

1 Continued Deposition of DELWIN LAMPKIN, taken on
2 behalf of the Defendant State of California, at 400 South
3 Hope Street, Fifteenth Floor, Los Angeles, California on
4 WEDNESDAY, JULY 11, 2001, at 9:46 A.M. at before SYLVIA
5 P. SHEAR, RPR, CSR NO. 3010.

6
7 APPEARANCES:

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1 APPEARANCES (CONTINUED):

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1 I N D E X

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3	WITNESS	EXAMINATION	PAGE
4			
5	DELWIN LAMPKIN	(By Mr. Fernandes)	821,939
6		(By Mr. Fox)	867
7		(By Ms. Strong)	893
8			
9			

10	NO. PAGE	DEPOSITION EXHIBITS
11	5 842	Student Planner
12		

13 INFORMATION REQUESTED
14 (NONE)

15		
16	UNANSWERED QUESTIONS	
17	PAGE	LINE
18	935	18
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1 LOS ANGELES, CALIFORNIA
2 WEDNESDAY, JULY 11, 2001
3 9:46 A.M.
4

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

8
9 EXAMINATION

10 BY MR. FERNANDES:

11 Q. All right. Do you remember the deposition
12 ground rules that Ms. Strong went over with you before
13 each of the previous days of deposition?

14 A. Yes.

15 Q. I will review some of the main points and then
16 we will get started.

17 You understand that everything that's said today
18 is being taken down by the court reporter?

19 A. Yes.

20 Q. It will be transcribed and you will have an
21 opportunity to review the transcript and make changes to
22 your testimony that you feel are appropriate.

23 However, if you choose to make any changes to
24 your transcript, any of the attorneys in this action will
25 be able to comment on those changes.

1 Do you understand that?
 2 A. Yes.
 3 Q. If at any time you do not understand one of my
 4 questions, please let me know so that I could restate it.
 5 Otherwise I will assume that your answer is based on your
 6 having understood the question.
 7 Do you understand that?
 8 A. Yes.
 9 Q. I think in this situation, it will be even more
 10 important, because I'm going to be jumping around a
 11 little bit and going over some of the things that we have
 12 hit before, so really if you don't -- if you are confused
 13 about anything, because I will be hitting some topics
 14 quickly, so -- you will be testifying under oath, meaning
 15 that the testimony that you provide here will have the
 16 same force and effect as if you were testifying in a
 17 court of law. Accordingly, you are subject to all the
 18 penalties for perjury should you provide false testimony
 19 here today.
 20 Do you understand that?
 21 A. Yes.
 22 Q. If you need a break at any time, let me know and
 23 we can go off record for a break.
 24 If there's any reason that you may be unable to
 25 provide your -- is there any reason that you may be

1 unable to provide your best testimony here today?
 2 A. No.
 3 Q. Have you consumed any medication or alcohol or
 4 any other substance that clouds your mind or would affect
 5 your ability to understand and answer the questions here
 6 today?
 7 A. No.
 8 Q. Did you discuss your deposition or this lawsuit
 9 with anyone since your third day of deposition on
 10 June 24th?
 11 MR. FOX: Objection to the extent it calls for
 12 attorney-client communications.
 13 THE WITNESS: Yes.
 14 BY MR. FERNANDES:
 15 Q. Who did you discuss it with?
 16 A. Other than my -- actually that's it. Just my
 17 attorneys.
 18 Q. Just your attorneys. And did you discuss
 19 anything that's not covered by the attorney-client
 20 privilege?
 21 MR. FOX: Objection. Vague and ambiguous.
 22 THE WITNESS: No.
 23 MR. FOX: Calls for a legal conclusion.
 24 BY MR. FERNANDES:
 25 Q. Did you review any documents since your last day

1 of deposition?
 2 A. No.
 3 Q. All right. Like I said before, many of the
 4 questions today are just clarifying or follow-up
 5 questions on subjects that we have covered on previous
 6 days, so in order to move the questioning along, I am not
 7 going to provide a lot of repetitive background. I am
 8 just going to say "You stated such and such on your
 9 previous testimony" and then I am going to ask you a
 10 question.
 11 So if you are confused as to your previous
 12 testimony or if you don't understand the question, again,
 13 please let me know so I can provide more background.
 14 On your first day of testimony, you were talking
 15 about the UCLA students that you met regarding some
 16 issues at Crenshaw. And at one point you referred to
 17 UCLA's lawyers. And I just wanted to know if you -- did
 18 you believe that the people you spoke with or any of the
 19 people that you spoke with from UCLA were lawyers?
 20 A. I wasn't too sure about it, but I believe that
 21 they were.
 22 Q. You believe that they were?
 23 A. Yes.
 24 Q. Did you believe that any of the people were
 25 students?

1 A. They could have been.
 2 Q. Okay. So it was your understanding that you
 3 were speaking with lawyers from UCLA rather than
 4 students?
 5 A. Yes.
 6 Q. And what is your -- we touched on this as well,
 7 but I wasn't entirely clear. What was your understanding
 8 of the relationship between the UCLA, if they were
 9 lawyers or students, the people from UCLA, and the people
 10 from the ACLU?
 11 MR. FOX: Objection. Vague and ambiguous, calls
 12 for a legal conclusion.
 13 THE WITNESS: During that time, I wasn't too
 14 sure whether they were, you know, together or working
 15 with the same case. I met this what I believe were
 16 lawyers from UCLA before I met anyone from ACLU, so as
 17 far as the relationship, I wasn't too familiar with that
 18 until maybe sometime later on down the road.
 19 BY MR. FERNANDES:
 20 Q. Did the people from UCLA, did they -- when did
 21 they first mention something to you about the ACLU?
 22 A. I believe it was during the second time I met
 23 them, either the first or second time I met them. They
 24 didn't say particularly ACLU, but they did tell me
 25 someone was going to be getting in contact with me.

1 Q. And you don't know from where?
 2 A. No.
 3 Q. So when was the first time that they actually
 4 mentioned the ACLU to you?
 5 A. I believe maybe January.
 6 Q. January of?
 7 A. 2000.
 8 Q. You stated previously that you participated in a
 9 protest at the district in December of 2000 regarding
 10 access to the A through G requirements and AP classes.
 11 You said at one point the protest basically related to
 12 all schools.
 13 And I just wanted to know did you mean that it
 14 related to all schools or were you speaking of the five
 15 schools within the district that you had identified?
 16 A. The five schools that I identified.
 17 Q. You also discussed -- well, just for the record,
 18 can you -- well, I think we already have clearly what the
 19 five schools were.
 20 You also stated that you considered vocademics
 21 to be a dead-end class or dead-end classes. Have you
 22 asked any other students if they share your views on
 23 vocademics, specifically that they are dead-end classes?
 24 A. Yes.
 25 Q. Who, which students did you ask that of? A lot?

1 A. Yeah. There were a large number of students,
 2 maybe 60 students, that all shared the same idea
 3 throughout the meetings that we had.
 4 Q. What meetings were those?
 5 A. With the Community Coalition they were SCYEA
 6 meetings, S-A-Y-E-A. Sorry about that. S-C-Y-E-A.
 7 Q. So were these students from various schools?
 8 A. Yeah, from the five schools that were mentioned.
 9 Q. Do you remember any -- the names of any of the
 10 specific students that you spoke with?
 11 A. Marcus.
 12 Q. And where did Marcus go?
 13 A. I believe he goes to Manual.
 14 Q. And any others?
 15 A. Christy. She goes to Dorsey.
 16 Q. And any others?
 17 A. I mean there is a large number of names I could
 18 give you. As far as me remembering specific, I mean what
 19 the conversation was about, I mean I can't remember that,
 20 but I know --
 21 Q. Okay. Well, rather than go through each name,
 22 is it your testimony -- did all of the 60 agree with you
 23 as to that vocademics were dead-end classes?
 24 A. Yes.
 25 Q. The entire group?

1 MS. STRONG: Objection. Calls for speculation.
 2 BY MR. FERNANDES:
 3 Q. You previously identified the five schools that
 4 you believe denied students access to A through G
 5 requirements or AP classes. Start with Dorsey. With
 6 respect to Dorsey, you stated that Christy couldn't get
 7 into an AP class and was instead placed in a child
 8 development class do you have any other basis for your
 9 belief that Dorsey didn't provide access to A through G
 10 requirements?
 11 A. I remember one time they -- well, based on
 12 statistics that we did, we did find out how many
 13 classes -- how many AP classes were offered at the school
 14 as opposed to how many vocademic classes were at that
 15 school, and as far as number, I can't remember.
 16 MS. STRONG: Objection. Sorry.
 17 THE WITNESS: But that was one thing also that I
 18 based it on.
 19 MS. STRONG: Objection. Move to strike as
 20 nonresponsive.
 21 BY MR. FERNANDES:
 22 Q. What you said, "some statistics," what
 23 statistics are you speaking of?
 24 A. I believe they were statistics that Romer did
 25 give to us, Roy Romer did give to us, but this was

1 sometime during -- yeah. Actually it was during December
 2 during the meeting we had with Roy Romer.
 3 Q. And did these statistics show that students at
 4 Dorsey weren't provided access to A through G
 5 requirements?
 6 A. Yes.
 7 Q. In what way? What did the statistics say?
 8 A. As far as it showing numbers of how many AP
 9 classes were offered as opposed to how many vocademic
 10 classes were offered.
 11 Q. Does that in your mind show that there was no
 12 access to or does it just show the number of --
 13 A. Actually it just showed the numbers of those
 14 classes, but with the number of the amount of students, I
 15 mean it showed that if everyone wants to get into an AP
 16 class, it wouldn't be available.
 17 Q. So you knew how many spots were open in each of
 18 the AP and you calculated that and then figured out?
 19 A. Based on the statistics, yes.
 20 Q. Based on the statistics. Is this statistics
 21 that we have discussed before or is this something
 22 different?
 23 A. I believe it was the same, the same statistics.
 24 Q. Have you provided that document?
 25 A. No.

1 Q. Do you have that document?

2 A. I don't have it with me.

3 MS. STRONG: Object as nonresponsive. The
4 question is related to A through G requirements and the
5 deponent is responding to information about AP classes.
6 BY MR. FERNANDES:

7 Q. The first question is regarding specifically
8 access to A through G.

9 A. Okay.

10 Q. I did have I think, if you were providing -- let
11 me just clarify.

12 Was your answer related to AP classes?

13 A. Yes, they were.

14 Q. With respect to -- first of all, what is your
15 understanding of A through G requirements?

16 A. A through G requirements are requirements that
17 are needed to graduate out of high school classes that
18 you would need for a certain amount of semesters or years
19 in order to graduate.

20 Q. So A through G are graduation requirements --

21 A. Yes.

22 Q. -- is your understanding.

23 Do the A through G requirements have anything to
24 do with enrollment in a U.C., University of California?

25 A. Now they are. From what I understand, at first

1 AP class. I can't remember her name because I don't see
2 her anymore so -- but she did say that she couldn't get
3 into an AP class.

4 Q. Do you remember the names of any of the
5 students?

6 A. No.

7 Q. With respect to Manual Arts, you spoke with
8 Marcus. I believe you stated that Marcus signed up for
9 an AP class, but received a textile class instead.

10 Do you have any other basis for your belief that
11 Manual Arts didn't provide access to A through G
12 requirements?

13 A. I know he was given a math investigations class
14 which he didn't know why he had that class, but I believe
15 he told me when he went to go talk to the counselor about
16 it, she then said there was no more room for whatever
17 math he needs to go to, so he would just have to stay in
18 math investigations. And this was maybe sometime during
19 September of 2000.

20 Q. And what class was -- what class did he sign up
21 for?

22 A. I can't remember, but I know it was a math
23 class.

24 Q. And do you know it was also -- was it an A
25 through G requirements?

1 they were just A through F requirements, but they also
2 include G now as far as the requirements to get into U.C.
3 schools.

4 Q. But they are also the graduation requirements?

5 A. Yes.

6 Q. With respect to Fremont, I believe you said you
7 couldn't remember who you spoke to about these issues.
8 On what basis did you come to believe that Fremont did
9 not provide students access to A through G requirements?

10 A. Just based on statements that students from
11 Fremont were given during that time.

12 Q. What statements were those?

13 A. I can't remember exactly what they said, but I
14 mean I know it related to how they weren't allowed to get
15 into those classes or they either had to wait maybe two
16 or three weeks after enrollment for them because the
17 classes were full and they had to switch people around
18 throughout classes.

19 Q. Do you have the names of any of those students?

20 A. No.

21 Q. And on what basis did you come to believe that
22 Fremont didn't provide access to AP courses, not the A
23 through G?

24 A. I believe there was -- no. I believe there was
25 one student that said she wasn't allowed to get into an

1 A. Yes. All the math classes are A through G
2 requirements except for math investigations, I believe.

3 Q. And he was told that there wasn't enough room in
4 the math class that met the A through G requirements

5 MS. STRONG: Objection. Calls for speculation.
6 BY MR. FERNANDES:

7 Q. Is that correct?

8 A. Correct.

9 Q. You said he spoke to a counselor. Do you know
10 the name of the counselor he spoke with?

11 A. No.

12 Q. Do you know what year this occurred?

13 A. 2000, September. 2000 of September.

14 Q. Do you have any other basis for your belief that
15 Manual Arts didn't provide access to the A through G
16 requirements?

17 A. No.

18 Q. I'm sorry, the AP requirements?

19 A. Also the statistics. Basically all the five
20 schools we were working with, we had statistics for all
21 five of those schools, so the statistics would be another
22 reason.

23 Q. Would you be able to locate this document that
24 you are speaking of that had the statistics?

25 MR. FOX: Assumes facts.

1 THE WITNESS: No. I mean I don't know where I
2 can -- I mean I probably can find it if I talk to someone
3 from the Coalition, but maybe Roy Romer still has it, if
4 he still has it. He might still have it.

5 BY MR. FERNANDES:

6 Q. Do you know where it came from? I know Roy
7 Romer gave it to you. Did it come from a book or the
8 Internet?

9 A. I don't know where he got it from.

10 Q. With respect to Washington, you stated that you
11 spoke with George Hernandez and that he was denied access
12 to an AP class. Do you have any other basis for your
13 belief that Washington didn't provide students access to
14 AP classes?

15 A. Other than the statistics, that's it.

16 Q. And what about do you have any other basis for
17 your belief that Washington didn't provide students with
18 access to A through G requirements?

19 A. No.

20 Q. With respect to Crenshaw, you stated you tried
21 to enroll in an AP class and you heard that the resources
22 would be better in AP classes. What resources did you
23 think would be better in the AP classes?

24 A. As far as the books for -- I mean the way I
25 understand it, the teachers could be a better resource

1 assignments in AP classes?

2 A. I can't remember now. I mean it was so long
3 ago. I mean I can't remember the names.

4 Q. Okay.

5 A. I know it is sometime during the first semester
6 of my tenth grade.

7 Q. Okay. You previously stated that former
8 superintendent Roy Romer directed your attention to a web
9 site and from which you gathered statistics?

10 A. Former student.

11 Q. I'm sorry. Superintendent Roy Romer directed
12 your attention to a web site from which you gathered
13 statistical information about vocademic and students who
14 went on to a four-year university.

15 A. Correct.

16 Q. Is that correct? You couldn't remember the web
17 site at that time, but you said that you were sure that
18 you could locate it again on the Internet.

19 A. I believe it was the post-secondary. See, I
20 can't remember the full name, but I know it is something
21 like post-secondary -- as far as getting -- I can't
22 remember the exact name, but it had post-secondary or
23 something like that.

24 Q. How would you -- I think you said you didn't
25 remember it at that time either, but if you went on the

1 based on their teaching skills.

2 Q. I'm sorry. You said books first and then
3 teachers?

4 A. Yes. As far as the assignments that will
5 prepare you for college. And that's about it.

6 Q. Okay. And do you know what books were used in
7 the AP classes?

8 A. No.

9 Q. You just -- you thought that they would be
10 better, but you didn't know what they were?

11 A. Correct.

12 Q. And did you compare your teachers to any of the
13 teachers in the AP classes?

14 A. No.

15 Q. What about the assignments? Did you know about
16 the assignments that were given in the AP classes?

17 MR. FOX: Vague and ambiguous.

18 THE WITNESS: Just based on students, I knew
19 they, I mean, would tell, I mean, the other students
20 about what assignments they would get and everything and
21 how the teacher would work with them during the class
22 time, class period. But in that, that's the only way I
23 knew that, that the assignments would be better.

24 BY MR. FERNANDES:

25 Q. What students did you speak to about the

1 Internet, that you could locate it. How would you locate
2 it?

3 A. I mean I could look on a search browser or I
4 could ask somebody at the Community Coalition about it.
5 They probably do know the web site.

6 Q. The Community Coalition?

7 A. Yes.

8 Q. Do you remember any particular key words that
9 would allow you to find that site?

10 A. Just that post-secondary.

11 Q. Was that in the web site address or is that just
12 on the page?

13 A. That's where it -- well, on the bottom of the
14 page it said that's where it came from.

15 Q. Okay.

16 A. Something about post-secondary education or
17 something like that.

18 Q. Okay. On the second day of your testimony, you
19 stated that you were absent or tardy on occasion in each
20 of your classes and you stated it was due to activities.
21 What are the activities --

22 MR. FOX: Objection. Assumes facts, may
23 mischaracterize the witness' testimony.

24 BY MR. FERNANDES:

25 Q. Is that your -- do you recall stating that you

1 were absent or tardy due to activities?
 2 A. Yes.
 3 Q. What did you mean by "activities"?
 4 A. Activities at the school. I mean I can't
 5 remember. I mean I know a few of them as far as the
 6 bazaar.
 7 Q. What was that?
 8 A. A school bazaar that Crenshaw had.
 9 Q. And when did the school bazaar take place?
 10 A. I think sometime in October. I am not too sure.
 11 I think it was October.
 12 Q. Was it one day?
 13 A. Yes.
 14 Q. Was it an annual event?
 15 A. Yes.
 16 Q. Were there any other activities?
 17 A. Not that I can remember. I mean I just remember
 18 I was thinking -- that was one of the large events that
 19 we had.
 20 Q. Do you remember which class you missed or were
 21 late for because of the school bazaar?
 22 MR. FOX: Objection. Relevance.
 23 THE WITNESS: No, I can't. I mean it was an
 24 all-day thing. It was more than one class, but I can't
 25 remember the classes. I know one of the classes I was

1 tardy to.
 2 I think it was either my second or third period.
 3 That was because I had to go back to that class. When I
 4 was tardy, I went -- that's because I had to go to that
 5 class to show the teacher the note and everything and go
 6 back to the bazaar. Other than that, I think the rest of
 7 the classes I did miss for the day.
 8 BY MR. FERNANDES:
 9 Q. So did you have permission to miss the class to
 10 go to the bazaar?
 11 A. Yes.
 12 Q. Was the absence or tardy excused?
 13 A. Yes.
 14 Q. Were you ever late or absent for any class for
 15 reasons other than one of these activities? The only one
 16 we have is the school bazaar.
 17 MR. FOX: Asked and answered.
 18 THE WITNESS: No. I mean other than the
 19 activities, no.
 20 BY MR. FERNANDES:
 21 Q. Did you ever have any unexcused absences?
 22 A. No.
 23 Q. Did you have any unexcused tardies?
 24 A. No.
 25 MS. STRONG: Just for clarification for the

1 record, this is with respect to both years at Crenshaw;
 2 all of his classes?
 3 BY MR. FERNANDES:
 4 Q. Is that your testimony? Is this covering both
 5 years that you were not tardy, unexcused tardy or
 6 absent --
 7 A. Yes.
 8 Q. -- in either year.
 9 On the second day of your deposition you
 10 produced three documents. One of them was a Student
 11 Planner or your Student Planner. Do you recall those
 12 documents?
 13 A. Yes.
 14 Q. Where did you get the Student Planner?
 15 A. I believe it was from my second period class.
 16 Q. Was it given to you by a teacher or did you
 17 purchase it?
 18 A. Given to me by a teacher.
 19 Q. Which teacher gave that to you?
 20 A. That was -- what teacher was that? I can't
 21 remember the teacher. I am thinking it's -- because I
 22 know I did receive a planner in the ninth grade by my
 23 second grade teacher Mr. Hornbeck. For that that one, it
 24 was -- because I had PE second period. I know I didn't
 25 get it then.

1 Q. Well, if you can't remember, that's okay. We
 2 can come back.
 3 So you stated that you did have a planner in
 4 ninth grade as well?
 5 A. Correct.
 6 Q. Was it similar to the planner that --
 7 A. Yes.
 8 Q. In your previous testimony you stated that you
 9 didn't know who to ask about AP classes at Crenshaw; is
 10 that correct?
 11 A. Correct.
 12 Q. Are you familiar with the section in your
 13 planner that's entitled "Where to go for help"?
 14 A. I do remember looking at that, but I don't know
 15 exactly what it is in there.
 16 Q. Do you want to look at a copy?
 17 A. I can't remember exactly what is in it.
 18 MR. FERNANDES: This has already been -- has
 19 this already been marked into evidence?
 20 MS. STRONG: She wouldn't know.
 21 MR. FERNANDES: We can -- I am not sure what
 22 exhibit we are.
 23 Can we go off the record for a second.
 24 (A discussion was held off the record.)
 25 MR. FERNANDES: I would like to mark the Student

1 Planner as Exhibit 5.
 2 (Deposition Exhibit 5 was marked
 3 for identification and attached.)
 4 BY MR. FERNANDES:
 5 Q. Delwin, are you looking at the section entitled
 6 "Where to go for help"?
 7 A. Yes, I am.
 8 Q. And what does it say with respect to your
 9 schedule?
 10 A. To see my counselor.
 11 Q. Did you do that?
 12 A. For AP?
 13 Q. Yes.
 14 A. No, I didn't. As far as I know for scheduling,
 15 as I understood it, if I had any problems with my classes
 16 as far as having the right classes.
 17 Q. So you didn't understand the counselor that
 18 dealt with the schedule to -- you didn't believe that she
 19 could -- he or she could provide any assistance with AP
 20 classes?
 21 A. Correct.
 22 Q. Now, I think you also stated that you didn't
 23 know what all of the graduation requirements were at
 24 Crenshaw; is that correct?
 25 A. During the time; correct.

1 Q. And did you call the counselor listed on this
 2 page about the graduation requirements?
 3 MR. FOX: Objection. Assumes facts. There is
 4 no counselor listed on the page.
 5 THE WITNESS: No, I didn't.
 6 BY MR. FERNANDES:
 7 Q. Can you turn to the next page or two pages.
 8 There is a page entitled "Directory of Extensions." And
 9 the previous page, are you looking at the page that
 10 states "Who's Who at Crenshaw High School"?
 11 A. As far as?
 12 Q. I'm sorry.
 13 MS. STRONG: You know, it is not on that.
 14 BY MR. FERNANDES:
 15 Q. It is not on that. I'm sorry. This is the -- I
 16 have to look at the full copy.
 17 A. Oh, yeah. I have that right here.
 18 Q. This page is the one I am talking about.
 19 MS. STRONG: It is double-sided. Just note for
 20 the record that Exhibit 5 has double-sided pages.
 21 THE WITNESS: Okay. I see that.
 22 BY MR. FERNANDES:
 23 Q. What is that list at the bottom of the page?
 24 MR. FOX: Best evidence is the document.
 25 THE WITNESS: These are the different counselors

1 for different students at the school.
 2 BY MR. FERNANDES:
 3 Q. And does it provide an extension for those
 4 counselors as well?
 5 A. Yes, it does.
 6 Q. Okay.
 7 A. But we are not allowed to use the phones at
 8 Crenshaw so --
 9 Q. Does it provide the name of the counselor by
 10 year?
 11 A. Yes, it does.
 12 MS. STRONG: And I also would just like to
 13 clarify for the record what page it is that the deponent
 14 is now looking at. The title at the top of the page
 15 states what?
 16 BY MR. FERNANDES:
 17 Q. "Who's Who at Crenshaw High School." It is not
 18 numbered, but the title of the page is "Who's Who at
 19 Crenshaw High School."
 20 MS. STRONG: Thank you.
 21 BY MR. FERNANDES:
 22 Q. Do you know if your parents were aware of the
 23 graduation requirements at Crenshaw High School?
 24 A. As far as specifically, no.
 25 Q. Did they ever call anyone at Crenshaw High

1 School to ask what the graduation requirements were?
 2 A. No.
 3 MR. FOX: Relevance.
 4 BY MR. FERNANDES:
 5 Q. If you could turn to -- there is another page, I
 6 believe, the next page on this document that's entitled
 7 "Tips for Parents." And I think if you go down seven, I
 8 think it's the seventh bullet. Can you read that?
 9 A. "Know graduation requirements and review
 10 student's progress every semester. Call student's
 11 counselors if you don't receive a progress report every
 12 five weeks."
 13 Q. What is the title of that page again, just for
 14 the record?
 15 A. "Tips for Parents."
 16 Q. And did you ever show this to your parents or
 17 did your parents ever see that?
 18 MR. FOX: Objection. Relevance. Privacy.
 19 THE WITNESS: No.
 20 BY MR. FERNANDES:
 21 Q. No?
 22 A. (Shook head from side to side.)
 23 MR. FERNANDES: I am done with that document
 24 unless anyone had any questions.
 25 Q. I am not sure if you already answered this, but

- 1 I was a little unclear whether you have Internet access
2 at home.
- 3 A. I do now. I believe I stated that I didn't have
4 it while I was at Crenshaw, but I do have it now.
- 5 Q. When did you get Internet access at home?
6 A. April.
7 Q. April of?
8 A. 2001.
- 9 Q. And prior to April 2001 did you use the Internet
10 at school?
11 A. On occasions I did.
- 12 Q. You stated at one time in your ninth grade
13 Spanish class you waited outside until the end of class
14 and no teacher ever showed up. Do you recall that?
15 A. Yes.
16 Q. Do you remember when that occurred?
17 A. No, I can't. I know it was during my ninth
18 grade year.
19 Q. Ninth grade?
20 A. Yes, but I can't remember which semester.
21 Q. You said that you notified security. Do you
22 remember who the security officer was?
23 A. No. I didn't know who any of the security
24 officer names were.
25 Q. Was it a male or female; do you recall?

- 1 Q. Do you remember when those two incidents
2 occurred?
3 A. No.
4 Q. Was that also during your ninth grade year?
5 A. Yes.
6 Q. But you don't recall whether it's first semester
7 or second semester?
8 A. No.
9 Q. Did you notify anyone regarding either of those
10 incidents?
11 A. No, I didn't.
12 Q. Can you tell me the names of any other students
13 that could verify either of those incidents?
14 A. [REDACTED] again. That's the only other name I could
15 remember.
16 Q. And when you said that you left because no
17 teacher showed up, did you stay for the entire period?
18 A. Did I stay?
19 Q. Did you wait for the entire period?
20 A. No, I didn't.
21 Q. At what point did you leave?
22 A. Maybe 15 minutes, 20 minutes.
23 Q. 15 to 20 minutes?
24 A. Yes.
25 Q. Was that the same amount of time for each of

- 1 A. Yeah. Male.
2 Q. Did you notify any administrators?
3 A. I don't believe I did, no.
4 Q. Did you notify anyone else about that incident?
5 A. No, I don't believe I did.
6 Q. Can you tell me the names of any of the students
7 that could verify this?
8 A. [REDACTED]
9 MR. FOX: Objection. Vague and ambiguous.
10 Verify what?
11 BY MR. FERNANDES:
12 Q. Verify that the teacher, the Spanish teacher
13 didn't show up for the entire period.
14 A. [REDACTED]
15 Q. [REDACTED] the name?
16 A. Yes. It is [REDACTED]
17 Q. Okay.
18 A. I don't know her last name.
19 Q. Any other students?
20 A. I can't remember his name. I think it was -- I
21 can't remember his name.
22 Q. So [REDACTED] also with respect to that Spanish
23 class, you stated that on two occasions the students just
24 left because no teacher showed up; is that correct?
25 A. Correct.

- 1 those incidents?
2 A. I believe so.
3 Q. Do you know if the teacher showed up after you
4 left?
5 A. No, he didn't, because I had to go back to the
6 bungalows for the next class when the bell rung, and as I
7 was walking by, no one was there, so --
8 Q. Did you look inside?
9 A. The lights were off, so --
10 Q. Okay.
11 A. I mean the windows are tinted, so I mean there
12 was no need for me to look. I mean I knew I couldn't see
13 who was inside so I didn't bother looking.
14 Q. You stated that Ms. Beasley purchased materials
15 with her own money. What materials did she purchase?
16 A. I believe she purchased -- I believe we already
17 went through it, but I believe it was paper towels.
18 Before she asked us to bring in tape she was buying tape,
19 I believe.
20 Q. If we went over the specific things, then we
21 don't have to go over that again. Mainly what I want to
22 know is do you know whether she was reimbursed by the
23 school?
24 A. No, I don't know.
25 Q. Do you know whether the school would have

1 purchased any or all of the materials that she had
 2 purchased?
 3 A. No.
 4 Q. Are you aware of the procedures for teachers to
 5 follow when ordering books or materials?
 6 A. No.
 7 Q. With respect to [REDACTED]' algebra class, you
 8 stated the majority of assignments were -- you called
 9 them refresh assignments. Do you recall that?
 10 A. Yes.
 11 Q. How many refresh assignments were given by
 12 [REDACTED]?
 13 A. I don't know how many assignments. I mean
 14 assignments were given. I mean --
 15 Q. Over what period of time were -- I guess what I
 16 am trying to get at is was there a period of time where
 17 you didn't consider the assignments refreshed any longer
 18 and they were new material?
 19 A. There were a few times where I did consider new
 20 material, but most of the time they were refreshments.
 21 Q. For the entire year?
 22 A. Not the entire semester. Most of the semester,
 23 I could say.
 24 Q. Okay. And how many -- I believe you stated that
 25 you required assistance with some of those assignments.

1 How many of the refresh assignments did you require
 2 assistance with?
 3 A. I can't remember how many times, but I mean it
 4 was like maybe -- it wasn't a whole lot. I mean it
 5 wasn't that many times.
 6 Q. You stated that [REDACTED] was not on time to
 7 class. Do you recall that?
 8 A. Yes.
 9 Q. How many times was she late for class?
 10 A. I would have to say maybe four, sometimes five
 11 times out of a week.
 12 Q. Four or five times a week out of a five-day
 13 week?
 14 A. Not -- I mean it wasn't a majority of five days
 15 out of a week, but it was a majority of four days out of
 16 a week. So I mean I can actually say four -- three or
 17 four times out of the week she was late out of five days.
 18 Q. And how late was she?
 19 A. Most days she was maybe 10-15 minutes late after
 20 the tardy bell.
 21 Q. And can you provide the names of any other
 22 students who could support these allegations?
 23 A. Calisha.
 24 Q. Can you spell that?
 25 A. I don't know how to spell her name.

1 Q. Calisha?
 2 A. My brother D'Andre, Dajah, D-a-j-a-h, Travon.
 3 MS. STRONG: Can you spell that for the court
 4 reporter.
 5 THE WITNESS: T-r-a-v-o-n. That's all the names
 6 I can remember.
 7 BY MR. FERNANDES:
 8 Q. Okay you stated a received a [REDACTED] in your algebra 1
 9 class; is that correct?
 10 A. Correct.
 11 Q. Though your transcript showed a [REDACTED] that you
 12 received a [REDACTED] is that correct --
 13 A. That's correct.
 14 Q. -- when you looked at the transcript.
 15 Do you have the report card that showed a [REDACTED]
 16 it?
 17 A. No, I don't. But like I said, I did go over
 18 that with my mom and she also said I had a [REDACTED]. She does
 19 remember that I did have a [REDACTED].
 20 Q. So your mother saw the report card before it was
 21 lost or --
 22 A. Correct.
 23 Q. Was there anyone else that saw that report card?
 24 A. My brother did.
 25 Q. And your brother is?

1 A. D'Andre.
 2 Q. Was there anyone else?
 3 A. No.
 4 Q. I believe the same scenario was presented with
 5 the math investigations grade; is that correct?
 6 A. That was it, actually. I think --
 7 Q. Did you have a report card -- what did you
 8 receive? What did your transcript show that you
 9 received?
 10 A. On my transcripts? I think they said a [REDACTED]
 11 either a [REDACTED] or a [REDACTED].
 12 Q. And what did your report card show?
 13 A. A [REDACTED].
 14 Q. And again, do you have that report card?
 15 A. No, I don't.
 16 Q. And did your mother see that report card?
 17 A. Yes.
 18 Q. Who else saw that?
 19 A. My brother.
 20 Q. Anyone else?
 21 A. That's it.
 22 Q. You also stated that Ms. Smith, your tenth grade
 23 algebra teacher, paid for materials and supplies out of
 24 her pocket; is that correct?
 25 A. Correct.

1 Q. How do you know that she paid for those
2 materials out of her pocket?

3 A. With the letter I mentioned that I did find
4 relating to the math department.

5 Q. And do you know if she was reimbursed by the
6 school?

7 A. No, I don't.

8 MS. STRONG: Object as the question misstates
9 the testimony.

10 BY MR. FERNANDES:

11 Q. When you were talking about cleaning supplies,
12 you stated that -- I believe you stated that Crenshaw
13 lacks classroom supplies and in part you were relying on
14 the fact -- on your understanding that certain classrooms
15 lacked cleaning supplies at times; is that correct?

16 A. I did list that as a resource needed for class.

17 Q. Okay.

18 A. Not a major resource, but one of the resources.

19 Q. Is it your understanding -- do you believe that
20 all of the classrooms should be stocked with all cleaning
21 supplies?

22 MR. FOX: Objection. Vague and ambiguous.

23 THE WITNESS: Not necessarily with all cleaning
24 supplies. I don't know what you mean by "all cleaning
25 supplies."

1 amount of days. I mean --

2 BY MR. FERNANDES:

3 Q. It was just -- if I am asking some questions,
4 that I know we went over these areas, and I reviewed the
5 transcripts and it was just unclear, so I am asking some
6 of these questions.

7 MS. STRONG: I apologize if it hasn't been asked
8 and answered. All for clarification.

9 MR. FERNANDES: I understand.

10 Q. You stated that -- you stated your belief that
11 Crenshaw was overcrowded compared to other schools, that
12 other schools had smaller classes. What other schools
13 were you referring to that had smaller classes than
14 Crenshaw?

15 A. Basically schools that were in other areas.

16 Just basically schools that were in other areas.

17 Q. Do you have any specific schools, the names of
18 any specific schools in mind?

19 A. No, nothing that I can remember.

20 Q. So when you were saying that Crenshaw was
21 overcrowded compared to other schools, you didn't have
22 any specific schools in mind?

23 A. Well, actually just based on some of the other
24 schools that students would -- well, there were students
25 that would come to the Community Coalition and they

1 BY MR. FERNANDES:

2 Q. I think you were talking about spills that
3 occurred in the classroom and then you had to go outside
4 of the classroom --

5 A. Correct.

6 Q. -- to find something to clean that up with. So
7 I was just wondering is that something that you believe
8 that every classroom should have a supply to address
9 spills inside the classroom?

10 A. As far as paper towels, yes, but I also
11 mentioned like erasers for the board.

12 Q. Yeah. And I don't want to go over all of that.
13 I was just mainly talking about cleaning supplies.

14 Okay. On your third day of deposition, you
15 stated that students stood during classes. Do you recall
16 the names of the students that were standing during
17 classes?

18 MR. FOX: Objection. Vague and ambiguous.

19 THE WITNESS: No.

20 BY MR. FERNANDES:

21 Q. Do you know how long those students stood?

22 MS. STRONG: Objection. Asked and answered.

23 THE WITNESS: Yeah. I did answer those
24 questions already. They were specific classes. The idea
25 mentioned were students were standing for a certain

1 weren't related to the issues that we were dealing with,
2 but they were there just to see, you know, what was going
3 on throughout the meetings.

4 There were schools that represented to us in
5 newspaper articles that were -- I mean like, I said
6 there, were students that would come in and they would
7 talk about, you know, how their schools were.

8 Q. Do you recall what any of those schools?

9 A. No.

10 Q. Do you recall the names of the students that
11 told you that their schools were less crowded?

12 A. No.

13 MR. FOX: Objection. Relevance. I can give you
14 a whole bunch of names of schools.

15 MR. FERNANDES: Well, I am asking Delwin.

16 MR. FOX: I don't know that we need his
17 testimony for this.

18 BY MR. FERNANDES:

19 Q. Do you know if other schools in California have
20 larger classes than Crenshaw?

21 A. Yes.

22 Q. And what schools have larger classes than
23 Crenshaw?

24 A. The five schools that I mentioned. I mean if
25 you want to read them off, I can just based on -- I can

1 add more schools to it.
 2 Q. Those five schools that you mentioned have
 3 larger classes than Crenshaw?
 4 A. I mean, well, actually not all the classes. I
 5 mean not all the schools. Maybe about two or three other
 6 and maybe like a few more I can add on to.
 7 Q. What are those schools?
 8 A. I believe that Fremont has a larger number of
 9 classes.
 10 Q. Not a larger number of classes, but I believe we
 11 are talking class size.
 12 A. Yeah. Class size. Fremont, yeah, I can name
 13 that one. Fremont.
 14 Q. And any others?
 15 A. Manual.
 16 MR. FOX: Let's make sure the record is clear if
 17 you don't mind.
 18 We are talking about schools where on average
 19 there are more than, say, 35 to 40 students in a class,
 20 if you say, as a ballpark figure, those are the numbers
 21 for Crenshaw.
 22 MR. FERNANDES: I object to that. I am not
 23 putting a specific number on him. I am asking him his
 24 opinion. He stated that Crenshaw was overcrowded when
 25 compared to other schools, and I would like to know what

1 schools he thought had larger class sizes and what
 2 school -- and I don't think you need to put a number on
 3 it for him for large classes. But I am talking for class
 4 size and that's okay for clarification.
 5 Q. We are talking about individual class sizes
 6 which schools have larger class sizes than Crenshaw, but
 7 there is no specific number unless you have a specific
 8 number in mind.
 9 A. No, I don't.
 10 MR. FOX: Are you clear on what we are talking
 11 about?
 12 THE WITNESS: Uh-huh.
 13 BY MR. FERNANDES:
 14 Q. And do you know of schools that have smaller
 15 class sizes than Crenshaw?
 16 A. Other than the schools that I haven't mentioned
 17 out of the five schools, I am not too sure if they have
 18 smaller classes or not, but --
 19 Q. I am not sure, other than the schools that you
 20 haven't mentioned?
 21 A. I mentioned two schools which was --
 22 Q. That have larger class sizes?
 23 A. Correct.
 24 Q. Now I am asking if you know of schools that have
 25 smaller class sizes?

1 A. Which are the out of three -- out of the five
 2 schools, I'm not sure if they have smaller classes, but
 3 they could probably be smaller or equal to the amount
 4 that Crenshaw has, which is Manual, Locke, Dorsey.
 5 Q. I believe you said Manual had a larger class
 6 size?
 7 A. Actually, you know what? I am not too sure
 8 about Manual, then. I am not even going to say Manual
 9 then.
 10 Q. Which schools do you think have smaller class
 11 sizes than Crenshaw?
 12 A. Washington does, just based on my experience.
 13 And the other schools that I mentioned, Locke and --
 14 Q. Locke?
 15 A. Yes. The reason I asked you to say those five
 16 schools again, because I don't think I mentioned Locke.
 17 That was one of the new schools that we did add.
 18 Q. And how do you know that Locke has smaller class
 19 sizes than Crenshaw?
 20 A. That's just based on my opinion. I believe that
 21 they do have smaller classes.
 22 Q. What is your opinion based on?
 23 A. Just based on students that I did meet from
 24 Locke and when I asked them, when they were asked how
 25 many students were in their classrooms. I didn't ask

1 them specifically, but I was in the conversation when
 2 they were asked how many students do they think are in
 3 their classes.
 4 Q. These are students from Locke?
 5 A. Yes.
 6 Q. Do you have the names of any of those students?
 7 MR. FOX: Again, objection, relevance. I think
 8 class sizes around the state are publicly available. We
 9 don't need Delwin's testimony to establish that.
 10 THE WITNESS: I don't remember any names. I
 11 believe one of them is -- one name is -- I mean one
 12 person's name is Ricardo. I'm not too sure. I don't
 13 really keep in touch with them that often, but I think
 14 his name is Ricardo.
 15 BY MR. FERNANDES:
 16 Q. And is he a member of the Community Coalition?
 17 A. Yes.
 18 Q. Okay. I was, in reviewing the transcript, I was
 19 a little confused by your statements about you discussed
 20 a poem, Ulysses poem, I believe, or worksheet in
 21 Mr. Hornbeck's class. Do you recall that?
 22 A. Was that regarding the amount of copies that --
 23 Q. That were passed out, I believe.
 24 A. Okay. Yes.
 25 Q. Do you recall Mr. Hornbeck passing out the poem

1 or worksheet to the students?
 2 A. Yes.
 3 Q. And I believe you stated that two students,
 4 including yourself, did not receive a copy of that poem
 5 or worksheet; is that correct?
 6 A. Correct.
 7 Q. Did Mr. Hornbeck realize that you didn't have a
 8 copy of that poem?
 9 A. Yes.
 10 Q. And did he make any suggestion to you as to what
 11 you should do?
 12 A. Yes.
 13 Q. What did he tell to you do?
 14 A. He told me that I could probably just copy the
 15 poem on a sheet of paper because we had to put -- make a
 16 poem packet anyway, and as far as making a design and
 17 everything, and so he just figured if I am copying down
 18 on a piece of paper, I will make my design to it and
 19 everything. That would be -- I mean it would count as
 20 far as the assignments being done. And that was it.
 21 Q. Is that what you ended up doing?
 22 A. No.
 23 Q. What did you end up doing?
 24 A. I ended up getting the poem off the Internet.
 25 Q. Why didn't you do what he suggested that you do?

1 A. Well, because if I wrote it down, I thought that
 2 it probably wouldn't be as legible as far as if I wrote
 3 it down in pencil and then colored it in and everything,
 4 it probably wouldn't be as legible, or you probably
 5 couldn't see it if it was done in pencil.
 6 So I figured if I get it off the Internet, it
 7 would be clear. It would be in ink and I will put my own
 8 design.
 9 Q. Okay. And can you give me the names of any
 10 other students that could verify this, particularly the
 11 second student? Do you remember the second student that
 12 didn't receive the poem?
 13 A. No. I mean even if I did remember the names,
 14 they probably wouldn't remember.
 15 Q. Okay.
 16 A. So --
 17 Q. You testified that one of the problems with the
 18 facilities was the fire sprinklers looked rusty or had
 19 cobwebs. Do you recall that?
 20 A. Yes.
 21 Q. Do you know if those fire sprinklers worked at
 22 that time?
 23 MR. FOX: Objection. Asked and answered. We
 24 have been over this.
 25 THE WITNESS: During the time, I did state that

1 when there were fires, none of them went off. So my
 2 belief was that they didn't work.
 3 BY MR. FERNANDES:
 4 Q. Okay. And do you know how fire sprinklers work?
 5 A. Not exactly. I am not an expert in that so --
 6 Q. Or at what point they should be triggered?
 7 A. My whole thought was they should be triggered
 8 when there's smoke or when there is a high-rise in the
 9 flame, but -- I mean, like I say, I am not an expert in
 10 it so I wouldn't know exactly.
 11 Q. You stated that some bathrooms were closed at
 12 certain times. Do you know why they were closed?
 13 MR. FOX: Asked and answered.
 14 THE WITNESS: No, I don't.
 15 BY MR. FERNANDES:
 16 Q. Did you ever ask an administrator or any
 17 administrator which bathrooms were open at which times?
 18 A. No.
 19 Q. You testified that there were no doors on some
 20 of the stalls in the bathrooms. Do you recall that?
 21 A. Yes.
 22 Q. Do you know why there were no doors?
 23 A. No. Well, what I know is some of them looked
 24 like they could have been broken off, but other than
 25 that, they probably could have been removed.

1 Q. You stated that different toilets appeared to be
 2 backed up on different days. And I think your testimony
 3 was it wasn't the same toilet each day that you went in
 4 there; is that correct?
 5 A. Correct.
 6 Q. So is it your understanding that the district or
 7 the school -- that the toilet from the previous day that
 8 was backed up was fixed?
 9 A. It could have been.
 10 Q. It was no longer -- when you came in the next
 11 day or the next time you visited that restroom, it was no
 12 longer clogged; is that correct?
 13 MR. FOX: Lacks foundation, calls for
 14 speculation, assumes facts.
 15 THE WITNESS: I believe in my testimony the
 16 third day, I did say that I think it was the PE bathroom.
 17 I did state that one of the toilets was backed up for
 18 more than one day.
 19 BY MR. FERNANDES:
 20 Q. Okay. So one toilet was backed up for more than
 21 one day?
 22 A. Yes. But other than that, if they weren't
 23 clogged anymore, they could have been fixed.
 24 MR. FOX: Well, don't speculate.
 25 BY MR. FERNANDES:

1 Q. I think you stated that there were eight boys'
2 bathrooms, but only three were open; is that correct?
3 A. That I was aware of.
4 Q. Open to students; correct?
5 A. Right.
6 Q. And the remaining five I think you stated were
7 locked each time you tried to go into them; is that
8 correct?
9 A. Correct.
10 Q. How many times did you try to go into each of
11 those bathrooms? Let's start first did you try to go
12 into each of those five at least one time?
13 A. Yes.
14 Q. And how many times did you try to go into each
15 of those five bathrooms?
16 A. No more than -- throughout the whole school
17 year?
18 Q. Yeah.
19 A. No more than two times, two or three.
20 Q. Two times to each of those bathrooms?
21 A. Two or three, yes.
22 Q. Two or three into each of those bathrooms and
23 they were locked each of those times.
24 And could you give me the names of any other
25 students who could verify these bathrooms were locked or

1 investigations and then algebra 1A again. Do you recall
2 that?
3 A. Yes.
4 Q. I believe you also testified that a teacher told
5 you that there were an insufficient number of algebra 1B
6 classes available at Crenshaw; is that correct?
7 A. Correct.
8 Q. Who was that teacher?
9 A. [REDACTED]
10 Q. When did she tell you that?
11 A. I believe it was the first week of the second
12 semester when I was in math investigations.
13 Q. How did you feel about repeating the same
14 material, would you say, two or three semesters in a row?
15 MS. STRONG: Objection. Vague and ambiguous,
16 relevance.
17 THE WITNESS: My whole thing was I was more so
18 worried about me having -- I mean wanting to get the
19 opportunity to go ahead with my classes. It also gave me
20 a worry that I wasn't going to be able to graduate.
21 I mean I just had like a first start being in
22 high school and I was already repeating classes that I
23 already took for a teacher that doesn't come on time.
24 How would she know the progress of students, how the
25 students are going to progress in other classes.

1 would also notice that these bathrooms were locked?
2 A. Dahja, Brian. I mean there's a number of
3 students. Who else? Kenneth, Jasmine, Garvin. That's
4 all the names I can remember right now.
5 MR. FERNANDES: I think that's actually all of
6 my questions.
7 MR. FOX: Can we take a few minutes off the
8 record?
9 MS. STRONG: Want to take break?
10 MR. FOX: Yes.
11 (Recess taken.)
12 MR. FOX: Could we go back on.

EXAMINATION

15 BY MR. FOX:
16 Q. As you know, my name is Ben Fox. I am with
17 Morrison & Foerster. I represent the plaintiffs. My
18 questions like Chris Fernandes will jump around and cover
19 topics that we covered for the last three and a half days
20 so, again, please feel free to ask me for clarification
21 or to explain what topic we are talking about and I will
22 do that.
23 A. Okay.
24 Q. With regard to your algebra classes in Crenshaw,
25 you testified that you took algebra 1A and math

1 Also with regards to there not being a certain
2 amount of classes, I can imagine that the same thing
3 could have happened with other classes. There wouldn't
4 be enough room, so they would place me somewhere else. I
5 mean it also made me feel like, as if my progress as far
6 as passing that class didn't matter as opposed to how
7 many classes there were.
8 BY MR. FOX:
9 Q. Do you think you would have learned more had you
10 had the opportunity to go directly on to algebra 1B after
11 algebra 1A?
12 A. Of course.
13 MS. STRONG: Objection. Vague and ambiguous.
14 MR. FERNANDES: Join. And just for the record,
15 I join in the previous objection as well.
16 BY MR. FOX:
17 Q. New topic. With regard to your Spanish class in
18 I believe it was ninth grade, you testified that your
19 teacher was absent and Mr. Jones who was a health teacher
20 at Crenshaw acted as a substitute teacher for
21 approximately two weeks. Do you recall that?
22 A. That was for my Spanish class in the tenth
23 grade; correct.
24 Q. Did Mr. Jones speak Spanish?
25 A. No, he didn't.

1 Q. Did he teach from the teachers -- the regular
2 Spanish teacher's lesson plan?
3 A. No, he didn't.
4 MS. STRONG: Objection. Calls for speculation.
5 MR. FERNANDES: Join.
6 THE WITNESS: No, he didn't because the teacher
7 didn't have a lesson plan for us.
8 BY MR. FOX:
9 Q. Now, how was it that a teacher who did not speak
10 Spanish was able to teach a Spanish class in the tenth
11 grade?
12 MS. STRONG: Objection. Calls for speculation
13 to the extent that he has any knowledge that this teacher
14 didn't speak Spanish.
15 MR. FERNANDES: Join.
16 THE WITNESS: Actually I know he didn't speak
17 Spanish because I had him as a health teacher in ninth
18 grade.
19 As far as the lesson plan -- well, could you
20 repeat the question.
21 MR. FOX: Could you read it back.
22 (The record was read
23 by the reporter as follows:
24 "Q. Now, how was it that a teacher who did
25 not speak Spanish was able to teach a

1 MR. FERNANDES: Join.
2 THE WITNESS: To my knowledge, yes.
3 BY MR. FOX:
4 Q. Why?
5 A. Simply because I figured that -- I mean I was
6 told by my counselor the third time I went to get my class
7 corrected that they were moving people around, so that
8 way they would make room for other students to get into
9 those classes that I needed.
10 Also during those first couple of weeks, the
11 teachers, all teachers normally say it is like a normal
12 thing, "some you won't be in my class because it's going
13 to get crowded. There is going to be a lot of students
14 that come." And one particular teacher I do remember said,
15 that is Mr. Savage, he did say there was going to be a
16 lot of students coming in. He also said later on during
17 those weeks he was going to try not to accept any more
18 students into his class because it's getting overcrowded.
19 Q. With regard to the availability of books at
20 Crenshaw, we have used the term a "class set of books" or
21 an "in-class set of books" frequently throughout the
22 prior sessions. Are those terms interchangeable in your
23 mind?
24 A. No, they are not. As far as?
25 Q. Can you describe to me what is meant by a "class

1 Spanish class in the tenth grade?")
2 THE WITNESS: Basically all he did was give us
3 worksheets, fill-in-the-blank questions that did not
4 relate to the Spanish. Basically I figured that it was
5 just something he can give us to, you know, keep us
6 occupied for that period.
7 BY MR. FOX:
8 Q. Did he ever try to speak Spanish to you?
9 A. He would joke around and try to say something in
10 Spanish. He also told us that he wasn't good at Spanish.
11 There were no Spanish speakers in our classroom,
12 so therefore we wouldn't know if he was right or not, but
13 like I said, it was mostly just -- I mean by joking
14 around.
15 Q. Next topic. You testified in ninth grade you
16 enrolled in two science classes and two Spanish classes
17 in the same semester for approximately four weeks. Do
18 you recall that?
19 A. Yes.
20 Q. Can you explain again, I know we went over it a
21 little bit, but I believe you described it as a
22 scheduling problem.
23 To your knowledge was that scheduling problem
24 attributed to overcrowding at the school?
25 MS. STRONG: Objection. Calls for speculation.

1 set of books."
2 A. The way I see a class set of books are books
3 that are just supposed to be used in class as opposed to
4 books that are going to be taken home.
5 Q. And when you have referred to an "in-class set
6 of books," to what were you referring?
7 A. When I mentioned class set of books, I was
8 referring to books that are actually going to be in the
9 classroom for students to use for all periods. And then
10 also I mean not counting the books that we actually take
11 home.
12 Q. In each instance where you testified that a
13 class set of books was available, can we interpret that
14 to mean that you did not have a separate take-home set of
15 books?
16 MS. STRONG: Objection. Vague and ambiguous and
17 overbroad. We need to see exactly what the question was
18 and see what Delwin was thinking about each question.
19 Asked and answered.
20 MR. FERNANDES: Join.
21 MS. STRONG: It calls for speculation. I mean
22 he just has no idea of what you are talking about here.
23 THE WITNESS: I don't think there were any books
24 that we had a class set of, so -- I mean except for the
25 math class I did mention, that we did have a class set,

1 but we didn't have a set to take home, so I mean
 2 basically, I mean, like I said, we didn't have any class
 3 sets to take home. So when you say "class set," there
 4 was no instance where we had a class set so --
 5 BY MR. FOX:
 6 Q. Okay. I understand, so let me try and rephrase.
 7 There is a distinction between a set that is
 8 assigned to the class and each of its students and that
 9 book is yours for the semester and you take it where you
 10 want and you use it at home, in the library and in class.
 11 And then there are books that must stay in the
 12 class and that students use only when they come in for
 13 their assigned period and in a special circumstance when
 14 a teacher allows someone to remove a book that's meant
 15 for the class and taken outside; is that correct?
 16 A. Correct.
 17 Q. And would you say that in the majority of your
 18 classes, you had books that were available only for use
 19 in class as opposed to your own book to take with you
 20 wherever you pleased?
 21 MS. STRONG: Objection. Asked and answered. He
 22 has already gone through each class and availability and
 23 what he had to take home. Objection. Vague and
 24 ambiguous. Compound and overbroad.
 25 MR. FERNANDES: And misstates previous

1 the majority, but some of my classes, that would be
 2 correct. In other classes, we didn't have any books
 3 so --
 4 BY MR. FOX:
 5 Q. We may have already gone over this, but I will
 6 ask it anyway. In Ms. Beasley's class in tenth grade
 7 biology, were you allowed to take biology books home?
 8 A. No.
 9 MS. STRONG: Objection. Asked and answered.
 10 MR. FERNANDES: Asked and answered.
 11 BY MR. FOX:
 12 Q. Was that because there were only enough books
 13 for -- strike that. I will rephrase that question.
 14 Based on your understanding, was that because
 15 there were not enough books for each of the classes that
 16 Ms. Beasley taught and that, in fact, Ms. Beasley had to
 17 ask the students to share their books with the other
 18 classes?
 19 MS. STRONG: Objection. Compound. Calls for
 20 speculation.
 21 MR. FERNANDES: Join.
 22 THE WITNESS: Yes.
 23 BY MR. FOX:
 24 Q. With respect to [REDACTED] class, algebra 1A
 25 in ninth grade, I believe you testified you had a

1 testimony.
 2 Join in the previous objection.
 3 BY MR. FOX:
 4 Q. And this question goes to Delwin's overall
 5 impression of the state of available books at Crenshaw.
 6 So if you understand the question --
 7 A. Yes.
 8 Q. -- please respond.
 9 MS. STRONG: To clarify, it is not what actually
 10 happened. It is what he thinks happened; is that what
 11 you are saying?
 12 MR. FOX: No. It's -- I am asking for his
 13 general impression of his overall experience at Crenshaw.
 14 THE WITNESS: Can you repeat the question.
 15 (The record was read
 16 by the reporter as follows:
 17 "Q. And would you say that in the majority
 18 of your classes, you had books that were
 19 available only for use in class as opposed
 20 to your own book to take with you wherever
 21 you pleased?")
 22 MS. STRONG: Same objections and asked and
 23 answered.
 24 MR. FERNANDES: Join.
 25 THE WITNESS: I wouldn't actually say -- not in

1 textbook for in-class use only. Do you recall that
 2 testimony?
 3 A. Yes.
 4 Q. How many days during the semester were you
 5 allowed to take home your book for algebra 1A in that
 6 class?
 7 MS. STRONG: Objection. Asked and answered.
 8 MR. FERNANDES: Join.
 9 THE WITNESS: I don't think there was any time
 10 that we could, I mean none that I could remember was
 11 there any time that we could take a book home.
 12 BY MR. FOX:
 13 Q. Was it the general practice in that algebra 1A
 14 class for students to leave books in school rather than
 15 take them home?
 16 A. Yes.
 17 MS. STRONG: Objection. Please wait for my
 18 objection. Then give your answers.
 19 Objection. Vague and ambiguous. Calls for
 20 speculation.
 21 MR. FERNANDES: Join.
 22 BY MR. FOX:
 23 Q. Was that because there were insufficient number
 24 of books for the algebra 1A classes at Crenshaw?
 25 MS. STRONG: Objection. Calls for speculation.

1 Vague and ambiguous.
 2 MR. FERNANDES: Join.
 3 THE WITNESS: I believe so.
 4 BY MR. FOX:
 5 Q. Ms. Strong asked you with respect to your
 6 Spanish class in tenth grade, talking about [REDACTED]
 7 whether there was anything you thought you could have
 8 done to obtain a better grade in that class. Do you
 9 recall that line of questioning?
 10 A. Yes.
 11 Q. Do you think you would have received a better
 12 grade in that Spanish class had you had a textbook of
 13 your own to take home?
 14 MS. STRONG: Objection. Asked and answered.
 15 MR. FERNANDES: Calls for speculation.
 16 THE WITNESS: Yes.
 17 BY MR. FOX:
 18 Q. You also identified a number of other classes in
 19 which you did not have a textbook of your own to use in
 20 class or take home.
 21 Do you believe the state's failure to supply you
 22 with a textbook for in-class use and to take home in each
 23 of those classes has interfered with your ability to
 24 obtain an education?
 25 MS. STRONG: Objection. Assumes facts, vague

1 and ambiguous, calls for speculation, may call for expert
 2 testimony, overbroad.
 3 MR. FERNANDES: Join.
 4 THE WITNESS: Yes.
 5 MS. STRONG: May call for a legal conclusion.
 6 THE WITNESS: Yes.
 7 BY MR. FOX:
 8 Q. Your answer again. Okay. New topic.
 9 If you know, how many computers did they have
 10 available in Crenshaw for students' use when you were in
 11 ninth grade?
 12 A. I don't know.
 13 Q. Can you estimate?
 14 MR. FERNANDES: Objection. Calls for
 15 speculation.
 16 MS. STRONG: Join.
 17 THE WITNESS: As far as having computers that
 18 work or computers that are available that are there?
 19 BY MR. FOX:
 20 Q. How many working computers were there available
 21 for students' use?
 22 MS. STRONG: Objection. Calls for speculation.
 23 MR. FERNANDES: Join.
 24 BY MR. FOX:
 25 Q. To the extent you know.

1 A. My estimate, that I know of, that I have
 2 actually seen working, like, I'd say, maybe about ten.
 3 BY MR. FOX:
 4 Q. With regard to your need to purchase materials
 5 for use at school, you testified that you were required
 6 to purchase a journal. Do you recall that?
 7 A. Yes.
 8 Q. Can you tell me in what class or for what
 9 classes you are required to purchase a journal?
 10 A. I can't remember the class, but I believe I said
 11 my world history class. I think that was the class.
 12 Q. World history?
 13 A. Yes.
 14 Q. Thank you.
 15 Again, I am trying to get through this as fast
 16 as possible so we are just jumping from topic to topic
 17 and this is a new topic.
 18 I want to ask you about the bird nesting
 19 incident in Mr. Hornbeck's class. Do you recall the
 20 discussion we had about that?
 21 A. Yes.
 22 Q. When Mr. Hornbeck asked you to search the school
 23 for a ceiling tile to be inserted into the ceiling of his
 24 class, was your search conducted during your class time?
 25 MS. STRONG: Objection. Misstates testimony.

1 Assumes facts.
 2 MR. FERNANDES: Join.
 3 BY MR. FOX:
 4 Q. Well, first, before you go back to that, is
 5 there something I missed in my question?
 6 A. No.
 7 MR. FERNANDES: Objection. Vague and ambiguous.
 8 MS. STRONG: Join.
 9 MR. FOX: Okay. Can we read back what he said
 10 prior to the last question.
 11 A. Part of it was.
 12 (The record was read
 13 by the reporter as follows:
 14 "Q. When Mr. Hornbeck asked you to search
 15 the school for a ceiling tile to be inserted
 16 into the ceiling of his class, was your
 17 search conducted during your class time?")
 18 THE WITNESS: Part of it was, yes.
 19 BY MR. FOX:
 20 Q. In what class would you have been had you not
 21 been searching for a ceiling tile for Mr. Hornbeck's
 22 classroom?
 23 A. I believe it was around fourth period.
 24 Q. Do you know what class was going on during that
 25 time?

1 A. Science.
 2 Q. Was that [REDACTED] class?
 3 A. Actually no. It was fifth period, fifth period
 4 science.
 5 Q. Was that taught by [REDACTED]
 6 A. Yes.
 7 Q. We spent a lot of time so I just want to take a
 8 couple minutes to talk about bathrooms. First, how long
 9 is your passing period?
 10 A. Six minutes.
 11 Q. And by "passing period," you understand I mean
 12 time at the end of your last class and the beginning of
 13 your next class during which you have to get from one
 14 class to another; correct?
 15 A. Correct.
 16 Q. How long have you had to wait to use the
 17 restroom in between classes?
 18 A. In between classes?
 19 MS. STRONG: Objection. Assumes facts.
 20 THE WITNESS: In between classes?
 21 MR. FERNANDES: Join.
 22 THE WITNESS: I wouldn't go simply because there
 23 wasn't enough time for me to go. I know I stated during
 24 my third day that I would ask the teacher if I can go use
 25 the restroom during class time, so that way I know I have

1 permission to go instead of me being tardy.
 2 BY MR. FOX:
 3 Q. How do you know you wouldn't have had enough
 4 time to use the restroom in between classes?
 5 A. Because I would say on the average between the
 6 time it takes me to get to certain classes, it would take
 7 me four minutes to get to class.
 8 Also, I mean it's not -- I mean I don't run to
 9 class. I normally take my time to class, walk to my next
 10 period, so it would take me on the average of four
 11 minutes.
 12 Q. To your knowledge did other students wait to use
 13 the bathroom during these passing periods?
 14 MS. STRONG: Objection. Calls for speculation.
 15 MR. FERNANDES: Join.
 16 MS. STRONG: Vague and ambiguous.
 17 THE WITNESS: I know there were times when
 18 students would come to the class late and they would have
 19 said they went to use the restroom, but other than that,
 20 that's the only time that I know that students had to
 21 wait during pass periods.
 22 BY MR. FOX:
 23 Q. Have you observed lines outside or inside the
 24 bathrooms to wait to use either the stalls or the sinks
 25 during passing periods?

1 MS. STRONG: Objection. Overbroad.
 2 THE WITNESS: No.
 3 MS. STRONG: Compound. Wait until I finish with
 4 my objections, please, before you give your answer.
 5 Thank you.
 6 MR. FERNANDES: And asked and answered. Join in
 7 the previous objection.
 8 THE WITNESS: No.
 9 BY MR. FOX:
 10 Q. With regard to the bungalows that are at
 11 Crenshaw High School, is it your understanding that these
 12 bungalows are temporary structures?
 13 MS. STRONG: Objection. Calls for speculation,
 14 vague and ambiguous.
 15 MR. FERNANDES: Join.
 16 THE WITNESS: Yes.
 17 BY MR. FOX:
 18 Q. Do they appear to be constructed -- strike that.
 19 Are they situated on the school yard?
 20 A. No.
 21 MS. STRONG: Objection. Vague and ambiguous.
 22 MR. FERNANDES: Join.
 23 THE WITNESS: No. They are actually in the
 24 parking lot.
 25 BY MR. FOX:

1 Q. Can you describe where the parking lot is in
 2 relation to the school?
 3 A. It is more so on the southwest corner. Some are
 4 in the southwest corner whereas there is a field in the
 5 southwest corner, but it is right next to the field.
 6 They at one time did have a parking lot there. It is, I
 7 guess you could say, on the west side of the school.
 8 Q. Do you know how many bungalows were there or
 9 approximately how many bungalows were at Crenshaw when
 10 you started your ninth grade year?
 11 MR. FERNANDES: Objection. Calls for
 12 speculation.
 13 MS. STRONG: Join.
 14 THE WITNESS: When I started at Crenshaw, there
 15 were -- there were none. They were actually being worked
 16 on when I started at Crenshaw.
 17 BY MR. FOX:
 18 Q. How many were there at the time you left
 19 Crenshaw a year and a half later?
 20 MS. STRONG: Objection. Calls for speculation.
 21 MR. FERNANDES: Join.
 22 THE WITNESS: There are about 15.
 23 BY MR. FOX:
 24 Q. With regard to the availability of college
 25 counselors at Crenshaw, you and Chris spoke about this

1 briefly this morning, how many college counselors were
2 there available to assist you at Crenshaw during your
3 ninth grade year?

4 MR. FERNANDES: Objection. Vague and ambiguous,
5 calls for speculation.

6 MS. STRONG: Join.

7 THE WITNESS: For me, one, simply because they
8 are labeled by magnet and regular students, and within
9 those regular students, alphabetically.

10 BY MR. FOX:

11 Q. If you know, how many students at Crenshaw did
12 that one college counselor have to serve or assist?

13 MS. STRONG: Objection. Calls for speculation
14 and vague and ambiguous.

15 MR. FERNANDES: Join.

16 THE WITNESS: I wouldn't know. But just based
17 on the amount of students that are there, I would say it
18 is a large number. It is not enough for the counselor to
19 speak with -- I mean there's not enough time for the
20 counselor to speak with every student a day that they are
21 in charge of, I am quite sure of that, simply because
22 based on the number of students that are at the school.

23 MS. STRONG: Objection. Move to strike as
24 nonresponsive after "I don't know" or "I wouldn't know."

25 MR. FERNANDES: Join.

1 BY MR. FOX:

2 Q. Was the situation the same with the tenth grade
3 counselor that was assigned to you, if there was one?

4 MS. STRONG: Objection. Vague and ambiguous,
5 calls for speculation.

6 MR. FERNANDES: Join.

7 THE WITNESS: If you were a magnet, basically
8 that counselor would be in charge of ninth, tenth -- I
9 mean ninth through 12th grade, magnet students, so I
10 guess we could just brush that up real quick, so yes.

11 As far as the amount of magnet students in the
12 tenth grade, yes.

13 BY MR. FOX:

14 Q. With respect to all the conditions that exist at
15 Crenshaw, and I don't mean this to be an exclusive list,
16 but I believe you testified that you did not have enough
17 books to take home in many of your classes; you had to
18 share books in your English class the entire year; you
19 had two science classes, two Spanish classes during the
20 same period due to class shortages; you had to buy graph
21 paper and journals and other required materials; your
22 bathrooms were filthy; your ceiling tiles are missing;
23 you were prevented from advancing from algebra 1A to 1B
24 because, according to the teacher, there were not enough
25 algebra 1B classes; the schools were overcrowded; there

1 MR. FOX: I think it is responsive, but -- we
2 can talk about that later.

3 Q. Okay. So with respect to the counselor who was
4 assigned to you in the ninth grade, was it your
5 understanding that that counselor also was assigned to
6 counseling every other ninth grader at Crenshaw?

7 MR. FERNANDES: Object.

8 MS. STRONG: Join.

9 MR. FERNANDES: Calls for speculation.

10 THE WITNESS: Can you read the question.

11 (The record was read
12 by the reporter as follows:

13 "Q. Okay. So with respect to the counselor
14 who was assigned to you in the ninth grade,
15 was it your understanding that that
16 counselor also was assigned to counseling
17 every other ninth grader at Crenshaw?")

18 THE WITNESS: Yes.

19 BY MR. FOX:

20 Q. And do you know how many ninth graders there
21 were attending Crenshaw at the time you were in ninth
22 grade?

23 MS. STRONG: Objection. Calls for speculation.

24 MR. FERNANDES: Join.

25 THE WITNESS: No. No.

1 were not enough desks; there were students who stood
2 during class times; the school generally was in poor
3 condition; you found birds or a bird nesting in the
4 ceiling; many of the bathrooms were inaccessible and you
5 were taught in bungalows that had no phones and other
6 safety hazards; can you tell us what is the effect of all
7 of these conditions taken together in your ability to
8 obtain an education?

9 MS. STRONG: Objection. Where to begin? Let's
10 see. It is overbroad, compound, misstates testimony
11 tremendously. In fact, states testimony that he never
12 actually testified to.

13 MR. FOX: Counsel, if you could just state an
14 objection, that would be wonderful.

15 MS. STRONG: I am. Assumes facts, vague and
16 ambiguous, may call for expert testimony. I think that
17 about covers all.

18 MR. FERNANDES: Join.

19 MS. STRONG: I can't imagine how he can answer
20 that question.

21 BY MR. FOX:

22 Q. And because the lawyer for the state has tried
23 to break down each condition into such a minuscule
24 analysis, I want to get your take on what was the effect
25 of all the conditions we talked about taken together on

1 your ability to obtain an education. That's why I asked
2 the question.

3 MS. STRONG: Same objections.

4 MR. FERNANDES: Join.

5 THE WITNESS: Since she wants to break it down
6 as far as bathrooms, if I have to wait to use the
7 bathroom, that's a distraction for me being at class
8 which doesn't allow you me to do my work.

9 As far as sharing a book, I can't work on my own
10 pace as far as getting the work done if there are
11 students that work slower than me in those classes. Then
12 I have to wait on them, which also puts me in jeopardy in
13 completing my assignments.

14 As far as the bathrooms being dirty, I mean of
15 course if the bathroom is going to be dirty, other parts
16 of the school are going to be dirty, which causes --
17 which at times causes me not to use the restrooms.

18 BY MR. FOX:

19 Q. I hate to interrupt you. I don't want to go
20 back through each of the conditions.

21 A. Okay.

22 Q. But I want to know what do you believe is the
23 effect of these conditions taken together --

24 A. Okay.

25 Q. -- on your ability to obtain an education.

1 MR. FERNANDES: And I move to strike as
2 nonresponsive, the last answer.

3 MS. STRONG: Are you done with your question?

4 MR. FOX: Yes.

5 MS. STRONG: Okay. With respect to this
6 question, again, I would like to state it as being
7 overbroad, compound, misstates prior testimony, assumes
8 facts, vague and ambiguous, may call for expert
9 testimony.

10 MR. FERNANDES: Join.

11 THE WITNESS: As a whole, I feel that, like I
12 said, it is a distraction. Actually it in a way competes
13 with me trying to learn in the school. It competes with
14 me trying to succeed as far as getting into colleges,
15 competing with others that have a better education than I
16 do, which causes me not to be able to get into certain
17 colleges or progress with pursuing a career as far as not
18 being able to get the necessary help that I need in the
19 school.

20 In a way, I have to go more broader into how I
21 am going to succeed as far as getting extra, outside of
22 school, with me trying to learn in school. I am not able
23 to -- and even if I do get that help, I am not able to
24 study with some assignments at home because I don't have
25 the resources at home to know what I am going to study.

1 Even though I do have the resource to study in
2 the general area of the subject, I don't have what I need
3 to actually study in that class which throws me off
4 trying to get the whole point of what I am actually
5 supposed to be learning as opposed to what I am going to
6 learn.

7 Also it shortens time as far as me trying to
8 learn, as far as if the teacher is not on time. As far
9 as if teacher is not on time, that basically shortens my
10 time to learn. It also -- and also with teachers not
11 having the credibility that they are supposed to have
12 being the teacher conditions at the school, it also
13 affects my learning.

14 MR. FOX: Thank you. No further questions.

15 MS. STRONG: I would like to move to strike the
16 last answer to the extent it answers something other than
17 how Delwin was affected by specific conditions at
18 Crenshaw during his experience there.

19 MR. FERNANDES: I join that.

20 MR. FOX: Delwin, thank you for your patience
21 and for being here through all this. I appreciate it.

22 MS. STRONG: I have additional questions.

23 ////

24 ////

25 ////

1 FURTHER EXAMINATION

2 BY MS. STRONG:

3 Q. Delwin, I believe you just stated in one of the
4 answers that you just gave that when you shared textbooks
5 in class, it's jeopardized the completion of assignments.
6 Can you identify for me the time at Crenshaw when sharing
7 a book in class jeopardized your ability to complete an
8 assignment in that class?

9 A. There has never been a time it jeopardized me in
10 completing an assignment. I know it can happen, but
11 because I knew -- I mean because I knew it could affect
12 me finishing that assignment, I knew I had to work more
13 diligently, quicker, as far as keeping up with the other
14 students. Even other students, they would try to keep
15 the pace going. If one person didn't get it, I would
16 just go ahead and tell them. I mean sometimes I would
17 have to tell him. You know, I had to give him a better
18 understanding of how the assignment goes.

19 Q. So it has not actually jeopardized your ability
20 to learn at Crenshaw; correct?

21 MR. FOX: Objection. Mischaracterizes
22 testimony, argumentative, harassing.

23 THE WITNESS: Like I said, no, but at the same
24 time it could.

25 BY MS. STRONG:

1 Q. Okay. And with respect to bathrooms, I believe
2 you testified that in response to the question about how
3 some of your concerns regarding the bathrooms affects
4 your ability to learn at Crenshaw, I believe you
5 testified that waiting for the bathroom somehow plays
6 into this. Can you identify for me a time at Crenshaw
7 when you waited for the bathroom and it affected your
8 ability to learn at Crenshaw?

9 MR. FOX: Objection. Asked and answered I
10 believe during day two or day three. We went through a
11 number of instances when Delwin described the
12 circumstances that he thought affected his ability to
13 learn so I don't want to go back over those times.

14 BY MS. STRONG:

15 Q. Go ahead and tell me. You can answer the
16 question.

17 A. Like I said, there were times when I had to wait
18 after school in between -- I mean I think it was sixth
19 period where I did ask the teacher if I can use the
20 restroom. I believe there was only one time she said I
21 could go.

22 That basically affects me learning because if I
23 had enough time during the pass period to go, then I
24 would be there for the whole class, the whole class time.
25 With me going to use the bathroom, that would kill time

1 lack of education because of what goes on throughout the
2 school, it's hard for me to compete with other students,
3 I mean that are from other schools that are not affected
4 by these conditions. I mean everyone knows about how,
5 you know, you have students that have a better GPA as far
6 as getting into colleges, have better test scores.

7 If I want to be in a school that doesn't have
8 the necessary resources I need, my test scores aren't
9 going to look that good on the SAT exams or any other
10 exam, so therefore it affects my credibility when I try
11 to apply for a college or a college of my choice.

12 Q. Okay. Delwin, have you applied for college?

13 A. No, I haven't.

14 Q. Do you intend to apply for college?

15 A. Of course.

16 Q. Do you know the students who you will be
17 competing with when you are applying for college?

18 MR. FOX: Vague and ambiguous. Incomplete
19 hypothetical.

20 THE WITNESS: Of course not.

21 BY MS. STRONG:

22 Q. Do you know what college you want to apply to?

23 A. Yes, I do.

24 Q. What colleges?

25 A. Probably UCLA, San Francisco State University or

1 as far as me catching back up when I returned to class.

2 Q. Okay. I don't want general. I want specifics.
3 My question is specific, so please focus on the question
4 and to the extent, Delwin, that you have already
5 testified about this issue, I would like to know if there
6 is anything beyond what you already previously testified
7 that you believe is an example of a time at Crenshaw when
8 your ability to learn was affected by having to wait for
9 a bathroom.

10 MR. FOX: Asked and answered to the extent it
11 may seek to go over prior testimony.

12 BY MS. STRONG:

13 Q. Go ahead.

14 A. Other than what I testified, no.

15 Q. Okay. You also just testified something about
16 something causing you to not get into certain colleges.
17 Can you explain to me what you are referring to when you
18 made that statement.

19 A. I mean I did make that statement, but as far as
20 just basically what I meant by it or --

21 Q. Yeah. I don't understand. You said "Something
22 causes me not to get into certain colleges," I believe.
23 I would like you to explain to me what you are referring
24 to.

25 A. Basically with the lack of resources and the

1 Santa Barbara University.

2 Q. Do you know any students who have applied to
3 college?

4 A. Yes, I do.

5 Q. Who?

6 MR. FOX: Hopelessly overbroad.

7 THE WITNESS: Well, I can't remember the names
8 now, but there are some. Well, they already graduated,
9 that's why. But I know there are maybe five students
10 that I know of that applied for college.

11 BY MS. STRONG:

12 Q. Do you know if they got into college, those five
13 students that you are thinking of?

14 A. No, I don't.

15 Q. Do you know of any students who have actually
16 gotten into any colleges who graduated from Crenshaw or
17 who are currently attending Crenshaw?

18 MR. FOX: Objection. Relevance.

19 THE WITNESS: Could you repeat the question.

20 BY MS. STRONG:

21 Q. Do you know of any students who either attended
22 Crenshaw or currently attend Crenshaw who have been
23 accepted to a college?

24 MR. FOX: Objection. Relevance.

25 THE WITNESS: Of course, yes, but like I say, I

1 can't remember the name.
 2 BY MS. STRONG:
 3 Q. Okay. Do you know any of the colleges, the
 4 names of the colleges that they have been accepted to?
 5 MR. FOX: Same objection.
 6 THE WITNESS: I know someone that got accepted
 7 at Southwest College, but that's a community college.
 8 There was one I think did get accepted into UCLA. Other
 9 than that, that's about it.
 10 BY MS. STRONG:
 11 Q. Do you know what the GPA requirements are, if
 12 any, to get into UCLA?
 13 MR. FOX: Objection. Relevance. And best
 14 evidence is not Delwin.
 15 THE WITNESS: I don't.
 16 BY MS. STRONG:
 17 Q. Do you know what the GPA requirements are to get
 18 into San Francisco?
 19 THE WITNESS: State University?
 20 BY MS. STRONG:
 21 Q. State University, if there are any, if you know.
 22 MR. FOX: Objection. Relevance.
 23 THE WITNESS: Actually with that college, I
 24 believe it is more so on your test scores, your SAT test
 25 scores. Some of the students I did speak to that are

1 from that college, they are -- they have maybe a 3.5,
 2 4.0, but they weren't from this area.
 3 BY MS. STRONG:
 4 Q. Do you know what the GPA requirements are, if
 5 any, to get into Santa Barbara? I believe you are
 6 referring to U.C. Santa Barbara; correct?
 7 A. Correct.
 8 MR. FOX: Objection. Relevance. And this
 9 information is publicly available. We don't need Delwin
 10 to tell us this.
 11 THE WITNESS: That's basically the same thing
 12 with that college. Students that I have spoke to while I
 13 was at the college.
 14 BY MS. STRONG:
 15 Q. The same thing. You don't know the GPA
 16 requirements or they rely more on SAT scores?
 17 A. Right.
 18 Q. Which?
 19 A. They are the ones that rely on SAT scores.
 20 Q. Have you taken the SAT, Delwin?
 21 A. No, I have not.
 22 MR. FOX: Objection. Relevance.
 23 BY MS. STRONG:
 24 Q. Have you taken the PSAT?
 25 MR. FOX: Same objection.

1 THE WITNESS: No, I have not.
 2 BY MS. STRONG:
 3 Q. Do you know if the PSAT was offered at Crenshaw?
 4 A. Yes, it was.
 5 Q. Do you know when it was offered at Crenshaw
 6 while you were there?
 7 A. I can't remember the month, but it was offered.
 8 Q. Was it offered at least one time during your
 9 ninth grade year?
 10 A. Yes.
 11 Q. Was it offered more than one time during your
 12 ninth grade year?
 13 A. No.
 14 Q. Do you know if it was offered once, at least one
 15 time during your tenth grade year at Crenshaw?
 16 A. Yes.
 17 Q. And that was while you were at Crenshaw; is that
 18 correct?
 19 A. Correct.
 20 Q. Is there a reason why you didn't take the PSAT
 21 test while you were at Crenshaw in either your ninth or
 22 tenth grade years?
 23 MR. FOX: Again, I object. Grounds of
 24 relevance.
 25 THE WITNESS: No.

1 BY MS. STRONG:
 2 Q. Do you know if Crenshaw offered any assistance
 3 with students interested in taking either the PSAT or SAT
 4 test?
 5 MR. FOX: Vague and ambiguous.
 6 THE WITNESS: Not that I remember, not that I
 7 know.
 8 BY MS. STRONG:
 9 Q. Do you know, for example, if Kaplan Preparation
 10 for SAT was offered at Crenshaw?
 11 A. I have never heard of Kaplan, so I wouldn't
 12 know.
 13 Q. Did you ever ask anybody at Crenshaw -- go off
 14 the record.
 15 (A discussion was held off the record.)
 16 MS. STRONG: Can you repeat where I left off.
 17 (The record was read
 18 by the reporter as follows:
 19 "Q. Do you know, for example, if Kaplan
 20 Preparation for SAT was offered at Crenshaw
 21 "A. I have never heard of Kaplan, so I
 22 wouldn't know.
 23 "Q. Did you ever ask anybody at Crenshaw --
 24 go off the record.?"")
 25 BY MS. STRONG:

1 Q. Let me rephrase that.
 2 Did you ever ask anyone at Crenshaw if there was
 3 any assistance offered by the school for students
 4 interested in taking the PSAT or SAT test?
 5 A. No.
 6 Q. Do you think that a preparation course for the
 7 SAT test would be useful for you in preparing for that
 8 test?
 9 A. Yes.
 10 Q. And if that was something that was offered at
 11 Crenshaw, do you believe that's something you should have
 12 taken advantage of while you were at Crenshaw?
 13 MR. FOX: Assumes facts, incomplete
 14 hypothetical, and relevance.
 15 THE WITNESS: It could have been. I mean I
 16 still have time, so I mean during the ninth grade, I was
 17 just trying to get used to the whole high school
 18 atmosphere, so it could have been, but, you know, I still
 19 have time so --
 20 BY MS. STRONG:
 21 Q. That applies to your tenth grade year as well?
 22 MR. FOX: Same objections.
 23 THE WITNESS: Not getting used to the
 24 atmosphere, but it could have been.
 25 BY MS. STRONG:

1 Q. And I want to make sure I understand your
 2 answer. It could have been something that you should
 3 have participated in if it were offered at your school to
 4 prepare you for the SAT; is that correct?
 5 A. Yes.
 6 MR. FOX: Same objections.
 7 BY MS. STRONG:
 8 Q. Do you have any reason to believe that you will
 9 not get into one of the colleges that you are interested
 10 in attending?
 11 MR. FOX: Objection. Calls for speculation.
 12 THE WITNESS: Could you repeat that.
 13 BY MS. STRONG:
 14 Q. Do you have any reason to believe that you will
 15 not get into one of the colleges that you are interested
 16 in attending?
 17 A. Just based on -- just based on what I have
 18 talked to certain students at those colleges as far as
 19 GPA's. I mean it could help as far as applying to a
 20 college, I mean to that certain college, so yes, it
 21 could.
 22 MS. STRONG: I would like to move to strike as
 23 nonresponsive.
 24 Q. I believe my question was, do you have any
 25 reason to believe that you will not get into one of the

1 colleges that you are interested in attending?
 2 A. Yes.
 3 MR. FOX: Objection. Asked and answered.
 4 BY MS. STRONG:
 5 Q. Okay. I'm sorry, I didn't understand your
 6 answer. Please explain to me.
 7 A. After I got done, I said so yes, it could.
 8 Q. What could? I am trying to understand your
 9 answer. Yes, it could, what is the "it" referring to?
 10 A. Wait. Could we go back --
 11 MR. FOX: Let's go off the record for a minute
 12 if you don't mind.
 13 MS. STRONG: There is a question pending,
 14 actually. Can we go back on the record.
 15 MR. FOX: We are going off.
 16 MS. STRONG: We are not off the record because
 17 this is my deposition. There is a question pending and
 18 it is completely inappropriate to take a client out of
 19 the room when there is a question pending. It is simple.
 20 MR. FOX: I would like to take a break.
 21 MS. STRONG: I would like to note counsel has
 22 walked out of the room. Can we go off the record.
 23 (A discussion was held off the record.)
 24 MS. STRONG: Are we back on the record?
 25 Q. Delwin, now that you have had an opportunity to

1 have a discussion with your counsel off the record, are
 2 you now able to answer the question that I had asked
 3 before you walked out of the room?
 4 MR. FOX: Okay. I object to that. What was
 5 said off the record was that we had a problem with
 6 counsel's tone and we felt that it was harassing and
 7 unnecessarily tough at the end of the deposition. And
 8 that's why we took a break, not because there is a
 9 problem, you know, between Delwin and I.
 10 And while we are off, I realized that he just
 11 didn't understand the question. So we ask Ms. Strong to
 12 rephrase it.
 13 If you could, then I think Delwin can answer it.
 14 BY MS. STRONG:
 15 Q. Well, I would be happy to rephrase the question
 16 for you, Delwin, if I understood what it was you had a
 17 problem in understanding the question. Can you identify
 18 that for me?
 19 A. It was just with the tone as far as how you were
 20 asking the question.
 21 Q. That you didn't understand the question because
 22 of the tone that the question was asked?
 23 A. Correct. I mean so I got a little bit
 24 frustrated about how you were asking the question.
 25 Q. Okay, Delwin. So should I repeat the same

1 question again or do I need to change the question?
 2 A. Rephrase it. Change the question.
 3 Q. Okay. Why don't I repeat the question. You can
 4 tell me what it is that you don't understand about that.
 5 How about that? Would that work for you?
 6 A. It could.
 7 Q. Okay. Is there any --
 8 THE REPORTER: Of course.
 9 MS. STRONG: Can we please go back and find that
 10 question.
 11 MR. FOX: Then we are going to have the same
 12 problem again.
 13 MS. STRONG: Go ahead.
 14 MR. FOX: You know, I think what the problem
 15 was, was he was trying to answer it one way and you were
 16 asking it "Do you have any reason to believe," and he
 17 said "yes" and I interpreted that to mean he believed he
 18 would have less of an opportunity to obtain college
 19 admission than someone who went to a different high
 20 school.
 21 MS. STRONG: We are not asking for your
 22 testimony. We are not asking for your understanding of
 23 the question. I feel I am wasting time. I am asking --
 24 MR. FOX: I am trying to clarify.
 25 MS. STRONG: -- if Delwin can explain to me what

1 he doesn't understand about the question. I will
 2 rephrase it once I understand what it is that he doesn't
 3 understand about the question.
 4 We don't need your interpretation of the
 5 question at this point in time. I am asking Delwin to
 6 answer the question, not you.
 7 MR. FOX: Then if we have the same problem, we
 8 will have to go back to square one.
 9 MS. STRONG: Please repeat the question.
 10 (The record was read
 11 by the reporter as follows:
 12 "Q. I believe my question was, do you have
 13 any reason to believe that you will not get
 14 into one of the colleges that you are
 15 interested in attending?
 16 "A. Yes.
 17 MR. FOX: Objection. Asked and answered.
 18 BY MS. STRONG:
 19 "Q. Okay. I'm sorry, I didn't understand
 20 your answer. Please explain to me.")
 21 BY MS. STRONG:
 22 Q. Delwin, do you understand that question as read
 23 back by the court reporter?
 24 A. Somewhat.
 25 Q. What don't you understand about the question?

1 A. Are you asking me do I think I am going to get
 2 into that college with the education that I have now
 3 or --
 4 Q. I want to know if there is any reason in your
 5 mind that you believe that you won't get into one of
 6 these colleges, a specific reason that you can identify
 7 at this point in your life as to why you won't get into
 8 one of the colleges you are interested in attending.
 9 Does that help you, Delwin?
 10 A. There are reasons.
 11 MR. FOX: That's a "yes" or "no" question.
 12 THE WITNESS: Yes.
 13 BY MS. STRONG:
 14 Q. There are reasons, okay. Thank you. What are
 15 those reasons that you can identify right now?
 16 A. The education I received. That's as broad as --
 17 I mean it is. That's a broad thing to say, as far as the
 18 resources that I have, that I am receiving.
 19 Q. And what is it specifically about the education
 20 that you are receiving that suggests to you or leads you
 21 to believe that you will not get into one of the colleges
 22 that you are interested in attending?
 23 A. Because the assignments that are given and the
 24 resources I have to study at home aren't given as much as
 25 they should be as far as me being able to have a book to

1 study on my own time. As far as teachers being late,
 2 like I said, that wastes time that I could use to learn.
 3 And also even though they do have the SAT prep course or
 4 some -- I mean or whatever it is that you mentioned as
 5 far as the program that can help you with the SAT --
 6 MR. FOX: Don't take Sabrina's word for it if
 7 you don't know, and you testified you didn't know whether
 8 they had it or not.
 9 THE WITNESS: As far as that, even if a course
 10 is given to help you with the SAT, you still have to have
 11 a little bit of knowledge about some of the questions
 12 that are going to be asked on there. It is not like if
 13 you take a certain program or course, that will help you
 14 out with the SAT, they will give you the answer off the
 15 bat. You have to have some kind of knowledge of what is
 16 going to be on the test, so that way it will be up to
 17 your level when you take that test, which with me being
 18 in those classes and me not having the resources, that
 19 puts me in jeopardy as far as being able to take that
 20 test.
 21 BY MS. STRONG:
 22 Q. Has anyone at Crenshaw, the administration at
 23 Crenshaw, one of the teachers or in the administration
 24 ever told you you are not going to get into college
 25 because of the education you are receiving at Crenshaw?

1 MR. FOX: Objection. Relevance.
 2 THE WITNESS: No.
 3 BY MS. STRONG:
 4 Q. Did you ever ask anybody at Crenshaw about your
 5 ability to enter college?
 6 A. No.
 7 Q. Do you know of any students that receive A's at
 8 Crenshaw?
 9 MR. FOX: Objection. Relevance.
 10 THE WITNESS: Yes.
 11 BY MS. STRONG:
 12 Q. With respect to your testimony about where the
 13 bungalows are located at Crenshaw, which you gave in
 14 response to questions by your attorney, I believe you
 15 testified that at least some of the bungalows are in an
 16 area that you described as a parking lot; is that
 17 correct?
 18 A. Correct. And if they are not --
 19 Q. How do you know that the particular area you are
 20 referring to was a parking lot?
 21 A. The parking lines are still there, there is even
 22 when you walk to the first gate to the right, that's a
 23 handicap parking space there. Some of the bricks that
 24 are lined up for parking are still there.
 25 Q. Are there any cars in that area currently?

1 A. Every now and then, yes.
 2 Q. When was the last time you remember there being
 3 a car in that area of the school?
 4 MR. FOX: Objection. Relevance. Waste of time,
 5 THE WITNESS: About two weeks before I left the
 6 school.
 7 BY MS. STRONG:
 8 Q. And what was that car doing there?
 9 MR. FOX: Same objections.
 10 THE WITNESS: I don't know what it was doing
 11 there. It was a construction truck that was there.
 12 BY MS. STRONG:
 13 Q. Was it a construction truck from the district,
 14 L.A. Unified School District?
 15 A. It was an unmarked vehicle so I wouldn't know.
 16 Q. But you do know it was a construction truck?
 17 A. Yes.
 18 Q. Can you think of any other times that you saw a
 19 car in that area?
 20 MR. FOX: Same objections.
 21 THE WITNESS: Not the exact month or dates, but
 22 there were times where there were other trucks and
 23 vehicles in that area. At one time there was a truck
 24 with a cement barrel on the back, numerous vehicles
 25 dropping off port-a-potties and other car load

1 containers.
 2 Q. Can you remember a single time when there was a
 3 car unrelated to construction in that area?
 4 MR. FOX: Again, I object on relevance grounds.
 5 And I believe these questions are a waste of time.
 6 THE WITNESS: Like I said, there were some that
 7 were unmarked so I wouldn't know whether they were
 8 construction vehicles or not, but there were some cars
 9 there. They weren't trucks. They were cars that were
 10 parked there. I don't know if they were related to
 11 construction or not, but they were parked there.
 12 BY MS. STRONG:
 13 Q. Do you remember a time when there was any
 14 vehicle there that was not related to Los Angeles Unified
 15 School District employees?
 16 MR. FOX: Objection. Calls for speculation.
 17 THE WITNESS: Not that I know of.
 18 BY MS. STRONG:
 19 Q. So at this time --
 20 A. Like I say, I wouldn't know if they were
 21 employees or not. The cars I mentioned, I don't know if
 22 they were employees or not. Like I said, they were
 23 parked there. I don't know if they are related to
 24 construction or if they were employees or visitors.
 25 Q. Okay. But you can't remember a time when there

1 was a car there which you could identify as belonging to
 2 a member of the general public; is that correct?
 3 MR. FOX: Objection. Mischaracterizes the
 4 testimony. Argumentative, assumes facts testified that
 5 he didn't know what the cars were doing there. I think
 6 we should move on from there.
 7 THE WITNESS: Correct. Like I said, I wouldn't
 8 know.
 9 BY MS. STRONG:
 10 Q. So that was correct?
 11 MR. FOX: No. It is "I wouldn't know."
 12 THE WITNESS: I wouldn't necessarily say it is
 13 correct. I am not going to answer that they were there,
 14 I mean if they were visitors or not.
 15 BY MS. STRONG:
 16 Q. My question, just so the record is clear, my
 17 question to you is can you recall a single time when you
 18 saw a car there that you knew belonged to the general
 19 public?
 20 MR. FOX: Same objections, and it is completely
 21 irrelevant.
 22 THE WITNESS: Like I say, I don't know whether
 23 they are there for the public, if they are public parking
 24 or not. I wouldn't be able to answer that, if it is
 25 correct or not. I don't know why the cars were there. I

1 don't know if they were visitors or not.
 2 BY MS. STRONG:
 3 Q. It is accurate to state, then, it is not used as
 4 a parking lot any longer; that is correct?
 5 A. Cars park there. I mean -- well, since I been
 6 gone I wouldn't know, but while I was there, people did
 7 park there.
 8 Q. Do you know if your mother could have driven
 9 into that lot and parked there?
 10 MR. FOX: Incomplete hypothetical.
 11 THE WITNESS: I wouldn't know. She wouldn't --
 12 I mean she would go up to the school, but there are
 13 certain spaces, I mean there are certain places they
 14 would park and she knew that were vacant as far as on the
 15 street or in the back area of the school.
 16 BY MS. STRONG:
 17 Q. Did it appear to you that that area that you
 18 have described where the bungalows were located was an
 19 area that was available for the general public to park?
 20 A. Yes.
 21 Q. It did appear to you such?
 22 A. Yes.
 23 Q. Do you know if there are any signs saying "no
 24 public parking"?
 25 A. I didn't see any sign over there, no. I mean I

1 never seen signs there so --
 2 Q. How many cars do you remember being in that area
 3 any one time since there are bungalows located in that
 4 area?
 5 MR. FOX: Objection. Relevance, overbroad, and
 6 again, I believe this line of questioning is a waste of
 7 the witness' time.
 8 THE WITNESS: I mean as in the majority of -- I
 9 mean one time where there were a majority of cars there?
 10 BY MS. STRONG:
 11 Q. Do you need me to repeat the question?
 12 A. Yes.
 13 Q. Okay. At any one time how many cars do you
 14 believe were located in that area where the bungalows
 15 were?
 16 A. Wait. Just get straight with me do you mean
 17 just cars or cars and trucks?
 18 Q. Vehicles.
 19 A. Vehicles? Okay. Maybe about three or four.
 20 Q. So at the times that you saw vehicles in the
 21 area located by those bungalows, there was never more
 22 than three or four vehicles in that area at any one time;
 23 is that correct?
 24 A. That I can remember; correct.
 25 Q. With respect to your testimony in response to

1 your attorney's questions with regard to looking for a
 2 ceiling tile for Mr. Hornbeck, I would like to get a few
 3 things clear.
 4 You may have testified to some of this before.
 5 If you can bear with, we can go through this quickly.
 6 What year was this that he asked you to look for
 7 the ceiling tile?
 8 A. I believe it was my ninth grade year.
 9 Q. So you were in Mr. Hornbeck's class during your
 10 ninth grade year; is that correct?
 11 A. Correct.
 12 Q. Again, what period did you have Mr. Hornbeck
 13 for, second; correct?
 14 A. Correct.
 15 Q. Did Mr. Hornbeck ask you to look for a ceiling
 16 tile?
 17 A. Yes, he did.
 18 Q. When was it that he asked you to look for a
 19 ceiling tile?
 20 A. I believe it was fifth period. Yes, fifth
 21 period.
 22 Q. How was it that you were speaking to
 23 Mr. Hornbeck in fifth period given he is your second
 24 period teacher?
 25 A. I think it was already answered. As far as the

1 museum that was on the third floor, I was coming from
 2 there on an activity. And I went down to his class to
 3 return some work and he asked me to look for -- he asked
 4 me if I could look for one real quick since I was out of
 5 class. I went down to the janitor's office a second
 6 time --
 7 Q. I just asked you -- I want to make sure we don't
 8 go on forever here. I just wanted to ask you how it was
 9 you were talking to Mr. Hornbeck. Have you responded to
 10 that question fully?
 11 A. Yes.
 12 Q. To make sure it's clear, you were already out of
 13 your fifth period class at the time when you went to go
 14 speak to Mr. Hornbeck; is that correct?
 15 A. Correct.
 16 Q. Were all of the students out of the fifth grade
 17 class at that time? Were you doing a class activity
 18 outside of the classroom or why was it you were outside
 19 of the class?
 20 A. There were maybe about five or six that was
 21 selected to go down to the museum to -- I forgot what it
 22 was, but there is a reverend there and he wants to know
 23 if we can help him with the museum as far as bringing in
 24 delegates from City Hall to see the museum.
 25 MR. FOX: I think that's responsive.

1 BY MS. STRONG:
 2 Q. Did you have any more that you would like to add
 3 to that answer?
 4 A. No.
 5 Q. So your fifth period teacher asked the five
 6 students that you just referenced or identified to go to
 7 the museum; is that correct?
 8 A. Correct.
 9 Q. Did the teacher explain to you how long you were
 10 expected to be out of class?
 11 A. No.
 12 Q. What was your understanding as to how long you
 13 were supposed to be outside of class that day for your
 14 fifth period class?
 15 MR. FOX: Objection. Relevance.
 16 THE WITNESS: My understanding? I mean --
 17 BY MS. STRONG:
 18 Q. Uh-huh.
 19 A. -- I didn't plan on how long I was going to be
 20 out of class. I mean so I really didn't have any
 21 understanding how long I was going to be out of class.
 22 Didn't plan it how long I was going to be out of class
 23 so --
 24 Q. Do you know at what point in the period the
 25 teacher asked you and the four other students to go to

1 MR. FOX: Objection. Argumentative.
 2 THE WITNESS: I mean it is class time, of
 3 course. I mean you are missing that period of time. Do
 4 you mean as in -- what do you mean by that?
 5 BY MS. STRONG:
 6 Q. Was it a concern for you that you were missing
 7 that class time?
 8 A. No, because -- well, I completed my work and
 9 everything. I couldn't take the book home during that
 10 time so -- I mean other than that, I wasn't missing the
 11 class time or anything.
 12 I mean it was a school activity. I was told I
 13 could go.
 14 MR. FOX: Move to strike as nonresponsive after
 15 "I couldn't take the book home or anything."
 16 BY MS. STRONG:
 17 Q. Delwin, I am not sure I understand with respect
 18 to the answer that you just gave. You said, "I couldn't
 19 take the book home." How does that relate to your
 20 understanding as to whether or not you were supposed to
 21 be in class?
 22 A. Because I mean if I was able to take the book
 23 home, I could have went back to the teacher and asked her
 24 what was the work that she wanted us to go over in the
 25 book. But which there was anything that we had to go

1 the museum?
 2 A. I believe it was like the first -- no, actually
 3 the last 15 minutes of class. Last 20 minutes of class
 4 actually, I believe it was.
 5 Q. So did you have any understanding that you were
 6 expected to return to class that day?
 7 A. No, because I already had completed my work and
 8 everything so --
 9 Q. So it was your understanding you were not to go
 10 back to class that day; is that correct?
 11 A. Correct.
 12 Q. Do you know how long you spent at the museum
 13 with the reverend that you are just describing?
 14 A. No more than ten minutes or so.
 15 Q. Do you know what the other four students did
 16 after the ten minutes with the reverend in the museum?
 17 MR. FOX: Calls for speculation.
 18 THE WITNESS: Not the rest of them, but I know
 19 one of them did go down to his next period. He went in
 20 and walked down to his next period class. As far as the
 21 rest of them, I wouldn't know.
 22 BY MS. STRONG:
 23 Q. So it was your understanding, then, that you
 24 weren't actually missing class time when you went down to
 25 speak with the reverend in the museum; is that correct?

1 over or anything, so basically, I mean I figured if she
 2 said it was okay for me to go, then I was able to go.
 3 It was a school activity. As far as when I get
 4 home, I know that I was going to go ahead and study
 5 anyway, so -- but I just couldn't study with the book
 6 because I didn't have a book.
 7 Q. Okay. I just want to make sure it's clear. You
 8 had no interest in returning to class that day; is that
 9 correct?
 10 MR. FOX: Objection. Asked and answered. And
 11 argumentative.
 12 THE WITNESS: I mean as far as having any
 13 interest, it's not that I was trying to miss the class.
 14 BY MS. STRONG:
 15 Q. No, I understand that. My question is simply
 16 did you have an interest in going back to class that day?
 17 MR. FOX: Same objections.
 18 THE WITNESS: No, not really.
 19 BY MS. STRONG:
 20 Q. So after you left the museum where you were
 21 speaking with the reverend, you went down to speak to
 22 Mr. Hornbeck; is that correct?
 23 A. Correct.
 24 Q. And it was at that time that he asked you to
 25 look for a ceiling tile. Is that your testimony?

1 A. Yes.
 2 Q. Did you think Mr. Hornbeck wanted you to miss
 3 any class while you were looking for the tile?
 4 MR. FOX: Calls for speculation.
 5 THE WITNESS: No, because when I went to his
 6 class, I did tell him. He asked me where I was coming
 7 from and he asked me why wasn't I in class, and I did
 8 tell him I was down at the museum.
 9 BY MS. STRONG:
 10 Q. So he knew that you weren't expected to go back
 11 to class that day, your fifth period class; is that
 12 correct?
 13 MR. FOX: Calls for speculation.
 14 THE WITNESS: I am not saying that he knew, but
 15 I guess -- I mean I am not going to say he knew, so I
 16 wouldn't know.
 17 BY MS. STRONG:
 18 Q. But you explained to him that you didn't have
 19 to return to your fifth period class; is that correct?
 20 A. I didn't say I didn't have to return to my fifth
 21 period class. I just told him I was down at the museum
 22 and I was going to go on my way to the next class and I
 23 had to turn in my work.
 24 Q. And you didn't tell him that you needed to
 25 return to class at that time; is that correct?

1 A. That I needed to return to class?
 2 Q. Correct.
 3 A. I mean as far as I knew, I didn't need to so --
 4 Q. So you wouldn't have said that to him; correct?
 5 A. Correct.
 6 MR. FOX: Sabrina, how much longer do you have?
 7 MS. STRONG: Sorry?
 8 MR. FOX: How much longer do you have?
 9 MS. STRONG: I am not sure.
 10 MR. FOX: Well, I have noon. I don't think we
 11 have long enough to take a lunch break.
 12 MS. STRONG: So we can keep going; right?
 13 MR. FOX: Well, yes, but if you are going to
 14 take a lot longer, I would like to take a few minutes.
 15 MR. FERNANDES: I have about three questions,
 16 but they will be quick.
 17 MR. FOX: What I am asking, does it make sense
 18 for us to have a ten-minute break?
 19 MS. STRONG: Sure. We can take a ten-minute
 20 break if that's what you would like. I don't know how
 21 long it is going to be. I can't speculate.
 22 MR. FOX: Okay. Why don't you keep on going and
 23 if it gets late, then we can talk again.
 24 MS. STRONG: Okay. Delwin, if you want to take
 25 a break at any time, just let me know.

1 THE WITNESS: We might as well take a break now.
 2 MR. FOX: I would just as soon wrap up.
 3 MS. STRONG: Can we go off the record.
 4 BY MS. STRONG:
 5 Q. Delwin, in response to questions asked by your
 6 attorney, I believe you testified that while Mr. Jones
 7 was serving as the substitute in your tenth grade Spanish
 8 class, you received worksheets from him; is that correct?
 9 A. Correct.
 10 Q. And you said that they were fill-in-the-blank
 11 worksheets?
 12 A. Correct.
 13 Q. What was it that you were filling in the blank?
 14 MR. FOX: Vague and ambiguous.
 15 THE WITNESS: I can't remember the exact work.
 16 I think it was involving using the right conjugation of a
 17 word. But it wasn't Spanish. It was English.
 18 BY MS. STRONG:
 19 Q. Okay.
 20 A. And some health questions, I believe.
 21 Q. So some of the worksheets related to conjugating
 22 words in English; correct?
 23 A. Correct.
 24 Q. Do you know whether that the conjugation of
 25 verbs is relevant to your Spanish class?

1 MR. FOX: Vague and ambiguous as to "relevant."
 2 THE WITNESS: Are they related?
 3 BY MS. STRONG:
 4 Q. Sure.
 5 A. Well, based on what I learned in Spanish, I
 6 believe they are not. They have two different ways of
 7 conjugating. English and Spanish have two different ways
 8 of conjugating nouns, verbs and adjectives, so I don't
 9 think it is related.
 10 Q. But do you know whether you were taught how to
 11 conjugate verbs in Spanish?
 12 A. Not by Mr. Jones.
 13 Q. No. In your Spanish class?
 14 A. Yes.
 15 Q. That's something you could cover in your Spanish
 16 class, correct, the conjugation of words?
 17 A. While I was at Washington.
 18 Q. So you have had some experience in some Spanish
 19 class where conjugation of verbs has been something
 20 that's important to the class or taught in the class; is
 21 that correct?
 22 A. In Spanish, yes.
 23 Q. Do you think knowing how to conjugate verbs in
 24 English helps in any way when you are trying to conjugate
 25 verbs in Spanish?

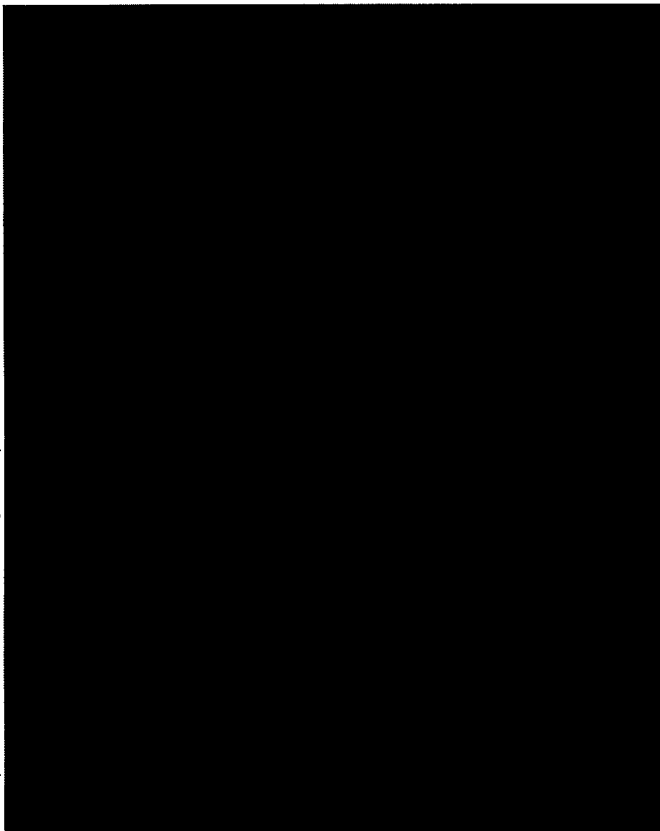
1 A. No.
 2 MR. FOX: Objection. Argumentative, calls for
 3 speculation.
 4 THE WITNESS: No.
 5 BY MS. STRONG:
 6 Q. Do you think it would be easier if you knew how
 7 to conjugate a verb in English before you tried to learn
 8 to conjugate a verb in Spanish?
 9 A. No.
 10 MR. FOX: Same objections. Relevance.
 11 BY MS. STRONG:
 12 Q. And why is that?
 13 MR. FOX: Same objections. Irrelevant.
 14 THE WITNESS: Like I said earlier, there are two
 15 different ways of conjugating them. I mean if you think
 16 about it, people that speak Spanish, they don't learn how
 17 to speak Spanish by learning English verbs first so --
 18 BY MS. STRONG:
 19 Q. So it is not necessary to know how to conjugate
 20 in English to learn in Spanish; is that your testimony?
 21 MR. FOX: Objection. Relevance,
 22 mischaracterizes his testimony.
 23 THE WITNESS: No.
 24 BY MS. STRONG:
 25 Q. And I just want to make sure it's clear. You

1 don't even think it would help to know how to conjugate
 2 in English before you learn how to conjugate those same
 3 verbs in Spanish; is that correct?
 4 A. Correct.
 5 Q. In your Spanish classes, either ninth grade at
 6 Crenshaw, tenth grade in Crenshaw or thereafter, have you
 7 ever been given assignments in English by your Spanish
 8 teachers?
 9 MR. FOX: Objection. Relevance.
 10 THE WITNESS: No.
 11 BY MS. STRONG:
 12 Q. All of your assignments have been in Spanish;
 13 correct?
 14 A. That I can remember at Crenshaw. I knew at
 15 Washington they were all Spanish; correct.
 16 Q. How about at Crenshaw?
 17 A. At Crenshaw that I can remember, all of them
 18 were Spanish.
 19 Q. Were you ever given any work in class in English
 20 at Crenshaw --
 21 MR. FOX: Objection. Relevance.
 22 BY MS. STRONG:
 23 Q. -- in your Spanish class?
 24 A. Not that I can remember.
 25 Q. You did use a book in your Spanish class at some

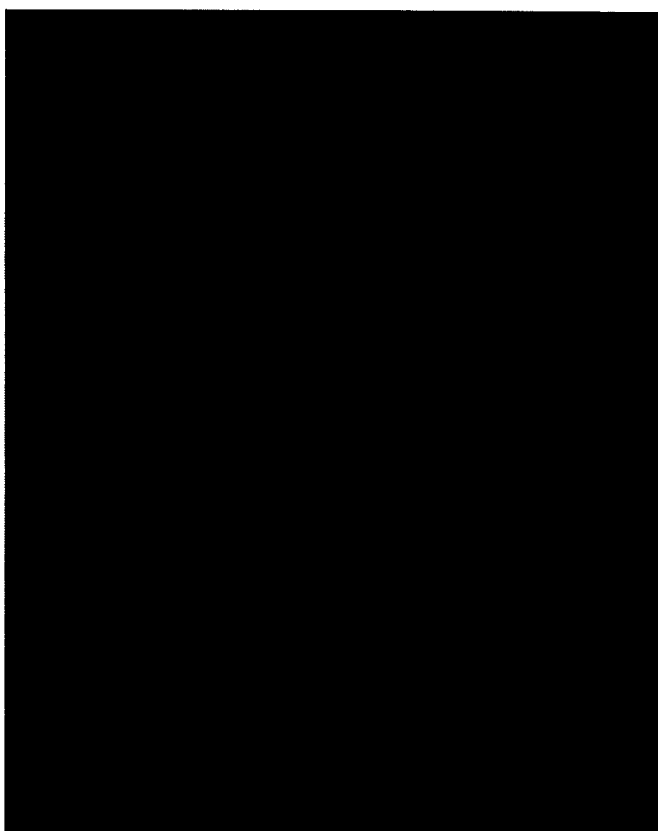
1 point in time; is that correct?
 2 A. Which Spanish?
 3 Q. Any of your Spanish classes.
 4 A. Yes.
 5 MR. FOX: Asked and answered.
 6 BY MS. STRONG:
 7 Q. Was any of the language in the book in English?
 8 MR. FOX: Objection. Relevance.
 9 THE WITNESS: Yes.
 10 BY MS. STRONG:
 11 Q. Do you know whether in any of the books that you
 12 used for your Spanish classes, there were exercises
 13 regarding conjugation of verbs in English?
 14 A. From what I have seen in the book, no.
 15 Q. Which book is it you are referring to?
 16 A. I believe it's called Pasoy Paso, P-a-s-o-y
 17 P-a-s-o.
 18 Q. And what grade level was that that you used that
 19 book?
 20 MR. FOX: Objection. Asked and answered.
 21 THE WITNESS: I believe it was tenth grade.

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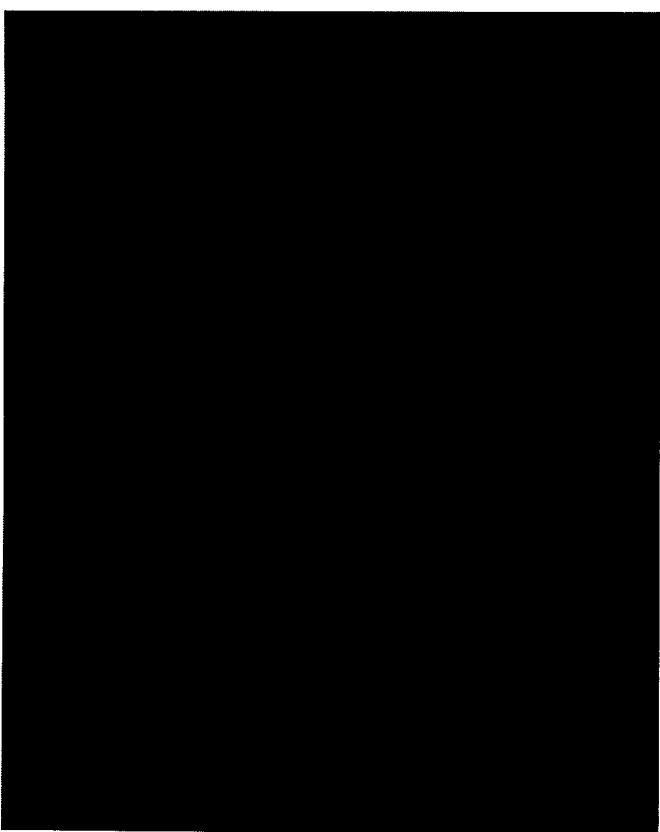
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1 [REDACTED]

2 MR. FOX: Calls for speculation.

3 BY MS. STRONG:

4 Q. I also believe that you testified in response to

5 Mr. Chris Fernandes' questions that there were five other

6 bathrooms that you believe were locked and that you tried

7 to enter on a couple of occasions; is that correct?

8 A. Correct.

9 Q. Do you know at what point in the day you tried

10 to enter any one of those bathrooms that you identified

11 as being locked?

12 MR. FOX: Objection. Asked and answered. We

13 have been over these type of questions time and again

14 through the past three and a half sessions and there's no

15 reason to believe that he would know when he went to each

16 bathroom.

17 MS. STRONG: You have made your objection. You

18 can stop.

19 MR. FOX: It is a ridiculous question.

20 THE WITNESS: I can't remember exactly what

21 periods of the day so --

22 BY MS. STRONG:

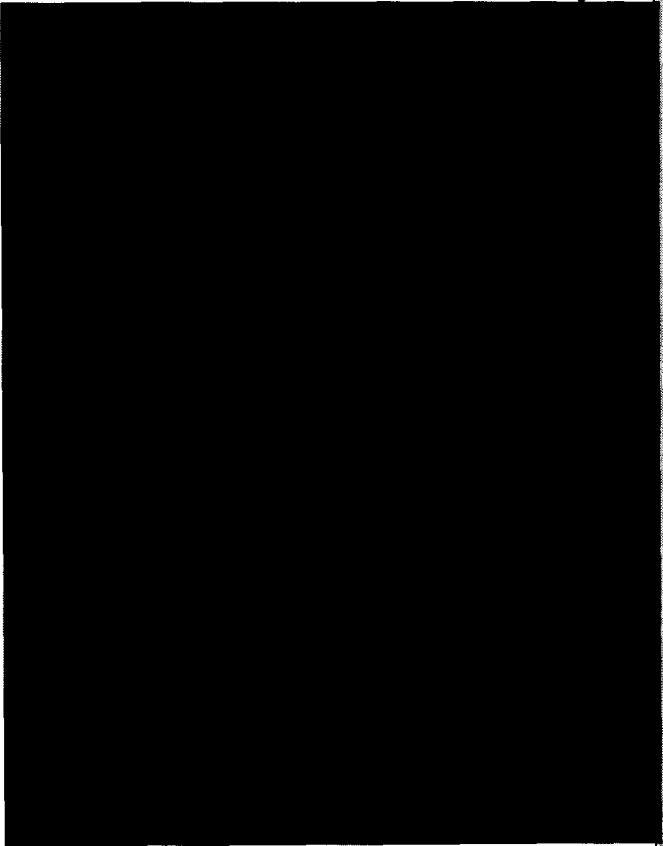
23 Q. Do you have any specific recollections of going

24 to a bathroom and it being locked?

25 MR. FOX: Asked and answered.

1 THE WITNESS: Not on specific days.
 2 BY MS. STRONG:
 3 Q. No, that's not the question.
 4 A. Do I recall the time?
 5 Q. Uh-huh.
 6 MR. FOX: Objection. Asked and answered.
 7 THE WITNESS: I mean --
 8 MR. FOX: He testified the number of times he
 9 could remember.
 10 THE WITNESS: Yeah. It was two or three times,
 11 you know, within each bathroom.
 12 BY MS. STRONG:
 13 Q. And I am asking you as you sit here today, do
 14 you have -- can you picture in your mind when you went to
 15 the bathroom and it was locked, any one of the bathrooms
 16 that you described?
 17 A. Yes.
 18 Q. And do you remember -- let's start with one
 19 time. Do you remember anything about that time?
 20 MR. FOX: Objection. Vague and ambiguous.
 21 THE WITNESS: Other than I walked in and it was
 22 locked and I kept walking.
 23 BY MS. STRONG:
 24 Q. Do you know if it was before or after school?
 25 A. Like I said, I don't remember.

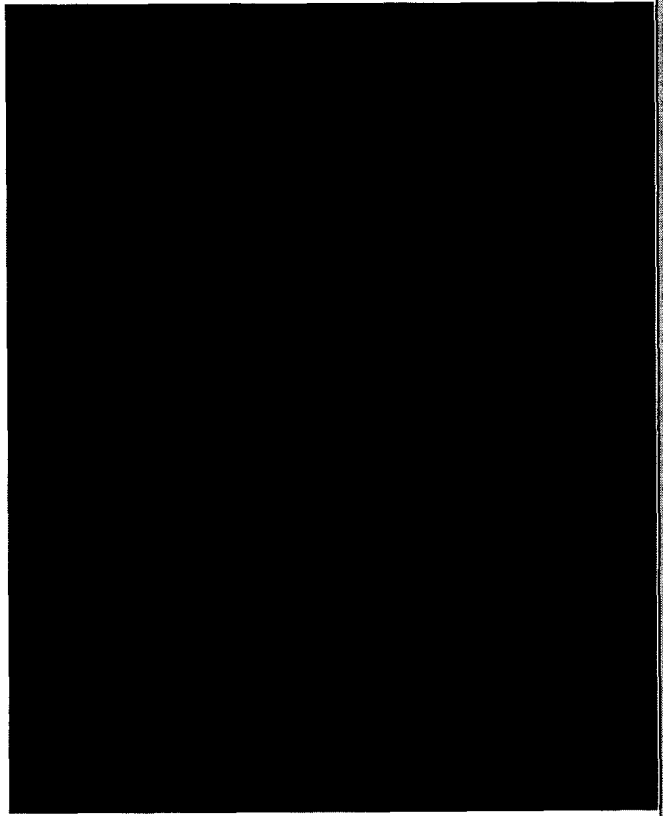
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1 Q. So you don't know one way or the other as to at
 2 what point in time during the day you tried to enter
 3 certain bathrooms on campus and found that they were
 4 locked; correct?
 5 A. Correct. I can't remember.
 6 Q. Okay. So then it is also correct to say that
 7 you can't remember if you tried to enter any one of those
 8 bathrooms during the passing period; is that correct?
 9 A. Correct.



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1 A. Yes. Against other schools in other areas.
2 Q. Against other schools? Is that what you said?
3 A. In other areas.
4 Q. In other areas. What other areas are you
5 talking about?
6 A. Schools that are not -- they are not in the same
7 situation than the schools that are in the lawsuit are
8 dealing with.
9 Q. What was your GPA at Crenshaw; do you know that?
10 A. In what year?
11 Q. Well, do you know -- let's go ninth grade. What
12 was your ninth grade GPA?
13 A. First or second semester?
14 Q. For the year.
15 MR. FOX: Objection. Asked and answered. I
16 believe we have been over his transcripts.
17 BY MR. FERNANDES:
18 Q. We may have. I am not trying to have you change
19 any testimony, but just I don't recall what your GPA was.
20 A. For first or second semester?
21 Q. For the whole year.
22 A. For the whole year?
23 Q. Do you know what it was for the whole year?
24 A. No.
25 Q. What was the first semester, then?



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11 MS. STRONG: I have no further questions at this
12 time.

13 MR. FERNANDES: I just had a couple of
14 questions.

15 FURTHER EXAMINATION

16 BY MR. FERNANDES:

17 Q. Earlier did you testify when we were talking
18 about your college applications, did you testify that you
19 were concerned that your education at Crenshaw would
20 be -- would put you at a disadvantage basically when
21 compared with other students, students from other
22 schools? I'm sorry.

23 Was that your testimony? Were you concerned
24 that you would be at a disadvantage?
25

1 A. I believe it was [redacted]
2 Q. Okay. And the second semester?
3 A. Around same thing, [redacted]
4 Q. And then tenth grade, first semester?
5 A. First semester, I believe it was maybe around
6 [redacted]
7 Q. Now, did the conditions that you complained of
8 at Crenshaw affect your ability to get a higher GPA at
9 Crenshaw?
10 A. Yes. Yes, it did.
11 Q. It did. Now, did other students -- I think you
12 testified earlier that other students did receive A's.
13 Do you know of students that had 4.0's at
14 Crenshaw?
15 MR. FOX: Objection. Calls for speculation.
16 THE WITNESS: None that I can remember.
17 BY MR. FERNANDES:
18 Q. Do you know of students that had higher GPA's
19 than yourself at Crenshaw?
20 A. Yes.
21 Q. Were they subject to the same conditions at
22 Crenshaw that you were subject to?
23 MR. FOX: Objection. Relevance.
24 THE WITNESS: You know what? No.
25 MR. FOX: Vague and ambiguous and overbroad.

1 THE WITNESS: As far as what classes -- I think
 2 we have to break down because as far as -- the reason why
 3 I said I was affected --
 4 BY MR. FERNANDES:
 5 Q. Let me rephrase the question.
 6 A. Okay. I mean I understand the question.
 7 Q. Are you affected differently than other students
 8 at Crenshaw by the conditions we are talking about
 9 generally?
 10 A. Yes.
 11 Q. You are affected differently than other
 12 students?
 13 A. Yes.
 14 Q. So there are some students at Crenshaw that all
 15 of these conditions are satisfactory? Is that --
 16 MR. FOX: Objection. Calls for speculation.
 17 THE WITNESS: I am not going to say --
 18 MR. FOX: Vague and ambiguous.
 19 THE WITNESS: I am not going to say I believe
 20 that it is satisfactory. But they don't have the same
 21 classes during ninth grade year. They didn't have the
 22 same classes I did.
 23 BY MR. FERNANDES:
 24 Q. So you are saying possibly you just had certain
 25 classes with some of the teachers you identified that you

1 didn't feel -- or you felt were poor teachers that maybe
 2 that's not a reflection of the entire school? There were
 3 other good teachers at the school?
 4 A. Correct.
 5 MR. FOX: Calls for speculation, incomplete
 6 hypothetical.
 7 BY MR. FERNANDES:
 8 Q. So you may have just had some -- by chance you
 9 drew some poorer teachers?
 10 MR. FOX: Same objections.
 11 THE WITNESS: Yes.
 12 BY MR. FERNANDES:
 13 Q. Now, do you think that -- do you think that
 14 raising your GPA at Crenshaw would increase your chances
 15 to get into some of these colleges that you have applied
 16 to?
 17 MS. STRONG: Objection.
 18 MR. FOX: Compound.
 19 MS. STRONG: Assumes facts. I don't believe he
 20 stated that he has applied to any colleges as of yet.
 21 BY MR. FERNANDES:
 22 Q. I'm sorry. Let me rephrase, then. The colleges
 23 that you intend to apply to.
 24 MR. FOX: Calls for speculation, incomplete
 25 hypothetical.

1 BY MR. FERNANDES:
 2 Q. Do you understand? Do you want me to rephrase
 3 the question?
 4 A. No. I understand you.
 5 Yes.
 6 Q. So you think if you raised your GPA, it would
 7 increase your chances to get into one of these colleges
 8 that you intend to apply to?
 9 MR. FOX: Calls for speculation, incomplete
 10 hypothetical.
 11 THE WITNESS: Yes.
 12 BY MR. FERNANDES:
 13 Q. And do you think that there is anything you
 14 could have done while at Crenshaw to raise your GPA?
 15 MR. FOX: Objection. Asked and answered.
 16 BY MR. FERNANDES:
 17 Q. And this is general, but is there anything you
 18 could have done generally to raise your GPA while you
 19 were at Crenshaw?
 20 MR. FOX: Objection. Relevance. Overbroad.
 21 And we have discussed each of the conditions so it has
 22 been asked and answered as to each problem he
 23 encountered.
 24 MR. FERNANDES: We didn't ask whether he thought
 25 that he could raise his GPA or whether that would

1 affect -- increase his chances to get into one of these
 2 colleges.
 3 THE WITNESS: Other than what I have done, no.
 4 BY MR. FERNANDES:
 5 Q. So you have done everything within your power to
 6 I guess maximize your GPA while you were at Crenshaw?
 7 MR. FOX: Calls for speculation.
 8 THE WITNESS: As far as I am aware of, yes.
 9 BY MR. FERNANDES:
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 24 MR. FERNANDES: I think that's all I had.
 25 MR. FOX: I have no further questions.

1 MS. STRONG: Okay. I just want to note for the
2 record that I believe there were some documents that we
3 had a dispute about as to whether they should be produced
4 in reference -- that were identified in this deposition,
5 and we had a dispute as to whether they should be
6 produced.

7 And if at a later time it is determined those
8 are documents that should be produced, we may have
9 further questions about those documents at that time.

10 Do you have the prior stipulation?

11 THE REPORTER: No.

12 MS. STRONG: May we stipulate that copies of the
13 documents attached to the deposition may be used as
14 originals; that the original of this deposition be signed
15 under the penalty of perjury; that the original be
16 delivered to the office of Ben Fox of Morrison &
17 Foerster; that the reporter is relieved of liability for
18 the original of the deposition; that the witness will
19 have 15 days from the date of the court reporter's
20 transmittal letter to Ben Fox at Morrison & Foerster to
21 sign and correct the deposition; and that Ben Fox at
22 Morrison & Foerster shall notify all parties in writing
23 of any changes in the deposition.

24 And then if there are no such changes
25 communicated or signature within that time, that any

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)
4 I, DELWIN LAMPKIN, hereby
5 certify under penalty of perjury under the laws of the
6 State of California that the foregoing is
7 true and correct.

8 Executed this day of ,
9 2001, at , California.

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14 DELWIN LAMPKIN
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1 unsigned and uncorrected copy may be used for all
2 purposes as if signed and corrected?

3 MR. FOX: Would 30 days interfere with your
4 schedule in any way?

5 MS. STRONG: Actually, yeah. I mean 15 days is
6 already pushing it and I was going to ask you if you
7 would stipulate to something less than 15 days.

8 MR. FOX: I think 15 will work.

9 MS. STRONG: Okay.

10 MS. STRONG: Thank you very much for your time,
11 Delwin. I appreciate it.

12 MR. FERNANDES: Thank you.
13 (Whereupon at the hour of 1:33 P.M., the
14 deposition was adjourned.)
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1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)
4 I, SYLVIA P. SHEAR, CSR #3010, in and for
5 the State of California do hereby certify:
6 That, prior to being examined, the
7 witness named in the foregoing deposition was by me duly
8 sworn to testify the truth, the whole truth, and nothing
9 but the truth;

10 That said deposition was taken down by me
11 in shorthand at the time and place therein named, and
12 thereafter reduced to typewriting under my direction, and
13 the same is a true, correct and complete transcript of
14 said proceedings.

15 I further certify that I am not
16 interested in the event of the action.
17 WITNESS MY HAND this 16th day of July, 2001.
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Certified Shorthand Reporter
for the State of California