

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)
)
 Plaintiffs,)
)
 vs.) No. 312 236
)
STATE OF CALIFORNIA, DELAINE)
EASTIN, State Superintendent)
of Public Instruction, STATE)
DEPARTMENT OF EDUCATION, STATE)
BOARD OF EDUCATION,)
)
 Defendants.)
)

STATE OF CALIFORNIA,)
)
 Cross-Complainant,)
)
 vs.)
)
SAN FRANCISCO UNIFIED SCHOOL)
DISTRICT, et al.,)
)
 Cross-Defendants.)

DEPOSITION OF ALONDRA S. JONES

San Francisco, California

Wednesday, May 16, 2001

Reported by:
RACHEL FERRIER
CSR No. 6948
Job No. 847579

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 CITY AND COUNTY OF SAN FRANCISCO
 3
 4 ELIEZER WILLIAMS, et al.,)
 5 Plaintiffs,)
 6 vs.) No. 312 236
 7 STATE OF CALIFORNIA, DELAINE)
 8 EASTIN, State Superintendent)
 9 of Public Instruction, STATE)
 10 DEPARTMENT OF EDUCATION, STATE)
 11 BOARD OF EDUCATION,)
 12 Defendants.)
 13 STATE OF CALIFORNIA,)
 14 Cross-Complainant,)
 15 vs.)
 16 SAN FRANCISCO UNIFIED SCHOOL)
 17 DISTRICT, et al.,)
 18 Cross-Defendants.)
 19
 20 Deposition of ALONDRA S. JONES, taken on
 21 behalf of Defendant State of California at 275
 22 Battery Street, San Francisco, California,
 23 beginning at 11:04 a.m. and ending at 6:07 p.m.,
 24 on Wednesday, May 16, 2001, before RACHEL
 25 FERRIER, Certified Shorthand Reporter No. 6948.

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 2
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 25

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1 San Francisco, California; Wednesday, May 16, 2001
 2 11:04 a.m. - 6:07 p.m.
 3
 4
 5 ALONDRA S. JONES,
 6 being first duly sworn, was examined and testified as
 7 follows:
 8
 9 EXAMINATION
 10 BY MR. ROSENTHAL:
 11 Q Good morning, Ms. Jones. My name is Michael
 12 Rosenthal, and I'm an attorney representing the State of
 13 California.
 14 Would you please state and spell your name for
 15 the record, please.
 16 A My name is Alondra Sharae Jones and spelled,
 17 A-l-o-n-d-r-a; and Jones, J-o-n-e-s.
 18 MS. PERRIN: Spell Sharae too.
 19 THE WITNESS: S-h-a-r-a-e.
 20 BY MR. ROSENTHAL:
 21 Q Have you ever had your deposition taken before?
 22 A No.
 23 Q Do you know what a deposition is?
 24 A I know I'm in one now.
 25 Q Do you have an understanding of what a

1 deposition means or what's going to happen?
 2 A Not really, no.
 3 Q Okay. Well, let me just give you a little bit
 4 of background, then.
 5 Basically I'm going to be asking you a series
 6 of questions, and I'm going to ask you to provide a
 7 series of answers. We have sitting next to us a court
 8 reporter who will write down everything that you are
 9 saying.
 10 And at the end you will be given a booklet
 11 which basically contains everything that has been said
 12 between the two of us; the questions I've asked, the
 13 answers you have given.
 14 Now, you understand you have just taken an
 15 oath; is that correct?
 16 A Yeah.
 17 Q Do you understand that your testimony today
 18 will have the same force and effect as if you were
 19 testifying in a court of law?
 20 A Yes.
 21 Q Even though we are in an informal setting here,
 22 you understand that you are testifying as if you were in
 23 a court of law?
 24 A Yes.
 25 Q Therefore, do you understand it's important to

1 answer the questions I ask you fully and truthfully?
 2 A Yes.
 3 Q It's also important, since the court reporter
 4 is trying to write down everything that we say, that you
 5 give verbal responses to the questions I ask. Do you
 6 understand that?
 7 A Yes.
 8 Q So things like nodding your head or shaking
 9 your head, the court reporter can't get that down. So
 10 to the extent you can give verbal responses, that's
 11 helpful. Do you understand that?
 12 A Yes.
 13 Q Also, it's hard for the court reporter to write
 14 things down when more than one person is speaking at a
 15 time. So I'll agree to let you finish your answers when
 16 you are giving an answer if you agree to, you know, not
 17 talk over me, and let me finish my questions. Can we
 18 have that understanding?
 19 A Yes.
 20 Q Great.
 21 Also, it's important that you listen to my
 22 questions carefully. If you don't understand a question
 23 I ask, I'll be happy to rephrase it if you ask me to do
 24 so. Do you understand that?
 25 A Yes.

1 Q If you answer my question and don't ask me to
 2 rephrase it, I will assume you understood the question.
 3 Is that okay?
 4 A Yes.
 5 Q Also, if I ask you a question and you don't
 6 know the answer, I don't want you to guess at the
 7 answer. But if you can give me your best estimate, if
 8 you are able to estimate, or, you know, give me the
 9 answer to the best of your ability, that's the kind of
 10 answer I would like. Do you understand that?
 11 A Yes.
 12 Q Now, also I mentioned that at the end of this
 13 process you will receive a copy of the transcript that
 14 the court reporter is taking down, and you will have an
 15 opportunity to review that transcript and make any
 16 changes to the transcript that you feel are necessary.
 17 Do you understand that?
 18 A Yes.
 19 Q Do you also understand that if you do make any
 20 changes, that I or any other attorney will have the
 21 opportunity to comment on the changes you made at trial
 22 or any other proceeding?
 23 A Yes.
 24 Q I know we are getting through all these
 25 annoying rules.

1 Also, if you need a break at any point, we will
 2 try to take breaks every --
 3 I don't know what the --
 4 MS. PERRIN: Hour.
 5 BY MR. ROSENTHAL:
 6 Q -- forty-five minutes to an hour. Whenever you
 7 guys need a break, just let me know. Whenever you want
 8 to go to the bathroom, you need some water, just let me
 9 know and we will take a break. The only thing I ask is
 10 if I have a question pending, that you answer the
 11 question before we break.
 12 MS. PERRIN: So you don't need to wait for us to
 13 take our scheduled break, just let us know. Answer the
 14 question, and we will take a break.
 15 THE WITNESS: Okay.
 16 BY MR. ROSENTHAL:
 17 Q I'm going to be asking you a lot of questions
 18 today, and if at any point during today's testimony you
 19 remember something that would have been responsive to a
 20 question I asked earlier, if you can just let me know
 21 and, you know, we can go back to that area and you can
 22 tell me whatever you have remembered. Do you understand
 23 that?
 24 A Yes.
 25 Q I think that covers most of the ground rules.

1 Do you have any questions about any of those?
 2 A No.
 3 Q Very good.
 4 Is there any reason why you would be unable to
 5 give your best testimony today?
 6 A No.
 7 Q Are you on any medications?
 8 A I took Day-Quil.
 9 Q When did you take that?
 10 A This morning.
 11 Q Do you know what time?
 12 A Around 8:30.
 13 Q Do you have a cold?
 14 A I was getting over one.
 15 Q Have you been taking Day-Quil every day?
 16 A No.
 17 Q Do you need to take it again at some point
 18 during the deposition?
 19 A No, I feel fine.
 20 Q Do you think it's going to affect your ability
 21 to testify today?
 22 A No.
 23 Q Will it affect your memory at all?
 24 A No.
 25 Q Do you suffer from any sort of disability that

1 A No.
 2 Q Was anybody else at the meeting?
 3 A No, just us.
 4 Q Were you shown any documents at this meeting?
 5 A Yes.
 6 Q Did any of those documents refresh your
 7 recollection?
 8 A You mean like refresh my memory of what I said,
 9 is that what you mean?
 10 Q When you looked at documents, did any -- after
 11 you looked at them, was your memory -- was your
 12 recollection refreshed in any way?
 13 MS. PERRIN: I don't think she understands that
 14 question, which is why she rephrased it. Can we try
 15 rephrasing the question?
 16 MR. ROSENTHAL: Sure.
 17 Q Did you -- by looking at the documents, did you
 18 remember anything?
 19 A No. No.
 20 Q Did you do anything else to prepare for the
 21 deposition?
 22 A We talked on the phone like once about the
 23 deposition.
 24 Q Who talked on the phone?
 25 A Oh, I talked to Catherine, and I also talked to

1 may impair your memory?
 2 A No.
 3 Q Other than the Day-Quil, are you taking any
 4 other medications?
 5 A No.
 6 Q What did you do to prepare for this deposition
 7 today?
 8 MS. PERRIN: I'm just going to instruct you, you can
 9 tell them about the time that we met, but don't tell
 10 them what we talked about.
 11 THE WITNESS: We met -- yeah, we just met. We met
 12 and we talked.
 13 BY MR. ROSENTHAL:
 14 Q Who met?
 15 A Me, Lois, and Catherine Lhamon.
 16 Q Catherine Lhamon?
 17 MS. PERRIN: That's L-h-a-m-o-n.
 18 BY MR. ROSENTHAL:
 19 Q And when was this meeting?
 20 A Like a week ago; yeah, last week.
 21 Q Do you remember what day?
 22 A No.
 23 Q Do you remember what time of day?
 24 A Afternoon.
 25 Q Was it on a weekend?

1 Lois.
 2 Q Is that on the same phone call, or were those
 3 two separate phone calls?
 4 A Two separate.
 5 Q What else did you do to prepare for the
 6 deposition?
 7 A That's about it.
 8 Q Did you talk to anybody in your family about
 9 the deposition?
 10 A No.
 11 Q Did you talk to anybody at school about the
 12 deposition?
 13 A No.
 14 Q Did you review any documents on your own in
 15 preparation for the deposition?
 16 A I read over my -- what's it called -- I read
 17 over my declaration.
 18 Q Do you recall which declaration this was?
 19 A The one -- I don't get the question.
 20 Q I'm not sure I have it. I believe you signed
 21 two declarations; one dated August 14th, 2000 and one
 22 dated February 7th, 2001.
 23 A It was the February 7th one, then.
 24 Q You recall that it was the February 7th, 2001
 25 declaration?

1 A Yeah. Because -- yes.
 2 Q How do you recall that?
 3 A Because I don't remember having a copy of the
 4 August one.
 5 Q Did you review any other documents to prepare
 6 for the deposition?
 7 A No.
 8 Q You mentioned that you had a phone call with
 9 Catherine Lhamon. Do you recall when that phone call
 10 was?
 11 A No. Maybe like a week before our meeting -- a
 12 week before our meeting.
 13 Q Was anybody else on the phone call?
 14 A No.
 15 Q Do you remember how long the phone call was?
 16 A Maybe around 5 to 10 minutes.
 17 Q Did you call Ms. Lhamon or did she call you?
 18 A She called me.
 19 Q You also mentioned you had a separate phone
 20 call with Ms. Perrin. Do you recall when that was?
 21 A That was today.
 22 Q Was anybody else on that phone call?
 23 A No.
 24 Q Do you recall how long that phone conversation
 25 was?

1 A Couldn't have lasted more than five minutes.
 2 Q And you mentioned you also read your
 3 declaration to prepare for the deposition. When did you
 4 read the declaration?
 5 A The day of my meeting with Lois and Catherine.
 6 Q Have you read it since then?
 7 A No.
 8 Q Was your declaration one of the documents you
 9 reviewed with counsel?
 10 MS. PERRIN: Objection. I'll let you ask her about
 11 specific documents that she reviewed, but I'm not going
 12 to allow you to ask her about the universe of documents
 13 that she reviewed. So if you will rephrase the
 14 question, you can ask it; otherwise I'll instruct her
 15 not to answer.
 16 MR. ROSENTHAL: Right.
 17 Q I thought that's the question I just asked, if
 18 the declaration was one of the documents you reviewed
 19 with counsel.
 20 MS. PERRIN: Okay. Do you understand the question?
 21 THE WITNESS: No. I don't understand the question.
 22 BY MR. ROSENTHAL:
 23 Q I'll rephrase it.
 24 When you met with your counsel, was one of the
 25 documents you reviewed with them your declaration of

1 February 7th?
 2 A Yes.
 3 Q Did you review the Complaint in this action
 4 with counsel at that meeting?
 5 A Catherine read --
 6 MS. PERRIN: Okay. You can answer "Yes" or "No."
 7 Don't say anything that Catherine and I said to you.
 8 THE WITNESS: Okay.
 9 MS. PERRIN: Okay?
 10 THE WITNESS: So -- okay, wait. I lost my train of
 11 thought. What was the question? I'm sorry.
 12 BY MR. ROSENTHAL:
 13 Q Did you review the Complaint in this action
 14 with counsel at this meeting?
 15 A Yes. Yes.
 16 Q Now, I mentioned a second declaration dated
 17 August 14th, 2000. Did you review that declaration with
 18 counsel at your meeting?
 19 A No.
 20 Q Did you review any news articles in preparing
 21 for your deposition?
 22 A No.
 23 MR. ROSENTHAL: I've received from counsel today
 24 some documents responsive to the document request.
 25 Counsel, did you give me two copies of the same

1 document or are these different?
 2 MS. PERRIN: I did, two copies of the same document.
 3 MR. ROSENTHAL: I've received three pages from
 4 counsel. The first page is dated August 28th, 2000
 5 entitled, "San Francisco Unified School District
 6 Scholarship Record." There's two pages to that.
 7 And the third page I received is dated
 8 February 2nd, 2001, and it's entitled, "San Francisco
 9 Unified School District Scholarship Record."
 10 MS. PERRIN: Counsel, just for the record, the
 11 address on page 3 should have been redacted for
 12 confidentiality purposes.
 13 MR. ROSENTHAL: Okay.
 14 MS. PERRIN: And also, since we don't have a
 15 Protective Order in place as of yet, there is an
 16 agreement, at least in principle, that all these
 17 documents will be kept confidential attorneys' eyes
 18 only. And I'm not asking to agree to that now, but
 19 that's the agreement in principle.
 20 So I would ask these be designated as such and
 21 not distributed until the Protective Order is entered.
 22 MR. ROSENTHAL: What I can do -- for purposes of
 23 this deposition I would like to take a look at these
 24 documents, and I will do so. But what I can do is I can
 25 give you these copies back if you want, and then you can

1 just give employee-redacted copies.
 2 MS. PERRIN: That would be fine.
 3 MR. ROSENTHAL: This way there's no issue about
 4 that.
 5 MS. PERRIN: And then also with respect to testimony
 6 on this, that will also be subject to the Protective
 7 Order that was discussed, and we will reserve our rights
 8 to designate that when we review the transcript.
 9 MR. ROSENTHAL: Okay.
 10 I would like to mark this as Exhibit 1.
 11 (Defendant's Exhibit 1 was marked for
 12 identification by the court reporter.)
 13 MR. ROSENTHAL: I would like the record to reflect
 14 I'm showing the witness what's been marked as Exhibit 1
 15 entitled, "Defendant's Notice of Deposition of Plaintiff
 16 Alondra Sharae Jones and Request for Production of
 17 Documents."
 18 Q Do you recognize this document, Ms. Jones?
 19 A No.
 20 Q Have you ever seen it before?
 21 A No.
 22 Q So you did not review this document with
 23 counsel at your meeting?
 24 A No.
 25 Q Has anybody ever asked you to collect documents

1 the end?
 2 A Yes.
 3 Q What documents did you provide to her?
 4 A I gave her my transcripts --
 5 MS. PERRIN: I'm going to object on the grounds of
 6 attorney-client privilege as to the remainder of the
 7 documents. Don't answer. The remainder of the
 8 documents were not related to academic performance.
 9 MR. ROSENTHAL: Is it your position that the
 10 documents that were produced are not responsive?
 11 MS. PERRIN: They are not -- the remainder of the
 12 documents produced by Alondra to Catherine are not
 13 responsive to the requests.
 14 MR. ROSENTHAL: I think I'm still entitled to find
 15 out what documents those were. I don't see any breach
 16 of the attorney-client privilege.
 17 MS. PERRIN: Identify the document, but don't talk
 18 about the content of the document.
 19 THE WITNESS: My transcript and my report card and
 20 some acceptance letters. Didn't you hear me?
 21 BY MR. ROSENTHAL:
 22 Q Acceptance letters?
 23 A Yes.
 24 Q Anything else?
 25 A No.

1 related to your academic performance in connection with
 2 this case?
 3 A Yes.
 4 MS. PERRIN: Don't say the content of the
 5 communication, but you can say who asked you.
 6 THE WITNESS: Catherine asked me.
 7 BY MR. ROSENTHAL:
 8 Q Catherine?
 9 A Yes.
 10 Q Do you recall when she asked you?
 11 A After our meeting was over.
 12 Q Did she ask you at that meeting?
 13 A Yes.
 14 Q At the end of that meeting?
 15 A No. She asked --
 16 MS. PERRIN: Okay. You can answer when and you can
 17 answer if, but make sure you don't disclose the
 18 specifics of what we talked about. I know this is hard,
 19 so --
 20 THE WITNESS: She asked me during, but I wasn't able
 21 to give them to her until the end.
 22 BY MR. ROSENTHAL:
 23 Q I was trying to clarify, because you said she
 24 didn't ask you until the meeting was over. She asked
 25 you at that meeting and you provided documents to her at

1 Q Do you recall how many pages there were in
 2 total?
 3 A Well, the transcript, like there's two. Then
 4 my report card. And then I think I only gave her
 5 like -- I only gave her like two or three of my
 6 acceptance letters.
 7 Q And when you refer to the transcript, are those
 8 the first two pages that were -- that are referred to?
 9 Why don't you take a look at those.
 10 A Yes, these first two pages.
 11 Q And is the third page the report card you are
 12 referring to?
 13 A Yes.
 14 Q And you mentioned you also gave Ms. Lhamon some
 15 acceptance letters. Can you describe the acceptance
 16 letters?
 17 A They are acceptance colleges.
 18 Q And you said you provided her with two or three
 19 of these?
 20 A Yes.
 21 Q And from what colleges -- the letters that you
 22 provided, from what colleges were they?
 23 MS. PERRIN: You know, to avoid -- it's getting kind
 24 of touchy on attorney-client. Why don't you ask her
 25 what colleges she's been accepted by; I think that's a

1 cleaner question.
 2 BY MR. ROSENTHAL:
 3 Q Did you not understand my question?
 4 MS. PERRIN: I'm going to instruct you not to answer
 5 the question until it's rephrased.
 6 MR. ROSENTHAL: On what grounds are you instructing
 7 the witness not to answer the question?
 8 MS. PERRIN: I said she could discuss the documents,
 9 but not the -- not to discuss the contents of the
 10 documents.
 11 BY MR. ROSENTHAL:
 12 Q How many acceptance letters have you received
 13 from colleges?
 14 A Six so far.
 15 Q How many colleges did you apply to?
 16 A Around 10.
 17 Q Have you received any rejection letters?
 18 A No.
 19 Q Can you tell me the six schools that you have
 20 received acceptance letters from?
 21 A Tennessee State University.
 22 Alabama State University.
 23 Prairie View University.
 24 UC Berkeley.
 25 UC Santa Cruz, I think it's called.

1 And UC Davis.
 2 Q I didn't get the name of the third one. You
 3 said Tennessee State, Alabama State, UC Santa Cruz,
 4 UC Davis. Did you say there was one more?
 5 A Prairie View.
 6 Q Prairie View. Thank you.
 7 Now, you said you applied to around 10 schools?
 8 A Yes.
 9 Q Can you tell me the names of the other schools
 10 that you have not yet heard from?
 11 A Howard University, Hampton University, Pacific
 12 University. That's all I remember, so it must have been
 13 nine.
 14 Q Okay. Did you receive any other documents
 15 relating to the courses you take at school?
 16 MS. PERRIN: Objection; vague.
 17 BY MR. ROSENTHAL:
 18 Q Do you understand my question?
 19 A No.
 20 Q Do you receive a paper schedule that lists the
 21 courses you take at school?
 22 A Oh, yes, I should have a schedule.
 23 Q Do you receive that -- how frequently do you
 24 receive that document?
 25 A Well, you get it in the beginning of the

1 semester when you get your classes, within -- they can
 2 give you another one if you lost it.
 3 Q So did you get a copy of your schedule at the
 4 beginning of every semester?
 5 A Yeah.
 6 Q Do you have copies of those schedules?
 7 A At home.
 8 Q Did anybody ever ask you to collect your
 9 schedules from the past several years?
 10 A "Anybody" meaning who?
 11 Q Let's start with your counsel in this matter.
 12 MS. PERRIN: Again, only answer the question "Yes"
 13 or "No." Don't disclose the content of what Catherine
 14 or I may have said.
 15 THE WITNESS: No.
 16 BY MR. ROSENTHAL:
 17 Q They have never asked you to gather your
 18 schedules?
 19 A No, not that I remember.
 20 Q At school, on occasion you take standardized
 21 tests; is that correct?
 22 A Yeah.
 23 Q And do you receive written scores from those
 24 tests?
 25 A As far as I know, whatever score we get is

1 reported on our transcript.
 2 Q Are you aware that you receive any other
 3 written notification of your scores other than your
 4 transcript?
 5 MS. PERRIN: Well, objection; misstates her
 6 testimony and assumes facts.
 7 BY MR. ROSENTHAL:
 8 Q Do you understand the question?
 9 A No.
 10 Q You stated that standardized test scores are
 11 reported on your transcript; is that correct?
 12 A Yes.
 13 Q Are they reported on any other document?
 14 MS. PERRIN: Objection; calls for speculation.
 15 Answer only if you know.
 16 THE WITNESS: I don't know.
 17 BY MR. ROSENTHAL:
 18 Q Do you receive progress reports at school?
 19 A Yes.
 20 Q How frequently do you receive progress reports?
 21 A Okay. Our report cards are 18-week semesters,
 22 so 6, 12, 18. We get progress reports once every
 23 6 weeks.
 24 Q And do you have copies of your progress
 25 reports?

1 A At home.
2 Q Has anybody ever asked you to collect your
3 progress reports? And by "anybody" I specifically mean
4 your counsel.

5 A No.

6 Q I'm going to go through a list of documents.
7 And if you can let me know if you have any of those
8 documents.

9 MS. PERRIN: Objection. We had a motion on this
10 very issue, and not all of the documents that are in
11 that list are subject to production. So I would ask
12 that you limit it to the ones that were specifically
13 permitted by the judge.

14 MR. ROSENTHAL: Well, unfortunately I don't think
15 the judge's order was as clear as -- I mean, what I can
16 do is, I can run through the list, and if you have an
17 objection you can make it. And as long as -- I mean, we
18 can go from there, I guess.

19 I'm not going to -- I'm not trying to fight you
20 on the personal documents that, you know -- that the
21 judge has ruled -- that the judge has ruled on, but
22 there are a number of other documents in here.

23 MS. PERRIN: There are documents that contain mixed
24 information, a number of other documents as to
25 whether -- there's still a dispute between counsel as to

1 conclusion.

2 You can answer if you know.

3 BY MR. ROSENTHAL:

4 Q Do you understand my question?

5 A No, I don't understand it.

6 Q What documents do you have that relate to your
7 education in California public schools?

8 MS. PERRIN: Objection; vague.

9 THE WITNESS: I don't know.

10 BY MR. ROSENTHAL:

11 Q You have already mentioned to me that you had a
12 transcript.

13 A Oh, that falls into that category?

14 Q Yes.

15 A Okay. Transcripts, report cards, progress
16 reports. I think that's about it.

17 Q Are there any other documents you receive from
18 your school on a regular basis?

19 A Yeah, but -- yeah.

20 Q What kind of documents do you receive?

21 A Do I say --

22 MS. PERRIN: From the school?

23 THE WITNESS: Yeah. Well, I got one recently saying
24 I owe money for books. They send letters home saying
25 like a parent meeting or something. That's about it.

1 whether those documents were permitted.

2 MR. ROSENTHAL: Well, at this point I'm just trying
3 to find out if those documents exist. I'm not inquiring
4 into the contents of those documents.

5 MS. PERRIN: Okay. Fair enough.

6 BY MR. ROSENTHAL:

7 Q So again, I'm going to go through a list of
8 documents. If you can tell me if you have any documents
9 that would fit this category.

10 MS. PERRIN: Are you looking at the Deposition
11 Notice?

12 MR. ROSENTHAL: Yes.

13 MS. PERRIN: Okay. Can she look at the Deposition
14 Notice as well?

15 MR. ROSENTHAL: Absolutely.

16 MS. PERRIN: Are you on page 7?

17 MR. ROSENTHAL: I'm on page 7.

18 Q I guess I'm going to start with the first
19 sentence which begins on line 4. And that says, "Any
20 and all documents which refer, pertain or relate to your
21 education in any and all California public schools,
22 including Balboa High School."

23 Can you tell me what documents you have in your
24 possession that would fit within that broad category.

25 MS. PERRIN: Objection; calls for a legal

1 BY MR. ROSENTHAL:

2 Q You said you recently received notice that you
3 owed money for books. Can you explain what that notice
4 was about.

5 A Yes. On the paper it said that I owe \$99 in
6 lost books. But that wasn't true, because I went to the
7 book room in my school and found all the books that were
8 reportedly missing. They were downstairs the whole
9 time.

10 Q Do you recall which books were -- strike that.
11 In the notice did it say which books were lost?

12 A Yes.

13 Q And which books did it say?

14 A Oh, the names of the books?

15 Q That would be great.

16 A Kidnapped. I don't know about the Kidnapped.

17 We got Snow Falling On Cedars, Native Son, like Greek
18 mythology book, a Greek mythology book. And then Aenid.

19 Q Do you know how to spell that?

20 A A-e-n-i-d.

21 Q Now, are these books that were assigned to you
22 in connection with a particular class?

23 A Can you rephrase the question.

24 Q Sure.

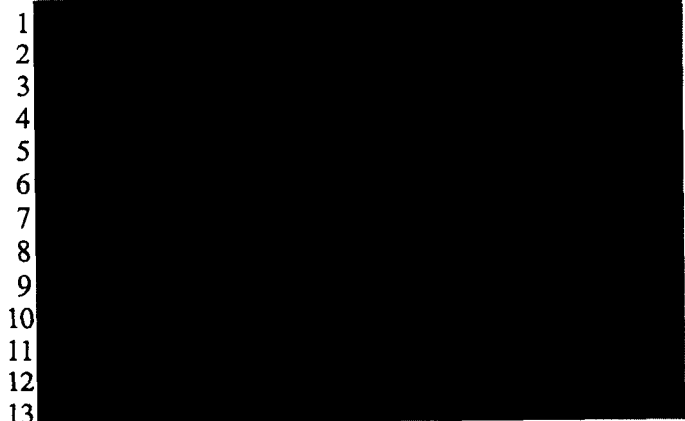
25 Did you receive copies -- were these books in

1 connection with the class you were taking?
 2 A Yes.
 3 Q And were they all for one class?
 4 A No.
 5 Q Can you tell me what classes each of the books
 6 was for.
 7 A Yes. What was the first one I told you?
 8 Q Kidnapped.
 9 A Kidnapped, that was for Modern World.
 10 Q Modern World?
 11 A Yes. I guess that's an English class; I don't
 12 know.
 13 And the second one was -- which was the second
 14 one?
 15 Q Snow Falling On Cedars?
 16 A That was for U.S. History.
 17 Q Native Son is next.
 18 A American Lit.
 19 Q Okay. Greek mythology?
 20 A European Lit.
 21 Q And The Aenid?
 22 A Mr. Brady, European Lit.
 23 Q Now, were these all courses that you were
 24 taking this year?
 25 A No, European Lit. I took this year, and

1 American Lit. and U.S. History were 11th grade year.
 2 Q Okay.
 3 A And Modern World is 10th grade year.
 4 Q Do you recall any other documents that you
 5 received from school on a regular basis?
 6 A Like a parent meeting.
 7 Q What sort of notice do you receive from the
 8 school regarding parent meetings?
 9 A It would be like a calendar, like -- I guess of
 10 all important events that's coming up. And then it's
 11 like a parent meeting, let's say, in the library of our
 12 school, like whatever day or something.
 13 Q Okay. Do you know if there's any documentation
 14 relating to absences from school the school maintains?
 15 A Can you rephrase the question, please.
 16 Q Sure.
 17 Are there any documents that the school
 18 maintains, if you are aware, that keep track of your
 19 absences from school?
 20 A I'm pretty sure that they have it like in their
 21 computer system or something.
 22 Q Do you get copies of any documents relating to
 23 your absences from school?
 24 A No, they don't give those to us. The only
 25 thing -- the only way I guess we would know if we was

1 absent from class would be like on our report cards. It
 2 say how many absences you have for that class.
 3 Q And that information is reflected on your
 4 report card?
 5 A Yeah.
 6 Q Is that the column that reads, "Abs"?
 7 A Yes.
 8 Q Are absences reflected on your transcript as
 9 well? Is that also under the column "Abs"?
 10 A I don't know. Haven't -- I don't know.
 11 MS. PERRIN: Objection; the document speaks for
 12 itself.
 13 MR. ROSENTHAL: Unfortunately in this case it
 14 doesn't quite. I'm trying to understand the
 15 abbreviations they use here.
 16 MS. PERRIN: Objection; calls for speculation.
 17 Answer only if you know.
 18 THE WITNESS: I don't know if it's on here.
 19 BY MR. ROSENTHAL:
 20 Q Do you see the column marked "Abs"?
 21 A Oh, yes.
 22 Q Do you know what "Abs" stands for?
 23 A Absences.
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14 Q Okay. We will move on from the Deposition
15 Notice.

16 Ms. Jones, how old are you?

17 A I'm 17.

18 Q And what grade are you in?

19 A Twelfth grade.

20 Q What school do you attend?

21 A Balboa High School.

22 Q Can you tell me where Balboa High School is.

23 A 1000 Tioga, San Francisco, California 94112.

24 Q Can you tell me how close to the school you
25 live approximately.

1 Q How many children does she have?

2 A Two.

3 Q Do you know their ages?

4 A Now or when I was living with them?

5 Q When you were living with them.

6 A Nineteen and fifteen.

7 Q Did the 15-year-old go to Balboa High School
8 with you?

9 A No.

10 Q Did he or she go to a different school?

11 A Yes.

12 Q What school is that?

13 A ISA.

14 Q ISA?

15 A Yes.

16 Q Does that stand for something?

17 A Yeah, International Studies Academy.

18 Q Do you know if the 19-year-old graduated high
19 school?

20 A Yes.

21 Q Where did he or she go to school?

22 A Mission High School.

23 Q Is that in San Francisco?

24 A Yes.

25 Q Did anybody else live with you while you were

1 A I'd say about 15 blocks, 10 to 15 blocks from
2 my school.

3 Q And how do you get to school?

4 A I catch the bus.

5 Q Do you take the bus home from school as well?

6 A Yes.

7 Q Can you tell me who you live with.
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1 living with your cousin?

2 A No.

3 Q So it was you, your cousin, and her two
4 children?

5 A Yes.

6 Q Anybody else?

7 A No.

8 Q And how long were you living there?

9 A Since '99, since April of '99.

10 Q So you lived with your cousin from April '99
11 until Thanksgiving of 2000? That's about 18 months, I
12 think; right?

13 A Yeah.

14 Q Does that sound right?

15 A Yeah.

16 Q Do you recall where you were living prior to
17 April 1999?

18 A At my great aunt's house.

19 Q Let me just go back to when you were living
20 with your cousin.

21 Approximately how far from Balboa High School
22 did you live?

23 A I don't know. It's two separate neighborhoods.

24 I don't know. It was like an hour ride on Muni.

25 Q An hour ride on Muni?

- 1 A That's all I can say. I don't know.
 2 Q And prior to April 1999 you said that you were
 3 living with your great aunt. Was anybody else living
 4 with you?
 5 A Yes.
 6 Q Who else was living with you?
 7 A Her husband, her son, and his two children.
 8 Q Do you know how old her son was at the time you
 9 were living there?
 10 A Anywhere between 30 and 40.
 11 Q And do you know how old his two children were
 12 at the time you were living there?
 13 A Eighteen and sixteen.
 14 Q At the time you were living there, were the two
 15 children both in school?
 16 A Yes.
 17 Q Can you tell me where the 16-year-old went to
 18 school.
 19 A ISA.
 20 Q And can you tell me where the 18-year-old went
 21 to school.
 22 A Southeast Community College.
 23 Q Can you tell me how far your great aunt's
 24 residence was from Balboa High School.
 25 A About 45 minutes on Muni.

- 1 Q Let's go back to a couple things.
 2 You say you are living with two roommates now.
 3 Can you tell me the ages of those roommates.
 4 A Twenty and seventeen.
 5 Q Do either of the roommates go to school?
 6 A Yes.
 7 Q Do both of them go to school?
 8 A Yes.
 9 Q Can you tell me where the 20-year-old goes to
 10 school.
 11 A City College.
 12 Q Can you tell me where the 17-year-old goes to
 13 school.
 14 A Galileo.
 15 Q Galileo High School?
 16 A High School.
 17 Q Sorry to go back and forth like this.
 18 When you were living with your cousin, were you
 19 living in a house or an apartment?
 20 A In a house.
 21 Q Did you have your own room at the house?
 22 A No.
 23 Q Did you share a room?
 24 A Yes.
 25 Q Who did you share the room with?

- 1 A Her son.
 2 Q Was that the 15-year-old or 19-year-old?
 3 A The 15-year-old.
 4 Q And when you lived at your great aunt's, was
 5 that a house or an apartment?
 6 A A house.
 7 Q Did you have your own room in that house?
 8 A No.
 9 Q Did you share a room?
 10 A Yes.
 11 Q Who did you share a room with?
 12 A With both her grandchildren.
 13 Q That's the 18-year-old and the 16-year-old?
 14 A (Witness nodded head.)
 15 MS. PERRIN: Say, "Yes."
 16 THE WITNESS: "Yes."
 17 BY MR. ROSENTHAL:
 18 Q Thank you.
 19 How long were you living at your great aunt's?
 20 A New Year's Day until April.
 21 Q New Year's Day 1999?
 22 A Yes.
 23 Q Until April 1999?
 24 A (Witness nodded head.)
 25 Q So approximately four months?

- 1 A Yes.
 2 Q Do you recall where you were living prior to
 3 New Year's Day?
 4 A Oklahoma.
 5 Q Who were you living with in Oklahoma?
 6 A My grandmother and my father.
 7 Q How long were you in Oklahoma?
 8 A A little less than a month.
 9 Q Do you recall when you first -- strike that.
 10 So you went to Oklahoma in the beginning of
 11 December of 1998?
 12 A Yes.
 13 Q Do you recall where you were living prior to
 14 December 1998?
 15 A With my cousin, a different one, and my father.
 16 But he moved before -- he moved in September. He left
 17 like in September to go to Oklahoma.
 18 Q Do you recall when you moved in with this
 19 cousin?
 20 A At the end of my -- at the end of my freshman
 21 year in high school.
 22 Q The years are confusing me a little bit.
 23 Do you know what year that was?
 24 A '98.
 25 Q So was it -- the end of your freshman year, is

1 that June? When does the year end?
 2 A Oh, must have been before June. That's
 3 9th grade. I don't know exactly. Somewhere between
 4 February and May.
 5 Q Of 1998?
 6 A Mm-hmm.
 7 MS. PERRIN: Say, "Yes."
 8 THE WITNESS: "Yes." Sorry.
 9 BY MR. ROSENTHAL:
 10 Q In addition to your cousin, who else was living
 11 with you?
 12 MS. PERRIN: Objection; vague and ambiguous. She's
 13 lived with two different cousins.
 14 BY MR. ROSENTHAL:
 15 Q I'm sorry.
 16 The cousin you lived with during 1998, who else
 17 lived with you?
 18 A Me, her, my father until September, and her two
 19 children.
 20 Q Do you know the ages of the children at the
 21 time you were living there?
 22 A Six and nine -- six and -- wait. I'm not sure
 23 it's nine. I'm not sure it's six. Five or six, and
 24 then the other child was eight or nine.
 25 Q Were both of these children in school at the

1 A Yeah.
 2 Q Can you -- well, who did you share a room --
 3 with whom did you share the room at any point in time?
 4 A The six-year-old, her daughter.
 5 Q And for some period of time did you have the
 6 room to yourself?
 7 A Yes.
 8 Q Do you recall at what point in time that was?
 9 A The latter time I was staying with her, like in
 10 say July, like the middle of the summer.
 11 Q And did you have the room to yourself from
 12 approximately the middle of July until you went to
 13 Oklahoma in December?
 14 A I wasn't staying there that long. I forgot.
 15 November -- November? No. September, October --
 16 October I was staying with her.
 17 Q Okay.
 18 A Sorry for the confusion.
 19 Q In October of 1998, who did you live with?
 20 A I went back and forth between my sister and my
 21 father's first wife.
 22 Q Okay. Let's do it this way.
 23 You stated before that in December 1998 you
 24 went to Oklahoma?
 25 A Yes.

1 time?
 2 A Yes.
 3 Q Do you know what schools they went to?
 4 A They went to the same school. I believe
 5 Hillcrest Elementary School.
 6 Q You have mentioned that during 1998 you lived
 7 with your cousin, your father until September, and her
 8 two children. Was there anybody else living with you
 9 during that time?
 10 A No.
 11 Q Can you tell me approximately how far -- the
 12 cousin you were living with in 1998, how far her
 13 residence was from Balboa High School?
 14 A About an hour or less.
 15 Q About an hour traveling how?
 16 A On bus.
 17 Q When you were living with your cousin during
 18 1998, did she live in a house or an apartment?
 19 A She lived in a house.
 20 Q Did you have your own room at this house?
 21 A Let me think. How do I put this? I guess no.
 22 Q You guess no?
 23 A Because it's yes and no.
 24 Q Did you have your own room at certain periods
 25 of time?

1 Q Do you remember where you were living
 2 immediately prior to going to Oklahoma?
 3 A Yes. I was with my -- like, well, the day,
 4 that day, I was with my father's first wife.
 5 Q And how long had you been living with your
 6 father's first wife?
 7 A Well, back between -- back and forth between my
 8 sister and her, like two to three months, like two or
 9 three months.
 10 Q Okay. So from October until December 1998, you
 11 were back and forth between your sister's residence and
 12 your father's first wife's residence?
 13 A Yes.
 14 Q And prior to October 1998, you were living with
 15 the cousin we were discussing earlier?
 16 A Yes.
 17 Q So getting back to having your own room at the
 18 cousin you were living with in 1998, did you have your
 19 own room from approximately July of 1998 until October
 20 of 1998?
 21 A Yes.
 22 Q And prior to July of 1998, you were sharing it
 23 with her six-year-old daughter?
 24 A Her daughter, yes.
 25 Q Okay.

1 MS. PERRIN: Is this a good time for a break?
 2 MR. ROSENTHAL: That's fine.
 3 MS. PERRIN: Okay.
 4 (Recess taken.)
 5 BY MR. ROSENTHAL:
 6 Q Ms. Jones, you understand you are still under
 7 oath?
 8 A Yes.
 9 MR. ROSENTHAL: First I just want to make a quick
 10 statement for the record.
 11 We have identified a couple categories of
 12 documents Ms. Jones has testified she has in her
 13 possession, including report cards and progress reports.
 14 And I would ask counsel to produce those documents to us
 15 as quickly as possible, as they are responsive to the
 16 request for documents that were served.
 17 MS. PERRIN: Progress reports are still one of those
 18 areas that I believe are in dispute. And we can come to
 19 an agreement on that.
 20 And while we are on the record making
 21 statements, this entire last line of questioning about
 22 Alondra's family circumstances is completely outside the
 23 realm of what's permissible. And we could have
 24 instructed on each and every question, but we haven't at
 25 this point. I think it's time we move on to some more

1 substantive questions about the suit.
 2 MR. ROSENTHAL: I think her -- I don't want to
 3 prolong this, but I think her living arrangements are
 4 relevant in connection with her ability to perform
 5 homework at --
 6 MS. PERRIN: Her family circumstances were expressly
 7 ruled not to be relevant. The only information about
 8 family the judge said was permissible was the parents
 9 and their occupations, that's it.
 10 MR. ROSENTHAL: Well, I disagree with your
 11 characterization of the judge's ruling, however I've
 12 been very careful not to delve into the names of any of
 13 these different people or any of the other personal
 14 circumstances.
 15 Just trying to get the general circumstances of
 16 her living situation, which I think is relevant.
 17 MS. PERRIN: We disagree, and I think it's time to
 18 move on.
 19 MR. ROSENTHAL: The progress reports, it's my
 20 understanding they have been produced in connection with
 21 other witnesses. So again, I ask that those get
 22 produced.
 23 MS. PERRIN: And again, I'll make the same
 24 statement; once it's resolved, if they resolve it, it
 25 will be produced.

1 MR. ROSENTHAL: Okay.
 2 Q Ms. Jones, now, we are almost through your
 3 living situation through your high school years.
 4 You testified earlier that from approximately
 5 sometime between February and May of 1998 you lived with
 6 a cousin of yours. Do you recall where you lived prior
 7 to that time?
 8 MS. PERRIN: I'm going to object again. This entire
 9 line of questioning is irrelevant, and it is precluded
 10 by the judge's order. If you can finish this quickly, I
 11 will not instruct her not to answer.
 12 MR. ROSENTHAL: I'm trying to go through -- I
 13 understand that it's been somewhat lengthy. The witness
 14 has moved around a lot, so it's required a number of
 15 questions. I'm just trying to go through her high
 16 school years.
 17 We are in her freshman year. Provided there
 18 hasn't been much moving between September of '97 and
 19 approximately February of 1998, this should take a
 20 couple more minutes.
 21 MS. PERRIN: All right. Answer the question.
 22 But for the record, we think this is all
 23 irrelevant and outside what the judge allowed.
 24 THE WITNESS: Can I answer?
 25 MS. PERRIN: If you can.

1 BY MR. ROSENTHAL:
 2 Q Do you want me to repeat the question?
 3 A No.
 4 I stayed with the cousin who I was staying
 5 with, who acts as my legal guardian.
 6 Q And was this cousin living at the same
 7 residence that she was living at when you lived with her
 8 again at a later time?
 9 A Yeah.
 10 Q And do you recall how long you were living with
 11 that cousin during this -- during your freshman year of
 12 high school?
 13 A I don't understand the question.
 14 Q You stated that you -- prior to living with the
 15 other cousin that you were living with during 1998, you
 16 were living with this cousin who was your legal
 17 guardian?
 18 A Yes.
 19 Q Do you recall what time frame you were living
 20 with her?
 21 A I was living with her since I was 10.
 22 Q Starting from your current school, can you tell
 23 me all schools that you have attended since you have
 24 attended any schools.
 25 MS. PERRIN: Are you asking back to kindergarten?

- 1 MR. ROSENTHAL: Yes. I would like to know what
2 schools she attended.
- 3 THE WITNESS: Balboa High School is my present
4 school. Before that I went to Mission High School.
5 Before that I went to St. Paul of the Shipwreck Academy.
6 Is summer school included?
- 7 BY MR. ROSENTHAL:
- 8 Q Why don't you give me summer school information
9 as well, yes.
- 10 A St. Ignatius Academy. And elementary I went to
11 Malcolm X Academy. And then that was when I moved here
12 in third grade, when I started going to Malcolm X.
13 Before that I attended Parker Elementary School in
14 Oakland.
- 15 Q In Oakland?
- 16 A In Oakland.
- 17 Q Okay. You testified you attended Balboa High
18 School, Mission High School, St. Paul?
- 19 A Of the Shipwreck Academy. I went there from my
20 lower school years.
- 21 Q St. Ignatius, Malcolm X, and Parker Elementary.
22 Were there any other elementary schools that you
23 attended?
- 24 A No.
- 25 Q Can you tell me when you attended Mission High

- 1 Q And what grades did you attend St. Paul's?
2 A Sixth through eighth.
- 3 Q And where is that?
4 A St. Paul? In San Francisco.
- 5 Q Is that a public school?
6 A No.
- 7 Q Private school?
8 A It's a Catholic school, I guess you would
9 describe it.
- 10 Q St. Ignatius Academy, what grades did you
11 attend there?
12 A Summer school, 7th and 8th.
- 13 Q And Malcolm X, were you there from 3rd grade
14 through 5th grade?
15 A Yes.
- 16 Q And kindergarten through 2nd grade you were at
17 Parker Elementary?
18 A Kindergarten through the middle of my 3rd grade
19 year.
- 20 Q Malcolm X Academy, is that in San Francisco?
21 A Yes.
- 22 Q Are you currently employed?
23 A No.
- 24 Q Have you ever been employed?
25 A Yes.

- 1 School?
- 2 A My freshman year.
- 3 Q Were you at Mission High School for your entire
4 freshman year?
5 A Yeah.
- 6 Q Have you been at Balboa High School for the
7 remaining three years of your high school education?
8 A Yes.
- 9 Q Did you take any summer school during your four
10 years of high school education?
11 A Yes.
- 12 Q Where was the summer school?
13 A Balboa.
- 14 Q Did you take summer school every summer --
15 A No.
- 16 Q -- during this time?
17 Can you tell me when you did take summer
18 school.
19 A At the end of my sophomore year, going into my
20 junior year.
- 21 Q Is that the only summer?
22 A Yes. Wait a minute -- yes.
- 23 Q Can you tell me where Mission High School is.
24 Is that in San Francisco?
25 A Yes.

- 1 Q Starting with your most recent job, can you
2 tell me all your jobs that you have held.
3 A Paid or volunteer?
4 Q Let's start with paid.
5 A I worked at Macy's. And before that I worked
6 at SMART.
7 Q SMART?
8 A Strategy Market And Research Technology.
- 9 Q Is that called SMART for short?
10 A Yes.
- 11 Q Any jobs prior to your job at SMART?
12 A Yerba Buena Center for the Arts.
- 13 Q Any jobs prior to working at Yerba Buena Center
14 for the Arts?
15 A No.
- 16 Q Let's just briefly go through some of these.
17 Can you tell me when you worked at Macy's.
18 A November '99 to January of 2000.
- 19 Q And what was your position at Macy's?
20 A Sales associate.
- 21 Q And how many hours did you work per week?
22 A Forty, around forty.
- 23 Q And why did you stop working at Macy's?
24 A Because I was Christmas only. I was hired for
25 Christmas.

- 1 Q Were you also attending school during this
2 time?
- 3 A In November.
- 4 Q You were attending school in part of December
5 as well?
- 6 A Yeah. I mean, yes.
- 7 Q Can you tell me when you worked at SMART.
- 8 A June through August of '98.
- 9 Q June through August of '98.
10 And what was your position there?
- 11 A Telemarketer.
- 12 Q What were your job responsibilities in
13 connection with that job?
- 14 A Well, my -- we call them, certain companies.
15 And we did that consolidation in -- that consolidation
16 and like second loans for mortgage or taking out a
17 second mortgage, and that's about it.
- 18 Q How many hours were you working per week?
- 19 A Around 45.
- 20 Q And why did you stop working at SMART?
- 21 A Because the company got bought out.
- 22 Q Bought out?
- 23 A Yes. And everybody got laid off.
- 24 Q And can you tell me when you were working at
25 the Yerba Buena Center for the Arts.

- 1 A This was also -- this is in June through August
2 of '98 also.
- 3 Q During the same -- this was at the same time
4 you were working at SMART?
- 5 A Yes.
- 6 Q And what was your position there? Let me
7 rephrase the question.
8 What was your position at the Center for the
9 Arts?
- 10 A Youth ambassador.
- 11 Q I'm sorry?
- 12 A Youth ambassador.
- 13 Q Youth ambassador?
- 14 A Yes.
- 15 Q And what were your job responsibilities?
- 16 A We would do like -- because Yerba Buena Center
17 is like a museum, so we would do -- like I guess you
18 call them pieces, like art pieces or something, to be on
19 exhibit in the museum. And then we gave tours at the
20 museum.
- 21 Q How many hours did you work there per week?
- 22 A Anywhere between 5 and 10.
- 23 Q And why did you stop working there in August of
24 1998?
- 25 A Because school started and it was like a summer

- 1 job.
- 2 Q And you mentioned you also had some volunteer
3 positions?
- 4 A Yes.
- 5 Q Can you tell me -- starting with the most
6 recent, can you give me a list of those.
- 7 A Balboa High School.
- 8 Q Anything prior to volunteering at Balboa?
- 9 A Yes.
10 Like 11th -- my 11th grade and some of my 10th
11 grade, 11th grade mostly. My 11th grade year at a day
12 care.
- 13 Q You volunteered at a day care center?
- 14 A Yes.
- 15 Q Do you recall the name of the day care center?
- 16 A No. It -- no. It was just like the lady's
17 name, like the name of the lady.
- 18 Q Do you remember where the day care center was?
- 19 A It was in San Francisco. You mean like what
20 part of San Francisco or you just mean San Francisco?
- 21 Q San Francisco is fine.
22 Any other volunteer positions prior to working
23 at the day care center?
- 24 A No, that I can recall.
- 25 Q Can you tell me what you did at the day care

- 1 center?
- 2 A I helped watch the kids. I like watched them
3 when they went outside and had play time. I helped the
4 lady like clean up, like keep her house clean, and
5 that's about it.
- 6 Q During what time period were you volunteering
7 at the day care center?
- 8 A I don't know the year. I don't remember. It
9 was like when I was in 11th grade.
- 10 Q Was this during the school year?
- 11 A Yes.
- 12 Q Approximately how many hours did you spend
13 volunteering at the day care center?
- 14 A Anywhere between 5 to 15 a week maybe.
- 15 Q Did there come a point in time where you
16 stopped volunteering at the day care center?
- 17 A Yes.
- 18 Q Do you recall when that was?
- 19 A When I moved to the transitional house. No,
20 wait. Yeah.
- 21 Q Now, you testified earlier that you moved to
22 the transitional house in approximately November of
23 2000?
- 24 A Yes.
- 25 Q Were you volunteering at the day care center

1 until November 2000?
 2 MS. PERRIN: Objection; asked and answered.
 3 BY MR. ROSENTHAL:
 4 Q You can answer.
 5 A Just about. I didn't go there often, but I
 6 went.
 7 Q But you were volunteering during the first few
 8 months of your senior year at Balboa?
 9 A Yeah.
 10 Q Did you volunteer at the day care center during
 11 your sophomore year at any point in time?
 12 A No. Wait, sophomore year. No.
 13 Q Do you recall what month you began volunteering
 14 at the day care center?
 15 A No.
 16 Q You also mentioned had you volunteer at Balboa
 17 High School. In what capacity are you a volunteer?
 18 A I do clerical work in the main office.
 19 Q How long have you been doing clerical work in
 20 the main office?
 21 A Since 10th grade. But in 10th grade it was
 22 required as a class. And 11th and 12th grade is when I
 23 just can do it on my own.
 24 Q Do you receive any credit for performing the
 25 clerical work?

1 A Huh-uh. No.
 2 Q And you are not paid for performing the work
 3 either?
 4 A No.
 5 Q Can you tell me who you work with.
 6 MS. PERRIN: At Balboa High School?
 7 MR. ROSENTHAL: Yes.
 8 THE WITNESS: The -- I guess she's the secretary of
 9 the main office.
 10 BY MR. ROSENTHAL:
 11 Q Do you know her name?
 12 A Yes. You want her name?
 13 Q Yes.
 14 A Stephanie.
 15 Q Stephanie?
 16 A Mm-hmm.
 17 Q Do you know the last name?
 18 A Sterling.
 19 Q Do you know how to spell that by any chance?
 20 It's fine if you don't.
 21 A No.
 22 Q And can you describe for me some of the
 23 clerical work that you do in this capacity?
 24 MS. PERRIN: At Balboa High School?
 25 MR. ROSENTHAL: Yes.

1 THE WITNESS: Answer the phones. I make copies for
 2 teachers and other staff members. I fax things. I file
 3 things, look up students' schedules, put the mail in the
 4 staff mailboxes. And like when somebody comes in the
 5 office, like they got a problem, like they say I need
 6 you to call this teacher and tell them that I need
 7 such-and-such, like I do that.
 8 BY MR. ROSENTHAL:
 9 Q Approximately how many hours a week do you
 10 perform this work at Balboa High School?
 11 A As of March, it's been like maybe 5 to 10.
 12 Q Five to ten hours per week?
 13 A Yeah.
 14 Q How long were you -- how many hours per week
 15 did you spend doing this work at Balboa High School
 16 prior to March? And when you say, "March," you mean
 17 March of this year, 2001?
 18 A Yes.
 19 Well, like a little less than five or six.
 20 Q Approximately five hours a week?
 21 A Just about, yeah.
 22 Q So would you say you are working doing more --
 23 spending more time doing this clerical work since March
 24 than you were before?
 25 A Yeah.

1 Q Was there a reason for taking on more work?
 2 A I have less classes now.
 3 Q And you said you have been doing this clerical
 4 work at Balboa High School since 10th grade. How much
 5 time per week had you been spending doing the work in
 6 10th grade?
 7 A I don't know. It was a class. Like I was
 8 teacher's assistant in an office.
 9 Q Was there a name of the class you were taking?
 10 A Yes, TA.
 11 Q And did this class have its own time period
 12 each day?
 13 A Yes, but I don't remember. It was like a
 14 period of the day.
 15 Q Five days a week?
 16 A I don't know. Because we would go back -- we
 17 have gone back and forth between scheduling and other
 18 places, and I really don't remember.
 19 Q How about in 11th grade, how much time per week
 20 did you spend doing clerical work?
 21 A Three times a week.
 22 Q Can you give me an estimate as to how many
 23 hours per week total?
 24 A Around four hours.
 25 Q Four hours per week?

1 A Yes.
 2 Q Did somebody ask you to become a teacher's
 3 assistant?
 4 A Well, in 10th --
 5 MS. PERRIN: Objection; misstates her testimony.
 6 She said the class was required in 10th grade.
 7 But you can answer the question if you
 8 understand it.
 9 THE WITNESS: Yeah, 10th grade they told me to.
 10 BY MR. ROSENTHAL:
 11 Q Was everybody required to take the teacher's
 12 assistant course?
 13 A It's an elective. And most kids request it,
 14 but I was requested by somebody who worked in the
 15 office.
 16 Q Who requested you?
 17 A A woman named -- she don't work there no more,
 18 but I forgot her name.
 19 Q Do you know what her position was?
 20 A She was the secretary of the attendance office.
 21 Q Do you know why she asked you to take the
 22 elective?
 23 MS. PERRIN: Objection; calls for speculation.
 24 You can answer only if you know.
 25 THE WITNESS: I guess she liked me; I don't know.

1 BY MR. ROSENTHAL:
 2 Q After completing the elective course, why did
 3 you continue on to do additional clerical work in the
 4 main office during your junior and senior years?
 5 A Because it was fun.
 6 Q Did anybody ask you to continue working there?
 7 A No. I asked them.
 8 Q Who did you ask?
 9 A I asked the people who -- like secretaries of
 10 the office.
 11 Q Would you work in the main office doing
 12 clerical work during times when you had no class?
 13 A Can you rephrase the question.
 14 Q Sure.
 15 What time of day were you doing clerical work
 16 in the main office during your senior year?
 17 A Well, the fall, it would be during lunch. And
 18 during lunch I would work. And then like March, it
 19 would be after I'm done with my classes sometimes.
 20 Q Did you work after school as well?
 21 A No.
 22 Q Have you ever been involved in any other
 23 lawsuits?
 24 A No.
 25 Q Can you describe for me how you became involved

1 in this lawsuit.
 2 MS. PERRIN: I'm going to instruct you not to
 3 disclose any communications with counsel, but you can
 4 answer the question.
 5 THE WITNESS: A teacher. My teacher told me that
 6 somebody wanted to talk -- wanted to talk to me and ask
 7 me some questions.
 8 BY MR. ROSENTHAL:
 9 Q Who was this teacher?
 10 A Her name?
 11 Q Yes.
 12 A Safir.
 13 MS. PERRIN: S-a-f-i-r.
 14 BY MR. ROSENTHAL:
 15 Q I'm sorry. Is that a male or female?
 16 A That's a female.
 17 Q Is Ms. Safir a teacher at Balboa High School?
 18 A Yes.
 19 Q What does she teach?
 20 A Now I don't know, but she taught -- she was my
 21 prelaw teacher and my U.S. History teacher.
 22 Q We will scare you out of prelaw before all this
 23 is done.
 24 MS. PERRIN: May already have done that.
 25 BY MR. ROSENTHAL:

1 Q So you said prelaw and U.S. History -- is that
 2 the other?
 3 A Yes.
 4 Q Can you describe for me the conversation you
 5 had with Ms. Safir.
 6 A Well, she told me that someone she knew just
 7 wanted to ask me a couple questions. And then I said,
 8 "About what?" And she was like, "About the school."
 9 That was it.
 10 Q Did she tell you who her friend was, or the
 11 person she knew that she was referring to?
 12 A No. She said that she had gave like -- her
 13 friend asked if it was okay. And I told her yeah, and
 14 she gave her friend my number.
 15 Q Do you recall anything else about the
 16 conversation with Ms. Safir?
 17 A No, that's all she said.
 18 Q Do you recall asking her what her friend wanted
 19 to know about the school?
 20 A No. The only thing I said was, "Like what do
 21 you -- like what does she want?"
 22 She's like, well, "Just to talk about the
 23 school," and that was it.
 24 Q Did Ms. Safir say anything to you about a
 25 lawsuit being filed?

1 A No.
 2 Q Do you recall when you had this conversation
 3 with Ms. Safir?
 4 A No. Mm-hmm.
 5 Q Can you give me an approximate? Can you tell
 6 me what year?
 7 A My 11th grade year.
 8 Q Do you recall if it was the fall semester or
 9 the spring semester?
 10 A I really can't. I just know it was 11th,
 11 because that's when I had her class.
 12 Q Do you know if Ms. Safir asked any other
 13 students to speak to the person she knew in connection
 14 with the conversation -- let me rephrase that. Sorry.
 15 Do you know if Ms. Safir spoke to any other
 16 students and asked them to speak to her acquaintance?
 17 A No, I don't know if she did.
 18 Q You mentioned that she gave your telephone
 19 number to her friend?
 20 A Yes.
 21 Q Did you receive a phone call from her friend?
 22 A Yes.
 23 Q Can you tell me this friend's name?
 24 A I think I forgot. It was -- I forgot. But it
 25 was somebody from the -- what's it called?

1 MS. PERRIN: The ACLU.
 2 THE WITNESS: Someone from the ACLU.
 3 BY MR. ROSENTHAL:
 4 Q Do you recall if it was an attorney?
 5 A I don't know.
 6 Q Do you recall the person's first name?
 7 A No.
 8 Q Do you remember when you received this
 9 telephone call?
 10 A By "when," what do you mean?
 11 Q Why don't we tie it to your conversation with
 12 Ms. Safir.
 13 How soon after you spoke to Ms. Safir did you
 14 receive this telephone call?
 15 A Maybe like a week. I really don't know.
 16 Q Are you guessing when you say, "a week," or is
 17 that your best estimate?
 18 A My best estimate.
 19 Q How long was this phone conversation you had?
 20 MS. PERRIN: With the person from the ACLU?
 21 MR. ROSENTHAL: Yes. Sorry. Thank you.
 22 THE WITNESS: I'm not really sure, but 15 minutes.
 23 BY MR. ROSENTHAL:
 24 Q During this phone call, did the person you were
 25 speaking with at any point mention the filing of a

1 lawsuit or the possibility of filing a lawsuit?
 2 MS. PERRIN: Objection.
 3 I'm going to instruct you not to answer on the
 4 grounds of attorney-client privilege.
 5 MR. ROSENTHAL: I disagree with your assertion of
 6 privilege. We haven't established this is an attorney.
 7 Are you making a representation she was speaking with an
 8 attorney?
 9 MS. PERRIN: If it wasn't an attorney, she was
 10 speaking with someone at the ACLU which are the
 11 attorneys' agents.
 12 MR. ROSENTHAL: I'm asking whether it was mentioned
 13 that there was a possibility of filing a lawsuit or if a
 14 lawsuit had been filed. At this point Ms. Jones was not
 15 a client, and there's -- at this point there's no
 16 indication there was an attempt to establish an
 17 attorney-client relationship.
 18 MS. PERRIN: In having discussions with potential
 19 clients, that was to establish the attorney-client
 20 relationship. I'll let you lay a little bit of
 21 foundation.
 22 But I don't want you to testify as to the
 23 specifics of any conversation.
 24 THE WITNESS: Okay.
 25 MS. PERRIN: Okay.

1 BY MR. ROSENTHAL:
 2 Q Are --
 3 MS. PERRIN: I'm sorry. I'm sure you lost the
 4 question. Do you want it read back?
 5 MR. ROSENTHAL: I have it, actually. I'm just
 6 trying to think if I want to rephrase it.
 7 Q During this phone call with the person at the
 8 ACLU, did the person at any point ask you if you were
 9 willing to become a plaintiff in an action that raised
 10 issues concerning your school?
 11 A No.
 12 Q Did this person mention that a lawsuit had been
 13 filed in connection with conditions in California public
 14 schools?
 15 MS. PERRIN: Can we go off the record for a second.
 16 (Discussion off the record.)
 17 MR. ROSENTHAL: There's a question pending.
 18 MS. PERRIN: I think it may disclose privilege, so
 19 I'm going to take her outside and talk to her about it.
 20 MR. ROSENTHAL: I haven't agreed to go off the
 21 record.
 22 MS. PERRIN: That's fine.
 23 Come on.
 24 MR. ROSENTHAL: I would like the record to note that
 25 counsel for Ms. Jones has stepped out of the room and

1 taken Ms. Jones with her. At this point we will go off
 2 the record until they return.
 3 (Recess taken.)
 4 MS. PERRIN: You can reask the question.
 5 MR. ROSENTHAL: Read back my last question, and read
 6 until the end.
 7 (The record was read as follows:
 8 "Question: Did this person mention that a
 9 lawsuit had been filed in connection with
 10 conditions in California public schools?
 11 "MS. PERRIN: Can we go off the record for a
 12 second.
 13 (Discussion off the record.)
 14 "MR. ROSENTHAL: There's a question pending.
 15 "MS. PERRIN: I think it may disclose
 16 privilege, so I'm going to take her outside and
 17 talk to her about it.
 18 "MR. ROSENTHAL: I haven't agreed to go off the
 19 record.
 20 "MS. PERRIN: That's fine.
 21 "Come on.
 22 "MR. ROSENTHAL: I would like the record to
 23 note that counsel for Ms. Jones has stepped out
 24 of the room and taken Ms. Jones with her. At
 25 this point we will go off the record until they

1 organization or something like that, that like
 2 represents like the people, like people coming to them
 3 and stuff, like -- like when people come up to them when
 4 they want to like -- I guess need legal help or
 5 something, like -- yeah, when they need legal help, when
 6 they are establishing -- I forgot the -- that's all they
 7 told me about the ACLU.
 8 Q Did you ask them why they wanted to speak to
 9 you?
 10 A No.
 11 Q Were you in need of legal help?
 12 A No.
 13 Q So did you have an understanding as to why they
 14 were trying to contact you?
 15 A Well, I assume that these were the friends that
 16 Ms. Safir was talking about. Usually don't nobody else
 17 call me like that, so --
 18 Q Did you discuss your school during the call?
 19 A No.
 20 Q When you stepped out of the room with your
 21 attorney, did you discuss the question that I asked you?
 22 MS. PERRIN: Objection; calls for attorney-client
 23 communication.
 24 Don't answer that question.
 25 MR. ROSENTHAL: Are you instructing your witness not

1 return.")
 2 MS. PERRIN: You want to repeat your question.
 3 MR. ROSENTHAL: Can you repeat that question, and we
 4 will get a response.
 5 (The record was read as follows:
 6 "Question: Did this person mention that a
 7 lawsuit had been filed in connection with
 8 conditions in California public schools?")
 9 THE WITNESS: No.
 10 BY MR. ROSENTHAL:
 11 Q Did this person mention to you during this call
 12 that they were considering filing a lawsuit concerning
 13 conditions in California public schools?
 14 A No.
 15 Q Did this person tell you why they wanted to
 16 speak to you?
 17 A Yes.
 18 Q What did they tell you was the reason that they
 19 wanted to speak to you?
 20 A To tell me what the ACLU did, like what they
 21 did and when they was established and tell me that I
 22 should be expecting a call from Catherine Lhamon.
 23 Q What did this person tell you that the ACLU
 24 did?
 25 A They said that the ACLU was like a nonprofit

1 to answer?
 2 MS. PERRIN: I am instructing the witness not to
 3 answer.
 4 MR. ROSENTHAL: On what basis?
 5 MS. PERRIN: On attorney-client privilege.
 6 BY MR. ROSENTHAL:
 7 Q Are you going to follow your attorney's
 8 instruction?
 9 A Yeah.
 10 Q If your attorney did not instruct you not to
 11 answer the question, would you be able to answer the
 12 question?
 13 MS. PERRIN: Objection; the question is vague.
 14 BY MR. ROSENTHAL:
 15 Q Are you capable of answering my question?
 16 A By "capable," what do you mean like.
 17 Q Can you answer? Can you give me a truthful
 18 answer to my question?
 19 A I would have to see if she was --
 20 Q I'm not asking for the answer to the question;
 21 I'm asking you whether you could give it to me if your
 22 attorney allowed you to.
 23 A Yeah.
 24 Q In this first conversation you had with
 25 somebody from the ACLU, they told you that you should

1 expect a call from Catherine Lhamon?
 2 A Yes.
 3 Q Did they say why she would call?
 4 A No. They just said, "You should be expecting a
 5 call from Catherine." I thought, okay.
 6 Q And you assumed this was in connection with
 7 your -- let me rephrase that.
 8 You assumed Ms. Lhamon would be calling you in
 9 connection with a conversation you had with Ms. Safir
 10 referring to -- let me try this again.
 11 Why did you think that Ms. Lhamon was going to
 12 call you?
 13 MS. PERRIN: Objection; asked and answered.
 14 You can answer.
 15 THE WITNESS: Well, A) because the people told me
 16 that she was going to -- you know, like I said before, I
 17 thought that this was in connection to what Ms. Safir
 18 was talking about.
 19 BY MR. ROSENTHAL:
 20 Q Did Ms. Lhamon call you at some point?
 21 A Yes.
 22 Q Do you recall when she called you?
 23 A Like a couple of days after the first phone
 24 call.
 25 Q Was there anybody else on the phone call at the

1 time?
 2 A No.
 3 MS. PERRIN: The call with Catherine?
 4 MR. ROSENTHAL: Yes.
 5 THE WITNESS: No.
 6 BY MR. ROSENTHAL:
 7 Q Was there anybody else on the call you had,
 8 your first call with somebody from the ACLU?
 9 A No.
 10 Q Let me go back one question.
 11 When you had your conversation with Ms. Safir,
 12 was there anybody else present during that conversation?
 13 A No.
 14 Q Do you recall where that conversation took
 15 place?
 16 A Yeah, we were at school.
 17 Q Can you tell me where you were at school.
 18 A I think we were in my U.S. History classroom.
 19 Q Was anybody else in the classroom at the time?
 20 A No.
 21 Q When Ms. Lhamon called you, did she ask you to
 22 be a plaintiff in connection with a lawsuit concerning
 23 conditions in California public schools?
 24 MS. PERRIN: Objection; calls for attorney-client
 25 communications.

1 And I instruct you not to answer.
 2 MR. ROSENTHAL: Are you instructing her not to
 3 answer on the basis of attorney-client privilege?
 4 MS. PERRIN: Yes.
 5 MR. ROSENTHAL: Is it your position that there has
 6 been an attorney-client privilege established at this
 7 point in their relationship?
 8 MS. PERRIN: I believe that your question would
 9 require the disclosure of attorney-client
 10 communications, that the conversation with Catherine
 11 Lhamon was for the purpose of establishing a legal --
 12 relationship for legal representation and that it is
 13 protected.
 14 MR. ROSENTHAL: If that's your position, that Ms.
 15 Jones and Ms. Lhamon at this point have never spoken to
 16 each other, don't know who each other are, and the first
 17 words out of anybody's mouth during this phone
 18 conversation is privileged.
 19 MS. PERRIN: I object to that characterization.
 20 Ms. Jones knew exactly who Ms. Lhamon was from the
 21 previous conversations. Ms. Lhamon knew who Ms. Jones
 22 was from previous conversations.
 23 The exact words that came out of their mouth,
 24 no. But the conversations that occurred throughout the
 25 course of that conversation are privileged, and I'm

1 going to instruct her not to answer.
 2 BY MR. ROSENTHAL:
 3 Q Before you received a phone call from
 4 Ms. Lhamon, were you aware that she was an attorney?
 5 A Yes.
 6 Q How did you know that?
 7 A Because when the person from the ACLU called,
 8 like when we were done talking, they were like, "Okay,
 9 so you should be expecting one of our attorneys,
 10 Catherine Lhamon, to call you." I'm like, okay.
 11 Q Did you ask her why an attorney would be
 12 calling you?
 13 A No.
 14 Q Did you think it was strange that an attorney
 15 would be calling you?
 16 A No.
 17 Q Has an attorney ever called you before --
 18 A Yes.
 19 Q -- prior to Ms. Lhamon's calling you?
 20 A Yes. The attorney who called me before
 21 Ms. Lhamon didn't have nothing to do with this; it had
 22 to do with -- I was going through a legal process with
 23 guardianship, so those people.
 24 Q Okay. Did Ms. Safir tell you at any time that
 25 attorneys would be involved in the matters that you had

1 discussed with her?
 2 A No.
 3 Q Do you know what a plaintiff is?
 4 A I think I know what a plaintiff is.
 5 Q What do you think a plaintiff is?
 6 A It's when like there's a plaintiff and
 7 defendant, and the plaintiff is the one who like is
 8 initiating the lawsuit, and then the defendant would be
 9 like the person defending themselves against whatever
 10 plaintiff said.
 11 Q Okay. Do you understand that you are a
 12 plaintiff in this lawsuit?
 13 A Yes.
 14 Q And can you tell me what your understanding is
 15 as to why you are suing in connection with this lawsuit.
 16 MS. PERRIN: You can answer the question, but don't
 17 disclose any specific conversations that you had with me
 18 or Catherine or any of the other lawyers, okay?
 19 THE WITNESS: Okay.
 20 MS. PERRIN: Okay.
 21 THE WITNESS: Can you repeat the question.
 22 BY MR. ROSENTHAL:
 23 Q Sure.
 24 Can you tell me what your understanding is for
 25 why you are a plaintiff in this case, why you are suing

1 in this case.
 2 A Well, I'm suing because of the unfair
 3 conditions of my school and the -- yeah, the unfair
 4 conditions at my school.
 5 Q What do you mean by "unfair conditions"?
 6 A Unfair conditions meaning the fact that we
 7 didn't have and some of the classes still don't have
 8 enough textbooks to take home to like do homework,
 9 whereas the Marin Academy does, and that's unfair to us.
 10 We should have textbooks to take home also.
 11 Q You have mentioned that it's your understanding
 12 you are suing because of unfair conditions. Are there
 13 any other reasons that you are suing in this case?
 14 A Underfunding.
 15 Q What was that, underfunding?
 16 A Yes. And obviously my school isn't the only
 17 school who's said that they are not being funded
 18 properly or have -- other schools also feel that --
 19 well, other kids at other schools feel that, you know --
 20 they are like, it's unfair basically. Certain
 21 conditions at their school are hindering their ability
 22 to learn.
 23 Q Any other reasons you are suing?
 24 A To my knowledge, that's about it.
 25 Q You said one of the reasons was underfunding.

1 What do you mean by "underfunding"?
 2 A Underfunding means that California was 41st, I
 3 believe, out of the 50 states who received the least
 4 amount of school funding. And also the funding that we
 5 do get -- I'm pretty sure the funding that we do get
 6 is -- it's not -- nobody's like -- like the money we do
 7 get, nobody is like keeping up -- okay, I don't know how
 8 to explain this -- like keeping up on it.
 9 Like they give us -- will give districts or
 10 whatever money, and then that's it. They don't keep --
 11 or they don't try to see where the money is being spent
 12 or how it's being spent. Or they know -- no one ever
 13 from the State of California has ever come to my school
 14 and asked us how much money is being spent or how it's
 15 being spent, what we think it should be spent on, what
 16 do we still need money for, what do we have enough of.
 17 Q You also said another reason for suing in this
 18 case is because students at other schools have similar
 19 conditions that hinders their ability to learn?
 20 A I don't know if the conditions are similar, but
 21 they do also have unfair conditions that hinder their
 22 ability to learn.
 23 Q How do you know that?
 24 A I talk to kids from other schools, and I ride
 25 the Muni. And you hear a lot of stuff on the Muni, such

1 as I heard a student say one time I was going home like,
 2 "It was so hot in the classroom, I almost fainted."
 3 And she was like -- and another girl was like,
 4 "You-all could have opened a window."
 5 And she said, "We did. We don't have
 6 air-conditioning, and so I almost fainted in class."
 7 Also I've read it in the -- in like a paper,
 8 you know.
 9 Q What kind of paper? Do you mean a newspaper?
 10 A No. Like a paper, like one of these papers.
 11 Q Something in connection with this lawsuit?
 12 A Yeah. Yes.
 13 Q Do you know if it was the Complaint?
 14 A I can't pretty much tell the papers apart,
 15 unless this is my declaration, because I've seen that.
 16 Q If I showed you the Complaint, might it refresh
 17 your recollection?
 18 MS. PERRIN: Why don't we try.
 19 THE WITNESS: It might.
 20 MR. ROSENTHAL: I wasn't going to mark it as an
 21 exhibit, for copying reasons. If you want to take a
 22 look at it sure and make sure it's all right.
 23 MS. PERRIN: You know, I --
 24 MR. ROSENTHAL: I think that was a copy we got from
 25 you guys that was red-lined. If you have another copy

1 we can use yours.
 2 MS. PERRIN: It's odd to see it red-lined.
 3 MR. ROSENTHAL: That's the way -- I haven't seen one
 4 that was not red-lined.
 5 MS. PERRIN: Okay.
 6 BY MR. ROSENTHAL:
 7 Q You can ignore the lines and markings.
 8 MS. PERRIN: These ignore. So this one you wouldn't
 9 have seen.
 10 BY MR. ROSENTHAL:
 11 Q Does that look like the document you were
 12 talking about?
 13 MS. PERRIN: Here we go. How about this? You can
 14 have this one.
 15 How's that?
 16 MR. ROSENTHAL: All right. I'll take this one back.
 17 THE WITNESS: Yeah. Because I remember looking at
 18 all these kids' names and stuff.
 19 BY MR. ROSENTHAL:
 20 Q So that's the document you are referring to?
 21 A Yes.
 22 Q Not to belabor this, but you said you heard
 23 somebody on the Muni who said that they almost fainted
 24 in class?
 25 A Yes.

1 Q Do you know who that person was?
 2 A No.
 3 Q Do you know what school they went to?
 4 A Well, they had only uniforms, black-and-white
 5 uniforms. And in our district the schools wear
 6 black-and-white uniforms or -- Martin Luther King Middle
 7 School, Burton High School, Luther Burbank. That's
 8 about it.
 9 Q Do you know if there person went to any of
 10 those schools?
 11 A Well, they had to, because they had the uniform
 12 on.
 13 Q Could they have gone to a private school
 14 perhaps?
 15 A No, because there's no private schools in our
 16 area that wear black-and-white.
 17 Q And you mentioned you also talked to other kids
 18 about what you called unfair conditions at their
 19 schools. Can you tell me who you spoke to? Do you
 20 recall any occasions of speaking to kids?
 21 A It was informally. Like someone like noticed
 22 me from the SF Weekly and then asked me, "Oh, you know,
 23 what is -- why are you" -- basically, "Why are you in
 24 the paper? Why was you in the paper?"
 25 And I tell them, and then they agreed, like,

1 oh, yeah. And then we would swap stories about how we
 2 are half freezing to death in the classroom or
 3 something. We joke and go back and forth about who's
 4 seen the most rats at their schools.
 5 Q Do you know the name of this person that you
 6 are referring to?
 7 A No, because a lot of people just like stopped
 8 me. Because like I said, they recognized me from the
 9 SF Weekly, so they started talking to me about it.
 10 Q Do you remember any of the names of the people
 11 who stopped you?
 12 A No.
 13 Q You said that at least on one occasion they
 14 asked why you were in the paper?
 15 A Yeah. Like why was I in the paper.
 16 Q What did you say to them?
 17 A That I'm a part of a lawsuit.
 18 Q And what did they say?
 19 A "What lawsuit?" And I say like, the lawsuit
 20 that -- where you are suing the state, with -- about the
 21 unfair conditions in our schools, in our public schools.
 22 Q And did they say anything back to you?
 23 A Yes.
 24 Q What did they say?
 25 A Oh, that's when like, if it's parents or

1 something, a lot of parents supporting us, "That's good
 2 that you are standing up." And then if it was a student
 3 or a child or a TMA or something, they be like, "Oh,
 4 yeah, well" -- and that's when we swap stories, like,
 5 "Oh, I was in class the other day and four kids had to
 6 share a book," or something like that.
 7 Q Do you recall approximately how many of these
 8 conversations you had?
 9 A I don't know.
 10 Q Can you give me an estimate or would it just be
 11 a guess?
 12 A It would be a guess.
 13 Q Was it more than 10?
 14 A I really don't even know.
 15 Q Could it have been less than 10?
 16 A I really don't know.
 17 Q Do you recall approximately when you had these
 18 conversations?
 19 A After I was featured in SF Weekly.
 20 Q Do you recall the date of the article in
 21 SF Weekly?
 22 A I believe it was October 2000, but I'm not
 23 quite sure.
 24 Q And were these conversations -- strike that.
 25 You say that you had these conversations after

1 the article appeared in SF Weekly. Can you tell me
 2 approximately how close to the time the article was
 3 published you had these conversations?
 4 A October -- like the end of October, early
 5 November is when people started recognizing me.
 6 MR. ROSENTHAL: Do you want to take our lunch break
 7 now?
 8 MS. PERRIN: Okay.
 9 (Lunch recess was taken at 1:00 p.m.)

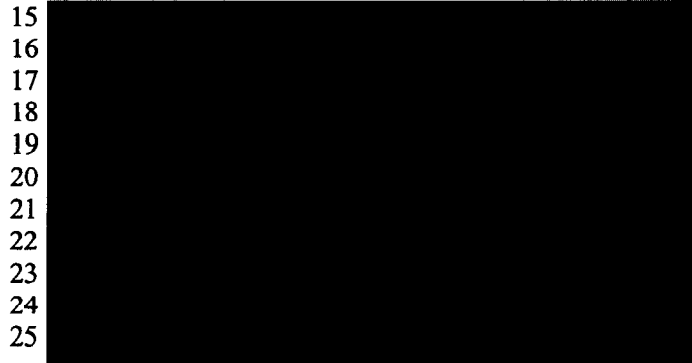
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18 MR. ROSENTHAL: Okay. I'm going to mark as
 19 Exhibit 2 the document -- the two-page document that is
 20 dated August 28th, 2000 which reads on top,
 21 "San Francisco Unified School District Scholarship
 22 Record," which has been produced by plaintiffs to me
 23 today.
 24 (Defendant's Exhibit 2 was marked for
 25 identification by the court reporter.)

1 AFTERNOON SESSION 2:00 P.M.
 2 EXAMINATION (Resumed)
 3 BY MR. ROSENTHAL:
 4 Q Alondra, you understand you are still under
 5 oath?
 6 A Yes.
 7 Q And did you talk to anybody about this case
 8 during your lunch break?
 9 A No.
 10 Q Did you talk to your attorney about the case?
 11 A No.
 12 Q Did your attorney show you any documents in
 13 connection with this case during lunch?
 14 A No.



1 MS. PERRIN: The transcript is a summary of all of
 2 the report cards. Do you still want the report cards?
 3 MR. ROSENTHAL: I do.
 4 MS. PERRIN: Okay.
 5 MR. ROSENTHAL: And as part of the process, now I'm
 6 going to have her take me through the transcript to make
 7 sure I can read it and see what's contained in both
 8 documents. At this point, I'm not clear if the same
 9 information is contained in both.
 10 MS. PERRIN: If at the end we determine they are
 11 virtually identical, let's revisit the issue.
 12 MR. ROSENTHAL: That's fine.
 13 MS. PERRIN: Okay.
 14 BY MR. ROSENTHAL:
 15 Q Can you take a look at that Exhibit 2, what's
 16 been marked as Exhibit 2.
 17 A Yes.
 18 Q Can I direct your attention to the center of
 19 the page. Towards the top it says, "Parent/Guardian."
 20 Do you see the name next to "Parent/Guardian"?
 21 A Yes.
 22 Q Can you read that name?
 23 A Denise Vandercourt.
 24 Q Can you tell me who that is.
 25 A That's my guardian.

- 1 Q Is that the legal guardian you referred to in
2 your testimony this morning?
3 A Yes.
4 Q Do you see where it says, "Date of Birth --
5 A Yes.
6 Q -- right above "Parent/Guardian"?
7 It says June 16th, 1983, is that correct?
8 A Yes.
9 Q Is that your correct date of birth?
10 A Correct day.
11 Q Moving down on the page, you see where it says,
12 "97 Fall" on the left side of the page?
13 A Yes.
14 Q Below the "97," there are the three letters
15 written, "Sin," and then a number sign.
16 A Yes.
17 Q Do you know what that stands for?
18 A No.
19 Q I'm going to try to stay on this line and move
20 to the right, where it says the word "Mark"?
21 A Yes.
22 Q Do you know what that word is referring to?
23 A Yes.
24 Q What is it referring to?
25 A My grade.

- 1 Q Are the letters that are below the word, "Mark"
2 the grades you received in the courses as referenced --
3 as they are listed there?
4 A Yes.
5 Q Next to the word, "Mark," do you see the three
6 letters, "Cit"?
7 A Yes.
8 Q Do you know what that stands for?
9 A Yes.
10 Q What does that stand for?
11 A Citizenship.
12 Q Citizenship?
13 A Yes.
14 Q And underneath in the columns marked
15 citizenship, it appears that the letters [REDACTED]
16 listed; is that correct?
17 MS. PERRIN: Objection; misstates the document a
18 little bit. There are E's also, I believe.
19 MR. ROSENTHAL: That is correct. I also see an E.
20 Q [REDACTED], and in some cases there's no entry at
21 all.
22 A Yeah.
23 Q Do you know what those letters stand for?
24 A Yes.
25 Q Can you tell me?

- 1 A S is for satisfactory; U is for unsatisfactory;
2 and E is for excellent.
3 Q And do you know, if there's no letter in that
4 column, what that means?
5 A No, I do not.
6 Q Is it your understanding that you receive a
7 grade for citizenship in each of the courses you take?
8 MS. PERRIN: Objection; vague as to "grade."
9 THE WITNESS: Can you rephrase the question.
10 BY MR. ROSENTHAL:
11 Q Sure.
12 What do you understand the S, the U, or the E
13 to mean?
14 A How I act in class.
15 Q Do you consider that to be a grade on how you
16 act in class?
17 A Yeah, that's how they grade on how you act in
18 class.
19 Q And who provides -- who gives you that grade?
20 A The teacher.
21 Q Again toward the top of the page, to the right
22 of the "Cit" there's "Abs." We have already covered
23 that. That's absences; is that correct?
24 A Yes.
25 Q I think this is self-explanatory, but I just

- 1 want to confirm.
2 Underneath "Course" it lists the name of the
3 course you have taken?
4 A Yes.
5 Q Underneath is the name of the teacher who
6 taught the course?
7 A Yes.
8 Q Moving down the page, do you see on the left
9 side where it says, "GPA NPE"?
10 A Yes.
11 Q Do you know what that stands for?
12 A "GPA" stands for grade point average, but I
13 don't know what "NPE" stands for. Wait, I think I do.
14 "N" is no, PE, I think. It's without the PE grade. I
15 might be wrong, though.
16 Q And moving to the right, there's "GPA WPE"?
17 A And I believe that's with PE. My grade point
18 average with PE as a class, I think.
19 Q Just to clarify, so these would be -- at least
20 you think these are your grade point averages with and
21 without your grade in physical education included?
22 A I believe so, yes.
23 Q Again moving to the right, do you see, "CGPA
24 WPE"? That's a lot of letters.
25 A Yes.

1 Q Do you know what that stands for?
 2 A Yes.
 3 Q Can you tell me what it stands for.
 4 A Cumulative grade point average with PE.
 5 Q And then we have "CGPA NPE." Can you tell me
 6 what that stands for.
 7 A Cumulative grade point average, no PE.
 8 Q Okay. Continuing along that row, next is,
 9 "ATT WPE."
 10 A I have no idea what that means.
 11 Q Okay. Continuing, how about the "ERN WPE"?
 12 A I would assume credits earned with PE.
 13 Q Okay. And how about "CUM WPE"?
 14 A I don't know.
 15 Q Could it mean cumulative with physical
 16 education? Only if you know. I don't want you to
 17 guess.
 18 A I don't know.
 19 Q Does this transcript accurately state all of
 20 the grades you received in the classes that are listed,
 21 to the best of your knowledge?
 22 A No. Under fall of '98, if you go under
 23 "Course," and it says, "World Lit." and under "Teacher,"
 24 where it says, [REDACTED] and under "Mark," where it says,
 25 [REDACTED]," that was supposed to have been changed.

1 Q It was supposed to be changed to what grade?
 2 A To a [REDACTED].
 3 Q And why was that?
 4 A Well, I had received a [REDACTED] because our teacher
 5 had left -- she got sick, or something was wrong with
 6 her throat or something, she got some type of throat
 7 disease; I don't know. But she got sick, basically, and
 8 left. And we had a continuous number of substitute
 9 teachers.
 10 And because of different substitute teachers
 11 and different work and different teaching styles and
 12 different things we did, it resulted into not all of my
 13 work -- it resulted into me not getting any work.
 14 So when it was time to see the grades to be
 15 marked, the substitutes gave the grade. And this wasn't
 16 like one continuous substitute; this was like a
 17 substitute we get for that week or for that day, and
 18 then like the week before it would be a different
 19 substitute, so that substitute gave us the grade.
 20 And everyone -- no, I don't want to say exactly
 21 everyone. Mostly everyone received a [REDACTED] in
 22 that class. And a lot of parents and other people and
 23 the students basically complained about that because
 24 that wasn't our fault. And a lot of the transcripts
 25 were changed. Mine is not one of the ones that were

1 changed that was going to be changed.
 2 Q And why is it going to be changed to [REDACTED]?
 3 A Because I show [REDACTED] work and also the other --
 4 other class I had with [REDACTED], which was Academic Literacy,
 5 I got [REDACTED]. And prior to her getting sick and leaving,
 6 the grade I had in her class was [REDACTED] up to when she left
 7 and only went down to [REDACTED] when all the other substitutes
 8 started coming in doing different things.
 9 Q Do you know -- strike that.
 10 You stated that your grade in the class prior
 11 to [REDACTED] getting sick was a [REDACTED].
 12 A Yes.
 13 Q And that therefore the grade would be changed
 14 to [REDACTED] for the -- for your final grade in that class; is
 15 that correct?
 16 A Yes.
 17 MS. PERRIN: Objection; compound.
 18 Make sure to answer both parts of the question.
 19 THE WITNESS: Okay.
 20 What was the first part?
 21 BY MR. ROSENTHAL:
 22 Q I'll rephrase the question.
 23 You already stated that prior to [REDACTED]
 24 getting sick your grade in the class was a [REDACTED]; is that
 25 correct?

1 A Yes.
 2 Q And is it your understanding that your final
 3 grade in the class would be a [REDACTED] based on the grade you
 4 had up until the point she got sick?
 5 A No. I would have gotten an [REDACTED].
 6 Q Why would you have gotten an [REDACTED]?
 7 A Because I would have pulled my grade up, or I
 8 probably would have been on the verge of getting an [REDACTED]
 9 before she left.
 10 Q Let me try it this way.
 11 So why do you think you are entitled to a [REDACTED] in
 12 that class?
 13 MS. PERRIN: Objection; asked and answered.
 14 But you can answer the question.
 15 THE WITNESS: Well, why should they change it?
 16 BY MR. ROSENTHAL:
 17 Q Yes.
 18 A Okay. Well, like I said before, I had a [REDACTED] up
 19 until she left. And also the school has already taken
 20 responsibility that those grades aren't the grades --
 21 well, this [REDACTED] was not the [REDACTED] I deserved.
 22 And the other [REDACTED] the other students
 23 got were not the grades they deserved, because different
 24 substitutes gave different work, and we had almost a
 25 different substitute almost every day. So all these

1 different substitutes gave different works.
 2 Some of the substitutes lose work from other
 3 substitutes when they assign work. And at the time the
 4 grades would come in, there was a substitute that had
 5 been there all week and he hadn't assigned any work nor
 6 had he looked at any work from the previous substitute,
 7 if we did any.

8 So he, for reasons beyond my knowledge, gave
 9 everyone [REDACTED] almost everyone [REDACTED]

10 Q Has someone at the school told you this grade
 11 would be changed to a [REDACTED]

12 A Yes.

13 Q And who told you that?

14 A My teacher.

15 Q Which teacher?

16 A Mr. -- no, matter of fact it wasn't even the
 17 person I was thinking of. It was Ms. Kory who was a
 18 former principal of Balboa High School.

19 MS. PERRIN: Former principal?

20 THE WITNESS: Yes.

21 BY MR. ROSENTHAL:

22 Q Do you know how to spell her last name, by any
 23 chance?

24 A K-o-r-y.

25 Q Do you recall when she told you this?

1 Q Do you recall when that was?

2 A I don't know.

3 Q Was it this year?

4 A Not until in -- not in 12th grade, no.

5 Q Was it while you were in 11th grade?

6 A I really don't know.

7 Q Are there any other grades on this transcript
 8 that you believe are incorrect?

9 A No. I think that's about right, everything
 10 looks about right.

11 Q Is there any other information that's contained
 12 on this transcript that you believe is not correct?

13 A Well, what's the entry date, when I started
 14 school, when I started school there?

15 MS. PERRIN: I don't know.

16 She asked if the entry date refers to the date
 17 she started school.

18 THE WITNESS: That's not correct.

19 BY MR. ROSENTHAL:

20 Q Is that the entry date you started at Balboa
 21 High School?

22 A No.

23 Q When did you start at Balboa High School?

24 A October.

25 Q Of what year?

1 A Oh, no. Just after we had the big parent
 2 meeting. Everybody's parents came up there complaining.

3 Q Do you know why it has not been changed on your
 4 transcript?

5 A No, I do not.

6 Q Do you know if other students have had their
 7 transcripts changed?

8 A Yes, I do.

9 Q And their transcripts have been changed?

10 A Yes, they have.

11 Q Have you attempted to get your transcript
 12 changed?

13 A Yes.

14 Q How have you tried to do that?

15 A Well, my name was added to the list as soon as
 16 we received the [REDACTED] in the class. I had someone
 17 on my behalf come up -- when we had the parent meeting,
 18 I had someone on my behalf come and vouch for me that it
 19 wasn't my fault and all that stuff.

20 And then when I got to law academy, I had
 21 Ms. Safir, who was one of my law academy teachers,
 22 bring -- rebring the subject back up. Because I guess
 23 it was forgotten, and they I guess forgot to do it or
 24 something. But she brought the subject matter up on my
 25 behalf and other students' behalf.

1 A Of '98.

2 Q Were you still at Mission High School during
 3 September --

4 A No.

5 Q -- of 1998?

6 A No.

7 Q Were you attending any school during September
 8 of 1998?

9 A No.

10 Q I'll try to tread carefully here.

11 Can you tell me why you weren't in school in
 12 September of 1998?

13 A Because that's when I stayed with my cousin.
 14 My father actually didn't take on responsibility of
 15 enrolling me, and B) I also had to take on family
 16 responsibilities.

17 Q Do you remember when you began attending Balboa
 18 High School, in what part of October?

19 A Oh, no. I just remember it was October.

20 Q Any other information that appears incorrect on
 21 this transcript?

22 A On the second page it says, "Required: 220.0
 23 units. Completed: 212.5 units." The requirement is
 24 now 240, and I have completed 237.5. It's not all here,
 25 but I know.

1 MS. PERRIN: Let the record reflect that this
 2 transcript is dated August 28th, 2000.
 3 MR. ROSENTHAL: I'm going ask if there's any way
 4 possible to get an updated version of the transcript.
 5 MS. PERRIN: Okay.
 6 MR. ROSENTHAL: Maybe that will resolve some of the
 7 discrepancies and we can -- we will have --
 8 MS. PERRIN: Okay.
 9 MR. ROSENTHAL: For all I know, the grades we were
 10 discussing before may be changed as well.
 11 MS. PERRIN: We will see it before we come back.
 12 MR. ROSENTHAL: Okay.
 13 Q Any other items on the transcript appear to be
 14 incorrect?
 15 A No.
 16 MR. ROSENTHAL: Can we go off for one second.
 17 (Discussion off the record.)
 18 MR. ROSENTHAL: I would like the court reporter to
 19 mark the next exhibit as No. 3, which is -- appears to
 20 be a report card dated February 2nd, 2001.
 21 (Recess taken.)
 22 (Defendant's Exhibit 3 was marked for
 23 identification by the court reporter.)
 24 BY MR. ROSENTHAL:
 25 Q Ms. Jones, I'll ask you to take a look at

1 what's been marked as Exhibit No. 3. Do you recognize
 2 this document?
 3 A Yes.
 4 Q Can you tell me what it is?
 5 A It's a copy of my report card.
 6 Q Is it a report card for a particular semester?
 7 A I believe this is my fall grades.
 8 Q Fall for which year?
 9 A My 12th grade year, 2000-2001.
 10 Q Fall of 2000.
 11 About a third of the way down the page,
 12 starting on the left, there's a column that's marked
 13 "SEQ," and then what appears to be a number sign. Do
 14 you see that?
 15 A Yes.
 16 Q Do you know what that stands for?
 17 A No.
 18 Q To the right of that there's a column marked,
 19 "PER." Do you know what that stands for?
 20 A Yes.
 21 Q What does it stand for?
 22 A Period.
 23 Q Does that refer to the class period during the
 24 school day?
 25 A Yes.

1 Q So according to this, first period you have
 2 health education; is that correct?
 3 A Yes.
 4 Q Or had during the fall of 2000?
 5 A Yes.
 6 Q Under "Course Title" it lists the name of the
 7 course that you were taking?
 8 A Yes.
 9 Q And then the teacher, the name of the teacher
 10 who taught that specific course?
 11 A Yes.
 12 Q The next column is marked what appears to be
 13 "CRD"; is that correct?
 14 A Yes.
 15 Q Do you know what that stands for?
 16 A No.
 17 Q Could it stand for credit?
 18 A No.
 19 Q Moving to the right, there are the letters --
 20 well, the number "1ST." Do you know what that refers
 21 to?
 22 A Yes.
 23 Q What does that refer to?
 24 A First six weeks.
 25 Q Above the 1ST it says, "Report Period - 1st."

1 A Yes.
 2 Q Do you know what that refers to?
 3 A The first six weeks, like the progress report.
 4 This is -- like this column right here is what I got on
 5 my progress report for the first six weeks, that's what
 6 that means.
 7 MS. PERRIN: Let the record reflect that Alondra has
 8 referenced the column that says, "Report Period - 1st."
 9 BY MR. ROSENTHAL:
 10 Q So in your progress reports, do you receive
 11 grades in your classes on a six-week interval?
 12 A Yes. But these grades are not on the
 13 transcripts; they are just showing how far along we are
 14 in class up to that -- like up to the end of that six
 15 weeks.
 16 Q And how many of these six-week report periods
 17 are there per semester?
 18 A Three.
 19 Q Okay. Again I ask you to look at the Report
 20 Period - 1st column. And next to the column we were
 21 just discussing I see a column marked "Cit." Do you see
 22 that?
 23 A Yes.
 24 Q Do you know what that stands for?
 25 A Citizenship.

- 1 Q And is that the same citizenship that was --
2 that is referenced on your transcript as well?
3 A Yes.
4 Q And do you receive a grade in citizenship for
5 each one of the report periods in the semester for each
6 one of your classes?
7 A Well, we are supposed to. But like you saw on
8 the transcript, I guess some teachers don't do it.
9 Q Next to the column marked "Cit" there's a
10 column marked "Abs." Does that stand for absences?
11 A Absences.
12 Q The next column is marked "TDY." Do you know
13 what that stands for?
14 A Tardy.
15 Q And in the column there are some numbers
16 referenced for some of your classes. For example, in
17 the health education row it says there are -- there's
18 the number "3"; is that correct, underneath tardy?
19 A That I was tardy three times, yes.
20 Q What does it mean that you were tardy three
21 times?
22 A I came to school -- or I came into the class or
23 to school, whatever, after 8:15, which is when school
24 starts.
25 Q Is 8:15 -- is it 8:15 a.m.?

- 1 A Yes.
2 Q Is 8:15 the starting time of first period?
3 A Yes.
4 Q In the next column over, there are the letters
5 "COMM." Do you see that?
6 A Yes.
7 Q Do you know what that stands for?
8 A Yes.
9 Q What does it attend for?
10 A Common.
11 Q And in that column there are some numbers. For
12 example, again I direct your attention to the health
13 education row. There's the number "5." Do you see
14 that?
15 A Yes.
16 Q Do you know what that means?
17 A Well, I don't know exactly what it means.
18 Usually on the report card -- since this is a copy, it
19 doesn't show it. But usually on a report card it shows
20 what A -- like that the mark A is like the highest,
21 meaning excellent, very good, B, C, D, F.
22 Then it goes to citizenship, showing you S is
23 for satisfactory, E is for excellent, U is for
24 unsatisfactory. And then you have comments, and
25 comments is 1 through 8. Comments vary from the

- 1 students doing excellent in class to the student who
2 needs to bring his or her books to class. So I'm not
3 sure what Comment 5 means.
4 Q You say this information is reflected on the
5 report card. Where is it reflected on the report card?
6 A The way our report card is, it's folded. So
7 you lift up, and then it's our grade on the bottom. And
8 then you lift that page up, and then it's like in light
9 blue lettering what everything -- like what grades.
10 Q Is it on the back of the report card, or is it
11 a separate second page, or neither?
12 A It's inside. Because the top of the report
13 card is this page, and the back of the report card is
14 like some blue page, and then it's inside. It's after
15 there. Like you lift that page up.
16 Q Looking at Exhibit 3, is this your -- is this a
17 complete copy of what your report card looks like?
18 A Not a complete copy. It's a complete copy of
19 my grades and my absences and my tardies and my
20 citizenships, but it's not a complete copy of my report
21 card, because comments and other things aren't on it.
22 MR. ROSENTHAL: I ask counsel to get a complete copy
23 of the report cards, of this one and other ones that get
24 produced.
25 MS. PERRIN: It's a legend?

- 1 MR. ROSENTHAL: That's my understanding. If it's
2 the same for every report card, perhaps we don't need
3 copies for every single one.
4 MS. PERRIN: Okay.
5 BY MR. ROSENTHAL:
6 Q Are the grades, as reflected on this report
7 card, correct?
8 MS. PERRIN: Objection; vague as to "grades." Are
9 you asking about citizenship or marks?
10 MR. ROSENTHAL: Let me rephrase the question.
11 Q Are there any inaccuracies on this report card?
12 A Yes.
13 Q Can you tell me what you believe is an
14 inaccuracy?
15 A Well, if you look under period, where it goes
16 to "2," and you see, "Drawing, Khodabandelgo," and you
17 look under tardies for the second and for the third and
18 for the final marking periods, I guess you could say,
19 where it says seven tardies, and like in second and
20 third and final, that's not true.
21 Q Why --
22 A That's not true.
23 Q The number "7" is not true?
24 A Yes.
25 Q Which number "7" are you referring to? You are

1 referring to the final report period number "7"?

2 A I'm referring to -- wait. I was referring to

3 all of them -- well, not the first, but the second,

4 third, and fourth -- I mean, second, third, and final

5 was the -- I was tardy seven times. Each of those

6 periods. That's not true.

7 Q Let's take this step by step.

8 A Okay.

9 Q Direct your attention to the row for your

10 Drawing 1 class.

11 A Mm-hmm.

12 Q In the Report Period - 1st, it says that there

13 are five tardies; is that correct?

14 A Yes.

15 Q Does it say there are five tardies there?

16 A Yes.

17 Q Were you tardy to drawing class five times

18 during the first report period?

19 A I guess, yes. Yeah.

20 Q And the Report Period - 2nd, it says that you

21 were tardy for Drawing 1 class seven times. Does the

22 report card say that, seven?

23 A Yes.

24 Q And were you tardy during the second report

25 period seven times to drawing class?

1 A No.

2 Q How many times were you tardy?

3 A I don't know the approximate number, but it was

4 not seven.

5 Q How do you know it was not seven?

6 A Because I know I wasn't late to class seven

7 times.

8 Q And moving on to the third report period, it

9 again says that there were seven tardies to Drawing 1

10 class; is that correct?

11 A Yes.

12 Q Were you tardy seven times to drawing class?

13 A No.

14 Q Do you know how many times you were tardy to

15 drawing class?

16 A No, but again, I know it wasn't seven.

17 Q How do you know that?

18 A Because I know I wasn't late to class seven

19 times.

20 Q Who was the teacher for your drawing class?

21 A It's Khodabandelgo.

22 MS. PERRIN: K-h-o-d-a-b-a-n-d-e-l-g-o.

23 BY MR. ROSENTHAL:

24 Q For simplicity I'm going to refer to this

25 teacher as Ms. K. Is that okay?

1 A Yeah.

2 Q Does Ms. K take attendance in class?

3 A Yes.

4 Q Does she keep written records regarding

5 attendance?

6 MS. PERRIN: Answer only if you know.

7 THE WITNESS: Like this paper that they fill out

8 that they give -- that they got to send to attendance

9 office, and I guess do whatever to it.

10 BY MR. ROSENTHAL:

11 Q So she fills out a paper which she sends to the

12 attendance office?

13 A Yes.

14 Q Do you know how Ms. K keeps track of when a

15 student is tardy or not?

16 A Yes.

17 Q How does she do that?

18 A By her memory.

19 Q Does she write it down anywhere?

20 A No, she doesn't.

21 Q How do you know that?

22 A Because I was in her class. And you will come

23 in class and you will sit down and she wouldn't take

24 attendance. Normally most teachers take attendance at

25 the beginning period and if you are in your seat when

1 the bell rings.

2 But if you walk in any time after that, they

3 naturally know you are tardy; and if you don't show up,

4 they know you are absent.

5 However, Ms. Khodabandelgo went by her memory.

6 And she took attendance when class was over, and that's

7 how I know I couldn't have been late seven times. I'm

8 not calling her racist, because I know she's not, but it

9 was a lot of African-American females in that class, so

10 I know she had to have me mixed up with one of those

11 people.

12 Q Is there any other information on this report

13 card that you contend is not accurate?

14 A Yes. Where it says Period 6, "Amer. Democracy"

15 "Teacher, Yunis," it says I had been absent from her

16 class in Report Period - 3rd six times. And it also

17 says I've been absent from her class in Report Period -

18 Final six times.

19 And that is impossible on the grounds that if

20 you miss her class six times without an excuse, there's

21 no way you can possibly get a B.

22 Q You say it's impossible to get a B in her class

23 if you miss it six times?

24 A Yes.

25 Q Is that six times for the entire semester?

1 A Six times in those six-period weeks -- six-week
2 periods, I mean.

3 Q Is it possible that the six absences for that
4 class is a cumulative number?

5 A By "cumulative" what do you mean?

6 Q If you look at Report Period - 2nd, it says you
7 are absent three times.

8 A Mm-hmm. I mean yes.

9 Q Then you move to Report Period - 3rd, and it
10 says six times. Is it possible that she added the three
11 from the prior period to arrive at the number 6?

12 MS. PERRIN: Objection; calls for speculation.

13 Answer only if you know.

14 THE WITNESS: I don't know.

15 MS. PERRIN: And let the record reflect that the
16 total number is six for the semester.

17 MR. ROSENTHAL: Right.

18 MS. PERRIN: So that's possible.

19 MR. ROSENTHAL: Yeah.

20 I just also note for the record, the report
21 card appears to be somewhat inconsistent in that --

22 THE WITNESS: That can't be possible, because they
23 say in Euro Lit. I was absent three times. And then --

24 MR. ROSENTHAL: It appears to be inconsistent.
25 Health Education says there are three tardies in the

1 academic year, so I don't know.

2 Q You don't recall anything about your 9th grade
3 year?

4 A I recall some things. What you asked is not
5 one of the things I recall.

6 Q What do you recall from your 9th grade year?

7 MS. PERRIN: Objection; that's a vague question.

8 BY MR. ROSENTHAL:

9 Q Do you recall -- I'll rephrase the question.

10 Do you recall any -- do you recall the
11 condition of the school, of Mission High School?

12 MS. PERRIN: Objection; vague as to "conditions."

13 BY MR. ROSENTHAL:

14 Q Do you understand the word "conditions"?

15 A Yes.

16 Q Can you tell me what the conditions were at
17 Mission High School?

18 A Well, I don't remember whether or not we had
19 enough books. But I remember that during my 9th grade
20 year, and I don't know if this was spring or fall, that
21 a lot of my classes were on the third floor, and I
22 couldn't attend those classes because the third floor
23 got flooded.

24 Q Does the flooding of the third floor fit within
25 your definition of unfair conditions?

1 first report period. It says there were two in the
2 second period, so those could not clearly -- they are
3 obviously not cumulative. Then you get to the final,
4 and it's left blank, so --

5 MS. PERRIN: Okay.

6 MR. ROSENTHAL: But that's just noting it for the
7 record. It's a mystery to all of us.

8 MS. PERRIN: Perhaps we can ask Patricia Gray.

9 MR. ROSENTHAL: Somebody must know the answer to
10 that.

11 Q Were there any other inaccuracies contained in
12 the report card that you see?

13 A No.

14 Q So other than the items you have pointed out,
15 everything else on the report card is accurate?

16 A Yes.

17 Q You testified earlier that prior to attending
18 Balboa High School you went to Mission High School?

19 A Yes.

20 Q And you also testified that there were what you
21 called unfair conditions at Balboa High School?

22 A Yes.

23 Q Were there any unfair conditions at Mission
24 High School?

25 A I pretty much don't recall my 9th grade

1 A Yes, because the third floor was flooded --
2 well, it was holes in the roof, and water used to drip
3 on our heads in class. But it wasn't -- I mean, it was
4 bothersome, but we pretty much didn't say anything; we
5 just did our work.

6 But then when the whole floor got flooded
7 because I guess too much rain had entered -- I don't
8 know, but when third floor got flooded, the rooms that
9 were available on the second floor and on the first
10 floor had to be used for the people who had taken
11 classes that was on the third floor, and this was 9th
12 through 12th.

13 So a lot of the classes were overcrowded, and
14 also there would be different subjects taught in one
15 classroom. Like you understand what I'm saying?

16 Q Yes.

17 A Okay.

18 Q So would you then say that Mission High School
19 also suffered from what you call unfair conditions?

20 MS. PERRIN: Well, objection; misstates her
21 testimony slightly. She said there were some
22 conditions.

23 THE WITNESS: I can say that that condition was
24 unfair.

25 BY MR. ROSENTHAL:

1 Q Were there any other conditions that you
2 considered unfair at Mission High School?
3 A Not that I can remember, no.
4 Q So the only unfair condition at Mission High
5 School that you can remember is the flooding of the
6 third floor?
7 MS. PERRIN: Well, again, objection; misstates her
8 testimony. I think she said it was the result of
9 overcrowding.
10 But go ahead.
11 THE WITNESS: Well, what the flood did -- like what
12 happened next was unfair. And at this time that's the
13 only unfair condition I can remember.
14 BY MR. ROSENTHAL:
15 Q So you don't recall any other unfair conditions
16 as you sit here today?
17 A No.
18 MS. PERRIN: As to Mission High School?
19 MR. ROSENTHAL: As to Mission High School, yes.
20 Q Is that right?
21 A Yes.
22 Q Okay. I'm going to turn our attention to
23 really focus on Balboa High School at this point.
24 MS. PERRIN: Well, can we take a break then? It's
25 been an hour.

1 MR. ROSENTHAL: All right. Let's go off the record.
2 (Recess taken.)
3 BY MR. ROSENTHAL:
4 Q Are you aware that this lawsuit is a class
5 action?
6 A Yes.
7 Q Do you know what a class action is?
8 A No.
9 Q Is it your understanding that you are a
10 representative for a class?
11 A Yes.
12 Q Do you know what the definition of that class
13 is?
14 MS. PERRIN: Objection; calls for a legal
15 conclusion.
16 But you can answer.
17 THE WITNESS: Yes.
18 BY MR. ROSENTHAL:
19 Q Can you tell me what your understanding of the
20 class that you represent is?
21 A The students that are in public schools.
22 Q Do you know if you are a representative for the
23 subclass in this action?
24 A No, I don't know that.
25 Q Were you aware that there was a -- that there's

1 a subclass -- are you aware that a subclass -- strike
2 that.
3 Are you aware that plaintiffs are attempting to
4 certify a subclass in this action?
5 A No, I was not aware of that.
6 Q As a class representative, do you understand
7 what your duties are?
8 A As a class representative, I think that my
9 duties are basically just to tell you and whoever else
10 asks me about the conditions of my school, to tell the
11 truth, and make sure -- or to -- well, hopefully to
12 ensure that kids who are in elementary school now won't
13 have to go through what I went through.
14 Q Are there any other duties that you believe you
15 have as a class representative?
16 MS. PERRIN: Objection; vague as to "duties."
17 You can answer.
18 THE WITNESS: If there are, I don't know.
19 BY MR. ROSENTHAL:
20 Q Do you receive any -- strike that.
21 Are you receiving any benefits by being a class
22 representative in this action?
23 MS. PERRIN: Objection; vague as to "benefits."
24 BY MR. ROSENTHAL:
25 Q Do you understand the word "benefits"?

1 A No.
2 Q Are you receiving anything by being a class
3 representative in this action?
4 MS. PERRIN: Objection; vague as to "anything."
5 THE WITNESS: I was in the cover story for
6 SF Weekly.
7 BY MR. ROSENTHAL:
8 Q Do you stand to gain financially by being a
9 class representative in this action?
10 A No.
11 Q Other than being a cover story on San Francisco
12 Weekly, have you received any other benefits as being a
13 class representative in this action?
14 MS. PERRIN: Same objection; vague as to "benefits."
15 THE WITNESS: No.
16 BY MR. ROSENTHAL:
17 Q You referred earlier to your declaration
18 dated --
19 MS. PERRIN: February 2001.
20 BY MR. ROSENTHAL:
21 Q -- February 2001. And I believe we -- we
22 didn't mark that. Why don't we mark that as Exhibit 4.
23 (Defendant's Exhibit 4 was marked for
24 identification by the court reporter.)
25 BY MR. ROSENTHAL:

1 Q Do you recognize what's been marked as
 2 Exhibit No. 4?
 3 A Yeah.
 4 Q Can you tell me what it is.
 5 A This is my declaration.
 6 Q Did you write this declaration?
 7 A Did I type it?
 8 Q We can start with that.
 9 Did you type the declaration?
 10 A No.
 11 Q Did you write the substance of the declaration?
 12 MS. PERRIN: Objection; vague as to "substance."
 13 You can answer if you understand.
 14 THE WITNESS: I said this stuff.
 15 BY MR. ROSENTHAL:
 16 Q When was the first time you saw a copy of your
 17 declaration in written form?
 18 MS. PERRIN: Just for clarification, we are talking
 19 about the February declaration?
 20 MR. ROSENTHAL: Yes.
 21 THE WITNESS: I think when I signed it.
 22 BY MR. ROSENTHAL:
 23 Q Before you signed it, did you read the
 24 declaration?
 25 A Yes.

1 Q Did you make any changes to the declaration
 2 before you read it?
 3 MS. PERRIN: Objection; vague. Make any -- I don't
 4 understand the question; could you rephrase it for me..
 5 BY MR. ROSENTHAL:
 6 Q Do you understand the question?
 7 A Did I say some of this stuff was wrong, is that
 8 what you are asking?
 9 Q I'll rephrase the question.
 10 You say the first time you saw the declaration
 11 was when you signed it.
 12 A The February 7th declaration, yes.
 13 Q Right.
 14 And you said you read it before you signed it;
 15 is that correct?
 16 A Yes.
 17 Q Now, before you signed it, did you make any
 18 changes to the document, or did you sign it in the form
 19 that it was first given to you?
 20 MS. PERRIN: At the time she was reading it?
 21 MR. ROSENTHAL: At any time.
 22 THE WITNESS: I read this one and I signed it.
 23 BY MR. ROSENTHAL:
 24 Q So you didn't make any changes to the document?
 25 A Not to the February 7th document, no.

1 Q Did you discuss the content of the declaration
 2 with anyone before you signed it?
 3 MS. PERRIN: Alondra, I'm going to ask you to answer
 4 that question "Yes" or "No," but do not discuss any
 5 communications with Catherine or me or anybody else, any
 6 of your other lawyers.
 7 THE WITNESS: What was your question?
 8 BY MR. ROSENTHAL:
 9 Q Did you discuss the content of the declaration
 10 with anyone before you signed it?
 11 A No.
 12 Q Do you have an understanding as to why you
 13 signed that declaration, why you were asked to sign that
 14 declaration?
 15 A Yeah.
 16 Q And what's your understanding?
 17 MS. PERRIN: And again, I'm going to ask you to give
 18 your own understanding and don't disclose anything that
 19 counsel may have told you.
 20 THE WITNESS: Because this is what I said. So I
 21 guess like maybe a judge or somebody needed my signature
 22 to verify that I said this and not anybody else.
 23 BY MR. ROSENTHAL:
 24 Q Do you know if it was an attorney who drafted
 25 the language used in your declaration?

1 A I don't understand the question.
 2 Q The actual language that's used in the
 3 declaration, do you know if that was drafted by an
 4 attorney, written by an attorney?
 5 MS. PERRIN: Objection; misstates her testimony.
 6 She said she said these words.
 7 BY MR. ROSENTHAL:
 8 Q You can answer the question.
 9 A I'm looking at it.
 10 MS. PERRIN: And, Alondra, when you answer, answer
 11 "Yes" or "No" and don't disclose any of the
 12 communications with Catherine or me or any of your other
 13 lawyers.
 14 THE WITNESS: I'm sorry. Can you repeat the
 15 question.
 16 MR. ROSENTHAL: I'm not trying to belabor this; I'm
 17 just trying to get to the bottom of who drafted the
 18 declaration.
 19 MS. PERRIN: I understand that.
 20 BY MR. ROSENTHAL:
 21 Q The language that's used in the declaration,
 22 were those words that you wrote out, you personally
 23 wrote out?
 24 A These are words I said.
 25 Q Who did you say them to?

1 A Catherine.
 2 Q Do you recall when you had the meeting with
 3 Catherine in which you discussed the substance of the
 4 declaration?
 5 A No.
 6 Q Do you recall if Ms. Lhamon tape-recorded the
 7 conversation?
 8 A I don't know.
 9 Q Give you a minute to read over the declaration
 10 if you want, but my question is, is everything in the
 11 declaration accurate?
 12 MS. PERRIN: As of what date?
 13 MR. ROSENTHAL: As of the date the declaration was
 14 signed.
 15 MS. PERRIN: Okay. You know, actually, this might
 16 be a good time for us to stipulate on the record. With
 17 respect to attorney-client privilege, obviously I'm
 18 going to instruct her not to answer.
 19 MR. ROSENTHAL: Right.
 20 MS. PERRIN: She seems to be losing the thread of
 21 the question when I'm giving too many instructions, so I
 22 would like to try to reduce that a bit and not give her
 23 as many, if you stipulate and understand that's my
 24 objection when appropriate and you are not trying to
 25 obtain privileged communications.

1 MR. ROSENTHAL: Fine. And that she's going to
 2 accept your instruction and this is all part of the
 3 stipulation.
 4 MS. PERRIN: Fine. Just because I think it would
 5 flow a bit better.
 6 MR. ROSENTHAL: That's fine.
 7 THE WITNESS: Yes, it's accurate.
 8 BY MR. ROSENTHAL:
 9 Q As of the date you signed it everything is
 10 accurate?
 11 A As of the date I signed it, yes.
 12 Q How about as you sit here today, is everything
 13 contained in that declaration still accurate?
 14 A No.
 15 Q Can you tell me what's no longer accurate?
 16 A Well, in February I had Spanish class, and I
 17 don't have Spanish anymore. And I don't -- I no longer
 18 take night classes at City.
 19 Forgot what I was looking for.
 20 Q Anything that's no longer accurate as you sit
 21 here today.
 22 A Oh, yeah, that's right. That's right.
 23 No. 3.
 24 Q What in paragraph No. 3?
 25 A Where it says that I've seen mice about once

1 every three months at my time at Balboa. I no longer
 2 spend the whole day at Balboa. I don't get to see if
 3 there's still mice about once every three months.
 4 Q So you see mice less frequently now?
 5 A Yes.
 6 Q Anything else that's no longer accurate?
 7 A Everything else looks accurate.
 8 Q I'll come back to mice later on, but when was
 9 the last time you saw a mouse at Balboa High School?
 10 A Last time I went to the gym, which was about
 11 January or February.
 12 Q So you have seen no mice at Balboa High School
 13 since January or February of 2001?
 14 A I've still seen mouse droppings, but no mice.
 15 Q When was the last time you saw mouse droppings?
 16 A Just the other day at the -- by the heater, by
 17 my Econ. class. If they aren't mouse droppings, I don't
 18 know what other type of animal they are.
 19 Q How do you know they are mouse droppings?
 20 A I don't. But I know they are droppings of some
 21 animal. I hope it's a mouse. Hope it's not more
 22 serious.
 23 Q We can move on.
 24 We started touching on some of the specifics to
 25 Balboa High School. Can you describe for me the school

1 facilities at Balboa?
 2 A You mean bathrooms?
 3 Q No. Actually, I mean the physical structures,
 4 the buildings.
 5 A Oh, outside? Like outside the building?
 6 Q Why don't we start with how many separate
 7 structures there are.
 8 A Oh, it's like that one. Then you go into
 9 third --
 10 Q Can you give me a number, how many buildings
 11 there are?
 12 A I would say three, more or less. No. I would
 13 say -- yes, three, more or less.
 14 Q So you are not sure exactly how many separate
 15 structures there are at Balboa High School?
 16 A I'm assuming three, but I know for a fact that
 17 it at least has to be two, because at -- the balcony
 18 goes off to a different building.
 19 Q Do each one of the buildings have different
 20 names?
 21 A No.
 22 Q Let's start with -- I'll leave it up to you
 23 which one we start with, but if you can tell me a little
 24 bit about the first building.
 25 A The first building would be like the main

- 1 entrance.
 2 Q Is it the main building to the school?
 3 A I'm -- well, it's -- the main office is there,
 4 so maybe.
 5 Q What's contained in the first building?
 6 A There's three levels. Two levels have girls'
 7 bathrooms. I don't know about boys' bathrooms, because
 8 I'm not a boy, so I don't know. But two girl bathrooms,
 9 and that's where the dean and the main and attendance
 10 and the counseling offices are.
 11 Q Are there classrooms in this first building?
 12 A Yes.
 13 Q Do you know how many classrooms?
 14 A No.
 15 Q Can you estimate?
 16 A I really couldn't.
 17 Q Is it more than 10?
 18 A I really don't know.
 19 Q Could it be less than 10?
 20 A I really don't know.
 21 Q Let's break down this building level by level.
 22 You said this building has three levels. Is
 23 the first level on the ground floor?
 24 A No.
 25 Q Where is the first level?

- 1 Q Can you tell me what is located on the ground
 2 floor, what sorts of rooms?
 3 A Like I said, the main, the counseling, and the
 4 attendance, and the dean offices. They have a --
 5 Q Go ahead.
 6 A The counseling room, the SA office.
 7 Q The what office?
 8 A SA, student -- like the treasurer and stuff.
 9 They call it the SA office.
 10 Q Do you know what "SA" stands for?
 11 A Huh-uh.
 12 Classrooms, teachers' or staff bathroom, and
 13 that's about it.
 14 Q Are there any lockers on the ground level?
 15 A Yeah.
 16 Q Are there student bathrooms on the ground
 17 level?
 18 A On one side though, the lockers are located.
 19 You walk in to the left -- to the right. Like on the
 20 left part of the building is where the lockers are.
 21 Q Are there student bathrooms on the ground
 22 floor?
 23 A No.
 24 Q You testified earlier that on two of the levels
 25 there was a girls' bathroom.

- 1 A Well, I know because we have a basement under,
 2 you know.
 3 Q Let's start with the basement. Can you tell me
 4 what's under -- in the basement.
 5 A Classrooms, lockers, peer counseling and gang
 6 prevention class. I mean, like those -- they got their
 7 own separate thing going on. So peer counseling room
 8 and gang prevention thing. I saw boys going down there,
 9 so I would assume a boys' bathroom.
 10 Oh, and a book room.
 11 Q A book room?
 12 A Book room.
 13 Q You have said there are classrooms, lockers,
 14 peer counseling, gang prevention counseling, and a boys'
 15 bathroom and book room.
 16 A The JROTC room.
 17 Q Any other rooms you can think of?
 18 A No.
 19 Q Can you tell me approximately how many
 20 classrooms there are on the basement level of this
 21 building?
 22 A No, I couldn't. I don't know.
 23 Q Let's go to the next level, which is on the
 24 ground floor.
 25 A Yeah.

- 1 A Yes.
 2 Q Is there -- there's no girls' bathroom on the
 3 basement or the ground level?
 4 A No.
 5 Q Are there two more levels above the ground
 6 level?
 7 A Yes.
 8 Q Okay. So this building has four levels if you
 9 include the basement?
 10 A Yes.
 11 Q Okay. On the ground level you say there is a
 12 counselor's office, Dean's office, attendance office,
 13 college counselor's office, the SA office, some
 14 classrooms, staff bathroom, and some lockers on the
 15 left.
 16 Are there any other rooms or offices located on
 17 the ground level?
 18 MS. PERRIN: Objection; misstates her testimony.
 19 She said main office is there also.
 20 BY MR. ROSENTHAL:
 21 Q Is there a separate main office there as well
 22 on the ground level?
 23 A Yes.
 24 Q Okay.
 25 A Main office.

- 1 Oh, the BSU room.
 2 Q BSU?
 3 A Black Suite Union room. I think that's it.
 4 Q Let's go to the first level that's immediately
 5 above the ground level.
 6 A Yes.
 7 Q Can you tell me what's located on that level.
 8 A Classrooms, a girls' bathroom. You are talking
 9 about still in the main --
 10 Q In the same building that we have been talking
 11 about.
 12 A Okay. So classrooms, a bathroom, lockers, and
 13 that's it.
 14 Q And just for clarification, you referred to
 15 this building as the main building. Is it safe to call
 16 it the main building for -- is that what you refer to it
 17 as generally, or do you refer to it as something else?
 18 A The main building you can say.
 19 Q Just for simplicity's sake, we will call this
 20 the main building.
 21 A Okay.
 22 Q Do you know how many classrooms are on the
 23 first floor above the ground floor?
 24 A About eight or so.
 25 Q You said there was a girls' bathroom on the

- 1 building?
 2 A Yes.
 3 Q As you are looking at the main entrance, it's
 4 to the right?
 5 A Yeah.
 6 Q How many levels are there in the right
 7 building?
 8 A Basement, first, second, third.
 9 Q So it also has four levels?
 10 A Yes.
 11 Q Let's start with the basement. If you can tell
 12 me what's located on that level.
 13 A Lockers and classrooms.
 14 Q Can you tell me approximately how many
 15 classrooms are located in the basement.
 16 A I don't know how many classrooms.
 17 Q Is it more than 10?
 18 A No.
 19 Q Less than 10?
 20 A Yes.
 21 Q Anything else besides lockers and classrooms
 22 located in the basement of the building on the right?
 23 A No.
 24 Q How about on the first floor, or the ground
 25 floor?

- 1 floor as well. Is there a boys' bathroom?
 2 A I don't know about the boys' bathrooms.
 3 Q You say there are classrooms, girls' bathrooms,
 4 lockers. Is there anything else located on this floor?
 5 A No, not that I can recall.
 6 Q Okay. So let's go to the fourth and final
 7 level of the main building. Can you tell me what's
 8 located on that floor.
 9 A Classrooms, lockers, girls' bathroom, and
 10 that's all.
 11 Q Do you know if there's a boys' bathroom on this
 12 floor?
 13 A I don't know.
 14 Q Is there anything in addition to classrooms,
 15 lockers, and girls' bathrooms on this floor?
 16 A There's only one girls' bathroom on this floor.
 17 Q Anything else on that floor?
 18 A Not that I can remember, no.
 19 Q Okay. We will come back to more detail about
 20 the main building, but why don't we move on to the
 21 second building.
 22 Is there --
 23 A Just say the right building.
 24 Q The right building.
 25 Is it located to the right of the main

- 1 A It's the entrance to the library. There's a
 2 computer room, some lockers, an entrance to the
 3 elevator, and a classroom or two.
 4 Q Are there any bathrooms on the ground floor for
 5 the building on the right?
 6 A Not that I've ever visited, no.
 7 Q Do you know if there are any bathrooms?
 8 A I don't know if there are any bathrooms.
 9 Q Okay. You have stated on the first floor of
 10 the building on the right, that's where the entrance to
 11 the library is, there's a computer room, there are
 12 lockers, there's a classroom or two, entrance to the
 13 elevator. Is there anything else on that floor that you
 14 can think of?
 15 A No, not that I can think of.
 16 Q Is the library located on that level, or is it
 17 just the entrance to the library?
 18 A It's kind of in the middle. Because you can
 19 enter it through the right, and you can also enter it to
 20 the left. Just like in the middle, because you can go
 21 in both ways.
 22 Q Would it help to make a diagram of the
 23 buildings?
 24 A An ugly one, yeah.
 25 Q You want to give it a shot?

- 1 A I'll try.
 2 Q Need a pen?
 3 A Yeah. Thank you.
 4 So this is Balboa. This is where you walk in,
 5 the steps. Then there's the balcony, and there's
 6 another balcony. And there's another balcony, but you
 7 can't see it's a balcony; it's on the ground floor. You
 8 just walk across on the ground floor.
 9 And then you don't see a balcony, because you
 10 can't go -- like to get to the left building, which is
 11 like where the gym and stuff is, like it's not a
 12 balcony, but you see it behind it, you know? See what
 13 I'm saying? (Indicating.)
 14 Like you see it behind -- like if you stand in
 15 front of Balboa, you see the building, like a piece of
 16 building coming off on the side.
 17 Q There's a building behind it to the left?
 18 A Yes, yeah. And then that's the gym building.
 19 Q The balconies from the main building, they
 20 connect to the right building, the building we were just
 21 talking about?
 22 A Mm-hmm. And then this is the right building.
 23 And that's just when you looking on the outside.
 24 Now, when you go straight inside the building,
 25 you go straight down some stairs. You walk into the

- 1 music -- right in front of you is the music building.
 2 And then like right here, like closing in on you to the
 3 right is the right building. And --
 4 Q Okay. And then behind you is the main
 5 building?
 6 A Behind you is the main. And then there are
 7 some steps you walk down to quad. And then to the left
 8 of you is a long strip that's actually a hallway. And
 9 in this hallway, which is covered, it's a covered
 10 hallway, it's the cafeteria, the health center.
 11 Q This is in the covered hallway, or this is the
 12 building that is connected by the covered hallway?
 13 A Well, it's like the covered hallway. And you
 14 are walking down the hall, and then the doors are on the
 15 side. So I believe it would have to be a building
 16 there.
 17 Q Is that the left building there?
 18 A No.
 19 Q Okay.
 20 A The left building is the gym building. This
 21 is --
 22 Q This is something completely separate?
 23 A This is an added thing.
 24 Q So what were some of the rooms that were off
 25 this covered hallway? You said it was the cafeteria?

- 1 quad, right? And then from the quad, like at a right
 2 angle you see the balcony going across. And then you
 3 stand -- like you just walk straight, now you stand in
 4 the quad.
 5 You walk straight in and straight down the
 6 steps, and you are standing in the quad. And you see a
 7 long narrow strip, it's a building. And that's like for
 8 the music. It's like classrooms and stuff. Like the
 9 autistic children, where their classrooms is. And so
 10 this is the quad. (Indicating.)
 11 Q Just to clarify, the quad is behind the main
 12 building. If you walk through the main building, then
 13 you get --
 14 A Yes.
 15 Q Do you exit the main building and enter a quad?
 16 A Yes.
 17 Q And then as you continue along, straight ahead
 18 of you there's another building which is where the music
 19 and I guess special ed. children you have described are
 20 taught; is that right?
 21 A Yeah.
 22 And then you look -- you see like parts of the
 23 second and third balcony, and you also see the right
 24 building here. And you see like -- it's like -- because
 25 the quad, it's like you surround it. So it's the

- 1 A Mm-hmm. The health center. I think that's a
 2 boys' bathroom over there too. There's some vending
 3 machines, and you can walk to the music building. But
 4 the right building -- like, okay, you walk and right
 5 there in the quad to the right is the right building.
 6 And it's also an entrance that you can get to the
 7 basement.
 8 Q The basement of the right building?
 9 A Yes.
 10 Q From the quad?
 11 A Yes. The basement would be under there.
 12 That's the steps.
 13 Q From the quad, how would you get to the left
 14 building? Do you go through that covered hallway?
 15 A Like if you had gym?
 16 Q Right.
 17 A You can go back inside the main building and go
 18 down like the hallway where the lockers are located,
 19 because it's to the left. You walk to that hallway and
 20 go straight down the stairs and walk like 15 feet and
 21 get to the gym building which is the left building.
 22 Or if you are in the quad, it's some stairs.
 23 Like, okay, so it's the covered hallway, and then you
 24 walk like straight across, and then there's some stairs.
 25 Q Okay.

1 A And then you go down the stairs.
 2 Q Where would the left building be on this second
 3 diagram?
 4 A It would be down the stairs and you make a
 5 sharp left.
 6 Q The stairs you have drawn on the left side of
 7 that page?
 8 A Yes.
 9 Q Okay.
 10 A You go down these stairs. Then these stairs
 11 lead you to outside. You make a sharp left, and that's
 12 where the gym building is. And then also while you are
 13 out there at the gym building you can see the back of
 14 the -- like the back of the cafeteria building and the
 15 back of the health center building. (Indicating.)
 16 Q Okay.
 17 A So it was ugly, but this is it.
 18 MR. ROSENTHAL: Okay. I'm going to ask that we mark
 19 those as exhibits. I think that will be useful in
 20 trying to decipher some of the transcript. They may or
 21 may not be, but let's mark these as next in number. I
 22 guess I think we are up to 5 and 6.
 23 Mark Exhibit 5 as the first diagram drawn. The
 24 second diagram gives us the perspective from the quad.
 25 The first diagram gives us the perspective from the main

1 A Yeah. The science classrooms.
 2 Q You said the entrance to the auditorium is
 3 there. Is the auditorium on the second floor of the
 4 right building?
 5 A You will be walking to the balcony of the
 6 auditorium.
 7 Q So is the auditorium on the first floor, the
 8 ground floor of the right building?
 9 A I've never been to the ground floor of the
 10 auditorium, so I wouldn't even know how to word that.
 11 Q How about the third floor of the right
 12 building, the top floor?
 13 A The classrooms, lockers. There isn't a girls'
 14 bathroom, but I'm not sure as to whether or not there's
 15 a boys' bathroom there. Another like -- another -- like
 16 more access to the elevator, like a thing where you can
 17 get on the elevator.
 18 Did I say classrooms?
 19 Q Yes.
 20 A I think that's it.
 21 Q Do you know approximately how many classrooms?
 22 A No, I don't, but there's a lot. Well, a lot
 23 being more than 10.
 24 Q Are they any particular subject? You said on
 25 the second floor it was primarily science classes. Does

1 building.
 2 MS. PERRIN: From the front?
 3 MR. ROSENTHAL: From the front of the main building.
 4 MS. PERRIN: From looking at the main building.
 5 THE WITNESS: Yes.
 6 (Defendant's Exhibits 5 and 6 were marked for
 7 identification by the court reporter.)
 8 BY MR. ROSENTHAL:
 9 Q Okay. We were discussing the rooms that were
 10 located in the right building.
 11 A Mm-hmm.
 12 Q You had gone through what was located on the
 13 basement and on the ground floor. Can you tell me what
 14 rooms are located on the floor that is above the ground
 15 floor in the right building?
 16 A The second floor right building is kind of
 17 known as the science wing.
 18 Q Science wing?
 19 A Yes, because it's where a lot of science
 20 classes are held. Like chemistry class is over there,
 21 the business class is over there, the biology class is
 22 over there. And there is an entrance to the auditorium
 23 there. And there's lockers and that's it.
 24 Q Are there any classrooms on the second floor of
 25 the right building?

1 the top floor have any sort of designation as well?
 2 A A lot of where the English and composition
 3 classes are held.
 4 Q Okay. Let's move on to what we are calling the
 5 left building.
 6 MS. PERRIN: Are you planning to go through each and
 7 every building in this level of detail?
 8 MR. ROSENTHAL: Yes.
 9 MS. PERRIN: Okay. I really don't find this an
 10 effective use of Alondra's time at all. It's 20 minutes
 11 now to figure out how many rooms there are on each
 12 building, and I don't think that's an effective use of
 13 her time.
 14 MR. ROSENTHAL: Well, part of Ms. Jones's complaint
 15 is that the conditions in various classrooms are what
 16 she calls unfair. And in order to be able to discuss
 17 them intelligently, I think it makes sense to go through
 18 where these classrooms are located.
 19 We have now determined there are several
 20 separate buildings, and there's no way to go forward
 21 without having a clear record unless I understand where
 22 all the classes are located.
 23 MS. PERRIN: I understand your point. I happen to
 24 disagree. I think it's not an effective use of her
 25 time, and I think there's another way to ask where these

1 classrooms are located. I'm making a note for the
2 record. It's taken 20 minutes to determine the
3 composition of each floor on each building of the
4 school.

5 MR. ROSENTHAL: I'm trying to save time by doing it
6 this way. If I went through her classes one by one and
7 she described where they are located -- it makes more
8 sense to get an understanding of the layout of the
9 school up front, as opposed to dealing with it piecemeal
10 as we go through each one of her classes.

11 MS. PERRIN: As I said, I understand your position.
12 I don't agree with it, and my objection is noted for the
13 record.

14 MR. ROSENTHAL: Fine. Let's move on, then.

15 Q The left building, which I believe you said was
16 where the gym is located?

17 A Yes.

18 Q How many levels are there on the left building?

19 A It's the gym.

20 Q Is there anything else located in the left
21 building other than the gym?

22 A Boys' and girls' locker rooms.

23 Q Anything else in the left building?

24 A Vending machines.

25 Q Are there any classrooms in the left building?

1 Q Okay.

2 A And then -- they did that because the special
3 ed. kids' classroom is there, so there's an elevator
4 right there.

5 Q Do you know how many music rooms there are in
6 the music building?

7 A Two.

8 Q Do you know how many special ed. classrooms
9 there are?

10 A No.

11 Q Okay. We just have one more structure to talk
12 about, and that's the rooms that are located off the
13 covered hallway. You have already said there's a
14 cafeteria?

15 A A health center, some more special ed. rooms.

16 Q Do you know how many special ed. classrooms?

17 A No.

18 There are no lockers. I don't know if I said
19 it before, but I think there's a boys' bathroom up
20 there. I see a lot of boys hanging out in that area, so
21 it would be a total assumption.

22 Q Are there any temporary classrooms buildings at
23 Balboa High School?

24 MS. PERRIN: Objection; vague as to "temporary."

25 BY MR. ROSENTHAL:

1 A No.

2 Q Okay. You also mentioned that behind the main
3 building on the far side of the quad, as you walk
4 through the quad there's a building which you said
5 contained the music classrooms; is that correct?

6 A Yes.

7 Q Can you tell me what else is contained in that
8 building.

9 A I heard it was like a recording studio. I've
10 never visited there. I heard it was a recording studio.
11 The entrance to the stage of the auditorium and these
12 music rooms, meaning classrooms, I don't know if
13 there's -- I don't know if there are any bathrooms, but
14 there aren't any lockers.

15 The classrooms for the special ed. kids. It's
16 like buildings, like little strips. It's connected into
17 the hallway that I told you about, where the cafeteria
18 and stuff is.

19 Q What's connected to the hallway? What I've
20 been calling the music building?

21 A Yes, that is connected to the hallway. And in
22 between that is the Chayote Grill, because it turns.
23 Like, you know, it turns. So in between the turns is a
24 Chayote Grill and another -- Chayote Grill is like where
25 you buy food at.

1 Q Do you understand the question?

2 A Yes.

3 The answer is no. It was an art wing, like a
4 whole -- like the covered hallway. There's some stairs
5 right there. And if you walk up those stairs, all the
6 way up there's a nice mural of Tupoc and the whole art
7 wing down. When you go down the stairs, that's a
8 separate piece; they closed that down.

9 Q The art wing was located above the cafeteria?

10 A Yeah.

11 Q What can you tell me about the surrounding
12 grounds around the building? You have mentioned that
13 there's a quad in the center. Is that an outdoor quad?

14 A Yes.

15 Q Can you tell me about the surrounding area
16 around the school?

17 MS. PERRIN: Are you talking about school property?

18 MR. ROSENTHAL: Yes.

19 THE WITNESS: I don't understand the question.

20 BY MR. ROSENTHAL:

21 Q Is there any -- is there a yard --

22 A Football field.

23 Q Okay. Where is the football field located?

24 A Okay. There's -- the gym building is right
25 there.

- 1 Q Next to the gym building?
 2 A Yeah.
 3 Q Is the school fenced in around the entire
 4 school? Let me rephrase the question.
 5 Is there a fence around the entire school?
 6 A There's a fence around the football field, and
 7 there are bars around the school.
 8 Q What do you mean by "bars"?
 9 A Big, long bars that got that little thing at
 10 the end, you know, like a bar, I guess, gate. They got
 11 the little thing at the top.
 12 Q They are vertical bars around the entire school
 13 property?
 14 A Yes.
 15 Q Are there any horizontal bars?
 16 A No.
 17 MS. PERRIN: Just for the record, she's describing
 18 spokes. They are big, tall bars with spokes at the top,
 19 like a -- like a spear.
 20 MR. ROSENTHAL: Is it kind of like a fence?
 21 MS. PERRIN: It's kind of like a fence, but it's
 22 kind of more like bars.
 23 THE WITNESS: It's exactly like prison bars.
 24 BY MR. ROSENTHAL:
 25 Q Can you slip between the bars, or is it meant

- 1 Q And you have already given me one example. You
 2 said that the art wing is now closed?
 3 A Yes.
 4 Q And the art wing was opened for a period of
 5 time while you were attending Balboa?
 6 A My 10th grade year.
 7 Q During 10th grade the art wing was open?
 8 A Yeah.
 9 Q Have there been any other changes during your
 10 time at Balboa as to what parts of the school are
 11 accessible to students?
 12 A Yes.
 13 Q Can you tell me what those were.
 14 A The second floor bathroom was not accessible,
 15 like the second floor girls' bathroom is not accessible.
 16 Q The second floor girls' bathroom in which
 17 building?
 18 A In the main.
 19 Q Is it accessible now?
 20 A Yes.
 21 Q When was it not accessible?
 22 A When I started in 10th grade to the end of my
 23 11th grade year.
 24 Q At the beginning of your senior year, it was
 25 accessible?

- 1 to be an entrance?
 2 A It's an entrance.
 3 Q How do you enter the school property?
 4 A Through the bars.
 5 Q Do you slip in between the bars?
 6 A You open it.
 7 Q There's a gate? I'm not trying to put words in
 8 your mouth.
 9 A The bars are -- well, it's like the whole bars,
 10 and then there are 10 bars on wheels and you can move
 11 those bars in and out, and that's how we get in and out.
 12 Q So part of what I'm calling a fence slides open
 13 and closed?
 14 A Yes.
 15 Q Is there only one of those entrances to the
 16 school property?
 17 A You can go in the main way -- for the students,
 18 yes.
 19 Q Is there another entrance for the staff?
 20 A Like when you turn the corner, there's some
 21 more bars that slide, but you have to have a key.
 22 Q Are there any other ways onto the school
 23 property?
 24 A You have the gate, but the way everybody else
 25 does it, we just walk in the main building.

- 1 A Yes.
 2 Q Are there any other examples that you can give
 3 me of parts of the school that were not accessible for
 4 some period of time?
 5 A Chayote Grill, where we buy food.
 6 Q Just for clarification, is -- the Chayote
 7 Grill, is that part of the cafeteria?
 8 A No, separate. It's where you -- like Chayote
 9 Grill is like where you can buy food. And cafeteria is
 10 where they give you food. I don't know how to -- it's
 11 just different.
 12 Q So when you have lunch you have two choices;
 13 you can either go buy some food at the cafeteria, or you
 14 can go buy food at the Chayote Grill?
 15 A You get free lunch at the cafeteria I think,
 16 and you can go buy your food at the Chayote Grill.
 17 Q I didn't mean to change the subject.
 18 So can you tell me -- describe -- you said the
 19 Chayote Grill was at some point not accessible?
 20 A Yes.
 21 Q When was that?
 22 A My 10th grade year and maybe parts of my 11th.
 23 I'm not so sure.
 24 Q Do you know why it was not accessible?
 25 A No, I don't know why.

- 1 Q Do you have an understanding as to why the art
2 wing was closed down?
3 A No, I do not.
4 Q What was your understanding why the second
5 floor girls' bathroom in the main building was closed
6 down during your 10th and 11th grade?
7 A Harmful to us.
8 Q What do you mean by "harmful"?
9 A There was yellow caution tape that police use
10 when somebody gets shot or killed, and they put the
11 yellow tape around there that says you can't go in
12 there, and that's what it was. It was yellow caution
13 tape.
14 It's a little mini hallway, maybe three or four
15 feet. Before you actually go into the bathroom, you
16 walk into the main hallway three or four feet, and then
17 you can go into the bathroom. Like from wall-to-wall in
18 the hallway was caution tape. And then the actual door
19 of the bathroom was caution tape, and then there was a
20 lock on it and somebody put up a sign that said, "Do Not
21 Enter."
22 Q So the door to the bathroom was locked, and
23 there was caution tape put over the door as well?
24 A Yes.
25 Q Do you know why the bathroom was sealed?

- 1 A I heard rumors, but I don't know if any of them
2 are true.
3 Q What did you hear?
4 A They got set on fire, that somebody had made a
5 bomb threat like to that bathroom, that like it was some
6 type of something was wrong with the plumbing, it was
7 like some putrid smell that you couldn't stand to go in
8 there, that it was flooded I heard.
9 Q Anything else?
10 A I heard that the -- I think that's all I heard.
11 Q Was there any construction being done in that
12 bathroom while you attended Balboa during your 10th and
13 11th grade school years?
14 A Not that I've seen, no.
15 Q When you arrived at Balboa at the start of your
16 senior year, the bathroom we are discussing was open?
17 A Yeah. Accessible by security guard.
18 Q I'm sorry. Accessible --
19 A By security guard.
20 Q Had you ever been in that bathroom before your
21 senior year?
22 A Couldn't; it was locked.
23 Q So you had never been in there before?
24 A Hm-mmm. No, I mean.
25 Q Did it look to you like the bathroom had been

- 1 redone?
2 A No. It didn't look like the bathroom was
3 redone.
4 Q You said the Chayote Grill was not accessible
5 during your 10th grade school year, perhaps part of your
6 11th grade school year. Do you recall why that was the
7 case?
8 A No.
9 MS. PERRIN: Well -- go ahead.
10 BY MR. ROSENTHAL:
11 Q Did it exist? Is the Chayote Grill something
12 that was newly built?
13 A No, it was there. They sold the food outside.
14 The food that they sold outside is now what they sell in
15 the Chayote Grill.
16 Q So they moved the food vendor indoors?
17 A Yeah. They moved it from like outside in quad
18 to Chayote Grill.
19 Q So what was in the -- where the Chayote Grill
20 is now located, what used to be located there?
21 A The Chayote Grill is still there, but we just
22 didn't use it; the reasons, I don't know.
23 Q Just generally here in your almost three years
24 that you have attended Balboa High School, do you recall
25 any construction at the school?

- 1 A They painted the school. They obviously fixed
2 some of -- like the double doors to enter. Because I
3 told you the balcony --
4 Q Which balcony?
5 A Well, like any of them, it's double doors.
6 Q The balconies connecting the main building with
7 the right building?
8 A Yeah. The doors you go through, some of those
9 doors -- I mean the windows that was in those double
10 doors are broken, and those are fixed now.
11 Q Do you know how those windows got broken?
12 A I don't know. I don't know.
13 Q Do you ever hear any rumors about that?
14 A One was like a hole, size of a bullet, so
15 everyone assumed it was like a bullet hole. And the
16 other ones I don't know. I just know about that one.
17 Q Any other construction or repairs that you
18 recall during your three years?
19 A They cleaned a lot of bird feces off the gym
20 floor.
21 Q Anything else?
22 A No.
23 Q Do you remember them repainting any classrooms?
24 A They repainted the BSU room, and they added a
25 desk to the main office.

- 1 Q Earlier you said that they cleaned the bird
2 feces off the gym floor?
3 A Yes.
4 Q Do you recall when that was?
5 A I don't know. I could tell you when the bird
6 feces was on the floor.
7 Q Why don't you tell me that.
8 A My 10th grade year and some of my 11th grade
9 year.
10 Q When you say there was bird feces on the gym
11 floor, could you describe it for me.
12 A All over the floor. Like you see this mark
13 right here on this desk (indicating)?
14 Q Yes. That's not going to transcribe in a
15 deposition transcript.
16 A There's a mark on the desk. If you picture
17 this desk being a gym floor, this would be some, this
18 would be some, this would be some, this would be some.
19 And it would be all around, like droppings like maybe
20 inches away from each other (indicating).
21 Q And that was during your -- it was there during
22 your 10th grade and part of your 11th grade?
23 A Yes.
24 Q Do you recall what part of the 10th grade
25 school year it was there?

- 1 A It's improved. It's not no better. It's still
2 bird stuff on the floor. But it's not like centimeters
3 apart. Now it's enough where you can see a spot and
4 walk over it. And like -- like if you are in gym class
5 and playing basketball, you can like avoid the spot by
6 zigzagging.
7 Q Are there still birds in the gym?
8 A I really don't know. I haven't visited the gym
9 as often in my 12th grade year, this year, because I
10 don't have the class, so I really don't know.
11 Q Have you seen any birds in the gym this year?
12 A I don't think I've been in the gym. Well, you
13 mean year 2000 or my sophomore year?
14 Q Let's say your 12 grade year, have you seen any
15 birds in the gym during your senior year?
16 A Yes.
17 Q When was the last time you saw a bird in the
18 gym?
19 A The last time I've been to the gym, which was
20 probably the fall semester of my 12th grade year.
21 Q But you haven't been in the gym since the fall
22 of 2000?
23 A No. I haven't been on that level. Like I've
24 been where the vending machines are and where the girls'
25 and boys' locker rooms are. I've been there, because

- 1 A The whole part. It was really quite nasty. We
2 had to use that gym; that was the nasty part, you know?
3 Q Were there birds in the gym?
4 A Yes. It was families.
5 Q There was what?
6 A Families. We used to try to hit the birds with
7 the basketball. We made that a game in gym.
8 Q Do you know how the birds got into the gym?
9 A Yes. Some of the gym window panes are broken.
10 They just flew right in.
11 Q Do you recall when the gym floor got cleaned?
12 MS. PERRIN: Objection; asked and answered.
13 THE WITNESS: I remember Mr. Gray, who was a coach
14 and a gym teacher. He said that him and some other
15 people cleaned it. They tried to clean a little bit
16 like when my sophomore year was over because they got
17 tired of it. But all of it -- all of it wasn't cleaned.
18 So actually, I don't know, but I just remember
19 him saying he tried to do it before we came back.
20 BY MR. ROSENTHAL:
21 Q Is there still bird feces on the gym floor?
22 A A little bit, yes.
23 Q Is it improved from how it was before?
24 A Yes.
25 Q Is it much better than it was?

- 1 that's -- there's a vending machine there.
2 Q Do you know if the windows in the gym are
3 fixed? You testified before they were broken. Do you
4 know if they are fixed now?
5 A Well, they can't be -- well, now, as of this
6 day? Or last time I was there?
7 Q Were they fixed the last time you were in the
8 gym?
9 A Well, they couldn't have been, because there
10 was still birds there.
11 Q How many birds did you see the last time you
12 were there?
13 A I saw one or two flying around.
14 Q Do you know what kind of birds they were?
15 A Pigeons.
16 Q Have you heard there are still birds in the
17 gym?
18 A No, I haven't heard.
19 Q Has anybody complained to you that there are
20 birds in the gym recently?
21 A No one's complained to me. I don't know if
22 there was complaints, but none were made to me.
23 Q Do you know if the gym windows are fixed as of
24 today?
25 A As of today, no, I do not know.

1 Q Okay. When does the -- well, strike that.
 2 I know that the class schedule has changed at
 3 Balboa during the time that you were there --
 4 A Yeah.
 5 Q -- is that correct?
 6 A Yes.
 7 Q When you started there in 10th grade, can you
 8 describe for me how classes were scheduled.
 9 A We were on block schedule.
 10 Q Can you tell me what block scheduling is.
 11 A Okay. Block scheduling is when -- okay. Like
 12 if you look at my transcript, in fall of '98 you see I
 13 took Modern World 1, I took Modern World 2, I took PE 1
 14 and 2, and I took Geometry 1 and 2; right?
 15 Q Yes.
 16 A In block scheduling, we took all those, like
 17 Geometry 1 and 2, in one semester.
 18 Q I'm not trying to put words in your mouth, but
 19 was that because you took geometry for twice -- the
 20 period you took it, for twice as long during one
 21 semester?
 22 MS. PERRIN: Objection; vague. I know where you are
 23 going, just rephrase.
 24 BY MR. ROSENTHAL:
 25 Q Can you describe for me, how did you take

1 the last period of the day.
 2 MR. ROSENTHAL: Let me rephrase the question.
 3 Q Do the four classes include the last period of
 4 the day?
 5 A Yeah, your fourth class was your last class of
 6 the day.
 7 Q So the first three classes met for two hours
 8 each; is that correct?
 9 A Yeah.
 10 Q And your fourth class met for somewhat less
 11 than two hours, you said approximately 90 minutes?
 12 A I don't know if the 90 minutes is approximate,
 13 but it was less than two hours.
 14 Q Okay. Did you have the block schedule for your
 15 entire 10th grade school year?
 16 A Yes.
 17 Q How about during 11th grade?
 18 A No.
 19 Q What kind of schedule did you have during your
 20 11th grade? Or how were classes scheduled during your
 21 11th grade school year?
 22 MR. ROSENTHAL: Let the record reflect the witness
 23 is reviewing her transcript, which has been previously
 24 marked as Exhibit 2.
 25 THE WITNESS: We had six classes, and we would go to

1 Geometry 1 and Geometry 2 in one semester?
 2 A Well, because like we take Geometry 1 for so
 3 long and -- I don't know. I don't know if those
 4 semesters are 18 weeks or not. But I got passed -- I
 5 passed the -- wait a minute. Yeah, I passed it, and so
 6 I went to Geometry 2.
 7 Q Maybe I can ask you a better question.
 8 How long did your geometry class meet for every
 9 day?
 10 A Like those were two-hour classes.
 11 Q Two hours?
 12 A Yes.
 13 Q Okay. So how many classes did you take --
 14 strike that.
 15 In 10th grade, were all of your classes
 16 two-hour classes?
 17 A I think like the last period of the day
 18 wouldn't be a full two hours; maybe it would be like 90
 19 minutes.
 20 Q But other than the last period, all of your
 21 classes were two hours' long?
 22 A Just about, yes. We took four classes.
 23 Q So you took four classes a day for
 24 approximately two hours each?
 25 MS. PERRIN: Slightly misstates her testimony. On

1 each class, like we go to all classes in one day.
 2 BY MR. ROSENTHAL:
 3 Q So you had six classes per day?
 4 A Yes.
 5 Q And how long was each class?
 6 A Those are short classes, maybe 30 to 45
 7 minutes, if that. I'm not sure if that's the
 8 approximate number. They are very, very short classes.
 9 Q Those were the only classes you had? Each
 10 school day you had six classes?
 11 A Yes.
 12 Q What time did your school day start when you
 13 were at Balboa in 10th grade?
 14 A 7:52.
 15 Q 7:52 a.m.?
 16 A Yes.
 17 Q And when was -- when did your last class end?
 18 A 3:07, I believe.
 19 Q That's p.m., obviously.
 20 A Yes.
 21 Q I hope, for your sake.
 22 And how about in 11th grade?
 23 A 11th grade?
 24 Q When did school start?
 25 A Monday, Tuesday, Thursday, and Friday it

1 started at 7:52.
 2 Q And when did it start on Wednesday?
 3 A 9:20, I believe. It was 9:00-ish, 9:00
 4 something. 9:05, 9:15. I think it was 9:20, though.
 5 Q And when does school end -- when did school end
 6 for you in 11th grade?
 7 A 3:15.
 8 Q Every day of the week?
 9 A I think so, yes.
 10 Q So on just -- for example, on a Monday when you
 11 were in 11th grade, you were in school for
 12 approximately -- a little bit over seven hours; is that
 13 correct?
 14 A I guess so.
 15 Q But you said you had classes -- you had six
 16 classes per day?
 17 A Yes.
 18 Q Each lasting between 30 minutes and 45 minutes?
 19 MS. PERRIN: Well, misstates her testimony. She
 20 said she doesn't recall how long they were, but that
 21 they were short.
 22 BY MR. ROSENTHAL:
 23 Q How was your day -- let me try a different
 24 question.
 25 You have testified that on Mondays, Tuesdays,

1 A Three to five minutes, I think; I'm not so
 2 sure.
 3 Q How many periods were there per day?
 4 A Six.
 5 Q So other than your lunch period and the passing
 6 periods, was the rest of your time in school spent in
 7 class?
 8 A Yes.
 9 Q Is it possible that your classes were longer
 10 than 45 minutes each?
 11 A Anything is possible. I really don't even know
 12 how long.
 13 Q How were classes scheduled during your senior
 14 year? Was it the same as 11th grade?
 15 A Oh, gosh, no.
 16 Q Did it change again?
 17 A Yes. Like Monday you go to first, second --
 18 you have six scheduled classes.
 19 Q On Mondays?
 20 A Yes. You go to first through fifth, excluding
 21 home room, excluding sixth period.
 22 Q I'm not sure I follow that.
 23 You have -- you do not go to sixth period on
 24 Mondays?
 25 A Nor home room.

1 Thursdays, and Fridays during your 11th grade you were
 2 at school from 7:52 a.m. until 3:15 p.m., approximately
 3 3:15 p.m.
 4 A Yes.
 5 Q And was your entire day filled with taking
 6 classes?
 7 A Yeah, and lunch.
 8 Q How long was your lunch period?
 9 A I don't know. I really don't know.
 10 Q Can you estimate?
 11 A I would be guessing.
 12 Q Was it more than an hour?
 13 A Oh, no. Never had more than an hour lunch.
 14 Q Was it more than a half an hour?
 15 A That I don't know, but I know it wasn't an
 16 hour.
 17 Q So lunch was less than an hour?
 18 A Less than an hour.
 19 Q Was the remaining time of your school day
 20 filled with taking classes?
 21 A Passing period.
 22 Q Can you tell me what passing period is?
 23 A When you go from one class to the next.
 24 Q How much time did you have to go from one class
 25 to the next?

1 Q And you don't go to home room on Mondays?
 2 A No.
 3 Q Okay. How about Tuesdays?
 4 A And then Tuesdays you go to first through
 5 fourth, and then you had sixth period. Tuesday you
 6 would exclude fifth, and Tuesday you would exclude home
 7 room.
 8 Q Okay.
 9 A Wednesday we get out at 2:20. Wednesday we
 10 have second period, third period, fourth period, fifth
 11 period, sixth period, plus a home room meeting.
 12 Q Plus home room, but no first period?
 13 A No first period.
 14 Q Thursday?
 15 A You would have first, second, and third, fifth,
 16 and sixth; excluding home room, and excluding fourth
 17 period.
 18 Q I could probably guess Friday, but why don't
 19 you tell me.
 20 A First, third, fourth, fifth, and sixth;
 21 excluding second period, excluding home room.
 22 Q Actually, I may not have been able to guess.
 23 Do you have third period every day?
 24 A Do we? No. I made a mistake on Wednesdays.
 25 On Wednesdays, second, fourth, fifth, sixth, home room.

- 1 Q Okay. So on Wednesdays there's no first period
2 and there's no third period?
3 A Yes.
4 Q Okay. During your senior year, what time does
5 the school day start?
6 A 8:15.
7 Q And what time does it end?
8 A Well, if you have six classes?
9 Q Does it end the same time every day? I know
10 you said Wednesdays end at 2:20.
11 A Wednesdays end at 2:20. And if you have six
12 classes, then you would get out at 3:15.
13 Q So for example, on Monday if you were taking
14 six classes, you would meet you say -- you previously
15 testified that you would have first period, second
16 period, third period, fourth period, and fifth period.
17 A Yes.
18 Q And after fifth period, it would be 3:15; is
19 that correct?
20 A Yes.
21 MS. PERRIN: You know what, it's 5:00 o'clock. You
22 want to take a break?
23 MR. ROSENTHAL: Sure.
24 (Recess taken.)
25 BY MR. ROSENTHAL:

- 1 Q Ms. Jones, you understand you are still under
2 oath?
3 A Yes.
4 Q Now, before our break we were talking about how
5 long your school day was during your senior year. Can
6 you tell me when approximately the -- what date
7 approximately the school year begins.
8 A Anywhere between August, I would say, 24th and
9 August 29th. I'm not sure of the exact date, though.
10 Q But sometime towards the end of August?
11 A Yes.
12 Q And was that the case during 10th grade as
13 well?
14 A Well, I didn't start school then, but that's
15 the time school was supposed to start, yes.
16 Q Fair enough.
17 How about during 11th grade?
18 A Yes.
19 Q And when does the school year end again,
20 approximately what date? Let's start with 10th grade,
21 when did that end approximately?
22 A By June 2nd. I don't know the exact date, but
23 it was around that time.
24 Q Somewhere in the beginning of June?
25 A Mm-hmm.

- 1 Q And how about 11th grade?
2 A Eleventh grade ended June 6th, I believe.
3 Q Also in the beginning of June?
4 A Mm-hmm.
5 Q And how about this year?
6 A My graduation date is June 6th.
7 Q Have classes already ended?
8 A My last final is May 23rd.
9 Q Do you know if students in the other grades
10 besides 12th grade have classes until the beginning of
11 June?
12 A Leave school the 8th.
13 Q The 8th of June?
14 A Yes.
15 Q Can you tell me who the principal at your
16 school is?
17 A Patricia Gray.
18 Q Has she been the principal at Balboa since you
19 have attended the school?
20 A No. She's principal since 11th grade, I
21 believe. Yeah, since 11th.
22 Q Since the beginning of 11th?
23 A Yeah.
24 Q Do you recall who was principal when you were a
25 sophomore?

- 1 A Ms. Kory.
2 Q Was she the principal of Balboa the entire time
3 you were at Balboa during your sophomore year?
4 A Yes, I think so, yes.
5 Q Does Balboa High School have any vice
6 principals?
7 A Yes.
8 Q Can you tell me who the -- how many vice
9 principals does Balboa currently have?
10 A I know two. It may be more, but I know two.
11 Wait. Is vice president assistant principal?
12 Q Yeah. We can call them assistant principal.
13 Is that what you are used to calling them?
14 A Yes.
15 Q Can you tell me the names of the two assistant
16 principals?
17 A Ron Rachesky.
18 Q Ron?
19 A Rachesky, R-a-c-h-e-s-k-y.
20 Q Is there a second one?
21 A Yes. Assistant principal, Ted Barone,
22 B-a-r-o-n-e. I think there's another one. I don't
23 know. I'm not sure if he's assistant principal or not,
24 but I think he is.
25 Q Can you tell me his name.

1 A Gilbert Chung.
 2 Q Have Messrs. Rachesky and Barone been assistant
 3 principals at Balboa the entire time you have attended
 4 the school there?
 5 A No. Barone came 11th grade. And I think
 6 Rachesky came 10th.
 7 Q Do you recall who was assistant principal
 8 before Mr. Barone?
 9 A No.
 10 Q Do you recall who was assistant principal
 11 before Mr. Rachesky?
 12 A No.
 13 Q Do you recall any other assistant principals
 14 serving Balboa High School during the time you have
 15 attended there, other than the ones you have already
 16 testified to?
 17 MS. PERRIN: Including Mr. Chung?
 18 THE WITNESS: If Mr. Chung is actually a vice
 19 principal or assistant principal, then Mr. Chung, he was
 20 there since 10th grade.
 21 BY MR. ROSENTHAL:
 22 Q Anybody else?
 23 A Not that I can remember, no.
 24 Q Okay. You have already testified that the --
 25 that you did not -- hopefully I have the years right.

1 What was the year that you did not start
 2 attending Balboa until October? Was that during your
 3 sophomore year?
 4 A Yeah.
 5 Q Did you have any other extended absences from
 6 school while you were attending Balboa?
 7 MS. PERRIN: Objection; vague as to "extended."
 8 BY MR. ROSENTHAL:
 9 Q Do you understand what I'm asking?
 10 A I don't know how long or how much school you
 11 mean by "extended."
 12 Q Fair enough. Let me rephrase the question.
 13 Do you recall being out of school for any
 14 periods of time exceeding one week?
 15 A Yes.
 16 Q How many instances of what I've characterized
 17 as extended absences do you recall?
 18 MS. PERRIN: Just for the record, that means greater
 19 than one week?
 20 MR. ROSENTHAL: Right.
 21 MS. PERRIN: Okay.
 22 THE WITNESS: At least, and I'm pretty sure this was
 23 the most approximate number, four, with all of them
 24 being excused.
 25 BY MR. ROSENTHAL:

1 Q When you say, "excused," what do you mean?
 2 A Like they were pardoned for valid reasons.
 3 Q Who determines if it's a valid reason?
 4 A Well, when you go back to school you get a
 5 readmit. And in order to get a readmit -- you have to
 6 be readmitted to class for being absent. You get it
 7 from the attendance office, and there are certain --
 8 part of the readmit is like you have court, sick, death
 9 in the family, doctor's appointment, etc.
 10 Like and you -- basically those are the
 11 categories they expect you to be out of school for an
 12 extended period of time for. So it would have to fall
 13 into those categories.
 14 Q This is a form that the --
 15 A When you are absent from school, and then you
 16 go get your readmit. And then each teacher signs your
 17 readmit, and you turn it back in to the attendance
 18 office so you won't have any unexcused absences, like I
 19 have.
 20 Q So you get the readmit form from the attendance
 21 office, have the teacher sign it, and then you turn it
 22 back in to the attendance office?
 23 A Yes.
 24 Q Do you have a copy of the readmit forms from
 25 any of these what I've called extended absences?

1 A No. I wouldn't have a copy because it's
 2 like -- like, you know, you was absent, so you don't
 3 need a copy saying it. But they need a copy saying you
 4 were absent this long for this reason.
 5 Q You said there were at least four absences from
 6 the school for -- that exceeded one week.
 7 A Yes.
 8 Q Let's start with the most recent instance.
 9 Do you recall when the last time you were
 10 absent from school for a week was?
 11 A April 4th to April 23rd I attended a historical
 12 black college tour and civil rights movement tour, so I
 13 missed school from April 4th to April 23rd.
 14 Q Okay. What about the absence prior to that?
 15 A February, I don't know the exact date.
 16 Q February of 2001?
 17 A Yes.
 18 Q Do you recall why you were absent then?
 19 MS. PERRIN: Actually, I'm going to object here.
 20 I'm going to instruct you not to answer.
 21 This is outside what Bush allowed. He said
 22 absences weren't permitted, nor the reasons for those
 23 absences.
 24 MR. ROSENTHAL: Are you instructing your witness not
 25 to answer?

1 MS. PERRIN: Yes.
 2 MR. ROSENTHAL: Can we get a stipulation?
 3 MS. PERRIN: (Witness nodded head.)
 4 MR. ROSENTHAL: Will you allow me to ask when the
 5 absences were?
 6 MS. PERRIN: Yes.
 7 BY MR. ROSENTHAL:
 8 Q Do you recall when the absence prior to the one
 9 in February 2001 was?
 10 A April 2000.
 11 Q And prior to that, what was the next absence of
 12 more than one week?
 13 A Late October, early November of '98.
 14 Q Now, you testified earlier that in December of
 15 1998 you went to Oklahoma.
 16 A Yes.
 17 Q Do you recall that?
 18 A Yes.
 19 Q Did you miss more than a week of school in that
 20 instance as well?
 21 A No.
 22 Q Do you recall how many days of school you
 23 missed then?
 24 A Living in Oklahoma I didn't miss any days of
 25 school.

1 Q Well, again, you testified that you were in
 2 Oklahoma from approximately the beginning of December;
 3 is that correct?
 4 A Yes. I left the day school ended for Christmas
 5 break. I didn't clarify that. I apologize. I didn't
 6 clarify that.
 7 Q Do you recall any absences of more than a week
 8 during 1999?
 9 A No, I do not recall.
 10 Q Now, you testified that the four absences, four
 11 what I've called extended absences, were excused and
 12 that you had valid reasons for being absent; is that
 13 correct?
 14 A Yes.
 15 Q Are you aware whether your transcript -- are
 16 you aware whether your transcript indicates anywhere the
 17 number of days that you were absent during these
 18 absences? Let me try to rephrase that.
 19 I'm looking at your transcript, which we have
 20 marked as Exhibit 2. And for example -- let me ask you
 21 this question: The absences that are reflected on what
 22 we have marked as Exhibit 2, are those absences from a
 23 particular class on a day that you were in school?
 24 A I don't know whether or not I was in school on
 25 the absence of these days. I just -- obviously I was

1 absent from that class, there's absence on there. But
 2 whether I was absent from school or not, I don't know.
 3 I don't know how that works.
 4 Q Why don't we move into the classes you are
 5 currently taking this semester.
 6 Can you just briefly tell me the classes you
 7 are taking.
 8 A European Literature and Economics.
 9 Q Two classes?
 10 A Yes.
 11 Q No other classes this semester?
 12 A No.
 13 Q Is there a reason you are only taking two
 14 classes this semester?
 15 A I only need these two classes to finish my
 16 requirements for graduation.
 17 Q Can you tell me the name of the teacher of your
 18 European Literature class.
 19 A Mr. Stephen Brady.
 20 Q Do you know how long he has taught at Balboa
 21 High School?
 22 A No, I do not.
 23 Q Do you know if he was there last year?
 24 A He was there last year.
 25 Q Do you know if he was there during your

1 sophomore year?
 2 A I don't know.
 3 Q Just so the record is clear, the second
 4 semester begins after Christmas break; is that correct?
 5 A No. It's like part of January is still part of
 6 the fall grades, I think, but I'm not too sure.
 7 Q Do you know when the second semester begins, an
 8 approximate date?
 9 A Well, this year it began after February 2nd
 10 because -- it began after February 2nd.
 11 Q And what are you basing that on?
 12 A The simple fact that my final fall grades were
 13 dated February 2nd.
 14 MR. ROSENTHAL: Let the record reflect that the
 15 witness is referring to her report card dated
 16 February 2nd, 2001, which was marked as Exhibit No. 3.
 17 Q Can you tell me how many times -- let me back
 18 up.
 19 Has Mr. Brady ever been absent from the
 20 European Literature class?
 21 A Yes.
 22 Q Can you tell me how many times.
 23 A This semester or my whole 12 grade year?
 24 Q Let's deal with this semester first.
 25 A No more than four.

- 1 Q Four classes?
 2 A Four --
 3 Q Four days?
 4 A I don't know if the teachers are absent four
 5 days or four classes. I don't know if they skip class
 6 or not.
 7 Q He was not your teacher in European Literature
 8 class for no more than four classes?
 9 A Yes.
 10 Q Did you have a substitute teacher?
 11 A Yes.
 12 Q Can you describe for me what kind of teacher
 13 Mr. Brady is.
 14 A The best kind of teacher.
 15 Q When you say, "best kind of teacher," what do
 16 you mean?
 17 A He knows everything and he is nice and he cares
 18 about our education. So if like somebody not doing well
 19 in his class, he not just going to let you take -- like
 20 say if you were getting a D or F, he's not going to let
 21 you take that.
 22 He's going to sit down with you, talk about why
 23 you got this grade and talk to you about why you can get
 24 your grade to a C or A. He don't even like us getting
 25 C's. He's very nice.

- 1 He went out of his way to help me personally a
 2 numerous amount of times, and he's popular amongst the
 3 students. Like people want to get in his class. Like
 4 it's European lit., people ask to get in his class.
 5 Everybody likes Brady, or they should like Mr. Brady. I
 6 like Mr. Brady.
 7 Q So it sounds like he's a good teacher; is that
 8 right?
 9 A Yes.
 10 Q Can you describe for me how he teaches his
 11 class.
 12 A By "how," I don't understand what you mean by
 13 "how."
 14 Q I can give you some examples.
 15 Does he typically lecture or does he -- is
 16 there a lot of student participation in the class, or
 17 just what is his teaching style?
 18 A Would it be easier if I ran through what a
 19 typical day in his class would be?
 20 Q That's fine.
 21 A Okay. We come in, he greets everybody at the
 22 door with a handshake or hug or a pat on the shoulder.
 23 And we sit down and we do our do now. And basically a
 24 do now is like it would be a prompt on the video
 25 monitor. Like it might be -- have to do with maybe a

- 1 book that we are reading or maybe it won't.
 2 Like the last prompt I remember was we were
 3 reading Hamlet, so it was like should Hamlet avenge his
 4 father's death. So we have to write a lengthy paragraph
 5 about that afterwards. You can read your do now out
 6 loud for points, and then after that we take some notes,
 7 like whatever we are reading.
 8 Now we are reading Hamlet, so we take notes on
 9 Hamlet. Like when we are taking notes on the reading we
 10 should have done for homework. Then we get our folders
 11 and work on whatever the project. Right now we are
 12 writing our own mini play. So we will get our folders
 13 and we write our own mini play.
 14 Then we get a five-minute break. Then we come
 15 back, and we have -- like we might have a group
 16 discussion about whatever is going on in the book or
 17 whatever's going on in the class. Probably take some
 18 more notes.
 19 And that's it. That's basically it.
 20 Q In your opinion is Mr. Brady qualified to teach
 21 European Literature?
 22 MS. PERRIN: Objection; vague as to "qualified."
 23 BY MR. ROSENTHAL:
 24 Q Do you understand the word "qualified"?
 25 A Yes.

- 1 I think Mr. Brady is qualified to teach
 2 European Literature. I also think Brady is qualified to
 3 teach every subject and every class at that school;
 4 that's how much I believe in that man.
 5 Q Can you describe to me how students behave in
 6 Mr. Brady's class?
 7 A We will -- I behave well. By "well" meaning
 8 like I don't talk back to him, like I don't get out of
 9 my seat without permission. Nobody throwing things in
 10 class. We all sitting down and doing our work.
 11 We crack jokes with him, but -- no, nobody --
 12 we crack jokes with Mr. Brady and like crack jokes with
 13 each other, but a sufficient amount -- I do more work in
 14 his class than any class. I've done more work in his
 15 class than any class I've ever been, except squad class.
 16 Q Have you ever seen any students misbehave in
 17 Mr. Brady's class?
 18 A "Misbehave" meaning?
 19 Q Are you familiar with the word "misbehave"?
 20 A Yeah, but it's different levels of misbehaving.
 21 You might consider talking back misbehaving, but I
 22 don't.
 23 Q Do other students talk back?
 24 A Some students talk back, yes.
 25 Q You mentioned before that you don't throw

1 things in class either. Do other students throw things
2 in class?

3 A No.

4 Q You have never witnessed that in Mr. Brady's
5 class?

6 A Actually, a boy sits behind me. And the
7 garbage can is where his briefcase is, and he throws his
8 papers in the garbage can.

9 Q No other instances of anybody throwing anything
10 in class?

11 A No.

12 Q Do students misbehave in his class in any other
13 way?

14 MS. PERRIN: Objection as to "misbehave."

15 THE WITNESS: The only thing that I've seen somebody
16 probably do wrong is talk back.

17 BY MR. ROSENTHAL:

18 Q You mentioned that Mr. Brady was absent a
19 couple of times, no more than four times, and you had a
20 substitute teacher.

21 A Yes.

22 Q Was the typical European Literature class
23 different when the substitute was teaching the class?

24 A A lot more talking amongst the students.

25 Everybody still do their work, because we respect

1 head. Like draw a head and draw what he thinking, like
2 during that particular scene in the book. Just read and
3 study your notes, because we have a test like every
4 Friday.

5 Q Again, you have anticipated my question, so I'm
6 going to ask if -- how frequently he tests you. Do you
7 get a test from Mr. Brady every Friday?

8 A Just about every Friday.

9 Q Now, earlier we discussed the layout of the
10 school. Can you tell me where Mr. Brady's classroom is
11 located, at least your European Literature class that
12 you had Mr. Brady.

13 A Main building, third floor.

14 Q Can you describe the particular classroom for
15 me.

16 A It was a classroom, it -- we have roughly about
17 35 students.

18 Q Does everybody have their own desk?

19 A Yes. The window shades are broken, though.

20 And we do -- like the video monitor is -- like he
21 doesn't use the chalkboard; he uses the video monitor.

22 The chalkboard is messed up, so you can't read the
23 chalk. I like the video monitor.

24 But anyway, like the video monitor, like

25 sometimes you got to move a lot of times, depending on

1 Mr. Brady enough to not misbehave when the substitute is
2 there. We respect ourselves not to embarrass ourselves
3 when the substitute is there.

4 Q So when the substitute is there, students are
5 behaving as if Mr. Brady was there?

6 A Yeah, just with a lot more interacting, like
7 talking between students. We try to behave as much as
8 we can so they assign us work. We want to show them we
9 really want to learn so they can actually teach, if at
10 all possible.

11 Q Does Mr. Brady give homework?

12 A Yes.

13 Q Can you give me some examples of what kinds of
14 homework he gives.

15 A Like recently we had to read like Act I,
16 Scene II through IV in Hamlet. What else have we had?
17 The mini play, work on our mini play.

18 Q Is that the project you were referring to
19 before?

20 A Yes.

21 Before we had homework like write up one page
22 argument on something controversial that's going on in
23 the news. Before, when we were reading other books,
24 such as when we were reading mythology, we had to do
25 like story boards, like draw story boards and do like a

1 where the sun is. Since the shades are broken, there's
2 like a glare on the TV, so you probably have to move.
3 Most likely you are moving in class.

4 Q Do you have difficulty reading the video
5 monitor?

6 A Well, I do because where I sit in class -- I
7 sit by the door. And then if the window is right here,
8 so like the glare is right on the TV from where I sit.
9 So most of the time like I sit in my seat and do my do
10 now. Like I have a boy who sits behind me reading my do
11 now for me.

12 And then I probably get up, and if there's a
13 seat available where there's like not much of a glare on
14 the TV, that's where I go sit to probably take notes and
15 stuff.

16 Q So if there's a glare on the TV, one of the
17 things you do is you ask the boy sitting behind you what
18 it says on the video monitor?

19 A Yes. He gets aggravated because I'm always
20 asking him. He talks too fast. And I'm like, "What?
21 I'm writing this down." But anyway.

22 Q Have you ever asked Mr. Brady to tell you
23 what's on the video monitor because you can't read it
24 because of the glare?

25 A Yes.

- 1 Q And does he tell you what it says?
 2 A Yes.
 3 Q Have you ever not been able to find out what it
 4 says on the video monitor?
 5 A No.
 6 Q Is Mr. Brady's classroom uncomfortably hot?
 7 A Yeah, but that can be fixed by opening the
 8 door. But then again, sometimes it's loud in the
 9 hallways so you can't really learn. Or he can't really
 10 teach with the door open, so we have to keep the door
 11 closed sometimes, that's when it can get uncomfortably
 12 hot in his classroom.
 13 Q When you say, "uncomfortably hot," can you
 14 estimate how hot it is?
 15 A Oh, I don't know nothing about no degrees.
 16 Q How frequently would you say his classroom is
 17 uncomfortably hot?
 18 A Once or twice every two weeks.
 19 Q And on those one or two occasions every two
 20 weeks, does he then open the door to alleviate the heat
 21 problem?
 22 A Yes.
 23 Q And does that work?
 24 A Yes, you feel the air, until he has to close it
 25 again.

- 1 Q Do you ever open the windows?
 2 A Yes.
 3 Q Does that work?
 4 A No. Because like I said, the shade thing is
 5 broke so all the sunlight is coming in.
 6 Q Are there certain months when Mr. Brady's
 7 classroom is unbearably hot or is it year-round?
 8 A Well, I mean, San Francisco doesn't get too
 9 much sun; I don't know if you are aware of that or not.
 10 Q Looks nice today.
 11 A Ain't no telling tomorrow. But I mean, when
 12 the sun is out and it's out by our school, then
 13 that's -- I mean, certain part of the year more than
 14 others, because of course like Indian summer we feel
 15 that a lot.
 16 So like beginning of the school year, like
 17 August, September, October is extremely uncomfortable.
 18 Then --
 19 Q Continue. I'm sorry.
 20 A But then going like into -- like, you know, the
 21 rest of the school year, it becomes less uncomfortable.
 22 Like today sun is coming in, actually.
 23 Q So when you say that it was uncomfortably hot
 24 one or two times every two weeks in Mr. Brady's
 25 classroom, that's limited to the months you have just

- 1 described; is that correct?
 2 A No, it's limited to after Indian summer.
 3 MR. ROSENTHAL: I'm sorry. Can you have that answer
 4 read back?
 5 (The record was read as follows:
 6 "Answer: No, it's limited to after Indian
 7 summer.")
 8 BY MR. ROSENTHAL:
 9 Q So you mean during November, December, January,
 10 February, March, during those months that one or two
 11 times every two weeks it's uncomfortably hot in
 12 Mr. Brady's classroom?
 13 A Well, maybe not December and January, because
 14 that's when a lot of rain -- we get a lot of rain. So
 15 we don't get much sun, so it won't be uncomfortably hot.
 16 But April, May -- well, March, April, and now that we
 17 are getting more sun, I guess because it's spring, you
 18 know, it's uncomfortably hot again.
 19 Q Is Mr. Brady's classroom ever uncomfortably
 20 cold?
 21 A No, I cannot remember his classroom as cold.
 22 Q Have you ever seen any mice in Mr. Brady's
 23 classroom?
 24 A No, but he told us that we can't eat in his
 25 classroom because the mice and the ants will come, and

- 1 he doesn't want to be bothered by it.
 2 Q But you have never seen any mice in his
 3 classroom?
 4 A No, we don't eat.
 5 Q Have you seen any mice droppings in his
 6 classroom?
 7 A No.
 8 Q Are there any broken windows in Mr. Brady's
 9 classroom?
 10 A No.
 11 Q Is the ceiling in Mr. Brady's classroom in
 12 disrepair?
 13 MS. PERRIN: Objection; vague as to "disrepair."
 14 THE WITNESS: I haven't looked up at the ceiling.
 15 Usually my head is down because I'm doing work.
 16 BY MR. ROSENTHAL:
 17 Q So you have never noticed any damage to
 18 Mr. Brady's classroom ceiling?
 19 A I've never looked.
 20 Q Do you have textbooks in your European
 21 Literature class?
 22 A Yes.
 23 Q How many textbooks?
 24 A I don't know, but I know each student has one.
 25 Q Every student in the European Literature class

- 1 has their own textbook?
 2 A Yeah, everybody in my class got their own
 3 textbook.
 4 Q Are you able to take those textbooks home?
 5 A Yes.
 6 Q Is there more than one textbook for the
 7 European Literature class?
 8 A Yes.
 9 Q Can you tell me approximately how many
 10 textbooks there are?
 11 A It's two.
 12 Q Do you recall the names of those textbooks?
 13 A I don't know the green big one, but the second
 14 one is right now Hamlet.
 15 Q Have you used any other books in connection
 16 with your European Literature class?
 17 A Yes.
 18 Q What other books have you used?
 19 A The books we read. We read Aenid and we read
 20 The Iliad, and we have read -- we had the Greek
 21 mythology book.
 22 Q Any other books that you can recall?
 23 MS. PERRIN: In European Lit.?
 24 MR. ROSENTHAL: In European Lit., yes, thank you.
 25 THE WITNESS: Textbooks that I can remember, no.

- 1 But we use the dictionary, and he has some dictionaries
 2 in there that we use.
 3 BY MR. ROSENTHAL:
 4 Q You use the dictionary in class?
 5 A Yes.
 6 Q Do you have your own copy of the dictionary?
 7 A No.
 8 Q That's something you use exclusively in class?
 9 A Yes.
 10 Q You mentioned five books. You mentioned
 11 Hamlet, The Aenid, The Iliad, a Greek mythology book,
 12 and another big green book?
 13 A Yes.
 14 Q Did every student have their own copies of each
 15 one of those books?
 16 A Yes.
 17 Q Were you able to take those books home with
 18 you?
 19 A Yes.
 20 Q Was every student able to take those books home
 21 with them?
 22 A Yes.
 23 Q Can you describe for me the condition of the
 24 books?
 25 MS. PERRIN: Objection; vague as to "condition."

- 1 THE WITNESS: That's okay. The books are new.
 2 BY MR. ROSENTHAL:
 3 Q They are brand-new books?
 4 A Brand-new books. They were ordered after the
 5 SF Weekly story came out.
 6 Q How do you know that?
 7 A Because we didn't have them before, and I
 8 overheard Mr. Brady say it. I think I scared him into
 9 giving us something.
 10 Q At the end of the school year are you required
 11 to give the books back?
 12 A Yes. Well, like The Aenid and Hamlet and The
 13 Iliad, like when we are done with those books, we have
 14 to give them back. But like the big green textbook, we
 15 have to give that back at the end of the year.
 16 Q Have you ever heard of a situation where a
 17 student lost a book and did not -- was not able to give
 18 it back?
 19 MS. PERRIN: In European Literature?
 20 MR. ROSENTHAL: Let's say in any case, at any time.
 21 THE WITNESS: Yes. And such was the case with me
 22 until I went down to the book room and found every book
 23 that they thought was missing.
 24 BY MR. ROSENTHAL:
 25 Q But you have heard of students losing books

- 1 before?
 2 A Yes, I've heard.
 3 Q And it's happened at Balboa High School?
 4 A Yes, at Balboa High School.
 5 Q Do you have to pay any fees in connection with
 6 your European Literature class?
 7 A Only if you lost a book and couldn't like give
 8 it back.
 9 Q But no other fees?
 10 A No.
 11 MS. PERRIN: In European Literature?
 12 BY MR. ROSENTHAL:
 13 Q In European Literature.
 14 A No.
 15 MR. ROSENTHAL: This whole line of questioning is
 16 limited to Mr. Brady's -- I'll try to specify when I'm
 17 leaving the European Literature class.
 18 MS. PERRIN: Fair enough.
 19 BY MR. ROSENTHAL:
 20 Q In your opinion, are there any what you have
 21 called unfair conditions that exist in your European
 22 Literature class?
 23 A Two I can think of.
 24 Q Can you tell me what those two are.
 25 A The shade being broken. And the second one

- 1 probably couldn't be helped, but like that -- more
2 teachers like Mr. Brady teaching.
- 3 MR. ROSENTHAL: Can you read that back.
4 (The record was read as follows:
5 "Answer: The shade being broken. And the
6 second one probably couldn't be helped, but
7 like that -- more teachers like Mr. Brady
8 teaching.")
- 9 MR. ROSENTHAL: On that second condition, that
10 second condition doesn't exist because -- in Mr. Brady's
11 European class.
- 12 Are there any unfair conditions, what you call
13 unfair conditions, that exist in Mr. Brady's European
14 Literature class?
- 15 A Oh, I see.
16 Besides the shade, no, and the
17 uncomfortableness of it being hot.
- 18 Q Have you taken your final exam in European
19 Literature yet?
- 20 A No.
- 21 Q Do you still have any European Literature
22 classes?
- 23 A Yes.
- 24 Q When is your final class in European
25 Literature?

- 1 A I don't know when the final class is. I know I
2 have class tomorrow and I have class Friday, so the
3 final would probably be 22nd or 21st of May.
- 4 Q I know you haven't completely finished your
5 European Literature course, but you are pretty close to
6 the end at this point; right?
- 7 A Yes.
- 8 Q In your opinion, have you learned a lot about
9 European Literature in the course?
- 10 A Despite these horrendous conditions, yes.
- 11 Q And by "horrendous conditions" you are
12 referring to the broken shades and the --
- 13 A It being very uncomfortably hot. And we didn't
14 have textbooks -- the big green ones, we didn't have
15 those until the spring, until the fall semester ended.
16 I don't remember us having those in the beginning.
- 17 Q What did you use in the fall, what texts did
18 you use in the fall?
- 19 A We didn't. He broke the law and made copies,
20 but he only did it because he wanted us to learn.
- 21 Q So you weren't without instructional materials
22 in the class, were you?
- 23 A Excuse me?
- 24 Q You weren't without materials in the class,
25 were you?

- 1 A "Materials" meaning books?
- 2 Q A copy of the book.
- 3 A We had copies of the book, but that's illegal.
4 I don't want to get him in trouble, though.
- 5 Q We will keep that between us.
- 6 A Okay.
- 7 Q Just a couple more questions.
8 Can you tell me how the broken shades in
9 Mr. Brady's classroom affected your ability to learn in
10 his European Literature class?
- 11 A Well, A) it added to the heat. That's probably
12 the main reason I was so hot. When I came in, the sun
13 was just in there. And that made it -- that kind of
14 hindered my ability to learn because -- well, I don't
15 know about you, but it's hard for me to write down
16 things and focus when I'm hot, because like I get dizzy
17 and I get tired real easy.
- 18 And also, it's very inconvenient to have to
19 keep moving seats, or that I might have to get up and
20 look at the actual computer screen to take my notes.
21 Because sometimes I might not get all the notes
22 because -- because when I move -- like say a student
23 goes to the bathroom, like I'm going to go get their
24 seat so I can copy the stuff.
25 And when they come back, I have to go back to

- 1 my seat because there's no other seats available. So
2 I'm sitting there trying to read the video screen, and
3 then I ask Mr. Brady to read it out loud. And then he
4 takes time to read it out loud so I can write down an
5 answer.
- 6 So since that's taking time, we won't get
7 through everything we need to.
- 8 Also, the boy who sits behind me, although he's
9 very kind in doing it, he speaks very fast, so sometimes
10 I'm pretty sure I write down the wrong information.
- 11 Q Do you know if students have complained about
12 the glare on the video monitor in Mr. Brady's class?
- 13 A Yes.
- 14 Q Who have they complained to?
- 15 A Mr. Brady.
- 16 Q What does he say?
- 17 A He's been trying to get it fixed since he got
18 there.
- 19 Q He's been trying to get the shade fixed?
- 20 A Since he started teaching there.
- 21 Q Have other students complained about the heat
22 in Mr. Brady's classroom?
- 23 A Yes.
- 24 Q Who have they complained to?
- 25 A Mr. Brady.

1 Q What does he tell them?
 2 A Life is tough and then you die. And then he
 3 opens the door.
 4 MR. ROSENTHAL: Why don't we stop here.
 5 MS. PERRIN: Okay.
 6 MR. ROSENTHAL: I've been instructed to read this
 7 stipulation when we are done with this, just the closing
 8 stipulations.
 9 Can we stipulate the original of this
 10 deposition will be signed under penalty of perjury, that
 11 the original be delivered to the office of Morrison &
 12 Foerster, that the reporter is relieved of liability for
 13 the original deposition.
 14 The witness will have 15 days from the date of
 15 the court reporter's transmittal letter to read and sign
 16 and correct the deposition, that Ms. Perrin shall notify
 17 all parties of any changes in the deposition, and if
 18 there are no such changes communicated or signature,
 19 that any unsigned copy may be used as if signed and
 20 corrected.
 21 MS. PERRIN: I stipulate to all those. We will so
 22 stipulate.
 23 MR. ROSENTHAL: Back on the record. Just noting for
 24 the record that the deposition of Ms. Jones has been
 25 suspended until it can be continued at a mutually

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 9 I, ALONDRA S. JONES, do hereby declare under
 10 penalty of perjury that I have read the foregoing
 11 transcript; that I have made any corrections as appear
 12 noted, in ink, initialed by me; that my testimony as
 13 contained herein, as corrected, is true and correct.
 14 EXECUTED this _____ day of _____,
 15 2001, at _____,
 (City) (State)

16
 17
 18 _____
 19 ALONDRA S. JONES
 20
 21
 22
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 24
 25

1 convenient date for all parties involved.
 2 And that's it.
 3 MS. PERRIN: Okay.
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 4 I, the undersigned, a Certified Shorthand
 5 Reporter of the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative or
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name.
 20
 21 Dated: _____
 22
 23
 24 _____
 25 RACHEL FERRIER
 CSR No. 6948