spoken to the press on a number of occasions  
18 about the issues raised in this lawsuit; correct?  
19 A. Correct.  
20 Q. Other than the times that you've testified  
21 to so far in your deposition, are there any other  
22 times when you've spoken to the press about this  
23 lawsuit?  
24 A. Not to my knowledge. Not that I recall,  
25 no.

1 Q. Okay. If you think of any others, will you  
2 let us know?  
3 A. Yes.  
4 Q. Okay. Thank you.  
5 I'm going to ask you to look at the next  
6 document, which bears Bates numbers PLTF00171  
7 through 00174.  
8 Do you recognize this document?  
9 A. Yes, I do.  
10 MR. ROZWOOD: We'll mark this as Exhibit 5.  
11 (The document referred to was marked by the  
12 Reporter as Deposition Exhibit 5 for identification  
13 and is attached hereto.)  
14 BY MR. ROZWOOD:  
15 Q. Do you have a copy of Exhibit 5 before you?  
16 A. Yes, I do.  
17 Q. Do you recognize this document?  
18 A. Yes, I do.  
19 Q. What is it?  
20 A. My declaration.  
21 Q. Is this your signature on page 00174?  
22 A. Yes, it is.  
23 Q. And did you sign it on July 20th, 2000 at  
24 Rancho Palos Verdes?  
25 A. Yes, I did.

1 Q. Can you describe for me the process by  
2 which this declaration was prepared?  
3 A. Yes, I will.  
4 My initial meeting with Catherine Lhamon  
5 took place sometime in June 2000. When we met, as I  
6 told you earlier, she was writing what I was saying  
7 down, along with the two others. And as I spoke,  
8 she wrote it down.  
9 We talked about it. And she sent me a  
10 rough draft, which I corrected and sent it back to  
11 her through U.S. mail. And she sent me this final  
12 copy and I signed it and mailed it back to her.  
13 Q. Did you keep a copy of the rough draft?  
14 A. No, I did not.  
15 Q. When you say "corrected," do you mean you  
16 actually made hard copy changes with a pen on the  
17 draft she provided you?  
18 A. To my recollection, I -- she offered the  
19 rough draft for me to look over and to change, but  
20 as I recall, there were no changes made.  
21 Q. What did you mean when you testified that  
22 you corrected it and mailed it back to her?  
23 A. She offered for me to correct it.  
24 Q. Okay.  
25 A. And I don't recall actually making any --

1 physically any corrections on there.  
2 Q. When she provided you with a draft, did she  
3 do that in person, or was that by mail or fax?  
4 A. I've only met Catherine Lhamon in person  
5 once on that initial date in June at the restaurant  
6 where we met at. Everything else was done by U.S.  
7 mail.  
8 Q. So she sent you a draft, you signed it and  
9 mailed it back to her; is that what happened?  
10 A. I recall looking at the draft. I don't  
11 recall making any changes. I remember just writing  
12 down, "This is just fine as is." And then she  
13 mailed me back another copy.  
14 Q. Okay. So there were no changes -- this is  
15 the exact same declaration that appeared in the  
16 draft; correct?  
17 A. To my knowledge, yes, it is.  
18 Q. Did you -- oh, sorry.  
19 Now, I just want to be very careful, I  
20 don't mean to be -- I don't want to ask -- I don't  
21 intend to inquire about any communications you had  
22 with counsel. So if your answer involves a  
23 disclosure of any such communications, you should  
24 not disclose those communications.  
25 Do you have an understanding of why you

1 provided this declaration?  
2 A. Yes, I do.  
3 Q. Okay. What is that understanding?  
4 A. My understanding is that if this proceeds  
5 through the court system, that Gulf Avenue  
6 Elementary School will be improved.  
7 Q. Okay. So you signed this declaration to  
8 further the purposes that you mentioned earlier,  
9 which are the purposes of this lawsuit?  
10 A. I signed it to make Gulf a better school,  
11 with the intentions of making the school where I  
12 work at a better place for the children.  
13 Q. Through this lawsuit; correct?  
14 A. Correct.  
15 Q. I mean, you didn't send this declaration  
16 out to anybody else?  
17 A. No, I did not.  
18 Q. You just provided it to your attorney for  
19 purposes of this lawsuit; correct?  
20 A. Correct.  
21 Q. Okay. Do you see where it says in  
22 paragraph 3, lines 8 and 9, that your students had  
23 had five previous substitute teachers in one month?  
24 A. Yes, I do.  
25 Q. And had had other substitutes before that?

1 A. Yes, I do see that.  
2 Q. How do you -- how did you know how many  
3 substitute teachers your students had when you  
4 arrived at Gulf?  
5 A. When I arrived at Gulf, I was told by two  
6 of the teachers that were teaching that class that  
7 that class had been created and teachers were asked  
8 to just get rid of a few students because the  
9 classes were just too compacted in their classrooms  
10 and they needed to make another class.  
11 So each teacher just disposed of two of  
12 their kids and placed them in this classroom and  
13 there was no teacher. So the teachers that were off  
14 track, each one had them for -- for -- each of the  
15 five had them for a few days. They were not all  
16 teachers at that school.  
17 Initially there was a -- there was a couple  
18 of substitutes involved. The behavior in that  
19 classroom wasn't the best, and a lot of teachers  
20 just had it for a few days and just said, "Forget  
21 it."  
22 Q. I'm just asking how you know. What is the  
23 basis for your knowledge regarding the number of  
24 substitutes that your class had prior to your  
25 arrival at Gulf?

1 A. The teachers who taught the class, two of  
 2 them told me so.  
 3 Q. Okay. Any other basis for your knowledge  
 4 in this regard?  
 5 A. No.  
 6 Q. What are the names of the teachers who told  
 7 you how many substitute teachers taught at that  
 8 school -- that class prior to your arrival at Gulf?  
 9 A. Actually there was -- there's three  
 10 teachers that told me who had that class.  
 11 Q. What are their names?  
 12 A. Manzano is one, Mr. Rodriguez, and Mrs. ...  
 13 I can picture her face but right now I can't picture  
 14 her name. Mrs. Ocampo.  
 15 Q. Is she still a teacher at Gulf?  
 16 A. Yes, she is.  
 17 Q. You see where you say your class was not  
 18 the only one that had a series of substitute  
 19 teachers?  
 20 A. What line is that?  
 21 Q. Line 10, paragraph 3.  
 22 A. Yes, I do see that.  
 23 Q. On what do you base your knowledge that  
 24 yours was not the only class that had a series of  
 25 substitute teachers instead of a single permanent

1 teacher?  
 2 A. All teachers received sporadically  
 3 throughout the year a list of teachers that are  
 4 teaching in the school, what they are teaching and  
 5 what classes do not have a teacher.  
 6 Q. When you say "do not have a teacher," you  
 7 mean not a permanent assigned teacher; correct?  
 8 A. Correct.  
 9 Q. Do you have any of those communications in  
 10 your possession?  
 11 A. Physically now, or do I have them? Yes, I  
 12 do.  
 13 Q. You keep them at home, or ...  
 14 A. I may -- I believe I have one at home.  
 15 That paperwork has been submitted to the ACLU.  
 16 Q. Okay. Everything that you have in this --  
 17 on this issue has been provided to the ACLU;  
 18 correct?  
 19 A. Correct.  
 20 Q. You mentioned several times that there is a  
 21 curriculum that needs to be followed according to  
 22 district and state standards; correct?  
 23 A. Correct.  
 24 Q. And what happens when a teacher is absent,  
 25 don't they have to leave a lesson plan of some kind

1 to track the required curriculum as best as  
 2 possible?  
 3 MR. FOX: Calls for speculation. Lacks  
 4 foundation.  
 5 THE WITNESS: If I am absent from my  
 6 classroom for a day or two because of illness, yes,  
 7 I do leave a lesson plan for the student to  
 8 complete. Yes, that's correct.  
 9 BY MR. ROZWOOD:  
 10 Q. Does that happen -- well, who is  
 11 responsible for making sure that the curriculum is  
 12 covered in these classes that don't start out the  
 13 semester with a permanent teacher?  
 14 MR. FOX: Assumes facts.  
 15 THE WITNESS: I don't know. In that  
 16 situation, I don't know.  
 17 BY MR. ROZWOOD:  
 18 Q. Approximately how many classes start out  
 19 without a permanent teacher?  
 20 A. In that particular year, there were more  
 21 than one. There was several. "Several" meaning at  
 22 least -- at least three to four. And that's an  
 23 estimate.  
 24 Things have gotten better. And to my  
 25 knowledge, as of now, as of the start of the school

1 year in July for B track, I believe that except in  
 2 one case, all classrooms have their permanent  
 3 teacher from day one.  
 4 Q. And what was that one case?  
 5 A. One case was one teacher who had the class  
 6 for a few weeks and then transferred to another  
 7 school.  
 8 Q. Do you know why that teacher transferred?  
 9 A. Only what she told me. That she told me  
 10 that she just got another position, more pay, and  
 11 she didn't like working at that school.  
 12 Q. Why did she -- did she tell you why she  
 13 didn't like working at that school?  
 14 A. She just felt that it wasn't someplace she  
 15 wanted to be. She just felt it wasn't a place that  
 16 she -- I really didn't discuss it in much detail  
 17 with her. She just didn't like the place.  
 18 Q. Is that what she told you?  
 19 A. Not exactly in those words but those were  
 20 the messages that she was giving to me. I didn't  
 21 want to pry.  
 22 Q. What words did she use in describing her  
 23 feelings about Gulf to you?  
 24 A. She -- she basically just told me that  
 25 she -- as I said a few minutes ago -- a few seconds

1 ago, she just didn't like the place, it was time to  
2 move on. She had been there for, I think it was ten  
3 years she said.

4 Q. Do you know her name?

5 A. Yes, I do.

6 Q. Can you tell me?

7 A. Ms. Boysal.

8 Q. Oh. Why is the B track unpopular, because  
9 it has long breaks?

10 A. It's an unpopular track for many of the  
11 teachers who have children. And most of their  
12 children are attending school on traditional -- on  
13 traditional calendar. They have July and August  
14 off. The B tracks start their school year in July  
15 and August.

16 Q. Any other reasons?

17 A. The breaks on B track just -- they occur --  
18 the students have more breaks in the track, whereas  
19 the other tracks their flow is a little bit more  
20 lenient. The breaks are a little bit more  
21 strategically placed.

22 Q. What do you mean, they're more  
23 "strategically placed"?

24 A. Well, if you look on --

25 Q. Exhibit 3?

1 When I say good-bye to my graduating class  
2 in June, I see my new students again in July. The  
3 kids that just recently graduated, they have two  
4 months off from school before they start middle  
5 school. They have another two-month span of  
6 vacation.

7 BY MR. ROZWOOD:

8 Q. Is there anything else that's undesirable  
9 about the B track versus the other two tracks?

10 A. The A -- the A track, people prefer that  
11 track because it ends in December right before the  
12 holidays and extends. So part of their break  
13 includes the holidays, time that they can spend with  
14 family and friends.

15 Whereas in B track, you're working as a  
16 teacher right up almost -- until almost Christmas  
17 Eve. On this calendar, you can see, it ends on the  
18 23rd and Christmas Eve, it looks like it's a Monday,  
19 and then you're right back after the new year.

20 Q. So are -- what about teachers that don't  
21 have kids, is that -- is it a more popular track for  
22 teachers who do not have children?

23 A. Most teachers prefer A track and the other  
24 track. Most of the experienced teachers have  
25 migrated on those tracks over time. And so the

1 A. Look up on B track. If you look at the end  
2 of B track, B track ends -- well, in the end of  
3 June, the kids graduate.

4 Q. Right.

5 A. Now, that's the only track -- for me I say  
6 good-bye to my kids, I wish them well, they're off  
7 to middle school, they get a two-month break.

8 But from a teacher's perspective, as you  
9 can see, B track starts up right again. Sometimes,  
10 depending on the calendar, B track may end on Friday  
11 and you get your new bunch of kids that Monday  
12 morning. And there's no break in between saying  
13 good-bye to your former students before you greet  
14 your new students. Now, that's the only track  
15 that's like that.

16 The other tracks, you see C track, they get  
17 two months off before they get their new students in  
18 July. And A track, they say good-bye to their kids  
19 in June and get their new class two months later in  
20 early September.

21 Q. Is there anything else --

22 MR. FOX: Clarification. I'm sorry. I  
23 think you misspoke when you said kids go off to  
24 middle school and they have a two-month break.

25 THE WITNESS: Yeah, let me clarify that.

1 newer teachers or the uncredentialed teachers are  
2 forced into B track.

3 So what happens is you have a large public  
4 school of uncredentialed teachers on B track with  
5 A track and C track being the majority of the  
6 credentialed teachers.

7 Q. So at Gulf, you think the teachers on  
8 A track are better as a group than the teachers on  
9 B track?

10 A. I don't think they're better, no. I just  
11 think they're more experienced. With experience  
12 comes one of the major roles of teaching the child  
13 and that's discipline. Without discipline in the  
14 class, there is no learning.

15 And when you get someone who has never  
16 taught before in their life, and ... they're trying  
17 to teach, and the kids get chaotic and that chaos  
18 travels on to the next year when I get them. They  
19 come to me unsettled.

20 Q. What does the school do to address that  
21 problem?

22 A. Well, since this calendar right here, there  
23 was a mandate that came, either from the district or  
24 from the union, it came from someone way up higher  
25 above that said that these tracks must be equal.



1 Meaning if you have eight uncredentialed  
2 teachers, then the school needs to put the two  
3 uncredentialed teachers on A track, two on B track  
4 and two on C track. It should be even. And so  
5 that's being done now so that has changed.

6 Q. Okay. So the problem you were describing  
7 is not a problem currently, it is an old problem?

8 A. Currently that is not a problem.

9 Q. Okay. Well, let's look at another problem  
10 that you wrote down in your declaration that seems  
11 to no longer be a problem. Paragraph 4, line 19,  
12 you say:

13 "There are significant  
14 teacher vacancies in the B track"?

15 A. Correct.

16 Q. That was true presumably at the time you  
17 wrote this, but it's not true today; correct?

18 A. That is correct. It is not true today.  
19 That has improved.

20 Q. You say here:

21 "I know one teacher who will  
22 fill in for one month until a new  
23 substitute comes in for another  
24 month."

25 That's on line 22.

1 very true. When I started that class -- I started  
2 in July, I got them in August -- there was no roll  
3 book. There was no seating chart.

4 The books that -- that may have been there  
5 or may not have been there, I don't know, were just,  
6 you know, as a teacher they just kind of just say,  
7 "Hey, every man for themselves." Some of things  
8 were just taken, "Hey, there's no classroom, let's  
9 take this dictionary for my classroom, let's take  
10 this." So there was virtually nothing in the room.

11 Q. You're talking about the experience you had  
12 with your class; correct?

13 A. Correct.

14 Q. Is the statement you're making in lines 23  
15 through 25 just a statement confined to your  
16 experience in that particular classroom, or is it  
17 intended to be a general statement?

18 A. Let me read it, please.

19 (Reading.)

20 That was a general statement made on my  
21 experiences.

22 Q. So when an off-track teacher covers for a  
23 class that has not yet been assigned a permanent  
24 teacher, your testimony is that essentially no  
25 educational program is followed --

1 A. Uh-huh.

2 Q. Is that a teacher from another track?

3 A. That is a teacher from another track.

4 Q. Which teacher is that?

5 A. That temporary teacher -- I do not recall  
6 who that teacher was.

7 Q. You don't recall who you were referring to  
8 in your declaration, on line 22?

9 A. No.

10 Q. Okay.

11 A. At least not right now. It may come to me.  
12 I'll let you know.

13 Q. It says on line 23:

14 "Because the teacher I know  
15 will use that second month to prepare  
16 for her own class"?

17 A. Correct.

18 Q. Does that refresh your recollection?

19 A. No. Other than I know it was a -- it's a  
20 female.

21 Q. Is this true -- is it true that there is  
22 essentially no educational program followed when  
23 students have different teachers substituting in to  
24 cover their classes?

25 A. In my case that was very true, that was

1 A. In my --

2 Q. -- is that what you're saying?

3 A. Yes, in my case that was true.

4 Q. I'm not talking about your case. I'm  
5 talking about the general statement that you're  
6 saying this statement is making.

7 We talked about your case, now we're trying  
8 to figure out what this statement means in your  
9 declaration. You testified that based on your  
10 experience it's true generally. And I'm asking you  
11 if there are exceptions or if when you get an  
12 off-track -- for example, when you get an off-track,  
13 fully credentialed teacher covering, if that's also  
14 true.

15 MR. FOX: Objection. Argumentative.  
16 Overbroad. Asked and answered. Compound. Complex.

17 THE WITNESS: Answer?

18 MR. FOX: You can answer it, if you can.

19 THE WITNESS: It depends on the morale of  
20 the individual teacher.

21 BY MR. ROZWOOD:

22 Q. How so?

23 A. Well, because there are some teachers that  
24 will say, "Hey, I'm going to have this class for two  
25 or three days and I'm going to have a roll book and

1 I'm going to have everything ready for the next  
2 teacher."  
3 And there are some teachers who say, "Well,  
4 I'm going to have this class for two or three days  
5 and I won't see these kids again and I'm just here  
6 for these two or three days."  
7 Q. So if you have a teacher from another track  
8 at the school, it's more likely that they will have  
9 an educational program for the time that they  
10 substitute?  
11 MR. FOX: Calls for speculation.  
12 BY MR. ROZWOOD:  
13 Q. In your experience.  
14 A. I wouldn't say that that's necessarily  
15 true, no.  
16 Q. What do you mean by the morale of the  
17 teacher? The dedication of the teacher to their  
18 job?  
19 A. The dedication that they have to the job.  
20 Q. What, in your experience, are indications  
21 that a teacher is dedicated to his or her job?  
22 A. Again, that's a question you asked earlier.  
23 I can't -- I can't make out what other teachers are  
24 doing unless I'm physically there to see it.  
25 Q. Okay. Let me -- let me interrupt because I

1 A. I think morale is something that comes  
2 within the individual teacher. It is not something  
3 I can point to or make a list for.  
4 Q. Does it relate to the commitment to the  
5 students?  
6 A. It could.  
7 Q. Does it relate to the teacher's commitment  
8 to the -- to their fellow teachers?  
9 A. It could.  
10 Q. Can you think of anything else it might  
11 relate to?  
12 A. No.  
13 Q. Here in paragraph 6 of your declaration you  
14 testify that ten of the 23 B track teachers do not  
15 have their teaching credentials.  
16 Do you see that?  
17 A. Correct. I do see it.  
18 Q. Do you mean their full, clear teaching  
19 credential when you refer to their teaching  
20 credential on line 5?  
21 A. I meant ... it means those ten do not have  
22 their clear California teaching credential.  
23 Q. And this was signed in July of 2000. Does  
24 this number continue to reflect the relative numbers  
25 of full credentialed teachers on B track?

1 only asked you what makes for a good teacher before.  
2 Now I'm asking you what makes for a dedicated  
3 teacher. If you have the same answer, that's fine.  
4 A. I don't know.  
5 Q. Okay. You don't know what makes for a  
6 dedicated teacher?  
7 A. No.  
8 Q. What is -- what are some of the things that  
9 you see in a teacher with high morale, as you used  
10 the term?  
11 MR. FOX: Overbroad. Compound. Complex.  
12 THE WITNESS: Can you rephrase that?  
13 BY MR. ROZWOOD:  
14 Q. I'm trying to understand your use of the  
15 term "morale." You say that whether or not a kid  
16 gets an educational program when a substitute  
17 teacher covers in a class without a permanent  
18 assigned teacher depends, at least in part, on the  
19 morale of the teacher. And I'm trying to understand  
20 what you mean by "morale."  
21 So my question is: What types of things do  
22 you see in a teacher with high morale?  
23 A. I -- I -- I don't know.  
24 Q. What do you mean by your use of the term  
25 "morale"?

1 A. The uncredentialed teachers have been  
2 dispersed to other tracks. So as of today there  
3 are -- there are not ten uncredentialed teachers on  
4 B track.  
5 Q. How many are there?  
6 A. I don't -- I don't know.  
7 Q. Are there more or less credentialed  
8 teachers on B track now?  
9 A. There's less.  
10 Q. Less credentialed teachers or less  
11 uncredentialed teachers? I might have misspoken.  
12 A. Less uncredentialed teachers.  
13 Q. Okay. When you say they're dispersed,  
14 you're saying uncredentialed teachers were put on  
15 to --  
16 A. On other tracks.  
17 Q. -- the A or C track?  
18 A. Correct.  
19 Q. So the statements you make in lines 5  
20 through 7, is that statement still applicable for  
21 the current school year for -- at Gulf?  
22 A. No.  
23 MR. FOX: Clarification. With regard to  
24 other students at Gulf, is that what you meant?  
25 THE WITNESS: Yes.

1 MR. FOX: Thank you.  
 2 MR. ROZWOOD: I don't understand what you  
 3 just said. Can you --  
 4 MR. FOX: I just wanted a clarification  
 5 as to whether he was talking about track B versus  
 6 track A and track C, or versus something else.  
 7 I think that's what he asked.  
 8 BY MR. ROZWOOD:  
 9 Q. So are the students on any particular track  
 10 disadvantaged because of the experience of their  
 11 teachers currently at Gulf?  
 12 MR. FOX: Objection. Vague and ambiguous.  
 13 THE WITNESS: I can't -- I can't answer  
 14 that.  
 15 BY MR. ROZWOOD:  
 16 Q. Well, you said it here, that students on  
 17 the track B were disadvantaged because their  
 18 teachers have little experience.  
 19 A. Correct.  
 20 Q. And that's no longer true for the B track  
 21 students?  
 22 A. Correct.  
 23 Q. Okay. Do you have any other reason to  
 24 think that it's true for any other track at Gulf?  
 25 MR. FOX: Objection. Vague and ambiguous.

1 In comparison to what?  
 2 BY MR. ROZWOOD:  
 3 Q. I'm asking if you have any reason. I'm not  
 4 asking you to compare anything. If you have a  
 5 reason, you can tell me. If you don't, you can say  
 6 you don't.  
 7 A. I don't have a reason.  
 8 MR. FOX: It's an ambiguous question.  
 9 MR. ROZWOOD: Your objection is noted.  
 10 MR. FOX: Okay.  
 11 BY MR. ROZWOOD:  
 12 Q. The severe lack of textbooks at Gulf in  
 13 paragraph 7 --  
 14 A. Uh-huh.  
 15 Q. -- does that continue to be a problem at  
 16 Gulf?  
 17 A. Yes.  
 18 Q. How much money was spent at Gulf Avenue  
 19 Elementary School on textbooks in the -- in the  
 20 19- -- in the -- excuse me -- in the current school  
 21 year?  
 22 A. I don't know.  
 23 Q. Do you know how much money was spent on  
 24 Open Court reading materials during the current  
 25 school year?

1 A. No, I don't.  
 2 Q. Do you know how much money was spent on  
 3 math textbooks in the current school year?  
 4 A. No, I do not.  
 5 Q. Do you have any idea how much money was  
 6 spent on Open Court reading materials, and social  
 7 studies textbooks, music textbooks, science  
 8 textbooks or library books for 2000 to 2001 school  
 9 year at Gulf?  
 10 MR. FOX: Objection. Relevance.  
 11 THE WITNESS: Not for Open Court. Social  
 12 studies and other books, music, to my knowledge have  
 13 not been purchased. At least I don't have them in  
 14 my classroom.  
 15 BY MR. ROZWOOD:  
 16 Q. Do you have any knowledge regarding --  
 17 you're talking about for the 2001/2000 -- excuse me,  
 18 the 2000/2001 school year?  
 19 A. Correct.  
 20 Q. So to your knowledge, no social studies or  
 21 music books were purchased during the 2000/2001  
 22 school year?  
 23 A. Correct.  
 24 Q. Do you have any knowledge as to how much  
 25 money Gulf spent on instructional materials and

1 textbooks and library books in the 1999 to 2000  
 2 school year?  
 3 A. No, I do not.  
 4 Q. Do you know how much money they spent on  
 5 music and social studies books during that school  
 6 year?  
 7 A. Again, I -- it's -- it's -- I have no idea  
 8 that those books were ordered because they are not  
 9 in my classroom. Nor are they in any classroom in  
 10 my grade level.  
 11 Q. Okay. And how is -- what types of books do  
 12 you use -- what types of instructional materials do  
 13 you use for social studies?  
 14 A. We don't have a social studies book.  
 15 Q. I said instructional materials.  
 16 A. Materials that I purchase from the  
 17 teacher's supply store.  
 18 Q. What are those?  
 19 A. They are just your basic teacher supplies  
 20 store books that cover the fifth grade curriculum.  
 21 Q. Are they -- when you say "the fifth grade  
 22 curriculum," you mean the state or district  
 23 curriculum that we discussed earlier?  
 24 A. Both.  
 25 Q. Okay. So these are -- these are --

1 are they -- let me ask you this: Are they  
2 self-contained and they cover all aspects of the  
3 fifth grade curriculum for social sciences?

4 A. I wouldn't say they cover all.

5 Q. What else do you use to supplement to cover  
6 the main portions of the curriculum?

7 A. I use various books that I got from  
8 their -- the teacher's supply store that I try to  
9 cover all of it. But I don't cover all of it,  
10 there's no way without a textbook.

11 Q. You don't cover the required curriculum in  
12 your social studies?

13 A. Not without a textbook, no.

14 Q. And have you communicated this problem --

15 A. Yes, I have.

16 Q. -- to the school officials?

17 A. Yes, I have.

18 Q. And what has been the response?

19 A. I was told that the state has not decided  
20 on a book or approved on a state book, therefore,  
21 they have not purchased a book.

22 Q. Are -- is there a certain adoption cycle  
23 that is -- that applies here with respect to the  
24 social studies textbook, to your knowledge?

25 A. I don't know.

1 locked up. And I have requested them and have not  
2 received them.

3 Q. Who have you requested them from?

4 A. There is a -- Mrs. Mitchell, the former  
5 science lab teacher, is in charge of that.

6 Q. And what has she told you about whether or  
7 not you can have those science kits?

8 A. She's told me that, "Yeah, I'll get it to  
9 you," but I never receive it.

10 Q. Other than social studies and science, what  
11 other textbooks are lacking at Gulf?

12 A. There are no music books. There are no  
13 health books. There are no art books. There are no  
14 cursive writing books.

15 Q. There are no cursive writing books at Gulf?

16 A. I'm speaking at my grade level only. Other  
17 grade levels, I am unaware.

18 Q. And that is fifth grade; right?

19 A. That is fifth grade, correct.

20 Q. Any other subjects where there is an  
21 insufficient number of textbooks?

22 A. There were no dictionaries, but I just  
23 received some before I went off track. And there  
24 was a set of outdated encyclopedias but I received a  
25 new set before I went off track.

1 Q. Do you know if the state is in the process  
2 of selecting a book for this purpose?

3 A. I don't know.

4 Q. How about science, how is science taught at  
5 Gulf? What instructional materials are used?

6 A. I have used materials that I have purchased  
7 from the teacher's supply store. I order frogs at  
8 my own expense. The students dissect. I spend  
9 money of my own to purchase rockets to have the  
10 students build them. But, again, there is no  
11 science book.

12 Q. Are there -- are science books required?

13 A. Yes, they are.

14 Q. Are you given any other instructional  
15 materials to use?

16 A. There are materials available, yes --

17 Q. What materials --

18 A. -- in science.

19 Q. -- are available to you for purposes of  
20 your science curriculum?

21 A. There are a few videos in one of the  
22 resource rooms.

23 Q. Are there any science kits that are  
24 provided to teachers at Gulf?

25 A. There are some science kits, but they are

1 Q. And how do you communicate your desires or  
2 needs or preferences with respect to textbooks for  
3 use in your fifth grade class?

4 A. You notify the principal.

5 Q. And you do that in writing?

6 A. You could do it in writing; you could do it  
7 verbally, orally.

8 Q. Okay. So each fifth grade teacher  
9 independently tells the principal what they would  
10 like to have?

11 A. It could be done that way. Or if teachers  
12 meet on the side and just collaborate during lunch  
13 break or something, and say, "Hey, I'm missing this  
14 book and missing this book." And if there's money,  
15 it may be ordered.

16 Q. How is it done for this school year?

17 A. This school year there is something new  
18 that's established and it hasn't really started in  
19 effect yet. But part of the teachers' contract with  
20 the union, United Teachers of Los Angeles, stated  
21 that every student will have a book.

22 And if they don't have a book, then soon  
23 the teacher will be able to file a grievance or --  
24 actually you don't file a grievance, you notify the  
25 principal. There is a procedure. And after five

1 days the principal has a chance to respond and get  
2 the book. And then after the next five days it goes  
3 to the superintendent and it makes a trail.

4 Q. What is the substance of the requirement,  
5 that every student should have a book?

6 A. Correct.

7 Q. More than one book, or one book for each  
8 subject, or just one book --

9 A. One book for every subject.

10 Q. One book for every subject.

11 Let me mark as Exhibit 6 a document  
12 produced by the District of Los Angeles, bearing  
13 Bates stamp numbers TLA01673 through 01676.  
14 (The document referred to was marked by the  
15 Reporter as Deposition Exhibit 6 for identification  
16 and is attached hereto.)

17 BY MR. ROZWOOD:

18 Q. And do you have a copy of Exhibit 6 before  
19 you?

20 A. Yes, I do.

21 Q. Can you turn to the third page marked 01675  
22 at the bottom right.

23 And do you see the second full paragraph  
24 that says:

25 "It is the policy of the

1 BY MR. ROZWOOD:

2 Q. Yeah, I apologize. What I mean to say is:  
3 Have you ever seen any of the bulletins listed in  
4 this exhibit?

5 A. Not to my knowledge, no.

6 Q. Is that something that an administrator --  
7 is it more in the province of a school administrator  
8 versus a school teacher to review bulletins from the  
9 LAUSD?

10 A. Occasionally there have been bulletins that  
11 goes to the principal and there is a directive for  
12 each teacher to also have a copy of it. But there  
13 are some cases where the bulletins have just been  
14 meant strictly for the principal and only for the  
15 principal.

16 Q. Okay. Do you see on the front page  
17 of Exhibit 6 where it says "Administrative  
18 Responsibilities," just the very first page of that  
19 exhibit. There are a few diamonds listed there  
20 directing the administrator to do certain things.

21 One of the things they're supposed to do on  
22 the second diamond is to:

23 "Determine what specific  
24 materials will be purchased."

25 Do the administrators at Gulf do a -- an

1 District that, where appropriate,  
2 each student will have a suitable  
3 and language-appropriate textbook  
4 for class and home use for each  
5 subject being studied."

6 Do you see that?

7 A. Yes, I do.

8 Q. Is that the substance of the requirement  
9 that you're referring to, or is it something  
10 different than that?

11 A. This is -- this is what I'm referring to,  
12 but I have not seen this memo. But this is what I'm  
13 saying, yeah, each student is entitled to have a  
14 book and to take home.

15 Q. Do you see the other bulletins listed under  
16 the various all cap headings, Bulletin No. 76, for  
17 example, relating to policy and procedures relating  
18 to the use of textbooks?

19 A. Yes, I do.

20 Q. Have you seen any of these other bulletins  
21 relating to the policy in various areas relating to  
22 textbooks listed here?

23 MR. FOX: Vague and ambiguous.

24 MR. ROZWOOD: I'm sorry.

25 MR. FOX: He hasn't seen it.

1 adequate job of determining what specific materials  
2 need to be purchased?

3 A. I don't -- I don't think so, but I'm not  
4 really one to tell them, you know, how they're --  
5 how they do their job. I don't see it. But I can  
6 just say from a teacher's point of view that I think  
7 that they could do a better job in ordering  
8 textbooks.

9 Q. And from a teacher's point of view, what  
10 could they do to improve their textbook ordering  
11 process?

12 A. I don't know how much money is allocated  
13 for them to purchase books, which would be a --  
14 detrimental to determining what they can purchase,  
15 but I personally don't see a projected plan at that  
16 school. Meaning that I see the administration will  
17 buy things, I want to say sporadically.

18 They did purchase Open Court books. But  
19 what I mean is there's nothing planned. I think  
20 that program has been there for 18 years. I think  
21 that, say, for example, year two she could have  
22 said, "All right, I'm going to make sure all  
23 classrooms have dictionaries" with the money she  
24 has. "In year two I'm going to make sure everybody  
25 has this book or that book." Because you obviously

1 can't buy everything all at once.  
 2 MR. FOX: Move to strike the last portion  
 3 of that response as nonresponsive.  
 4 BY MR. ROZWOOD:  
 5 Q. Do you have any other thoughts on how the  
 6 administration could do a better job of ordering  
 7 their instructional materials or determining their  
 8 instructional materials needs?  
 9 A. I would ask the teachers --  
 10 MR. ROZWOOD: Okay. Let the record show  
 11 that the attorney just put his hand on the witness  
 12 during an answer to a question.  
 13 MR. FOX: Thank you, Counsel. But I was --  
 14 MR. ROZWOOD: Hopefully you got the first  
 15 part of his question before counsel stopped him from  
 16 answering.  
 17 MR. FOX: I was trying to state my  
 18 objection. And if you could read back the question,  
 19 and I would like an opportunity to object and then  
 20 you can answer.  
 21 THE WITNESS: Okay.  
 22 (The record was read as follows:  
 23 Question: Do you have any other thoughts  
 24 on how the administration could do a  
 25 better job of ordering their

1 not taken by the school official determining their  
 2 instructional materials needs, to your knowledge?  
 3 A. To my knowledge, yes.  
 4 Q. Okay. Do you see the third diamond there:  
 5 "Oversee a yearly textbook  
 6 inventory as part on the Textbook  
 7 Certification required by the Office  
 8 of the Superintendent."  
 9 Do you see that one?  
 10 A. Yes, I do.  
 11 Q. Does Gulf oversee or conduct a yearly  
 12 textbook inventory, to your knowledge?  
 13 A. To my knowledge, I don't know.  
 14 Q. You don't know? Okay.  
 15 Okay. Have you ever gotten tired of not  
 16 getting the instructional materials you asked for  
 17 and, you know, decided to call up someone at the  
 18 cluster or the local district or the LAUSD to  
 19 discuss the matter?  
 20 A. Not to my knowledge, I have not.  
 21 Q. What have you done to address the  
 22 dissatisfaction that -- with the amount of available  
 23 instructional materials at Gulf?  
 24 A. Notify the administration.  
 25 Q. And other than notifying the

1 instructional materials or determining  
 2 their instructional materials needs?)  
 3 MR. FOX: Objection. Calls for  
 4 speculation. Lacks foundation. May seek expert  
 5 testimony.  
 6 Go ahead.  
 7 THE WITNESS: I'm just going to say, I  
 8 think that they could survey the teachers and ask  
 9 the teachers what is missing from your classroom and  
 10 have some kind of foundation as to what the school  
 11 needs to purchase.  
 12 BY MR. ROZWOOD:  
 13 Q. Okay. I'm trying to understand your prior  
 14 testimony, then. Because didn't you testify that  
 15 you would either in writing or verbally inform the  
 16 school officials what instructional materials you  
 17 needed for your classroom?  
 18 A. That was in the new contract and the new  
 19 contract has not been published yet, nor do I think  
 20 that part of the contract is in effect. Hopefully  
 21 soon I will be able to do that.  
 22 Q. Okay. And up to this time, you haven't  
 23 been able to do that?  
 24 A. No.  
 25 Q. So input from teachers at Gulf is

1 administration, what have you done?  
 2 A. That's all I've done.  
 3 Q. And has the administration's response been  
 4 sufficient from your perspective?  
 5 MR. FOX: Asked and answered.  
 6 THE WITNESS: I don't think it has been,  
 7 no.  
 8 BY MR. ROZWOOD:  
 9 Q. Have you explained about the inadequate  
 10 response of the school administration to your  
 11 requests for instructional materials to anyone else?  
 12 A. In the one case, I did, yes.  
 13 Q. Who was that?  
 14 A. It was Mr. Javier Sandoval.  
 15 Q. Who is that?  
 16 A. He's ... I'm not sure what his title is,  
 17 but he's -- Mr. Vladivic (phonetic) is in charge of  
 18 Area K, and I think he might be second man in  
 19 charge.  
 20 Q. Was that recently or ...  
 21 A. Sometime within this past school year.  
 22 Q. Did I hear it right, Mr. Sandoval is his  
 23 name?  
 24 A. Mr. Sandoval is his name, yes.  
 25 Q. And he's an official at the local

1 District K, or --  
 2 A. Area K office, yes.  
 3 Q. Area K office.  
 4 And what did you tell Mr. Sandoval about  
 5 the instructional materials?  
 6 A. I had ordered some classroom pencils for  
 7 the students and there was none. And I called him  
 8 up and told him that I thought it was pretty sad  
 9 that a school doesn't have pencils, "That's the very  
 10 minimum I can ask for, Mr. Sandoval." I said, "It's  
 11 pretty sad that I have to go out to the store and  
 12 buy my own."  
 13 Q. What did he say to you?  
 14 A. He said, "You're absolutely correct."  
 15 Q. And did you get the pencils?  
 16 A. He came to talk to me the following day, he  
 17 came to my classroom.  
 18 Q. And how was the issue resolved?  
 19 MR. FOX: Assumes facts.  
 20 THE WITNESS: I remember getting the  
 21 pencils.  
 22 BY MR. ROZWOOD:  
 23 Q. From the school?  
 24 A. From the school, yes.  
 25 Q. In response to your discussion with

1 Mr. Sandoval?  
 2 A. Yes.  
 3 Q. Have you had any other communications with  
 4 the Area K officials regarding other aspects of the  
 5 situation at Gulf?  
 6 A. Yes, I did call him another time.  
 7 Q. What did you discuss with him during that  
 8 conversation?  
 9 A. I told him that my teacher assistant,  
 10 Mr. Hernandez, was being harassed by the principal.  
 11 That I felt he was being harassed.  
 12 Q. In what way do you mean "harassed"?  
 13 A. What I recall is that he told me that he  
 14 was called into her office and she asked questions  
 15 that he felt were out of scope with what his job  
 16 was, questions about me as a teacher. And he felt  
 17 uncomfortable. And he said that she wanted him to  
 18 sign something, and he said he wouldn't sign it.  
 19 Q. What did she want him to sign?  
 20 A. I don't know. I don't know.  
 21 And he was very nervous and he brought his  
 22 mom to school the following day and the mom and him  
 23 and the principal spoke. And I called up  
 24 Mr. Sandoval just to tell him I didn't like what  
 25 was -- how he was being treated.

1 Q. What was the name of your teaching  
 2 assistant?  
 3 A. Mr. Hernandez.  
 4 Q. Is that a student, or is that a teacher in  
 5 training, or an intern, or ...  
 6 A. Could be either/or. It's not necessarily  
 7 an intern. It is usually a student that is still  
 8 going to college. They may or may not have an  
 9 interest in teaching.  
 10 Q. And Mr. Hernandez was a college student at  
 11 the time?  
 12 A. Yes.  
 13 Q. This is last school year or the current  
 14 school year?  
 15 A. This was ... the last school year.  
 16 Q. Okay. So he was someone who was  
 17 permanently assigned to your classroom as a teaching  
 18 assistant?  
 19 A. Yeah. Yes.  
 20 Q. And other than being asked questions  
 21 about you, what else did you complain about to  
 22 Mr. Sandoval regarding the principal's treatment  
 23 of Mr. Hernandez?  
 24 A. That's all I mentioned. That I just --  
 25 actually I didn't speak with him directly. I called

1 up his office and left a message.  
 2 Q. A voice mail message?  
 3 A. I left a message with one of the  
 4 secretaries.  
 5 Q. Okay. Have you ever -- were you satisfied  
 6 with the response to that issue? Or was there a  
 7 response to that issue?  
 8 A. I don't recall what the -- what the  
 9 response was on that. It kind of came and went.  
 10 Q. Was Mr. Hernandez ever called into the  
 11 principal's office again, to your knowledge?  
 12 A. I'm unaware of any further ...  
 13 Q. Well, other than what you've testified to,  
 14 are there any other times that you have had occasion  
 15 to communicate with the local District K, or Area K  
 16 officials?  
 17 A. I recall calling up again, but I don't  
 18 recall what I called up for. But I do remember  
 19 calling up for something else.  
 20 Q. And other than what you've testified to, do  
 21 you recall ever having a communication with any  
 22 LAUSD level school officials, district officials?  
 23 A. I recall a woman coming from the district.  
 24 I don't recall her name. I know she came into my  
 25 classroom and sat down and just observed. And I

1 spoke with her briefly.  
 2 I told her what the situation was for me  
 3 as a teacher in that school, about the lack of  
 4 textbooks. I showed her the book that the kids  
 5 wrote on rats. And she looked at it and said, "I  
 6 hope things get better" and she left. I never saw  
 7 her again.  
 8 Q. Do you remember her name?  
 9 A. No, I don't.  
 10 Q. Was she an employee of LAUSD?  
 11 A. Yes, she was.  
 12 Q. Was she an administrator, or a lawyer,  
 13 or ...  
 14 A. She was an employee with L.A. Unified  
 15 School District. Her job title, I don't know.  
 16 Q. Okay. Did anything happen with response to  
 17 that meeting --  
 18 A. No.  
 19 Q. -- to your knowledge?  
 20 A. No, not to my knowledge, no.  
 21 Q. Okay. Do you see in paragraph 7 in your  
 22 declaration where you say on line 10:  
 23 "The number of pages I'm  
 24 allowed to copy at the school's  
 25 expense is not nearly enough to give

1 my students material throughout the  
 2 year"?  
 3 A. Correct.  
 4 Q. Does this relate to the thousand page per  
 5 month cap at Gulf Elementary School?  
 6 A. Yes, it does.  
 7 Q. And if you wanted to go over a thousand,  
 8 you could ask for a code; correct?  
 9 A. No.  
 10 MR. FOX: Mischaracterizes his testimony.  
 11 MR. ROZWOOD: Okay. I misunderstood, then.  
 12 Q. I thought you said if you -- if you wanted  
 13 to go over a thousand pages on the school copy  
 14 machines, you could request a code. That's not  
 15 correct?  
 16 A. No.  
 17 I believe I said that I heard teachers  
 18 saying that you could request a code to make a few  
 19 additional copies, but that there was -- you were  
 20 lucky to get that.  
 21 Q. Uh-huh.  
 22 But you've never requested a code to -- to  
 23 make excess -- copies in excess of the thousand  
 24 dollar allocation; correct?  
 25 MR. FOX: Mischaracterizes his testimony.

1 You may have just misspoken.  
 2 MR. ROZWOOD: Okay.  
 3 MR. FOX: "Thousand copies," not "thousand  
 4 dollars."  
 5 MR. ROZWOOD: Yeah, I apologize.  
 6 Q. You have never made a request for a code to  
 7 make more copies than that?  
 8 A. More than a thousand copies, no.  
 9 And just to clarify what I said earlier.  
 10 What I heard in addition to what those teachers were  
 11 saying is this is not something if you need to make  
 12 an additional 500 they would let you. If you got  
 13 your thousand copies and you needed to make maybe,  
 14 you know, ten additional copies for something, you  
 15 could go ahead and ask for a code.  
 16 Q. Okay. You see where you say:  
 17 "I have to buy science materials  
 18 on my own because none are provided."  
 19 Are you referring --  
 20 A. What line is that?  
 21 Q. Lines 11 and 12.  
 22 A. Okay. I see that.  
 23 Q. Are you referring to the fact that despite  
 24 your requests, the school would not make the science  
 25 kits available to you?

1 A. I'm referring to that there's no science  
 2 books, that ... if I want to have a classroom  
 3 dissection like the frog, I purchase it on my own.  
 4 It is about \$300.  
 5 If I want to do some kind of activity for  
 6 the kids that they'll remember -- that I want them  
 7 to remember for the rest of their lives, like  
 8 building rockets, and I have to buy them on my own.  
 9 And it's been \$600 for that. I wasn't referring to  
 10 the science kits.  
 11 Q. Well, it says here in your declaration that  
 12 no science materials are provided. And I'm trying  
 13 to figure what science materials, if any, are  
 14 provided by the school officials at Gulf.  
 15 MR. FOX: Asked and answered.  
 16 THE WITNESS: The kits that I mentioned,  
 17 that I asked for on several occasions that were not  
 18 provided.  
 19 BY MR. ROZWOOD:  
 20 Q. Yeah.  
 21 A. Those are -- that's that.  
 22 Q. So the only -- sorry. I don't mean to  
 23 interrupt.  
 24 The only instructional materials that are  
 25 provided to you for purposes of science curriculum



1 are science kits; correct?  
 2 MR. FOX: Objection. Argumentative. Asked  
 3 and answered. He testified that they're not  
 4 provided.  
 5 MR. ROZWOOD: Right.  
 6 Q. And I'm just wondering, other than those  
 7 that aren't provided, if anything else is provided  
 8 to you to teach the science curriculum.  
 9 A. There is nothing provided by the school to  
 10 teach science.  
 11 Q. Okay. Do you see on line 13, continued  
 12 from line 12, where it says:  
 13 "I purchased 14 sets of the  
 14 core literature books"?  
 15 A. Yes, I do.  
 16 Q. What do you -- are you referring to when  
 17 you say "the core literature books"?  
 18 A. The state has a list of books that students  
 19 are -- have read in an optimal situation, or just --  
 20 I'm not sure if it's optimal, but they should have  
 21 read those books. And so a core literature book is  
 22 maybe, for example, Island of the Blue Dolphins.  
 23 Q. So this is a list of books taken from a  
 24 list prepared or provided by the State of  
 25 California?

1 A. Yes. And the district also has their list  
 2 of core literature books.  
 3 Q. Okay. You see in paragraph 8 where you  
 4 say, "The classrooms are infested with vermin." And  
 5 you go on to discuss --  
 6 A. Line 16.  
 7 Q. -- paragraph 8 of your declaration, line  
 8 16?  
 9 A. Yes, I see that now.  
 10 Q. Is that referring to the incident we've  
 11 discussed previously in your deposition today?  
 12 A. Yes, it is.  
 13 Q. Other than what we've previously testified  
 14 to, is there any other reference -- is there any  
 15 other meaning to this sentence, the first sentence  
 16 of paragraph 8 of your declaration?  
 17 Strike that.  
 18 Does the first sentence of paragraph 8 of  
 19 your declaration refer to anything other than what  
 20 you've testified to today in your deposition?  
 21 A. Rephrase that.  
 22 MR. ROZWOOD: Can you just read it back,  
 23 please.  
 24 (The record was read.)  
 25 MR. FOX: Objection. Vague and ambiguous.

1 If you don't understand the question, you  
 2 can say that.  
 3 THE WITNESS: I don't understand the  
 4 question.  
 5 BY MR. ROZWOOD:  
 6 Q. What do you mean when you say, "the  
 7 classrooms are infested with vermin"?  
 8 A. I meant that my classroom was infested with  
 9 vermin. Ms. Carbanal's classroom with rats and it  
 10 had vermin. The classroom behind me had -- vermin  
 11 was found.  
 12 Q. You're talking about the stuff that you've  
 13 already testified to today?  
 14 A. Correct.  
 15 Q. Well, other than what you've already  
 16 testified to, what do you mean "the classrooms are  
 17 infested with vermin"?  
 18 A. I don't understand what you're getting at.  
 19 Q. Well, what I'm getting at is: Is there  
 20 anything other than what you've testified to that  
 21 would support the general claim that the classrooms  
 22 at Gulf are infested with vermin?  
 23 A. No, there's not.  
 24 Q. Okay. You see on line 20 where you say, "I  
 25 see roaches regularly"?

1 A. Uh-huh.  
 2 Q. What does "regularly" mean in your use of  
 3 it there on line 20?  
 4 A. "Regularly" is every now and then, but on a  
 5 consistent basis.  
 6 Q. Like once a month, or something more often  
 7 than that?  
 8 A. A little bit more often than that.  
 9 Q. Twice a month?  
 10 A. Three to four times a month.  
 11 Month-to-month is what I meant by "regularly."  
 12 Q. And you go on to say, "right now my  
 13 classroom is swarmed with ants."  
 14 A. On what line are you referring to?  
 15 Q. Twenty-one.  
 16 A. Yes, I see that.  
 17 Q. What specifically was the ant problem  
 18 at the time you signed this declaration in your  
 19 classroom?  
 20 A. That was in the summer months, and I know  
 21 ants come out and there were ants all over the place  
 22 at that time.  
 23 Q. Was the problem resolved to your  
 24 satisfaction?  
 25 A. Yes, it was.

1 Q. And does that statement continue to be true  
2 about your classroom today?  
3 A. My ants -- excuse me, my classroom does  
4 have ants, but I wouldn't say that it's swarmed with  
5 ants now.  
6 Q. Do you see where you say in paragraph 9:  
7 "Frequently there are no paper  
8 towels, no toilet paper, no soap and  
9 the toilet is clogged."  
10 A. Correct.  
11 Q. What do you mean when you use the word  
12 "frequently" there in paragraph 9?  
13 A. "Frequently" is at least -- at least once a  
14 week.  
15 Q. More often than "regularly" as you used it  
16 in line 20?  
17 A. Correct.  
18 Q. Do students come to you with complaints  
19 that the bathrooms are in an unsanitary condition  
20 and poorly stocked?  
21 A. Yes, they do.  
22 Q. And what do you do when you get those  
23 complaints?  
24 A. I tell them to go -- to go to the office  
25 and let someone know.

1 Q. Do you let anyone know?  
2 A. No.  
3 Q. Have you ever gotten on the PA in your  
4 class and communicated to the office a problem with  
5 the condition of the bathrooms?  
6 A. No.  
7 Q. Why not?  
8 A. From my experience at the school the --  
9 nothing -- nothing's done.  
10 Q. Have you ever tried to communicate the  
11 frequency of this problem directly to the custodial  
12 staff at Gulf?  
13 A. No, but I did speak with our UTLA chapter  
14 chair who taught next to me and I told her that  
15 there was no paper towels, no toilet paper and no  
16 soap in the teachers' restroom.  
17 Q. Is this the same person that's the  
18 facilitator?  
19 A. No.  
20 Q. No, that's the name of a different one.  
21 What's the name of the UTLA chapter rep?  
22 A. That was Julie Swirck.  
23 Q. Swirck. Okay. We haven't gotten to her  
24 yet.  
25 How do you spell that last name?

1 A. S W I R C K.  
2 Q. And what did she say in response to your  
3 comments about the bathrooms?  
4 A. She shrugged her shoulders and just (shrugs  
5 shoulders) ... "I know what you're talking about"  
6 basically.  
7 Q. Do you see on line 26 of page 2 of your  
8 declaration where you refer to the Department of  
9 Education?  
10 A. Yes, I do.  
11 Q. What Department of Education are you  
12 referring there?  
13 A. That's in reference to the Los Angeles  
14 Department of Education.  
15 Q. The LAUSD?  
16 A. Uh-huh.  
17 Q. Here you use "frequently" again in  
18 paragraph 10. On the first line of paragraph 10,  
19 line 24, you say:  
20 "Gulf frequently combines  
21 children from two different grade  
22 levels within one classroom."  
23 Can you describe how often that type of  
24 combination actually occurs at Gulf?  
25 A. At the time when this was written, on

1 B track, I recall there being two combination  
2 classes in grades four and five. Other grade levels  
3 I -- I didn't really check up on.  
4 Q. How many classes were there for your grade  
5 level altogether?  
6 A. Maybe five. Four to five.  
7 Q. And does that continue to be the case in  
8 the current school year?  
9 A. This school year, I don't think there's any  
10 combination classes in grades four or five.  
11 I'm sorry, there is. There is one I know.  
12 Ms. Antoveres (phonetic) has a combo class. The  
13 problem is greater than 20 to 1 for third graders,  
14 there's more than 20 students in the classroom.  
15 Q. So one out of the five classes, to your  
16 knowledge, is a combination class in fourth or fifth  
17 grade?  
18 A. To my knowledge, yes.  
19 Q. Okay. Do fifth graders -- well, when you  
20 taught your combination fourth and fifth grade class  
21 last year -- I guess this is referring to the  
22 '99/2000 school year when you taught the combination  
23 fourth and fifth grade class?  
24 A. Correct.  
25 Q. Did you just teach the entire class the

1 fourth grade curriculum, is that -- is that what  
2 happened?

3 A. As a teacher, I tried to teach just a  
4 little bit of what I could to the fifth graders, but  
5 it becomes an impossible task.

6 Q. Because the fourth graders aren't there, or  
7 for some other reason?

8 A. No, because you have a group of fourth  
9 graders and a group of fifth graders all in the same  
10 classroom and you're only one teacher. If I'm  
11 trying to teach something to just the fourth  
12 graders, you know, then the fifth graders are ...  
13 just impossible.

14 Q. Have you ever expressed your concerns  
15 about the inability to teach fifth graders in a  
16 combination class such as that one to officials at  
17 the school or district level?

18 A. I spoke with administration.

19 Q. At the school site?

20 A. At the school site, yes.

21 Q. Who did you speak with about that?

22 A. The principal.

23 Q. And what did she tell you?

24 A. She said that it was -- it was very  
25 difficult for them to -- what was the term that she

1 doing as I left that school, August the 27th, before  
2 I went on vacation, kids were still picking up  
3 trash.

4 And some of the things they pick up  
5 includes bags of marijuana, roach clips, joints.  
6 It's all unsupervised.

7 Q. Oh, it's unsupervised?

8 A. It's unsupervised.

9 This is -- what I'm seeing is unsupervised.

10 When I had it, we were told to take the  
11 kids out. And of course, if you have anywhere from  
12 upper grade, 30, 32 kids, you physically can't  
13 supervise all of them when they're out with trash  
14 bags.

15 And we were given areas. As a matter of  
16 fact, that's what I thought this was when they  
17 originally gave it to me. We had school maps,  
18 similar to this Exhibit 2, and it was designated  
19 with letters A, B, C, different locations.

20 And in the school bulletin teachers were  
21 told, all right, you know, Ibarra, this week you  
22 have, you know, A, and Ms. Antoveros you have  
23 section C, and so on and so forth.

24 And now that stopped, thank goodness,  
25 disgusting. And now kids are picking up trash

1 used? -- when they're planning a school year with  
2 the kids they have to say there are so many kids on  
3 each track and sometimes they misjudge and there is  
4 less kids in one particular track and they have to  
5 have two different classrooms put as one.

6 Q. You do see in paragraph 11 in your  
7 declaration on line 7 through 8 where you say:

8 "The school requires children to  
9 perform these tasks because we do not  
10 have enough support staff who should  
11 be doing this kind of work."

12 A. I'm sorry. Seven through eight?

13 Q. Yes.

14 A. (Examining document.)

15 Yes, I do see that.

16 Q. Are you referring to the task of cleaning  
17 up the campus, picking up trash around the campus?  
18 Is that what you're referring to on line 7?

19 A. Yes.

20 Q. And on what do you base your testimony here  
21 that Gulf does not have enough support staff to do  
22 that kind of work?

23 A. I believe that if there was enough staff,  
24 custodial staff, that the kids wouldn't be required  
25 to pick up trash, which unfortunately they're still

1 during their lunchtime.

2 And I did go to the office and I said,  
3 "Why are kids still picking up trash?"  
4 And I spoke with Ms. Ferguson directly and I looked  
5 her right in the eye.

6 And she said, "Oh, they're volunteers."

7 "But there's no one supervising these kids,  
8 they could pick up anything."

9 No comment.

10 Q. So the process that you're describing in  
11 lines 13 and 14 where the school implemented the  
12 rotating cycle where each class takes its turn in  
13 cleaning up the school grounds each week, that  
14 process no longer exists at Gulf; correct?

15 A. That process no longer exists, correct.

16 Q. And now only student volunteers participate  
17 in, quote-unquote, "school beautification" at Gulf?

18 A. Correct.

19 Q. And that's during lunchtime, not class time  
20 now; correct?

21 A. That's during the lunch and recess.  
22 But my point of view as a teacher, when they're  
23 there at 7:45 when that bell rings, when school  
24 starts, all of that is instructional time.

25 Recess and lunch is instructional time, if

1 you look at it in terms that they're learning to get  
2 along with other kids and play and learn to -- it's  
3 all part of growing up and being an emotionally  
4 successful adult. Part of the recess and lunch is  
5 not just playing, it is part of getting the exercise  
6 and learning to cooperate with others. And these  
7 kids are missing out on that.

8 Q. You refer in paragraph 13 of your  
9 declaration, lines 23 through 27, to a special  
10 education student that was being mainstreamed.

11 A. Uh-huh.

12 Yes, I see that.

13 Q. Do you recall the name of that student?

14 A. Yes, I do.

15 Q. Who is it?

16 A. Roberto -- Roberto Gonzales was his name.

17 Q. Do you recall the name of his special  
18 education teacher?

19 A. At that time he was designated as a ... as  
20 a resource student, which means he wasn't clearly  
21 classified as a special ed. I got his CUM and I  
22 noticed him in the classroom as just being a -- just  
23 definitely needing some extra services. And he was  
24 in my fourth/fifth grade combo class, Roberto. And  
25 I remember him not being serviced.

1 And at the end of the school year, I  
2 checked his files, he definitely should have been  
3 someone that was serviced. And his case was so  
4 severe as far as his mental retardation -- is not  
5 the politically correct word to use now.

6 But he was placed in regular special ed.  
7 He was moved out of the regular classroom and put in  
8 his last year at the school into a special education  
9 class.

10 Q. Prior to the time you checked his CUM -- is  
11 that the way you referred to it?

12 A. Yes. CUM, yes, that's what it's called.

13 Q. What is it short for?

14 A. I'm not quite sure. They're just called  
15 CUMs. It is basically just a folder of data on the  
16 child.

17 Q. Okay. Prior to the time that you checked  
18 that folder of data on Mr. Gonzales -- Roberto?

19 A. Roberto.

20 Q. Okay.

21 -- had you had any other communications  
22 regarding his situation with any of the officials at  
23 the school site?

24 A. Yes, I did.

25 Q. And who did you speak with?

1 A. I spoke with Ms. Ferguson.

2 Q. Anyone else?

3 A. No.

4 Q. How many times did you speak with  
5 Ms. Ferguson about Roberto's condition?

6 A. That I don't recall, but I know it was more  
7 than once.

8 Q. Was it more than five times?

9 A. No.

10 Q. What did she say to you and what did you  
11 say to her during these conversations?

12 A. I don't recall exactly what -- what she  
13 said. I do recall that she said that she had  
14 noticed that he was particularly -- a little slower.  
15 They see some of the kids out during recess and  
16 lunch during the playground and eating areas and she  
17 did notice that there was something going on with  
18 the child.

19 Q. And what did she tell you she would do  
20 about it, if anything?

21 A. That I don't recall.

22 Q. Do you recall when during this school year  
23 you first noticed Roberto's condition?

24 A. It was in the -- sometime in November when  
25 I first noticed. Because I first had him in my

1 classroom in August. And --

2 Q. What, it took a couple months to become  
3 apparent?

4 A. No, I had him in August and they're on  
5 vacation September and October. So I -- you know,  
6 I just was unable to make a judgment call on that in  
7 one month. The last thing personally I wanted to do  
8 is recommend special ed. for a child.

9 Q. But in November it became apparent that  
10 special ed. may be necessary for Roberto; correct?

11 A. Correct.

12 Q. And is that the time you first approached  
13 Mrs. Ferguson?

14 A. Yes.

15 Q. When was the next time you approached  
16 Mrs. Ferguson about Roberto's condition?

17 A. Later on during the school year when I  
18 asked what -- how is this being followed up, what's  
19 going on?

20 Q. What did she tell you?

21 A. I don't recall what she said.

22 Q. Do you recall when that conversation  
23 took place? How many weeks after your first  
24 conversation?

25 A. That had to have been close to when I

1 returned from off track for the second time. So it  
 2 had to have been sometime in May, if I -- if I  
 3 recall correctly. Because I let some time go. I  
 4 figured the paperwork -- it's a long process because  
 5 they have to test the kid and all this different  
 6 rules that they have to follow.

7 And when I came back from vacation, I  
 8 thought, "Hey, what about Roberto?" That's when I  
 9 inquired again.

10 Q. What did she tell you?

11 A. I don't recall what she said. I just  
 12 personally by that time, by May and June, you know,  
 13 they're -- they're -- I have them for a month and a  
 14 half, and they're off to the next grade. So I think  
 15 what was done -- well, what was done is that they  
 16 put him in a special education classroom for his  
 17 last year of school.

18 Q. And do you know where Roberto is attending  
 19 school now?

20 A. No, I don't.

21 Q. He's not in a special education program at  
 22 Gulf?

23 A. No. He's graduated.

24 Q. Oh, he did graduate?

25 A. (Nods head.)

1 Q. Okay. I just want to ask you to look at  
 2 this document, which we'll mark as Exhibit 7, and  
 3 ask you if you've ever seen it before.

4 MR. FOX: Counsel, let's go off the record  
 5 for a second.

6 MR. ROZWOOD: Sure.

7 (The document referred to was marked by the  
 8 Reporter as Deposition Exhibit 7 for identification  
 9 and is attached hereto.)

10 (Recess taken from 5:30 to 5:35.)

11 MR. ROZWOOD: Let's go on the record.

12 Q. Do you have Exhibit 7 in front of you?

13 A. Yes, I do.

14 Q. Does this document look familiar to you?

15 A. No, it does not.

16 Q. Have you -- does this refresh your  
 17 recollection -- have you had a chance to review it  
 18 off the record briefly?

19 A. I've flipped through the pages and I've  
 20 never seen in before.

21 Q. Okay. Does this refresh your recollection  
 22 in any way as to what the program improvement school  
 23 is?

24 A. I -- it looks like what I mentioned,  
 25 Title 1, and you said "PI." It looks like they're

1 just acronyms for the same thing.

2 Q. Okay. But other than that --

3 MR. FOX: Well, don't speculate.

4 BY MR. ROZWOOD:

5 Q. Yeah, if you don't know, you don't know,  
 6 that's okay. I just wanted to make sure if you  
 7 have any independent knowledge about program  
 8 improvement --

9 A. No.

10 Q. If this document refreshed your  
 11 recollection, I would appreciate knowing.

12 A. No, I don't.

13 MR. ROZWOOD: Okay. We've had a discussion  
 14 off the record and your counsel, Ben Fox, has a  
 15 previously scheduled engagement. And we're going to  
 16 stop the deposition now and we're going to resume it  
 17 for no more than a half day at some date that's  
 18 mutually agreeable to all counsel and, of course,  
 19 Mr. Ibarra.

20 We've agreed that the reporter will be  
 21 relieved of her responsibilities and the applicable  
 22 statutes for maintaining the original deposition  
 23 transcript.

24 And that the original will be delivered to  
 25 the office of Ben Fox.

1 And that the witness will have until  
 2 October 31st to sign and make any necessary changes  
 3 to the deposition, at which point Ben Fox will  
 4 notify all parties in writing of any changes to the  
 5 deposition.

6 And further, that if there are no such  
 7 changes communicated prior to October 31st, that  
 8 any unsigned and uncorrected copy may be used for  
 9 all purposes in this litigation or any proceeding  
 10 relating thereto as if signed by the deponent.

11 Is that a stipulation we can enter into?

12 MS. FLOYD: So stipulated.

13 MR. FOX: That's fine.

14 MR. ROZWOOD: Thank you very much for your  
 15 time, Mr. Ibarra.

16 THE REPORTER: Do you want a copy of this?

17 MS. FLOYD: Yes, please.

18  
 19 (Whereupon, at 5:40 p.m.,  
 20 the deposition of THOMAS IBARRA  
 21 was adjourned.)  
 22 -oOo-  
 23  
 24  
 25

1 STATE OF CALIFORNIA )  
 2 COUNTY OF LOS ANGELES ) ss.

3  
 4  
 5 I, THOMAS IBARRA, hereby certify declare  
 6 under penalty of perjury under the laws of the State  
 7 of California that the foregoing is true and  
 8 correct.

9  
 10 Executed this day of  
 11 , 2001, at ,  
 12 California.

13  
 14  
 15  
 16 \_\_\_\_\_  
 17 THOMAS IBARRA  
 18  
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 24  
 25

1 STATE OF CALIFORNIA )  
 2 COUNTY OF LOS ANGELES ) ss.

3  
 4 I, c. jane harman, C.S.R. No. 5266, in  
 5 and for the State of California, do hereby certify:

6 That, prior to being examined, the  
 7 witness named in the foregoing deposition, to wit,  
 8 THOMAS IBARRA, was by me duly sworn to testify to  
 9 the truth, the whole truth and nothing but the  
 10 truth;

11 That said deposition was taken down by me  
 12 in shorthand at the time and place therein named,  
 13 and thereafter reduced to typewriting under my  
 14 direction, and the same is a true, correct and  
 15 complete transcript of said proceedings;

16 I further certify that I am not  
 17 interested in the event of the action.

18 WITNESS MY HAND this 24TH day of  
 19 SEPTEMBER, 2001.

20  
 21  
 22 \_\_\_\_\_  
 23  
 24 Certified Shorthand  
 Reporter for the  
 State of California  
 25