

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor,)
by Sweetie Williams, his)
guardian ad litem, et al.,)

Plaintiffs,)

vs.)

Case No. 312236

STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent)
of Public Education; STATE)
DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION,)

Defendants.)

DEPOSITION OF ALONDRA JONES
San Francisco, California
Sunday, June 17, 2001
Volume III

Reported by:
THERESA A. DARNELL

CSR No. 9966

JOB No. 849146

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 COUNTY OF SAN FRANCISCO
 3
 4 ELIEZER WILLIAMS, a minor,)
 by Sweetie Williams, his)
 5 guardian ad litem, et al.,)
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 Plaintiffs,)
 7 vs.) Case No. 312236
)
 8 STATE OF CALIFORNIA; DELAINE)
 EASTIN, State Superintendent)
 9 of Public Education; STATE)
 DEPARTMENT OF EDUCATION;)
 10 STATE BOARD OF EDUCATION,)
)
 11 Defendants.)

12 _____)
 13
 14
 15 Deposition of ALONDRA JONES, Volume 3,
 16 taken on behalf of Defendants, at 275 Battery
 17 Street, 26th Floor, San Francisco, California,
 18 beginning at 11:13 a.m. and ending at 4:12 p.m.
 19 on Sunday, June 17, 2001, before THERESA A.
 20 DARNELL, Certified Shorthand Reporter No. 9966.
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 22
 23
 24
 25

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8 EXHIBITS
 9 (None)
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1 San Francisco, California, Sunday, June 17, 2001
 2 11:13 a.m. - 4:12 p.m.
 3

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

8 FURTHER EXAMINATION
 9

10 BY MR. ROSENTHAL:

11 Q Good morning, Ms. Jones. As you probably
 12 remember, I'm Michael Rosenthal. I represent the State
 13 of California in this litigation.

14 Do you want me to go over the ground rules
 15 that we went over during our first day of deposition, or
 16 do you remember all those?

17 A I remember them.

18 Q Okay. Is there any reason why you would not be
 19 able to give your best testimony today?

20 A No.

21 Q Are you taking any medication or anything like
 22 that?

23 A No.

24 Q Very good. Basically I'd like to pick up where
 25 we left off on our last meeting, and if you remember, we

1 were going through the classes you took at Balboa High
 2 School.
 3 MS. PERRIN: And what grade were we on? I think
 4 10th grade.
 5 MR. ROSENTHAL: We pretty much wrapped up 11th
 6 grade and we were moving on to 10th grade at this point.
 7 So I'll try to wrap that up, and I'll have some other
 8 areas that I want to go back to that we covered during
 9 our first two days, but I'll try to do that at the end.
 10 Q I want to try and go through the classes that
 11 you took first. Is that okay with you?
 12 A Uh-huh. Yeah.
 13 Q I was reading the transcript last night. I
 14 think, was it your birthday yesterday?
 15 A Yeah.
 16 Q Happy birthday.
 17 MS. PERRIN: She's now officially an adult.
 18 BY MR. ROSENTHAL:
 19 Q Old enough to vote?
 20 Okay, do you have a copy of your transcript
 21 which was marked as Exhibit 2?
 22 MS. PERRIN: You know, I actually don't think I
 23 brought them. I don't have them with me today. I
 24 brought the rough but I don't have the exhibits.
 25 MR. ROSENTHAL: Okay. Why don't we take a few

1 met?
 2 A Every day, from -- Monday through Friday from
 3 like 8:15 to 1:00 or something. I don't know the exact
 4 time. It was like 8:15 to 12:00, 8:15 to 1:00.
 5 Q Do you remember how long you had your world lit
 6 course on the weekdays?
 7 A From like 8:00 to 10:00 something.
 8 Q And the rest of the time was spent in driver's
 9 ed?
 10 A And then there was like a 15- to 30-minute
 11 break and the rest the time was spent in driver's ed.
 12 Q Focusing on your summer school course in world
 13 lit, did you experience any of the what you've called
 14 unfair conditions during that course?
 15 A I think world lit was fine. I mean -- yeah,
 16 summer school class was fine.
 17 Q No unfair conditions that you can think of?
 18 A Not that I can think of, no.
 19 Q Do you remember where that course was held?
 20 MS. PERRIN: You mean the classroom?
 21 BY MR. ROSENTHAL:
 22 Q Yes.
 23 A On the first floor -- just on the first floor.
 24 That's all I remember
 25 Q Do you remember which building it was in?

1 minutes and I'll go make copies of them.
 2 (Pause in the proceeding.)
 3 BY MR. ROSENTHAL:
 4 Q Okay, Ms. Jones -- directing your attention to
 5 what was previously marked as Exhibit No. 2 which is a
 6 copy of your high school transcript; is that correct?
 7 A Yeah.
 8 Q Why don't we actually begin with your summer
 9 school. I believe you had previously testified that you
 10 took summer school after your 10th grade year; is that
 11 correct?
 12 A Yes.
 13 Q Can you tell me why you took summer school?
 14 A Because of the world lit grade I received in
 15 Miss Caliz' class.
 16 Q Can you tell me what courses you took during
 17 summer school?
 18 A World lit.
 19 Q Did you take any other courses?
 20 A Driver's ed, I think I took too. Yeah,
 21 driver's ed.
 22 Q And did you take both of those at Balboa High
 23 School?
 24 A Yes.
 25 Q And can you tell me how often summer school

1 A The main building.
 2 Q Are you guessing or is that your best
 3 recollection?
 4 A It was the main building.
 5 MS. PERRIN: Okay, Alondra, as we go back to
 6 things, you're not going to remember as much, and
 7 Michael doesn't want you to guess. If you can estimate,
 8 that's great. So if you have trouble remembering
 9 things, that just tell him because as we get older, we
 10 can't remember things.
 11 MR. ROSENTHAL: Actually, I apologize, I forgot one
 12 more thing. Let me take another minute.
 13 (Pause in the proceedings.)
 14 BY MR. ROSENTHAL:
 15 Q Can you tell me who your teacher was for world
 16 lit during the summer?
 17 A Mr. Wilcox.
 18 Q Do you know how long he had been at Balboa High
 19 School at that time?
 20 A No.
 21 Q Had you ever had Mr. Wilcox before?
 22 A He would sub in a couple classes off and on.
 23 Q Do you remember which classes he had subbed
 24 for?
 25 A He subbed in Miss Caliz' class. He subbed in

1 -- I forgot that teacher. Like in another English
 2 class. It wasn't my class but I saw him in the
 3 classroom.
 4 Q Is Mr. Wilcox still teaching at Balboa?
 5 A Yes.
 6 Q Is he a permanent teacher now?
 7 A Yes, he's a permanent teacher now. Oh, yeah,
 8 and he subbed for gym too.
 9 Q In 10th grade?
 10 A Yeah, I think that's the only year I took gym.
 11 Uh-huh, 10th.
 12 Q Do you remember if Mr. Wilcox was absent at all
 13 during summer school when he was teaching world lit?
 14 A No, I don't remember. I don't think so.
 15 Q Do you remember having a substitute teacher for
 16 world lit during the summer?
 17 A No.
 18 Q Would you say Mr. Wilcox was a good teacher?
 19 A Yes, Mr. Wilcox was cool.
 20 Q When you say "cool," what do you mean?
 21 A Like he was nice and he kind of gave easy
 22 work. Well, I thought it was easy.
 23 Q Did you think he was smart?
 24 A Mr. Wilcox's smart.
 25 Q Yes, he was smart?

1 A (Nods affirmatively.) Yes.
 2 Q Did you think he was qualified to teach world
 3 lit?
 4 A Maybe not world lit, but I think he's qualified
 5 to teach something. Maybe not world lit though.
 6 Q Why don't you think he was qualified to teach
 7 world lit?
 8 A I mean, because all we did is we read a book
 9 and we then did like journals and that's -- and we
 10 played Jeopardy about the book. That's really all we
 11 did. But that's probably because he didn't have as much
 12 as experience as the other teachers. Like other
 13 teachers would do tests and probably would have read
 14 more than one book and did different things besides
 15 journals on the book.
 16 Q When you say "journals," what do you mean?
 17 A Like we would have to read a chapter in the
 18 book and then write like a paragraph summary on what
 19 happened in the chapter.
 20 Q And did he review those journals?
 21 A Like in the beginning of the class, if you show
 22 him that you did it, he would give you your points.
 23 Q Did you have discussions in the class about the
 24 books you read?
 25 MS. PERRIN: Objection, misstates her testimony.

1 She said there was only one book.
 2 THE WITNESS: We only read one book, but he would
 3 read aloud to us sometimes, and then afterwards we'd do
 4 a journal or we'd read by ourselves in class.
 5 BY MR. ROSENTHAL:
 6 Q He would read aloud from the one book you had
 7 to read or from another book?
 8 A He would read aloud from the book we was
 9 reading. It was Things Fall Apart.
 10 Q That was the name of the book?
 11 A Yeah.
 12 Q Did Mr. Wilcox give any homework?
 13 A Yes.
 14 Q What kind of homework did he give?
 15 A The journals, like the one-page summaries.
 16 Q Did he give homework that required to you read
 17 from the book at home?
 18 A If you didn't finish reading it in class.
 19 Q Any other homework you can think of?
 20 A At the end when we had the tests we had to stay
 21 for the tests.
 22 Q Did you only have one test in his class?
 23 A Yes, that I remember. It was the --
 24 Q The final exam?
 25 A Yeah.

1 Q And you previously stated that you couldn't
 2 think of any unfair conditions that existed in this
 3 class. Was the room ever uncomfortably hot?
 4 A Not that I can remember.
 5 Q Was the room ever uncomfortably cold?
 6 A Not that I can remember.
 7 Q Was there ever a lot of external noise?
 8 A Not that I can remember. We had -- like
 9 everybody had their own book and there wasn't too much
 10 people in the class, like the class wasn't overcrowded
 11 or anything.
 12 Q Do you remember how many students were in the
 13 class?
 14 A No more than like 20.
 15 Q Did everybody have their own desks?
 16 A Yes.
 17 Q Was did everybody have their own copy of the
 18 book you were referring to?
 19 A Yes.
 20 Q Was the only book you used in the class?
 21 A Yes.
 22 Q Was the classroom clean?
 23 A Unless the kids dirtied it, the classroom
 24 seemed clean.
 25 Q Did you ever see mice in the classroom?

- 1 A No.
 2 Q Any mice droppings?
 3 A No.
 4 Q Do you remember the actual -- well, strike
 5 that.
 6 Were the windows in good repair?
 7 A They seemed to be.
 8 Q Any problems with the doors or the ceilings or
 9 the floor?
 10 I know it's a compound question, but I'm just
 11 trying to get through it.
 12 MS. PERRIN: That's fine.
 13 THE WITNESS: Not that I noticed.
 14 BY MR. ROSENTHAL:
 15 Q Were you able to take your book home?
 16 A Yeah.
 17 Q Can you tell me what the condition of the book
 18 was?
 19 A I think they were new books maybe.
 20 Q Were the books missing any pages or did they
 21 have any writing in them?
 22 A No.
 23 Q Did you ever have to pay any fees in connection
 24 with that class?
 25 A No.

- 1 Q At the end of the course, would you say you
 2 learned world lit?
 3 A I think I might have expanded my comprehension
 4 skills a little bit more because I read the book and did
 5 the summaries. I'm sure that was good practice. I
 6 learned what happened in the book.
 7 Q Do you have an understanding as to what you
 8 were supposed to learn in a world lit course?
 9 A No, I don't.
 10 Q Now, you had taken world lit during your
 11 sophomore year as well?
 12 A Yes.
 13 Q Did you learn more in world lit during the
 14 summer or would you say you learned more during your
 15 sophomore year?
 16 A I'd say I learned more in my sophomore year,
 17 but only in Miss Ricard's class, because I took it with
 18 two different teachers, Caliz and Ricard.
 19 Q So during the second semester --
 20 A Yeah.
 21 Q -- you learned more world lit?
 22 A Yes.
 23 Q Now, during the summer the course you took was
 24 world lit 1; is that correct?
 25 A Yes.

- 1 Q And the course taught by Miss Ricard's was
 2 world lit 2?
 3 A Yes.
 4 Q Actually, let me go back. Did you learn world
 5 lit 1 more during the summer or during the fall of your
 6 sophomore year?
 7 MS. PERRIN: With Miss Caliz?
 8 MR. ROSENTHAL: Right.
 9 MS. PERRIN: Okay
 10 THE WITNESS: We didn't really learn anything in
 11 Miss Caliz class either. I would say that I think even
 12 though we only read one book in the summer school and we
 13 read more than one book in Miss Caliz class, that I
 14 gained more from the summer school class.
 15 BY MR. ROSENTHAL:
 16 Q Why do you think that is?
 17 A Why? I don't know.
 18 Q Do you remember what your grade was in world
 19 lit during the summer?
 20 A [REDACTED]
 21 Q Are you reading that from the transcript?
 22 A Yes.
 23 Q Do you recall how many absences you had from
 24 world lit during the summer?
 25 A I think that says two.

- 1 Q Does that seem right to you?
 2 A Maybe. It probably was.
 3 Q And was the grade [REDACTED] also correct?
 4 A I think I should have got an [REDACTED] --
 5 Q But was [REDACTED] the correct grade that you got?
 6 A Yeah.
 7 Q Why do you think you should have gotten [REDACTED]
 8 A Because I read the book, I had scored the
 9 highest grade on the test, and when we played Jeopardy,
 10 I was also the only one raising my hand because I knew
 11 all the answers.
 12 Q How do you know you scored the highest grade on
 13 the test, on the final exam?
 14 A Because he congratulated me before he handed
 15 them out and said I scored the highest.
 16 Q Do you know if anybody got an A in that
 17 class?
 18 A I don't know.
 19 Q Do you know if you had the highest grade in the
 20 class?
 21 A I don't know.
 22 Q Now, you say you didn't feel like you learned
 23 a whole lot in world lit during the summer; is that
 24 right?
 25 A No.

1 Q But that wasn't because of any unfair
2 conditions in the class, was it?

3 A No.

4 Q I don't want to spend too much time on your
5 driver's ed course, but is there any unfair conditions
6 that you feel that were -- that existed in connection
7 with that class?

8 A Yes. It was overcrowded because -- and the
9 reason it was overcrowded is because they offered
10 driver's ed, it was only the last -- okay, say summer
11 school lasted seven weeks -- no, let's say eight weeks.
12 If summer school lasted eight weeks, then the last four
13 weeks were when they offered driver's ed and then they
14 stuck as many kids fit in that room, into the driver's
15 ed class. Because they said something about there
16 wasn't a driver's ed -- like nobody would teach driver's
17 ed, but they got [REDACTED] to do it. And so they
18 stuck a lot of kids in that class.

19 And also, [REDACTED] was not -- she
20 subbed before, like in my gym class and she subbed for
21 in another class, but she wasn't fit to teach driver's
22 ed because -- she was nice and all, but when we were in
23 class, she would -- like everybody was learning, let's
24 just say that, including her. She had the driver's
25 handbook and then she'd look in it, and then we'd all

1 know some of the other classrooms were in use.

2 Q Were there some classrooms that were not being
3 used?

4 A I don't know.

5 Q Do you recall how many students were sitting on
6 the floor?

7 A No. It would be a guess.

8 Q Did that affect your ability to learn in
9 driver's ed class?

10 MS. PERRIN: Objection, calls for expert testimony.
11 But I'll allow her to testify as to her opinion.

12 THE WITNESS: Well, all those kids in that
13 classroom made it hard for me to get some individual
14 attention if I needed some. And also [REDACTED]
15 couldn't handle all them kids. Like she even said, "I
16 can't handle all these kids." There was too many for
17 her.

18 BY MR. ROSENTHAL:

19 Q You said it made it hard to get individual
20 attention if you needed it. Did you ever need
21 individual attention in that class?

22 A Maybe once or twice if there was something in
23 that driver's handbook thing that I didn't understand.

24 Q And were you able to get that individual
25 attention when you needed it?

1 have our book and she would ask us questions directly
2 from the book and then we would have to look it up, and
3 sometimes we'd find the answer and she wouldn't find it.

4 But I think she did the best that she could.

5 Q Do you remember how many students were in the
6 driver's ed class?

7 A I don't know the approximate number, but I know
8 it was more than 30.

9 Q Was it held in a classroom?

10 A Yes.

11 Q Do you remember where that classroom was
12 located?

13 A The second floor of the main building.

14 Q Did everybody have their own seat in that
15 class?

16 A I remember some Filipino kids sitting on the
17 floor.

18 Q Do you know why they were sitting on the floor?

19 A They didn't have a seat.

20 Q Do you know why they didn't have seats?

21 A There was too many kids in the classroom and
22 not enough chairs, or not enough desks I should say.

23 Q When you had driver's ed, were the other
24 classrooms in the school also in use?

25 A I don't know about all the classrooms, but I

1 A No. From another student.

2 Q Did you ask the teacher?

3 A Yes.

4 Q And what did the teacher say to you?

5 A "I'll be there in a minute," and she never got
6 a chance to come around to me.

7 Q Do you remember what your question was?

8 A Oh, no, I don't remember the question.

9 Q I'm paraphrasing what you said, but you also
10 said that [REDACTED] was not qualified to teach
11 driver's ed in your opinion?

12 A No.

13 Q Do you know if she had ever taught driver's ed
14 before?

15 A No, I don't know if she had ever taught
16 driver's ed before.

17 Q So she may have?

18 A I don't know. I know she didn't know some of
19 the answers to the questions she was asking. I do know
20 that much.

21 Q Did you get a grade in driver's ed?

22 A Yes.

23 Q Do you know what that grade is?

24 A [REDACTED]

25 Q Are you reading that from your transcript?

1 A Yes.
 2 Q Did you have any absence from driver's ed
 3 class?
 4 A No. We weren't allowed to have no absences
 5 because of something -- some California law or
 6 something, you had to have a certain number of hours
 7 like in the driver's ed class and then -- to go get your
 8 permit or something. So like you had to be there all
 9 your hours.
 10 Q Did you get a citizenship grade in driver's ed?
 11 A Yes.
 12 Q Do you remember what that grade was?
 13 A [REDACTED]
 14 Q And your reading that from your transcript?
 15 A Yes.
 16 Q Do you remember why you got [REDACTED]
 17 [REDACTED]?
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 testify as to her opinion.
 2 THE WITNESS: How'd it affect my ability to learn?
 3 BY MR. ROSENTHAL:
 4 Q Yes.
 5 A Well, I think it has a chain reaction, because
 6 the overcrowdedness in the class led me to not be able
 7 to get the individual attention that I may have needed
 8 in the class.
 9 And also, maybe if I would have gotten that
 10 individual attention, I would have understood some
 11 things better and I would have gotten a A.
 12 Also, she was -- like I said, she was a very
 13 nice lady but she just wasn't qualified to teach
 14 driver's ed. When -- well, I blame it on the class.
 15 When I first tried to take my permit, after I took the
 16 class or whatever, I took my permit test at the DMV, I
 17 failed the first time. And I think it was her fault.
 18 Because I passed it the second time around, but if she
 19 was qualified to teach the class and if she knew what
 20 she was talking about half the time -- which she didn't
 21 -- I don't think I would have failed it the first time.
 22 So --
 23 Q Would you say you sufficiently learned
 24 driver's ed in connection with taking the course during
 25 that summer?

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 Q You've identified a couple of unfair conditions
 14 in connection with your driver's ed class, those being
 15 specifically that the class was overcrowded and that you
 16 thought the teacher was not really qualified to teach.
 17 Other than what you've already testified to, how did
 18 those factors affect your ability to learn in that class?
 19 MS. PERRIN: Same objections. Can we just have a
 20 standing objection as to the expert opinion? That way I
 21 don't have to keep interrupting.
 22 MR. ROSENTHAL: You can keep making the objection I
 23 guess. I'm asking how it effected her. I don't think
 24 I'm asking for her opinion as an expert, just --
 25 MS. PERRIN: No, that's fine. That's fine, she can

1 A No. I failed the test the first time.
 2 Q So you don't think you learned driver's ed?
 3 MS. PERRIN: Objection, asked and answered.
 4 THE WITNESS: No. I think I learned driver's ed
 5 from -- after I failed that test, I had to -- I had to
 6 -- like I studied for it on my own.
 7 But then again, I mean, I don't really see the
 8 difference, because I studied for it when I had the
 9 class when she assigned homework, because she did assign
 10 homework and I studied then, but I didn't -- I don't
 11 think she was assigning the right information because
 12 there's some things in the book that weren't on the test
 13 that really doesn't matter. So I think she assigned
 14 some of the wrong things.
 15 BY MR. ROSENTHAL:
 16 Q And you think you didn't learn driver's ed
 17 because of the unfair conditions in the class?
 18 A Mainly because she didn't know what she was
 19 doing. Like she was unqualified. Also, like I said, if
 20 I would have got some of the individual attention that I
 21 needed, that would have helped. So the overcrowded
 22 part, yes.
 23 Q Again, I don't want to belabor the driver's ed
 24 course, but you said she didn't really know what she was
 25 doing in the class. I mean, how did she teach the

1 class? Can you tell me what a typical day was like.
 2 A We'd get in class, she'd tell us to read in our
 3 driver's ed book like 15 pages or something. And we'd
 4 read, and then she would ask us a question. Like she
 5 would open her book and she would read for a minute and
 6 then she would ask a question. And then we'd look for
 7 the answer. And then sometimes, like our answers --
 8 like she'll say like a question and then we would answer
 9 it and she'd say like, "No, that's not correct." But
 10 then it turns out it's correct and we'd call her on it
 11 and we'd say, "No, you're wrong because it says right
 12 here," and then she'd say, "Oh, well, you know, I'm
 13 really not a driver's ed teacher so, you know, I'm doing
 14 the best I can too."

15 And then afterwards -- like we had a couple of
 16 like mock license test things, we had a couple of those.
 17 And basically that's it. Just a lot of her asking us
 18 questions and the mock license test.

19 Q Did the teacher test you in the class?

20 A The mock tests.

21 Q And did that affect your grade in the class?

22 A Oh, I don't know her grading system at all.

23 Q Why don't we move on to the classes you took
 24 during your sophomore year, which was the '98-'99 school
 25 year, I believe; is that right?

1 A Okay. First period was geometry, second period
 2 was P.E., third period was -- third period was Miss
 3 Caliz. No, no, no. Third period was modern world, and
 4 then fourth period was academic literacy or world lit.

5 Q And just so I have an understanding, so fourth
 6 period, did you take the academic literacy course on
 7 certain days of the week, or was it for the first half
 8 of the semester or how did that work?

9 A Well, I really can't tell the difference
 10 between the classes because we did the same things in
 11 both classes -- when I had Miss Caliz, we did the same
 12 things. So I think that like after a certain number of
 13 weeks, the class switched to world lit. Like -- okay,
 14 you see how I took geometry 1 and geometry 2, right?
 15 It would be geometry 1, P.E. 1, modern world 1 and let's
 16 say academic literacy 1. And then whenever the week
 17 was done, then I took geometry 2, P.E. 2, modern world 2
 18 and that's when I would take world lit.

19 Q So was that sort of like at the mid point of
 20 the semester?

21 A I guess that's what it is, yes.

22 Q And now I know that now you have three report
 23 periods. Back in 10th grade, was it a different system
 24 where there was, you know, two report periods or some
 25 multiple of two?

1 A Uh-huh. Yes.

2 Q Now I think you had previously testified that
 3 during 10th grade you had four classes a day; is that
 4 correct? Four class periods a day?

5 A Yes.

6 Q Can you just explain to me -- and again, I'd
 7 ask you to look at your transcript, and let's focus
 8 first on the -- why don't we take the fall of '98 first,
 9 and I think that there are -- there appear to be eight
 10 classes listed there; is that right?

11 A Yes.

12 Q And it looks like -- well, can you tell me what
 13 those classes -- well, sorry, let me strike that.

14 It looks like you took geometry 1 and 2, phys
 15 ed 1 and 2, and modern world 1 and 2, and there's two
 16 other courses with different names. One is world lit,
 17 which you took in the summer again, and then the other
 18 one is -- do you know what the name of the other course
 19 is?

20 A Academic literacy.

21 Q Is that a separate course from world lit?

22 A Yes.

23 Q So can you just tell me what your daily
 24 schedule was like during 10th grade? I mean, maybe if
 25 you take me through period by period.

1 A It was different, but I really don't remember
 2 how many weeks. That was a very confusing thing. They
 3 were testing it out, like using us as guinea pigs. I
 4 don't think it worked very much, that's why they changed
 5 it. But anyway, I don't recall exactly how many like
 6 progress report periods it would have been. I really
 7 don't know. Maybe -- I don't know.

8 Q Do you remember getting a final grade in
 9 geometry 1 before the end of the first semester? Does
 10 that make sense?

11 A Yeah, it makes sense, but I really -- I
 12 couldn't tell you.

13 Q Okay. But academic literacy and world lit were
 14 separate courses?

15 A Yes.

16 Q But both of them taught by [REDACTED]

17 A Yeah.

18 Q Okay. Why don't we focus on those, I guess,
 19 five classes -- well, actually let me step back.

20 Geometry 1 and 2 were taught by the same
 21 teacher and in the same classroom?

22 A Always, yes.

23 Q And that's true for P.E. as well?

24 A Yes.

25 Q And for modern world?

1 A Yeah. It's also true for academic literacy and
2 world lit, it was the same class.

3 Q Same classroom, same teacher?

4 A Yeah.

5 Q Fine. Just for so simplicity's sake, I'll deal
6 with -- you know, if I say geometry, I'm referring to
7 geometry 1 and 2, and if I say P.E., I'm dealing with
8 P.E. 1 and 2, we'll deal with it as one class. Is that
9 okay with you?

10 A Yes.

11 Q And that's true for modern world as well. But
12 academic literacy and world lit we may deal with
13 separately to some extent, but we'll cross that bridge
14 when we come to it.

15 So if you could focus on those five classes,
16 what I'm calling five classes during your sophomore
17 year, can you tell me any unfair conditions that
18 existed in connection with any of those five classes,
19 and we can start with any one you want.

20 MS. PERRIN: Okay, but it's four classes, because
21 academic lit and world lit are in essence the same. At
22 least that's what she's testified to.

23 MR. ROSENTHAL: I'm not sure what's right. I think
24 it's really technically eight classes.

25 MS. PERRIN: So want to treat academic literacy and

1 Q So in your mind there was no distinction
2 between academic literacy and world lit?

3 A No.

4 Q So if you want to deal with that as one class,
5 then that's fine with me. Although I know during the
6 spring you took academic literacy 2 and world lit 2.

7 A Yeah.

8 Q But in your mind that was also just the same
9 thing?

10 A The same thing.

11 MS. PERRIN: For the record, there are 8 classes
12 listed, but we'll treat them as four for the purposes of
13 questioning?

14 MR. ROSENTHAL: That's fine.

15 Q Unless you see any reason to distinguish any of
16 them?

17 A No.

18 Q So if you can tell me any of the unfair
19 conditions you experienced in connection with any of the
20 classes.

21 A First period was geometry, and the teacher was
22 qualified. The class was fairly small, 30 or less --
23 no, not even 30. Maybe 25 kids. But everybody didn't
24 have a book. That's what I do remember, we had to share
25 geometry books.

1 world lit as separate, even though the rest of them are
2 all the same teacher in the same classroom?

3 MR. ROSENTHAL: I think that's probably safe to do
4 at this point. I mean, I think that -- at least my
5 understanding is that geometry 2 was a continuation of
6 geometry 1, whereas world lit and academic literacy
7 sounds like there may be -- you know, there's not the
8 sequential aspect to them.

9 MS. PERRIN: Okay. Although that's not what she's
10 testified to. She said that they were in essence the
11 same thing.

12 BY MR. ROSENTHAL:

13 Q Were academic literacy and world lit the same
14 class in your mind?

15 A I mean, we did the same thing. Like in --
16 yeah, we did the same things. We just read books and
17 did portfolios on 'em.

18 Q Did you read different kinds of books?

19 A They was all like -- I guess you can call it
20 American literature or something. Like we read
21 Kidnapped, Robert Louis Stevenson, or whoever wrote it,
22 I don't know. Kidnapped. We read Robin Hood. We read
23 Bail Wolf in that class too. We read Animal Farm.
24 That's the only ones I can remember. But like in both
25 classes, we just -- like we just read books.

1 And Mr. Medina, the teacher -- I mean, I don't
2 know because if it was because he never went and got any
3 from like the storage room or something, but he always
4 complained of never having enough chalk or any chalk.
5 But I just know we didn't -- we had to share books.

6 Q Any other unfair conditions in that class?

7 A Not that I can recall, no. No.

8 Q We'll back to the specifics. Why don't we move
9 on to the next class.

10 Any unfair conditions you can think of in
11 connection with your phys ed class?

12 A The bird stuff on the floor, and the birds
13 coming in flapping and feathers dropping. And some --
14 like everybody couldn't play a game. Some kids had to
15 sit in the balcony. Like half the class would get to
16 play basketball or -- that one game where you hit it.
17 Badminton, or play with soccer ball, and then the other
18 half would have to sit down because there wasn't enough
19 like -- because there's two sides to the gym, but you
20 couldn't use both sides, you only have to use one. So
21 he wouldn't want the floor overcrowded, and plus he
22 didn't want everybody stepping on that stuff in the
23 floor. And there wasn't enough balls and game thingies
24 to go around.

25 Q Any other unfair conditions you can think in

1 connection with your phys ed class?
 2 A Mostly been -- it was that bird stuff on the
 3 floor. Oh, and also it was cold in there, because like
 4 the windows, it's like -- like this up there. You see
 5 how it's individual (indicating). Some of them window
 6 panes would be missing. So that's how the birds flew
 7 in. But yeah, it was normally cold in that class -- I
 8 mean in the gym because the window panes was missing.
 9 Q Any other problems in your gym class?
 10 A There was only Mr. Gray in there. I think it
 11 needed to be two gym teachers in there, because like he
 12 couldn't attend to all the kids. Like somebody would be
 13 calling him, like a bird -- like if some droppings had
 14 land on a kid like from the birds up on the top, then
 15 like they will call Mr. Gray, and then let's say
 16 something -- like a mouse or something would run across
 17 -- like on the sides of the gym floor, and then a kid
 18 will call Mr. Gray. And then somebody's ball went on
 19 top of the bleachers and then somebody called Mr. Gray.
 20 And so in my opinion, it was too much for him to handle.
 21 He couldn't attend to everybody.
 22 Q Any other unfair conditions in your gym class?
 23 A Not that I can recall at this time, no.
 24 Q How about your modern world class, any unfair
 25 conditions in connection with that class?

1 A Yeah. She didn't have any books, so she'd
 2 photocopy some books and newspapers and magazines and
 3 anything she could get her hands on.
 4 Q Any other unfair conditions?
 5 A The class was a bit overcrowded. But that's
 6 about it.
 7 Q Nothing else?
 8 A Not that I can recall, no.
 9 Q And finally, how about the academic literacy
 10 world/lit class, any unfair conditions in that class?
 11 A Besides her leaving and the substitutes towards
 12 the end of the school year, or the end of that class or
 13 whatever, no.
 14 Q So no other unfair conditions in connection
 15 with that class?
 16 MS. PERRIN: Other than what she's already
 17 testified to?
 18 THE WITNESS: Not that I can recall, no. We had
 19 enough books. She was an all right teacher. No other.
 20 BY MR. ROSENTHAL:
 21 Q Okay, let's take each one of those classes
 22 individually. Let's start with geometry. You said one
 23 of the unfair conditions was that you had to share books
 24 in that class?
 25 A Yes.

1 Q Can you tell me about that?
 2 A We had like two or three to -- like because it
 3 wasn't enough books, we had teams, and -- yeah, our
 4 class was based on teams. Team 1, Team 2, Team 3, Team
 5 4, Team 5 and Team 6, Team 7, whatever, and we named our
 6 teams. And it was like one book per team. And then if
 7 we had to use the book for homework or like if we needed
 8 to take it home and study before a test, we had to sign
 9 a book out and give him collateral to make sure he knew
 10 we were going to bring the book back.
 11 Q Did you need the book for homework?
 12 A I mean, I got geometry pretty well. Some of
 13 the kids who didn't understand -- because he would like
 14 write problems and stuff on the board, and we would have
 15 to copy it and take it home and that would be our
 16 homework. But like I said I got it, so I don't really
 17 think I needed the book too much. But like other kids
 18 who didn't understand it as well needed the book.
 19 And if those kids let's say forgot the books at
 20 home, whatever the case may be, like two teams would
 21 have to merge because that team didn't have a book.
 22 Q So did you ever take your geometry textbook
 23 home?
 24 A Not that I remember, no.
 25 Q That's because you chose not to?

1 A Yes.
 2 Q Did you ever hear of a situation where a
 3 student was not able to take the geometry textbook home?
 4 A I don't know.
 5 Q Did you ever hear of a situation like that?
 6 A I don't remember.
 7 Q Do you know why you had to share books in that
 8 class?
 9 A Well, Mr. Medina said that it was more books
 10 but it was other geometry class that had to share the
 11 same books that we had, and some of the books were like
 12 not, I guess in good enough condition for us to use 'em.
 13 Q Did somebody tell you that?
 14 A Mr. Medina.
 15 Q Do you know if Mr. Medina ever made photocopies
 16 of the textbook for students to use?
 17 A Well, he made photocopies, but I don't -- I
 18 don't know if it was from the textbook or not. But like
 19 he made photocopies -- you know, like around test time,
 20 he would make some photocopies so everybody had
 21 something to take home and study with.
 22 Q So when he made photocopies each student got
 23 their own copy?
 24 A Yes.
 25 Q And the students were able to take those home?

1 A Yes.

2 Q Can you tell me how the sharing of the books
3 affected your ability to learn in that class?

4 A I mean, me personally, it didn't affect me
5 because I was a natural at geometry. So I used the book
6 to write down a problem when he'd assign 'em, like Page
7 20, 1 through 4 or something like that. I'd use the
8 book like that. But I didn't need the book for
9 reference or to look back and see how to do it. Other
10 kids did though, but me personally, I didn't.

11 Q So it didn't affect your ability to learn
12 geometry at all?

13 A No. It affected other kids though.

14 It kind of did affect my ability to complete
15 some the homeworks on time though, because if I was
16 going at a faster pace than some of the other students,
17 which I normally was, I would have to like sit there and
18 wait for them to catch up before I could turn the page,
19 and that would just take too long.

20 Q You also said that another unfair condition in
21 the geometry class was that Mr. Medina didn't always
22 have enough chalk; is that right?

23 A That's what he always complained about.

24 Q Do you know why he didn't have enough chalk?

25 A I don't. He used to always complain about not

1 A I don't know if he got it from the storage
2 room. I don't know if he got it from the book room.
3 The book room is in the basement of a separate building
4 than his class, so if he had to go there, I could
5 understand why it took so long. But I don't know where
6 he got the chalk from. I don't know if Balboa had a
7 storage room or not.

8 Q Do you remember how often he had to leave class
9 to get chalk?

10 A No, I don't remember. I remember him doing it
11 about two or three times.

12 Q Two or three times during the entire semester?

13 A I really don't know how far my memory is
14 expanded on that. I just remember him doing it two or
15 three times.

16 Q So do you think Mr. Medina was a good teacher?

17 A Oh, yeah. He's smart.

18 Q Was he qualified to teach geometry in your
19 opinion?

20 A That was Master Splinter. He was smart.

21 Q You said that during one of your earlier days
22 of deposition as well. When you say "Master Splinter,"
23 who is that?

24 A That was Mr. Medina, because he knows
25 everything. You could ask him a problem, he wouldn't

1 having enough chalk.

2 Q Do you ever remember an instance when he was
3 unable to write on the blackboard because he didn't have
4 enough chalk?

5 A Yeah, so he would have to go get some.

6 Q And did he get some?

7 A Yeah, he would go to like the storage room or
8 something and go get some chalk.

9 Q And then he'd come back and write on the board?

10 A Uh-huh, yes.

11 Q Did the lack of chalk affect your ability to
12 learn in that class at all?

13 A He left us unattended. It didn't affect my
14 ability to learn, but when he left us unattended, that
15 was taking away valuable time I could have been learning
16 something when he went to go get the chalk.

17 Q How long would he typically leave the classroom
18 to go get chalk?

19 A It wouldn't take any more than ten minutes
20 maybe.

21 Q Did it take ten minutes sometimes?

22 A Well, I never looked at my watch, but I
23 remember it couldn't have took more than ten minutes
24 though.

25 Q Did he have to go far to get the chalk?

1 even have to look in the back of the book for the
2 answer, or he wouldn't have to refer to the book. He
3 just knows everything.

4 Q Do you know where that name comes from, Master
5 Splinter? Is that something that students made up or is
6 that a character or something?

7 A It was a character from Ninja Turtles. Master
8 Splinter knew everything. He just knew everything.

9 MS. PERRIN: Feeling old now?

10 MR. ROSENTHAL: Very.

11 Q And also quickly, if you can just tell me where
12 the geometry classroom was located.

13 A The second floor of the main building.

14 Q And when you say "main building," that's using
15 the definitions that we created during the first day of
16 your testimony?

17 A Yeah.

18 Q Any heat issues in Mr. Medina's class, or air
19 conditioning issues, or I don't know what to call them
20 -- you know, was it ever unbearably hot or unbearably
21 cold in his classroom?

22 A I really don't remember.

23 Q But not that you remember right now?

24 A I really don't remember. I really don't
25 remember.

1 Q You remember it being hot or cold in other
2 classrooms. Do you think you would remember if it was
3 hot or cold in this classroom?

4 A I don't know. Maybe. Maybe not. I know I
5 don't remember though.

6 Q But you're able to remember it being hot or
7 cold in other classrooms?

8 A Yeah. I mean yes.

9 Q Do you remember there being a lot of external
10 noise?

11 A No, the class seemed quiet enough.

12 Q Was the class clean?

13 A It seemed clean.

14 Q Did you ever see any mice in the classroom?

15 A Oh, no, I didn't.

16 Q Did you have see any mice droppings in the
17 classroom?

18 A No, but that's probably because then I wasn't
19 really thinking too hard about mice or mice droppings
20 because I probably didn't think of them to be in the
21 classrooms, only in the gym, so I really didn't look.
22 But no, I didn't.

23 Q Any problems with the windows, the door or
24 floor or ceiling?

25 A No, not that I can recall.

1 fair condition because it wasn't fair. The books were
2 nasty, but -- so the only thing I can think of lower
3 than fair would be poor.

4 BY MR. ROSENTHAL:

5 Q The books you were using were nasty?

6 A Not as nasty as the other ones that we weren't
7 using.

8 The books that we were using, we shouldn't have
9 had to use those, because like I said, there was some
10 pages missing and the book was written on. The book was
11 -- like I remember this one group book, like the thing
12 was falling apart, like the binding or whatever, like
13 the pages was falling out. But those were in better
14 condition than the books that we didn't use. Because he
15 showed us an example of why everybody couldn't get a
16 book.

17 But now, even beside from that, even if I would
18 have said fair condition, I still shouldn't have to use
19 a book -- I shouldn't have to share a book with a group.
20 I should be able to have my own book. Whether or not I
21 need it, I should still have my own book. Also, the
22 book I should have shouldn't have pages missing and the
23 shouldn't have bindings coming out. That's all.

24 Q Do you remember how many pages were missing
25 from the book you used?

1 Q Did everybody in the class have their own desk?

2 A In geometry, yes.

3 Q You stated you had to share books in that
4 class. Can you tell me what the condition of the books
5 was?

6 A Oh, well, the ones we got were okay. They
7 weren't new or anything. They were okay. There was
8 like maybe a couple of pages missing, some writing in
9 the book, but they were better than the other ones that
10 we didn't use.

11 Q So the book you used were in pretty good
12 condition?

13 A I wouldn't say pretty good, but better than --
14 I would say poor condition. But then like I said,
15 compared to the books that we didn't use, they were in
16 good condition.

17 Q Just a second ago you said that they were in
18 pretty good condition. Now you're saying they were in
19 poor condition?

20 MS. PERRIN: Objection, misstates her testimony.

21 THE WITNESS: No, I was saying it was better
22 than the books we didn't use. It was much better
23 than the books we didn't use.

24 But I would say they were in poor condition.
25 There was a couple pages missing. I don't want to say

1 A No. Just a couple.

2 Q Do you know it was missing pages?

3 A I don't know why.

4 Q Did you ever see anybody rip out pages from the
5 book?

6 A I've never seen nobody rip off pages.

7 Q You said there was writing in the book as well?

8 A Yes.

9 Q Was there a lot of writing in the book?

10 A I don't remember. It depends on -- it again
11 depends on what a lot is. It was enough writing in the
12 book.

13 Q When you say there was enough writing in the
14 book, can you describe for me how much writing there was
15 in the book?

16 A No, because I don't know. It was just enough
17 for it to be unfair.

18 Q Was there writing on every page?

19 A Not on every single page, no.

20 Q Was there writing on every other page?

21 A No every other page, no.

22 Q What kind of writing was in the book?

23 A Like writing writing. Somebody, let's say,
24 they write the answers on the side of the problem, or
25 write "I was here" or something stupid like that, or

1 somebody -- like I do remember, they took a black
 2 permanent marker pen or something like that and just
 3 like marked out the whole page so I couldn't use that
 4 page.
 5 Q Did you ever see anybody writing in the books?
 6 A I never saw nobody writing in the books, no.
 7 Q Do you know who wrote in the books?
 8 A No.
 9 Q Do you think it was students who wrote in the
 10 books?
 11 A It could have been.
 12 Q Who else could it have been?
 13 A Anybody whose got a book. Teachers have books
 14 too. It could have been a teacher.
 15 Q Do you think a teacher would blackout an entire
 16 page in a book?
 17 A Hey, people do crazy thing sometimes.
 18 Q Do you think a teacher would write "I was here"
 19 in a book?
 20 A If the teacher was there. I don't know.
 21 They can send me to a school where kids got to
 22 stand up in classrooms, I'm pretty sure a teacher could
 23 write in a book. Anything's possible.
 24 MS. PERRIN: Can we take a break?
 25 MR. ROSENTHAL: Sure.

1 (Recess.)
 2 BY MR. ROSENTHAL:
 3 Q You understand you're still under oath,
 4 Miss Jones?
 5 A Yeah.
 6 Q And so I don't have to ask that throughout the
 7 entire day, do you know that you'll be under oath during
 8 the entire day today?
 9 A Yes.
 10 Q Very good. And actually, I wanted to ask you a
 11 couple of other questions that I forgot to ask you a
 12 little earlier.
 13 Did you do anything to prepare for today's
 14 deposition?
 15 A Oh, no.
 16 Q Did you have any meetings with your attorneys?
 17 A No.
 18 Q Did you review any documents to prepare for
 19 today's deposition?
 20 A No.
 21 Q Okay, before our break we were talking about
 22 the condition of your geometry book.
 23 Do you ever remember an instance in geometry
 24 class that you were not able to follow class instruction
 25 either because your book was missing a page or because

1 there was writing that made it difficult to follow?
 2 A Yeah.
 3 Q Can you tell me those instances if there's more
 4 than one?
 5 A Well, like if a book was missing a page, then
 6 we'd just go into a different team, or Mr. Medina would
 7 get a different book and switch with us for the time
 8 being, and then afterwards give us our book back.
 9 Q So when that happened, did you let Mr. Medina
 10 know?
 11 A Yes.
 12 Q And he would take steps to insure that you were
 13 able to follow the lesson; is that right?
 14 A Yes.
 15 Q So every time that happened you were able to
 16 follow that lesson by one of those methods?
 17 A Yeah.
 18 Q Do you ever remember Mr. Medina being absent
 19 from class?
 20 A Yes.
 21 Q Was he absent frequently?
 22 A No.
 23 Q Was there a substitute in the class when he was
 24 absent?
 25 A Yes.

1 Q Were you instructed in geometry when there was
 2 a substitute in the class?
 3 A He would leave like Xerox pages for us to do.
 4 Q So when he was absent from class you would do
 5 geometry work still?
 6 A Yeah.
 7 Q You didn't watch any movies like you did in
 8 some other classes?
 9 A No.
 10 Q At the end of your geometry course, would you
 11 say you learned geometry pretty well?
 12 A Oh, yeah.
 13 Q Do you remember what your grades were in
 14 geometry?
 15 A I got A's.
 16 Q Other than what you've already testified, did
 17 the unfair conditions that you've identified affect your
 18 ability to learn in geometry class in any other way?
 19 A No. I was fortunate enough to just understand
 20 geometry.
 21 Q And, in fact, you got A's in geometry, so those
 22 conditions really didn't affect your ability to learn in
 23 that class at all, did they?
 24 MS. PERRIN: Objection, misstates her testimony.
 25 THE WITNESS: I mean, I understood geometry,

1 period. So although there were unfair conditions, it
2 didn't greatly -- I mean, it affected how I learned, but
3 I was -- like I'm an exceptional student so I was still
4 able to pull through and get the A's I deserved.

5 BY MR. ROSENTHAL:

6 Q Could you have done any better in geometry
7 class?

8 A I could have got some A pluses, if they give
9 A pluses.

10 Q Do you know if they give A pluses?

11 A I think they do because the valedictorian in my
12 school had some A pluses on his transcript.

13 Q Have you ever got an A plus?

14 A Oh, gosh, not on my -- oh, on one report card
15 yeah, once.

16 Q Is that reflected on your transcript anywhere?

17 A Not on my transcript, but it was on my report
18 card. I got an A plus in European lit.

19 Q So when you say it was on your report card,
20 does that mean it was on for one of the reporting
21 periods?

22 A Yeah.

23 Q Do you know if pluses and minuses are used in
24 final grades for courses at Balboa High School?

25 A I don't know. I would think it depends on the

1 A Yeah.

2 Q And I know you had testified about that during
3 your -- I believe it was your first day of testimony.

4 You told me what the gym looked like. Can you
5 tell me how that effected gym class?

6 A Well, we couldn't sit down to stretch because
7 Mr. Gray didn't want us sitting on that stuff, nor did
8 we want ourselves sitting on it. So whatever.

9 I usually -- well, like I played sometimes
10 though. Like if the ball dropped and rolled, we'd just
11 be out of luck because nobody wanted to pick up the ball
12 after it rolled in the stuff, because sometimes it --
13 like most of it was dry. The majority of it was dry,
14 but it sometimes like a bird just do it, so it would
15 roll and get on the ball and, you know, we ain't
16 touching that. So --

17 Q If it was dry, did it get on the ball?

18 A No, not if it was dry.

19 Q So were people hesitant to pick up a ball that
20 was rolling only after it had run over some bird feces
21 that had not dried?

22 A Usually like we had just -- like 'cuz most of
23 it was dry, so we would like just like look on the ball,
24 and if it wasn't on the ball we figured it didn't pick
25 up anything.

1 teacher, but then again, I really don't know.

2 Q Do you have any pluses or minuses on your
3 transcript?

4 A Not on my transcript, but I know they put 'em
5 on report cards.

6 Q So is it possible you got an A plus in geometry
7 for one of the reporting periods?

8 A I really don't know.

9 Q But is it possible?

10 A I don't know. I don't know. Well, it don't
11 say plus or minus or anything else, so I don't think so.
12 Probably on like my report card, the actual progress or
13 report card, but on not the transcript.

14 Q So you even if you did A-plus work in geometry,
15 it wouldn't be reflected in your transcript?

16 A I guess not. It's not on here so I don't know.

17 Q So on your transcript, you couldn't have done
18 any better than an A; is that right?

19 A I don't know.

20 Q Why don't we move on to your phys ed class.

21 A Didn't we do P.E.?

22 Q You gave me the list. I'm just going to go
23 through the things you said you individually.

24 You told me one of the unfair conditions was
25 the bird feces that was on your gym floor.

1 Q Anything else you can tell me about how the
2 bird feces on the gym floor affected gym class?

3 MS. PERRIN: And this is in addition to what she
4 already testified to?

5 MR. ROSENTHAL: Right.

6 THE WITNESS: The fact that it was nasty. That's
7 it. Bird -- I mean, it was nasty.

8 BY MR. ROSENTHAL:

9 Q Did you ever have gym class outside?

10 A If it was like a nice day, we'd probably go on
11 the football field. But I don't remember us doing that
12 too many times. I remember maybe once or twice.

13 Q Once or twice during the entire semester?

14 A Yeah. We didn't do that too many times.

15 Q Do you remember why you didn't go outside more
16 often?

17 A No, I don't know why. Well, I know -- one time
18 for our final we had to run around the football field
19 like twice, or something like that. But we couldn't --
20 he didn't want us outside. Because when we was outside,
21 we was on the football field playing, but we couldn't
22 sit on the bleachers because the -- like the wood was
23 old and like if you sit on it, it would break. So we
24 didn't go outside too much.

25 Q You also said that the birds flying around in

1 the class --

2 A In the gym.

3 Q -- in gym, also was an unfair condition that
4 existed in gym class. Can you explain to me how --

5 A Some kids got poo poo'd on. No, really. I'm
6 sure you ain't never got boo boo'd on in school. That's
7 nasty. That's just nasty.

8 But you know what, although that's nasty, we
9 used to try to hit the birds with the basketball. Like
10 they would fly around, we'd throw the ball up and try to
11 hit 'em. But usually we didn't hit 'em. And like nasty
12 feathers would be flying around, make you cough.

13 Q How often would you say did students get, for
14 lack of a better term, pooped on?

15 A I apologize for that. But I remember it
16 happened like twice.

17 Q Twice during the semester?

18 A I remember it happened like twice.

19 Q Did everybody ever complain about it?

20 A The kids told Mr. Gray.

21 Q And what did Mr. Gray say?

22 A Laughed. Mr. Gray, he laughed, and told 'em to
23 go help -- like because he didn't have passes. He had a
24 walkie-talkie. He had to walkie-talkie the main office
25 and tell them that he's about to send a student, you

1 Q Were all those activities available each day
2 during gym class, or did you do -- did you play
3 basketball for a few weeks at a time and then --

4 A Yeah. He'd bring the basketballs out and then
5 we'd play basketball, and then he would bring the
6 badmintons and stuff out and we'd play badminton, and
7 he'd bring soccer and then we'd play soccer. And then
8 sometimes, like for whatever -- for whatever reason, I
9 don't know, say -- well, like if all the kids couldn't
10 participate because there was too many kids for that one
11 part of the gym. But sometimes he'd like get a lot of
12 the kids on the floor and we would have like relay races
13 or something like that.

14 Q How would Mr. Gray decide who got to play gym
15 on a certain day and who didn't?

16 A Like one, two, one, two, one, two, one, two in
17 a line. Because we lined up against the wall every day
18 for attendance, and then he would count off. Or he'd
19 like, "If you don't want to play basketball today, you
20 can go upstairs and sit in the bleachers."

21 Q And people who sat up in the bleachers did
22 homework and things like that?

23 A Some did work. Some sat and talked. Some
24 listened to their Walkman.

25 Q You also said that one of the unfair conditions

1 know, out of the gym, probably to the bathroom so they
2 can like wipe it off or -- and it wasn't usually serious
3 enough to go home, but if the student wanted to go home
4 to change clothes, tell them to go to the office.

5 Q Did you ever ask Mr. Gray why he didn't have
6 gym outside more often?

7 A We complained about it like on some nice days,
8 we'd tell him, "It's hot in here, why can't we go
9 outside?" And then he would tell us that we're too ugly
10 to see you outside. We would mess up the sun if we go
11 outside. Mr. Gray plays a lot.

12 Q You also said that not all students could play
13 during P.E. Can you tell me about that?

14 A Well, there was not a lot of things to play
15 with, like the balls and stuff like that. So half the
16 kids would be upstairs on the bleach -- not the
17 bleachers. Yeah, the bleachers inside the gym. Like
18 just sitting up there. They can do work if they got
19 homework for the next class, or be up there talking or
20 listening to their walkman or something, while the other
21 half the kids would be downstairs playing basketball --
22 what did we play? We played basketball. We had soccer
23 -- like two soccer balls. We had badminton, I think
24 that's what it is, where you hit it. What else?
25 Basketballs, soccer balls, badminton and that's it.

1 was that there wasn't enough balls and things like that.
2 Is that what you just testified to?

3 A Yeah.

4 Q Anything else you can think of as far as there
5 not being enough equipment in gym?

6 A That's about it.

7 Q Did you ever complain to Mr. Gray about lack of
8 gym equipment?

9 A Yes.

10 Q What'd you say to him?

11 A Like sometimes -- like if me and I my friend
12 want to play basketball or something and there wasn't
13 enough balls for us, we'd tell him, "You need to get
14 some more balls," and he'd tell us, "You don't know how
15 to play anyway."

16 Q Would you play during gym class pretty much
17 every day or --?

18 A I didn't play every day. I'd play maybe like
19 three days out of the five days. I played most of the
20 time.

21 Q On the approximately two days a week that you
22 didn't play, is that because you didn't want to play or
23 because you weren't allowed to play?

24 A Usually -- because he knows I like playing, he
25 just tells me go -- like when he do one, two, one, two,

1 one, two, if I fell on two and two had to go upstairs,
 2 he would just tell me to stay downstairs.
 3 But then sometimes like if he did one, two,
 4 one, two, one, two, and I fell on two and I was supposed
 5 to go upstairs, I was just like, "I'll go upstairs."
 6 Q Was there ever an instance where you were
 7 supposed to go upstairs but you wanted to play and you
 8 weren't allowed to play?
 9 A There was instances like that, but sometimes
 10 I'd just run and take the ball from the other kids, so
 11 I'd play.
 12 Q So you were always able to play in gym when you
 13 wanted to?
 14 MS. PERRIN: Misstates her testimony. She said
 15 there was some instances where she couldn't.
 16 THE WITNESS: Like I could if I wanted to go take
 17 the ball from the kids. Like I did a couple of times.
 18 Like there'd be some kids over there playing, I'd just
 19 go over and take it from them. But then Mr. Gray, he
 20 would make me give it up or ask 'em if I can play, and
 21 then because I was a girl, they'd say no, but --
 22 BY MR. ROSENTHAL:
 23 Q I'm not sure you answered question though.
 24 A Oh, I'm sorry.
 25 Q No, that's okay. I'll just ask it again.

1 So were there instances when you were not able
 2 to play gym when you wanted to?
 3 MS. PERRIN: Objection, asked and answered.
 4 THE WITNESS: Yes, but then more often than not I
 5 could play.
 6 BY MR. ROSENTHAL:
 7 Q Can you tell me about an instance when you were
 8 not able to play when you wanted to?
 9 A Like if -- like all the boys or whoever ran to
 10 go -- because see when he'd take the balls out, he'd
 11 throw the balls, just throw 'em, and we had to grab 'em.
 12 And if like everybody else got a ball and there wasn't
 13 enough balls for me to play and I'd try to go get it and
 14 then they wouldn't let me, I'd tell Mr. Gray, and he'd
 15 like, "Well, there's nothing I can do. Just ask 'em if
 16 you can play and if they don't let you, then you're out
 17 of luck." And then I'd go ask 'em if I can play and
 18 sometimes they say no, and then I have to go sit
 19 upstairs.
 20 Q Did students in gym class typically share the
 21 balls?
 22 A Not the boys. If some girls got some balls,
 23 like the girls would share with each other, but the boys
 24 didn't normally.
 25 Q So when boys played basketball, did they each

1 have their own basketball or were they playing a game
 2 with several boys using one ball?
 3 A Playing a game with several boys using one
 4 ball.
 5 Q You also said that one of the unfair conditions
 6 in the gym was that it was unbearably cold on some
 7 occasions, and I think you said it was because there
 8 were some broken window panes; is that right?
 9 A Yeah.
 10 Q Can you tell me about that unfair condition?
 11 A Oh. Well, like I said, it was like the window
 12 panes missing, that birds flew in and it would be cold.
 13 But I mean, we got to wear our coats pretty much,
 14 but then we had to change our cloths for gym and wear
 15 the gym uniform, and usually our coats would be
 16 downstairs in our locker, and sometimes Mr. Gray
 17 wouldn't let us downstairs, like let us leave the gym.
 18 Because he had to give us the key and you know, we're
 19 not supposed to have a key, so --
 20 Q Did you ever complain to Mr. Gray that it was
 21 cold in the gym?
 22 A Yep.
 23 Q What'd he say?
 24 A He probably say something stupid like my breath
 25 was hot enough or something.

1 Q A few minutes ago you also told me that
 2 sometimes it was too hot in the gym; is that right?
 3 A Yeah. Like that was on warm days. That was
 4 the days we wanted to go outside. When it was like real
 5 warm outside, it would get real warm in the gym, I
 6 guess, so we'd ask if we could go outside.
 7 Q About how often would you say the gym was too
 8 cold?
 9 A Too cold? I mean, I really can't remember. We
 10 would usually get -- like if we start playing, you know,
 11 we'd get over it. So -- but I really couldn't tell.
 12 Q So did the fact that the gym was cold on
 13 certain occasions affect your ability to take part in
 14 gym class?
 15 A Temporarily, like never -- not the whole time,
 16 because like I said, we eventually get over it if we
 17 start playing.
 18 Q You also said that you thought the gym class
 19 was too much for Mr. Gray to handle and you thought it
 20 would be helpful if he had a second teacher there as
 21 well?
 22 A Yes.
 23 Q Do you remember how many students were in the
 24 gym class?
 25 A No, I don't. But I know on his role sheet --

1 he had two role sheets, right, Role Sheet 1 and Role
2 Sheet 2, but our class, and on the role sheet, I think
3 it goes like -- the role sheet goes up to I think 30 or
4 32 or something like that, on the role sheet. Like 30
5 slots for 30 kids' names. So I know it had to be more
6 than 30 because he had like -- I think he even had
7 three. I'm not sure. But I know for a fact he had two.

8 Q Were there more than 50 kids in the gym class?

9 A I don't know. I don't know. I really don't
10 know.

11 Q Would you say the gym was overcrowded?

12 A Well, he obviously felt it was overcrowded if
13 all of us couldn't play downstairs at one time. Some of
14 us had to go upstairs.

15 Would I say it? I mean, yeah, it was
16 overcrowded if everybody couldn't play at one time.

17 Q If there was enough equipment in the gym class,
18 if there were enough basketballs, soccer balls,
19 badminton equipment, would it have been overcrowded with
20 the number of students in the class?

21 A I think that even if there was enough balls
22 downstairs, all the kids still couldn't be able to come
23 down and play.

24 Q The gym's bigger than a normal classroom; isn't
25 that right?

1 trying to get a sense of the layout of the gym. You had
2 those basketball courts. Was there --

3 MS. PERRIN: Just permanent structures?

4 BY MR. ROSENTHAL:

5 Q I guess so, yeah, but --

6 A It was the one, two, three, four basketball
7 hoops.

8 Q Right.

9 A It was the room -- when there was a wrestling
10 team, the wrestling room. But that was usually closed
11 off. And it was the room where all the balls and stuff
12 was at. And then you go up the stairs and around and up
13 some more stairs, it's the bleachers. Like if there was
14 a basketball game, that's where the people sit, and
15 that's where kids would sit like if they wasn't able to
16 participate.

17 Q You mentioned before you take badminton
18 sometimes in gym as well. Where'd you'd play badminton?

19 A Usually -- see, Mr. Gray was biased to people
20 who played basketball, like to boys who play basketball
21 I should say, because they get the full court, and then
22 the girls who wanted to play would have to use the half
23 court. And usually it was girls who wanted to play
24 badminton, like the corner by where the wrestling room
25 was, like in that corner.

1 A Oh, yeah.

2 Q About how many times the size of a normal
3 classroom would you say the gym is?

4 A I don't know. It's a big gym. I don't know.
5 It's a big gym though.

6 Q The gym fits a lot of people in it?

7 A I would say so, yeah.

8 Q Did it have basketball hoops in the gym?

9 A Yeah.

10 Q Do you remember how many it had?

11 A One, a full court set, that's two, and a half
12 court. Four.

13 Q So there were two full basketball courts?

14 MS. PERRIN: Two half courts.

15 THE WITNESS: It was like a full court. Like if
16 they was playing the game, it would be a full court, and
17 then it was like a half court, like it's shorter. The
18 one on the side was shorter.

19 BY MR. ROSENTHAL:

20 Q On the half court there were basketball hoops
21 on each end then?

22 A Yeah, it was four basketballs --

23 Q So it was a smaller court --

24 A Yeah, smaller running space.

25 Q Was there anything else in the gym? I'm just

1 Q So there was room to play badminton next to the
2 wrestling room?

3 A Like it was the same. It was like -- because
4 you know how a basketball court, like the sidelines,
5 when you go out of bounds, the side, that's where.

6 Q So out of bounds off the basketball court
7 basically?

8 A Yeah.

9 Q Were there any noise issues in phys ed class?

10 A I mean it was always loud in there because it
11 like echoed and stuff.

12 Q But that didn't affect your ability -- I mean,
13 that was part of learning P.E., wasn't it?

14 A Yeah, that didn't -- yes.

15 Q Now, we discussed this a little bit during your
16 first day a little bit, but you've seen mice in the gym;
17 is that right?

18 A Yes.

19 Q Do you remember seeing mice at any time when
20 you were taking P.E. in 10th grade?

21 A Yes. They usually were -- like I saw one
22 probably, like once or twice like on the sides of the
23 gym, like because there's holes in the gym wall. And
24 then also there's a blue type of cushiony thing on one
25 of the walls, and there's like a hole there. So that's

1 probably where the mice came from.
 2 But usually they were like downstairs, like
 3 where the boys' and girls' locker rooms were and the
 4 vending machines and the heaters. They were down there
 5 most the time.
 6 Q Do you remember how many times you saw mice
 7 during your gym class during the fall semester of '98?
 8 A In the actual gym or just period?
 9 Q During gym class.
 10 A Probably like once or twice.
 11 Q Did you tell anybody about that?
 12 A Mr. Gray.
 13 Q What did Mr. Gray say?
 14 A Again he would say something stupid like,
 15 "That's probably my cousin or something." Mr. Gray, he
 16 was great.
 17 Q Did you ever tell anybody else about the mice?
 18 A Later on, like when I actually started noticing
 19 that, it was like a problem. Because like before when I
 20 saw the mice when I was in 6th grade, I didn't too much
 21 care.
 22 Q It didn't affect your ability to learn phys ed
 23 or to participate in phys ed?
 24 A No.
 25 Q The fact that you saw mice once or twice didn't

1 trouble you at that time?
 2 A No.
 3 Q Did it trouble you at some later date?
 4 A Like later on when -- after I got in law chem
 5 and 11th grade is when I first -- when the unfair
 6 conditions that I knew about but just never really cared
 7 or paid attention to, that's when things like that first
 8 started bothering me. It all started with that field
 9 trip.
 10 Q The field trip we discussed the last time we
 11 met?
 12 A Yeah, to the Marin Academy.
 13 Q Did you ever have to pay any fees in connection
 14 with P.E. class?
 15 A For the uniform.
 16 Q Uniform?
 17 A Yeah, the P.E. uniform.
 18 Q Do you remember how much you had to pay?
 19 A I think the shirt was like 10 and the shorts
 20 was like maybe 15, 10 or 15.
 21 Q Did you have to go out and buy the uniform on
 22 your own, or is that money you brought into school?
 23 A You gave it to Mr. Gray, he would give you a
 24 uniform.
 25 Q Did you get to keep that uniform?

1 A Yes.
 2 Q Was it required that all students buy a uniform
 3 in gym class?
 4 A It was required that all students buy a uniform
 5 because like to get -- he wouldn't really let you play
 6 in jeans, like play ball and stuff in jeans, so in order
 7 to like actually play or participate or get like
 8 participation points, you would have to be dressed. If
 9 you weren't dressed in gym cloths, then he wouldn't give
 10 you your points for the day. But everybody didn't get
 11 it, I mean buy 'em.
 12 Q Could you bring in your own gym cloths?
 13 A We could bring in our own like sweats pants,
 14 but like we were supposed to have at least the Balboa
 15 T-shirt.
 16 Q So was it required to buy the Balboa T-shirt or
 17 is that just something that it was an option that you
 18 could?
 19 A Everybody was supposed to but everybody didn't
 20 though.
 21 Q Were they not allowed to play because they
 22 weren't wearing the Balboa T-shirt, or were they still
 23 allowed to play?
 24 A Most of the kids who like participated,
 25 everybody had the Balboa T-shirt. I think it was just

1 some kids who didn't -- like everybody didn't have the
 2 actual shorts, but mostly everybody participated a lot
 3 had the T-shirt. There was some kids who didn't buy
 4 anything, or bring anything from home, just didn't do
 5 nothing.
 6 Q But were students allowed to play in gym
 7 without having a Balboa T-shirt?
 8 MS. PERRIN: Objection, calls for speculation.
 9 THE WITNESS: I don't know because all the kids who
 10 normally participated, everybody had one.
 11 BY MR. ROSENTHAL:
 12 Q So everybody who participated in the gym always
 13 had the Balboa T-shirt on?
 14 A If they didn't -- I mean, even if they had the
 15 T-shirt but just didn't wear it, he still wouldn't let
 16 'em play.
 17 Q They couldn't wear a different T-shirt?
 18 A I don't know, but -- I don't know. I just know
 19 like for the most part everybody, the same ones who like
 20 to do participate had the T-shirts so it was never a
 21 problem.
 22 Q Did Mr. Gray ever tell the class that in order
 23 to participate in P.E. they had to buy a Balboa T-shirt?
 24 A Yeah.
 25 Q He told the class that they had to buy it if

1 they wanted to participate?
 2 A Yeah.
 3 MS. PERRIN: Objection, asked and answered.
 4 THE WITNESS: To get Mr. Gray's points everyone --
 5 like if you didn't dress, he didn't give you a good
 6 grade.
 7 BY MR. ROSENTHAL:
 8 Q I understand that. I'm just trying to figure
 9 out if you could -- if you were required to wear that
 10 specific T-shirt in order to participate.
 11 MS. PERRIN: Objection, asked and answered.
 12 THE WITNESS: I don't know if we had to exactly
 13 wear that particular one. I just know everybody did,
 14 so --
 15 BY MR. ROSENTHAL:
 16 Q So in your class everybody wore the T-shirt but
 17 you don't know if they had to wear it?
 18 A Yeah.
 19 Q I'm not sure if learned is the right verb to
 20 use here, but would you say that you learned phys ed?
 21 A I participated. I got a good grade. I played.
 22 I don't think there's too much I could have learned in
 23 -- yeah.
 24 Q But you participated sufficiently in your mind
 25 in P.E.?

1 A Yes.
 2 Q Do you remember what your grades were in P.E.?
 3 A [REDACTED]
 4 Q Are you reading that from your transcript?
 5 A Yes.
 6 Q Do you have any absences from P.E.?
 7 A First one it say 10, second one it say three.
 8 I think that's a three.
 9 Q So you think you had 13 absences during P.E.
 10 for the entire semester?
 11 A That's what it says, yes.
 12 Q Does that seem right to you?
 13 A I don't think that's right. I think I was late
 14 and I didn't go up into -- like to be marked here, you
 15 have to be up against the wall like in line when he
 16 marks attendance, but if I was late a couple times, I
 17 probably didn't like go to the wall. Or like if me and
 18 Mr. Gray because, we played around lot like with each
 19 other and he'd tell me if I keep talking he'll mark me
 20 absent.
 21 Q Did any of the unfair conditions you identified
 22 affect your grade in P.E.?
 23 A No, they didn't affect my grade.
 24 Q Just looking at your grade for P.E. 1, you got
 25 [REDACTED] there. Do you think that it's possible you got a [REDACTED]

1 because of the number of absences you had in P.E.?
 2 A I don't think so. No.
 3 Q That's not possible?
 4 A Anything's possible. It could be. I don't
 5 know. But I don't think so. Mr. Gray, he don't do
 6 stuff like that. Like as far as absences affecting your
 7 grade, normally if you participate, that's just a [REDACTED]
 8 because you're dressed and you participate. But I
 9 really don't think absences make the [REDACTED]
 10 Q But when you're absent from class, you're not
 11 participating, right?
 12 A Correct, but I wasn't absent from class ten
 13 times. Like I say, we would get into like a verbal
 14 argument and he would tell me if I keep talking to him
 15 he would mark me absent.
 16 Q Other than the things you've identified, did
 17 any of the unfair conditions that we talked about in
 18 P.E. affect your ability to participate in class?
 19 A Other than what we talked about, no.
 20 Q Okay. Let's move to your modern world class.
 21 You told me that one of the unfair conditions was that
 22 you had no books in the class. Can you tell me about
 23 that?
 24 A Yeah, we didn't have no modern world book. But
 25 the teacher, Miss Kwak, she was smart so she just knew

1 things in her head. So she would just write 'em down as
 2 far as notes go, and we would write 'em down. Or she
 3 used a lot of Xeroxes. She would Xerox everything she
 4 could get her hands on.
 5 Q Do you know why there were no books used in
 6 your modern world class?
 7 A I don't know why.
 8 Q Did the teacher ever tell you why there were no
 9 books?
 10 A No.
 11 Q Do you know if the teacher chose not to use the
 12 book in connection with that class?
 13 A I don't know. I remember we had a book -- it
 14 was like a reading book, like a comic type book thing.
 15 But it wasn't a textbook. It was something she brought.
 16 Q Did everybody in the class get a copy of that
 17 book?
 18 A Yes.
 19 Q Do you remember the name of the book?
 20 A It was Mouse something. It was some Jewish
 21 Holocaust stuff.
 22 Q And everybody got a copy of that?
 23 A Yeah.
 24 Q Were you able to take that book home?
 25 A I think we could, yeah.

1 Q You said that Ms. Kwak gave you Xeroxs in
2 connection with your modern world class?
3 A Yeah.
4 Q Did everybody get their own copies of the
5 photocopies?
6 A Yeah.
7 Q Were you able to take those home?
8 A Yeah.
9 Q Did you get -- did she give those to you on a
10 regular basis, or was it at the beginning of the year
11 where you got a -- I know in one other class you had a
12 reader which was a bunch of photocopies. Was it similar
13 to that, or was it like every week? How did that work?
14 A It would be like every week. It wasn't a
15 reader.
16 Q And every time she gave those out, everybody in
17 the class got their own copy?
18 A Yeah.
19 Q And everybody was able to take those home?
20 A Uh-huh, yes.
21 Q Did you know any other students who took modern
22 world with a different teacher?
23 MS. PERRIN: Vague as to time. During that
24 semester?
25 BY MR. ROSENTHAL:

1 Q Fine, let's start with that semester, yeah.
2 A There was another modern world teacher. I
3 don't know who the teacher was though, but I just know
4 everybody didn't have Miss Kwak.
5 Q Do you know if they used a textbook in that
6 class?
7 A I don't.
8 Q Do you ever remember Ms. Kwak complain that she
9 didn't have textbooks for the class?
10 A No, I never heard her complain about it. She
11 complained about other things though.
12 Q The photocopies that Miss Kwak gave out in the
13 modern world class, did they contain information that
14 was relevant to the course?
15 A Yes.
16 Q Can you tell me how the fact that you had no
17 textbook in modern world affected your ability to learn
18 in that class?
19 MS. PERRIN: Again objection, calls for expert
20 testimony, but you can give your opinion.
21 THE WITNESS: I mean, I learned a lot in that class
22 despite not having a book. It really didn't -- not
23 having a textbook really didn't impede my ability to
24 learn in that class. It's probably like a hassle
25 dealing with all the like Xerox papers. But not having

1 a book, it didn't necessarily affect the way I learned.
2 But I don't think -- I think it was pretty much
3 her, it was because of her that like maybe we didn't
4 need a book. I don't know. But like I said, she was
5 smart. She would write down stuff, like notes on the
6 board from her head, like dates and all that stuff from
7 her head.
8 BY MR. ROSENTHAL:
9 Q So you didn't need a textbook to learn modern
10 world, did you?
11 A Because of Miss Kwak. I think if it was
12 anybody else, I would have greatly needed a textbook.
13 I didn't do so well on some of the tests, so
14 maybe the textbook would have helped. But then again, I
15 did learn a lot though.
16 Q What do you think the distinction is between a
17 textbook and getting photocopies of reading materials?
18 Why is a textbook -- why would that have helped you
19 learn modern world better?
20 MS. PERRIN: Objection, calls for expert testimony,
21 but go ahead.
22 THE WITNESS: A textbook got a index page, and if
23 it's Xerox copies, it doesn't have a index page.
24 And it's easier because -- like before in our
25 other deposition you asked about -- like you had a copy

1 of my report card and you asked about the grades and you
2 asked about the comments. Now, had you had the actual
3 report card, you would have been able to see the
4 comments. But because it was only photocopied and the
5 information was limited, you couldn't see the comments
6 although you would like to have seen them. It's the
7 same thing.
8 The Xerox was good. It gave me a lot of
9 information, but there was also information that I could
10 have gotten had I had a textbook.
11 I think that was a pretty good analogy.
12 BY MR. ROSENTHAL:
13 Q Other than those reasons, no other reason why
14 you think a textbook would be better than having
15 photocopied materials?
16 A Because like I studied from photocopies, just
17 like would have studied from the book. Just like some
18 information that probably wasn't on the paper available
19 that was in the book. But that's about it.
20 Q You also said that the modern world class was a
21 bit overcrowded. Can you tell me about that?
22 A Like let's say it was 40 students in there.
23 Because Miss Kwak, she assigned to lot of work. She was
24 a hard teacher. But I guess there was some students in
25 the classroom who didn't want to learn as much as other

1 students, so they kind of made it hard for the kids who
2 do want to learn. And Miss Kwak would have to like use
3 a lot of time, I guess you'd say taking disciplinary
4 action because of those kids that like using -- instead
5 of teaching us or helping us or us learning something,
6 she would to attend to the kids that weren't acting
7 right or something.

8 Q So students misbehaved in her class?

9 A You can say that. Some students, yeah, but --
10 yeah.

11 Q Did the overcrowding affect your ability to
12 learn in that class in any other way other than what you
13 just testified to?

14 A As far as an individual aspect, maybe if she
15 wouldn't -- maybe if the class didn't have so many kids,
16 she wouldn't have to like take so much time dealing with
17 kids who didn't, like I said want to learn or didn't
18 want to do the work. She could have gave the people who
19 did want to do the work a lot more attention.

20 But like I said, I did learn a lot in that
21 class. But I do believe I could have learned more.

22 Q And even if the class size was smaller, there
23 still may have been kids in the class who were
24 misbehaving; isn't that right?

25 MS. PERRIN: Objection, calls for speculation.

1 camps, that stuff. The war, the Pearl Harbor, when they
2 bombed Pearl Harbor. I guess that's Japanese internment
3 camp thing. So and just in great deal, we studied the
4 Holocaust and Japanese internment camps.

5 Q A lot of modern history would you say?

6 A Yeah.

7 Q Can you tell me where that classroom was
8 located?

9 A Third floor, right building.

10 Q And you said the third floor of the right
11 building was where there was a lot of English classes as
12 well; is that right?

13 A Yes.

14 Q Was it ever uncomfortably hot in Miss Kwak's
15 classroom?

16 A Yes, but I think it was just because all the
17 kids. Like it was just stuffy in there. There was a
18 lot of people in the classroom.

19 Q Was it ever uncomfortably cold in that class?

20 A Not that I can remember, no.

21 Q Do you recall there ever being situations where
22 there was a lot of external noise?

23 A No.

24 Q Would you say that classroom was clean?

25 A Crowded and clean.

1 THE WITNESS: It might have been, but it would
2 have been easier for the simple fact that, if there's 40
3 kids in the class and five not acting right, she got to
4 attend to those five, and then there's 35 students whose
5 sitting there trying to learn, eager to learn but can't
6 because she's sitting there dealing with these kids
7 who's not acting right.

8 But say there's 20 kids in class and say
9 there's three kids not acting right, it's going to be
10 less -- it's going to be easier for her to just like,
11 you know -- how do I explain it? It would be easier for
12 her to attend to like the kids who want to learn and
13 then it would be -- I don't know how to explain it.

14 BY MR. ROSENTHAL:

15 Q So you think Miss Kwak was a good teacher?

16 A Yes.

17 Q A smart teacher?

18 A She's smart.

19 Q Qualified to teach modern world?

20 A Yeah.

21 Q How would you describe what you learned in
22 modern world? Is that a social studies class?

23 A I can tell you what we studied. We studied the
24 Holocaust, and we studied -- the Holocaust a great
25 deal -- the Japanese, like the Japanese internment

1 Q Did you ever see any mice in that classroom?

2 A No.

3 Q Any mice droppings?

4 A No.

5 Q And how about the permanent structures in the
6 classroom, and by that I mean the windows, the doors,
7 floors, ceilings?

8 A Everything was in order as far as I can
9 remember.

10 Q You said that classroom was a bit overcrowded.
11 Did everybody have their own desk in that class?

12 A It was tables, like this.

13 Q So everybody sat at tables?

14 A Yes.

15 Q Did everybody have their own chair in the
16 class?

17 A Yes, I think so.

18 Q Did you ever have to pay any fees in connection
19 with that class?

20 A Excuse me. No.

21 Q Have you got the hiccups? Do you want some
22 water or something?

23 A No.

24 Q So other than what you've testified to, did the
25 unfair conditions that existed in your modern world

1 class affect your ability to learn in that class in any
2 other way?

3 MS. PERRIN: Again, calls for expert testimony.

4 THE WITNESS: Other than what I said before, no.

5 BY MR. ROSENTHAL:

6 Q I think you've said this already, but did you
7 learn a lot in modern world?

8 A Yes.

9 Q Do you remember what grades you got in your
10 modern world class?

11 A [REDACTED]

12 [REDACTED]

13 Q. Are those grades correct?

14 A Yes.

15 Q Did you deserve those grades?

16 A Well, I mean I would say for the [REDACTED] I would
17 deserve an A, but I think it was impossible for anybody
18 to get a A in Miss Kwak's class. I don't remember
19 anybody ever saying they got a A in Miss Kwak. Probably
20 the valediction.

21 Yes.

22 Q So you deserved the [REDACTED]

23 A Yes.

24 Q Do you know why you got a [REDACTED] for modern world 1?

25 A Well, because -- when I first got there, that's

1 THE WITNESS: I mean, besides from the
2 overcrowding, because when I first got there, like the
3 kids was doing stuff I didn't really know anything about
4 that we hadn't did, that I hadn't seen anything at
5 Mission about, so I was like probably a bit confused and
6 she couldn't give me the individual attention that I
7 know I needed at that time. She couldn't because there
8 was so many other kids she had to attend to, whether it
9 would be for disciplinary action or she was just helping
10 other kids with their work, she couldn't help me. And
11 so I couldn't do everything in the allotted time she
12 gave.

13 And also maybe if I would have gotten more help
14 during class with some of the work, I would have got
15 more work done in class and then I wouldn't have had so
16 much work to do at home.

17 BY MR. ROSENTHAL:

18 Q But got a [REDACTED] for modern world 2, didn't you?

19 A Yes.

20 Q Weren't there the same disciplinary issues
21 during that part of the semester that were an
22 impediment to you getting the individual attention you
23 say you needed?

24 MS. PERRIN: Objection, compound.

25 THE WITNESS: Well, all I know is when I got a [REDACTED]

1 when I first started or whatever, she gave me a lot of
2 work to do to like catch up with the other kids, what
3 the other kids had been doing. And I don't think I just
4 could have done all that work in the time she expected
5 me to. She expected a lot from us, like she put us on a
6 very high pedestal. At the time I didn't appreciate it
7 as much because I felt I couldn't do all that work in as
8 little time that gave me, and obviously I couldn't.

9 [REDACTED]. But then later on, I see that --

10 like that encouraged me, it helped, so I knew I didn't
11 want [REDACTED] in her class. I ain't no [REDACTED] student, so I guess
12 I started doing the work in the time that she said.

13 That's how I pulled it up.

14 Q So you got a [REDACTED] for modern world 1 not because
15 of the unfair conditions you've identified, but because
16 you didn't do the work she expected you to do; is that
17 right?

18 A I did all the work, just not in the expected
19 time. But I did all the work though.

20 Q But the fact that there were unfair conditions
21 in that class didn't affect -- were not the reason you
22 got [REDACTED] in that class, were they?

23 MS. PERRIN: Objection, calls for speculation and
24 also calls for expert testimony, and slightly misstates
25 her testimony. But go ahead.

1 didn't like that too much, and so what I did is I kind
2 of -- I think I pushed her a little too hard, because
3 then I started demanding attention and I was taking time
4 away from other kids, but oh, well, I wasn't about to
5 have a [REDACTED] So I demanded a lot more attention than I got
6 from her.

7 BY MR. ROSENTHAL:

8 Q So when you tried to get more individual
9 attention from her, you got it?

10 A Yeah.

11 Q And you tried to get more individual attention
12 from her after you got [REDACTED]

13 A Yes, after I saw the grade, what the grade was.

14 Q And that enabled you to get a -- at least in
15 part enabled you to get a [REDACTED] in modern world 2?

16 A The help that I got from her, it helped me a
17 lot. And then when I got some help from her in the
18 class, it was easier for me to perform my homework and I
19 didn't have as much to do. I think that's why my grade
20 got up.

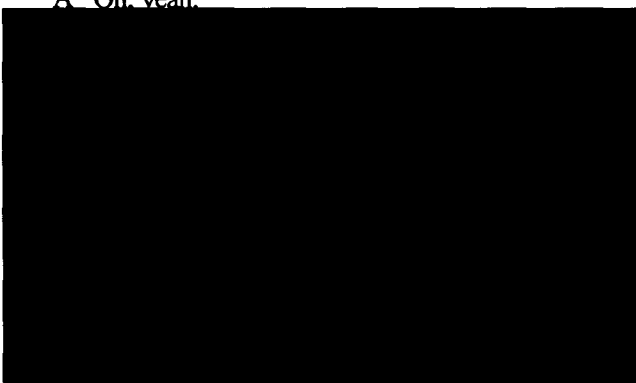
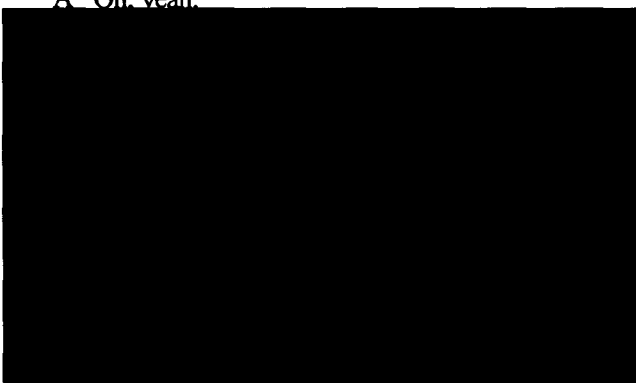
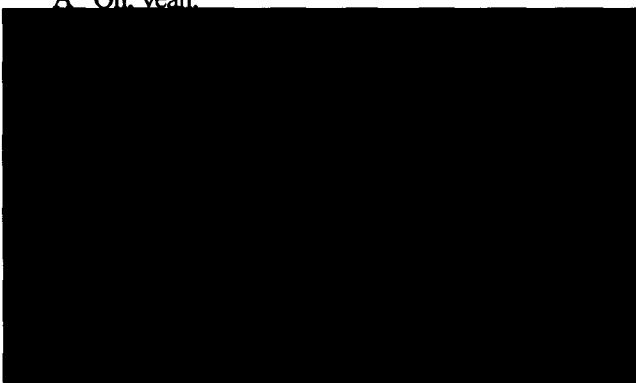
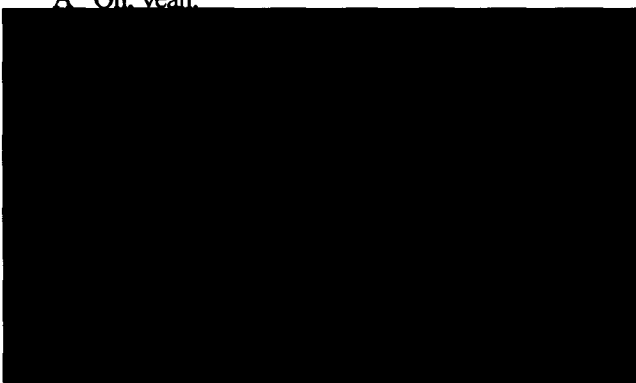
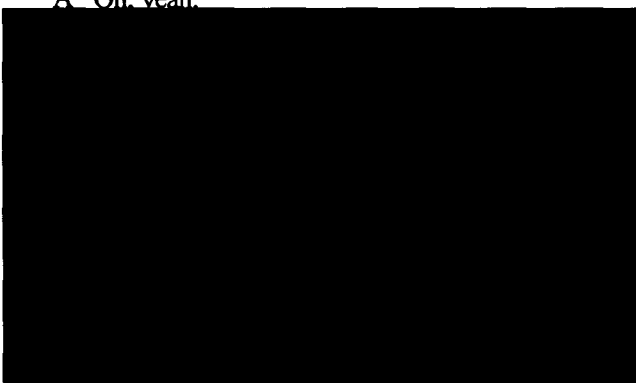
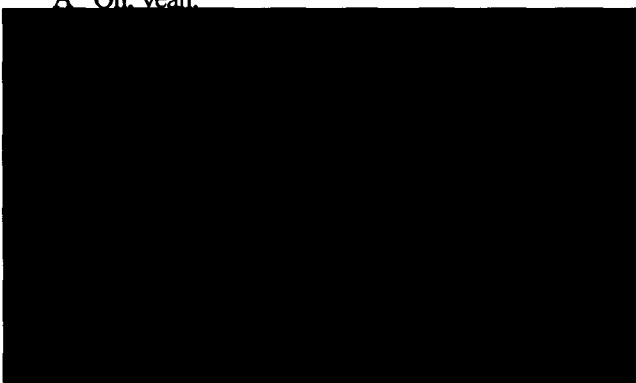
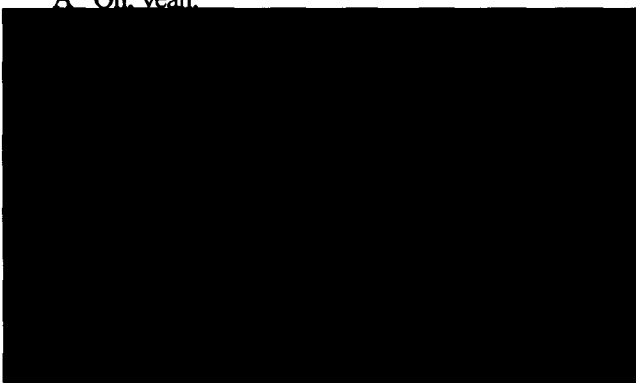
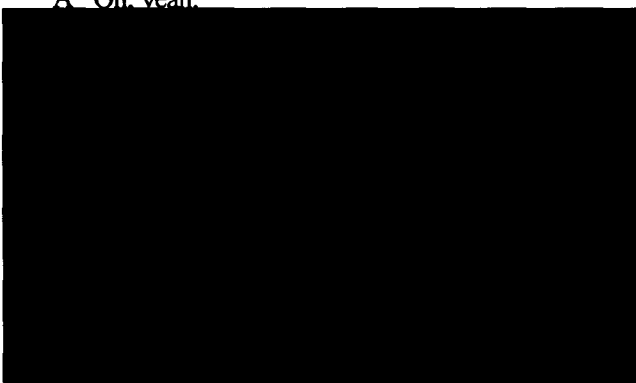
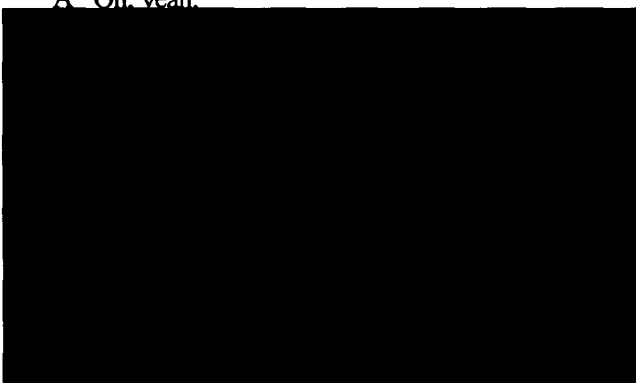
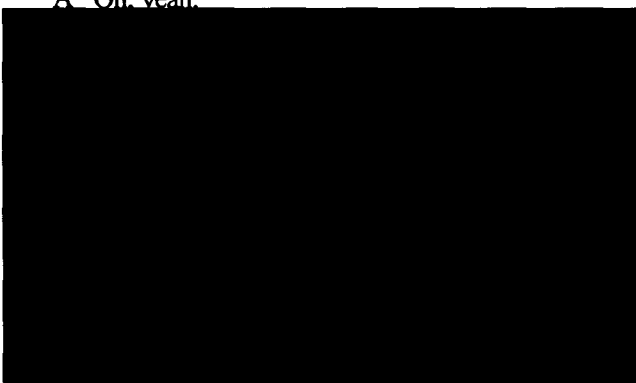
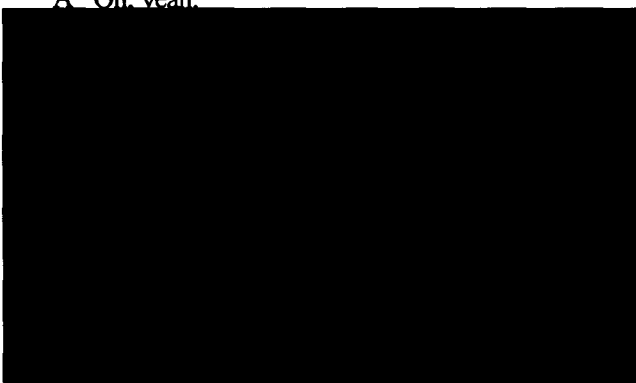
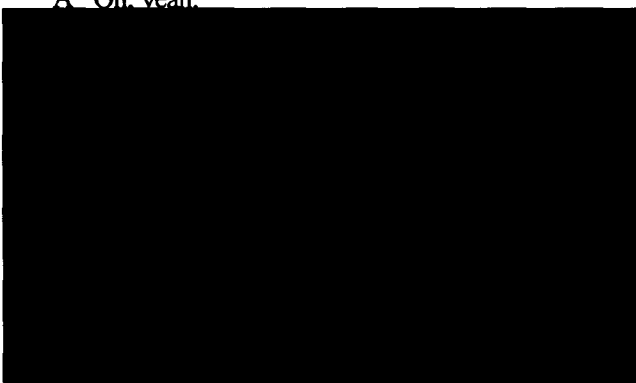


21 Q And did you also get your work in in a more
22 timely fashion for modern world 2?

23 A Yes.

24 Q Do you think that also helped your grade?

25 A Yes.

1 Q Were you absent for modern world at all?
 2 A Yeah, it says on here.
 3 Q Do you recall how many times you were absent?
 4 A I think that say 13.
 5 Q And you're reading that from your transcript?
 6 A Yes.
 7 Q And that's for modern world 1?
 8 A Yes.
 9 Q How about for modern world 2?
 10 A I think that say five.
 11 Q Does that sound right to you?
 12 A I don't know about no 13. I don't know about
 13 13, because modern world was -- what was it? Was it the
 14 last period of the day? No, it was the third, not the
 15 last period of the day.
 16 So I don't see how I could have been absent,
 17 since I don't cut classes, I don't see how I could have
 18 been absent 13 times from her class but not been absent
 19 13 times from the other classes in the first semester.
 20 Q So you don't think you were absent 13 times?
 21 A Oh, no.
 22 Q Do you know how many times you were absent?
 23 A No, I don't know.
 24 Q If you were absent 13 times from her class,
 25 could that have affected your grade?

1 A Oh, yeah.
 2 
 3 
 4 
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 13 
 14 Q Why don't we move on to your academic literacy
 15 world lit class. You testified that the unfair
 16 condition that existed in that class was the situation
 17 with  leaving?
 18 A Yes.
 19 Q And then you had what you testified to was a
 20 series of substitutes; is that right?
 21 A Yes.
 22 Q And I believe -- correct me if I'm wrong, but
 23 did  leave for health reasons?
 24 A Yeah, something happened to her throat.
 25 Q Do you recall when she left during the school

1 year?
 2 A Yeah. It was in the spring I think. No, not
 3 in the spring because we didn't have her in the spring.
 4 It was in -- like later on, like toward the
 5 end.
 6 Q Was it in the second semester?
 7 A Huh-uh, because I didn't have her the second
 8 semester. It was in the second part of that semester.
 9 Q I'm sorry, yeah, my mistake.
 10 So it was in the second half of the fall
 11 semester?
 12 A Yeah.
 13 Q So she was there for the entire first half of
 14 the semester?
 15 A Yes.
 16 Q Did you learn academic literacy during the
 17 first half of the semester and world lit for the second
 18 half of the semester? Is that the way that semester was
 19 split up, or was it the reverse?
 20 MS. PERRIN: She already testified that she
 21 doesn't remember.
 22 THE WITNESS: I don't know which was first. But we
 23 just had her both times.
 24 She wasn't there for world lit, though. So I
 25 guess academic literacy was first. Okay, I see how that

1 goes. So academic literacy was first. Then world lit,
 2 but she wasn't there for the later half of the world
 3 lit.
 4 BY MR. ROSENTHAL:
 5 Q So she was there for the entire academic
 6 literacy portion of the course; is that right?
 7 A Yes.
 8 Q And she was there for only part of the world
 9 lit course?
 10 A Yeah.
 11 Q Do you remember approximately how far into the
 12 world lit course it was when she left?
 13 A No. Because -- like, since it was the same
 14 classroom and everything, like it really didn't change
 15 to us. I was just a name change on our report cards,
 16 like it turned into the different class. But like I
 17 say, we were doing the same work, so it really didn't
 18 mean too much to us. But it had to have been after
 19 academic literacy because she was there for the most
 20 part.
 21 Q Do you remember what month she left? Was it
 22 November?
 23 MS. PERRIN: Objection, asked and answered. She
 24 said she doesn't know.
 25 THE WITNESS: Christmas break, 10th grade. All

1 right, Christmas break, 10th grade.

2 Well, I know we had subs in her class before
3 Christmas break and a little after Christmas break. So
4 it had to be before December.

5 BY MR. ROSENTHAL:

6 Q Do you remember approximately for how many
7 weeks you had substitutes in that class?

8 A No. I just remember it was the rest of the
9 school year after she left.

10 Q Do you remember how many substitutes you had?

11 A I know -- we had Mr. Ramos; we had Mr. Wilcox;
12 we had [REDACTED]; we had -- who else? Oh, that
13 Chinese man. At least four. Those are the ones that I
14 remember their names.

15 Q Did any of them become a permanent substitute
16 at any point?

17 MS. PERRIN: Objection, vague as to permanent
18 substitute.

19 BY MR. ROSENTHAL:

20 Q Do you understand the question?

21 A Yeah, I understand it.

22 Mr. Wilcox, but he wasn't like permanent. He
23 did the most though. Like he was there for like one
24 week, like maybe one and a half weeks. And he did the
25 most, so I guess you would call him a permanent

1 Q Do you remember approximately how long the
2 period of time was between [REDACTED] leaving and
3 Mr. Wilcox taking over the class as a permanent
4 substitute?

5 A I don't know.

6 Q Was it less than a month?

7 A I don't know. I really don't know.

8 Q Can you tell me how this unfair condition
9 affected your ability to learn world literature?

10 A I had a [REDACTED] when I know I didn't deserve no [REDACTED]
11 because I did all the work the substitutes asked me to.
12 I was there and I did all the work.

13 I think it was because all the substitutes
14 assigned us different work, and then like once
15 Mr. Ramos would be like, "Okay, you all did this today
16 in Animal Farm. I'm going to leave a note for the next
17 substitute for you all to continue." But then the next
18 substitute would come and we wouldn't do the Animal Farm
19 work. We'd do whatever that sub wanted us to do.

20 And then at the end of that -- I think that's -- I
21 don't know. That had to be how they calculated our
22 grade because I don't understand where the [REDACTED] came from,
23 and I did all of the work. I was there.

24 Q So when substitutes assigned different work,
25 you did that work?

1 substitute. He was like the sub, because like he had
2 subbed one day, and then like a different person would
3 sub, and then he came back and did like the last week
4 and a half straight.

5 Q So at some point he came back and continued
6 with the class until the end of the semester?

7 A Yeah.

8 Q When you had substitutes in that class, in the
9 world lit class, were you instructed in world lit?

10 A I mean, like we did work. We did do work. But
11 it was like -- like Rambo -- I mean Mr. Ramos. He --
12 like if we was reading -- let's say we were reading
13 Kidnapped when he left, he would have us read some more
14 and just like do a character head on it.

15 And then let's say [REDACTED] would have us
16 like a write a one-page essay about ourself.

17 And then let's say like Mr. B, the Asian
18 substitute, he would have us read let's say Animal Farm
19 and do like a journal or something like that, so -- like
20 we did do work, but they all did different -- worked
21 from different books and stuff.

22 Q Were instructions left with the substitutes?

23 MS. PERRIN: Objection, calls for speculation.

24 THE WITNESS: I don't know.

25 BY MR. ROSENTHAL:

1 A I did all the work.

2 I think that since they assigned different work
3 per substitutes, it didn't -- maybe some subs lost the
4 other work or didn't pay attention to it and
5 started doing their own work, and they -- I don't know.

6 But I know mostly everybody did get like [REDACTED]
7 [REDACTED] in that class.

8 Q Did anybody not get a [REDACTED]

9 MS. PERRIN: Objection, asked and answered. We
10 went over this on the first day. If you want to look at
11 Pages 93 and 9- --

12 MR. ROSENTHAL: I know I didn't ask this question.

13 MS. PERRIN: You know you did not ask that
14 question?

15 MR. ROSENTHAL: That's right.

16 THE WITNESS: I don't know. The majority of the
17 kids, everybody's mama came up there mad when they saw
18 it.

19 BY MR. ROSENTHAL:

20 Q But you don't know if anybody in the class did
21 not get a [REDACTED]

22 A I don't know.

23 Q Did you get tested in the world lit class?

24 A When substitutes was there?

25 Q Did you get tested in the world lit at any

- 1 time?
- 2 A Well, I'm pretty sure [REDACTED] gave us a
- 3 test. I don't remember taking a test with a substitute.
- 4 If we did, I really don't remember.
- 5 Q Did Mr. Wilcox ever give you a test in world
- 6 lit during the fall of 1998?
- 7 A Not that I remember. Not that I remember, no.
- 8 Q So do you have an understanding what your grade
- 9 was based on?
- 10 A No, that's how I don't understand how I got a [REDACTED]
- 11 when I know I did all the work the substitutes assigned.
- 12 It's a mystery.
- 13 Q I'd like to -- I'm going to deal with this --
- 14 strike that.
- 15 I'm going to deal with the academic literacy
- 16 world lit class globally as one class, and if we need to
- 17 divide it up, we will.
- 18 A Okay.
- 19 Q Did you have a textbook in that class?
- 20 A We had textbooks that we read, reading books.
- 21 Like I said, we read Kidnapped and Animal Farm and Robin
- 22 Hood, and we had those books. Each student had a book.
- 23 Q And were the students able to take those books
- 24 home?
- 25 A That's what I'm thinking about.

- 1 The Animal Farm book we could take home,
- 2 because I remember that was a paperback. But the
- 3 Kidnapped and the Robin Hood, it was like this real nice
- 4 little red mahogany looking book, it was real nice. I
- 5 don't think -- I don't remember being able to take those
- 6 home.
- 7 Q Do you know why?
- 8 A I think she had another period with the same
- 9 class that we shared those books with. But everybody
- 10 had a book in class.
- 11 Q And rather than taking each of these books
- 12 separately, can you tell me generally what the condition
- 13 of the books were like globally? If there was one book
- 14 that was in better condition than others, let me know,
- 15 but to the extent you can give it globally, we'll save
- 16 time.
- 17 A All right. Well, Kidnapped and Robin Hood, I
- 18 think they were like new. They were very nice books.
- 19 The Animal Farm books, the one that we could
- 20 take home, those weren't new. They were like -- they
- 21 were fair. It was -- like all the pages was there.
- 22 Well, all the pages were there in my book. But they
- 23 weren't like as new and clean and nice as the other
- 24 books.
- 25 Q Were you not able to take a Kidnapped book home

- 1 as well?
- 2 A I don't think we could, because that was one of
- 3 the red books.
- 4 Q Did you ever have to pay any fees in connection
- 5 with the academic literacy/world lit class?
- 6 A No.
- 7 Q Can you tell me where that class was located?
- 8 A We were on the third floor, right building.
- 9 Q Were you ever uncomfortably hot or cold in that
- 10 classroom?
- 11 A Not that I can remember.
- 12 Q Were there ever any issues regarding external
- 13 noise?
- 14 A No.
- 15 Q Was the classroom clean?
- 16 A Yeah.
- 17 Q Did you ever see any mice in that classroom?
- 18 A No, not that I remember.
- 19 Q Did you ever see any mice droppings in that
- 20 classroom?
- 21 A Not that I remember.
- 22 Q And how -- what was the condition of the, what
- 23 I'm calling permanent structures in that class?
- 24 A They seemed fine.
- 25 Q And I know you didn't have [REDACTED] for the

- 1 entire semester, but would you say she was a good
- 2 teacher?
- 3 A I don't like her very much, but she was a all
- 4 right teacher. She was cool. I don't think she was as
- 5 smart as some of my other teachers, but she was okay.
- 6 Q Why don't you think she was as smart as some of
- 7 your other teachers?
- 8 A Well, like -- well, okay, Miss Kwak and
- 9 Mr. Medina, you can ask them like virtually anything and
- 10 they knew the answer. And like I said, Mr. Medina and
- 11 Miss Kwak like could figure out a problem or -- well, as
- 12 far as math goes, he could figure out the problem
- 13 without looking in the book, and Miss Kwak could know
- 14 like the date of a event without having to look
- 15 somewhere.
- 16 And [REDACTED], like if we asked her a
- 17 question, she would have to look in the book. I think
- 18 -- because she read the book too when we were doing the
- 19 book, so I'm pretty sure she read those books before but
- 20 I know sometimes she had to refresh her memory by
- 21 looking in the book if she couldn't answer our question.
- 22 Q Would you say she was qualified to teach the
- 23 academic world/literacy class?
- 24 A Yeah, she was qualified.
- 25 Q How about Mr. Wilcox, would you say he was a

1 good teacher?

2 A Mr. Wilcox was cool. Like he -- I don't think
3 he was -- I don't know what type of credentials he had
4 because I know he like he subbed in like a lot of
5 different subjects.

6 But he basically did the same thing he did in
7 summer school, like he would read aloud to us and we
8 would do journals and stuff.

9 Q How about the other substitutes that taught the
10 -- that filled in for the world lit portion of the
11 class, would you say they were good teachers?

12 A Mr. Ramos was. He -- but [REDACTED] he's a
13 old man, he was a little bit too old in my opinion to be
14 trying to teach, substitute or anything, because he's
15 just an old man -- he couldn't hear. Like if you asked
16 him a question, he couldn't hear us.

17 And then Mr. B was just extremely impatient.
18 Like he didn't like us asking him no questions if we
19 didn't -- say he gave us like crossword puzzles -- oh,
20 we had a lot of crossword puzzles too. If we had a
21 crossword puzzle and we'd ask a question and he'd get
22 mad because we don't know it already.

23 Q Do you remember how many days you had
24 [REDACTED]?

25 A I don't know approximately -- I know we had him

1 literacy and world lit course that you learned those
2 subjects?

3 A Like I say, I don't see the distinction between
4 the two. They're the same thing --

5 A We can treat it as one, that's fine.

6 Q Okay. But I mean -- I guess, yeah, I learned
7 some stuff. I don't know exactly what I was supposed to
8 learn in those classes, but like I learned -- like as
9 far as like reading some of the books goes and that type
10 of stuff.

11 Q I mean, you read novels -- you read books in
12 those classes that you hadn't read before?

13 A I've read -- I had previously read Animal Farm.
14 But like Kidnapped and Robin Hood and other books we
15 read, I hadn't read those before.

16 Q So they're books you read that you hadn't read
17 before?

18 A Yeah.

19 Q And you had to do work relating to those books
20 that you read?

21 A Yes.

22 Q Did you ever have class discussions about the
23 books you read?

24 A We -- what [REDACTED] did, we had portfolios,
25 and what portfolios would be, it would be like Week 1,

1 maybe like twice.

2 Q How about Mr. B?

3 A Mr. B. I don't remember seeing Mr. B too many
4 times, so maybe once.

5 Q Any other substitutes you remember filling in?

6 A There was some more but I don't remember their
7 names. It's just I can remember them because of certain
8 qualities they had.

9 Q Were the other substitutes whose names you
10 don't remember good teachers?

11 A I mean, they did give us work, the other
12 substitutes. Like -- okay, put on movies, but they gave
13 us work.

14 Q So you wouldn't say they were too old, like
15 [REDACTED] which you perceived to be a problem,
16 or too impatient like Mr. B, which you perceived to also
17 be a problem?

18 A That's why I rememberd 'em, because
19 [REDACTED] was old and Mr. B was extremely impatient.

20 Q But all the other substitutes you had were
21 relatively successful at teaching the class?

22 A I don't know necessarily if they taught us, but
23 they did like -- they were successful in assigning us
24 work and collecting it.

25 Q Would you say at the end of the academic

1 Week 2, Week 3, 4, if we read four chapters in one book
2 in Week 1, then in the first portfolio words, it would
3 be vocabulary words, and it would be certain vocabulary
4 words that she'd pick out of the four chapters and
5 we'd do the vocabulary words.

6 And the second page of the portfolio will be
7 sentences from vocabulary.

8 Third page would be a page -- was it page or a
9 paragraph? Like up to a page summary of each chapter.

10 And I forgot what the fourth thing we did on
11 the portfolios, but we did weekly portfolios.

12 Q So would you say that the academic
13 literacy/world lit class was a combination of a
14 literature class and a English grammar class?

15 A That's about right, yeah.

16 Q We can sort of call it an English class?

17 A Yeah, because like we did vocabulary words and
18 then again we read novels.

19 Q Okay. Why don't we move on to the spring
20 semester.

21 MS. PERRIN: Let's go off the record.

22 (Recess.)

23 BY MR. ROSENTHAL:

24 Q Okay, Miss Jones, I'd like to direct your
25 attention to your spring 1999 courses tip, and it again

- 1 appears you took four courses during that semester; is
2 that right?
3 A Yes.
4 Q And just so we're clear, academic literacy 2
5 and world lit 2 was essentially one course in your mind?
6 A Uh-huh, yes.
7 Q And I also see that there are two slightly
8 different references to a course entitled student aid.
9 One says student aid, the other one says students aid --
10 I can't quite make it out. What is that?
11 A Third.
12 Q Were those the same in your mind?
13 A I think it was the same -- it was the same.
14 Q So we can call that one student aid course?
15 A Yes.
16 Q And that semester you also took Japanese and
17 biology?
18 A Yeah.
19 Q Okay. Why don't you tell me what you had first
20 through fourth period.
21 A Well, first was Miss Ricard for world
22 lit/academic lit. Second period was biology, third
23 period was student aid and fourth period was Japanese.
24 Q Okay. Starting with the academic lit 2/world
25 lit 2 course, why don't you tell me any unfair

- 1 conditions that you believe existed in that class, if
2 there are any.
3 A No, but Miss Ricard left, she said because she
4 wasn't getting paid enough and also because she wasn't
5 getting any support from the administration. But as
6 for --
7 Q Any other unfair conditions in the academic
8 literacy/world lit 2 class?
9 A No, nothing I remember.
10 Q How about biology, any unfair conditions in
11 your biology class?
12 A Not that I can remember, no.
13 Q How about your Japanese class, any unfair
14 conditions that existed in that class?
15 A We didn't have textbooks and they cut Japanese.
16 They -- yeah, just cut the program. But aside from no
17 textbook and them cutting it, that's about it.
18 Q And how about the class that's entitled student
19 aid, why don't you tell me what that class is.
20 A I was working in the attendance office doing
21 clerical work.
22 Q And this is during the period of time when you
23 actually got credit for doing this?
24 A Yeah.
25 Q So you also received a grade in the class?

- 1 A Yeah.
2 Q We might as well treat it as a class then for
3 these purposes. Were there any unfair conditions that
4 existed in connection with this class?
5 A No.
6 Q Okay. I'm going to ask you a bunch of
7 questions that will deal with all four of those classes
8 during that semester if I can, and if you have any
9 information that's particular to one of the classes,
10 just let me know and we'll see how that works. Do you
11 understand what I'm saying?
12 A Yeah.
13 Q Okay. Do you recall any of those classrooms
14 being uncomfortably hot, any of the four classrooms
15 where you had those classes?
16 A No.
17 Q Do you recall any of them ever being
18 uncomfortably cold?
19 A No.
20 Q Do you remember there being any issues
21 regarding external noise in connection with any of those
22 classes?
23 A No.
24 Q Were all those classrooms clean?
25 A Yes.

- 1 Q Did you ever see mice in any of those
2 classrooms?
3 A No.
4 Q Did you ever see mice droppings in any of those
5 classrooms?
6 A No.
7 Q Can you tell me what the condition of the
8 permanent structures, and by permanent structures I
9 again mean windows, doors, floors, ceilings, anything
10 like that?
11 A The sinks were broke in biology.
12 Q Is that something you consider to be an unfair
13 condition in your biology class? Before you told me
14 there were none, so is that something I should question
15 you about later on?
16 A No, just the sinks -- like when we did stuff in
17 biology and we had to go wash our hands afterwards, we
18 had to go to the bathroom.
19 Q So is that an unfair condition, would you say?
20 A Yeah, it's unfair.
21 Q Can you tell me what the condition of the
22 permanent structures in -- strike that.
23 Can you tell me what the condition of the other
24 permanent structures in all of those classrooms was, to
25 the extent you can deal with them globally?

- 1 MS. PERRIN: Just generally?
 2 MR. ROSENTHAL: Again, along the same lines we've
 3 been asking this question for each particular class. I
 4 mean, were they in good condition, were they --
 5 A They were fine.
 6 Q All the doors worked, all the windows were in
 7 good repair?
 8 A Yeah.
 9 Q And that's true for all four of those classes?
 10 A Yes.
 11 Q Were any of the four classes overcrowded?
 12 A Miss Ricard had a lot of kids, but it didn't
 13 make any difference. I still learned a lot and still
 14 got everything done.
 15 Q Would you say that -- was it Mr. Ricard or
 16 Miss Ricard?
 17 A Miss.
 18 Q Would you say Miss Ricard's class was
 19 overcrowded?
 20 A Yeah. Everybody had desks but there was a lot
 21 of kids in there.
 22 Q So is that an unfair condition that you believe
 23 existed in that class? You didn't identify it before,
 24 I'm just trying to get the list out.
 25 A It was unfair, but it didn't impede my ability

- 1 to learn because everybody was in there doing the work
 2 and stuff. It didn't matter one way or the other.
 3 Q How about the other classes, were they
 4 overcrowded?
 5 A No.
 6 Q In all four of the classes, did everybody have
 7 their own desk?
 8 A Yes.
 9 Q Were desks used in all four of those classes,
 10 or did any of those classes have tables and chairs?
 11 A Well, student aid was like the office, but in
 12 Japanese and all the other classrooms, it was desks.
 13 Q Now, you already told me that there were no
 14 textbooks in the Japanese class. Did you have textbooks
 15 in the -- well, let me put it this way, were there any
 16 textbooks in connection with student aid?
 17 A No.
 18 Q For biology and academic literacy/world lit 2,
 19 did you have textbooks in those classes?
 20 A We had biology textbooks, and in academic
 21 literature, we just read books.
 22 Q So you had physical books?
 23 A Yeah, reading books. Everybody got a copy of
 24 the biology copy. We were able to take the biology book
 25 home, as far as I can remember. Yeah, we were able to

- 1 take the biology book home. The reading books we -- I
 2 just remember reading Romeo and Juliet, that's it.
 3 Everybody had their own copy of Romeo and Juliet. We
 4 got to take that home, yeah.
 5 Q So for those two classes, you don't remember
 6 anybody not having a book?
 7 A No.
 8 Q And you don't remember anybody not being able
 9 to take a book home in either of those classes?
 10 A No.
 11 Q Can you describe for me the condition of the
 12 book for those two classes?
 13 A I really don't remember the Romeo and Juliet
 14 book, but the biology books, they were good books.
 15 Q By "good books," you mean new books?
 16 A I don't know --
 17 Q Relatively new books?
 18 A I don't know if they were new, but they were in
 19 good condition.
 20 Q You said you didn't remember the condition of
 21 the Romeo and Juliet books. If they were in poor
 22 condition, would you have remembered that?
 23 A I'm pretty sure I would have. They must have
 24 been in good enough condition.
 25 Q Did you have to pay any fees in connection with

- 1 any of the four classes you took during the spring
 2 semester every your sophomore year?
 3 A In Japanese when we went on field trips.
 4 Q So you had to pay for a field trip in Japanese
 5 class?
 6 A Uh-huh.
 7 Q Any other fees in any other classes?
 8 A No.
 9 Q Was the entire class required to go on the
 10 field trip in Japanese class?
 11 A Yes.
 12 Q So everybody had to pay the fee no matter what?
 13 A Yeah, but we all wanted to go, so --
 14 Q Hopefully, I've saved some time, but I need to
 15 go to over the courses individually a little bit.
 16 MS. PERRIN: I appreciate you trying to speed
 17 things along.
 18 MR. ROSENTHAL: No problem.
 19 Q Can you just tell me where the second academic
 20 literacy course classroom was the spring semester of
 21 your sophomore year?
 22 A Third floor, main building.
 23 Q Was this the same classroom that you had in the
 24 fall, or was it a different classroom?
 25 A Different class.

1 Q Actually you said in the fall, you said it was
2 the right building, didn't you?
3 A Yeah.
4 Q How about the biology class?
5 A That was second floor, right building.
6 Q That was the science wing, right?
7 A Uh-huh.
8 Q Japanese class, can you tell me where that was?
9 A Third floor, main building. It was my old
10 economics class. No, it wasn't. That was a different
11 room.
12 Q And student aid, that was -- I may not be
13 remembering exactly, but I think you had -- didn't you
14 do clerical work in different offices at different
15 times?
16 A Yeah. That was the attendance office. It was
17 on the right side of the building.
18 Q In the right building or was it in the main
19 building?
20 A It was in the main building, but on the right
21 side.
22 Q That was on the ground floor, right?
23 A Yeah.
24 Q Okay. I think you've already said, but
25 Miss Ricard was your academic literacy/world lit 2

1 A Yes.
2 Q Do you recall Miss Ricard being absent from
3 class?
4 A I don't remember ever having a sub in her
5 class. I don't remember ever having subs in her class.
6 Q How about biology, can you tell me who your
7 teacher was in biology?
8 A Miss Therault.
9 Q Would you say Miss Therault was a good teacher?
10 A She was -- yeah, she was fair.
11 Q What do you mean by fair?
12 A I mean like she -- she was smart. She knew
13 biology. She kind of -- she kind of -- I don't know.
14 She -- like she -- if you had a test or something,
15 didn't do so well on the test, she'd give you the
16 opportunity to try to make it up for a higher grade.
17 Q Would you say she was qualified to teach
18 biology?
19 A Yes.
20 Q Do you remember Miss Therault being absent from
21 class at any time?
22 A I don't remember having subs in her class.
23 Q How about your Japanese teacher, can you tell
24 me that person's name?
25 A Miss Goka.

1 teacher; is that right?
2 A Yes.
3 Q Would you say she was a good teacher?
4 A Yes.
5 Q Explain to me how she was a good teacher.
6 A Because like we was reading Romeo and Juliet
7 and I remember her explaining -- like if we didn't
8 understand whatever was going on in the story, she
9 explained it to us and she did like -- we did writing
10 assignments, but like her class wasn't boring. Like
11 [REDACTED] class was kind of boring. Miss Ricard's
12 class wasn't boring. We did activities also.
13 Q So would you say she was a smart teacher?
14 A She was smart.
15 Q Would you say she was an engaging teacher?
16 A Engaging --
17 MS. PERRIN: Do you understand?
18 THE WITNESS: Yeah. Yes.
19 BY MR. ROSENTHAL:
20 Q Did she encourage students to participate and
21 you had good class discussions?
22 A Yeah, we had discussions and activities and
23 stuff.
24 Q Would you say she was qualified to teach
25 academic literacy/world lit 2?

1 Q Would you say Miss Goka was a good teacher?
2 A Yeah.
3 Q Why was she a good teacher?
4 A Well, she was like native Japanese so she knew
5 the language because she spoke it at home and stuff.
6 And then -- but she also like took it in school, so she
7 had her credentials and all that stuff.
8 But like we didn't have textbooks in her class
9 but we did a lot of activities to make up for it, and
10 she took us on pretty cool field trips. She was nice
11 and she was smart too.
12 Q So it sounds like you think he was qualified to
13 teach Japanese?
14 A Yeah.
15 Q Did you have a teacher for student aid?
16 A I worked with the secretary to the office.
17 Q Do you remember who the secretary was that you
18 worked with?
19 A It was two, Miss -- well, I know Louisa. That
20 was her first name. I don't remember her last name.
21 That's one lady. And the other lady -- oh, what's her
22 name? I don't remember.
23 Q But these were both secretaries in the
24 attendance office?
25 A Yeah.

- 1 Q There's a name referenced in your transcript.
2 Does that ring a bell by any chance?
3 A Virginia, I don't know where that comes from.
4 Q But that's not one of the two secretaries you
5 worked for?
6 A No.
7 Q It sounds like your student aid class is
8 sufficiently different than your other classes?
9 Did you get any homework in that class?
10 A No. I just did clerical work.
11 Q Did you get homework in all the other three
12 classes, the other three classes being biology,
13 Japanese, academic lit 2/world lit 2?
14 A Yeah.
15 Q Did you get tested in all of those classes?
16 A I don't -- yes. I don't remember taking too
17 many tests in Miss Ricard's class though.
18 Q But you remember taking at least one test?
19 A Yeah.
20 Q All right. Why don't we deal with the
21 individual unfair conditions that you said existed in
22 each one of these classes.
23 First, focusing on the academic literacy
24 2/world lit 2 class, you said the first unfair condition
25 that existed was that Miss Ricard left?

- 1 Q So even though you had Miss Ricard for the
2 entire semester in that course, you still think it's an
3 unfair condition that you suffered in that class that
4 she left after the class ended?
5 A I mean, I learned a lot in her class, and like
6 I said she -- well, you brought up the word engaging.
7 She was a very engaging teacher, and it's not right that
8 they left because she wasn't getting paid enough, I
9 guess she said, and she's not getting enough support
10 from the administration. I mean, that's not right. She
11 was a good teacher. They always lose the good teachers.
12 [REDACTED] I don't count her as a good teacher. But
13 Miss Kwak and Miss Ricard and Miss Goka and Mr. Medina,
14 they're like the best teachers and they lost 'em.
15 Q But you had the benefit of having Miss Ricard
16 in that class, didn't you?
17 A I did, but other kids didn't. And I don't
18 think that whoever's teaching those classes now is half
19 as good as Miss Ricard was, so maybe they won't learn as
20 much as I learned.
21 Q So you think it was unfair for kids who were
22 going to take the class in the future; is that right?
23 A Yes.
24 Q But it wasn't really an unfair condition that
25 you suffered individually in connection with that class;

- 1 A Yes.
2 Q And you briefly said what the reasons for her
3 leaving were. Can you elaborate on that a little bit?
4 A Her and Miss Kwak, they left for the same
5 reasons. Basically they said that they weren't getting
6 paid enough, and also they weren't getting a lot of
7 support. I don't know what that meant, but that's what
8 they said, that they weren't getting any support from
9 the administration.
10 Q Did Miss Kwak leave at the same time as
11 Miss Ricard?
12 A Yeah, they both left.
13 Q So you didn't have Miss Kwak when Miss Kwak
14 left; is that right?
15 A No. She like -- they both left at the end of
16 10th grade.
17 Q Did Miss Ricard teach you the entire semester,
18 the entire spring semester of 10th grade?
19 A Yeah.
20 Q So then they didn't come back the following
21 fall?
22 A Yeah.
23 Q So you didn't have any substitutes in the
24 academic lit 2/world lit 2 class?
25 A No.

- 1 isn't that right?
2 A That's true. But in this lawsuit I do
3 represent a class, so I think it's kind of relevant
4 since the other kids didn't get to have her.
5 Q But other students are taking that class --
6 other students have taken that class since you took it;
7 isn't that right?
8 A Yes, but they didn't have Miss Ricard.
9 Q But they have a teacher; isn't that right?
10 A Yeah, but the teacher's not as good as
11 Miss Ricard, trust me.
12 Q But you haven't taken the other teacher?
13 A No, but I heard some kids talking, and had they
14 had Miss Ricard's class, they would have known more than
15 they know now. Kids talk to me and they tell me, "I
16 wish I would have had Miss Ricard, I heard she was
17 nice."
18 Q And you also said that the academic literacy 2/
19 world lit 2 class was what you described as overcrowded,
20 but you said it didn't impede your ability to learn in
21 that class at all; isn't that right?
22 A Correct.
23 Q So there were no other unfair conditions that
24 you suffered in connection with that class?
25 A No.

1 Q All right. Let's move on to -- well, let me
2 stick with that class for a minute.

3 At the end of the academic literacy 2/world lit
4 class 2, would you say you learned the subject matter?

5 A I still don't know what the subject matter is,
6 but I learned like from Romeo and Juliet and stuff like
7 that.

8 Q Well, didn't you tell me before that that
9 course was sort of a combination of a literature course
10 and an English grammar course and we sort of called it
11 globally an English class?

12 A Yes, but I don't know if that's what it was
13 supposed to be.

14 Q But that was your understanding?

15 A That's what I got from it. But that don't mean
16 that it's right. I don't know what it's supposed to be.

17 Q Well, in connection with that course, did you
18 read various works of literature?

19 A I remember -- just remember doing Romeo and
20 Juliet. We probably read something else, but I just
21 remember Romeo and Juliet.

22 Q Did you also do the sort of work that you
23 described that you did in [REDACTED] class like working
24 on vocabulary and other work regarding English grammar?

25 A We had vocabulary words in Miss Ricard's class.

1 But I should have got [REDACTED] because when we --
2 because like I said, we were doing the play, so we
3 worked on that a lot, and I was Juliet and I got the
4 awarded for best actress. So if I got the award for
5 best actress. I should have got [REDACTED] I got the award
6 for best overall performance, and I got the award for
7 best pop-ups. So if I could win all the awards, I
8 should have got a [REDACTED]

9 Q Do you think that a student who does roughly
10 eight out of ten homeworks and doesn't participate in
11 class as much as perhaps they should is somebody who
12 should get an [REDACTED]

13 A If she's winning all the awards, yeah.

14 Obviously I did something if I can remember all that and
15 do the emotions like she wanted us to do 'em. Because
16 certain things she wanted us to do at certain times.

17 That's what the pop-ups were. And if I did that, then
18 yes, I do believe I deserve an [REDACTED]

19 Q Now, did any of the unfair conditions that you
20 identified in connection with this course affect your
21 grade in that class?

22 MS. PERRIN: Calls for speculation.

23 THE WITNESS: No, I don't think it affected my
24 grade.

25 BY MR. ROSENTHAL:

1 We didn't do portfolios like the journals and stuff like
2 that. We did have vocabulary words though. But we did
3 basically -- like when we read Romeo and Juliet, we did
4 work as far as like character and emotions and did
5 activities like that because we were going to do the
6 play afterwards. That's what we worked on a lot.

7 Q Can you tell me what your grades were in
8 academic literacy 2 class, world lit 2?

9 A [REDACTED]

10 Q And you're reading that from your transcript?

11 A Yeah.

12 Q Did you deserve those grades?

13 A I think I deserved [REDACTED] but I don't know.

14 Q Well, let me take a step back. Are those
15 grades accurate?

16 A Oh, they're correct, yes, but I think I
17 deserved [REDACTED]

18 Q Can you tell me why you believe you deserved
19 [REDACTED]

20 A Well, I don't -- I'm not going to say I did all
21 the homeworks, but if there was ten homeworks given, I'd
22 say I did at least eight of them. I was there for the
23 most part. I didn't -- I participated, but I didn't
24 participate as much as I could have to probably get more
25 points in her class.

1 Q Moving on to your biology class. The only
2 unfair condition you identified was that there were
3 broken sinks in the classroom; is that right?

4 A Yeah.

5 Q I think you just told me how the broken sinks
6 impeded your ability to learn in that class.

7 A It didn't impede my ability to learn. The
8 sinks were just broken so we had to go to the bathroom
9 and wash our hands.

10 Q Is that the only time you used the sinks?

11 A To wash our hands when we like touched stuff.

12 Q After doing experiments you mean?

13 A Yes.

14 Q But after you touched stuff in connection with
15 doing various experiments, you could go to the bathroom
16 and wash your hands?

17 A Yeah.

18 Q At the end of your biology course, would you
19 say you learned the subject matter?

20 A No.

21 Q Why not?

22 A I don't know why. I'm not a sciencey person,
23 I guess that's why. I think probably because I didn't
24 care for it too much, I didn't learn a lot. I don't
25 know what it is. I probably deserved the [REDACTED] since I

1 didn't do well at all on those tests. And the homework
 2 that I did do, I didn't get good marks on it because I
 3 didn't do the homeworks right a lot of times.
 4 Q You didn't do poorly in biology because of any
 5 unfair conditions that existed at your school, right?
 6 A No. I just didn't get biology I guess.
 7 Q We talked about Japanese class. Would you say
 8 at the end of the Japanese course you learned the
 9 subject matter?
 10 A Yeah.
 11 Q Actually, let me -- I should have dealt with
 12 the unfair conditions first.
 13 You said that there were no textbooks in your
 14 Japanese class, right?
 15 A Yeah.
 16 Q How did you learn the subject matter in
 17 Japanese class without textbooks?
 18 A Because the teacher spoke it. That was her
 19 native language. We used a lot of flash cards, stuff
 20 like that.
 21 Q Did she use handouts?
 22 A No. She -- flash cards and mini skits, and she
 23 would write -- oh, no, she did use handouts. She did
 24 have -- we got like a single handout we had to use
 25 throughout the year. And she used -- yeah, I take that

1 back, she used handouts. Like cartoon character
 2 handouts about -- they're speaking Japanese and we got
 3 to figure out what they're saying and stuff like that.
 4 Q Did she use the chalkboard to teach Japanese?
 5 A Yes.
 6 Q Did you take notes in that class?
 7 A Yes.
 8 Q And did you feel that that was a good way to be
 9 -- strike that.
 10 Did you feel that that was a -- did you feel
 11 that you were able to learn Japanese in the class
 12 through a teaching method like that?
 13 A Through a teaching method, yeah.
 14 Q So you didn't need a textbook to learn
 15 Japanese?
 16 MS. PERRIN: Objection, calls for expert testimony,
 17 but go ahead.
 18 THE WITNESS: No. She taught it good enough.
 19 BY MR. ROSENTHAL:
 20 Q Do you know why there was no textbook in your
 21 Japanese class?
 22 A I don't know why.
 23 Q Did you ever hear that it was because the
 24 school didn't have any Japanese textbooks?
 25 A No, I didn't hear that. I don't know why.

1 Q Do you recall what your grades were in
 2 Japanese?
 3 A I got A's.
 4 Q Two A's?
 5 A Yeah.
 6 Q And you're reading that from your transcript?
 7 A Yes.
 8 Q Did you deserve the A's?
 9 A Yes.
 10 Q Did the fact that you had no textbook in
 11 Japanese class affect your grade in any way?
 12 MS. PERRIN: Object, calls for speculation.
 13 THE WITNESS: No. I think I was a natural at
 14 Japanese too. I think it was her though. I don't think
 15 any teacher could have pulled off me learning Japanese
 16 like I did like she did.
 17 BY MR. ROSENTHAL:
 18 Q So is it fair to say that if you have a good
 19 teacher in a particular class, it's your opinion that a
 20 textbook isn't something that's required to learn the
 21 subject matter sufficiently?
 22 A I mean I would say that for Japanese class. I
 23 don't know like everything, but for Japanese class.
 24 Q Let's just very quickly deal with your student
 25 aid class. Can you tell me what your grades were in

1 that class?
 2 A A and A.
 3 Q And you're reading that from your transcript?
 4 A Yes.
 5 Q Did you deserve A's in that class?
 6 A I don't see how -- how I got really graded
 7 because I didn't do anything but like answer phones and
 8 help kids. But I guess.
 9 Q Were you supervised in your capacity in the
 10 work you did there?
 11 A I was rarely left alone in the office, so most
 12 of the time I was supervised. It was like I was one of
 13 the actual real secretaries in there.
 14 Q Do you know who gave you the grades for your
 15 student aid class?
 16 A No, I don't. I think like maybe Mr. Chesky
 17 asked like how did I do in helping him, I'm pretty sure.
 18 Louisa like probably was "She does real good." I mean,
 19 that's the only way I can think of it. I don't know who
 20 gave me the grades.
 21 Q I just want to spend a very short period of
 22 time on your time at Mission High School and then we can
 23 take a break, I'll go over my notes and we can come back
 24 for one last session. Does that sound fair?
 25 MS. PERRIN: Okay.

1 BY MR. ROSENTHAL:

2 Q Now, Miss Jones, we'd spoken briefly during our
3 first day about your time at Mission High School. You
4 were there as a freshman; is that right?

5 A Yeah.

6 Q And I had asked you during the first day about,
7 you know, whether there were any unfair conditions that
8 you believe existed at Mission High School, and you
9 identified a situation where there was a problem with
10 the roof on the third floor which resulted in some
11 flooding, and I guess some classrooms on the third floor
12 were closed down, I guess; is that right?

13 A Yeah.

14 Q Are there any other unfair conditions that you
15 can think of that existed at Mission High School?

16 A I don't even remember back to ninth grade all
17 like that. Okay, Mr. -- let me think. We just read
18 books in class. Mr. --

19 Q Why don't we try it this way. Do you recall
20 any of your classes the Mission High School being
21 unbearably hot?

22 A No.

23 Q Do you remember any of your classes at Mission
24 High School being unbearably cold?

25 A No.

1 A No.

2 Q How about the facilities at Mission High
3 School, and by that I mean, you know, the actual
4 building. I'm not asking you to describe it. If you
5 can just tell me what the condition was generally.

6 A I don't even -- I would say it was fine, but
7 that was just a guess. I don't even remember 9th grade.

8 Q Do you remember there being any problems with
9 any of the windows, doors, floors? We already discussed
10 a problem with the ceiling.

11 A No.

12 Q Do you remember any classes being overcrowded?

13 A No, I don't think so.

14 Q Do you ever remember any classes where students
15 didn't have their own chair or desk?

16 A No.

17 Q Did you have textbooks in each of your classes
18 in which a textbook was used? Strike that.

19 Did you have textbooks in each of your classes
20 at Mission High School?

21 A Not at all -- I don't think all classes
22 required textbooks.

23 Q Can you tell me which classes you didn't have
24 textbooks for?

25 A Mr. Sangarito -- oh, world lit, San Francisco

1 Q Do you remember issues regarding any external
2 noise?

3 A No.

4 Q Were the classrooms that you had class in
5 clean, orderly?

6 A Yes.

7 Q Did you ever see any mice at Mission High
8 School?

9 A In the gym.

10 Q Would you say that was an unfair condition that
11 existed at Mission High School?

12 A I was say it's unfair now, but then I didn't
13 care.

14 Q About how often did you see mice in the gym?

15 A Not the main gym but the girls' gym, which is
16 like in the bottom, bottom, bottom part of Mission, and
17 whenever I would go down there, which is probably like
18 once or twice a semester.

19 Q So you saw mice in the gym once or twice a
20 semester?

21 A Yeah.

22 Q Did you ever tell anybody about the mice?

23 A No.

24 Q Did you ever see mice anywhere else at Mission
25 High School?

1 perspective, P.E. and I'm trying to remember science. I
2 don't think -- no, I don't think we used textbooks in
3 science. Where it says reading and writing enrichment.

4 Q Did you use a text -- I'm sorry, I missed
5 that --

6 A No.

7 Q -- no textbook in that class either?

8 A No.

9 Q So the only class you used a textbook in was
10 algebra?

11 A And reading enrichment B and writing enrichment
12 B. But where it says Swett twice, it was just algebra
13 twice.

14 Q You mean the reading-writing enrichment that
15 says Swett was not a separate class?

16 A I mean, it was a separate class but we did math
17 in both classes.

18 Q Did you have -- is it a Mr. Swett?

19 A Miss.

20 Q Did you have Miss Swett for one period during
21 the day, or was it two periods?

22 A No, we saw her twice.

23 Q Okay. So once you saw her for algebra and once
24 you saw her for reading and writing enrichment, but that
25 was in connection with doing more algebra work?

- 1 A Math, yeah.
 2 Q And you used the same textbook in both of
 3 those classes?
 4 A Oh, yes.
 5 Q Rather than textbooks, did you use other
 6 instructional materials in the classes that you
 7 identified in which no textbook was used? And let's put
 8 P.E. aside. I assume you didn't use --
 9 A Yeah. Mr. Palagrino used some type of book
 10 like -- like we read -- I don't even remember what book,
 11 but we read something, and we did like a lot of grammar
 12 stuff in his class.
 13 Q So you had books in his class, you just didn't
 14 have a textbook?
 15 A Yeah, we had reading books.
 16 Q So for example if you read -- I don't expect
 17 you to remember what you read in that class, but I mean,
 18 if you read Romeo and Juliet, you would have had a copy
 19 of Romeo and Juliet?
 20 A Yes.
 21 Q How about for San Francisco perspectives, did
 22 you have other instructional materials, to the extent
 23 you remember?
 24 A We used like maps.
 25 Q And for science -- is that the class that's

- 1 referenced as nine, i-n-t-e-g-e-r --
 2 A Ninth, integrated science.
 3 Q Okay. Did you use other instructional
 4 materials in that class?
 5 A We did labs every day.
 6 Q Do you have an understanding as to why you
 7 didn't use textbooks in any of the classes in which you
 8 did not use them?
 9 A Well, San Francisco perspective, I still don't
 10 know to this day what that class was about. I don't
 11 even think it would have been a book. That class was
 12 stupid.
 13 But as far as science goes, I don't know why,
 14 but we did labs every day.
 15 Q For the classes that you had textbooks, did you
 16 have your own textbook?
 17 A I'm pretty sure I did. I really don't
 18 remember.
 19 Q Do you remember if you were able to take those
 20 books home?
 21 A I don't remember.
 22 Q In the classes where you didn't use textbooks,
 23 did everybody have their own copies of whatever
 24 instructional materials were used?
 25 A Yeah, we did -- except for like in science,

- 1 when we did labs, we had like --
 2 Q Did you work in groups?
 3 A -- partners, group.
 4 Q For example, in world lit, when you read a
 5 certain book, everybody got their own copy of the book?
 6 A Yeah.
 7 Q And you were able to take that book home?
 8 A I don't remember. I know everybody had their
 9 own.
 10 Q Do you remember the condition of the books you
 11 used in any of your classes?
 12 A I sure don't.
 13 Q Do you remember ever having to pay any fees in
 14 connection with any of your classes at Mission High
 15 School?
 16 A No.
 17 Q Did you ever remember watching any
 18 noneducational movies in any of your classes at Mission
 19 High School?
 20 MS. PERRIN: By "noneducational," you mean
 21 something that's not relevant to the course that's being
 22 taught?
 23 BY MR. ROSENTHAL:
 24 Q Right.
 25 A Probably in like gym.

- 1 Q Do you know why you watched movies like that in
 2 gym?
 3 A Probably like it was a lazy day, we'd just
 4 watch a movie.
 5 Q Do you remember there being any shortage of
 6 classroom supplies at Mission High School?
 7 A No.
 8 Q So there was always enough paper, chalk, things
 9 like that?
 10 A As far as I can remember, yeah.
 11 Q How about your teachers at Mission High School,
 12 would you say they were all good teachers?
 13 A Yeah.
 14 Q Would you say they were all qualified teachers
 15 to teach the subjects that they were teaching you in?
 16 A Yeah.
 17 Q After you took all the courses you took at
 18 Mission High School, would you say you learned the
 19 subject matter in those classes?
 20 A Yeah.
 21 Q Are all the grades on your transcript from
 22 Mission High School accurate?
 23 A Yeah.
 24 Q Did you deserve all of the grades that are
 25 reflected on the transcript?

1 A In the fall grades I'm going to say I should
 2 have gotten all A's.
 3 Q Why do you think you should have gotten all A's
 4 in the fall?
 5 A Because that's when I first started high school
 6 and I know I did every single work, I did every single
 7 homework, I was there full time, I always participated.
 8 Q How about the spring, do you think you deserved
 9 all of those grades?
 10 A I probably didn't deserve the [redacted] got. But for
 11 the most part, yes.
 12 Q When you say "for the most part," are there any
 13 particular grades that you don't think you deserved?
 14 A I deserved 'em all.
 15 Q In the fall all of your grades were [redacted]
 16 and in the spring all of your grades were [redacted]
 17 [redacted]
 18 [redacted]
 19 [redacted]
 20 [redacted]
 21 [redacted]
 22 [redacted]
 23 [redacted]
 24 [redacted]
 25 [redacted]

1 [redacted]
 2 Q Do you recall how many days you were absent
 3 during the spring? I'm asking because there's a pretty
 4 wide discrepancy based on the transcript, as you can
 5 see. Do you think any of those is more accurate than
 6 the other?
 7 A Well, where it says algebra, I know I was
 8 absent to her class more than five times. Maybe, I'd
 9 say -- I really don't know. But I know I was absent
 10 more than five times from Miss Swett's class.
 11 Q Do you remember how many weeks you were absent
 12 during the spring? Let me ask an additional question.
 13 Were you out for a couple weeks at a time and
 14 was there a block of time that you were absent from
 15 school?
 16 A I wasn't absent like a couple weeks at a time.
 17 It would be different days.
 18 Q Was spread out through the entire semester?
 19 A Yeah.
 20 MR. ROSENTHAL: All right, why don't we break here.
 21 (Recess.)
 22 BY MR. ROSENTHAL:
 23 Q Okay, I have just a couple of very brief
 24 questions following up on our discussions about Mission
 25 High School, and then we'll move on to the remaining

1 issues that I have.
 2 It sounds like, from your testimony, that
 3 Mission is, for lack of a better term, a better school
 4 than Balboa is. Would you say that's a fair
 5 characterization?
 6 A No.
 7 Q Why not?
 8 A I mean, because it probably -- or maybe it's
 9 just me, unfair conditions that I don't remember because
 10 like it was so long ago, or that I like looked past
 11 because it didn't mean anything to me back then. But I
 12 don't know if I'd say Mission is better than Balboa.
 13 Q So you think students who attend Mission High
 14 School are suffering, if not exactly the same
 15 conditions, conditions that are similarly unfair?
 16 A Well, I don't know about similarly now, because
 17 I haven't visited Mission in close to three years. But
 18 I mean -- I don't know. I'm pretty sure Mission has
 19 things that are unfair too, just because it was like
 20 little stuff when I was there.
 21 Q Is it your understanding that students who
 22 attend Mission High School are part of the class of
 23 students that you represent that suffer unfair
 24 conditions in California public schools?
 25 MS. PERRIN: Objection, calls for a legal

1 conclusion.
 2 THE WITNESS: I feel every student who goes to a
 3 public school, whether they pay attention to the unfair
 4 conditions or not, I represent those people. I feel I
 5 represent everybody who goes to school in the bathrooms
 6 is nasty or there's like mice or not enough books,
 7 frequent substitutes. I represent all those kids. If
 8 that's at Mission, then that's who I represent also.
 9 BY MR. ROSENTHAL:
 10 Q So you represent all students in California
 11 public schools who suffer any of those conditions?
 12 A Any of the conditions that I haven't named
 13 probably aren't at my school, but at other schools --
 14 no, I actually feel I would represent all public school
 15 kids.
 16 Q So you represent students who go to any public
 17 school in the entire State of California, that's your
 18 understanding?
 19 MS. PERRIN: I think that slightly misstates her
 20 testimony and again calls for a legal conclusion.
 21 THE WITNESS: Well, when it was explained to me
 22 what a class representative was, I don't think that's
 23 what it's referring to. But on a more personal note,
 24 that's what I personally believe so that's what I'm
 25 gonna go by. I believe I'm representing everybody,

1 whether or not they pay attention or notice or, you
2 know, care about the conditions or not, I still
3 represent them since I care about them.

4 BY MR. ROSENTHAL:

5 Q How about a student who goes to the school
6 where there are none of the unfair conditions that you
7 suffered, do you feel that you represent them? Do you
8 feel that they're members of the class as well?

9 MS. PERRIN: Again objection, calls for a legal
10 conclusion.

11 MR. ROSENTHAL: I'm just asking for her
12 understanding.

13 THE WITNESS: I feel that, yeah, I represent them
14 too. So even though they probably don't suffer the same
15 things as me and other people suffer, they can keep it
16 that way.

17 BY MR. ROSENTHAL:

18 Q So you're representing them to insure that the
19 good conditions they have remain good?

20 A Yeah.

21 Q Okay. There were a couple of terms you used in
22 the earlier days of testimony that I just wanted you to
23 define for me, you know, to the best of your ability.

24 MS. PERRIN: And Alondra, when he says "define,"
25 just explain what you meant by them, I think is where

1 on test days, they withdraw the information, so whatever
2 they told you, they just take it right back. You
3 haven't actually learned anything. Like the banking
4 system, like when you deposit money and you withdraw it,
5 it's

6 deposit and withdraw education. And that was introduced
7 to me in my 11th grade year. I forgot -- it was in
8 Miss Safir's class, I forgot where -- it was in a
9 reader, that's when that was introduced to me.

10 And [REDACTED] class was definitely,
11 definitely banking system education. And that's
12 opposite to problem-posing education, where
13 problem-posing education is where teachers actually
14 teach you and instruct on things and you ask why, you
15 ask how and you learn, not just people putting notes on
16 the board and expecting you to learn. That's not how
17 you learn.

18 Q So is banking system education a term you
19 learned in connection with one of your classes?

20 A Yeah.

21 Q You gave me one example of a course that was
22 thought -- [REDACTED] class, you said she practiced
23 the banking system of education or whatever. Can you
24 give me an example of a class where -- did you call it
25 problem solving?

1 Michael's going, like Master Splinter.

2 BY MR. ROSENTHAL:

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q At some point you used the term -- a couple
19 times actually you used it, the banking system
20 education, do you remember using that?

21 A Yes.

22 Q Can you tell me what that meant?

23 A Banking system education is basically when
24 teachers, they don't teach, they just deposit
25 information like you would deposit money in a bank. And

1 A Problem-posing.

2 Q Problem-posing education, can you give me an
3 example of a class in which that methodology was used?

4 A Miss Safir's class. Her U.S. history and her
5 prelaw. She totally comes in -- or we read something in
6 the reader. Like we will read the theories of Carl
7 Marx. We won't just have to write the notes in, expect
8 to know what we just read on test day. We would ask her
9 why this was this and how this was this and where did
10 all this come about and who else things like this and,
11 you know, whatever.

12 Some teachers, if you ask them stuff like that,
13 they would get frustrated, either because they don't
14 know the answer or they don't care for you to know the
15 answer. They just want you to know what they just told
16 you

17 Q In addition to [REDACTED] class, are there
18 any other classes that you recall that you categorize as
19 teaching in the banking system style?

20 A Biology, chemistry.

21 Q Biology and chemistry?

22 A And academic lit. With [REDACTED], though, but
23 not with Miss Ricard.

24 Q So that was biology, chemistry and academic
25 literacy/world lit?

- 1 A Yeah.
 2 Q And that was for the whole year?
 3 A Yeah, but not by Miss Ricard.
 4 Q You just mean the first semester?
 5 A Yeah.
 6 Q Any others?
 7 A No.
 8 Q Now, you said you learned the term in
 9 Miss Safir's class. Did you spend a portion of your
 10 class with Miss Safir discussing education and
 11 inequalities between schools?
 12 MS. PERRIN: Well, you can answer the question, but
 13 she did say that was part of a reading assignment.
 14 MR. ROSENTHAL: I'm just asking if that was a topic
 15 area in her class with Miss Safir.
 16 THE WITNESS: No. The topic area's how -- like the
 17 banking system, how teachers don't teach.
 18 BY MR. ROSENTHAL:
 19 Q Because I know you mentioned you went on a
 20 field trip with Miss Safir to, I think it was Marin
 21 Academy; is that right?
 22 A Yeah.
 23 Q And you said the focus of that was looking at
 24 the inequalities of schools; is that right?
 25 A That wasn't the exact focus. They had a law

- 1 academy in that school, too, so our programs were the
 2 same. But while we were there, that was brought up.
 3 Q Is Marin Academy a public school?
 4 A I think it's a public school in that district.
 5 I'm not sure.
 6 Q So if it's a public school, you think you
 7 represent those students as well?
 8 A Well, they have good conditions. I want to
 9 make sure that their conditions stay good. If it was a
 10 public school. I'm not sure, I think it is though.
 11 Q Have you taken any A.P. courses? Do you know
 12 what an A.P. course is?
 13 A Yes.
 14 Q Advanced placement courses? Have any of your
 15 courses been advanced placement courses?
 16 A No.
 17 Q Well, are advanced placement courses offered at
 18 Balboa High School?
 19 A They were offered this year.
 20 Q But they were never offered prior to this year?
 21 A Not that we knew of. No, the only time I ever
 22 heard of A.P. courses this year, over the summer, going
 23 into the 12th grade, they introduced us, they sent
 24 e-mails to us. And then like 12th grade people had A.P.
 25 English.

- 1 Q Do you have an understanding as to whether A.P.
 2 courses are useful in preparing students for college?
 3 A I don't know since I've never took one. But
 4 I'm pretty sure they make your transcript look nice like
 5 if you showing A.P. courses.
 6 Q So can you tell me why you didn't take any?
 7 A Because they never gave me any.
 8 Q But you could have taken some this year, right?
 9 A Well, 12th grade, it started at 6:30 in the
 10 morning and I was unable to do that because of personal
 11 thing, so --
 12 Q So A.P. courses are only offered at 6:30 in the
 13 morning?
 14 A Uh-huh. The English one they told us about
 15 over the e-mail.
 16 Q What about other A.P. courses?
 17 A That's the only one I know of.
 18 Q So you don't know if there's any A.P. science
 19 courses offered at school?
 20 A I don't know.
 21 Q Any A.P. math courses?
 22 A I don't know. I never took one.
 23 Q Did you ever ask?
 24 A Yes.
 25 Q Who did you ask?

- 1 A Miss Balisi, my counselor. She told me what I
 2 need to do, the classes I need to be -- the classes
 3 required to graduate, that's all I had to worry about.
 4 Q Did you want to take any A.P. courses?
 5 A I wouldn't have mind. Like I don't know --
 6 like I say, I don't know. The only thing I would see
 7 A.P. courses being relevant to is making your transcript
 8 look better for colleges. Maybe it would be easier
 9 getting into the college you want to get into if you
 10 took some A.P. courses.
 11 Not at 6:30 in the morning though when I had to
 12 do something, I wouldn't have mind taking any other A.P.
 13 courses.
 14 Q That was one of your concerns, though, about
 15 getting into college, wasn't it?
 16 A Yeah, but the main concern was the general
 17 classes I took because there was so many problems with
 18 that one, I'd probably be scared to take a A.P. course.
 19 Q Well, just -- I know you said you were only
 20 taking -- is it only two courses this semester? I know
 21 this semester just ended, but you only took two courses,
 22 right?
 23 A Yeah.
 24 Q And you're not aware of any A.P. courses being
 25 offered from third period on?

1 A No. I asked my counselor, Miss Balisi, and she
2 told me I need to worry about the classes that were
3 required for graduation.
4 Q Are you aware that advanced placement courses
5 -- if you take an advanced placement course and do
6 sufficiently well in the advanced placement test, you
7 can get college credit for that course?
8 A No, I didn't know that.
9 Q So you just focused on fulfilling your
10 requirements to graduate?
11 A My counselor focused me on fulfilling my
12 required things to graduate.
13 I has concerned about my requirements for
14 graduation because of the continuous substitutes, and
15 when I went to City, the night class when they cut
16 Japanese. But I had inquired about A.P. classes. At
17 that point I was shut up very quickly about that because
18 I was told I don't need to worry about A.P., I need to
19 worry about things I need to pass graduation.
20 Q Well, did you tell your counselor you were
21 concerned about getting into college and it was your
22 understanding that it was helpful to have those courses
23 on your transcript and that perhaps you should consider
24 them?
25 MS. PERRIN: Objection, compound.

1 THE WITNESS: I told her that I think I should
2 have 'em, but she tells me don't worry about it. I need
3 to take what I need to take to graduate from high school
4 and I don't need to worry about any A.P. classes.
5 BY MR. ROSENTHAL:
6 Q So it your testimony that your counselor didn't
7 let you take A.P. classes?
8 A Well, I don't know about didn't let. She
9 scheduled my classes. When I inquired about A.P.
10 classes, she informed me that I had other things to
11 worry about besides A.P. classes.
12 Maybe A.P. classes would have taken up time I
13 needed for high school requirements.
14 Q Now, you had testified during one of the days
15 we had previously met that the art wing was closed. Do
16 you remember that?
17 A Yes.
18 Q Do you have an understanding whether the space
19 that was in the art wing is now being used by the
20 bilingual education language academy?
21 A I don't know. I never heard of no bilingual
22 education academy.
23 Q You also told me previously that you asked
24 Ms. Gray, the principal, about janitors at the school
25 and you said that she told you that the school could

1 only afford one janitor; is that correct?
2 A Uh-huh.
3 Q So if I told you that Ms. Gray told me there
4 were four janitors at the school, would you say that's
5 incorrect?
6 A Yes, I would. I said that one Asian lady.
7 Q So she's the only janitor, that's your
8 testimony?
9 A Uh-huh. Maybe it's four little Asian ladies
10 that look the same.
11 Q We also discussed a situation where you paid
12 some money to your art teacher, Miss Codabandaloo --
13 I think I can finally say that name.
14 Did she ever -- I'm sorry, we also discussed
15 that at some point you became informed that the money
16 was going to be reimbursed and that some students
17 obtained reimbursement; isn't that right?
18 A Yeah.
19 Q Did she ever tell you that the reason she
20 collected the money and then subsequently reimbursed the
21 money is because she was unaware of the school policy
22 regarding the charging of fees?
23 A Who is "she"?
24 Q She being Miss Codabandaloo.
25 A No. If it wasn't policy, I don't understand

1 why she did it.
2 Q We also talked about a particular bathroom. If
3 you remember you said there was yellow caution tape on
4 the bathroom.
5 A The second floor bathroom.
6 Q Right, and that was closed I think for your
7 11th grade school year; is that right?
8 A Yeah.
9 Q At least that's what you testified to?
10 A Yeah.
11 Q And I asked you what the reason for the
12 bathroom being closed was, and you weren't a hundred
13 percent sure. You had heard some rumors, I guess.
14 Did you ever hear that was because of mercury
15 contamination?
16 A I didn't hear no mercury contamination.
17 Q You also previously told me that after the
18 article appeared in San Francisco Weekly that we
19 previously marked as Exhibit 7, that Balboa High School
20 obtained many new books; is that right?
21 A Yes.
22 Q And you think there was a connection between
23 the two?
24 A Yes.
25 Q Can you tell me why you think there was a

1 connection?

2 A We didn't have them books when I didn't say
3 nothing to the newspaper. It seems pretty damn funny to
4 me that we got the books after we exploited a little of
5 the problems Miss Gray didn't want out there.

6 Q Did you ever hear that Balboa High School had
7 received a grant to buy textbooks that was scheduled --
8 that was allocated prior to the article ever being
9 published?

10 A Nope. Pretty coincidental we got the stuff
11 after a article though.

12 Q So you still think it was the article that
13 resulted in new books appearing at the school?

14 A I think it was the exploitation of the school
15 that resulted in us getting the books at the school.
16 A little embarrassing. I think the books was supposed
17 to shut me up. But it obviously didn't.

18 Q Where do you think the money came from to buy
19 the books, do you have an understanding?

20 MS. PERRIN: Well -- okay, go ahead.

21 THE WITNESS: No.

22 MS. PERRIN: Just for the record, when you were
23 just asking that question, it was about the new books
24 that came in?

25 MR. ROSENTHAL: Yes.

1 MS. PERRIN: Same objections, this time vague as to
2 inadequate.

3 THE WITNESS: I feel that what I learned -- the
4 personal -- I feel I learned more studying on my own
5 than I did in my years of high school.

6 BY MR. ROSENTHAL:

7 Q I'm trying to figure out, you graduated from
8 high school. Now, is it your opinion that you received
9 a high school education?

10 A I received a high school education. Is it the
11 best one I could have received? No. Could I have
12 received better? Yes. Could some of the conditions
13 been the reason? Yes.

14 Since I feel that I learned more by myself, it
15 wasn't no point for me to go to school for four years.

16 Q We has also discussed some of the colleges you
17 applied to and I think we still had at least one school
18 that you had not heard from when we last met. Did you
19 ever hear from that one remaining school?

20 A No. Because I got like rolling admissions
21 policy, I'm probably not going to know.

22 Q So you still never heard?

23 A No.

24 Q Did you hear from any other schools during the
25 time we last met on June -- no, it was May --

1 MS. PERRIN: Okay.

2 BY MR. ROSENTHAL:

3 Q Did you graduate from Balboa High School?

4 A Yes, June 6th.

5 Q So you're no longer attending public school in
6 California; is that correct?

7 A That's correct.

8 Q You received a high school diploma obviously in
9 connection with graduating?

10 A Yes.

11 Q Is it your opinion that you received an
12 adequate high school education?

13 MS. PERRIN: Objection, vague as to adequate and
14 calls for expert testimony, but you can answer.

15 BY MR. ROSENTHAL:

16 Q Did you understand the question?

17 A I understand the question. In some classes.

18 Q Overall would you say you received an adequate
19 high school education?

20 MS. PERRIN: Same objections.

21 THE WITNESS: In -- compared to other people's
22 education, no.

23 BY MR. ROSENTHAL:

24 Q So is it your opinion that you received an
25 inadequate high school education?

1 A May 16th?

2 Q No, it was subsequent to that. May 25th?

3 A I just received like my financial aid awards
4 thingies.

5 Q Did you receive any scholarships to any
6 schools?

7 A Yeah.

8 MS. PERRIN: Vague as to scholarships.

9 BY MR. ROSENTHAL:

10 Q Do you know what a scholarship is?

11 A Yes.

12 Q Can you tell me where you received a
13 scholarship from?

14 MS. PERRIN: Well, can we also --

15 MR. ROSENTHAL: Do you want her to define
16 scholarship?

17 MS. PERRIN: Yeah, I do.

18 THE WITNESS: Oh, they gave me some money. I
19 got -- oh, well, maybe that's not a scholarship. The
20 Pell grant thing.

21 MS. PERRIN: Right.

22 THE WITNESS: That's what I got.

23 MS. PERRIN: Just for the record, there's a
24 difference between scholarships and financial aid. I
25 just want to make sure that you're testifying as to the

1 right one.
 2 BY MR. ROSENTHAL:
 3 Q A scholarship for these purposes I guess I'll
 4 ask is --
 5 A Like merit-based.
 6 Q Right, is merit-based. Did you receive any
 7 merit-based awards to any school at this point?
 8 A No.
 9 Q Have you decided where you're going to be
 10 attending college?
 11 A Yes.
 12 Q Can you tell me where that is?
 13 A Howard University in Washington, D.C.
 14 Q So obviously you're planning to move to
 15 Washington, D.C.; isn't that correct?
 16 A Yeah.
 17 Q Do you have a sense of when you're planning on
 18 moving?
 19 A I'm leaving August 18th.
 20 Q Is that when school begins?
 21 A Freshman orientation is -- because August 18th
 22 is a Saturday and freshman orientation is like that, I
 23 don't know, week.
 24 Q Can you describe for me what efforts you will
 25 take to supervise your attorneys in connection with this

1 address and all that stuff, and when I get all that
 2 stuff, they will have it.
 3 Q Will it be more difficult for to you supervise
 4 your attorneys as a result of you moving to Howard
 5 University?
 6 A No.
 7 Q Now, we have also previously discussed your
 8 declaration dated February 7, 2001, which we've marked
 9 as Exhibit 4, and I think I had asked you this question
 10 before, but just to lay a foundation here, do you have
 11 an understanding as to why you were asked to put
 12 together a declaration?
 13 A Yes.
 14 Q Can you tell me what that understanding was?
 15 A So that whoever, like the judge or something --
 16 like they're my words and nobody else's words.
 17 Q Was it your intention to spell out the unfair
 18 conditions that existed at Balboa High School in the
 19 declaration?
 20 A My intention was to answer the questions being
 21 asked me. I felt that's what I did.
 22 Q So is it unfair to say that your intention was
 23 to spell out the unfair conditions that you believe you
 24 suffered at Balboa High School?
 25 MS. PERRIN: I think the question's a little vague.

1 case?
 2 MS. PERRIN: Objection, vague as to supervise. And
 3 are we talking about present day?
 4 MR. ROSENTHAL: I'm talking about in the future.
 5 Q Specifically let's deal with when you're
 6 attending Howard University.
 7 A I don't get the question.
 8 Q Do you have an understanding that you have a --
 9 as a class representative, you have to duty to supervise
 10 you attorneys?
 11 MS. PERRIN: Asked and answered.
 12 MR. ROSENTHAL: I'm just trying to lay the
 13 foundation.
 14 MS. PERRIN: That's fine.
 15 And may I try for a second?
 16 MR. ROSENTHAL: Sure.
 17 MS. PERRIN: Supervise is keeping in contact with,
 18 talk about the lawsuit, okay. Not supervise in the
 19 parental sense.
 20 THE WITNESS: Oh.
 21 BY MR. ROSENTHAL:
 22 Q Lois doesn't need a parent.
 23 A Yeah.
 24 Q And what efforts will you make to do that?
 25 A I'm waiting on receiving my housing and my

1 Do you want to try to rephrase it?
 2 Or Alondra, if you understand, you can answer.
 3 THE WITNESS: I don't know -- this probably won't
 4 answer your question much. But all I know is when I was
 5 asked questions, I told the truth. I wasn't trying to
 6 get anyone in trouble. I wasn't trying to -- I wasn't
 7 trying to make anybody sound bad. I was being asked
 8 questions about something I knew about and I answered
 9 the questions.
 10 BY MR. ROSENTHAL:
 11 Q But the focus of the declaration was unfair
 12 conditions at Balboa High School; isn't that right?
 13 A The focus --
 14 Q Let me try to rephrase my question. Was the
 15 focus of the declaration on negative aspects of Balboa
 16 High School or positive aspects of Balboa High School?
 17 A It was just questions like -- it was just
 18 questions. I think that my answers were of a negative
 19 focus but the questions were just regular questions.
 20 Q I mean --
 21 MS. PERRIN: Why don't we show her the declaration.
 22 BY MR. ROSENTHAL:
 23 Q Do want to take a look at the declaration
 24 again, would that be helpful?
 25 A Yeah.

1 Q I'm just trying to figure out if this
 2 declaration was a document that was intended to identify
 3 problems at Balboa High School. I'm not saying you had
 4 any sinister motive.
 5 A I really don't know. I don't think I fully
 6 understand what you're talking about.
 7 Q Let me just give you an example. You said that
 8 like Miss Safir was a great teacher, right?
 9 A Yeah.
 10 Q That's not mentioned in the declaration, right?
 11 A Yeah, because like who I think was a great
 12 teacher wasn't asked.
 13 Q But you were asked things like, you know -- I
 14 mean, I'm paraphrasing here, but were you asked things
 15 like what are the problems that exist at Balboa High
 16 School.
 17 A No, I was asked stuff like --
 18 MS. PERRIN: Actually, don't say the specific
 19 questions that your attorneys told you, but you can talk
 20 generally in your own words.
 21 THE WITNESS: Okay. Well, I wasn't asked that.
 22 BY MR. ROSENTHAL:
 23 Q It might be helpful if I read back what you
 24 told me during your first day.
 25 MS. PERRIN: Can we go off the record?

1 complete?
 2 MR. PLAINTIFF: Vague as to complete.
 3 THE WITNESS: I don't understand the question.
 4 BY MR. ROSENTHAL:
 5 Q In your declaration, for example, you talk
 6 about situations where you did not have textbooks in
 7 connection with certain classes; isn't that right?
 8 A Yeah.
 9 Q Was it your intention in the declaration to
 10 identify all the situations where you did not have
 11 textbooks, or was it your intention to only identify
 12 some of the situations?
 13 A Just say that some classes I didn't have
 14 textbooks, but not to go through each and every one of
 15 them.
 16 Q So you identified some of the situations where
 17 you didn't have textbooks and some of the situations
 18 where you experienced other unfair conditions; is that
 19 right?
 20 MS. PERRIN: In the declaration?
 21 BY MR. ROSENTHAL:
 22 Q In the declaration?
 23 A Yeah.
 24 Q In our three days together you've given me a
 25 lot of information and you've identified a lot of what

1 (Pause in the proceedings.)
 2 BY MR. ROSENTHAL:
 3 Q So is it your understanding then that your
 4 declaration was your opportunity to tell your story
 5 about the conditions at Balboa High School?
 6 A Well, not entirely. My understanding would be
 7 now, the deposition was a chance to tell my story about
 8 the unfair conditions in my high school. I thought that
 9 the deposition was just like what -- the answers to the
 10 questions I was asked, but like written in my own words
 11 and signed by me so the judge or whoever needs to know,
 12 they would know that those are my actual words.
 13 Q And I think you used the word "deposition."
 14 Did you mean to use the word declaration?
 15 A Declar- -- no, wait. That my deposition, that
 16 this would be time --
 17 Q Right, but then I think --
 18 A Declaration, yes.
 19 Q -- the second time you used the word
 20 "deposition," I think you meant to say declaration.
 21 The second half of what you were saying was the purpose
 22 of the declaration?
 23 A Yeah.
 24 Q Did you have an understanding whether the
 25 information contained in the declaration should be

1 you've called unfair conditions that existed in a lot of
 2 your individual classes. Is there some reason you
 3 didn't include that in your declaration?
 4 MS. PERRIN: Well, objection. She stated that she
 5 didn't actually draft the declaration.
 6 THE WITNESS: That's the only reason I didn't go
 7 through -- yeah, because the questions wasn't as
 8 detailed as this. The questions are much more detailed
 9 than the questions I was being asked.
 10 BY MR. ROSENTHAL:
 11 Q You've also told me a few times in our time
 12 together that you are an exceptional student; is that
 13 right?
 14 A Yes.
 15 Q Do you think that all students are exceptional
 16 students?
 17 A Sure. I think I'm more exceptional than them
 18 though, because I'm a bit conceited about that, so --
 19 Q Do you think you're a better student than most?
 20 A I don't know about most. I know about better.
 21 I know I've definitely worked harder than a lot of
 22 students I know. I've studied more, I know I've done
 23 better in classes. I know I care more than other
 24 students. If that makes me better, then yeah.
 25 Q Do you consider yourself to be somewhat of a

1 unique student?
 2 MS. PERRIN: Vague as to unique.
 3 BY MR. ROSENTHAL:
 4 Q Do you understand the question?
 5 A What do you mean by "unique"?
 6 Q One of a kind.
 7 A Oh, yeah. Yeah.
 8 Q Yes?
 9 A Yeah. But I'm still -- I'm not that unique to
 10 where I can't represent everybody else.
 11 Q Why do you say that?
 12 A I mean, because if I was that unique and
 13 different, I can't represent everybody I'm representing
 14 being a class representative. And although I think I'm
 15 a very extraordinary person, that's just due to my
 16 conceitedness. I'm general enough to be the same as
 17 everybody else.
 18 Q You said that you were able to overcome a lot
 19 of unfair conditions because of your unique abilities;
 20 is that right?
 21 A Yeah.
 22 Q But not all student possess the same abilities
 23 that you do, right?
 24 A Yeah, that's what makes me so exceptional.
 25 But I feel I shouldn't have to have been the

1 one to -- I shouldn't have to -- I mean, I was going to
 2 be a exceptional person regardless. But as far as the
 3 school going and being able to overcome all this stuff,
 4 I shouldn't have to have overcame all that stuff.
 5 Q So wouldn't you say that you were affected by
 6 the unfair conditions at Balboa High School differently
 7 than other students at Balboa High School?
 8 A I don't know how other students at Balboa High
 9 School were effected as far as general stuff like being
 10 too hot or too cold. But -- I don't know about anything
 11 else, you know, how they're effected by it personally.
 12 Q But you said -- you testified before that there
 13 was some unfair conditions that didn't affect you but
 14 affected other students; isn't that right?
 15 A Yeah.
 16 Q So you were affected by those unfair conditions
 17 differently?
 18 A Or maybe not at all, if that's what I said.
 19 That's just due to me being exceptional. I guess other
 20 students aren't as exceptional as me.
 21 Q Can you describe for me what harm you've
 22 suffered as a result of the unfair conditions that we've
 23 been talking about for three days?
 24 MS. PERRIN: Objection. Calls for a legal
 25 conclusion and expert testimony, but you can answer to

1 your own opinion.
 2 THE WITNESS: By harmed meaning?
 3 BY MR. ROSENTHAL:
 4 Q How were you harmed by the unfair conditions?
 5 A Harmed physically? Harmed emotionally?
 6 Q Any way?
 7 A Well, my education was harmed. Like I said
 8 it's a shame I went to school for four years in my life
 9 I still felt I learned more studying on my own. That's
 10 harmful. Going to school sometimes was harmful
 11 physically, it being unbearably cold or hot. And seeing
 12 that nasty bird stuff on the floor made my stomach turn
 13 sometimes. And it harmed emotionally every time I had
 14 to walk in that dump.
 15 Q But yet you got admitted to every college you
 16 applied to so far, right?
 17 A That's the exception of me.
 18 Q Since we last met on May 25th, has anybody
 19 asked you to collect any documents regarding your
 20 education?
 21 MS. PERRIN: I'll actually make a representation
 22 there. We have discussed it and what she had in her
 23 possession was what she had. There was nothing else
 24 from the guardian, if that's your question.
 25 MR. ROSENTHAL: So I mean, can you make a

1 representation that a diligent search was made for the
 2 progress reports that we discussed?
 3 MS. PERRIN: Yes.
 4 MR. ROSENTHAL: An updated transcript?
 5 MS. PERRIN: Yes, everything that she had in her
 6 possession as of the last time we met on May 25th.
 7 MR. ROSENTHAL: That's when you made the
 8 representation that a diligent search would be
 9 conducted.
 10 MS. PERRIN: Right, and thereafter we spoke.
 11 BY MR. ROSENTHAL:
 12 Q Is that true, Miss Jones?
 13 A Oh, yeah. I mean, I looked for the stuff, but
 14 I don't have it.
 15 Q I know that -- well, there were a couple of
 16 grades on your transcript which was dated, I believe, in
 17 August of last year, August 28th, there were a couple of
 18 grades that you believed were going to be changed. Do
 19 you know if those grades were changed?
 20 A I don't know. I haven't seen a copy of my
 21 final transcript yet.
 22 Q Have you gotten your grades for the spring
 23 semester of this school year?
 24 A No.
 25 Q Do you know what your grades are going to be?

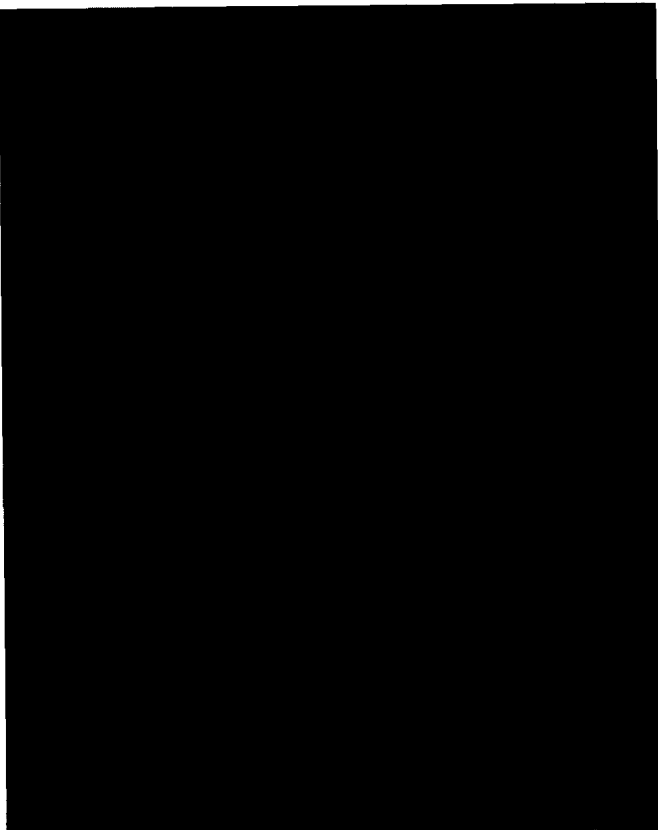
1 A Economic grade probably will be [REDACTED]
 2 (inaudible) probably will be a [REDACTED]
 3 Q Will your grades be mailed to your -- where
 4 will your grades be mailed, do you have an
 5 understanding? Will they be mailed to your current
 6 residence at the transitional home?
 7 A They should be, yes.
 8 Q Do you have an understanding when you'll be
 9 receiving those?
 10 A No, I don't know. I thought I should have got
 11 them already.
 12 MR. ROSENTHAL: I'd ask that when you get those,
 13 you provide us with a copy. It's obviously responsive.
 14 Q To the extent you receive an updated
 15 transcript -- I don't know what the policy is, but
 16 oftentimes after you graduate school they send you a
 17 final transcript for your academic career book. We'd
 18 like to see an updated copy of the transcript as well.
 19 MS. PERRIN: Okay.
 20 THE WITNESS: I think if I do get it, that my
 21 counselors may have it, because I don't have it. But I
 22 can ask.
 23 BY MR. ROSENTHAL:
 24 Q But are your grade typically sent to -- where
 25 have your report cards been sent?

1 MS. PERRIN: In the past?
 2 BY MR. ROSENTHAL:
 3 Q Yeah. I mean, I know you've moved around,
 4 but --
 5 A Place of residence? Oh --
 6 Q Have you ever received any grades at the
 7 transitional home?
 8 A Yeah.
 9 Q So is it likely you'll get your report card
 10 there?
 11 A Yeah. But like I said, my counselors may get
 12 the mail, get my report card. But I can ask though.
 13 Q I'd ask that you do that, and provide copies to
 14 Miss Perrin. And also we never got a complete copy of
 15 the report card. Remember there was the comments issue?
 16 MS. PERRIN: Oh, right. That I actually have for
 17 you in my office. It's actually just a number legend on
 18 the back. I'll fax it to you.
 19 MR. ROSENTHAL: Thank you.
 20 Q Just a couple other issues. Have you ever been
 21 disciplined in connection with being tardy to class?
 22 A "Disciplined"? You mean -- what do you mean by
 23 disciplined? You mean like suspended or something like
 24 that for it?
 25 Q Let me rephrase the question.

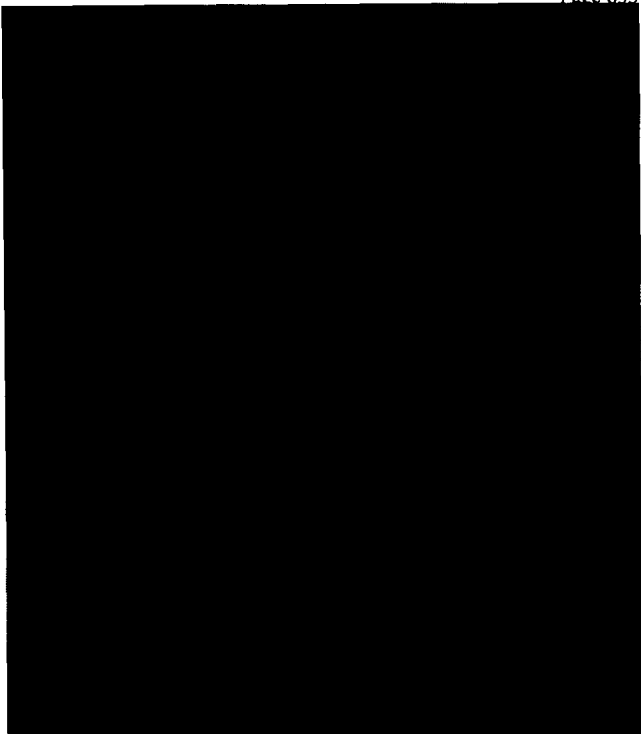
1 Do you recall ever having to have a meeting
 2 with the dean with your guardian as a result of your
 3 tardies in connection with any class at Balboa High
 4 School?
 5 A Like my name's been on the tardy list before
 6 and I was supposed to have a meeting, but I was kind of
 7 embarrassed, you can say, I didn't have a parent or
 8 something like that to come in and meet, and so I
 9 didn't.
 10 Q You did not go to the meeting?
 11 A I couldn't. I didn't have nobody to go to the
 12 meeting on my behalf.
 13 Q You have a guardian, don't you?
 14 A Yep. She wouldn't have came.
 15 Q So did you not have any meetings with the dean
 16 about tardies?
 17 A Not no tardies, no, not that I know of. I was
 18 supposed to go to one but I didn't.
 19 Q Did anything happen as a result of that?
 20 A No.
 21 Q Do you recall when that was?
 22 A Whenever I was on the tardy list. I don't
 23 remember.
 24 Q How would you get on the tardy list?
 25 A If you was tardy like three times.

1 Q Three times in one class?
 2 A Not classes. Like if you was tardy to school
 3 three times.
 4 Q So if you were late to the opening of school?
 5 A Yeah, at 8:15, three times, then you'd be put
 6 on the tardy list if they were unexcused.
 7 Q We're getting close to wrapping up.
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 MR. ROSENTHAL: Let's go off for a second.
 21 (Pause in the proceedings.)
 22 BY MR. ROSENTHAL:
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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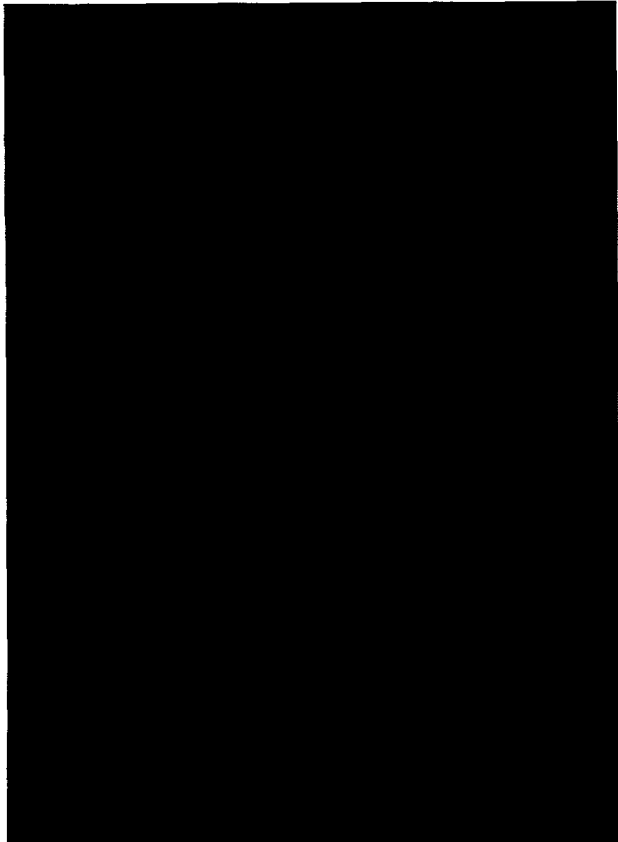


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Q Have you ever been disciplined in any way for disrupting school?
MS. PERRIN: Well, objection. It specifically asks

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1 to disrupting class time minutes.
2 THE WITNESS: I never got a referral. I don't
3 remember getting any referrals, and that's what you
4 would get if you -- I don't remember getting no
5 referrals.
6 BY MR. ROSENTHAL:
7 Q Do you have an understanding -- when
8 Miss Perrin says class time minutes, do you have an
9 understanding what that is?
10 A When I'm in class.
11 Q Does that encompass all the time you're at
12 school, or does that not encompass the entire time
13 you're in school?
14 A When I'm in class, when I'm actually in the
15 classroom, right?
16 Q I'm asking you.
17 A Yeah, when I'm in class.
18 Q So what doesn't constitute class time minutes?
19 A Lunch and passing periods.
20 Q Anything else?
21 A Uh-huh. Every other time we're in class.
22 MR. ROSENTHAL: Well, on that note, I have nothing
23 further. I guess we should read in our usual
24 stipulation.
25 Can we stipulate that the original of the

1 deposition will be signed under penalty of perjury; that
2 the original will be delivered to the office of Morrison
3 & Foerster; that the reporter is relieved of liability
4 for the original deposition; that the witness will have
5 15 days from the date of the court reporter's
6 transmittal letter to read and sign and correct the
7 deposition; that Miss Perrin will notify all parties of
8 any changes in the deposition, and if there are no such
9 changes communicated or signature, that any unsigned
10 copy may be used as signed and corrected?

11 MS. PERRIN: Yes.

12 MR. ROSENTHAL: Very good. Thank you very much for
13 your time, Miss Jones.

14 (Whereupon, the deposition concluded at 4:12 p.m)

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1 STATE OF CALIFORNIA)
 : ss
2 COUNTY OF ALAMEDA)

3
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

THERESA A. DARNELL
CSR No. 9966

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9 I, ALONDRA JONES, do hereby declare under
10 penalty of perjury that I have read the foregoing
11 transcript of my deposition; that I have made such
12 corrections as noted herein, in ink, initialed by me, or
13 attached hereto; that my testimony as contained herein,
14 as corrected, is true and correct.

15 EXECUTED this ____ day of _____,
16 200__, at _____,
(City) (State)

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ALONDRA JONES

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