

1 SUPERIOR COURT OF the State OF CALIFORNIA
2 COUNTY OF SAN FRANCISCO

3
4
5 ELIEZER WILLIAMS, etc., et al.,
6 Plaintiffs,

7 vs.

NO. 312236

8 STATE OF CALIFORNIA, et al.,
9 Defendants.

10 AND RELATED CROSS-ACTIONS. / VOLUME III
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12 DEPOSITION OF LAWRENCE T. LANE

13 BE IT REMEMBERED that pursuant to Notice and
14 Stipulation, and on Monday, October 29, 2001, at the hour
of 11:18 a.m., in the Law Offices of Lozano, Smith, 20
15 Ragsdale Drive, Suite 201, Monterey, California, before
me, JOANNE C. BUSHAW, CSR No. 4334, personally appeared
LAWRENCE T. LANE.

16 APPEARANCES

17 For the Plaintiff:

18 MORRISON & FOERSTER LLP
Attorneys at Law
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San Francisco, CA 94105

20 BY: LOIS K. PERRIN

21 For the Defendants PAJARO VALLEY SCHOOL DISTRICT:

22 LOZANO SMITH
Attorneys at Law
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24 BY: SARAH LEVITAN KAATZ
25

1 APPEARANCES (CONTINUED)
2 For the Defendant DELAINE EASTIN, STATE BOARD OF
EDUCATION, STATE DEPARTMENT OF EDUCATION:
3

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
BY: STEVEN LaCOMBE

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17 INDEX TO EXHIBITS
18 (No exhibits were marked.)

1 LAWRENCE T. LANE,
2 having been first duly sworn, testified as follows:
3 EXAMINATION:

4 Q. (By Ms. Perrin) Good morning, Mr. Lane.

5 A. Good morning. How are you?

6 Q. I'm doing well, thanks.

7 A. Good.

8 Q. The same ground rules that applied during the
9 first two days of your deposition apply again today.
10 Would you like me to go through those again?

11 A. No.

12 Q. Is there any reason you can't give your best
13 testimony today?

14 A. No.

15 Q. We are here primarily to talk about some
16 questions that were not answered during your last
17 deposition; do you understand that?

18 A. Yes.

19 Q. What is your understanding of the topics that we
20 are going to be discussing today?

21 MS. KAATZ: Objection, attorney/client
22 privilege. You can answer that as to your general
23 understanding, but I direct you not to disclose any
24 specific information that I've given to you.

25 THE WITNESS: Greater clarity is my

1 understanding of today.

2 Q. (By Ms. Perrin) During some of the questions
3 today, Sarah will instruct you not to answer on the
4 grounds of attorney/client privilege. That's fine, you
5 should not disclose anything that was said between Sarah
6 and yourself or any other attorney at Lozano, Smith.
7 However, if statements were made when Sarah was present or
8 to Sarah when there was other counsel was present -- for
9 example, Peter Choate from O'Melveny & Myers -- those
10 conversations are not privileged and you're allowed to
11 answer as to those statements. Does that make sense?

12 A. Yes.

13 Q. And to the extent that you're able to separate
14 them out, I'd appreciate it if you do so. If you can't
15 separate them out, then you should let us know because I
16 don't want you to delve into privileged information, okay?

17 A. Yes.

18 Q. And do you recall meeting with Peter Choate,
19 Sarah Kaatz, and Jose Banda at Watsonville High School in
20 January or February of this year?

21 A. I remember the meeting. I truly don't remember
22 the month, only the day and the year.

23 Q. Do you remember whether it was in the spring
24 semester?

25 A. I think it was.

1 Q. And how long were you present at that meeting?

2 A. I would guess three hours.

3 Q. Do you know how long the meeting lasted?

4 MS. KAATZ: Objection, calls for speculation.

5 MR. LaCOMBE: Join.

6 MS. PERRIN: You can answer if you know.

7 MS. KAATZ: My objections are just for the
8 record.

9 THE WITNESS: And the question was?

10 Q. (By Ms. Perrin) Do you know how long the
11 meeting lasted that day in its entirety?

12 A. Oh, I would guess four to five.

13 Q. So is it fair to say that you were not present
14 for the entire meeting?

15 A. Correct.

16 Q. And do you know if Mr. Banda was present for the
17 entire meeting?

18 MS. KAATZ: Objections, calls for speculation.

19 MR. LaCOMBE: Join.

20 MS. PERRIN: You can answer if you know.

21 THE WITNESS: I think he was there the whole
22 time.

23 Q. (By Ms. Perrin) Do you know why Mr. Banda asked
24 you to come to the meeting?

25 MS. KAATZ: Objection, calls for speculation.

1 MR. LaCOMBE: Join.

2 THE WITNESS: Because clarity of the process,
3 textbooks -- clarity of the process, because that's one of
4 my assignments within my Associate Principal's role.

5 Q. (By Ms. Perrin) So is it fair to say that your
6 understanding is that Mr. Banda asked you to come and shed
7 some light on the textbooks process or processes at
8 Watsonville High?

9 A. True.

10 Q. Did you have any knowledge that this meeting was
11 occurring prior to being invited by Mr. Banda on that day?

12 A. No.

13 Q. And I assume when you came into the conference
14 room, Miss Kaatz, Mr. Choate, and Mr. Banda were already
15 present?

16 A. Yes.

17 Q. And I assume you were introduced to Mr. Choate;
18 is that correct?

19 A. Yes.

20 Q. And what was your understanding of Mr. Choate's
21 purpose at that meeting, did you know?

22 MS. KAATZ: Calls for speculation.

23 MR. LaCOMBE: Join.

24 THE WITNESS: I wasn't real sure other than the
25 fact that, you know, it was some kind of a lawsuit out

1 cross-complaint."

2 So at the time of your meeting I believe that
3 both actions were pending. So my question to you is, do
4 you know if only one of those suits was discussed during
5 that meeting, or if you discussed both?

6 MR. LaCOMBE: Again it calls for speculation and
7 conclusion.

8 MS. KAATZ: Join.

9 THE WITNESS: I don't know about distinguishing
10 between the two.

11 Q. (By Ms. Perrin) Did Peter Choate ever use the
12 term "ACLU lawsuit" during that meeting?

13 A. I truly don't remember.

14 Q. Have you referred to the lawsuit as "the ACLU
15 lawsuit" before?

16 A. That's the way I refer to it at school.

17 Q. Why do you refer to it as the ACLU lawsuit?

18 A. Just people have a working understanding of that
19 term, and in relation to the lawsuit, they wouldn't know
20 about Williams versus California.

21 Q. So you came in to meet with Mr. Choate, Miss
22 Kaatz, and Mr. Banda to discuss textbooks processes at
23 Watsonville High; is that correct?

24 A. Yes.

25 Q. What specifically did you discuss with respect

1 there, and I was to answer some questions to, you know,
2 clarify what was going on at Watsonville High School
3 regarding textbooks.

4 Q. (By Ms. Perrin) You said there was some kind of
5 lawsuit out there. Do you have an understanding as to
6 which lawsuit was being discussed during that meeting?

7 MS. KAATZ: Objection, calls for speculation and
8 calls for a quasi-legal conclusion.

9 MR. LaCOMBE: Join.

10 MS. PERRIN: Let me -- I can back up.

11 Q. (By Ms. Perrin) There are two lawsuits that are
12 actually -- that could have been the subject of that
13 meeting. One lawsuit was brought by the plaintiffs and it
14 was brought originally in May of 2000, and we filed an
15 amended complaint in August of 2000. That was brought
16 against the State, the State Board of Education, the State
17 Department of Education, and Delaine Eastin and alleges
18 that there are certain substandard conditions at the
19 schools. The State, I believe, in December of 2000,
20 countersued --

21 MS. KAATZ: 2001.

22 MS. PERRIN: Was it?

23 MS. KAATZ: No, it is 2001 now. You're right.

24 Q. (By Ms. Perrin) In December of 2000 sued the
25 school districts, and that is what has been termed as "the

1 to textbooks?

2 MS. KAATZ: Objection, overbroad, calls for
3 narrative.

4 MR. LaCOMBE: Join.

5 THE WITNESS: Probably the basic structure of
6 how textbooks are selected at Watsonville High School, and
7 the rotational basis that the departments use textbooks.

8 Q. (By Ms. Perrin) When you say "how textbooks are
9 selected at Watsonville High School," is that an internal
10 process?

11 A. Yes.

12 Q. Did you discuss the district policies with
13 respect to selection of textbooks during that meeting?

14 A. Not to any degree.

15 Q. Were you shown any documents during that
16 meeting?

17 A. I don't remember.

18 Q. Do you recall ever reviewing Plaintiffs' First
19 Amended Complaint?

20 A. I'm not even sure what that is.

21 MS. PERRIN: And can we stipulate that what I'm
22 going to show Mr. Lane is excerpts from that complaint?

23 MS. KAATZ: Yes.

24 MR. LaCOMBE: Probably, depending what you show
25 him.

1 MS. PERRIN: The same thing I showed Mr. Banda.
 2 THE WITNESS: So what am I to do with this?
 3 MS. PERRIN: Just review it, and then I'm going
 4 to ask if you've ever seen it before. If you want to
 5 concentrate, I believe on Page --
 6 MS. KAATZ: Probably Page 15, Paragraph 32.
 7 MS. PERRIN: Right, thank you.
 8 MS. KAATZ: And Page 37, which is the next page,
 9 believe it or not, in the magical world of Lois Perrin.
 10 MS. PERRIN: Just trying to reduce copying
 11 costs.
 12 THE WITNESS: So the question is, was this
 13 presented when I met with Mr. Choate?
 14 Q. (By Ms. Perrin) Yes.
 15 A. I don't remember.
 16 Q. And then can we stipulate that this next
 17 collection of pages is -- are excerpts from the
 18 cross-complaint?
 19 MS. KAATZ: Yes, I will stipulate.
 20 Q. (By Ms. Perrin) And Mr. Lane, if you can look
 21 at this document, and specifically at what's on Page 52,
 22 which is actually the fourth page of the document, and my
 23 question would be, do you recall seeing this document
 24 during that meeting with Peter Choate?
 25 A. Again, I don't remember if he presented these at

1 that first meeting.
 2 Q. Do you recall if you were asked to review either
 3 of those documents prior to that meeting?
 4 MS. KAATZ: Objection to the extent that that
 5 would call for any communications that took place between
 6 you and I.
 7 THE WITNESS: No, I did not see them. It's the
 8 first time I met any of the players was when Jose came and
 9 got me.
 10 Q. (By Ms. Perrin) Were you asked to do -- did
 11 Mr. Choate ask you to review any documents after the
 12 meeting?
 13 A. I don't believe so.
 14 Q. Do you recall if you reviewed any statements
 15 from students or teachers at Watsonville High during that
 16 meeting with Peter Choate?
 17 A. Not in writing. If Mr. Choate verbalized
 18 something, I would respond to it, but --
 19 Q. Did Mr. Choate provide you verbally with a
 20 summary of the types of conditions that were alleged at
 21 Watsonville High School?
 22 MR. LaCOMBE: Vague as to "conditions."
 23 MS. KAATZ: Join.
 24 THE WITNESS: I'm not sure if Mr. Choate did it
 25 or -- or somebody else did. You know, they had to get me

1 up to speed as to why I was invited into the room.
 2 Q. (By Ms. Perrin) And what was the stated reason
 3 for why you were invited into the room?
 4 A. To answer questions revolving around textbooks,
 5 textbook selection.
 6 Q. And why were their questions about textbooks,
 7 textbook selection?
 8 MS. KAATZ: Objection, calls for speculation.
 9 MR. LaCOMBE: Join.
 10 THE WITNESS: Because some lawyer showed up at
 11 school and wanted to ask the principal questions is my
 12 take. I mean, I know that that sounds pretty lame, but
 13 you get the idea. I mean, it's just -- you know, people
 14 wanted some questions answered.
 15 Q. (By Ms. Perrin) Do you recall talking about
 16 Manuel Ortiz during that meeting?
 17 A. Again, I don't remember talking about specific
 18 students at that meeting. If his name came up, I truly
 19 don't remember.
 20 Q. So the same would be true about Anne Padilla,
 21 that you don't have any specific recollection of talking
 22 about Anne Padilla; is that correct?
 23 A. Again, it's the same thing to separate the first
 24 deposition and the second deposition and the first time I
 25 met Mr. Choate, I -- you know, it starts to -- they all

1 start to blend, so whether it was the first meeting or
 2 not, I do not remember.
 3 Q. And have you met with Mr. Choate since that
 4 time?
 5 A. No.
 6 Q. Have you been invited to meet with Mr. Choate or
 7 any other representative of the State since that time?
 8 A. Does he represent the State?
 9 Q. He does, but I'm actually talking outside of the
 10 context of your deposition.
 11 MR. LaCOMBE: And he is pointing at me.
 12 MS. PERRIN: For the record.
 13 Q. (By Ms. Perrin) And do you have any present
 14 intention of meeting with any representative from the
 15 State?
 16 A. No, only if asked or required.
 17 Q. You have not been asked at this time to
 18 participate in a meeting with the State representative; is
 19 that correct?
 20 A. Correct, I have not.
 21 Q. During the meeting with Mr. Choate, did
 22 Mr. Choate give some sort of verbal summary as to what
 23 plaintiffs' case is about?
 24 A. Again, I'm not sure if it was Mr. Choate or Ms.
 25 Kaatz. I mean, somebody who had to tell me what was going

1 on. I don't remember who said what.
 2 Q. During the meeting?
 3 A. Correct.
 4 Q. What was said about the basis of plaintiffs'
 5 lawsuit during that meeting?
 6 MR. LaCOMBE: Vague as to basis.
 7 MS. KAATZ: Join.
 8 THE WITNESS: That I was -- I wasn't asked to
 9 the meeting, so to clarify how textbooks are purchased, an
 10 overview of the process, the current books that we were
 11 using, clarification of the process as to why science
 12 books had been purchased during that fiscal year and
 13 social studies books were going to be purchased the
 14 following year.
 15 Q. (By Ms. Perrin) And you said when you came into
 16 the meeting, that people had to bring you up to speed; is
 17 that correct?
 18 A. Yes.
 19 Q. How did they bring you up to speed; what was
 20 said?
 21 A. Just a summary of why I was invited to the room
 22 and what they needed to know or what they needed
 23 amplification on.
 24 Q. And what did they need amplification on?
 25 A. The process used by departments to identify

1 potential candidates for textbook selection, how teachers
 2 review them in relation to State frameworks and standards,
 3 what they look for; support materials that would be gratis
 4 along with the purchase of the book, the selection process
 5 that the site goes through and how it goes to the
 6 Governing Board; how they're put on public display,
 7 subsequent adoption by the Governing Board so we can
 8 purchase them after July 1, which is the start of the
 9 fiscal year for that particular school year.
 10 Q. During that meeting, did you have any
 11 understanding that one of plaintiffs' complaints is that
 12 there are an insufficient number of textbooks for each
 13 student at Watsonville High School?
 14 A. I don't think that was mentioned during that
 15 first meeting. It was, I think, more of a clarity of
 16 process.
 17 Q. More of an interview process?
 18 A. No, just how -- how do you select textbooks, and
 19 they invited me in there because I'm well aware of
 20 process, just to make it as succinct as possible.
 21 Q. Was there any mention of the reasons that the
 22 State sued the school districts during that meeting?
 23 A. I don't remember that.
 24 MS. KAATZ: I'm going to object as vague in
 25 terms of the cross-complaint and the complaint. Again, I

1 want to make very sure he's clear on that.
 2 Q. (By Ms. Perrin) During the meeting, do you
 3 recall discussing the fact that the State had sued the
 4 school districts?
 5 A. Again, I'm not real sure, you know, about the
 6 State suing the school district versus -- let me
 7 generically use the term "ACLU" suing somebody over the
 8 textbooks.
 9 Q. And do you recall that both of those things were
 10 discussed during that meeting?
 11 A. No, I don't recall that because I'm not sure. I
 12 can differentiate the two at that time during the first
 13 meeting because I -- I hadn't paid attention to it. It
 14 was new news.
 15 Q. Did Mr. Choate ever ask you to prepare any
 16 documents after that meeting?
 17 MR. LaCOMBE: Vague as to "prepare."
 18 MS. KAATZ: Join.
 19 THE WITNESS: I don't think I prepared anything.
 20 We were able to show him copies of the textbook purchase
 21 cycle and things like that, but I didn't prepare anything.
 22 Q. (By Ms. Perrin) Did you give copies of any
 23 documents to Mr. Choate at the meeting?
 24 A. I didn't. Jose and/or his Office Manager,
 25 Melanie, might have.

1 Q. You say that you were able to show documents to
 2 Mr. Choate during the meeting; is that correct?
 3 A. He might have already had them in his possession
 4 and he might have said, "Is this the textbook purchasing
 5 cycle?" Things like that, but I didn't walk in with
 6 anything in my hand.
 7 Q. At any point during that meeting, did you leave
 8 to go and gather documents for that meeting?
 9 A. I don't remember.
 10 Q. Did anybody ever ask you to prepare a written
 11 statement of yourself?
 12 MR. LaCOMBE: Vague as to "prepare."
 13 MS. KAATZ: Join.
 14 THE WITNESS: That I would have given to
 15 Mr. Choate?
 16 Q. (By Ms. Perrin) That you would have given to
 17 Mr. Choate or Ms. Kaatz in the context of this lawsuit.
 18 A. I've given Ms. Kaatz information that she's
 19 requested.
 20 MS. KAATZ: And I'm going to object in terms --
 21 just so that you understand, I'm going to direct you not
 22 to state specifically any document that I've asked you for
 23 or anything that you've specifically given to me.
 24 THE WITNESS: And I don't remember if I gave
 25 something to Mr. Choate or not. I just don't remember.

1 Q. (By Ms. Perrin) And at the conclusion of the
2 meeting with Mr. Choate, were you asked to do anything,
3 any follow-up steps with respect to that meeting?

4 A. Not that I recall.

5 Q. Do you recall if Mr. Choate made any promises as
6 to the involvement of Watsonville High School --

7 MR. LaCOMBE: Vague as to --

8 MS. PERRIN: -- in the cross-complaint?

9 MR. LaCOMBE: Sorry, vague as to "promises."

10 MS. KAATZ: And vague as to "involvement."

11 THE WITNESS: I don't remember him making any
12 promises. It's like, "Nice to meet you. Have a nice
13 day."

14 Q. (By Ms. Perrin) Do you recall whether it was
15 communicated that if the administration at Watsonville
16 High School cooperated with the State, that they may be
17 dismissed from the cross-complaint?

18 A. I don't believe that was mentioned.

19 Q. Do you believe that it was -- do you know if it
20 was ever mentioned that if the administrators at
21 Watsonville High School cooperated with the State, that it
22 would be possible that Watsonville High School could be
23 dismissed from plaintiff's lawsuit?

24 MS. KAATZ: Objection, vague as to time, ever
25 mentioned during that meeting?

1 facilities."

2 MR. LaCOMBE: Join.

3 THE WITNESS: I remember talking about the book
4 room and how kids get books, things like that. Obviously,
5 that's part of the facilities issue. Other specific
6 instances, I don't recall.

7 Q. (By Ms. Perrin) Do you recall talking about
8 portable classrooms during that meeting?

9 A. Not specifically.

10 Q. And how about the modernization project; do you
11 recall talking about that during that meeting?

12 A. Probably in the sense of the way it was going to
13 impact the book room and the way we deliver services.

14 Q. And do you recall talking about construction
15 during that meeting, no construction?

16 A. Sure, as part of the renovation process.

17 Q. But is it fair to say that all of the issues in
18 which you were involved during that meeting all related to
19 textbooks and the provision of textbooks to students?

20 A. Yes, that's a fair statement.

21 Q. Did you have any discussions with Mr. Banda
22 after that meeting as to the purpose of the meeting?

23 A. Yeah, of a general nature, like, what's going
24 on.

25 Q. Do you recall if you had -- do you have a

1 MS. PERRIN: Yes.

2 THE WITNESS: Again, I don't recall at that
3 meeting with Mr. Choate.

4 Q. (By Ms. Perrin) Outside of discussing specific
5 processes with respect to textbooks, what else did you
6 talk about with Mr. Choate?

7 A. It was all textbook-based or issues, if you
8 will, that circulate around that topic.

9 Q. Do you recall if you were present for any
10 discussions about the population of Watsonville High
11 School?

12 A. We might have talked about numbers.

13 Q. And why would you have talked about numbers?

14 A. Because --

15 MS. KAATZ: Objection, calls for speculation.

16 MR. LaCOMBE: And I join.

17 THE WITNESS: That's what drives the number of
18 textbooks one would purchase. If it's purely a
19 grade-based course -- that tends to be grade-based, like
20 U. S. History for juniors, that's going to help determine
21 the number of books you're going to purchase.

22 Q. (By Ms. Perrin) Do you recall being present
23 during that meeting for any discussions with respect to
24 the general facilities at Watsonville High School?

25 MS. KAATZ: Objection, vague as to "general

1 specific conversation in mind, or is it sort of jumbled in
2 your head that there may have been a few and you can't
3 really differentiate between one and another?

4 A. That's true.

5 Q. The latter is true, you can't really
6 differentiate?

7 A. Yes.

8 Q. Can you recall speaking to Mr. Banda say that
9 day about the reason why Peter Choate was at Watsonville
10 High School?

11 A. I don't think I asked him why he was there
12 because that -- in the sense that it became apparent
13 during our conversation that he was representing the State
14 and asking questions about textbooks and what have you at
15 Watsonville High School.

16 Q. Have you ever been asked to meet with counsel
17 for plaintiffs on the case?

18 A. I need some legal translation.

19 MS. KAATZ: That's fine. She will explain what
20 she's asking.

21 Q. (By Ms. Perrin) Have you ever been asked to
22 meet with attorneys that represent the school children
23 plaintiffs -- that would be me or any of my colleagues?
24 Do you recall ever receiving any invitation to do that on
25 an informal basis?

1 A. On an informal basis?
 2 Q. Yes.
 3 A. No.
 4 Q. What did Mr. Banda say, if anything, about the
 5 purpose of the meeting that day when he invited you to
 6 come in?
 7 A. "I need help answering textbook questions."
 8 Q. Was anybody else present at the meeting other
 9 than Mr. Choate and Ms. Kaatz?
 10 A. Jose and myself, that was it.
 11 Q. At what time of day did you leave the meeting?
 12 A. Boy, 2:00 or 3:00 I guess.
 13 Q. Do you know if the meeting continued after you
 14 departed?
 15 A. I don't believe so.
 16 Q. So the meeting adjourned?
 17 A. Right, because it was all -- we all left the
 18 room at once.
 19 Q. And do you know if the meeting had been going on
 20 for some period of time before you arrived?
 21 A. Yes, it had.
 22 Q. And do you know what issues were discussed prior
 23 to your arrival at the meeting?
 24 A. No.
 25 Q. Do you have any understanding of what "class

1 Q. Do you remember if he was taking notes
 2 copiously?
 3 MR. LaCOMBE: Vague as to "copiously."
 4 MS. KAATZ: Join.
 5 THE WITNESS: He was writing -- taking things
 6 down. I -- I mean, you know, short of discussing learning
 7 modalities, I don't know what kind of notes he was taking.
 8 Q. (By Ms. Perrin) Do you know if Mr. Choate ever
 9 asked you to review the accuracy of his notes?
 10 A. No, he did not.
 11 Q. Do you know if Mr. Banda was taking notes during
 12 that meeting?
 13 A. I don't remember.
 14 Q. Did you take any notes during the meeting?
 15 A. No.
 16 Q. Did Ms. Kaatz take any notes during the meeting?
 17 A. Again, I don't remember, I --
 18 Q. Did Peter Choate ever give you any indication
 19 what the State's basis was for defending the lawsuit that
 20 was brought by the plaintiffs?
 21 MS. KAATZ: Objection, vague as to "basis."
 22 MR. LaCOMBE: Join.
 23 THE WITNESS: No, it was just a question-and-
 24 answer session really.
 25 Q. (By Ms. Perrin) When you say it was just a

1 certification" means?
 2 A. Class --
 3 Q. Certification?
 4 A. C-L-A-S?
 5 Q. C-L-A-S-S.
 6 A. No.
 7 Q. Were you ever asked to prepare a written
 8 statement with respect to class certification issues?
 9 A. No, because I don't know what "class" stands
 10 for.
 11 Q. Fair enough.
 12 A. I mean, I assume it's a very specific acronym.
 13 Q. It's actually not, but we can get into that
 14 later.
 15 MS. KAATZ: A class is -- have you ever heard of
 16 a "class action" --
 17 THE WITNESS: Yes.
 18 MS. KAATZ: -- the term?
 19 THE WITNESS: Yes.
 20 MS. KAATZ: That's the kind of class that she's
 21 talking about. It's a type of lawsuit.
 22 THE WITNESS: Oh, okay.
 23 Q. (By Ms. Perrin) During that meeting, did
 24 Mr. Choate take any notes?
 25 A. Yes.

1 question-or-answer session, could you explain that a
 2 little bit? What do you mean by that?
 3 A. Well, he would ask a question and I would, you
 4 know, answer it or explain a process, it -- as to what was
 5 going on specifically at Watsonville High School.
 6 Q. But at no time did Mr. Choate give you a
 7 narrative as to what the State's basis was for its defense
 8 was against the lawsuit brought by the plaintiffs?
 9 A. No.
 10 Q. At any time during that meeting did Mr. Choate
 11 give you a narrative as to the reason plaintiffs brought
 12 the lawsuit against the State and its educational
 13 agencies?
 14 A. I don't know if it was Mr. Choate, or, you know,
 15 to get me up to speed, you know, he -- someone explained
 16 to me the fact that school districts were being sued
 17 because of inadequate textbooks. And whether it was
 18 misstated at that time or whether I've learned it later,
 19 you know, something about the facilities and bathrooms and
 20 what have you.
 21 Q. And was any commentary given by Mr. Choate about
 22 those conditions raised by plaintiffs?
 23 MS. KAATZ: Objection, vague as to "commentary."
 24 THE WITNESS: No, I think it was just a
 25 statement that -- you know, if he mentioned them.

1 Q. (By Ms. Perrin) Is it fair to say that the
2 meeting was more like an interview. You say a question-
3 and-answer session; is that correct?

4 A. Yeah. I mean, it seemed like just a cordial
5 information-gathering session.

6 Q. Were you ever given any indication that
7 participating in that meeting would facilitate settlement
8 of the action that was brought by the State against the
9 school district?

10 MS. KAATZ: Objection, calls for speculation,
11 calls for a legal conclusion, and I direct you not to
12 answer to the extent that her question would call for
13 information that I personally have given you.

14 MR. LaCOMBE: I'll join.

15 THE WITNESS: I'd like to hear the question
16 again.

17 Q. (By Ms. Perrin) Were you given any indication
18 that participating in the meeting would facilitate
19 settlement of the State's lawsuit against the district?

20 A. No.

21 Q. Were you ever promised that there could be any
22 benefit to be given to Watsonville High School for
23 participating in that meeting?

24 MS. KAATZ: Objection, vague.

25 MR. LaCOMBE: Join.

1 THE WITNESS: They didn't promise Watsonville
2 High School anything.

3 Q. (By Ms. Perrin) Were you aware that there was a
4 potential settlement being discussed with regard to the
5 lawsuit against the school districts?

6 A. No, because I didn't know the -- I didn't know
7 that any settlement was possible, if you will. I mean, I
8 figured the thing had to run its course.

9 Q. So nobody expressly mentioned the word
10 "settlement" during that meeting; is that correct?

11 A. Not to my recollection. I mean, as to whether
12 the word "settlement" was used, I -- that doesn't ring
13 bells for me.

14 Q. Well, let me rephrase then. You don't recall
15 discussing the potential of the lawsuit being settled
16 against Watsonville High School during that meeting?

17 A. No, I do not.

18 MS. PERRIN: I think I'm finished. Steve, do
19 you have any questions?

20 MR. LaCOMBE: No.

21 MS. KAATZ: I have one question.

22 EXAMINATION

23 Q. (By Ms. Kaatz) Would you have the authority to
24 settle a lawsuit as against the school district?

25 A. No, no.

1 MS. PERRIN: Okay. That's it. Thank you.

2 MS. KAATZ: Thank you.

3 (End of record, 11:48 a.m.)
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10 I hereby declare under penalty of perjury that
11 the foregoing pages, 114 through 142, is Volume III of my
12 deposition under oath in the matter of Williams, etc., et
13 al., v. State of California, et al., San Francisco County
14 Superior Court Action No. 312236;

15 That these are the questions asked of me and my
16 answers thereto; that I have read my deposition and have
17 made the corrections, additions, and changes to my answers
18 that I deem necessary;

19 IN WITNESS THEREOF, I hereby subscribe my name
20 on this _____ day of _____, 2001.
21
22
23
24
25

LAWRENCE T. LANE

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF MONTEREY)
4
5
6
7

8 I, JOANNE C. BUSHAW, a Certified Shorthand
9 Reporter, License No. 4334, duly certified by the State of
10 California, do hereby certify:

11 That the foregoing deposition was taken before me at
12 the time and place first herein set forth;

13 That the witness, LAWRENCE T. LANE, was by me first
14 duly sworn to testify to the truth, the whole truth, and
15 nothing but the truth, and that the foregoing transcript
16 is a true and correct record of the testimony given by the
17 witness and all proceedings had at the time and place of
18 examination, as recorded by me stenographically, to the
19 best of my ability, and thereafter prepared into
20 transcript form via computer-aided transcription;

21 I further certify that I am a disinterested person,
22 and that I am in no way interested in the outcome of said
23 action.

24 DATED this 12th day of November, 2001.
25

Certified Shorthand Reporter
State of California