

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,) Case No. 312 236
Plaintiffs,) Pages 587 - 816

VS.) VOL. III

STATE OF CALIFORNIA,)
DELAINE EASTIN, State)
Superintendent Of Public)
Instruction, STATE)
DEPARTMENT OF EDUCATION,)
STATE BOARD OF EDUCATION,)
Defendants.)

AND RELATED CROSS-ACTION.)

CONTINUED DEPOSITION OF DELWIN LAMPKIN

TAKEN ON

SUNDAY, JUNE 24 2001

REPORTED BY: ASHALA TYLOR, CRR, RPR, CSR No. 2436

CERTIFIED REALTIME REPORTER

1 Deposition of DELWIN LAMPKIN, taken on behalf
2 of the Defendants at 400 South Hope Street,
3 Los Angeles, California, on SUNDAY, JUNE 24, 2001,
4 at 9:43 A.M., before ASHALA TYLOR, CSR No. 2436,
5 RPR, pursuant to Notice.

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8
9
10 APPEARANCES:

11 FOR DELWIN LAMPKIN:

12 MORRISON & FOERSTER
13 BY: BENJAMIN J. FOX, ESQ.
14 555 West Fifth Street
15 Los Angeles, California 90013-1024
16 (213) 892-5307

17 FOR STATE OF CALIFORNIA:

18 O'MELVENY & MYERS, LLP
19 BY: SABRINA HERON STRONG, ESQ.
20 400 South Hope Street
21 Los Angeles, California 90071-2899
22 (213) 430-6000
23
24
25

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2
3 FOR LOS ANGELES UNIFIED SCHOOL DISTRICT:
4 LOZANO SMITH
5 BY: CHRISTOPHER J. FERNANDES, ESQ.
6 235 West 5th Avenue
7 Suite A
8 Escondido, California 92025-4848
9 (760) 739-9420

1 LOS ANGELES, CALIFORNIA
2 SUNDAY, JUNE 24, 2001; 9:43 A.M.

3
4 DELWIN LAMPKIN,
5 having been first duly
6 resworn, was examined and testified
7 as follows:

8
9 EXAMINATION (resumed)

10 BY MS. STRONG:

11 Q. Good morning, Mr. Lampkin.

12 A. Good morning.

13 Q. Again, do you remember the ground rules
14 that we went over during the first and second
15 sessions of your deposition?

16 A. Yes, I do.

17 Q. I'll briefly review a couple points.

18 Again, you know that everything that's
19 being said today is taken down by the
20 court reporter. You'll have an opportunity to
21 review the transcript and make any changes in your
22 testimony that you feel are appropriate. If you do
23 make any changes at that time, any attorney can
24 comment on the changes that you make, later on in
25

1 this action.
 2 Is that understood?
 3 A. Yes.
 4 Q. Okay. You understand you have to say yes
 5 or no, and verbalize answers to the questions today
 6 so that they can be read on the record. And I
 7 will -- it's important that we not speak at the
 8 same time, so that the court reporter can take down
 9 everything that we're saying.
 10 If at any time you do not understand one
 11 of my questions, please let me know that you don't
 12 understand my question. If you do not do that, I
 13 will assume that you do understand the question.
 14 Is that understood?
 15 A. Yes.
 16 Q. I don't want you to guess, but I am
 17 entitled to your best estimate.
 18 You understand that you are again
 19 testifying under oath, and you're subject to all
 20 the penalties of perjury for giving false
 21 testimony.
 22 Do you understand that?
 23 A. Yes.
 24 Q. Again, if you need a break for any reason,
 25 just let us know, and we can go off the record and

1 take a break.
 2 Is there any reason why you would be
 3 unable to give your best testimony here today?
 4 A. No.
 5 Q. Have you had any medication, alcohol, or
 6 any other substance recently that would cloud your
 7 mind and would interfere with your ability to
 8 understand or answer my questions today?
 9 A. No.
 10 Q. Okay. Did you have an opportunity to
 11 talk -- let me rephrase that.
 12 Did you discuss your deposition or this
 13 lawsuit with anyone since your second session of
 14 deposition last week?
 15 A. Yes.
 16 MR. FOX: Object to the extent it calls
 17 for attorney-client communications.
 18 BY MS. STRONG:
 19 Q. Did you have any conversations with anyone
 20 other than your attorneys regarding either your
 21 depositions or this lawsuit?
 22 A. Yes.
 23 Q. Who did you talk with other than your
 24 attorneys?
 25 A. My mother.

1 Q. Okay. Anyone else?
 2 A. That's it.
 3 Q. Okay. When did you talk to your mother
 4 about this?
 5 A. Last Sunday.
 6 Q. After your deposition?
 7 A. Yes.
 8 Q. Okay. And what did you talk to your
 9 mother about?
 10 A. Basically one of the questions was as far
 11 as the graphing and how my day went.
 12 Q. And what -- what question did you -- you
 13 said regarding the graphing. Is that the question
 14 that you are referring to?
 15 A. Yes.
 16 Q. What specifically did you talk to her
 17 about?
 18 A. I was just telling her -- I was just
 19 telling her the question that you were asking about
 20 the graphing, as far as me making my own graph
 21 paper.
 22 Q. Okay. Anything else that you discussed
 23 with your mother regarding your deposition or this
 24 case?
 25 A. No.

1 Q. And that was the only conversation you had
 2 with your mother?
 3 A. Yes.
 4 Q. Did you review any documents since last
 5 Sunday in preparation for this deposition?
 6 A. No.
 7 Q. Speaking of documents, I believe the first
 8 day of your deposition, you mentioned that you had
 9 written a report that included some of your notes
 10 from the conversation with the counselor.
 11 A. Yes. I wasn't able to find that disk,
 12 though. So I don't have it.
 13 Q. You've looked for the report and can't
 14 locate it; is that correct?
 15 A. Correct.
 16 Q. Did you look for any other documents?
 17 I believe we identified other documents
 18 during the second day of your deposition. Did you
 19 look for those documents?
 20 A. Yes, I did.
 21 Q. What documents did you look for?
 22 A. The notes for world history, and some of
 23 the worksheets that I was asked to bring in, that I
 24 highlighted.
 25 Q. Okay. Did you locate those items?

1 A. Yes, I did.
 2 Q. Okay. Did you give them to your attorney?
 3 A. Yes, I did.
 4 MS. STRONG: Okay. Will they be produced
 5 in this litigation?
 6 MR. FOX: I've looked at the documents,
 7 and we don't think they are responsive to your
 8 request as narrowed by the protective order. We
 9 don't think that you're entitled to get all papers,
 10 you know, class notes, et cetera, that all of our
 11 students took during their educational history. So
 12 we're objecting to production of those.
 13 MS. STRONG: Okay. I think we have a
 14 different position on that, and we can deal on that
 15 later.
 16 Q. Again, we're talking about notes we took
 17 in which classes?
 18 A. World history.
 19 Q. Any other notes?
 20 A. No.
 21 Q. I believe you stated those notes would
 22 help refresh your recollection as to what items you
 23 needed to look up in that class at home; is that
 24 correct?
 25 MR. FOX: Objection. Mischaracterizes his

1 Q. You testified that you saw some students
 2 sharing books in certain classes, but in the
 3 classes you identified for us during the second day
 4 of your deposition, you did not share a book
 5 yourself in class.
 6 Do you recall that testimony?
 7 A. Yes, I do.
 8 Q. Did you personally ever share a book with
 9 anyone in class at Crenshaw?
 10 A. Only in my English class that I can
 11 remember.
 12 Q. And which English class is this?
 13 A. 9th-grade year.
 14 Q. Who was the teacher in that class?
 15 A. Mr. Hornbeck.
 16 Q. How many days did you have to share a book
 17 in that class?
 18 A. I can't remember exact days, but whenever
 19 we had a book assignment where it required us to
 20 read the book.
 21 Q. And those were in-class assignments,
 22 correct?
 23 A. Correct.
 24 Q. And approximately how often were you given
 25 book assignments?

1 testimony.
 2 THE WITNESS: No. You asked me to look
 3 them up for -- one of them regarded some of the key
 4 points that I was able to find as far as an
 5 assignment that was given to me.
 6 BY MS. STRONG:
 7 Q. Okay.
 8 A. And the other one was, I believe, one of
 9 the worksheets that was given to me by the teacher
 10 and why wasn't I able to make copies of that
 11 worksheet.
 12 Q. Okay. I think we have that testimony, so
 13 you can rely on what you said during the second day
 14 of your deposition.
 15 You testified during your second day of
 16 deposition during [REDACTED] science class
 17 in 7th grade, you were assigned a book to take
 18 home, and that you took it home every night with
 19 you.
 20 Do you recall that testimony?
 21 A. Yes.
 22 Q. And I want to make sure the record is
 23 clear. Was that through for the entire year in
 24 [REDACTED] class?
 25 A. I believe so, yes.

1 A. It depend on what we were doing.
 2 Sometimes it was every day of the week. Sometimes
 3 it was two days out of the week. Sometimes it was
 4 even three days.
 5 Q. Okay. And was that true for the entire
 6 year?
 7 A. Yes.
 8 Q. And it was true that you would share books
 9 for the entire year whenever you had a book
 10 assignment in that class; is that correct?
 11 A. Not all the time, but the majority of the
 12 time I would be sharing a book.
 13 Q. Okay. And no other classes; is that
 14 correct?
 15 A. None I can remember.
 16 Q. Okay. In the classes where you had a
 17 textbook to take home, did teachers ever give any
 18 homework assignments where it required you to use
 19 materials other than the textbook?
 20 MR. FOX: Objection. Compound, complex.
 21 Vague and ambiguous.
 22 THE WITNESS: Other than the book, I
 23 believe there were some times where they required
 24 me to use other things besides the book.
 25 BY MS. STRONG:

- 1 Q. Can you think of any examples?
 2 A. One is -- one I can remember was in my
 3 math class before the winter break, where we did
 4 have to do a project which really didn't require us
 5 to use the book. But we could have used the book
 6 as reference.
 7 Q. Do you remember what that project was, by
 8 any chance?
 9 A. I believe it was an Egyptian project, as
 10 far as Egyptian mathematics.
 11 Q. What other materials did the teacher want
 12 you to use, to the best you understand?
 13 A. There were a list of questions on the
 14 worksheet, and I believe there was about a two-page
 15 story about how Egyptians used mathematics.
 16 Q. Can you think of any other examples where
 17 you had a textbook to take home in class, but you
 18 were sometimes given assignments that required you
 19 to use other materials other than your textbook?
 20 A. None that I can remember.
 21 Q. But you think that there were others?
 22 A. I believe so.
 23 Q. Did the teachers ever give you worksheets
 24 to take home in classes where you had a textbook?
 25 A. Other than the math class, none that I can

- 1 remember.
 2 Q. Okay. Do you know the age of any of the
 3 books that you used at Crenshaw?
 4 A. At one time I did, but I can't remember
 5 it. As far as the copyright date, I did look at a
 6 couple of books. I can't remember the exact year
 7 it was published or anything like that.
 8 Q. You said you did look at a few of the
 9 dates?
 10 A. Yes. I believe --
 11 Q. It's okay. If you don't remember the
 12 exact date, that's okay.
 13 I want to know the circumstances as to
 14 when you looked at the dates of any of your
 15 textbooks. Do you recall any of those
 16 circumstances?
 17 MR. FOX: Objection. Vague and ambiguous.
 18 THE WITNESS: None that I can remember.
 19 BY MS. STRONG:
 20 Q. Okay. Do you know why, for example, that
 21 you paid attention to a date on your textbook?
 22 A. Actually, there was one time where I did
 23 look at the date, as far as -- I believe it was
 24 either -- it was some kind of exam that was going
 25 to be given to the school. I believe it was the

- 1 STEPS test. I can't remember the exact test.
 2 It did ask if we were given a certain
 3 item, do we know where to go find the item.
 4 And I believe the copyright date did come
 5 up in one of the questions, as far as if we were
 6 to -- if we wanted -- if the student wants the
 7 copyright date, where we would go look for it. And
 8 there were times where I just happened to look.
 9 Q. So you think you might have looked at one
 10 of the copyright dates in your books because you
 11 were asked to do so for an exam; is that correct?
 12 A. Either an exam or a test or something like
 13 that.
 14 Q. Okay. Do you know what book you looked
 15 at?
 16 A. No, I can't remember.
 17 Q. Okay. Do you remember any of the specific
 18 books that you looked at and happened to notice the
 19 date of the copyright?
 20 A. No. No.
 21 Q. Do you remember anything about the
 22 conditions of the books that you noticed the
 23 copyright dates on?
 24 A. I do remember one of the books. It wasn't
 25 fair condition. It was a little bit under that, as

- 1 far as bent edges, graffiti, a few scratches on it.
 2 Q. So out of the books that you happened to
 3 notice the copyright date on, there was one that
 4 you remember as being under what you would call
 5 fair condition; is that accurate?
 6 A. Correct.
 7 Q. Okay. And is it accurate to say the rest
 8 of them that you noticed the date on, you believed
 9 were -- let me rephrase that.
 10 Is it accurate to say, then, the other
 11 books that you happened to notice the copyright
 12 date on, you don't recall the condition of the book
 13 at this time; is that correct?
 14 A. Correct.
 15 Q. And the one book that you do recall as
 16 being a bit under fair condition, as you described
 17 it, do you remember what subject that book was in?
 18 A. No. I can't remember.
 19 Q. And was it one of your own books, or was
 20 it a book belonging to another student? Do you
 21 recall that?
 22 MR. FOX: Objection. Vague and ambiguous.
 23 Assumes that the books were assigned to him.
 24 THE WITNESS: I believe it was science.
 25 BY MS. STRONG:

1 Q. I know you mentioned there were a few
2 scratches, it had bent edges, and you think there
3 was some graffiti in the book. Do you remember any
4 more details about the extent of the bent edges or
5 scratches or graffiti in the book?

6 A. None that I can remember.

7 Q. Okay. So for example, do you remember
8 where the graffiti was in the book?

9 A. No.

10 Q. Did you ever complain to anyone about the
11 age of any of the textbooks at Crenshaw?

12 A. Not as far as complaining. But I did
13 have -- I think I did have -- told one of my
14 teachers. I can't remember which teacher it was.
15 But I do remember making a complaint. It's not a
16 complaint, but I do remember telling one of the
17 teachers what the book was.

18 Q. Do you know what teacher that was?

19 A. No.

20 Q. Okay. Do you remember anything about that
21 conversation?

22 A. No, I don't.

23 Q. I'm trying to help with your memory. Do
24 you remember what instigated the conversation,
25 anything of that nature, what class you were in?

1 sometimes 40 students inside of a classroom,
2 whereas you have other schools that only have maybe
3 15 or 20.

4 I have known some other magnet schools
5 that aren't as -- I mean, they have certain things
6 in their schools where they have, I think -- I
7 mean, not even -- I think -- but have about 15 or
8 20 students in their classroom.

9 I mean, based on assemblies, I know our
10 school, you can't cover one assembly with everyone
11 in that school. It requires where you have two or
12 three assemblies.

13 Like on the first day of school, you have
14 students that are coming into classrooms, and they
15 are standing in classrooms. Maybe, at least for
16 the first couple of weeks, they are standing in
17 that classroom until they can be moved to another
18 classroom.

19 As far as my situation with my algebra
20 class when I was in 9th grade, when I was told
21 there wasn't enough room in other classes, that
22 shows that the school is overcrowded and it can't
23 accommodate everyone to go to a certain class.

24 Q. Your belief Crenshaw is overcrowded, is it
25 based on anything other than what you testified to,

1 MR. FOX: Objection. Asked and answered.

2 THE WITNESS: No.

3 BY MS. STRONG:

4 Q. Okay. Do you know how many students
5 attend Crenshaw?

6 A. I believe it's approximately maybe --
7 approximately 3,000 students.

8 Q. Do you believe that that number is
9 accurate for the years that you attended Crenshaw?

10 A. Yes.

11 Q. Do you know what the capacity of Crenshaw
12 High School is?

13 A. No, I don't.

14 Q. Do you know how many students can be
15 enrolled in a particular class at Crenshaw?

16 MR. FOX: Objection. Compound. Complex.
17 For each class?

18 THE WITNESS: No, I don't.

19 BY MS. STRONG:

20 Q. Do you believe that Crenshaw is an
21 overcrowded school?

22 A. Yes, I do.

23 Q. Why is it that you believe that?

24 A. Because I know at other schools, it's
25 not -- I mean, at Crenshaw you have about 30,

1 what you listed for me?

2 A. No.

3 Q. Out of the classes that you attended at
4 Crenshaw during the approximately two years that
5 you were there, which of the classes have the
6 largest number of students?

7 A. I would say PE class.

8 Q. Do you know how many --

9 A. I mean, all of the classes -- I really
10 didn't do a count or anything, I wouldn't know
11 exactly how many students were in that class. But
12 I can estimate a large number of about --

13 Q. Where -- okay. You identified the largest
14 number is your PE class, correct?

15 A. Correct.

16 Q. Do you know how many students were in your
17 PE class approximately?

18 A. I know at one time there were about 90
19 students.

20 Q. Okay. When was that one time?

21 A. It was sometime during my 9th-grade year,
22 during the beginning of the semester, first
23 semester.

24 Q. Do you know if that number changed that
25 year?

- 1 A. It could have. There were some students I
2 didn't see in that class anymore, so it could have.
- 3 Q. So for the majority of your 9th-grade
4 year, how many students do you believe were in your
5 PE class?
- 6 A. I can say honestly, maybe around 60
7 students.
- 8 Q. Okay. Do you know how long -- let me
9 rephrase that.
- 10 To the best of your recollection, how long
11 did you have approximately 90 students in the PE
12 class?
- 13 A. I'd have to say about maybe two weeks.
- 14 Q. And those would have been the first two
15 weeks of school; is that correct?
- 16 A. Correct.
- 17 Q. And thereafter does your approximation of
18 60 students apply to the PE class for the rest of
19 the year; is that correct?
- 20 A. Correct.
- 21 Q. Out of the classes you attended at
22 Crenshaw during the two years that you were there,
23 which do you believe had the second highest number
24 of students in the class?
- 25 A. I have to say -- I have to say maybe my

- 1 there were 30 to 35 students in your biology class
2 in 10th grade, is that an approximation that you
3 would apply to the majority of the school year?
- 4 A. Yes.
- 5 Q. What would you identify as the third
6 largest class that you participated in at Crenshaw?
- 7 A. My ECP class in 9th grade.
- 8 Q. How many students, to the best of your
9 recollection, were there in your ECP class in 9th
10 grade?
- 11 A. As far as my third most class, it was
12 about the same as my second largest class. About
13 30, 35 students. And that was throughout -- I
14 mean, the rest of my classes, I have to say about
15 30 to 35 students.
- 16 Q. Okay. That goes for all of your classes,
17 is that what you are testifying?
- 18 A. If not that, maybe at least -- maybe one
19 or two of my classes, maybe, only had maybe about
20 25 students.
- 21 Q. Okay. Why don't we start with those,
22 then.
- 23 Which classes do you believe that there
24 were maybe 25 students in?
- 25 A. My 9th-grade English class.

- 1 biology class.
- 2 Q. Okay. And which biology -- is that 10th
3 grade?
- 4 A. Correct.
- 5 Q. How many students do you believe were in
6 your biology class in 10th grade?
- 7 A. Like I say, I don't know exactly. I
8 didn't count everyone. I would say maybe about 30
9 or 35 students.
- 10 Q. Okay.
- 11 A. And I'm not sure if that was -- I mean, it
12 wasn't throughout the whole school year. I mean,
13 even -- I can't give you -- I mean, I don't know
14 the exact times where there were -- where we got
15 short or anything, but there were some students
16 that did leave.
- 17 Q. When you recall that there were
18 approximately 30 to 35 students in the class, do
19 you think that that applies to the first couple
20 weeks of school?
- 21 A. No.
- 22 Q. Okay.
- 23 A. I'm quite sure it was probably more than
24 that.
- 25 Q. Okay. So when you're approximating that

- 1 Q. And what other class do you believe that
2 there were about 25 students in?
- 3 A. My homeroom. I'd say my homeroom. It was
4 the same amount as my English class, because that
5 was -- my second period was my homeroom.
- 6 Q. Can you think of any other classes that
7 you attended at Crenshaw that had 30 students or
8 less?
- 9 A. No.
- 10 Q. Do you believe that each of your classes
11 that had approximately 30 to 35 students in it,
12 from your recollection of the situation, was an
13 overcrowded class?
- 14 A. Yes.
- 15 Q. Do you believe that the number of students
16 in the classes that you attended at Crenshaw ever
17 affected your ability to learn at Crenshaw?
- 18 A. Yes.
- 19 Q. Why is that?
- 20 A. I guess you could say the noise
21 distraction. As far as the teacher being able to
22 help out, with all my required classes, the teacher
23 wasn't able to help out with every single student.
24 Most of the assignments given -- if a certain
25 person needed help, he or she probably couldn't get

1 to that student.

2 Q. Okay. I really want you to be careful and
3 think about my question specifically and answer my
4 question, which is: How did it affect your ability
5 to learn?

6 A. My ability?

7 Q. I asked -- we'll go back just to make sure
8 the record is clear.

9 Do you believe that your ability to learn
10 was affected by the number of students in the
11 classes that you believe had 30 to 35 students in
12 the class?

13 MR. FOX: Objection. Asked and answered.

14 THE WITNESS: Yes.

15 BY MS. STRONG:

16 Q. And why is it that your ability to learn
17 was affected in those classes?

18 MR. FOX: Same objection.

19 THE WITNESS: With me, like I said, it was
20 the same reason. With me, it was the teacher
21 wasn't able to help me out with some of the work.
22 Sometimes because of the noise, or because we had a
23 large class; sometimes because where I sat at,
24 there were times where I wasn't able to hear the
25 teacher.

1 copies. Let me restate that.

2 Because there weren't enough worksheets in
3 the class, not only did I not get a copy of a
4 certain worksheet sometimes. Of course, there were
5 other students.

6 I mean, there's other reasons, but just
7 those right away that I can think of.

8 Q. Okay. With respect to noise, how is it
9 that noise in the classroom affected your ability
10 to learn? And specifically, I think it may be best
11 to start with what classes do you recall this being
12 an issue in --

13 MR. FOX: Objection.

14 BY MS. STRONG:

15 Q. -- if any.

16 MR. FOX: Objection. Compound, complex,
17 calls for speculation.

18 Delwin testified that almost all of his
19 classes were overcrowded.

20 BY MS. STRONG:

21 Q. You can answer the question.

22 A. In just all my classes. Even the ones
23 that weren't as crowded, there were still a lot of
24 noise, because some students were -- I mean, with
25 all the students. There were discussions based on

1 Like I said, the teacher wasn't able to
2 get to me on time because he was working with other
3 students. Not that I'm trying to take his time,
4 trying to have him focus around what I needed; but
5 when I needed help, he wasn't -- I mean, he or she
6 wasn't able to get there in time.

7 Some of the times where we were given
8 assignments, the teacher wasn't able to correct
9 every person's assignment. And not only that,
10 because of that, sometimes he would make -- he or
11 she would make mistakes on my work.

12 As far as discussions, the teacher wasn't
13 able to get my opinions sometimes.

14 I mean, as far as the number of books that
15 was available in the class, because it was so much
16 of a large number, sometimes I would -- I mean,
17 because I had to share the book.

18 Other than that -- I mean, paperwork,
19 worksheets and everything, there weren't enough
20 resources for the whole class. The teacher had to
21 go run extra copies just for me -- me, I'm quite
22 sure other students -- to get copies.

23 BY MS. STRONG:

24 Q. I'm sorry, I didn't understand that.

25 A. Me and of course other students, to get

1 the work, and there were times when the teacher
2 wouldn't be able to hear me when I asked a
3 question.

4 Q. These were all of your classes, even the
5 ones that had 25 students in them; is that correct?

6 A. Correct.

7 Q. Just so I understand, you don't believe
8 that the classes that had 25 students in them were
9 overcrowded, do you?

10 A. I wouldn't really consider them not
11 overcrowded, but, I mean, even then that could be a
12 large amount of students. It could lead up to a
13 large amount of students.

14 Q. Okay. But --

15 A. I mean, it's only five students away from
16 having an overcrowded class. So, I mean, I really
17 wouldn't consider it a -- I mean, I know I said
18 it's not really a large class, but then again it
19 could lead to that.

20 Q. I understand that. But as it was
21 comprised with 25 students, you don't believe that
22 that number is overcrowded, do you?

23 A. Not that overcrowded.

24 Q. I'm sorry?

25 A. Because when you asked me the question, as

1 far as -- you asked me what was the least amount of
2 students I had in a certain class. You didn't ask
3 me whether they were overcrowded or not.

4 Q. I understand that. That's why I'm asking
5 you now. I wanted to know if you do believe that a
6 class of 25 students that you attended at Crenshaw
7 is an overcrowded class.

8 MR. FOX: Objection. Asked and answered.

9 THE WITNESS: Yes, it could be. It could
10 be overcrowded.

11 BY MS. STRONG:

12 Q. Okay. And I think this calls for a
13 yes-or-no answer, actually.

14 Do you believe that any of the classes
15 that you attended at Crenshaw that had
16 approximately 25 students in them, do you believe
17 that those classes were overcrowded?

18 MR. FOX: Same objection.

19 THE WITNESS: Yes.

20 BY MS. STRONG:

21 Q. Okay. Can you think of any particular
22 circumstances where you were not heard by the
23 teacher because of the noise in the classroom?

24 A. No, I can't. I mean, I guess you could
25 say it was sometimes on a regular basis. I mean,

1 THE WITNESS: Not that I can think of.
2 But if I remember some, I'll be glad to come back
3 to that question.

4 BY MS. STRONG:

5 Q. Okay. Can you think of a specific
6 incident where you were in a class at Crenshaw and
7 you were not able to hear the teacher because there
8 were too many students in the class?

9 MR. FOX: Objection. Compound, complex.
10 We're talking about many classes over a long period
11 of time.

12 THE WITNESS: None that I can remember.

13 BY MS. STRONG:

14 Q. You stated that one of the reasons why you
15 believe your ability to learn was affected by the
16 number of students in the classes at Crenshaw was
17 because teachers were not able to correct every
18 assignment that was given.

19 Can you think of an example of a time when
20 a teacher of yours was not able to correct one of
21 your assignments because of the number of students
22 in the class?

23 MR. FOX: Same objections.

24 THE WITNESS: Not exactly. But I do
25 remember there were times where I did get

1 not as far as every day, but, I mean, I can't give
2 you exact date or approximate -- even an
3 approximate time. I mean, even an approximate
4 month, because even if it was an approximate month,
5 it could have happened more than once.

6 Q. Okay. So you can't remember exactly when
7 these things happened. But do you remember an
8 incident where you were not heard by the teacher
9 because of the noise in the classroom?

10 A. No.

11 Q. You stated that your ability to learn was
12 affected by the number of the students in the class
13 at Crenshaw -- classes at Crenshaw because
14 sometimes teachers were not able to help you with
15 your work in the class.

16 Can you think of a specific incident where
17 a teacher was unable to help you with the work
18 because there were so many students in the class?

19 A. No, not exact. No, not exactly.

20 Q. Okay. Do you remember anything? I just
21 want -- you used the word "not exactly." So I want
22 to make sure that it's clear.

23 Is there anything that you can think of
24 right now that would relate to that issue?

25 MR. FOX: Objection. Vague and ambiguous.

1 worksheets back that didn't have a grade on them,
2 or the grade was incorrect. And which I did
3 correct that problem.

4 BY MS. STRONG:

5 Q. With respect to the grade being incorrect,
6 you also identified one of the problems that the
7 teachers would make mistakes on your papers. Would
8 that be indicative of one of the mistakes that they
9 would make?

10 A. Correct.

11 Q. Okay. So we'll talk about that
12 separately.

13 With respect to the teachers not being
14 able to correct every assignment, what you recall
15 from that is there were certain times when you
16 would get a paper back without a grade, correct?

17 A. Correct.

18 Q. That is the basis of your belief that
19 teachers were not able to correct every assignment
20 because there were too many students in the class;
21 is that correct?

22 A. Correct.

23 You have to think they have to live their
24 lives, too. Their whole life doesn't revolve
25 around correcting papers. They have times where

1 they have to go home also.
 2 Q. Can you recall a specific instance where
 3 you did not receive a grade on one of your
 4 assignments in a particular class?
 5 MR. FOX: Objection. Asked and answered.
 6 THE WITNESS: No, I can't.
 7 BY MS. STRONG:
 8 Q. And just to be clear, I'm not asking about
 9 when it would have happened. Just anything about
 10 that incident, if it happened.
 11 MR. FOX: Vague and ambiguous.
 12 THE WITNESS: I can remember one time -- I
 13 mean, like I say, I don't remember the assignment,
 14 but I do remember there was an assignment that
 15 wasn't credit in my world history class. But like
 16 I say, I can't remember the exact assignment given.
 17 I can't remember the exact date or time or --
 18 BY MS. STRONG:
 19 Q. Okay. Okay. And with respect to that one
 20 assignment that wasn't corrected, do you know if
 21 the other students in the class had that other
 22 assignment corrected?
 23 A. No, not that I know of.
 24 Q. You think that they did not; is that
 25 correct?

1 A. I'm not saying that they did not, but --
 2 Q. You don't know one way or the other?
 3 A. No, I don't.
 4 Q. Okay. One of the reasons that you gave as
 5 to why you believe your ability to learn was
 6 affected by the number of the students in the
 7 classes at Crenshaw was that teachers make mistakes
 8 on papers.
 9 Can you think of a specific instance where
 10 a teacher made a mistake on one of your papers
 11 because of the number of students in the class?
 12 A. No, I can't.
 13 Q. And the one that you had -- you made a
 14 reference to a time when you believe that you had
 15 gotten an incorrect grade on your paper.
 16 A. There were times where I did have an
 17 incorrect grade on the paper, but I can't remember
 18 exactly what time that was or --
 19 Q. Can you remember anything about any of
 20 those instances that you were referring to?
 21 A. Not that I can think of right now.
 22 Q. You said that you had it corrected.
 23 A. Yes. I believe I did go up to the
 24 teacher. I can't remember what teacher it is.
 25 But, I mean, because it happened more than once.

1 And I did go up to the teacher and asked the
 2 teacher about the grade that I did receive. And
 3 they did correct it.
 4 Q. Okay. But you don't remember what year,
 5 what class, or what teacher --
 6 MR. FOX: Asked and answered.
 7 BY MS. STRONG:
 8 Q. -- is that correct?
 9 A. Correct. Like I say, I mean, I'll come
 10 back to that question if I remember.
 11 Q. Okay. You stated another reason why you
 12 believe that your ability to learn was affected by
 13 the number of the students in the classes at
 14 Crenshaw was because you were not able to get your
 15 opinions heard?
 16 A. Correct.
 17 Q. Can you think of a specific instance where
 18 your opinion was not heard because of the number of
 19 students in the class?
 20 MR. FOX: Same objection as before.
 21 Compound, complex. We're talking about two years
 22 in many classes.
 23 THE WITNESS: No, I can't remember.
 24 BY MS. STRONG:
 25 Q. Okay. You also stated that your ability

1 to learn was affected by the number of the students
 2 in the class because you had to share a book in
 3 some classes; is that correct?
 4 A. Correct.
 5 Q. Okay. I believe we went over this, this
 6 morning. The only class that you can remember
 7 having shared a book in was your English class with
 8 Mr. Hornbeck in 9th grade; is that correct?
 9 A. Correct.
 10 Q. How is it that that experience affected
 11 your ability to learn in that class?
 12 MR. FOX: Objection. Vague and ambiguous.
 13 THE WITNESS: Because when we're sharing
 14 books -- I mean, there's times where other students
 15 would actually need to go back to a part of the
 16 reading. If we were going to be sharing books,
 17 that would mean he or she would have to take the
 18 book away and go back and look at certain parts
 19 that they missed.
 20 Or there were times where a student
 21 didn't -- I mean, there were times where a student
 22 didn't show up; so, therefore, he would miss out on
 23 the whole assignment.
 24 With me personally, I know there were
 25 times where I would like to read by myself, but

1 because there weren't enough books, we had to read
2 out loud.

3 And because we were reading around --
4 there was more than one student reading, sometimes
5 you would lose track as to what they were reading.
6 Or some people would read at a different pace.

7 So therefore, if you had a person that
8 didn't read at the same level as you in that class,
9 it -- it would basically slow you down as far as
10 getting an assignment finished.

11 BY MS. STRONG:

12 Q. Okay. Were you ever assigned silent
13 reading in Mr. Hornbeck's class?

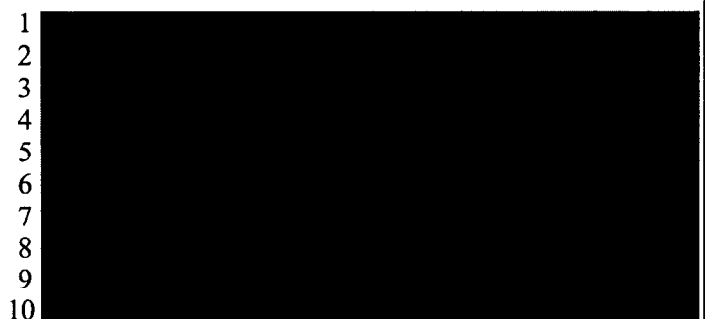
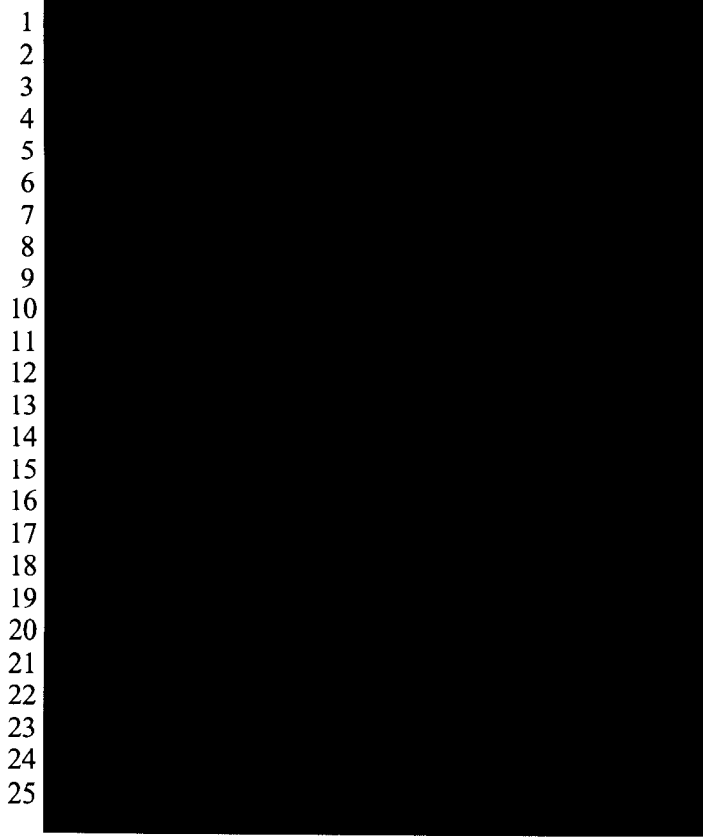
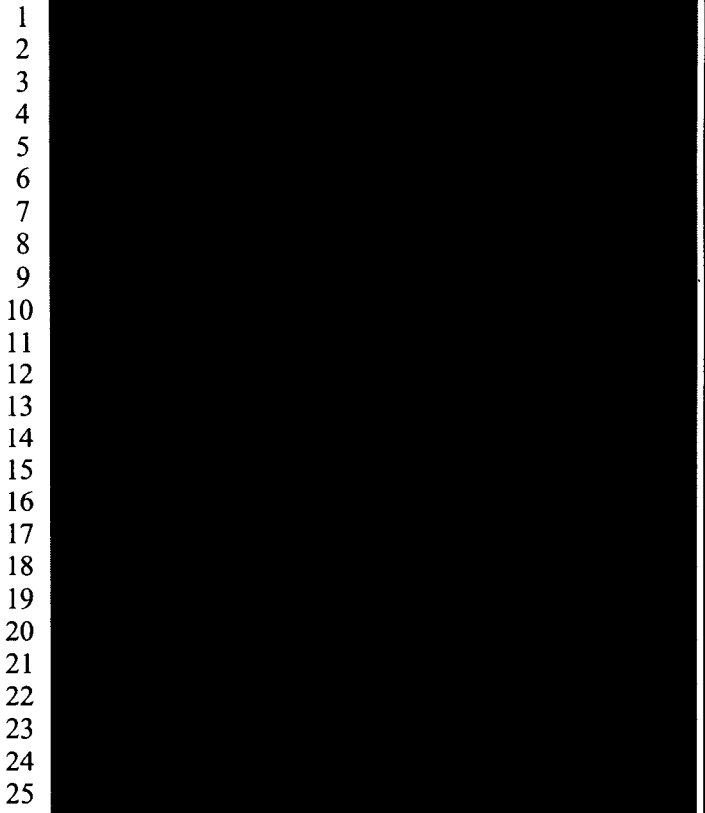
14 A. We were. But it was off of worksheets,
15 not books.

16 Q. So every time that you are using a book in
17 class where you had to share the book, that was for
18 group reading in class; is that correct?

19 A. Correct.

20 Q. When I say "group reading," do you
21 understand that to mean--a student in the class was
22 reading out loud to the rest of the class; is that
23 correct?

24 A. Correct.
25



11 Q. Can you think of any other specific
12 incidents in Mr. Hornbeck's class where you believe
13 your ability to learn was impeded because you
14 shared books in that class?

15 A. No, not that I can think of.

16 Q. Okay. I believe the last item you
17 identified as a reason why you believe your ability
18 to learn was affected because of the number of the
19 students in the class was that sometimes there
20 weren't enough resources for the whole class, in
21 that not all of the students would receive
22 worksheets for the classes.

23 Do you recall that?

24 A. Yes.

25 Q. Can you think of a specific incident where

1 you did not receive a copy of a worksheet in a
2 class because there were too many students in the
3 class?

4 MR. FOX: Objection. Compound, complex,
5 calls for speculation given the amount of time for
6 the classes he is asked to recall.

7 THE WITNESS: I believe one time science
8 class, 9th-grade year -- I can't remember the exact
9 thing. I mean, the exact thing that occurred.

10 But I do recall that in my English class
11 again, when we had poems that we were supposed to
12 read over and retype and put our own design to it,
13 there weren't enough copies. We had to wait until
14 the next day to get a copy, or come during lunch to
15 get a copy.

16 And that's all I can remember right now.

17 BY MS. STRONG:

18 Q. Okay. The one incident in science class
19 that you remember, do you remember which science
20 class it was?

21 A. 9th-grade year.

22 Q. Okay. Do you remember anything more about
23 the incident? Or do you remember anything about
24 the incident, I should say.

25 A. I do remember there was one time where the

1 room, who knows whether we would have had
2 worksheets or not.

3 Q. I understand that. But what I'm asking
4 is: In that class that day, is it accurate to say
5 that your ability to learn in that class was not
6 affected by a lack of worksheets, because you had
7 copied sufficient numbers for the students; is that
8 correct?

9 A. Correct.

10 MR. FOX: Can we go off the record?

11 (Recess.)

12 MS. STRONG: Read back the last question
13 and answer.

14 (The following text was read by the
15 reporter):

16 "Q. I understand that. But what I'm
17 asking is: In that class that day, is it accurate
18 to say that your ability to learn in that class was
19 not affected by a lack of worksheets, because you
20 had copied sufficient numbers for the students; is
21 that correct?

22 "A. Correct."

23 BY MS. STRONG:

24 Q. The English class that you identified, can
25 you recall a specific incident in your 9th-grade

1 teacher gave the copies. And I went up to her
2 classroom to drop off my backpack and everything,
3 because it was lunch. And she did ask me to go run
4 copies for her.

5 Q. Okay. I think it might help to know, what
6 period was your science class in 9th grade?

7 A. 4th. No, 5th. It was 5th.

8 Q. So it was just after lunch; is that
9 correct?

10 A. Correct.

11 Q. And you went into her class at lunch that
12 day, you said?

13 A. Yes.

14 Q. And she asked you to run off papers for
15 your 5th-period class; is that correct?

16 A. Yes.

17 Q. Okay. So when you were in your 5th-period
18 class, were there enough worksheets for the
19 students in the class that day?

20 A. Yes, after I ran the copies.

21 Q. So that day, your ability to learn in
22 5th-period class was not affected by not having
23 enough worksheets; is that correct?

24 A. Not necessarily. But, I mean, if you
25 think about it, if I wouldn't have went up to her

1 English class where you did not receive a copy of
2 the worksheet because there were too many students?

3 A. Yeah, I do remember. I think it was a
4 Ulysses poem.

5 Q. What happened?

6 A. There were no copies. It just happened
7 there was one computer that did have the Internet,
8 and I got it off the Internet.

9 Q. Was that in the class that day?

10 A. Yes.

11 Q. How many computers were in Mr. Hornbeck's
12 class?

13 A. Five.

14 Q. And did they all have Internet access?

15 A. No.

16 Q. How many had Internet access?

17 A. At first, three. And then later on during
18 the school year, one.

19 Q. Okay. It dropped. Okay.

20 That worksheet regarding Ulysses that you
21 pulled off the Internet, was that for an assignment
22 in class or at home?

23 A. In class.

24 Q. The worksheets he passed out to the class,
25 did he take them from the Internet?

1 A. I'm not sure.
2 Q. Okay. So the material you pulled off the
3 Internet, was that the same as --

4 A. No, it wasn't. It was the same poem, but
5 off of -- I mean, this worksheet itself was totally
6 different.

7 Q. Okay. But the substance of it was
8 identical, correct?

9 A. Correct.

10 MR. FOX: Clarification of the poem.

11 BY MS. STRONG:

12 Q. And so that is the incident which you're
13 referring to when you say that your ability to
14 learn in class was affected by the number of
15 students in that class; is that correct?

16 A. Correct.

17 Q. Okay. Now, how is it that, with respect
18 to that assignment, your ability to learn was
19 affected?

20 A. Because since there weren't enough copies,
21 it wasted -- well, not really wasted my time. It
22 just so happened I thought quick about it, and -- I
23 mean, I reacted quick to it, so I looked on the
24 Internet for a copy of it. It affected my ability
25 to learn because it wasted time to -- time for me

1 for them.

2 Q. You were able to print off enough copies
3 for them; is that correct?

4 A. Yes.

5 Q. Were you able to complete the assignment
6 that was given to you that day?

7 A. Yes.

8 Q. Were you able to take the material home
9 with you that you printed off the Internet that
10 day?

11 A. Yes.

12 Q. I think we have your answer on this, but
13 just to make sure.

14 Can you think of any other incidents where
15 you believe your ability to learn was affected by
16 the number of the students in the class because
17 there were not enough resources for the whole
18 class?

19 A. Not that I can remember.

20 Q. Okay. Can you think of a time when you
21 believe you did not get enough attention from a
22 teacher in the class because there were too many
23 students in the class?

24 MR. FOX: Objection. Compound, complex.
25 Calls for speculation, given the number of classes

1 to do the assignment, although it only took maybe
2 about 10 to 15 minutes to get it off the Internet,
3 that still could have been time that I -- that
4 could have been used to work on other poems.

5 Q. Can you remember another time in
6 Mr. Hornbeck's class when you didn't have enough
7 worksheets for the class?

8 A. Not that I can think of.

9 Q. Did Mr. Hornbeck explain to you why it was
10 that he -- I'm sorry. Let me rephrase that.

11 Do you have any understanding as to why
12 there were not enough worksheets in the class that
13 day?

14 A. No.

15 Q. And did Mr. Hornbeck ask you to try and
16 locate the poem on the Internet that day?

17 A. No, he didn't.

18 Q. You did that of your own initiative?

19 A. Yes.

20 Q. Did you ask him for permission to do that?

21 A. Yes, I did.

22 Q. Do you know if you were the only student
23 that didn't have a poem that day?

24 A. I believe there was two other students
25 that didn't have the poem, and I did make copies

1 that we're talking about, the number of teachers.

2 THE WITNESS: Not that I can remember.

3 BY MS. STRONG:

4 Q. Okay. Was there ever a time when you
5 wanted to ask a question but couldn't because there
6 were too many students in the class, in your mind?

7 MR. FOX: Same objections.

8 THE WITNESS: Not that I can remember.

9 BY MS. STRONG:

10 Q. Okay. In the classes that you attended at
11 Crenshaw over the approximately two years that you
12 were there, were there any classes that did not
13 have enough desks for the students in them, any of
14 your classes, that is?

15 A. Not that I can think of right now. I
16 mean, I have a couple of classes that I'm thinking
17 about right now, but, I mean, I don't want to
18 speculate that those classes were classes that
19 didn't have no seats.

20 Q. Okay. As you sit here today, you can't
21 think of any class that you attended at Crenshaw
22 where there were not enough desks for students; is
23 that correct?

24 A. No. I mean, I can, but, I mean, like I
25 say, I'm thinking of some classes right now, but I

1 want to make sure that those are the right classes.
 2 Q. Okay. I don't want you to speculate and
 3 guess. I understand that.
 4 But I want to know what your recollection
 5 is with respect to the classes that you were in at
 6 Crenshaw. So as you sit here today, do you have a
 7 recollection of any class that you attended at
 8 Crenshaw where there were not enough desks for the
 9 students in that class?
 10 That question doesn't require speculation
 11 to the extent that you were in the classes, and you
 12 were able to observe the situation in the classes.
 13 MR. FOX: Yes or no, were there classes
 14 that did not have them?
 15 THE WITNESS: Yes, there were.
 16 BY MS. STRONG:
 17 Q. Okay. And can you please identify the
 18 classes that you recall where there were not enough
 19 desks for the students in them.
 20 A. My biology class, 10th grade.
 21 Q. Are you guessing?
 22 A. No. No. I'm still trying -- my ECP
 23 class. My science class in 9th grade. That's all
 24 I can remember right now.
 25 Q. Okay. Let's start with your biology class

1 in 10th grade.
 2 Do you know how many students were without
 3 a desk in your biology class in 10th grade?
 4 A. I believe four. Around four or five.
 5 Q. And do you remember how long four or five
 6 students were without a desk in your biology class
 7 in 10th grade?
 8 A. No more than three days.
 9 Q. Do you remember what time of year it was
 10 that the students were without a desk?
 11 A. Sometime during the beginning of the
 12 school year.
 13 Q. Okay. Could it have been the first three
 14 days of classes? Is that what you recall?
 15 A. It could be. It could be. Yes, it was.
 16 Q. It was the first three days of classes, to
 17 the extent it was three days?
 18 A. Yes.
 19 Q. Because it may not have been three days?
 20 A. No, it may not have. It could have been
 21 three or four days.
 22 Q. Okay. Could it have been less than three
 23 days?
 24 A. No, I don't believe so.
 25 Q. Okay.

1 A. No.
 2 Q. And initially you said it was not more
 3 than three days. But is it more accurate to say it
 4 was either three or four days, to the best of your
 5 recollection?
 6 A. Yes.
 7 Q. Can you recall a time other than the first
 8 few days of classes when each student was without a
 9 desk in that biology class in 10th grade?
 10 A. Actually, I recall the time. No, during
 11 that time I didn't know anyone. I mean, I knew
 12 certain people, but those people that were standing
 13 up, I didn't know them. So as far as who they
 14 were --
 15 Q. No, no, no. I think you misunderstood my
 16 question, maybe.
 17 I'm asking if you can think of a time
 18 other than the first few days of class when any
 19 student in your biology class in 10th grade was
 20 without a desk.
 21 MR. FOX: Doesn't matter who they were.
 22 THE WITNESS: No.
 23 BY MS. STRONG:
 24 Q. Do you know whether any desks were
 25 requested for these students during the first few

1 days?
 2 A. No, not that I know of.
 3 Q. Okay. You don't know one way or the
 4 other; is that correct?
 5 A. No -- correct, correct.
 6 Q. Your teacher in that class was
 7 Miss Beasley, correct?
 8 A. Correct.
 9 Q. That's the class where you do lab
 10 experiments; is that correct?
 11 A. Correct.
 12 Q. In each day when you go to that class, do
 13 you sit in desks in that class, or do you go to the
 14 labs, or how does it work?
 15 A. Well, during the first, say, about two
 16 months we were in that class, we didn't do any
 17 labs.
 18 After that, we would come in, sit at our
 19 desk, maybe about the first 15 minutes of class,
 20 and then we would go to the lab tables.
 21 Or if there were times when we were
 22 continuing with a project, if we were continuing
 23 the experiment, we would go straight to the lab
 24 tables.
 25 Q. During the first few days of class, then,

- 1 the students do sit in their desks in that class,
2 correct?
3 A. Correct.
4 Q. And the desks in that class, are they
5 individual desks that are attached to chairs, or
6 are they separate desks and chairs?
7 A. Chairs that are attached to desks.
8 Q. Okay. With respect to your ECP class, how
9 many students do you recall were without a desk for
10 some period of time in that class?
11 A. Maybe about six or seven students.
12 Q. And how long is it that you believe those
13 six or seven students were without desks in that
14 class?
15 A. Maybe about a week, week and a half.
16 Q. And was this week or week and a half the
17 first week or week and a half of school that year?
18 A. Yes.
19 Q. I should say that semester, correct?
20 A. Correct.
21 Q. Okay. After that initial week or week and
22 a half passed, do you recall any other time in that
23 class where a student was without a desk?
24 A. No, I can't.
25 Q. Okay. After that first week or week and a

- 1 Q. Actually, I want to clarify something.
2 You had science in 9th grade the entire
3 year; is that correct?
4 A. Correct.
5 Q. So this one week is actually the first
6 week of school that year; is that correct?
7 A. Yes.
8 Q. Okay. Not the first week of the second
9 semester, correct?
10 A. Correct.
11 Q. And with respect to the biology class in
12 10th grade, that period where you believe
13 approximately four students were without desks,
14 that was just for the first few days of the school
15 year; is that correct?
16 A. Correct.
17 Q. Other than that first week of school, can
18 you recall any other time in your science class
19 during your 9th-grade year where a student was
20 without a desk in that class?
21 A. During the second semester, beginning of
22 second semester, there was about maybe about two or
23 three students who didn't have a seat.
24 Q. And do you recall how long of a time those
25 two or three students were without -- I'm sorry,

- 1 half, do you know if the class received more desks,
2 or did students leave the class?
3 A. Students left the class.
4 Q. Okay. And then at that point after
5 certain students left the class, there were
6 sufficient desks in the class to accommodate all
7 the students; is that correct?
8 A. Correct.
9 Q. Do you have any understanding as to
10 whether any request was made during the first week
11 or week and a half for additional desks for the
12 students in the class?
13 A. No.
14 Q. And with respect to your science class in
15 9th grade, how many students were without a desk
16 for some period of time in that class that you
17 recall?
18 A. Maybe around four or five.
19 Q. And for what period of time do you believe
20 those four or five students were without a desk in
21 your science class in 9th grade?
22 A. Maybe about a week.
23 Q. Again, was that the first week of the
24 semester for that class?
25 A. Yes.

- 1 you said without a seat?
2 A. Correct.
3 Q. Because they are attached -- let me
4 rephrase that question.
5 A. Well --
6 Q. Do you recall how long those two or three
7 students were without a desk/seat in that class for
8 the second semester?
9 A. Maybe about two days.
10 Q. Do you know if the students had attended
11 the class first semester?
12 A. I believe one of them -- one of the
13 students did.
14 Q. Okay. You believe the other student did
15 not?
16 A. I believe so.
17 Q. Do you know if there were any other new
18 students added to the class for second semester,
19 other than the one you just referred to?
20 A. Actually, the way it went was the students
21 that didn't have seats, some of them were moved to
22 other classes.
23 During second semester, they were put back
24 in our science class, which for some, they did have
25 seats; and for those three, they didn't.

1 Q. So there were some new students to the
2 class for second semester; is that correct?
3 A. Correct. I mean, like I wouldn't really
4 consider them new students, because they were there
5 for the first semester, beginning of first
6 semester. So I don't know if you want to consider
7 those new or --
8 Q. Well, how long were they there for the
9 first semester, that you can recall?
10 A. For that amount of time, they didn't have
11 a seat, which is about a week.
12 Q. Okay. And then to resolve the problem,
13 second semester for the two or three students that
14 were without desks for the first two days or so of
15 that semester in your science class in 9th grade,
16 were more chairs and/or desks brought into the
17 class?
18 A. I believe so. Because I really didn't
19 know too many people in that class. I don't know
20 if any left and those seats were vacant. I don't
21 know if they brought in more seats.
22 Q. Okay.
23 A. I didn't notice a difference of the
24 students that were in that class, other than the
25 three that were standing.

1 Q. You don't how the problem was resolved,
2 but it was resolved somehow?
3 A. Correct.
4 Q. Can you think of any other time, other
5 than the first week of school and the first two
6 days of the second semester, where a student was
7 without a desk in your science class in 9th grade?
8 A. No.
9 Q. Did you ever see any student use something
10 other than a desk to write on in class?
11 MR. FOX: Objection. Vague and ambiguous.
12 THE WITNESS: As far as I mean -- what do
13 you mean? I don't understand the question. I
14 mean, I understand the question, but I don't
15 know -- as far as do you mean where they were -- I
16 mean a desk for them to sit at?
17 I mean, you have these science classes,
18 which had the lab desks, and there were maybe about
19 one or two students that every now and then would
20 write on the lab desks.
21 BY MS. STRONG:
22 Q. Okay. But other than the lab desks and
23 the desks that students sat at in class, can you
24 think of any other time that you saw -- I'm sorry.
25 Can you think of any time that you saw a

1 student write on something else, other than a lab
2 desk or a desk where students sit?
3 A. They write on their folders.
4 Q. Okay.
5 MR. FOX: Clarification. Do you mean
6 supporting paper with the folder?
7 THE WITNESS: Yes. When they were in the
8 back room. Well, actually, during the first day, I
9 didn't explain the back room. Miss Beasley had
10 the --
11 BY MS. STRONG:
12 Q. I don't recall. What was the back room?
13 A. There was another room that Miss Beasley
14 had, as far as had the furniture in it.
15 Q. Okay. Maybe I should rephrase this to
16 make this clear.
17 A. Or do you mean because there weren't
18 enough desks?
19 MR. FOX: She'll rephrase it.
20 BY MS. STRONG:
21 Q. I'll rephrase it and try to make it a
22 little clearer here.
23 Do you recall -- do you ever recall seeing
24 a student use something else to write on -- no, let
25 me try again.

1 Of the students that were without a desk
2 for some period of time in the classes that you've
3 identified at Crenshaw, did you ever see them use
4 something other than a desk to write on?
5 A. Their folder.
6 Q. Okay. And where would they -- these are
7 the students that did not have desks; is that
8 correct?
9 A. Correct.
10 Q. Okay. And how would they use their folder
11 to write?
12 A. They would hold it and put paper on their
13 folder and write.
14 Q. Okay. With respect to the biology class
15 in 10th grade, for those first few days, did those
16 students sit in the class, those that were without
17 desks?
18 A. No.
19 Q. Okay. And so they stood during class; is
20 that what you are saying?
21 A. Correct.
22 Q. And was it the same approximately four
23 students who were standing that day in the class,
24 the first few days of the year?
25 A. I don't believe so.

1 Q. Were desks assigned during the first few
2 days of classes in that biology class?

3 A. No, they weren't.

4 Q. Okay. So it's first come, first served,
5 essentially, as far as who was able to sit in that
6 class; is that correct?

7 A. For those first few weeks, yes.

8 Q. And with respect to your ECP class, those
9 six or seven students that were without a desk for
10 approximately a week or week and a half, were they
11 the same students each day?

12 A. No.

13 Q. Okay. And those students that were
14 without a desk for that first week or week and a
15 half, did they stand throughout the whole class, or
16 did they have another place to sit? Do you recall
17 what they did?

18 A. There were some leaning against the wall.
19 I guess you could consider that standing.

20 Q. Do you know if any of them were able to
21 sit?

22 A. Not that I know of.

23 Q. And with respect to your science class in
24 9th grade, during the first week of the school year
25 and during the two days of second semester where

1 referring to your ECP class and your science class?

2 A. Correct.

3 Q. Not all of the classes that you took at
4 Crenshaw, correct?

5 A. Correct.

6 Q. Okay. And how many days were you
7 personally without a seat in your ECP class?

8 A. I can't remember. Like I say, I mean, it
9 depends on who got there first. I mean, I don't
10 know the exact amount of time I stood.

11 Q. Okay. You know that you were without a
12 desk at least one day then; is that correct?

13 A. Correct.

14 Q. But you can't recall if it was ever more
15 than a day in your ECP class; is that correct?

16 A. Actually, I can recall two, two times.

17 Q. Okay. But you can't recall more than two
18 times; is that correct?

19 A. No.

20 Q. Okay. With respect to your science class
21 in 9th grade, do you recall how many days you were
22 without a desk in that class?

23 A. I do recall one time.

24 Q. And you stated that in your biology class
25 in 10th grade, you were never without a desk in

1 there were some students without desks, do you know
2 if it was the same students each day?

3 A. I'm not sure if -- I don't know if those
4 were the same students or not, so --

5 Q. Okay. And do you know what they did? Did
6 they stand throughout the whole class, or did they
7 have a place to sit?

8 A. They would sit on the lab desk.

9 Q. And so if they needed to write anything
10 down, they could use the lab tables to write on; is
11 that correct?

12 A. No. If they were sitting on it, then they
13 would use their folders.

14 Q. Are there not stools at the lab tables?

15 A. No, there are not.

16 Q. Okay. So they actually would sit on the
17 lab table?

18 A. Correct.

19 Q. Were you ever without a seat in any of the
20 classes that you attended at Crenshaw?

21 A. Yes.

22 Q. What class was that?

23 A. All of them except for my biology class,
24 see, because I would get there early.

25 Q. When you say all of them, are you

1 that class; is that correct?

2 A. Correct.

3 Q. The times that you personally were without
4 a desk, did you ever talk to your teacher in either
5 the ECP class or the science class in 9th grade
6 regarding the issue?

7 A. No, I didn't.

8 Q. Did you talk to anyone else at the school
9 regarding you not having a desk for either a day or
10 two in your ECP and your science class?

11 A. No, I didn't.

12 Q. Have you ever seen a student use a stray
13 board to write on in class?

14 A. No.

15 MR. FOX: Objection. Vague and ambiguous.
16 BY MS. STRONG:

17 Q. We might have to work through this to make
18 sure that this is clear.

19 But other than the times that you've
20 already identified that students were without desks
21 at Crenshaw that you recall, can you think of any
22 other times -- let me rephrase that.

23 In each of the classes where you believed
24 students were without a desk, the biology class in
25 10th grade, your ECP class and your science class

1 in 9th grade, were those students also without a
2 chair in those classes? Is that correct?

3 A. Correct.

4 Q. Okay. And that's because in each of those
5 classes, the desk and the chair is one unit?

6 A. Correct.

7 Q. Okay. Do you have a recollection of any
8 time where a student was without a chair in any
9 other class for any period of time?

10 A. Not that I can remember.

11 Q. Okay. Have you ever seen a student sitting
12 on the floor in one of your classes at Crenshaw
13 because there were not enough chairs in the class?

14 A. No.

15 Q. Okay. Have you ever seen any student
16 sitting on any steps in any of your classes at
17 Crenshaw because there were not enough chairs for
18 the students to sit in, in that class?

19 A. No.

20 Q. In the times that you personally were
21 without a chair/desk in your ECP class and your
22 science class in 9th grade, did you stand up during
23 the entire class periods?

24 A. Which class?

25 Q. Your ECP class and your science class in

1 that was across from Miss Beasley. And actually,
2 there weren't a few. There were a lot of students,
3 I'd say about maybe eight to ten students, that
4 were standing.

5 Q. Okay. And so have you talked with anyone
6 about this issue of sufficient desks for students
7 in the class at Crenshaw?

8 A. No.

9 Q. Okay. And so other than actually seeing
10 it in another class that you were not a student in
11 but you walked into, do you have any other basis to
12 believe that there were not enough chairs or desks
13 for the students at Crenshaw?

14 A. No.

15 Q. Okay. And with respect to the class that
16 you walked into across the hall from Miss Beasley,
17 do you know who was teaching that class?

18 A. Yes. Mr. Hill.

19 Q. And do you know what class was being
20 taught by Mr. Hill?

21 A. I'm not sure of the exact class, but I
22 know he does teach science and I believe ECP.

23 Q. And do you remember what time of the year
24 it was that you walked into Mr. Hill's class and
25 observed that there were students without desks in

1 9th grade.

2 A. Yes.

3 Q. The answer to the question is yes?

4 A. Yes.

5 Q. Were you able to take notes during those
6 classes?

7 A. It didn't really require me to take notes,
8 because it was the first couple days of school.

9 Q. The teacher didn't expect you to take
10 notes in those few days?

11 A. No.

12 MR. FOX: Objection. Calls for
13 speculation.

14 BY MS. STRONG:

15 Q. As far as you were aware, the teacher
16 didn't expect you to take notes during those first
17 few days of classes; is that correct?

18 A. Correct.

19 Q. Other than your own personal experience at
20 Crenshaw, have you heard of other students who were
21 without either chairs or desks in their classes?

22 A. Yes.

23 Q. And who have you heard about this from?

24 A. Actually I didn't hear it from anyone.

25 There were -- there was a class I did walk into

1 that class?

2 A. I know it was during my 10th-grade year.

3 Q. Do you remember what time of year it was?
4 In other words, was it, again, during the first few
5 days of school?

6 A. No, it wasn't the first few days. It was
7 actually the early part of October, I believe.

8 Q. Okay. When does school start again at
9 Crenshaw?

10 A. I believe middle part of September.

11 Q. So this was approximately two weeks after
12 school began; is that correct?

13 MR. FOX: Three weeks.

14 THE WITNESS: I believe so. Actually, you
15 know what? I think -- see, I can't remember. I
16 believe school starts September 8th.

17 BY MS. STRONG:

18 Q. Okay.

19 A. So it could be either middle or beginning
20 of -- I mean, if school starts the beginning or
21 middle -- I mean, yeah, the beginning or middle of
22 September when school starts.

23 Q. Okay. So it might have been three weeks
24 after school started; is that correct?

25 A. It could have.

1 Q. Okay. And do you know anything about the
2 students who were standing in Mr. Hill's class that
3 day that you walked in?

4 A. No.

5 MR. FOX: Objection. Vague and ambiguous.
6 BY MS. STRONG:

7 Q. Do you happen to know, for example, if any
8 of those students were enrolled in Mr. Hill's class
9 or if they were there for some other reason? Do
10 you know one way or the other? It's a yes-or-no
11 question.

12 A. I wouldn't know.

13 Q. Now, have you told me all of the times
14 that you know of that you either saw or heard about
15 someone else having to stand up in class or not
16 having a desk in class?

17 A. That I can remember, yes.

18 Q. Okay. Is this something that you're
19 trying to fix with this lawsuit?

20 A. Yes.

21 Q. Okay. And specifically that's -- you
22 would like to see that students who are at Crenshaw
23 not have to stand in class for any period of time;
24 is that correct?

25 A. Correct.

1 there's something wrong with them.

2 Some of the -- I mean, this -- I mean,
3 it's like -- some of the things that are there,
4 they kind of -- they look like they don't fit
5 there, as if they were replaced but replaced the
6 wrong way. I know there is some parts that have
7 holes in the wall.

8 Looks like some of the rest rooms were
9 reconverted from -- they look like they were
10 converted from probably storage areas.

11 The sprinkler system, just the way the
12 sprinklers look, they look like they don't work.

13 I mean, there's other reasons. But just
14 off the back, those are the ones that I can think
15 of.

16 Q. With respect to bathrooms -- we're going
17 to discuss bathrooms in detail a little later on.

18 But with respect to why you think the
19 school is old and to the extent that you base your
20 belief that it's old on the look of the bathrooms,
21 what is it that you mean by that, specifically?

22 A. Some of the wall tiles, they look like --
23 I mean, they are different colors. I mean, they
24 are different shades of a certain color. The doors
25 look like they are about to fall off.

1 Q. Do you know when Crenshaw was built?

2 A. I believe '74. Because I know my mom went
3 there in '76, and she did tell me that it was
4 around that time. So I think was '74.

5 Q. Do you think that's an old school?

6 A. Yes.

7 Q. Why is it that you believe it's an old
8 school?

9 A. The date.

10 Q. Okay. You think 1974 is an old --
11 indicates that the school is an old school; is that
12 correct?

13 A. Yes.

14 Q. Do you believe -- I'm sorry.

15 Do you believe it's an old school for any
16 other reason?

17 A. Other than the design and pictures that my
18 mom showed me.

19 Q. Okay. Do you believe that Crenshaw is in
20 poor condition?

21 A. Yes.

22 Q. Why is that?

23 A. Because the -- because the way the
24 bathrooms look. The way the tiles look. A lot of
25 the floor panels are either chipped or -- I mean,

1 Even some of the stalls don't work. As a
2 matter of fact, some of them are dirty. They look
3 like they haven't been cleaned in a long time.

4 Q. Okay. And --

5 A. I mean, I'm quite sure, I mean -- I don't
6 know if -- I mean, they --

7 Q. I just want to differentiate between maybe
8 maintenance issues relating to bathrooms --

9 A. Yeah.

10 Q. -- and maybe some other reason as to why
11 you believe that the bathrooms are old.

12 You've identified that there are tiles of
13 different shades on the walls in the bathroom. But
14 other than that, is there anything else that you
15 can think of that makes you think that the school
16 is old, based on the bathrooms, that does not
17 relate to a maintenance issue?

18 A. The signs on the bathroom door, they look
19 old.

20 Q. Okay.

21 A. As opposed to newer ones they did put in,
22 in other bathrooms.

23 Q. Okay. And you also identified tiles as a
24 basis for your belief that the school is old. What
25 were you referring to with tiles? The bathroom

1 tiles, or something else?

2 MR. FOX: Let me interrupt and assert an
3 objection. The age of the school is known to the
4 state or the district. So I assume that this line
5 of questioning is not to identify the actual age of
6 the school, but rather to get Delwin's impressions
7 of the school's condition. So I hope that we'll
8 talk about conditions and not hold him to a
9 factual, you know, call about how old the school
10 actually is.

11 MS. STRONG: Absolutely. And, in fact,
12 what I believe Delwin testified to, this list of
13 items, was actually more accurately -- I'm sorry --
14 was actually in response to my question as to why
15 he believes the school is in poor condition as
16 opposed to why it was old.

17 Q. Is that correct?

18 A. Most of them. Like I say, I'm not a
19 designer. I wouldn't know what newer models look
20 like.

21 Q. I believe my question was actually why you
22 believe it's in poor condition.

23 Is there any of these items that you
24 mentioned to me that do not serve as the basis of
25 your belief that the school is in poor condition,

1 sprinklers, the holes in the wall, the
2 signs that were on the bathrooms, and the
3 tiles, I think that -- I think that
4 suggests that the school is old."

5 BY MS. STRONG:

6 Q. So with respect to your belief that the
7 school is in poor condition, the reasons for your
8 belief are that it looks like some things don't
9 fit, and that there are some issues that you have
10 with respect to floor panels; is that correct?

11 MR. FOX: I think it mischaracterizes his
12 testimony.

13 THE WITNESS: Also with -- wait.
14 Everything I have listed, that's just as a poor
15 condition. Now, the ones that I actually picked
16 out as far as the ones that look like they are old,
17 those can be counted as old. Those can be counted
18 as old.

19 BY MS. STRONG:

20 Q. So all of the items that you testified to
21 are items that you believe suggest the school is in
22 poor condition?

23 A. Correct.

24 Q. Okay.

25 A. But the ones that I listed as -- the ones

1 but rather that it's just merely old?

2 A. Well, you can count the tiling as old.

3 Q. As opposed to poor condition?

4 A. Correct.

5 Q. Let me run through. I've got here the
6 bathrooms, tiles, floor panels, that it looks like
7 some things don't fit in the school; that there are
8 holes in the walls in some parts of the school; and
9 that sprinklers look like they don't work, as your
10 reasons as to why you believe the school is in poor
11 condition.

12 Are all of those accurate?

13 A. Correct.

14 But also with the sprinklers, the holes in
15 the wall, the signs that were on the bathrooms, and
16 the tiles, I think that -- I think that suggests
17 that the school is old.

18 Q. As opposed to being in poor condition; is
19 that correct?

20 A. Correct.

21 MS. STRONG: Can I have you read back his
22 last answer.

23 (The following answer was read by the
24 reporter):

25 "A. Correct. But also with the

1 I listed as far as the size and everything, those
2 also suggest that the school is old.

3 Q. Okay. Now, I believe one of my questions
4 was -- you referenced tiles. Are you referring to
5 bathroom tiles when you identified tiles as a basis
6 for your belief that the school was in poor
7 condition?

8 A. Correct.

9 Q. Okay.

10 A. And also ceiling tiles in the classrooms.

11 Q. Okay. With respect to ceiling tiles in
12 the classrooms, why is it that you believe that the
13 ceiling tiles in the classrooms suggest that the
14 school was in poor condition?

15 A. There's one classroom that doesn't have
16 any ceiling tiles at all. All you see when you
17 look up is pipes and air-conditioning vents,
18 circulation vents. There are some tiles that have
19 yellow stains all around them.

20 Q. This is in another class?

21 A. Yes.

22 They have yellow stains all around them,
23 which if you have such -- I mean, a bit of a
24 mildew, that -- I mean, mildew doesn't just happen
25 overnight. I mean, you have a certain amount of

1 time which mildew forms on it -- I mean -- I don't
2 know exactly on what items, but for that specific
3 item -- I mean, it couldn't have just happened
4 overnight. It's been there since I've been there,
5 that I know of.

6 Q. Okay. Is there anything else that
7 suggests, with respect to ceiling tiles, that
8 you've noticed and suggest that the school is in
9 poor condition?

10 A. Other than that, some are missing.

11 Q. Okay. What is the one class that you were
12 referring to that has no ceiling tiles?

13 A. I didn't have that class, and I'm not too
14 sure what room number it is. But it's a corner
15 classroom. I believe it's on the second floor.

16 But then again, it could be on another floor. I
17 know it's on the -- let's see -- C wing.

18 Q. Do you know who teaches in that classroom?

19 A. No. All I know is it's a female teacher.

20 Q. Do you know what types of classes are held
21 in that classroom?

22 A. No.

23 Q. Do you know that classes are held in that
24 classroom?

25 A. Yes.

1 tile; is that correct?

2 A. Correct.

3 Q. Now, is Miss -- is this class that you --
4 this one classroom that you identified without any
5 ceiling tiles near to Mr. Hornbeck's class?

6 A. I believe so. Like I say, it depend which
7 floor it was on. Mr. Hornbeck's class is on the
8 second floor, which is maybe about -- no more
9 than -- I'm not even going to speculate how many
10 feet it is. It's not that -- if you think about as
11 far as what floor it's on, it's really not that far
12 from Mr. Hornbeck's class if you are going straight
13 down the hall.

14 Q. Okay.

15 A. But if it was on another floor, then --

16 Q. Well, is it correct that Mr. Hornbeck sent
17 you to look for a ceiling tile?

18 A. Correct.

19 Q. And it was in response to that request
20 that you went to this one particular classroom?

21 A. Correct.

22 Q. Did you go to any other classrooms in
23 response to Mr. Hornbeck's request?

24 A. Yes, I did.

25 Q. Okay. So did Mr. Hornbeck tell you to go

1 Q. How do you know that?

2 A. When I walked into the classroom, they
3 were having class.

4 Q. Okay. And when did you walk into that
5 classroom?

6 A. I believe it was during 5th period.

7 Q. What year?

8 A. 9th grade year.

9 Q. Why is it that you went into that class
10 that one time?

11 A. Because there was a bird that constantly
12 kept flying through the window, in my English
13 class, which was Mr. Hornbeck, and it would go into
14 the ceiling, through the area that didn't have a --
15 where it didn't have a ceiling tile.

16 I was asked to go to that classroom to see
17 if he can borrow a tile from the class. And if so,
18 a janitor can come and pick it up and install it
19 into the classroom.

20 When I went in, there was none there. I
21 didn't notice it at first. She told me -- I asked
22 her if -- I asked her if Mr. Hornbeck could borrow
23 one, and she told me to look up. I looked up and
24 there was nothing there.

25 Q. You were sent to ask to borrow a ceiling

1 to that class, or did he tell you -- what did he
2 say when he asked you to look for ceiling tiles?

3 A. He told me to go to that specific class at
4 first. When I went there, there was no tiles
5 there. I came back. He asked me to go to the
6 janitor's office -- well, actually, janitor's
7 basement to ask them. They said they didn't have
8 any, and they didn't know when they were going to
9 order any more.

10 I went to the King Museum, which was on
11 the third floor. They were just installing tiles
12 there, but they were old tiles, so they weren't
13 going to give any away.

14 I went to the room next door to that. No
15 one answered. And that's all the classes I went
16 to.

17 Q. Do you know who you spoke to in the
18 janitor's basement?

19 A. I don't know her name.

20 Q. Was it a woman?

21 A. Yes.

22 Q. Do you know if she was a janitor?

23 A. Yes.

24 Q. You said you went to the King Museum?

25 A. Yes.

1 Q. What is that?
 2 A. It's a small -- it's a small classroom
 3 where they built the museum inside. It's just
 4 basically a lot of work that Martin King did. It
 5 just so happened in that general vicinity between
 6 those two hallways, there's a lot of paintings and,
 7 I guess you could say, billboards in the hallway.
 8 Q. But it also serves as a classroom, is what
 9 I was curious about, King's Museum?
 10 A. It serves more so as a computer lab than a
 11 classroom.
 12 Q. And the day that you went in there, they
 13 were installing ceiling tiles in that room?
 14 A. Correct.
 15 Q. With respect to yellow stains that you
 16 noticed on ceiling tiles and you believe served as
 17 a basis for your belief that the school is in poor
 18 condition, in what classes did you notice yellow
 19 stains on the ceiling tiles?
 20 MR. FOX: Objection. Compound, complex,
 21 given the number of classes.
 22 THE WITNESS: I would have to say all my
 23 classes, which is just about all of them.
 24 BY MS. STRONG:
 25 Q. And have you ever talked with anybody

1 Did you actually see any mildew on any of
 2 the ceiling tiles at Crenshaw?
 3 A. Yes.
 4 Q. Okay. In which classes did you see mildew
 5 on the ceiling tiles at Crenshaw?
 6 MR. FOX: Same objection as earlier.
 7 THE WITNESS: I remember there was mildew
 8 on it in Mr. Hornbeck's class, when one of the
 9 janitors pulled it down. No, it was one of the
 10 students that pulled down one of the tiles.
 11 BY MS. STRONG:
 12 Q. Can you think of any other classes where
 13 you noticed mildew on a ceiling tile in that class
 14 at Crenshaw?
 15 MR. FOX: Same objection.
 16 THE WITNESS: Not that I can remember.
 17 BY MS. STRONG:
 18 Q. Okay. Now, you said a student pulled down
 19 a tile in Mr. Hornbeck's class.
 20 A. Correct.
 21 Q. Can you describe what happened that day?
 22 A. It was just -- it was the same reason
 23 why -- I mean, it was the same thing as far as
 24 getting a new tile. He asked another student if he
 25 could take down one of the tiles, to go to the

1 about stains on ceiling tiles in your classes at
 2 Crenshaw?
 3 A. I did speak to [REDACTED] who is my
 4 math teacher in 9th grade.
 5 Q. Did you speak with anyone else at the
 6 school regarding yellow stains on the ceiling
 7 tiles?
 8 A. No. Simply because that wasn't my
 9 responsibility.
 10 Q. And what did you say to [REDACTED]?
 11 A. It just so happened there was a folder on
 12 top of a cabinet in her classroom, and I put it
 13 down for another student. And I noticed there were
 14 stains on the ceiling tile. And I asked her what
 15 was it? And I told her because it was during the
 16 time where they had the asbestos scares at the
 17 schools. I asked her what was it.
 18 She told me she didn't know. And I told
 19 her she needs to go find out, because if it's
 20 asbestos, I don't want to be in this class anymore,
 21 because you never know what it could be.
 22 Q. This is [REDACTED] at Crenshaw?
 23 A. Correct.
 24 Q. You also stated that -- you stated
 25 something with respect to mildew on the tiles.

1 janitor and show the janitor what it looked like,
 2 to see if he could replace it.
 3 There were different sizes in the tiles.
 4 When he pulled it down, there was feathers and
 5 black -- and -- it was like black mildew. Yeah,
 6 the mildew was like black. It was like black
 7 mildew.
 8 Q. I was going to ask, what did the mildew
 9 look like? Black? Can you describe the substance
 10 any more particularly?
 11 A. Other than it was like a -- not that I'm
 12 saying it was something spilled on it, but it looks
 13 like a spill. It looks sort of like a spill on
 14 the -- as if it was, like, spilled on the tile.
 15 Not that I'm saying there was a spill, but that's
 16 the way it looks.
 17 Q. And was this on the side of the tile that
 18 was showing to the classroom?
 19 A. No.
 20 Q. So it was underneath the tile; is that
 21 correct?
 22 A. Correct.
 23 Q. Do you actually know if it was mildew that
 24 was on the tile?
 25 A. Yes.

1 Q. How is it that you know that it was mildew
2 as opposed to some other substance?

3 A. Because I believe it was during middle
4 school, I did do a project on mildew and what the
5 different types of mildew look like. And other
6 than that, I mean, I do have some kind of idea of
7 what mildew looks like, so --

8 Q. Okay. Is your experience as to what
9 mildew looks like based on that project that you
10 did in junior high school, or is it based on
11 something other than that?

12 MR. FOX: Objection. Relevance.

13 BY MS. STRONG:

14 Q. Go ahead.

15 A. It was something other than that.

16 Q. Have you seen mildew in other
17 circumstances?

18 A. I have.

19 Q. Where?

20 A. Exactly where, I mean -- I can't think of
21 any times when or where.

22 Q. Did you discuss the substance that you
23 believe to be mildew on that tile with anyone at
24 Crenshaw?

25 A. No, I didn't.

1 Q. Okay. Which classrooms are they in, if
2 you recall?

3 A. I can't remember the exact classrooms.

4 Q. Okay. Do you remember in how many
5 classrooms you noticed problems with floor tiles?

6 MR. FOX: Objection. Compound, complex.

7 THE WITNESS: I can't even give the exact
8 number of classrooms. I just happened to notice
9 them. Other than that, I mean --

10 BY MS. STRONG:

11 Q. Okay. Do you have -- let me try it a
12 different way.

13 Do you have any specific recollection of
14 any particular classroom where you remember a
15 problem with the floor tiles?

16 MR. FOX: Same objection.

17 THE WITNESS: No. I mean, it wasn't a
18 problem for anyone. It's just that it was just
19 there. I mean --

20 BY MS. STRONG:

21 Q. Okay. So what you noticed of floor tiles
22 didn't interfere with your education at Crenshaw;
23 is that accurate?

24 MR. FOX: Objection --

25 THE WITNESS: As far as education --

1 Q. Okay. Have you ever seen a student pull
2 down a ceiling tile in any of your other classes
3 for any reason?

4 A. No.

5 Q. Have you ever seen a ceiling tile fall in
6 a classroom at Crenshaw?

7 A. No. No.

8 Q. And actually, to be perfectly clear, have
9 you ever seen a ceiling tile fall anywhere on the
10 Crenshaw campus?

11 A. No.

12 Q. You mentioned floor panels as suggestive
13 of why you believe the school is in poor condition.

14 MR. FOX: Did you say floor panels?

15 MS. STRONG: Yes.

16 Q. Can you describe to me what floor panels
17 you are talking about?

18 A. Not floor panels. I guess tiles, more
19 like floor tiles.

20 Q. Where are these floor tiles at Crenshaw
21 that you are referring to?

22 A. As far as what classes?

23 Q. Or are they in classrooms? Are they
24 located elsewhere on the campus?

25 A. In classrooms.

1 MR. FOX: -- calls for speculation.

2 THE WITNESS: -- no. I mean, as far as
3 the school -- just because it doesn't interfere
4 with education doesn't necessarily mean it has to
5 be that way. Just because you've -- just because
6 it's not used in the classroom -- I mean, doesn't
7 necessarily mean that school has to have a chipped
8 floor or anything like that. If anything, it could
9 have caused a hazard if it continues to be that
10 way.

11 BY MS. STRONG:

12 Q. Okay. Do you recall any incident at
13 Crenshaw that suggested that any of the floor tiles
14 caused a hazard to the students at Crenshaw while
15 you were there?

16 A. No.

17 Q. You said that it looks like some things
18 don't fit. I just want to know what it was that
19 you are referring to when you said it looks like
20 some things don't fit, and that's why the school is
21 in poor condition, in your mind.

22 A. Like there's signs, bathroom signs on old
23 doors. Like I said, the tiles, some of them are
24 like different shades.

25 Q. Okay. But --

1 A. As if some were new and some weren't.
 2 Like they were just being replaced.
 3 Q. I see.
 4 A. As far as in the environmental building,
 5 the bathroom is -- it doesn't look like a bathroom.
 6 It looks more like a janitor's closet, but they
 7 just put bathrooms in there. They just put a
 8 bathroom in there.
 9 Q. Anything else?
 10 A. Not -- I mean, that's all I can think of
 11 right now.
 12 Q. And you said that there were holes in the
 13 walls in some parts of the school.
 14 A. Yes.
 15 Q. What -- can you identify for me those
 16 holes that you are referring to?
 17 A. I do know -- well, I don't even know if
 18 it's been replaced, but I know that on the second
 19 floor, when I was going to Crenshaw, there was a
 20 large hole, maybe about, say, about a foot and a
 21 half in the wall.
 22 Q. Okay. Can you think of any other holes
 23 that you remember in the walls at Crenshaw?
 24 A. There were some other small holes. I
 25 can't remember on what floor. I know it wasn't on

1 bad. It looks like it has cobwebs on them. I
 2 mean, with it being rusted -- I mean, if there was
 3 a fire, I don't know if they would move or -- I
 4 mean -- I mean, I don't know if they would spin or
 5 anything.
 6 I know there's occasions where there has
 7 been fires in the bathrooms, and the sprinklers did
 8 not go off.
 9 Q. Okay. I think you clarified something.
 10 You are referring to the sprinklers on the ceilings
 11 in the classrooms, not sprinklers for the gardens?
 12 A. No, I'm referring to the sprinklers in the
 13 ceiling.
 14 (Recess.)
 15 BY MS. STRONG:
 16 Q. With respect to the fire system sprinklers
 17 that you were referencing at Crenshaw, do you know
 18 what classes or what rooms of the school you were
 19 in when you noticed that some of them were rusted?
 20 A. Actually, it was during passing periods.
 21 Q. Okay.
 22 A. To tell you the truth, I really never
 23 noticed any sprinkler systems inside the
 24 classrooms, other than my first period class. But,
 25 I mean, like -- so I really can't say -- I don't

1 the first floor. But they were either on the
 2 second or third floor, on the -- I don't know if
 3 that's called the A wing. It's the A wing. You
 4 first walk through the school, and it's the hall on
 5 the left side on the second or third floor.
 6 Q. Okay. Can you think of any other holes,
 7 other than those that you just identified?
 8 A. The second one I mentioned, there were two
 9 holes there. They weren't as large. They were
 10 maybe about three-fourths of a foot big.
 11 Q. Okay.
 12 A. Other than that, that's the only holes
 13 that I can remember.
 14 Q. Do you know anything about how those holes
 15 came about?
 16 A. No.
 17 Q. Did you talk with anyone about the holes
 18 in the walls that you've identified at Crenshaw?
 19 A. No.
 20 Q. With respect to the sprinklers looking
 21 like they don't work, what do you mean by that?
 22 A. Some look like they were rusted.
 23 Q. Okay.
 24 A. Some of them have -- I don't even know
 25 if -- I can't say it's cobwebs, but it looks that

1 know if they are actually there or not inside the
 2 classrooms, but in the hallways they are there.
 3 Q. And so you noticed that they were rusted
 4 in the hallways; is that correct?
 5 A. Correct.
 6 Q. And the cobwebs, are those also in the
 7 hallways?
 8 A. Correct.
 9 Q. Do you have any idea how tall the ceilings
 10 are in the hallways at Crenshaw?
 11 A. I would say about 10 to 12 feet.
 12 Q. Okay. You also stated that there was a
 13 time when you know that the sprinklers didn't go
 14 off when there was a fire; is that correct?
 15 A. Correct.
 16 Q. Can you tell me about that?
 17 A. There -- well, I was in my second period
 18 class, I believe. And we started smelling smoke.
 19 And I walked outside, and I was trying to find out
 20 where was it coming from. And I didn't notice
 21 exactly where it was coming from until Mr. -- I
 22 believe his name was Mr. Pozo came over to one of
 23 the trash cans. There was a trash can in the
 24 hallway. Someone had lit it. It was on the third
 25 floor.

1 I believe he tried to stuff it out, put a
2 lid on the trash can and put it out. It didn't
3 work, so he had to get a fire extinguisher to put
4 it out.

5 Another incident was when I was in the
6 bungalows. There was a fire on the second floor, I
7 believe, in the bathroom.

8 On the way to my passing period -- it was
9 my passing period -- I don't remember what class I
10 was on the way to -- but I was walking through the
11 hall. And, I mean, there was a lot of smoke in the
12 hallways, and they didn't really -- they didn't
13 clear anyone out. They didn't -- I know how normal
14 fire procedure goes, as far as everyone going out
15 to the field and everything. They didn't do that.

16 Basically, people were still walking in
17 and out the hallway. Of course there were a few
18 that were choking. Some were trying to get out the
19 building, and some were trying to go to their
20 class.

21 Although the fire was on the second floor,
22 you could smell it on the first floor. When I got
23 to the second floor, you know, even I started
24 coughing. I looked into the bathroom, and there
25 was smoke in the bathroom.

1 A. No, not that I can remember.

2 Q. Okay. And with respect to that third
3 incident that you were explaining to me that you
4 learned from the student at the Community
5 Coalition, do you know anything about that
6 situation, other than what she told you?

7 A. No.

8 Q. Did she tell you when that occurred?

9 A. I believe it was -- well, from today, I
10 believe it was about maybe two or three weeks ago.

11 Q. Okay. With respect to the first incident
12 you described where Mr. Pozo was dealing with the
13 situation -- first of all, is Mr. Pozo an assistant
14 principal at your school?

15 A. I believe so. He's either assistant
16 principal or dean.

17 Q. Okay. So it's an administrator at your
18 school that you are referring to?

19 A. Correct.

20 Q. Why is it that you believe that the
21 sprinklers didn't work with respect to that fire?

22 A. With that --

23 Q. Or if you believe that -- I'm sorry.

24 Do you believe that the sprinklers didn't
25 work properly with respect to that fire?

1 At that time, I didn't notice any fire
2 department there or anything like that, although I
3 did hear sirens. The fire alarm didn't go off.
4 The sprinklers didn't go off.

5 Q. Okay. Can you think of any other time
6 when there was a fire on campus and the sprinkler
7 system didn't go off?

8 A. I was speaking to a student last Thursday,
9 I believe --

10 Q. This is at Crenshaw, right?

11 A. Yes. No, not at Crenshaw. When we were
12 at the coalition. She attends Crenshaw.

13 She said there was a fire in one of the
14 bathrooms on the -- either the second or third
15 floor. She also said that nothing went off. She
16 walked outside with a couple other students. She
17 saw the fire in the bathroom. It was in the boys'
18 bathroom, I believe. Nothing went off. None of
19 the fire sprinklers went off or anything like that.

20 She said she didn't know how to put it out
21 or anything. But she knows that there was
22 something on fire in the bathroom.

23 Q. Okay. Can you think of any other time
24 that there was a fire at Crenshaw and the
25 sprinklers did not work?

1 A. Yes, I do.

2 Q. And why is it that you believe the
3 sprinklers didn't work properly?

4 MR. FOX: Calls for speculation.

5 THE WITNESS: Even if they did work, I
6 don't -- I believe that they don't work as well as
7 they should. I mean, he -- because there was --

8 BY MS. STRONG:

9 Q. Listen to my question.

10 A. The reason I believe that they did not
11 work is because when there was smoke in the
12 hallway, none of the sprinklers went off.

13 Q. Do you recall that there were sprinklers
14 in that hallway?

15 A. Yes.

16 Q. And you recall seeing smoke that time, and
17 the sprinklers didn't go off.

18 Is there any other reason that you believe
19 that the sprinklers did not work properly that day?

20 MR. FOX: Calls for expert testimony.

21 THE WITNESS: No.

22 BY MS. STRONG:

23 Q. Okay. And with respect to the second fire
24 that you referred to that took place in the
25 bungalows in the bathroom --

1 A. No. No. That was during the time I was
2 in the bungalows. And when I was on my way to my
3 next class, that's when I noticed that there was a
4 fire in the bathroom.

5 Q. Okay. The bathroom wasn't in the
6 bungalows?

7 A. No.

8 Q. Okay. I'm sorry. What year was the first
9 time, do you recall?

10 A. My 9th-grade year.

11 Q. Do you remember if it was first or second
12 semester?

13 A. No, I don't.

14 Q. Okay. What year was the second fire?

15 A. The second one was either the second
16 semester of my 9th-grade year or the second
17 semester of my 10th-grade year.

18 Q. With respect to the first fire, do you
19 know how it was started?

20 A. No, I don't.

21 Q. With respect to the second fire, why is it
22 that you believe that the sprinklers didn't work
23 properly with respect to that fire?

24 A. Like I said, because of the smoke. But
25 during that time it was heavy smoke. It wasn't

1 with respect to any of the fires that you've
2 identified at Crenshaw?

3 A. No, as far as smoking inhalation, no.

4 Q. Or any --

5 A. No, sir.

6 MR. FOX: You do not know.

7 THE WITNESS: I don't know.

8 BY MS. STRONG:

9 Q. Did you ever have any conversations with
10 anyone at Crenshaw regarding the sprinkler system
11 at Crenshaw?

12 A. No, I did not.

13 I would assume that if there's going to be
14 a fire, they would take certain measures in order
15 for them to fix it, if they know that the sprinkler
16 system isn't working properly.

17 Q. Is there anything else that you can think
18 of that you believe to be a problem with the
19 physical condition of Crenshaw?

20 MR. FOX: Objection. Compound, complex.

21 THE WITNESS: Other than what I already
22 stated, nothing that I can think of.

23 BY MS. STRONG:

24 Q. And by bringing this lawsuit, it is -- is
25 it your intent to have the problems that you've

1 like, you know, gray smoke. It was black smoke.

2 I was coming out of the bathroom. I would
3 expect that if you are going -- if it -- if the
4 bathroom is going to be used by students, there
5 should be a sprinkler system in the bathroom. So
6 therefore that's how I know it didn't go off.

7 With black smoke, that means that the fire
8 is more -- it's more of a flame than, you know,
9 like just regular -- like as if you were burning
10 paper or something.

11 Q. Okay. Do you know if there was sprinklers
12 in that bathroom?

13 A. No, I don't. Like I said, if --

14 Q. Okay.

15 A. But like I said, there was black smoke
16 coming out of the bathrooms. And I do know there
17 was sprinklers in the hallways.

18 Q. You said you saw a few students choking.
19 What specifically did you see in reference to that?

20 A. I wouldn't really say they were choking.
21 They were coughing. I guess you could say
22 coughing. There were some students putting their
23 shirts over their mouth and walking through the
24 hallway.

25 Q. Do you know if any students were injured

1 identified corrected at Crenshaw?

2 A. Yes.

3 MS. STRONG: Can we go off the record?

4 (At the hour of 12:13 P.M., a luncheon
5 recess was taken. The deposition resumed at
6 1:17 P.M., the same persons being present.)

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1 LOS ANGELES, CALIFORNIA; SUNDAY, JUNE 24, 2001

2 1:17 P.M.

3

4 EXAMINATION (resumed)

5

6 BY MS. STRONG:

7 Q. Good afternoon, Delwin.

8 A. Good afternoon.

9 Q. Have you ever seen a mouse at Crenshaw?

10 Do you remember that you're under oath?

11 A. Yes.

12 Q. Do you remember that you are under oath?

13 A. Yes.

14 Q. And did you have any medication or any
15 other substance that would affect your ability to
16 continue testifying here today?

17 A. No.

18 Q. Thank you for reminding me of that
19 question.

20 Have you ever seen a mouse at Crenshaw?

21 A. No.

22 Q. Have you ever seen a rat at Crenshaw?

23 A. No.

24 Q. Have you ever seen a cockroach at

25 Crenshaw?

1 A. Yes.

2 Q. -- step on the cockroach?

3 A. Step on it, yes.

4 Q. Who did that?

5 A. Another student. I can't remember who it

6 was.

7 Q. And it was cleaned up?

8 A. Yes.

9 Q. And did anyone do anything with respect to

10 the three other cockroaches that you saw in the

11 hallways, that you know of?

12 A. I know there was one time where some

13 students were kicking it. And the other times,

14 nobody did anything about it. I mean, they didn't

15 want to get their shoes messed up, I guess.

16 Q. The one time in [REDACTED] class, do

17 you remember what semester it was?

18 A. First semester, I believe, of my 9th-grade

19 year.

20 Q. And do you remember when the three other

21 incidents took place?

22 A. No.

23 Q. Do you remember what year they were?

24 A. No, I don't. No, I don't.

25 Q. So it could have been either your

1 A. Yes.

2 Q. How many times would you say you saw a
3 cockroach at Crenshaw High School?

4 A. Maybe four or five times.

5 Q. Do you remember where you were with
6 respect to the times you saw a cockroach at
7 Crenshaw?

8 A. I remember one occasion I was in
9 [REDACTED] class. There were three incidents
10 where they were in the hallway. And that's the
11 only ones I can remember right now.

12 Q. So once while you were in [REDACTED]
13 class?

14 A. Yes.

15 Q. And then three other individual incidents
16 where you saw a cockroach in the hallways of the
17 school; is that correct?

18 A. Correct.

19 Q. Okay. And on each of these occasions, was
20 there just one cockroach that you saw?

21 A. Yes.

22 Q. Did anyone do anything with respect to the
23 cockroach that you saw in [REDACTED] class?

24 A. Other than stomp it out, no.

25 Q. Did someone --

1 9th-grade or 10th-grade year?

2 A. Correct.

3 Q. Did you ever see any other animal or
4 insect at Crenshaw?

5 MR. FOX: Objection. Vague and ambiguous.

6 THE WITNESS: Birds and spiders.

7 BY MS. STRONG:

8 Q. Did you consider it a problem that you saw
9 birds and spiders at Crenshaw?

10 A. Yes.

11 Q. And is that for both?

12 A. Yes.

13 Q. Okay. With respect to spiders at

14 Crenshaw, when did you see a spider on the campus?

15 A. I can't really say.

16 MR. FOX: Objection. Compound, complex as
17 to each spider.

18 BY MS. STRONG:

19 Q. How many times do you believe that you saw
20 a spider at Crenshaw?

21 A. Maybe about six or seven times.

22 Q. Do you remember what year it was?

23 A. No. It could have been 9th or 10th-grade

24 year.

25 Q. Is there anything particular that you

1 identified as a problem with seeing spiders on the
2 campus?

3 A. As far as it being a health issue. Also
4 it could be a distraction.

5 Q. Why is it a distraction for you at
6 Crenshaw?

7 A. For me, yes, at one occasion.

8 Q. What happened on that one occasion where
9 it was a -- seeing a spider was a distraction for
10 you?

11 A. I believe I was sitting next to a cabinet,
12 and I did see a spider. I mean, because I saw the
13 spider, I kept looking over to see if it was still
14 there. I didn't want it to come on me or anything
15 or -- I didn't get a real good look at the spider,
16 so I didn't know whether it was going to bite me or
17 not. So basically I just kept looking back at the
18 spider and everything. It was sitting behind a
19 cabinet.

20 Q. Do you know what class you were in?

21 A. I can't remember.

22 Q. Do you know who the teacher was in the
23 class?

24 A. I can't remember.

25 Q. With respect to birds, how many times did

1 other than that, it was laying eggs. Like I said,
2 it would come in frequently. There were times it
3 would perch up right on the windowsill. And again,
4 there were bird droppings every now and then.

5 Maybe the last three days, the bird was
6 there, there were other birds in the ceiling. I
7 believe there was maybe about four of them. I
8 guess there were the baby birds and everything.
9 They were making noises every -- they would make
10 noises often within those three days.

11 And then after that, the bird left -- the
12 larger bird left. One of the baby birds left. And
13 maybe about the week after, when we came back to
14 school, which is on a Monday, the bird was gone --
15 all the birds were gone.

16 Q. Do you remember when this was, more
17 specifically? I know you said it was in
18 Mr. Hornbeck's class, which was during your
19 9th-grade year. But do you have a more specific
20 recollection of the time period as to when this
21 took place?

22 A. I believe it was my second semester.

23 Q. You said that the window was broken. What
24 do you base that on?

25 A. It was crooked. The window was crooked to

1 you see a bird on the campus at Crenshaw?

2 MR. FOX: Objection. Vague and ambiguous.
3 I assume you mean inside the school.

4 THE WITNESS: Inside? I am sure they are
5 in the yard and everything and all that stuff. But
6 as far as inside the facility, twice.

7 BY MS. STRONG:

8 Q. When was the first time?

9 A. When I was in Mr. Hornbeck's class.

10 Q. When was the second time?

11 A. When I was -- I believe I was on my way --
12 it was a passing period.

13 Q. With respect to the incident with the bird
14 in Mr. Hornbeck's class, can you explain to me what
15 happened?

16 A. Basically we came into the class one day.
17 We noticed that there were bird droppings over
18 towards the corner of the classroom. It was on a
19 Monday. We were sitting in class reading. We saw
20 a bird come in through the window and go up to the
21 ceiling -- go up inside the ceiling where the
22 missing -- where the tile was missing.

23 It continued for about two weeks. The
24 bird would come in and out with straw. As far as
25 closing the window, the window was broke. I mean,

1 where you couldn't close it. And, I mean, it could
2 have been fixed, but as far as one of us touching
3 the window, as far as trying to straighten it out,
4 we didn't know whether it was going to fall off the
5 hinges and fall down or anything like that. Even
6 the teacher didn't bother to move it or anything.

7 Q. Do you know if anyone tried to close the
8 window?

9 A. I tried. That's how I found out it was
10 broke. I noticed it was crooked, but I thought you
11 could maybe street even it out and pull it in. But
12 I noticed it was loose so I didn't bother it.

13 Q. You know it was loose, but you don't know
14 whether you could actually close it or not?

15 A. Correct. Because I didn't want it to fall
16 off or anything or fall down.

17 Q. Do you know if the teacher ever tried to
18 close the window in that class, Mr. Hornbeck?

19 A. Yes.

20 Q. Did he?

21 A. No. He tried to close it and maybe on two
22 or three occasions and it didn't work.

23 Q. Okay. Do you know if anyone reported that
24 the window was broken in that class?

25 A. No, I don't know.

1 Q. Did you ever report that it was broken to
2 anyone at the school?

3 A. No.

4 Q. Do you know if anyone reported the
5 incident regarding the bird coming in and out of
6 the classroom to anyone in the administration of
7 the school?

8 A. Not that I know of.

9 Q. Did you ever talk about this bird with
10 Mr. Hornbeck?

11 A. I mean of course he was there during the
12 time it was coming in and out the window.

13 Q. Was there any discussion in the class ever
14 about the bird coming in and out of the window?

15 A. Yes.

16 Q. Okay. And can you describe to me what was
17 said during the discussion or discussions?

18 A. There was one girl that said Mr. Hornbeck
19 should do something about the bird, which
20 Mr. Hornbeck really couldn't. You can't really
21 catch a bird. I mean think about it.

22 Q. But --

23 A. But she didn't say it directly to
24 Mr. Hornbeck.

25 Q. Let me try and focus this a little bit

1 what was in the ceiling because even when the bird
2 had left you could still hear little birds walking
3 across the ceiling and everything.

4 Q. And did Mr. Hornbeck say anything about
5 this or was he involved in the discussions in any
6 way?

7 A. Actually I wasn't really paying attention
8 to that so I wouldn't know. I mean if he did say
9 something, you know, I really wasn't paying
10 attention to as far as what he said about the bird.

11 Q. Okay. So you don't know whether he was
12 involved in any of those discussions regarding the
13 birds?

14 A. No.

15 Q. Do you think it interrupted any of the
16 lessons that Mr. Hornbeck was giving in that class?

17 A. Yes, of course.

18 Q. When do you believe that it interrupted
19 Mr. Hornbeck's lessons?

20 A. Every time the bird would fly in and out
21 people would look up or try -- they didn't know
22 where the bird was going so they would move to the
23 side as if they were dodging it until Mr. Hornbeck
24 relocated some of -- well, two of the seats, the
25 whole row of seats, he pushed all the seats over

1 better. How many discussions do you remember there
2 being in the class about the bird?

3 A. Actually discussions, maybe just two.

4 Q. Okay. And does that include one with the
5 comment that the girl made?

6 A. Yes.

7 Q. Who was the girl speaking to when she made
8 the comment?

9 A. The class.

10 Q. Mr. Hornbeck wasn't there?

11 A. You know what? I don't remember if he was
12 there or not, so I really can't say whether he was
13 there or not.

14 Q. Do you recall anything else that was said
15 with respect to that first conversation when the
16 girl said she thought Mr. Hornbeck should do
17 something about the bird?

18 A. No.

19 Q. What was the second discussion that you
20 remember, regarding the bird in Mr. Hornbeck's
21 class?

22 A. Basically we heard other birds inside the
23 ceiling. Everyone was talking about it. They were
24 wondering what was in the ceiling. Even when the
25 bird -- people were saying that they were wondering

1 more towards away from the bird where it was coming
2 in. And even then they would hear the bird so they
3 would be -- students would look and observe the
4 bird going to the ceiling and everything.

5 Q. Can you think of any other way that it
6 affected Mr. Hornbeck's class or interfered with
7 his lessons?

8 A. As far as noises went, people were looking
9 or dodging -- trying to dodge the bird.

10 Q. Anything else that you can think of?

11 A. When the students were using the computer
12 when they were working, when the students would try
13 to use the computer.

14 Q. Is that still the same, having the bird
15 come in and out --

16 A. Yes.

17 Q. -- the students would look at the bird?

18 Is there any other way that you remember
19 this having affected the class?

20 A. No.

21 Q. And other than that two-week period that
22 you recall with this bird flying in and out of the
23 class, was there any other time that you recall a
24 bird interrupting Mr. Hornbeck's class?

25 A. No. Other than when the smaller birds

1 were leaving and everything.
 2 Q. But that was still with the two-week
 3 period that you had referenced before; is that
 4 correct?
 5 A. Correct.
 6 Q. Do you have any understanding as to
 7 whether Mr. Hornbeck made any complaint to anyone
 8 in the school with respect to that incident?
 9 A. No.
 10 Q. With respect to the cockroaches, spiders
 11 and this bird incident, did you talk to anyone at
 12 the school regarding any of those issues?
 13 A. No.
 14 Q. I know that you said that you've never
 15 seen a mouse at Crenshaw or a rat at Crenshaw.
 16 Have you heard of anyone else seeing a mouse or a
 17 rat at Crenshaw?
 18 A. No.
 19 Q. Do you know whether the school takes any
 20 measures to get rid of pests such as cockroaches or
 21 spiders at your school?
 22 A. Not that I'm aware of.
 23 Q. And is it your intention to correct
 24 problems -- let me rephrase this.
 25 Is it your intention to see that sightings

1 like that, someone who can fix the problem, someone
 2 who is assigned that specific duty as far as
 3 eradicating insects and animals that come on
 4 campus, that would be a good idea.
 5 Q. Okay.
 6 A. As far as pesticides, I don't know how
 7 effective they are. I don't know the effects of
 8 it, you know, with students, you know, being in
 9 classrooms and with them spraying it. So I really
 10 couldn't say whether they should have pesticides or
 11 anything.
 12 Q. You are familiar with the bathrooms at
 13 Crenshaw?
 14 A. Yes.
 15 Q. Do you know how many bathrooms are
 16 accessible to the students at Crenshaw?
 17 A. At my school -- I mean when I was there, I
 18 guess you could say two, sometimes three, depending
 19 on what bathrooms students know about.
 20 Q. Okay. How many bathrooms are there on the
 21 campus at Crenshaw that you know of?
 22 A. That I know of? I'd say about possibly
 23 12. 10 to 12.
 24 Q. Can you describe to me where the bathrooms
 25 are on campus?

1 of roaches and spiders be eradicated at Crenshaw
 2 pursuant to this lawsuit.
 3 MR. FOX: Objection. Vague and ambiguous,
 4 calls for a legal conclusion.
 5 THE WITNESS: I'd say yes.
 6 BY MS. STRONG:
 7 Q. Do you have an idea of what it is you'd
 8 like the state to do to eradicate those problems at
 9 Crenshaw?
 10 MR. FOX: Same objections.
 11 THE WITNESS: No, I don't know the
 12 supplies or anything that they have in order to
 13 eradicate any insects or anything or prevent no
 14 other animals or anything from coming inside the
 15 building. I mean it's -- I mean as long as it's,
 16 you know, it's eradicated.
 17 BY MS. STRONG:
 18 Q. But you have nothing in mind specifically
 19 that you would like the state to do in reference to
 20 these issues, is that correct, that you can think
 21 of right now?
 22 A. Maybe as far as hiring people -- I don't
 23 know if they -- like I said, I don't know who
 24 does -- works with that kind of stuff, but probably
 25 hiring probably an insect inspector or something

1 A. I know there's a bathroom on each wing of
 2 the main building except on the first floor where
 3 there's only two. So if you think about for each
 4 wing, there's one bathroom on each wing. So that
 5 would be a total of maybe 8, 8 bat -- that would be
 6 a total of 8 bathrooms just in that building alone.
 7 There's one building in the environmental
 8 building -- I mean one bathroom in the
 9 environmental building. And I've seen other
 10 bathrooms, but I don't think they are accessible to
 11 students. Then again, it might be. But because
 12 they are closed or because they are locked most of
 13 the time, I mean I don't know.
 14 Q. Okay. And you said that there are
 15 bathrooms in each wing. How many wings are there
 16 in the main building?
 17 A. Three.
 18 Q. How many floors are in the main building?
 19 A. Three.
 20 Q. So there are three bathrooms on the third
 21 floor, three bathrooms on the second floor, and two
 22 bathrooms on the first floor in the main building;
 23 is that correct?
 24 A. Correct.
 25 Q. And does that mean that there are eight

1 girls and eight boys bathrooms, or is it something
2 other than that?
3 A. Most likely it's eight for male and
4 female, but it could be different.
5 Q. Okay. And the one bathroom located in the
6 environmental building, is there also a bathroom
7 for boys and girls there, so there are two
8 bathrooms there; is that correct?
9 A. Yes. Which would be a total of 18
10 bathrooms for male and female.
11 Q. And you said you've seen others. Can you
12 think of any others that you know are accessible to
13 students?
14 A. There's one --
15 MR. FOX: Objection. I don't think he
16 testified that all of those bathrooms were
17 accessible.
18 BY MS. STRONG:
19 Q. Okay. Can you think of any other
20 bathrooms -- that's correct.
21 Can you think of any other bathrooms on
22 campus?
23 A. There's one in the gym. Well, actually in
24 the locker room for men and there's one inside for
25 women. That's only if you have PE. So I really

1 that located?
2 A. It's on the first floor. It's called the
3 C wing. The wing when you first come to the
4 school, it's on the right side.
5 Q. And is that one of the two bathrooms that
6 you identified on the first floor of the main
7 building?
8 A. Yes.
9 Q. And the bathroom near the school entrance,
10 where is that?
11 A. That's when you first enter. It's about
12 maybe 10 feet away from the main entrance. It's
13 right in front of you when you first walk into the
14 school.
15 Q. So is that the other bathroom that's
16 located on the first floor of the main building?
17 A. Yes.
18 Q. And the bathroom that's on the second
19 floor in the middle wing that you identified as
20 having been in, do you know the name of the middle
21 wing?
22 A. I'm not sure if that's called the A wing
23 or the B wing, depending on how they label it.
24 Q. Do you know what classrooms it's by?
25 A. 218, I believe.

1 don't necessarily count those as bathrooms because
2 some students don't have PE.
3 There's one -- I don't know name of the
4 building but it's next to the MPR room, which is
5 the multipurpose room. I don't know if that's for
6 administrative use only. There's one inside the
7 MPR room, but it's not open as much. The only time
8 I believe it's open is when they have some kind of
9 event inside the MPR room.
10 Q. Any others you can think of?
11 A. That's all I can think of right now.
12 Q. Okay. Of the bathrooms that you've
13 identified, which ones have you been inside of?
14 A. Which one have I been what?
15 Q. Which ones have you been inside of?
16 A. Only three of them.
17 Q. Okay. Can you tell --
18 A. Actually four, four of them.
19 Q. Can you identify for me each of the four
20 bathrooms that you have been into?
21 A. The bathroom inside the boys gym, the
22 handicapped bathroom, the bathroom that's nearest
23 to the entrance of the school, and the bathroom on
24 the second floor in the middle wing.
25 Q. Okay. The handicapped bathroom, where is

1 MS. STRONG: Can we take a break?
2 (Recess.)
3 BY MS. STRONG:
4 Q. Let's start with the bathroom inside the
5 boys gym. Do you believe that there are any
6 problems inside the bathroom inside the boys gym?
7 A. Not anymore.
8 Q. Did you ever think that there were
9 problems inside the bathroom at the boys gym at
10 Crenshaw?
11 A. Yes.
12 Q. When did you think there were problems in
13 there?
14 A. During my 9th-grade year.
15 Q. What were the problems in the bathroom at
16 the boys gym?
17 A. Some of the stalls didn't work. Some of
18 the stalls backed up. Some of them the pipes were
19 out. And like I said, some were overflowed.
20 Q. Any other problems that you can identify
21 with that particular bathroom?
22 A. Graffiti. There was no paper towels.
23 That's it.
24 Q. Okay.
25 MR. FOX: For the record, when you say

1 stalls didn't work, you mean the toilets or the
2 stalls that you opened and closed?

3 THE WITNESS: Well, with the stall that
4 you open and close -- the door that you open and
5 close, only one of those worked. And the rest of
6 them didn't have any doors. And with the toilet
7 itself, they didn't work -- some of them didn't
8 work actually.

9 BY MS. STRONG:

10 Q. This is all in reference to the bathroom
11 inside the boys gym; is that correct?

12 A. Correct.

13 Q. How many times would you say you have been
14 in the bathroom located inside the boys gym?

15 A. I'd say at least three times a week.

16 Q. Three times a week?

17 A. Yes.

18 Q. While you were at Crenshaw?

19 A. Yes.

20 Q. Does that apply to the entire time that
21 you attended Crenshaw?

22 A. Yes.

23 Q. During your 9th-grade year, you said there
24 was only one door on one of the stalls; is that
25 correct?

1 noticed that one wasn't working; is that correct?

2 A. Correct.

3 Q. And what was it that you noticed about it
4 as to why it was backed up?

5 A. There was water everywhere. Not that I
6 looked at every toilet, but when I would walk in
7 you would notice the water there, and you would
8 look in that direction, and you would see that it
9 was either stopped up or flooded. Even when I
10 would be in the bathroom somebody else would say
11 something like, "Oh, it doesn't work."

12 Q. Okay. So you noticed water on the floor.
13 When you noticed water on the floor, did you always
14 assume that one of the bathrooms didn't work or --

15 A. No. Like I said, when you noticed the
16 water on the floor, you were looking in that
17 direction where the water was, you would look at
18 the toilet and you would see that it was stopped up
19 or overflowed.

20 Q. When you say you would see it was stopped
21 up, you would notice there were things in the
22 toilet, items in the toilet? Is that what you are
23 saying?

24 A. Correct.

25 Q. Do you know if maybe the toilet just

1 A. Correct.

2 Q. How many stars were in the bathroom?

3 A. I can't remember. It was maybe around
4 either four or five.

5 Q. And it was like that meaning it had one
6 door on one of the stalls for your entire 9th-grade
7 year; is that correct?

8 A. Correct.

9 Q. You said that sometimes the toilets were
10 backed up in that bathroom. Do you recall how many
11 times you saw a toilet backed up in that bathroom?

12 A. There was that -- I mean I can't recall
13 exactly, but there was at least one that didn't
14 work every time I did go inside the bathroom.

15 Q. Was it always the same toilet or did that
16 change?

17 A. It depend. It changed.

18 Q. So it wasn't the -- you mean you'd go in
19 and you'd notice that one of the four or five that
20 were there didn't work; is that correct?

21 A. Correct.

22 Q. Did you always look at every stall when
23 you went into that bathroom?

24 A. No.

25 Q. But regardless, every time you went in you

1 needed to be flushed under those circumstances one
2 way or the other?

3 A. The water was too high then.

4 Q. You said that the pipes were out in that
5 bathroom. What did you mean by that?

6 A. With some of the toilets there were pipes
7 that were missing from the back of the toilet which
8 didn't have any water in it, so it -- that was
9 probably one pipe that was probably missing from
10 the toilet. Basically it was out of order.

11 Q. And do you know -- are you referring to
12 one bathroom inside that bathroom located near the
13 boys gym?

14 A. One toilet?

15 Q. One toilet, correct.

16 A. Correct.

17 Q. And do you know how long that one toilet
18 was out of order for the reasons that you've just
19 identified?

20 A. No. I mean it wasn't like I would go
21 check on it every day.

22 Q. Do you have an idea as to approximately
23 how long it was out of order?

24 A. No.

25 Q. Okay. But it wasn't like that the whole

- 1 year?
 2 A. No.
 3 Q. Do you know if it was out of order for
 4 more than a week?
 5 A. Yeah.
 6 Q. Okay.
 7 A. Yes.
 8 Q. Was it less than two weeks?
 9 A. Like I say, I didn't check on it so it
 10 could have.
 11 Q. Okay.
 12 MR. FOX: Don't speculate.
 13 BY MS. STRONG:
 14 Q. You mentioned that there was graffiti in
 15 that bathroom. Can you describe to me what the
 16 graffiti like in the bathroom in the boys gym?
 17 A. There was green graffiti, black graffiti,
 18 blue graffiti. I can't remember exactly what it
 19 said so --
 20 Q. And did the graffiti on the bathroom --
 21 was it on the walls?
 22 A. Yes.
 23 Q. Do you know if the graffiti changed over
 24 the period of your 9th-grade year?
 25 A. I don't know.

- 1 Q. Is that when you had PE?
 2 A. Yes.
 3 Q. For the entire year of your 9th-grade
 4 year?
 5 A. Yes.
 6 Q. What period was that?
 7 A. 6th period.
 8 Q. Did you always look for paper towels when
 9 you went into that restroom?
 10 A. After I washed my hands, yes.
 11 Q. Did you wash your hands every time you
 12 went in that restroom?
 13 A. Yes.
 14 Q. Did you ever talk to anyone at your school
 15 about any of the issues that you've identified for
 16 me with respect to the boys bathroom near the gym?
 17 A. No.
 18 Q. So is it accurate to say that you never
 19 requested additional paper towels for that bathroom
 20 at any time to anyone at the school?
 21 A. Yes. I mean it's not my responsibility to
 22 do that, but yes.
 23 Q. Did the problems that you identified with
 24 respect to the bathroom near the boys gym ever get
 25 corrected at any point in time?

- 1 Q. Do you remember it ever being cleaned
 2 during your 9th-grade year?
 3 A. I don't no.
 4 Q. Do you remember it getting worse in your
 5 9th-grade year, in other words there being more
 6 graffiti on one wall as opposed to another?
 7 A. Yes.
 8 Q. What is it that you remember about that?
 9 A. Sometimes there were things that were
 10 crossed out and someone would put their graffiti up
 11 under theirs. I mean that was basically what it
 12 was. At one point it did get worse, I mean just by
 13 people doing that.
 14 Q. You said also there were no paper towels
 15 in that bathroom.
 16 A. Correct.
 17 Q. How many occasions do you recall there
 18 were no paper towels in the bathroom located by the
 19 boys gym?
 20 A. I'd say about 70 percent of the time I
 21 went to the bathroom.
 22 Q. At what time of day were you going into
 23 this bathroom?
 24 A. It was during the afternoon between 2:00
 25 and 3:00.

- 1 A. Yes.
 2 Q. Can you tell me what happened?
 3 A. Sometime during the middle of my
 4 10th-grade year there were a lot of holes in the
 5 wall that looked like they were doing repairs on
 6 the bathrooms as far as replacing pipes and
 7 everything. There was one toilet that, I believe,
 8 was taken out. They installed an air -- I don't
 9 know what you call it. What do you call it?
 10 Q. Hand dryers?
 11 A. Yeah, the hand dryers.
 12 Q. Okay.
 13 A. They also installed the motion detectors
 14 for the bathrooms like the ones you guys have.
 15 Q. The sensors?
 16 A. Yeah, the sensors. I mean even with that
 17 they were doing it while students were in school.
 18 I mean not working in the bathroom during school
 19 hours, but while students were in school which I
 20 thought they could have did that over the summer.
 21 Q. Did the construction relating to that
 22 restroom interfere with your use of that restroom?
 23 A. In a way it did.
 24 Q. Okay. And how is that?
 25 A. Because if they were taking out some of

1 the pipes, you couldn't use that certain stall.
 2 And then I mean with fewer -- with fewer toilets,
 3 you know, you have to wait in line. It wasn't a
 4 long line, but I mean just waiting in line just to
 5 use the bathroom. Also with you waiting in line it
 6 make the bathroom more crowded and that's about it.

7 Q. Did you ever have to wait in line to use a
 8 bathroom in -- use the restroom in that bathroom?

9 A. Yes.

10 Q. How many times did you have to wait in
 11 line?

12 A. Approximately, maybe 10 times.

13 Q. And this was just during the period of
 14 construction when they were fixing those bathrooms;
 15 is that correct?

16 A. Correct.

17 Q. Okay. And how long of the longest time
 18 you had to wait, do you think, when you were
 19 waiting in line to use the restroom?

20 A. Maybe -- I mean I wasn't clocking it.
 21 Maybe 5 to ten minutes.

22 Q. What was the average amount of time you
 23 had to wait to use the restroom, to the extent you
 24 can give your best estimate as to that?

25 A. Seven minutes.

1 Q. If you were to give your best estimate,
 2 would you say it was less than a month?

3 A. It was probably more than a month.

4 Q. Okay. With respect to the handicapped
 5 bathroom on the first floor in the main building,
 6 how many times have you been inside that bathroom?

7 A. Twice.

8 Q. During the two times that you have been
 9 inside that bathroom, did you notice anything that
 10 you believed to be a problem in that bathroom?

11 A. No, because it was -- I mean I think that
 12 was another one of the bathrooms that was
 13 converted. I don't know if that used to be a
 14 storage area, but it looked like it could have been
 15 a storage area. Even during my 9th-grade year, the
 16 beginning, first semester, I never noticed that
 17 bathroom there. There was no signs saying that it
 18 was a bathroom. And also not too many people knew
 19 about that bathroom. They passed by it so they
 20 didn't know if it was open or not.

21 Q. So is it accurate to say that you did not
 22 notice any problems the two times that you were in
 23 that handicapped bathroom; is that correct?

24 A. Correct.

25 Q. With respect to the third bathroom you

1 Q. At any one time during that period of time
 2 construction, was the most number of bathroom
 3 stalls that were closed to the students in that one
 4 bathroom?

5 A. Maybe two.

6 Q. So there were two or three others that
 7 were open during those times --

8 A. Correct.

9 Q. -- of construction?

10 Since that time when the construction
 11 occurred, have you had any problems with the
 12 bathroom located near the boys gym?

13 MR. FOX: Objection. Vague and ambiguous
 14 as to problem.

15 THE WITNESS: I haven't had any -- I mean
 16 there hasn't been any problems that I've had. I
 17 mean the graffiti started back up. That was it,
 18 which is not really a -- I mean it's an issue, but
 19 as far as using the bathroom it wasn't that much of
 20 a problem.

21 BY MS. STRONG:

22 Q. Do you know how long people were working
 23 on the bathrooms to renovate it, the one by the
 24 gym?

25 A. No. I can't remember.

1 identified as having been inside of, which was near
 2 the entrance of the school in the main building on
 3 the first floor, how many times have you been
 4 inside that bathroom?

5 A. I guess you could say maybe twice a week.

6 Q. And would you say that's accurate for the
 7 entire time that you attended Crenshaw?

8 A. No. I mean it wasn't twice every week.
 9 It was maybe -- it was twice -- it was twice, maybe
 10 two times, most of the weeks, the majority of the
 11 weeks.

12 Q. And during the times that you were in that
 13 bathroom located near the entrance of the school,
 14 did you notice what you believed to be problems in
 15 that bathroom?

16 A. Yes.

17 Q. Can you identify for me the things that
 18 you noticed as being problems in that bathroom?

19 A. There was only one door on one of the
 20 stalls. A lot of graffiti. The sinks didn't --
 21 some of the sinks didn't work. There were no paper
 22 towels. There was no trash can. There was a
 23 mirror that was all scratched up, had a lot of
 24 stickers on it. Military recruitment stickers. A
 25 lot of other stickers with graffiti on them.

1 Sometimes there would be like -- I don't
2 know what kind of odor it was, but it was more like
3 Pinesol odor. There was water on the floor most of
4 the time. That's about it.

5 Q. Okay. Did you say that -- you mentioned
6 something with respect to a door on the stall.
7 What was the problem that you identified with
8 respect to that?

9 A. There was only one stall on -- on one of
10 the -- there was only one door on one of the
11 stalls. I guess you could say one door out of
12 three stalls.

13 Q. Do you know how the other two doors were
14 removed?

15 A. Actually when I used them, there was no
16 sign that there was even a door there. There was
17 no sign of anything being screwed out or anything.

18 Q. Okay. So you have no understanding as to
19 why or how it was that two of the stalls were
20 missing doors; is that correct?

21 A. Correct.

22 Q. With respect to the graffiti in that
23 restroom, what was it that you noticed respect to
24 the graffiti?

25 A. In this bathroom there was a lot of

1 sink or sinks that didn't work?

2 A. No, I didn't notice that.

3 Q. So you don't know if a sink was repaired
4 and then another one would break down, or what the
5 sequence of events was relating to how the sinks
6 were working in that bathroom; is that correct?

7 A. Correct.

8 Q. Was there ever a time when you were in
9 that restroom when you were not able to use a sink
10 at all?

11 A. No.

12 Q. Did you ever have to wait in line to use a
13 sink in that restroom?

14 A. Yes.

15 Q. How many times do you think you had to
16 wait in line to use a sink in that restroom?

17 MR. FOX: Same objections as stated
18 earlier.

19 THE WITNESS: The majority of the time. I
20 mean I can't be exact. It was the majority of the
21 time, I know.

22 BY MS. STRONG:

23 Q. How long do you think you had to wait in
24 line when you did in fact have to wait in line to
25 use the sink?

1 graffiti. Some of the same graffiti I would see
2 when I came in a month later, there was same
3 graffiti still there. Basically I mean it was --
4 Basically graffiti was just building up.

5 Q. Do you ever remember the graffiti ever
6 being cleaned in any way?

7 A. No.

8 Q. You mentioned that some of the sinks
9 didn't work. Can you tell me how many times you
10 noticed that a sink didn't work in the restroom
11 near the entrance of the school?

12 A. The --

13 MR. FOX: Objection. Compound, complex.
14 He testified that he used the bathroom two times a
15 week for a period of a couple of years.

16 THE WITNESS: When I went into the
17 bathroom, I believe it was maybe -- I think there
18 was about two or three sinks. I would turn on one
19 but it didn't turn on, and go to another -- I mean,
20 go to the next one over.

21 Sometimes that one didn't even let out
22 enough water. So sometimes there would even be
23 only one sink that would work out of three.

24 BY MS. STRONG:

25 Q. Did you notice if it was always the same

1 A. Maybe three minutes.

2 Q. You stated that sometimes that bathroom
3 was without paper towels. Can you tell me how many
4 times you noticed that there were no paper towels
5 in that bathroom located near the entrance of the
6 school?

7 A. Just about all the time.

8 Q. When -- what time of day do you think it
9 was that you were using this restroom, if you
10 recall?

11 A. It was most of the time after school just
12 right after the bell rung to go home. There were
13 some times I would go in during lunch.

14 Q. Did you notice a difference in the
15 supplies with respect to the paper towels between
16 the times that you went in at lunch as opposed to
17 going in after school?

18 A. No.

19 Q. You said something with respect to the
20 trash can in that restroom. I didn't catch it.
21 What was it that you said with respect to the trash
22 can in that restroom?

23 A. Oh, no, there wasn't a trash can in the
24 restroom.

25 Q. Was there -- where was the nearest trash

1 can to that restroom that you can recall?
 2 A. Maybe around the corner from the bathroom.
 3 Q. What would students do with the paper
 4 towels?
 5 MR. FOX: Assumes facts.
 6 BY MS. STRONG:
 7 Q. If there ever were any.
 8 A. I don't know.
 9 Q. Did you ever use a paper towel in that
 10 bathroom?
 11 A. Maybe once.
 12 Q. And do you remember what you did with it,
 13 by any chance?
 14 A. Actually, I was wiping my hands as I was
 15 walking out. I threw it in the trash can when I
 16 got out.
 17 Q. That one that you were just referring to
 18 that was near the exit of the restroom?
 19 A. Actually, I --
 20 MR. FOX: Objection. Mischaracterizes his
 21 testimony.
 22 BY MS. STRONG:
 23 Q. I'm sorry?
 24 A. I can't remember.
 25 Q. You also identified some issues with

1 and white.
 2 Q. You mentioned that there was an odor to
 3 the bathroom that was something similar to a
 4 Pinesol smell; is that correct?
 5 A. Correct.
 6 Q. Was that true every time you went into
 7 that restroom?
 8 A. No.
 9 Q. How many times did you smell that odor
 10 while you were in that restroom located near the
 11 entrance to the school?
 12 A. I would have to say about maybe about
 13 30 percent of the time I went into the bathroom.
 14 Q. Did that odor bother you?
 15 A. Yes.
 16 Q. Why is that?
 17 A. Because the odor was like real strong. I
 18 mean with me, I mean Pinesol to me is real strong,
 19 is a real strong smell. Sometimes if I smelled it,
 20 I would go ahead and go to another restroom. And
 21 if there wasn't another one open, I would just hold
 22 it until after school, which became a distraction.
 23 It became a problem.
 24 I mean I can't speak for others. I mean
 25 as far as other students, I mean I know students

1 respect to the mirror in the restroom. I believe
 2 you said it was scratched and had stickers on it,
 3 and that some of the stickers had graffiti on it;
 4 is that correct?
 5 A. Yes.
 6 Q. Or I should say some of the stickers had
 7 graffiti on them.
 8 Did the condition of the mirror change
 9 during the years that you were at Crenshaw?
 10 A. No. Still got the same sticker. The one
 11 I could actually remember is the military
 12 recruitment sticker. I believe it was for the
 13 navy. And that's -- that was on there from the
 14 time I started at Crenshaw and the first time I
 15 used that bathroom until I left, until the last
 16 time I used it.
 17 Q. Why is it that that sticker is the one
 18 that you remember?
 19 A. Because it was there the whole time I was
 20 at Crenshaw.
 21 Q. Is there anything specific about that
 22 sticker that makes you remember it?
 23 A. It had a soldier sitting on it. It had a
 24 soldier on the sticker. The color of it was, most
 25 of it was black, I believe. I believe it had navy

1 noticed the odor, but I mean I can't really tell
 2 you, you know, that they -- I mean -- what they
 3 really did.
 4 Q. Do you also -- you also stated that there
 5 was water on the floor of that restroom located
 6 near the entrance of the school.
 7 How often did you notice that there was
 8 water on the floor of that restroom?
 9 A. Maybe about 40 percent of the time.
 10 Q. Where was the water located, if you can
 11 recall?
 12 A. Near the sinks.
 13 Q. With respect to the problems that you've
 14 identified relating to the bathroom near the
 15 entrance to the school, did you ever talk to anyone
 16 at the school regarding any of these issues
 17 relating to that bathroom?
 18 A. No.
 19 Q. Do you know if any of these issues that
 20 you've identified were ever addressed by the
 21 school?
 22 A. No.
 23 Q. So do you know if the school has placed
 24 doors on the two other stalls in that restroom that
 25 you said were missing?

1 A. Since I have been gone?
 2 Q. At any time.
 3 A. Not that I know of.
 4 Q. When was the last time that you were in
 5 that restroom?
 6 A. Maybe the late part of February.
 7 Q. Of 2001?
 8 A. Yes.
 9 Q. Do you know if that bathroom was ever
 10 painted since the time you started attending
 11 Crenshaw until now?
 12 A. Not that I noticed.
 13 Q. Do you know if a sink was ever repaired in
 14 that restroom since the time you started attending
 15 Crenshaw?
 16 A. Not that I noticed.
 17 Q. I believe you did testify earlier that you
 18 don't recall it always being the same sink that
 19 didn't work in that restroom; is that correct?
 20 A. Correct.
 21 Q. So it's possible that some of the sinks
 22 were being repaired and others were breaking; is
 23 that correct?
 24 MR. FOX: Objection. Calls for
 25 speculation.

1 THE WITNESS: I don't know.
 2 BY MS. STRONG:
 3 Q. Do you know if they -- if that restroom
 4 had an air hand dryer in it?
 5 A. No, it didn't.
 6 Q. With respect to the fourth restroom that
 7 you have been inside of at Crenshaw, which is the
 8 bathroom on the second floor in the middle wing
 9 which you believe is by room 218 --
 10 A. Correct.
 11 Q. -- how many times have you been in that
 12 restroom?
 13 A. It wasn't that often. Maybe six times.
 14 Q. Do you remember when you used that
 15 restroom? Was there a specific time period?
 16 A. No.
 17 Q. Was this six times over the course of your
 18 two years of being there then?
 19 A. Yes.
 20 Q. During the six times that you were in that
 21 restroom, did you notice anything that you believed
 22 to be a problem in that bathroom?
 23 A. Yes. The last time I used it, I don't
 24 know if it was being worked on or I mean during
 25 school hours or what, but when I went in there

1 was -- what do you call the -- a wheelbarrow with
 2 cement on it. Some of the tiles were pulled up. I
 3 notice they have like a little bit of cement inside
 4 the barrel. One of the stalls was taken out.
 5 Other than that, that's all I can remember.
 6 Q. Are these all items you noticed the last
 7 time you were in that restroom?
 8 A. Yes.
 9 Q. Prior to the last time that you were in
 10 that restroom, did you ever notice anything that
 11 you identified as a problem in that bathroom?
 12 A. Graffiti. Sinks being stopped up or
 13 backed up.
 14 Q. Anything else?
 15 A. That's it.
 16 Q. With respect to the graffiti in the
 17 bathroom on the second floor of the main building
 18 near room 218, did you notice a change in the
 19 graffiti over the times that you went into that
 20 restroom?
 21 A. No. I mean it wasn't cleaned up I mean
 22 right away. And then again it wasn't add on, so
 23 the graffiti. Other than that --
 24 Q. Where was the graffiti in that restroom?
 25 A. On the walls.

1 Q. Okay. And do you think it was ever clean
 2 that you noticed?
 3 A. That I noticed, no.
 4 Q. But it didn't really seem to get worse?
 5 It pretty much stayed at a constant during the time
 6 that you went into the restrooms that you could
 7 notice?
 8 A. Yes.
 9 Q. And with respect to sinks being backed up,
 10 how many times did you notice that a sink was
 11 backed up in the restroom on the second floor by
 12 room 218?
 13 A. Maybe 70 percent of the time go into the
 14 bathroom.
 15 Q. You said you used that restroom about six
 16 times. So how many times would you say the sink
 17 was backed up?
 18 A. I would say maybe -- I guess you could say
 19 5 times that I have been in there it was backed up.
 20 Q. Okay. And how many sinks are in that
 21 restroom?
 22 A. I believe two. I can't remember, but I
 23 think two.
 24 Q. Okay. And each of the times you recall a
 25 sink being backed up, was the other sink working?

- 1 A. Yes.
 2 Q. Do you recall if it was always the same
 3 sink that was backed up in that restroom?
 4 A. I can't remember.
 5 Q. Did you have to wait in line to use the
 6 sink in that restroom?
 7 A. No.
 8 Q. How many stalls or toilets were there in
 9 that restroom?
 10 A. I believe three.
 11 Q. With respect to the last time that you
 12 went into the restroom and you noticed a
 13 wheelbarrow and tiles pulled up and one stall had
 14 been taken out, did you ever go into -- do you know
 15 if they were renovating the restroom in a manner
 16 similar to what they had done with the restroom by
 17 the gym?
 18 A. I wouldn't know.
 19 Q. You said one stall was taken out. What do
 20 you mean by that?
 21 A. There was no stall -- there was no stall
 22 there where it was supposed to be placed.
 23 Q. Was the toilet taken out?
 24 A. Yes.
 25 Q. Were you able to use the restroom that

- 1 Q. Do you know if you can talk to a teacher
 2 or a janitor or anyone in the office at Crenshaw
 3 regarding issues relating to bathrooms?
 4 MR. FOX: Objection. Vague and ambiguous.
 5 THE WITNESS: I wouldn't know who to go
 6 talk to or anything like that. I mean it's not my
 7 responsibility.
 8 BY MS. STRONG:
 9 Q. Whose responsibility is it to identify
 10 problems in the bathrooms at Crenshaw in your mind?
 11 A. I really wouldn't know. But I mean if you
 12 consider a janitor that's supposed to fix the
 13 bathrooms or supposed to clean objects at the
 14 school, I mean you would think that that janitor
 15 would walk in and notice there's no paper towels so
 16 therefore they will replace them. So in my mind
 17 the janitor is the one who is supposed to make sure
 18 all the supplies are there, make sure all the
 19 facilities are fixed.
 20 Q. Did you ever leave school to use a
 21 restroom somewhere else --
 22 A. No.
 23 Q. Because you -- sorry. Because you didn't
 24 want to use a restroom on campus?
 25 A. No.

- 1 time that you went in and you saw the wheelbarrow
 2 there?
 3 A. Yes.
 4 Q. Did you ever talk to anyone at your school
 5 regarding any of the bathrooms that you were in on
 6 the campus at Crenshaw?
 7 A. No.
 8 Q. Is it correct then to say that you never
 9 talked to anyone at the school with respect to
 10 needing more paper towels in any of the bathrooms
 11 at Crenshaw; is that correct?
 12 A. Correct.
 13 Q. Do you know whose responsibility it is at
 14 Crenshaw to clean the restrooms?
 15 A. No.
 16 Q. Have you ever seen anyone cleaning the
 17 restrooms at Crenshaw?
 18 A. No.
 19 Q. Have you ever seen a janitor in any of the
 20 restrooms at Crenshaw?
 21 A. No.
 22 Q. Was there a hand dryer in that fourth
 23 bathroom which was on the second floor near room
 24 218?
 25 A. No.

- 1 Q. Do you know if anyone else -- I'm sorry.
 2 Do you know of any student who left school because
 3 they didn't want to use one of the bathrooms on
 4 campus?
 5 A. No.
 6 Q. If you were to compare the restrooms that
 7 you have been in at your school with restrooms at
 8 an amusement park, how would you say they compare?
 9 MR. FOX: Objection. Vague and ambiguous
 10 calls for speculation, lacks foundation.
 11 THE WITNESS: To me, I would say there's
 12 no comparison.
 13 BY MS. STRONG:
 14 Q. What amusement park have you been -- what
 15 amusement park have you been to where you have been
 16 in the restrooms that you can use as a basis for
 17 comparison?
 18 A. Disneyland, Magic Mountain, Knox, county
 19 fair. I mean they have porta potties and it still
 20 looks better, to tell you the truth.
 21 Q. You think that those restrooms in the
 22 amusement parks are better than the ones in your
 23 school?
 24 A. Yes.
 25 Q. And what are the things that are better

- 1 about those restrooms?
 2 A. Well, they have paper. Their sinks work.
 3 Although you do see graffiti, it's not as much as
 4 when you are at school. Basically everything works
 5 inside the restroom.
 6 Q. Have you ever seen any students do
 7 anything that would cause some of the problems that
 8 you've identified with the restrooms at Crenshaw?
 9 A. No.
 10 Q. You've never seen a student graffiti on
 11 the walls?
 12 A. No.
 13 Q. Have you ever seen students do anything to
 14 clog either the sinks or the toilets in the
 15 restrooms?
 16 A. No.
 17 Q. When you said that you noticed some sinks
 18 that didn't work, how did you know that they didn't
 19 work?
 20 A. I tried turning them on and they didn't
 21 work.
 22 Q. Okay. So it was the faucet that didn't
 23 work; is that correct?
 24 A. Correct.
 25 Q. It wasn't that they were clogged?

- 1 MR. FOX: Calls for speculation.
 2 THE WITNESS: No.
 3 BY MS. STRONG:
 4 Q. Okay. Now, are any of the restrooms at
 5 Crenshaw ever locked?
 6 A. Yes.
 7 Q. Okay. Which restrooms do you believe are
 8 locked at Crenshaw?
 9 A. All the other bathrooms that I named, that
 10 I haven't been in, that I didn't go in.
 11 Q. So with respect to the main building, you
 12 believe that out of the eight restrooms, eight boys
 13 rooms that you identified in that building --
 14 A. Five.
 15 Q. -- only three are open to students?
 16 A. Correct.
 17 Q. And the remaining restrooms are always
 18 locked is that your testimony?
 19 A. Every time I've tried to go to those
 20 restrooms they were locked.
 21 Q. Okay. How many times did you try to go to
 22 the restrooms, if you can recall?
 23 A. I don't know individually, but as a whole,
 24 maybe about ten times.
 25 Q. Okay. Now, do you know at what time of

- 1 A. There was maybe a few occasions where they
 2 were clogged. I don't know with what, but I mean
 3 not anything you can actually see that was visible.
 4 Q. Okay. You know that fire that you
 5 identified earlier that was in a bathroom that you
 6 noticed when you were out by the bungalows. Do you
 7 recall --
 8 A. No, I didn't notice it. I noticed it
 9 while I was in the bungalow. I noticed it while I
 10 was on my way to another class.
 11 Q. From the bungalows?
 12 A. Yes.
 13 Q. You recall that testimony; right?
 14 A. Yes.
 15 Q. Do you know how that fire was started?
 16 A. No, I don't.
 17 Q. Do you know if it was a student that was
 18 responsible for that being started?
 19 MR. FOX: Asked and answered.
 20 THE WITNESS: No.
 21 BY MS. STRONG:
 22 Q. Okay. Do you know which restrooms are
 23 used the most at your school? I'm sorry. Let me
 24 clarify. Do you know what restrooms are used the
 25 most at Crenshaw?

- 1 day those other restrooms are locked?
 2 A. Some during lunch, some during the passing
 3 periods. I know there was a few during class.
 4 MR. FOX: Clarification. These are times
 5 that you tried them or --
 6 THE WITNESS: Times that I tried them.
 7 BY MS. STRONG:
 8 Q. Do you know why those restrooms are ever
 9 locked?
 10 A. No.
 11 Q. Did you ever talk to anyone at the school
 12 about those restrooms being locked at any time?
 13 A. There was a teacher I did ask if he could
 14 open the restroom because I did see him opening it
 15 at one time so he can go use the restroom. He told
 16 me that I couldn't go because it wasn't lunch yet.
 17 And other than that, that was the only time that I
 18 talked to someone about that.
 19 Q. Do you remember who the teacher was that
 20 you spoke with?
 21 A. No. All I know is he was right across the
 22 hall from the restroom.
 23 Q. He wasn't one of your teachers?
 24 A. No.
 25 Q. Is that accurate to say that he wasn't one

1 of your teachers?
 2 A. Yes.
 3 Q. Did you ask him if he would open that
 4 restroom for you at lunchtime?
 5 A. No.
 6 Q. Did you check to see if that restroom was
 7 open at lunch that day that you spoke to that
 8 teacher?
 9 A. No.
 10 Q. Do you remember which restroom it was that
 11 you were talking about?
 12 A. The one like I said, I'm not sure of the
 13 wings. I believe it's the C wing. The hallway
 14 when you enter the school on the right.
 15 Q. What floor was that on?
 16 A. The second floor.
 17 Q. Did you have to get a bathroom pass to use
 18 a bathroom during class?
 19 A. Yes.
 20 Q. And this applies to each of the teachers
 21 that you had at Crenshaw?
 22 A. Yes.
 23 Q. And did you ever ask any of your teachers
 24 that you had to open a bathroom for you to use?
 25 A. On one occasion I did, but the teacher

1 Q. And is that what he said to you or how do
 2 you know that?
 3 A. Because actually during when I was in 9th
 4 someone asked if he can open the doors to the
 5 restroom, and he told them that he didn't have a
 6 key. And just so happened I asked him during
 7 10th-grade year, I mean not that I forgot or
 8 anything, but he probably did have a key on him and
 9 he told me he didn't have a key.
 10 Q. So it wasn't you that asked him in
 11 9th grade? Other students asked him in 9th grade,
 12 is that you what you testified to?
 13 A. Yes.
 14 Q. Other than Mr. Hornbeck, did you ever ask
 15 any of your other teachers to open a bathroom for
 16 you to use?
 17 A. No.
 18 Q. Are you aware of any other student that
 19 was able to have a bathroom opened by one of their
 20 teachers?
 21 A. No.
 22 Q. Was there ever a time when you needed to
 23 use a restroom at Crenshaw and you unable to
 24 because the bathroom was open -- I'm sorry, because
 25 the bathroom was locked?

1 didn't have a key.
 2 Q. Do you know who that was that you spoke
 3 with about that?
 4 A. Mr. Hornbeck.
 5 Q. So that was during your 9th-grade year?
 6 A. No. It was actually during my 10th-grade
 7 year.
 8 Q. Did you have Mr. Hornbeck during
 9 9th grade, though?
 10 A. Yes, I did. But it was during lunch that
 11 I asked him for the key.
 12 Q. Okay. Was Mr. Hornbeck out of the class
 13 at the time you saw him and asked him to use the
 14 restroom.
 15 A. Yes.
 16 Q. Do you know one way or the other if
 17 Mr. Hornbeck had a key inside his class?
 18 A. Inside of his class?
 19 Q. For the restroom.
 20 A. At the time I asked him, he told me he
 21 didn't have a key. So --
 22 Q. You don't know if that meant on him as
 23 opposed to --
 24 A. No. No, he didn't have a key for that
 25 restroom, period.

1 A. Yes.
 2 Q. Can you describe to me what happened at
 3 that time?
 4 A. I can't remember exactly what happened.
 5 But I know that there were times that I had to use
 6 the restroom. And because they were locked I had
 7 to wait after school. Basically every time, but I
 8 believe one time I would -- I had to wait until I
 9 got home because I had to catch the magnet bus.
 10 Q. How many times would you say that you
 11 wanted to use a restroom but couldn't because the
 12 restrooms were locked?
 13 A. Maybe about six times.
 14 Q. Do you remember when this happened?
 15 A. No.
 16 Q. The other four restrooms that you
 17 identified as having been inside of, those
 18 restrooms are always open; is that correct?
 19 A. That I know -- every time I've went, they
 20 were.
 21 Q. So on those six occasions where you
 22 believe that you were unable to use a restroom
 23 because they were locked, you didn't try to go to
 24 one of those four restrooms; is that correct?
 25 A. No. I mean it's correct. See, because I

1 was in the bungalows and the bungalows, it's away
2 from the -- away from the main building. And the
3 bungalows do not have any restrooms.

4 Q. What is the closest restroom to the
5 bungalows?

6 A. The boys PE locker restroom. But even
7 then the gate is locked as soon as the tardy bell
8 rings.

9 Q. When does the tardy bell ring?

10 A. Approximately what time?

11 Q. I assume the tardy bell rings periodically
12 throughout the day, correct?

13 A. Yes.

14 Q. Is it -- does the tardy bell ring at the
15 beginning of each class period; is that correct?

16 A. Yes.

17 Q. Do you know when the gate that is located
18 near the E PE restroom is reopened after it's
19 locked for the tardy bell?

20 A. When the bell rings for students to go to
21 the next class, go to nutrition lecture or go home.

22 Q. Is it correct to say once that gate is
23 closed you have no access to the boys PE restroom,
24 correct?

25 A. Correct.

1 on the first floor of the main building by the
2 entrance; is that correct?

3 MR. FOX: Objection. Assumes facts.

4 THE WITNESS: Correct.

5 MR. FOX: Vague and ambiguous as to
6 "near."

7 BY MS. STRONG:

8 Q. On the occasions that you are thinking of
9 where you think that you had to hold off using a
10 restroom until you got home, did you try to use the
11 restroom near the front of the school?

12 MR. FOX: Objection. Asked and answered.
13 I believe he already testified that he didn't have
14 time.

15 THE WITNESS: Correct, I didn't have no
16 time.

17 MS. STRONG: I don't think there's any
18 testimony about him not having time. Please don't
19 coach the witness.

20 MR. FOX: When we go back and look at the
21 transcript, I think you'll see it.

22 BY MS. STRONG:

23 Q. Do you know what time the bank magnet bus
24 would leave the campus at Crenshaw to take students
25 home?

1 Q. Do you know if the PE restroom is open
2 after school is over?

3 A. Not that I know of.

4 Q. You had PE during 6th period during
5 9th-grade year, correct?

6 A. Correct.

7 Q. When did you have PE for your 10th grade?

8 A. When?

9 Q. When?

10 A. Second period -- no, first period. Second
11 period. Second period.

12 Q. During your first year, which was the
13 9th-grade year at Crenshaw, you never had to wait
14 to get home to use the restroom because you were in
15 6th period and had access to the PE restroom; is
16 that correct?

17 A. Correct.

18 Q. So if you ever had to wait until you got
19 home to use the restroom, that would have occurred
20 during your 10th-grade year?

21 A. Correct.

22 Q. And where is it that you catch the bus to
23 go home from the Crenshaw?

24 A. In front of the school.

25 Q. That's located near the bathroom that goes

1 A. I believe around 3:15, 3:20?

2 Q. And do you know -- you may have already
3 testified to this -- what time classes end at
4 Crenshaw?

5 A. 3:10.

6 Q. The last bell rings at 3:10?

7 A. Right.

8 Q. Is that every day of the week?

9 A. Except when we have minimum days or short
10 days, which is not often. Maybe twice a month.

11 Q. Did you ever ask your bus driver on the
12 times that you felt you needed to use the restroom
13 but felt you didn't have time at the end of the
14 school day, did you ever ask her if she would wait
15 for you to use the restroom at the front of the
16 school?

17 A. No.

18 Q. And is it accurate to say that each of the
19 six times that you recall not being able to use a
20 restroom because the bathroom was locked, those
21 were times when you needed to use the restroom at
22 6th period or after?

23 A. No. They were actually sometimes it was
24 during 5th -- no. Yeah, around 5th period,
25 sometimes around during 5th period.

1 Q. So either 5th or 6th period?
 2 A. Correct.
 3 Q. And did you ever try and go to one of the
 4 open bathrooms during the passing period between
 5 5th and 6th period?
 6 A. No, because I didn't have a pass. And if
 7 I was to go to one of those restrooms and was late
 8 for class, that would have been my fault.
 9 Q. And on those days that you recall not
 10 being able to get to an open bathroom, did you ask
 11 for a bathroom pass from your teacher on those days
 12 during either 5th or 6th period?
 13 A. Yes, I did.
 14 Q. And what happened?
 15 A. I was told that I couldn't have a pass. I
 16 should have went during lunch. The bell is about
 17 to ring.
 18 Q. And that was for each of the six times
 19 that you recall that you were unable to get to a
 20 restroom?
 21 A. Correct.
 22 Q. So for those times it wasn't just that you
 23 weren't able to use the restroom because the
 24 bathroom was locked, it was really that you weren't
 25 able to get out of class to get to one of the open

1 of the girls bathrooms at Crenshaw?
 2 A. No.
 3 Q. And have you now told me everything you
 4 know with respect to issues you believe to be
 5 problems with the bathrooms at Crenshaw?
 6 MR. FOX: Objection. Vague and ambiguous.
 7 THE WITNESS: That I can think of.
 8 BY MS. STRONG:
 9 Q. Okay. Are the items that you identified
 10 as problems with respect to the bathrooms at
 11 Crenshaw items you hoped to see corrected through
 12 this litigation?
 13 A. Yes.
 14 Q. Do you know if there's graffiti in the
 15 halls at Crenshaw?
 16 A. There are some graffiti in the halls, in
 17 the hallways.
 18 Q. Do you ever remember any graffiti in the
 19 halls being cleaned at any time?
 20 A. No.
 21 Q. Do you remember where you saw graffiti in
 22 the halls at Crenshaw?
 23 A. They were mostly in the stairwell.
 24 Q. Do you not recall any in the hallways
 25 other than the stairwells; is that correct?

1 restrooms?
 2 A. I would have to say maybe three times -- I
 3 don't know -- six, that's what occurred.
 4 Q. What about the other three times?
 5 A. Bus issues, as far as me trying to get out
 6 to the bus.
 7 Q. Meaning you didn't really have to go while
 8 you were in class during 6th period, but you didn't
 9 have enough time --
 10 A. I mean I did have to go, but then again I
 11 mean --
 12 Q. You didn't ask the teacher?
 13 A. No. It -- I didn't really have to go that
 14 bad. I went ahead and waited until I got home.
 15 And plus, I already knew what the answer was going
 16 to be anyways, so it didn't real make sense for me
 17 to.
 18 Q. Those times it wasn't because a bathroom
 19 was necessarily locked that you couldn't go to the
 20 bathroom either on those occasions; is that
 21 correct?
 22 A. Correct.
 23 (Recess.)
 24 BY MS. STRONG:
 25 Q. Do you know anything about the conditions

1 A. There were some on doors.
 2 Q. What doors were you referring to?
 3 A. Classroom doors.
 4 Q. And do you ever recall the stairwell ever
 5 being cleaned at Crenshaw?
 6 A. Yes.
 7 Q. And is that -- I'm sorry. What do you
 8 recall about that?
 9 A. They were painted. But when they were
 10 painting it, they didn't give it enough time to dry
 11 for the students to walk down the stairs. There
 12 were times where students would walk down the
 13 stairs and their jacket would have paint on it.
 14 Even myself, I had a whole line of paint on my side
 15 of the jacket one time. Some students would have
 16 paint all around their whole jacket.
 17 I recall one student he had paint all
 18 around his jacket. I mean that was the only jacket
 19 he had and he ended up wearing it to school inside
 20 out.
 21 Q. Do you recall the stairwells being painted
 22 more than one time while you were at Crenshaw?
 23 A. Yes.
 24 Q. How many times do you recall the
 25 stairwells being painted?

1 A. Maybe three times every two months.
 2 MR. FOX: I'm sorry, I didn't understand
 3 that answer.
 4 THE WITNESS: Yeah, two times every -- no,
 5 three times every two months.
 6 BY MS. STRONG:
 7 Q. Okay. Do you recall any other parts of
 8 the school being painted other than the stairwells,
 9 while you were at Crenshaw?
 10 A. No.
 11 Q. Do you know why the school painted the
 12 stairwells three times every two months?
 13 A. No. I mean I know there was graffiti
 14 there, so that's the only reason I could think. I
 15 mean it wasn't exactly three times every two
 16 months, but about an estimate of three times every
 17 two months. It wasn't scheduled or anything.
 18 Q. So do you think that they were doing it to
 19 try and control the graffiti in the stairwells? Is
 20 that your perception of what was going on?
 21 A. Possibly.
 22 Q. Have you ever seen students writing on any
 23 of the walls at the school?
 24 A. No.
 25 Q. Are there any conditions at Crenshaw that

1 I believe you've already testified that
 2 there are computers that are available to students
 3 at the school; is that correct?
 4 A. Correct.
 5 Q. Okay. Can you describe to me what type
 6 of -- how many computers are available to students
 7 at the school that you know of?
 8 A. That I know of? I don't know the exact
 9 count inside the classrooms, but there was about
 10 maybe 10 in the library, and I know there was five
 11 in Mr. Hornbeck's class.
 12 Q. When you say there are 10 in the library,
 13 was that considered a computer lab?
 14 A. I don't know. I know there was a class
 15 that -- there was a computer lab class. But as far
 16 as whether everybody used those computers without
 17 having to be in that class, I don't know.
 18 Q. Okay. So there are 10 in the library, 5
 19 in Mr. Hornbeck's class, and there's also a
 20 computer lab that is used for computer classes on
 21 the campus; is that correct?
 22 A. Like I said, I don't know. Well, I know
 23 they have classes in there, but I don't know if
 24 students are using them if they are not in that
 25 class.

1 you would describe as unsanitary or unhealthful
 2 that you have already not -- that you have not
 3 already testified to during your depositions?
 4 A. Not that I --
 5 MR. FOX: Objection. Compound, complex.
 6 THE WITNESS: Not that I can think of
 7 right now.
 8 BY MS. STRONG:
 9 Q. The library at Crenshaw, do you know the
 10 hours that it's open?
 11 A. No.
 12 Q. I know that you testified earlier that you
 13 have gone to your library on a couple of occasions.
 14 Do you know how many times you've been to the
 15 library at Crenshaw?
 16 A. Maybe 15 times.
 17 Q. Have you ever checked out a book from the
 18 library at Crenshaw?
 19 A. Not that I can remember, no.
 20 Q. Do you have any idea of the size of the
 21 collection in the library?
 22 A. No.
 23 Q. We briefly began to talk about some of the
 24 computer resources at Crenshaw during a prior
 25 session of your deposition.

1 Q. Okay. And do you know if there were ever
 2 computers in any of your classes other than
 3 Mr. Hornbeck's class?
 4 A. There were some in Miss Beasley's class.
 5 Q. Do you know how many there were?
 6 A. I believe two.
 7 Q. Any computers in any others of your
 8 classes?
 9 A. None that I can remember.
 10 Q. Do you know if the computers in the
 11 library had Internet access?
 12 A. Yes, they did.
 13 Q. And that was during your 9th and
 14 10th-grade years at Crenshaw?
 15 A. Yes.
 16 Q. Was there ever a time that you went in to
 17 the library and tried to use a computer but were
 18 not able to access the Internet?
 19 A. As far as the availability of computers or
 20 whether a computer did not have Internet?
 21 Q. Well, did you ever use the computers in
 22 the library?
 23 A. Yes.
 24 Q. And was there ever a time that you tried
 25 to use a computer at the library and you were not

1 able to access the Internet for any reason?
 2 A. Yes.
 3 Q. And can you describe to me -- well, how
 4 many times did that occur?
 5 A. Maybe about 15 times.
 6 Q. Are you telling me that you tried to use a
 7 computer every time you went into the library at
 8 your school?
 9 A. Not every time. No, actually, you know --
 10 Q. Because I think --
 11 A. Yeah. Yeah --
 12 Q. Because you just testified that you think
 13 you went in about 15 times.
 14 A. There was maybe one occasion where I did
 15 go in where I didn't have to use the Internet.
 16 Q. Okay. But almost every time that you went
 17 into the library, you did so to use the Internet;
 18 is that correct?
 19 A. Correct.
 20 Q. And so how many times was it that you went
 21 in and you weren't able to use the Internet for
 22 some reason or another?
 23 A. Like I say, maybe 10 or 15 times. Most of
 24 the time I went to library to use the computer.
 25 I can only remember one time I did go to

1 were unable to access the Internet because the
 2 Internet was down?
 3 A. Out of those 15, maybe several times.
 4 Q. Okay. When was it that you would try and
 5 go and use the computers in the library?
 6 MR. FOX: Objection.
 7 BY MS. STRONG:
 8 Q. I'm sorry. What time of day is what I'm
 9 specifically asking.
 10 A. Sometimes in the morning and sometimes
 11 during lunch.
 12 Q. When you say the morning, is that before
 13 school?
 14 A. Correct.
 15 Q. Were you ever unable to use the Internet
 16 in the morning because there were no computers
 17 available in the library?
 18 A. No.
 19 Q. So the only times that you ever had a
 20 problem actually getting onto a computer would have
 21 been during lunch; is that correct?
 22 A. Correct.
 23 MR. FOX: Due to the use by other
 24 students?
 25 MS. STRONG: Correct.

1 the library where I didn't use the computer, where
 2 it didn't require me to use the computer.
 3 Q. How many times do you think you actually
 4 used the computer when you were in the library?
 5 A. I can't remember.
 6 Q. Approximately.
 7 A. Probably more than five, less than -- less
 8 than 10. I mean because I'm not too sure. I mean
 9 it was like every now -- not even every now and
 10 then, but when I would go in.
 11 Q. Okay. So there are approximately --
 12 between 5 and 10 times when you actually were able
 13 to use a computer, and were you also able to use
 14 the Internet at that time?
 15 A. Correct, yeah.
 16 Q. Okay. Now, so we have between another 5
 17 and 10 times where you went in to use the computer
 18 and the Internet and for some reason you were
 19 unable to; is that correct?
 20 A. Correct.
 21 Q. And why was it that you were unable to use
 22 the Internet on those occasions?
 23 A. All the computers were being used. And
 24 there were times where the Internet was down.
 25 Q. How many times did you go in there and you

1 THE WITNESS: Correct.
 2 BY MS. STRONG:
 3 Q. Did Mr. Hornbeck incorporate computer
 4 usage into his lesson plans in his class?
 5 A. As far as the students using his class,
 6 because there was not that many -- there wasn't
 7 enough computers for everybody to use not during
 8 class.
 9 Q. Did he incorporate it into his class in
 10 some other way?
 11 A. Yes.
 12 Q. How was that?
 13 A. We were doing certain assignments, he
 14 would recommend that we would go on the Internet
 15 and look up certain -- certain parts of the
 16 assignment. It wasn't a -- it wasn't necessarily
 17 that we had to because of the number of computers
 18 he had. Other than that, that's it.
 19 Q. Did he ever offer students the opportunity
 20 of coming in at some time outside of class time to
 21 use the Internet?
 22 A. Yes.
 23 Q. Okay. And what was the policy with
 24 respect to that?
 25 A. There really wasn't a policy. As long as

1 everyone was doing works. Or if no one had to do
2 the work, students could use the computers.

3 Q. When was it that he could have computers
4 available to students outside of class time?

5 A. During lunch.

6 Q. Was there ever a time that you went into
7 Mr. Hornbeck's class during lunch and you were
8 unable to use the computer for some reason?

9 A. Yes.

10 Q. And when was that?

11 A. I can't remember the exact times. Maybe
12 about -- maybe five times.

13 Q. Do you remember why it was on each of
14 those occasions that you were unable to use a
15 computer?

16 A. Maybe four times it was because the
17 computers didn't work. And the other time was
18 because there weren't enough computers.

19 Q. Meaning there were -- the one time all of
20 the computers were being used by students; is that
21 correct?

22 A. Correct.

23 Q. And these four other times when you said
24 the computers didn't work, are you talking about
25 the access to the Internet was down for some

1 A. I just asked him, you know, how come the
2 computers weren't working. He told me he didn't
3 know. Usually when the computers aren't working
4 I'm the one who fixes the computers. Simply
5 because I know a lot about computers.

6 There were a couple times, the reason it
7 was down for about a month because when I tried to
8 fix one of the computers there was no way I could
9 fix it and he had to wait until one of the computer
10 technicians came in to fix the problem.

11 Q. The situation with respect to computers at
12 Crenshaw, are you seeking to impact that situation
13 all in reference to this suit?

14 MR. FOX: Objection. Vague and ambiguous,
15 calls for a legal conclusion.

16 THE WITNESS: In a way, yes.

17 BY MS. STRONG:

18 Q. In what way is that?

19 A. Because I mean there's only 5 computers
20 for students to use in each class. Not even in
21 each class -- I don't know if -- I'm sure there's
22 some classes that don't have computer access. I
23 mean you have a lot more -- well, for me I have a
24 lot more assignments that required to use the
25 computers as far as typing. So it's becoming a

1 reason?

2 A. Actually all the computers didn't work,
3 period.

4 Q. And why was that, do you know?

5 A. No, I don't.

6 Q. Was that problem corrected?

7 A. Yes.

8 Q. Do you know how long the computers were
9 not working in that class?

10 A. No more than -- sometimes they would be
11 about a month. Sometimes it would be a couple of
12 days. And then there were times where maybe the
13 third or fourth time a computer has stopped
14 working, it couldn't be fixed, so there was only
15 maybe one or two periods that it would work.

16 Q. Do you remember a month period of time
17 where none of the computers worked in
18 Mr. Hornbeck's class; is that correct?

19 A. Correct.

20 Q. And you don't know why they didn't work?

21 A. No, I don't.

22 Q. Did you ever talk to Mr. Hornbeck about
23 that?

24 A. Yes, I did.

25 Q. And what did he tell you?

1 resource for students. Also you have a lot of
2 students that don't have access to a computer and
3 they are computer illiterate and some students
4 don't have access to a computer at home. And with
5 them having computers at school, that offer a way
6 for them to complete their work and actually do a
7 better job on their work.

8 Q. What is it specifically that you are
9 seeking in this lawsuit with respect to computers
10 at Crenshaw?

11 MR. FOX: Same objections.

12 THE WITNESS: If anything, more computers.
13 And if we do have more computers, computers that
14 work.

15 Q. You did state that there are computers
16 classes offered at Crenshaw; is that correct?

17 A. No, I don't believe I did.

18 Q. You said that there was a lab that was
19 used for computer classes that you thought was used
20 for computer classes.

21 A. Okay, yes. There are classes for
22 computers. I don't know if they are offered for
23 students that want to come in after school and
24 learn how to use computers, but I'm quite sure you
25 can enroll into that class.

1 Q. As an elective?
 2 A. I'm not sure if it's as an elective or
 3 anything like that.
 4 Q. But you think that there's a class that's
 5 offered to students at Crenshaw in computers?
 6 A. Correct.
 7 Q. Do you know anything about the -- how
 8 students enroll in that class?
 9 A. No.
 10 Q. Okay. Do you know if there are any
 11 eligibility requirements for that class?
 12 A. No.
 13 Q. You don't know one way or the other?
 14 A. Correct.
 15 Q. You've now been testifying for almost
 16 three days for your deposition. I'd like to know
 17 if you've now told me everything that you believe
 18 bothers you with respect to your educational
 19 experience at Crenshaw?
 20 MR. FOX: Objection. Compound, complex.
 21 Covers a broad range of topics and an extensive
 22 period of time.
 23 THE WITNESS: That I can think of.
 24 MS. STRONG: Can we go off?
 25 (Off the record discussion.)

1 questions and just answer my questions. Okay?
 2 My question to you is: Have you now told
 3 me everything that you know about the allegation of
 4 paragraph 207?
 5 A. Other than the roaches being in the locker
 6 room, that's it.
 7 Q. Okay. What is it that you are referring
 8 to other than the roaches being in the locker room?
 9 A. That's basically another place where the
 10 roaches were in the school.
 11 Q. Okay. So you remember another incident of
 12 seeing a roach on the campus, is that what you are
 13 saying?
 14 A. Not right now. But I mean like it was so
 15 long ago since I have been at that school, I mean
 16 during that time that I did state that. I mean it
 17 was during the time I was going to Crenshaw so,
 18 therefore, it could be relevant to the time I was
 19 going to Crenshaw.
 20 Q. So you think you may have stated at one
 21 time that you saw a cockroach in the locker room
 22 area at Crenshaw? Is that what you are saying?
 23 A. Yes.
 24 Q. But you don't recall any incident of
 25 having seen a roach in the locker room at this

1 BY MS. STRONG:
 2 Q. I'm not sure if I asked you this before.
 3 Have you seen a copy of Exhibit 3 in this action?
 4 A. I believe you did and I said yes.
 5 Q. And this is what we identified as
 6 Exhibit 3 but we're not attaching to the
 7 transcript; is that correct?
 8 MR. FOX: Sounds fine.
 9 BY MS. STRONG:
 10 Q. Will you please direct your attention to
 11 page 46 of the complaint, paragraph 207.
 12 Okay, paragraph 207 says plaintiff states:
 13 "Plaintiffs Delwin Lampkin and D'Andre
 14 Lampkin attend school at Crenshaw Senior
 15 High School in Los Angeles. At Crenshaw,
 16 students regularly see rats, mice and
 17 roaches in their classrooms and in the
 18 locker rooms."
 19 Have you now told me everything you know
 20 about this allegation?
 21 A. Other than roaches, with the rats and mice
 22 I wasn't the only student that complained about
 23 Washington -- not about Washington, about Crenshaw.
 24 So that could have been.
 25 Q. And I want you just to pay attention to my

1 time; is that correct?
 2 A. Not right off the bat, no.
 3 Q. Okay. So is that correct?
 4 A. Correct.
 5 Q. Now, with respect to paragraph 208. It
 6 states:
 7 "In several classes at the school, as
 8 many as 10 students have to stand in
 9 class or sit on counters because they do
 10 not have enough seats for all the
 11 students in their classes. These
 12 students use hard objects, such as stray
 13 boards, on which to write because they do
 14 not have desks."
 15 Delwin, have you now told me everything
 16 that you know with respect to this allegation in
 17 the complaint?
 18 A. Yes, I have.
 19 Q. Okay. And you testified that you had no
 20 knowledge of any students using any stray boards to
 21 write on in class; is that correct?
 22 A. Correct. And like I said, I wasn't the
 23 only one complaining about Crenshaw. So someone
 24 else could have said that complaint.
 25 Q. With respect to paragraph 209 of the first

1 amended complaint it states:
 2 "Students cannot take books home for
 3 homework in many classes, and in some
 4 classes students do not have any books at
 5 all because the school does not have
 6 enough books for all of the students. In
 7 the classes for which students do not
 8 have textbooks, they have to rely
 9 upon" -- I'm sorry -- "they have to rely
 10 on photocopied packets from their
 11 teachers."

12 Have you now told me everything that you
 13 know about the allegations at paragraph 209?

14 A. Yes, I have.

15 MS. STRONG: I'd like to mark -- just to
 16 clarify. The first amended complaint that you're
 17 looking at, we've stipulated that that is a true
 18 and correct copy of the first amended complaint,
 19 and it's actually not been identified as an
 20 exhibit -- or at least not Exhibit 3 with respect
 21 to this deposition.

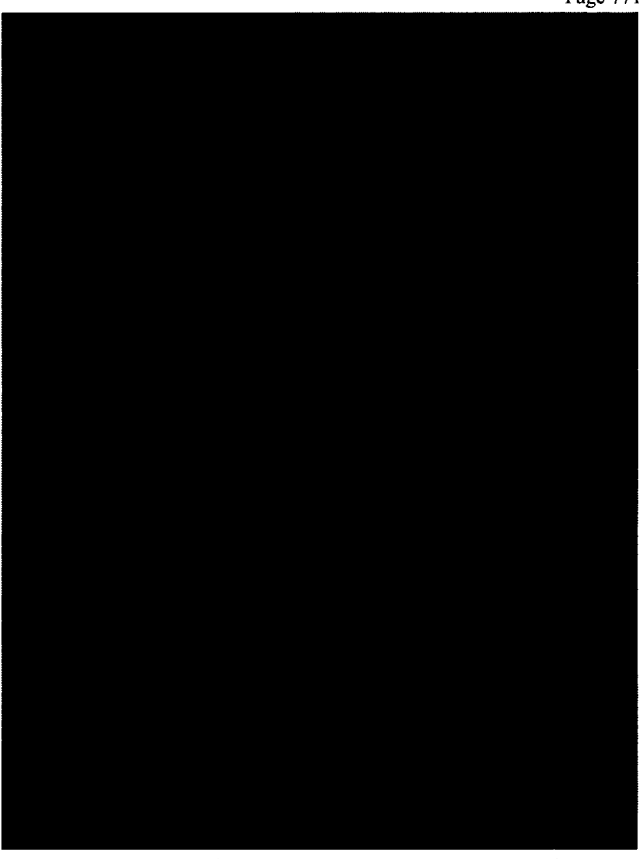
22 Is that correct?

23 MR. FOX: That's right. I take the
 24 court reporter's word for what has been marked. To
 25 be honest, I can't recall. I'll stipulate that at



1 least to the paragraphs we looked at are copies of
 2 the complaint.

3 MS. STRONG: It may have been identified
 4 as an exhibit in this deposition, but I don't
 5 recall which one if in fact it was identified as
 6 one.



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Q. During the last session of your deposition, we closed the deposition for that day in the middle of a discussion about supplies at Crenshaw.

Do you recall that testimony?

A. Yes, I do.

Q. And you had identified as a basis of your belief that the school lacked supplies for its students in its classrooms with the fact that you believed the school was missing ceiling tiles, cleaning supplies, markers and chalk; is that correct?

MR. FOX: Objection, I believe we've been over this area of testimony. And I'll object on the same grounds I objected last time. I think it's a waste of time. Relevance.

THE WITNESS: Correct.

BY MS. STRONG:

Q. Now, are those issues that you identified

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with respect to those supplies issues that you seek to be corrected through this lawsuit?

MR. FOX: Objection. Vague and ambiguous. Seeks a legal conclusion.

THE WITNESS: In a way, yes. Yes.

BY MS. STRONG:

Q. What do you mean "in a way, yes"?

A. I don't see it as the most important issue, but I mean it is one of the issues that needs to be fixed, that needs to be addressed.

Q. Okay. And when you say one of the issues, what do you mean?

A. As far as one of the issues -- I mean out of the other issues we talked about as far as books, textbooks and restrooms.

Q. But with respect to that supply issue, what is it, for example, you'd like to see corrected?

MR. FOX: Same objections.

THE WITNESS: As far as having cleaning supplies for the board because I mean if the marker sits on the board for so long, when the teacher is going to write on the board it's hard for you to see what the teacher is writing if you have other colors on the board.

1 BY MS. STRONG:
 2 Q. Okay.
 3 A. Other times teachers don't even have
 4 markers, which I already mentioned. That's one
 5 where I mentioned where they don't even have
 6 markers or chalk.
 7 Q. Okay. Can you think of a time when you
 8 were at Crenshaw where you were unable to read what
 9 was on the board because of the problem that you
 10 just described?
 11 MR. FOX: Objection.
 12 THE WITNESS: I can't remember.
 13 MR. FOX: Overbroad as to time, vague and
 14 ambiguous.
 15 BY MS. STRONG:
 16 Q. Go ahead.
 17 A. I can't remember exactly.
 18 Q. Do you remember a specific time when you
 19 were at Crenshaw that a teacher didn't have chalk
 20 to write on the board?
 21 MR. FOX: Same objection. We're talking
 22 about a period of two years and many classes.
 23 THE WITNESS: No. No.
 24 BY MS. STRONG:
 25 Q. Can you recall a time at Crenshaw, a

1 Q. Do you know if he was able to continue
 2 with the lesson that day?
 3 A. I can't remember.
 4 Q. Did you ever make a complaint to anyone at
 5 Crenshaw regarding the supplies that you
 6 identified?
 7 MR. FOX: Objection. Asked and answered.
 8 We went over this last time, and, again, a waste of
 9 time.
 10 THE WITNESS: No.
 11 BY MS. STRONG:
 12 Q. Okay. Do you ever remember a specific
 13 time when you were at Crenshaw where you were
 14 unable to study for a test for any reason?
 15 MR. FOX: Objection. Compound, complex,
 16 hopelessly overbroad.
 17 THE WITNESS: No, I can't.
 18 BY MS. STRONG:
 19 Q. Earlier in your testimony today, we
 20 discussed physical conditions at the school. Do
 21 you ever remember any type of problems relating to
 22 the conditions of the bungalows at Crenshaw?
 23 A. Yes.
 24 Q. Did you tell me about those items when we
 25 talked about the physical condition of the school?

1 specific incident where a teacher did not have a
 2 marker to write on the board in one of your
 3 classes?
 4 MR. FOX: Same objections. And I think we
 5 covered this, these areas of inquiry last time.
 6 THE WITNESS: I believe there was one time
 7 in my Spanish class, 9th grade Spanish class, where
 8 my teacher -- his marker dried out and he wasn't
 9 able to write anything on the board. Now I don't
 10 know exactly what date or exactly specifically, you
 11 know, what was said, but I do recall that.
 12 BY MS. STRONG:
 13 Q. Okay. Can you recall any other times
 14 other than that one incident?
 15 A. No.
 16 Q. With respect to that one incident, do you
 17 remember what the teacher did at that time?
 18 MR. FOX: Again, objection, relevance.
 19 THE WITNESS: No.
 20 BY MS. STRONG:
 21 Q. Do you know if he found a replacement
 22 marker?
 23 MR. FOX: Asked and answered.
 24 THE WITNESS: No, he didn't.
 25 BY MS. STRONG:

1 A. I don't believe so.
 2 Q. And are those problems that you are
 3 thinking of issues that serve as a basis for this
 4 lawsuit in your mind?
 5 A. Yes.
 6 Q. Okay. Can you identify for me what you
 7 believe to be a problem relating to the bungalows
 8 at Crenshaw?
 9 A. What a huge problem is that's wrong with
 10 the bungalows is there's no fire extinguisher,
 11 there's no phone. One time there was no bell for
 12 the students to go through passing periods.
 13 Because of that, students were late to class.
 14 Unless you were really listening or paying
 15 attention to the PE bell, which you can barely hear
 16 if the teacher is in the middle of discussion.
 17 As far as the safety on the ramps, there
 18 were some students that I know almost fell off the
 19 ramp because it had a crack in it. Not so much as
 20 a crack, but they didn't push the ramp close enough
 21 to the platform for students to walk down.
 22 At one time the platforms had wood on
 23 them -- I mean the platforms were wood, which could
 24 have shifted. It could have caused a problem.
 25 Q. I want to make sure we're clear. These

1 are all items that you believe form the basis for
 2 your involvement with this lawsuit, at least in
 3 part; is that correct?
 4 A. Correct.
 5 Q. These are all items that you seek to be
 6 addressed through this lawsuit; is that correct?
 7 A. Correct.
 8 Q. Anything else with respect to the
 9 bungalows?
 10 A. As far as security, at one point there was
 11 no security around the bungalows. There was no
 12 radios for the teachers to call for security in
 13 case of an emergency or a fight. There was no fire
 14 bell or anything like that. So you really wouldn't
 15 know whether there was a fire or not, like I said,
 16 unless you were really paying attention. Other
 17 than that, that's just about it. It's more so
 18 about the safety issue in the bungalows.
 19 Q. Okay. Do you ever recall there being a
 20 fire near the bungalows and having any problems
 21 because there was no fire bell for the bungalows?
 22 A. No. But that really shouldn't excuse the
 23 fact of there not being a fire bell or any bell at
 24 all.
 25 Q. Okay. But you didn't have any experience

1 while you were at Crenshaw with respect to this
 2 issue; is that correct?
 3 A. Correct.
 4 Q. Okay. And how is it that you know that
 5 there is no fire bell in the bungalows?
 6 A. There's nowhere -- there is no bell in
 7 sight. There's no lever for you to pull in case
 8 there's a fire. Basically that's it.
 9 Q. How is it that you know of?
 10 A. If you look around, there's nothing there.
 11 I have been in almost every one of the classes. As
 12 a matter of fact, I have been in one of the
 13 classrooms in the bungalow area and there's no fire
 14 bell or anything or no lever to pull in case of a
 15 fire.
 16 Q. How many classrooms are there in the
 17 bungalow area that you are referring to?
 18 A. There's about eight. Actually, there's
 19 10. 10 now that I know of.
 20 Q. You have been in all 10, is that what you
 21 are testifying to?
 22 A. Yes.
 23 Q. And did you actually ever look for a fire
 24 bell?
 25 A. No. But usually you will find the bell

1 outside. I mean if you look around there's -- now
 2 there's a bell but at first there wasn't.
 3 Q. Okay. And you said now there's a bell.
 4 What bell are you referring to?
 5 A. Usually the fire bell is hooked into the
 6 same bell as the bell -- I mean for the bell for
 7 the passing period.
 8 Q. So are you stating that there's now a bell
 9 for the passing period out by the bungalows?
 10 A. Yes.
 11 Q. Do you know when that was installed?
 12 A. I believe it was the beginning of 10th
 13 grade.
 14 Q. And how is it that you know that usually a
 15 fire bell is hooked into the passing period bell?
 16 A. Because when the fire bell does go off, I
 17 mean the same bell that rings for the passing
 18 period is the same bell I see ringing. I mean not
 19 necessarily see ringing, but I mean that you hear.
 20 Q. Is that based on some experience that you
 21 had at Crenshaw?
 22 A. Yes.
 23 Q. And what was that experience?
 24 A. There were times when the fire bell would
 25 go off for whatever reason. Also when they have

1 fire drills or earthquake drills they would ring
 2 the bell.
 3 Q. As to phones in the bungalows, do you know
 4 if there are now phones in the bungalows?
 5 A. I don't know now, but from the time that I
 6 was there, when I was there there were no phones.
 7 Q. And is that for all of the classrooms in
 8 the bungalow area, the 10 that you just identified?
 9 A. Yes.
 10 Q. Have you ever had any experience at
 11 Crenshaw where there was a safety issue that you
 12 were dealing with and there was no phone to call --
 13 use from the bungalow?
 14 A. Yes.
 15 MR. FOX: Vague and ambiguous.
 16 BY MS. STRONG:
 17 Q. What is it that you are thinking of with
 18 respect to that?
 19 A. There was a time when I was inside of the
 20 classroom. There was another student that was -- I
 21 believe he was wearing the wrong color. I wouldn't
 22 say the wrong color. He was wearing blue. Some
 23 other people saw that as a gang issue. They
 24 surrounded the classroom. There was about, believe
 25 it or not, 30 to 40 students.

1 The teacher didn't notice it. She went --
2 she didn't think it was really a problem so she had
3 left. And when she came back, she saw them banging
4 on her door trying to yank the door off, and so she
5 went back and called security. Basically we sat in
6 the class -- there was about three of us. We sat
7 in the classroom until someone came, which was
8 basically the whole lunch period. And it wasn't
9 even during -- it was during the whole lunch period
10 and part of 5th period.

11 Q. Is there any other experience or incident
12 that you can think of where you believe there was a
13 safety issue and there was no phone for you to use
14 in the bungalow area?

15 A. When we were in class, not only me but
16 other students, noticed people hopping the fence,
17 climbing over the fence and coming into the school.
18 Or there are some students that climb over the
19 fence and go off to school. I'm not sure if they
20 actually attend Crenshaw or not, but I mean I've
21 never seen them around campus or anything.

22 There has been maybe 3 to 5 occasions
23 where there has been fights. I mean in the middle
24 of the bungalows. There was no phone to use. Most
25 times teachers would have to break it up.

1 Q. Is this inside the classes at the
2 bungalows?

3 A. No. Well, see the bungalows, it's like a
4 small little walkway in between the bungalows. And
5 basically there were 3 to 5 occasions where
6 students were fighting there and teachers would
7 have to come and break it up.

8 Q. Okay. Anything else that you can think of
9 as a safety issue where you believe that there was
10 no phone in the bungalows to use to respond to the
11 safety issue?

12 A. That's it. That's all I could think of.

13 Q. Is there an intercom system that exists
14 for the bungalows?

15 A. No, there isn't.

16 Q. Did you say that there are no fire
17 extinguishers for the bungalows?

18 A. Yes.

19 Q. Did you ever have an experience at
20 Crenshaw where you felt that a fire extinguisher
21 was needed in the bungalow area but none was
22 available?

23 A. No.

24 Q. With respect to the safety on the ramps,
25 can you describe to me what you believe to be the

1 problem with that?

2 A. The bungalows are put in, I believe,
3 sometime during the -- during the -- while I was
4 there during maybe the close in to the second
5 semester.

6 Q. Of 9th grade?

7 A. Actually, no. During the first semester
8 of my 9th-grade year. They weren't actually all
9 the way completed. We had to wait two weeks to get
10 the classroom. And with the ramp situation, when
11 we did get the classroom, the ramp wasn't
12 completely made and they would put tar -- they
13 would put tar and sometimes wood by the handrail
14 just so we'll be able to walk up to the platform to
15 go inside the classroom.

16 Some students, I know they have -- I've
17 seen students trip over the tar. Some missed their
18 steps and fall.

19 Q. You saw students fall?

20 A. Yes.

21 Q. Did you ever trip or fall?

22 A. One time I almost did. I didn't fall but
23 I -- I mean I missed my step so --

24 Q. Do you know if that situation was ever
25 corrected that you've described?

1 A. Yes. They ended up installing the ramps
2 fully. They fully installed the ramps.

3 Q. Do you know how long the ramps were in the
4 condition that you described as not fully
5 installed?

6 A. I'd have to say the whole first semester.

7 Q. Did you ever complain about the ramps as
8 they were installed during the first semester?

9 A. No.

10 MS. STRONG: I'd like to mark as Exhibit 4
11 Delwin Lampkin's declaration dated January 29th,
12 2001.

13 (Deposition Exhibit 4 was marked by the
14 reporter for identification and is attached
15 hereto.)

16 BY MS. STRONG:

17 Q. , Have you seen this before, what is
18 Exhibit 4, what appears to be your declaration?

19 A. Yes.

20 Q. Do you know when you first saw this?

21 A. Sometime probably the beginning of this
22 year, sometime last year.

23 Q. Okay. And did you actually type this
24 document?

25 A. No, I didn't.

1 Q. Okay. And do you know how this document
2 was prepared?

3 MR. FOX: Objection to the extent it calls
4 for attorney-client communications.

5 THE WITNESS: Yes, I do.

6 BY MS. STRONG:

7 Q. Did you write the text that is here in
8 this declaration?

9 MR. FOX: Objection to the extent it calls
10 for attorney-client communications.

11 THE WITNESS: No.

12 BY MS. STRONG:

13 Q. So at some point this text was provided to
14 you and you reviewed it for its accuracy; is that
15 correct?

16 A. Yes.

17 MR. FOX: Same objection.

18 BY MS. STRONG:

19 Q. And before you signed it, did you review
20 it for its accuracy?

21 A. Yes.

22 Q. Do you believe that it was accurate at the
23 time that you signed it?

24 A. Yes.

25 Q. Okay. I'd like you to read it over again

1 THE WITNESS: Not that I can remember.

2 BY MS. STRONG:

3 Q. Is it accurate here in paragraph 3 where
4 it states:

5 "During the first semester of last year,
6 I had a science book that I could not
7 take home. But during the second
8 semester, we were told that there was
9 another class that needed them more than
10 we did, so we had to switch them."

11 Is that accurate?

12 A. I look at that, and it's accurate.

13 Q. Does that conflict at all with any of the
14 testimony that you have given during your
15 deposition that you can think of?

16 A. It could. I just said we did have books
17 but we couldn't take them home. I just didn't -- I
18 just didn't recall switching the books. But now
19 that I read that, it does -- I do recall that.

20 Q. Does the science class that you are
21 referring to here, is that science of your
22 9th-grade year; is that correct?

23 A. Correct.

24 Q. And you believe that you testified that
25 you couldn't take your book home in that class?

1 today and to identify -- well, why don't you just
2 go ahead and read it over at this time.

3 (The witness complies.)

4 MS. STRONG: We can go off the record.

5 (Discussion off the record.)

6 BY MS. STRONG:

7 Q. Now that you have had an opportunity to
8 review the declaration during our break, do you
9 believe that the declaration is still accurate as
10 you are testifying here today?

11 A. Yes.

12 Q. Is there anything that you would like to
13 change about your declaration?

14 A. No.

15 Q. In paragraph 3 of your declaration it
16 states, in part, that not having a book at home
17 makes it really hard to study for tests.

18 Can you identify a specific recollection
19 that you have about a circumstance where it was
20 difficult for you to study for a test because you
21 didn't have a book at home?

22 MR. FOX: Objection. Compound, complex.
23 We're talking -- I'm sorry. Delwin has testified
24 that many of his classes did not have books and
25 that they went without for a long period of time.

1 A. I believe so.

2 Q. If you testified that you actually could
3 take your book home in that science class during
4 the 9th-grade year, which is accurate, what your
5 declaration says or what your testimony was that
6 you gave here?

7 MR. FOX: Objection. Assumes facts,
8 incomplete hypothetical, argumentative.

9 THE WITNESS: I believe it's what's in my
10 declaration because it happened -- I mean I took
11 this declaration more so closely during the time
12 that it happened.

13 BY MS. STRONG:

14 Q. Okay. Do you recall anything about the
15 incident you describe here where you state in
16 paragraph 3 of your declaration that: "... we were
17 told that there was another class that needed them
18 more than we did, so we had to switch them"?

19 A. Like I say, I do recall that.

20 Q. Okay. And who is it that told you this?

21 A. [REDACTED] did, my science teacher.

22 Q. Do you recall when it was during the
23 second semester that this occurred, if it occurred?

24 A. I don't.

25 MR. FOX: Argumentative.

1 THE WITNESS: Not exactly, but I do
2 remember going down to the textbook room and
3 returning our books and getting another set of
4 books.

5 BY MS. STRONG:

6 Q. So the books that you returned at that
7 time were then replaced with another set; is that
8 correct?

9 A. Correct. But they were a different type
10 of book. It was a different type of book.

11 Q. Okay. And were you able to take that book
12 that you then received home with you?

13 A. No.

14 Q. So is it your understanding that you were
15 unable to take a book home from [REDACTED]
16 class?

17 A. Excuse me?

18 Q. So is it now your understanding that you
19 were unable to take a book home during
20 [REDACTED] science class in 9th grade?

21 A. Yes.

22 Q. Do you know if you ever asked [REDACTED]
23 to take a book home?

24 A. No.

25 Q. You don't know whether you did or did you

1 semester. I thought you were just talking about
2 just for the first semester.

3 Q. I thought you switched books in the second
4 semester; is that correct?

5 A. During the second semester I did switch
6 books.

7 Q. Okay. And did you -- you had books in
8 your class then when you switched the books; is
9 that correct?

10 A. Correct.

11 Q. So was there a time period during the
12 second semester in 9th grade when you didn't have
13 books in the class?

14 A. Not that I remember.

15 Q. So I just want to understand what's stated
16 here in this declaration. Can you explain to me
17 what you were referring to when you attested to the
18 sentence that states: "For the whole semester we
19 didn't have any science books at all"? I'll read
20 it in context to make sure that the record is
21 clear.

22 Your declaration in paragraph 3 in part
23 states:

24 "During the first semester of last year,
25 I had a science book that I could not

1 not?

2 A. I can't remember if I did.

3 Q. Do you remember a time when you may have
4 wanted to take a book home but [REDACTED] didn't
5 allow you to take a book home?

6 MR. FOX: Objection. Vague and ambiguous.

7 THE WITNESS: No, I can't remember.

8 BY MS. STRONG:

9 Q. And so the books that -- you stated that
10 you turned in the books and then were they
11 immediately replaced with another set of books? Is
12 that --

13 A. Yes.

14 Q. -- correct?

15 A. Correct.

16 Q. And now you're testifying that those books
17 were what you proceeded to use in class during
18 [REDACTED] class in the second semester?

19 A. Yes.

20 Q. Okay. And so is it inaccurate then when
21 you state in your declaration that for the whole
22 semester, referring to the second semester of your
23 science class in 9th grade, "We didn't have any
24 science books at all"?

25 A. That's what -- that's a whole other

1 take home. But during the second
2 semester, we were told there was another
3 class that needed them more than we did,
4 so we had to switch with them. For the
5 whole semester we didn't have any science
6 books at all."

7 Can you explain to me what that means?

8 A. That could be possibly talking about -- I
9 probably mixed up the year -- my 9th-grade year
10 with my 10th-grade year, which for the first
11 semester with my 10th-grade year, I didn't have any
12 textbooks and so we started using the smaller
13 orange books. I mean the declaration is for the
14 10th grade. That's probably where it was mixed up
15 at.

16 Q. But it is accurate, right, that when you
17 testified or when you attested to your declaration,
18 the part that says, "During the first semester of
19 last year I had a science book that I could not
20 take home," you were referring to [REDACTED]
21 class in 9th grade; is that correct?

22 A. Correct.

23 Q. And now with respect to your 10th grade
24 science class, you said it was true that you didn't
25 have a textbook in that class for a semester until

1 you started using smaller orange books; is that
2 correct?

3 A. Correct. And that's probably why I put
4 that we didn't have any textbooks at all for that
5 first semester.

6 Q. Okay. Is there anything in your
7 declaration that suggests that that's first
8 semester? I just want to know if I'm missing
9 something.

10 MR. FOX: Objection. Asked and answered.
11 I take back that objection.

12 THE WITNESS: For the first semester of
13 9th grade or 10th grade?

14 MR. FOX: Vague and ambiguous.

15 BY MS. STRONG:

16 Q. Notwithstanding whether you believe it to
17 have been first -- I'm sorry, 9th grade or 10th
18 grade, under either of those circumstances is there
19 anything that suggests that that would be referring
20 to a first semester as opposed to a second
21 semester?

22 A. Yes, it could be.

23 Q. Okay. And what part of your declaration
24 indicates that it was referring to the first
25 semester?

1 semester, which was probably after I gave this
2 declaration. As a matter of fact, which was
3 because it's -- no, it couldn't have. It could
4 have been a second semester I received the orange
5 books. I don't know the name of it so --

6 Q. It could have been either the first or
7 second semester of the 10th grade that you received
8 the orange books, but you're not sure; is that
9 correct?

10 A. Correct. And because it wasn't assigned
11 to us or anything.

12 Q. Okay.

13 MR. FOX: The books were not assigned to
14 you?

15 THE WITNESS: Correct.

16 BY MS. STRONG:

17 Q. They were books for use in Miss Beasley's
18 class; is that correct?

19 A. Correct. And we also used them every now
20 and then.

21 Q. They weren't used on a daily basis?

22 A. Frequently, correct.

23 Q. In paragraph 3 of your declaration at line
24 16 you state that:

25 "Last year some of our books were as old

1 MR. FOX: The document speaks for itself.
2 It says last year.

3 BY MS. STRONG:

4 Q. Go ahead.

5 A. It says last year.

6 Q. So where it states: "But during the
7 second semester, we were told that there was
8 another class that needed them more than we did, so
9 we had to switch with them. For the whole semester
10 we didn't have any science books at all," you
11 believe that that second sentence is actually
12 referring to a first semester instead of a second
13 semester; is that correct?

14 A. The first --

15 MR. FOX: The document speaks for itself.

16 THE WITNESS: The first semester of the
17 10th grade.

18 BY MS. STRONG:

19 Q. Okay. Now, the smaller orange books that
20 you referenced in Mrs. Beasley's class, what books
21 are those?

22 A. I'm not sure of the name of the book, but
23 we received those books, I would have to say, the
24 beginning of the second semester. If not that, it
25 was probably like during the late part of the first

1 as 1985."

2 Do you know what you based that on?

3 A. Like I said earlier, I believe -- earlier
4 this morning when you asked me as far as do I know
5 the dates, how old the books were, like I said, I
6 knew at the time and I mean I didn't know now.
7 That was the only time I did know. How old the
8 books were, I based it on the copyright date and
9 the publishing date.

10 Q. After having seen this, do you now recall
11 what book it was that you were looking at or not?

12 A. This book was, I believe, in -- it was my
13 science class. And as a matter of fact, the reason
14 why I did look up that date was because I stated
15 last week that the books that we were using in
16 class were two different covers, they had two
17 different pictures on the front of them, and that's
18 why I decided to look at the copyright date.

19 Q. Okay. And so that was your science class
20 of 9th grade; is that correct?

21 A. Correct.

22 Q. And you believe that that is the class
23 that you testified to earlier in your deposition
24 where you noticed that there were two different
25 editions of the books being used in that class?

1 A. Correct.
 2 Q. I think it's an accurate description of
 3 your prior testimony that you only noticed
 4 different editions of books being used in one
 5 class; is that correct?
 6 MR. FOX: I don't know that that's an
 7 accurate description.
 8 MS. STRONG: That's why I'm asking Delwin
 9 now.
 10 Q. Is that correct?
 11 A. Correct.
 12 Q. So whatever that was, you now recall that
 13 as being your science class in 9th grade; is that
 14 correct?
 15 A. Correct.
 16 Q. Now, with respect to your declaration at
 17 line 18 it states that:
 18 "This year, I've seen an edition of
 19 biology book that was from 1986."
 20 I'm going to go back. With respect to the
 21 book that you looked up to see that the copyright
 22 date was 1985 in your science class in 9th grade,
 23 was that a book that you were using in class?
 24 A. Yes.
 25 Q. Do you recall the condition of that book

1 one way or another? I know you testified about the
 2 conditions of books in classes. I wanted to know
 3 if anything about your declaration here has
 4 refreshed your recollection on the issue.
 5 A. Yes.
 6 Q. And it if hasn't --
 7 A. It's basically the same thing so --
 8 Q. Whatever you testified to before is still
 9 accurate even after you've now seen your
 10 declaration?
 11 A. As far as the conditions, yes.
 12 Q. Okay. Now with respect to line 18 of your
 13 declaration, where it states: "I've seen an
 14 edition of a biology book that was from 1986," do
 15 you know what book you were looking at?
 16 A. There was a book that was sitting on
 17 Miss Beasley's shelf. She has like a lot of
 18 science books, but not -- it's not a class book.
 19 It's only one book. And I happened to look in the
 20 book and it said 1986 on it.
 21 Q. So that wasn't a book that was used
 22 regularly by the students in the class; is that
 23 correct?
 24 A. Correct.
 25 Q. And more specifically, that was not a book

1 that was ever used during a lesson plan in that
 2 class; is that correct?
 3 MR. FOX: Objection.
 4 THE WITNESS: Correct.
 5 BY MS. STRONG:
 6 Q. With respect --
 7 MR. FOX: Calls for speculation. Sorry to
 8 be so late.
 9 BY MS. STRONG:
 10 Q. With respect to paragraph 5 of your
 11 declaration, now that you have had an opportunity
 12 to review that paragraph, do you believe that that
 13 description of event is accurate?
 14 MR. FOX: Vague and ambiguous.
 15 THE WITNESS: Yes.
 16 BY MS. STRONG:
 17 Q. Do you believe that paragraph 5 of your
 18 declaration is consistent with the testimony that
 19 you've given during the past three days of your
 20 deposition?
 21 A. No.
 22 Q. In what ways do you believe that it is not
 23 consistent?
 24 A. The only thing that's not consistent is my
 25 Spanish class. And I mean, like I said, I mean I'm

1 not going to remember exactly, you know, what
 2 happened during those times or how many students
 3 were in that class during that time.
 4 Q. And what is it about your Spanish class
 5 that you think is inconsistent with your testimony
 6 during the deposition?
 7 A. My Spanish class has 40 students. And
 8 that could be correct. I mean that could be the
 9 amount of students that's in that class.
 10 Q. But you don't have a specific recollection
 11 of that today?
 12 A. No.
 13 Q. And to make sure that the record is clear,
 14 with respect to your science class during the
 15 10th-grade year you can not recall standing up in
 16 class on more than one or two occasions; is that
 17 correct?
 18 A. Correct.
 19 Q. And are those one or two occasions what
 20 you were referring to when you stated that you have
 21 to stand up a lot in science class at line 27 of
 22 your declaration?
 23 MR. FOX: Objection. Argumentative. And
 24 he already testified that his memory was better
 25 when he signed this in January than today, or it

1 was a more recent event.

2 THE WITNESS: I'm correct -- I mean
3 basically, like you said, like he said I wouldn't
4 be able to remember that today. But this is more
5 recent to when I was in that class.

6 BY MS. STRONG:

7 Q. Okay. So what I want to know is: Those
8 one or two times that you recall standing up in
9 that science class in 10th grade, it was
10 Miss Beasley's class, correct?

11 A. Correct.

12 Q. Do you know if those one or two times
13 serve as the basis of your testimony in your
14 declaration which states "I have to stand up a lot
15 in science class"?

16 MR. FOX: Asked and answered.

17 THE WITNESS: And that's because, like I
18 said, only two times that I can remember. I didn't
19 say those were the exact times I were standing up.

20 BY MS. STRONG:

21 Q. But you can't recall at this time any
22 other times that you did have to stand up in class;
23 is that correct?

24 A. Correct.

25 Q. And regardless of the situation as to how

1 class, correct?

2 A. Not that I can remember.

3 Q. And notwithstanding your memory as to
4 whether or not you had to stand up in
5 Miss Beasley's class --

6 A. Correct.

7 Q. -- no student ever had to stand in
8 Miss Beasley's class other than during the first
9 couple of days of the school year in her class; is
10 that correct?

11 A. Right.

12 MR. FOX: Same objection.

13 THE WITNESS: And it's -- and it's not
14 like I'm just trying to change my answers. I'm
15 dealing with a whole other school, a whole other
16 surrounding now. I'm not going to be able to
17 remember exactly what days I stood, how many times
18 I stood, where other students stood.

19 BY MS. STRONG:

20 Q. Do you remember there being a problem with
21 the floors at any time during the year in the
22 bungalows?

23 A. Actually, yes, I do now that I recall it.
24 Some of the floors were sticky.

25 Q. As it states on line 19 of your

1 many days you individually stood up, no student had
2 to stand in that class other than during the first
3 week of school during the first semester and during
4 the first two days of school during the second
5 semester; is that correct?

6 MR. FOX: Asked and answered.

7 THE WITNESS: For my 9th-grade year,
8 that's correct. That's why I stated for my
9 9th-grade year.

10 BY MS. STRONG:

11 Q. I'm sorry. So with respect to your 10th
12 grade class in biology, notwithstanding how many
13 days you actually had to stand up in class -- oh,
14 in fact, actually I believe your prior testimony
15 with respect to your 10th grade class in biology
16 was that you personally never had to stand up in
17 that class. Was that your prior testimony?

18 MR. FOX: Objection. Asked and answered.
19 His testimony is his testimony.

20 THE WITNESS: Yes.

21 BY MS. STRONG:

22 Q. That was your testimony?

23 A. I believe so.

24 Q. As you sit here today, you can't remember
25 a day where you had to stand up in Miss Beasley's

1 declaration --

2 MR. FOX: At page 2.

3 BY MS. STRONG:

4 Q. At page 2. Thank you.

5 MR. FOX: That's all right.

6 BY MS. STRONG:

7 Q. It states: "When it rains, the floors in
8 the bungalows become sticky."

9 What is your recollection of that
10 situation at Crenshaw?

11 A. As I recall, it was mostly during my
12 Spanish class in the 9th-grade year. They had
13 just, like I said, put in the bungalows and
14 everything. Maybe -- I don't remember the exact
15 time, but basically when it rains students would
16 come in, leave. And then when we walk in there, I
17 mean the floor is just basically sticky.

18 I had another class in the bungalows where
19 it wasn't really the same situation. It was sticky
20 every now and then.

21 Q. What class are you referring to? You said
22 your Spanish class in 9th grade; is that correct?

23 A. Yes.

24 Q. Can you describe the material on the floor
25 in that bungalow for your Spanish class in 9th

1 grade?
 2 A. It was just tiles. It was tiles.
 3 Q. Okay.
 4 A. And I believe they were blue. I'm not too
 5 sure. I think they were blue.
 6 Q. When you say they were sticky, do you
 7 believe that was from the other students that you
 8 described having come in and out of the class with
 9 wet feet?
 10 A. Could be. It was us, too. And when we
 11 leave, students have come in after us and
 12 experience the same thing.
 13 Q. Do you know if that problem was corrected?
 14 A. Not that I know of.
 15 Q. Were the floors ever cleaned in that
 16 classroom?
 17 A. One time they were. And that was because
 18 the teacher did it himself. And the reason I know
 19 that is because there was one time I did go in the
 20 classroom and I did see him mopping.
 21 Q. So when you recall this floor being sticky
 22 during the time when it would rain, how long of a
 23 period was the floor sticky for, that you recall?
 24 A. As far as how many days?
 25 Q. Correct.

1 Do you recall a day when the floor
 2 remained sticky after it had stopped raining?
 3 MR. FOX: Objection. Compound, complex.
 4 As to after each time it rained?
 5 MS. STRONG: If he recalls, correct.
 6 Q. Go ahead.
 7 A. I can't remember the exact days.
 8 Q. I don't want you to remember the exact
 9 days. That's not what my question asks for.
 10 A. Yeah, it happened.
 11 Q. So you have a specific recollection of a
 12 time where it stopped raining and the floors
 13 remained sticky the next day; is that correct?
 14 A. No, I don't.
 15 MR. FOX: I think we might be on a problem
 16 with specific recollection with the use of that
 17 term.
 18 THE WITNESS: Only as far as when I seen a
 19 teacher mopping the floor. But I don't recall in
 20 the exact -- I mean the exact days after it rained.
 21 Like I said, it could have -- like I said, if it
 22 rained more than one day, it will stay sticky for
 23 about a week. If it rained one day --
 24 BY MS. STRONG:
 25 Q. Let's examine that. It would remain

1 A. Maybe just that day. When it wasn't
 2 cleaned, it was sometimes two days, three days.
 3 MR. FOX: Meaning the day that it rained?
 4 THE WITNESS: From the day it rained until
 5 maybe about two days later. And then when it
 6 rained -- when it rained more than one day, it
 7 remained sticky for maybe about a week or so.
 8 BY MS. STRONG:
 9 Q. I just want to make sure I understand your
 10 testimony.
 11 On the days it rained, the floor would be
 12 sticky. If it rained more than one day, each of
 13 the days that it rained the floor on the bungalow
 14 that you are referring to would be sticky, correct?
 15 A. Correct.
 16 Q. Once the rain stopped, did the floor ever
 17 remain sticky on a day when it wasn't raining
 18 thereafter?
 19 A. If it wasn't cleaned.
 20 Q. And that's what I'm asking you. Do you
 21 recall a time when the floor remained sticky after
 22 the rain had stopped?
 23 A. Like I say, during the time when I went to
 24 the classroom and I saw a teacher mopping.
 25 Q. I don't think that answers my question.

1 sticky for a week even though it had stopped
 2 raining? So you have rain on Monday, for example,
 3 and it had been raining all of the week prior. And
 4 then the floor would continue to be sticky after
 5 that morning through the following Friday, is that
 6 what you are testifying?
 7 A. Correct.
 8 Q. And you have a specific recollection of
 9 that happening in your Spanish class?
 10 A. Yes.
 11 Q. And how many times did that happen in
 12 Spanish class?
 13 A. Maybe twice.
 14 Q. Do you remember what month it was in?
 15 A. I'm sure it was during the winter, but I
 16 can't remember the exact month.
 17 Q. Did you ever complain to anyone about the
 18 floor being sticky in the bungalow?
 19 A. No.
 20 Q. Did you ever talk to your teacher in that
 21 class about the floor being sticky?
 22 A. No. Because he knew it was sticky.
 23 Q. That wasn't my question.
 24 Did you --
 25 A. No, no. But I mean -- no, I didn't.

1 Q. And I'm not sure. Were you -- when we
2 began this line of questioning, were you
3 identifying a second classroom where you believed
4 there to be this problem of the floor getting
5 sticky in a bungalow?

6 A. Yes.

7 Q. And what classroom is that?

8 A. That was my health class.

9 Q. And what year is that?

10 A. 9th grade.

11 Q. Is your testimony with respect to that
12 class the same as you testified with respect to the
13 Spanish class?

14 A. No.

15 Q. Can you describe the circumstances of when
16 the floor became sticky in your health class in 9th
17 grade?

18 A. Like I say, it was on days it rained. It
19 wasn't as sticky as my Spanish class. I don't know
20 why. But I mean even on days when it would rain
21 more than one day, I mean -- well, when it rained
22 more than one day, it wouldn't be as sticky. I
23 don't know if the teacher cleaned it up or not
24 so --

25 Q. Okay. And again, was it tile floors in

1 The dates that we are considering at this
2 time are the 10th and 11th of July between the
3 hours of 9:00 and 2 P.M. We will all check our
4 calendars and if we can talk and coordinate the
5 final date.

6 Is that is correct?

7 MR. FERNANDES: Yes.

8 MR. FOX: Sounds good.

9 (The deposition was recessed at 4:47 P.M.)

1 that bungalow as well?

2 A. Yes.

3 Q. Do you know if janitors mopped the
4 classroom floors at the end of the day?

5 A. Not that I know of.

6 Q. Now after we've gone through your
7 declaration, are there any changes that you feel
8 would be appropriate to make to the declaration?

9 A. No.

10 MS. STRONG: I think I've come to a
11 stopping point in my questions. I may have some
12 questions after both of you have asked your
13 questions that you have.

14 MR. FOX: Let's go off the record for a
15 minute.

16 (Recess.)

17 MS. STRONG: Can we do the same
18 stipulation? Is that agreed by everyone?

19 MR. FOX: Sure.

20 MR. FERNANDES: Sure.

21 MS. STRONG: And we have also agreed that
22 the attorneys will talk early this week to arrange
23 a fourth day to continue this deposition. And none
24 of us believe that it will take a full day to
25 complete the deposition.

1 DECLARATION

2
3
4
5 I hereby declare I am the deponent in the
6 within matter; that I have read the foregoing
7 deposition and know the contents thereof, and I
8 declare that the same is true of my knowledge,
9 except as to the matters which are therein stated
10 upon my information or belief, and as to those
11 matters, I believe it to be true.

12 I declare under the penalties of perjury
13 of the State of California that the foregoing is
14 true and correct.

15 Executed on the _____ day of

16 _____, 2001.

17 _____, California.

22 _____
23 WITNESS
24
25

1 I, ASHALA TYLOR, a Certified Shorthand
2 Reporter for the State of California, do hereby
3 certify:

4 That prior to being examined, the witness
5 named in the foregoing deposition, was by me duly
6 sworn to testify as to the truth, the whole truth,
7 and nothing but the truth pursuant to
8 Section No. 2093 of the Code of Civil Procedure;

9 That said deposition was taken before me
10 at the time and place therein set forth, and was
11 taken down by me in shorthand and thereafter
12 reduced to typewriting via computer-aided
13 transcription under my direction;

14 I further certify that I am neither
15 counsel for, nor related to, any party to said
16 action, nor in anywise interested in the outcome
17 thereof.

18 IN WITNESS WHEREOF, I have hereunto
19 subscribed my name this 27th day of
20 June, 2001.

21

22

ASHALA TYLOR
CSR No. 2436, RPR, CRR

23

24

25