

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3

4 ELIEZER WILLIAMS, et al., ) No. 312 236

5 Plaintiffs, )

6 v. )

7 STATE OF CALIFORNIA; )

8 DELAINE EASTIN, State )

9 Superintendent of Public )

10 Instruction; STATE )

11 DEPARTMENT OF EDUCATION; )

12 STATE BOARD OF EDUCATION, )

13 Defendants. ) Pages 1 - 239

14 )

15 AND RELATED CROSS-ACTION. )

16

17 DEPOSITION OF:

18 NELLY MAGANA

19 THURSDAY, JANUARY 3, 2002

20 9:30 A.M.

21

22 Reported by:

23 C. JANE HARMAN

24 CSR No. 5266

25

1 Deposition of NELLY MAGANA, the witness,  
2 taken on behalf of DEFENDANT STATE OF CALIFORNIA,  
3 at 9:30 A.M., THURSDAY, JANUARY 3, 2002, at 400  
4 South Hope Street, Fifteenth Floor, Los Angeles,  
5 California, before c. jane harman, CSR No 5266.

6  
7 APPEARANCES OF COUNSEL

8  
9 FOR PLAINTIFFS:

10 MORRISON & FOERSTER, LLP  
11 BY: NORMAN P. ENGLISH, ESQ.  
12 425 Market Street  
13 San Francisco, California 94105-2482  
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15  
16 FOR DEFENDANT STATE OF CALIFORNIA:

17 O'MELVENY & MYERS, LLP  
18 BY: VANESSA KOURY, ESQ.  
19 400 South Hope Street  
20 Fifteenth Floor  
21 Los Angeles, California 90071-2899  
22 213 430 6000

23  
24 ALSO PRESENT:

25 GLADYS LIMON, ACLU

1 LOS ANGELES, CALIFORNIA  
2 THURSDAY, JANUARY 3, 2002  
3 9:30 A.M.  
4 -oOo-

5  
6 NELLY MAGANA,  
7 having been first duly sworn, was  
8 examined and testified as follows:

9  
10 EXAMINATION

11  
12 BY MS. KOURY:

13 Q. Good morning, Ms. Magana. Would you like  
14 me to call you "Ms. Magana" or "Nelly"?

15 A. Nelly.

16 Q. My name is Vanessa Koury and I'm an  
17 attorney representing the State of California in  
18 this lawsuit.

19 Would you please state and spell your full  
20 name for the record.

21 A. N E L L Y; M A G A N A.

22 Q. And have you ever been deposed before?

23 A. No.

24 Q. So do you know why you're here?

25 A. Yes.

1	I N D E X		
2	WITNESS	EXAMINATION	PAGE
3	NELLY MAGANA		
4	BY MS. KOURY	4, 212, 223	
5	Afternoon session	149	
6	BY MR. ENGLISH	209, 218	

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10 EXHIBITS

11	No.	Page	Description
12	1	41	Notice of deposition, 11 pages

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14  
15  
16 INSTRUCTED NOT TO ANSWER

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- 18 Page 25 Line 2
- 19 Page 36 Line 2
- 20 Page 36 Line 18
- 21 Page 38 Line 10

1 Q. Okay. Well, I'm going to give you just a  
2 couple ground rules about a deposition and try to  
3 give you a little background on it, and so just let  
4 me briefly explain what we're doing here today.

5 I'm going to ask you a series of questions  
6 in order to determine the facts that you know about  
7 this case. The court reporter here will be  
8 recording my questions and your answers and they  
9 will then be transcribed into a booklet for your  
10 review and your signature.

11 When you receive the booklet, you can make  
12 the changes that you feel are necessary. However,  
13 you should be aware that the various lawyers in this  
14 case will be free to comment on any changes that you  
15 make at trial or at any other hearing or proceeding  
16 in this case.

17 Do you understand that?

18 A. Uh-huh.

19 Q. So, again, it's important that you respond  
20 to the questions as fully and fairly as you possibly  
21 can.

22 Do you understand that?

23 A. Yes.

24 Q. Also along those lines, my questions --  
25 when you answer my questions, it's important that

1 you verbalize your answers as opposed to a nod of  
2 the head and shakes, because the court reporter  
3 won't be able to record that.

4 Do you understand that?

5 A. Yes.

6 Q. Also, it's hard for the court reporter to  
7 get a clear record if there's more than one person  
8 speaking at a time. So if you'll allow me to ask my  
9 question before you begin to answer I, too, will  
10 allow you to answer the question before I ask  
11 another question.

12 A. Okay.

13 Q. Is that okay?

14 A. Yeah.

15 Q. It's important that you listen carefully to  
16 the question. If you do not hear or understand a  
17 question that I ask, let me know and I'll try and  
18 rephrase it, if it's appropriate.

19 Okay?

20 A. Okay.

21 Q. If you answer a question that I ask, I will  
22 presume that you heard and understood the question  
23 unless you tell me otherwise.

24 Do you understand that?

25 A. Yes.

1 Q. You're required to answer my questions to  
2 the best of your ability. I don't want you to  
3 guess, but I am entitled to your best estimate.

4 Do you understand the difference?

5 A. Yes.

6 Q. Because your testimony here will be given  
7 under oath, it will have the same force and effect  
8 as if you were testifying in a court of law with a  
9 judge.

10 Do you understand that?

11 A. Uh-huh.

12 Q. So even though we're here in an informal  
13 setting, you're testifying as if you were in a  
14 formal courtroom subject to all the penalties of  
15 perjury for giving false testimony.

16 Do you understand that?

17 A. Yes.

18 Q. If you need a break for any reason  
19 throughout today's deposition, just let me know and  
20 I'll tell the court reporter and we'll take a break.

21 Okay?

22 A. Okay.

23 Q. Also, at any point today during the  
24 deposition, if you are giving me an answer that  
25 triggers some testimony with respect to a question

1 I'd asked previously, just let me know and we'll put  
2 that testimony on the record.

3 Do you understand that?

4 A. Yes.

5 Q. If you don't, then I'll assume that the  
6 answers you give me today are full and complete.

7 Do you understand these rules?

8 A. Yes.

9 Q. Do you have any questions?

10 A. No.

11 Q. Is there any reason why you're unable to  
12 testify and give your best testimony today?

13 A. No.

14 Q. Have you recently consumed any medication,  
15 alcohol, or any other substance that clouds your  
16 mind or would interfere with your ability to answer  
17 the questions?

18 A. No.

19 Q. Do you suffer from any disability of any  
20 kind?

21 A. No.

22 Q. Are you represented by an attorney here  
23 today?

24 A. Yes.

25 Q. And is that Mr. English?

1 A. Yes.

2 Q. When did you meet Mr. English?

3 MR. ENGLISH: You can answer.

4 THE WITNESS: Yesterday.

5 BY MS. KOURY:

6 Q. Before yesterday, had you ever -- had you  
7 ever heard his name?

8 A. Yes.

9 Q. When was the first time you heard his name?

10 MR. ENGLISH: You can answer.

11 THE WITNESS: When -- when he called to  
12 tell me that he was my lawyer to represent me.

13 BY MS. KOURY:

14 Q. When was that?

15 MR. ENGLISH: Go ahead.

16 THE WITNESS: I don't have an exact date.

17 BY MS. KOURY:

18 Q. Okay. Do you remember around when it was,  
19 which month?

20 A. Like about last month.

21 Q. You said he called you. Do you know how he  
22 got your phone number?

23 A. Probably Gladys. I'm not sure.

24 Q. I'm sorry. What was that name that you  
25 gave?

1 A. Hers (indicating).  
 2 Q. Oh, okay.  
 3 And when did you meet ...  
 4 MS. LIMON: Gladys.  
 5 BY MS. KOURY:  
 6 Q. Clarice, thank you.  
 7 MR. ENGLISH: Gladys.  
 8 MS. KOURY: Gladys?  
 9 MR. ENGLISH: Gladys.  
 10 BY MS. KOURY:  
 11 Q. All right. Gladys.  
 12 When did you meet Gladys?  
 13 A. I met her when I had my interview for this.  
 14 Q. And do you remember when that was?  
 15 A. No.  
 16 Q. Do you know if it was within the last  
 17 couple months?  
 18 A. I don't have any idea.  
 19 Q. Do you know if it was this school year?  
 20 A. Yeah.  
 21 Q. Do you remember if it was before Christmas  
 22 break?  
 23 A. Oh, no. It was like before summer.  
 24 Q. So sometime last spring?  
 25 A. Yeah.

1 Q. Meaning around March, April, or May of  
 2 2001?  
 3 A. Yeah, probably.  
 4 Q. How did you meet Gladys?  
 5 MR. ENGLISH: I'm going to object on  
 6 attorney-client privilege grounds.  
 7 If you have a general answer, go ahead, but  
 8 don't disclose any communications or anything that  
 9 was said between you and Gladys.  
 10 BY MS. KOURY:  
 11 Q. Again, I'm just asking how you met her, not  
 12 what you said or what she said.  
 13 A. I met her when one of my friends called and  
 14 said that there was this lawsuit and if I wanted to  
 15 be interested or do anything.  
 16 Q. Who was the friend that called you?  
 17 A. Oralia Razo.  
 18 Q. Can you spell that?  
 19 A. O R A L I A; R A Z O.  
 20 Q. Is Mr. Razo a student at Santa Paula?  
 21 A. No.  
 22 Q. How do you know him?  
 23 A. I was doing voter registration with her  
 24 last year.  
 25 Q. Registration where?

1 A. Santa Paula.  
 2 Q. I'm sorry, is that -- is this a girl or a  
 3 boy?  
 4 A. Yeah, a girl.  
 5 Q. Why was she doing registration at your  
 6 school if she is not a student?  
 7 A. No -- the -- no. We were doing voter  
 8 registration for the county, for the state  
 9 elections.  
 10 Q. And she called you in the spring of 2001 to  
 11 tell you about this lawsuit?  
 12 A. Yeah.  
 13 Q. What did she say to you?  
 14 A. She said that she was having a friend over  
 15 about that -- in about a week or so and that she was  
 16 going to go over and talk to us about this lawsuit.  
 17 Q. Was that the first time you heard about  
 18 this lawsuit?  
 19 A. Yeah.  
 20 Q. Did she say the name of the lawsuit?  
 21 A. Yeah, but I don't recall.  
 22 Q. Did she say the name of the friend that was  
 23 coming over?  
 24 A. Yeah.  
 25 Q. And what was that name?

1 A. Gladys.  
 2 Q. What did you say?  
 3 A. I said, yes, that I was interested.  
 4 Q. You were interested in what?  
 5 A. In doing the interview or hearing about the  
 6 lawsuit.  
 7 Q. Did she say what type of interview that  
 8 Gladys was going to do?  
 9 A. She just say -- she just said it was just  
 10 going to be of, like, our conditions in school.  
 11 Q. Anything else?  
 12 A. No.  
 13 Q. Did Ms. Razo say anything else to you?  
 14 A. No.  
 15 Q. Did you have any discussions after this  
 16 about the lawsuit?  
 17 A. No.  
 18 Q. Did you end up going to Ms. Razo's house to  
 19 meet Gladys?  
 20 A. Yes.  
 21 Q. When was that?  
 22 A. That same day of the interview, I don't  
 23 remember the date.  
 24 Q. The same date as the phone call with  
 25 Ms. Razo?

1 A. No. She said it was going to be on a  
 2 Sunday, that Sunday that was coming up.  
 3 Q. You met with Ms. Razo and Gladys that  
 4 Sunday?  
 5 A. Uh-huh.  
 6 Q. Where did you guys meet?  
 7 A. In --  
 8 MR. ENGLISH: Go ahead.  
 9 THE WITNESS: In her apartment.  
 10 BY MS. KOURY:  
 11 Q. Did Ms. Gladys tell you she was a lawyer?  
 12 MR. ENGLISH: I'm going to object on  
 13 attorney-client privilege grounds.  
 14 You can generally talk about when the  
 15 meeting was and where the meeting was, but don't  
 16 disclose any of the communications that happened.  
 17 MS. KOURY: For the record, Ms. Gladys --  
 18 Gladys is not an attorney. As far as I know, she  
 19 wasn't acting on behalf of an attorney. And it's --  
 20 I'm just trying to establish whether there was an  
 21 attorney-client privilege. It's not clear that she  
 22 was even represented by an attorney.  
 23 As a matter of fact, she said the first  
 24 time she was represented by your offices was  
 25 yesterday. So your grounds for objecting are weak.

1 MR. ENGLISH: She stated our office.  
 2 That's -- that's not really the issue, as to when  
 3 our office was, the issue is when Ms. Magana  
 4 believed that an attorney-client privilege -- or an  
 5 attorney-client relationship was formed.  
 6 MS. KOURY: Great. Let's find out when  
 7 that was.  
 8 Q. When did you first determine that you  
 9 wanted a lawyer?  
 10 A. When I did the interview.  
 11 Q. And how did you determine that?  
 12 A. Because I wasn't really sure what was going  
 13 to happen so I decided to have a lawyer.  
 14 Q. How did you decide that you wanted a  
 15 lawyer?  
 16 A. Because I was doing an interview, so I  
 17 decided ... I didn't really know what was going on,  
 18 but the fact that I was doing the interview for the  
 19 suit.  
 20 Q. Did someone tell you that you needed a  
 21 lawyer?  
 22 A. No.  
 23 Q. You just thought that you needed a lawyer  
 24 on your own?  
 25 A. Uh-huh.

1 Q. Did you ask someone to be your lawyer?  
 2 A. No.  
 3 Q. Did you -- did you do anything to get a  
 4 lawyer that day?  
 5 A. No.  
 6 Q. So as far as you -- as far as what you  
 7 believed, you didn't have a lawyer that day?  
 8 A. No.  
 9 MR. ENGLISH: Objection. Mischaracterizes  
 10 testimony.  
 11 BY MS. KOURY:  
 12 Q. Did you say "no"?  
 13 A. No.  
 14 ^^ Q. So what did Gladys say to you that day?  
 15 MR. ENGLISH: Objection. I'm going to  
 16 invoke the attorney-client privilege. It's not been  
 17 established that Ms. Magana did not believe that she  
 18 did not have a lawyer.  
 19 MS. KOURY: Counsel, she just testified --  
 20 MR. ENGLISH: If you want to ask some more  
 21 foundational questions --  
 22 MS. KOURY: Okay.  
 23 MR. ENGLISH: -- feel free. But I'm not  
 24 going to allow her to answer any questions about the  
 25 contents of her conversation with Ms. Limon.

1 BY MS. KOURY:  
 2 Q. So you didn't have an attorney that day; is  
 3 that what you testified?  
 4 A. Present in the interview, no.  
 5 Q. Did you think that you had an attorney that  
 6 wasn't present at the interview?  
 7 A. No.  
 8 Q. Did you speak to Gladys about getting an  
 9 attorney?  
 10 A. No.  
 11 MR. ENGLISH: I'm going to object on  
 12 attorney-client privilege grounds.  
 13 MS. KOURY: Counsel, she just testified  
 14 that she didn't have an attorney.  
 15 MR. ENGLISH: I think she's confused about  
 16 when the attorney-client relationship was -- was  
 17 formed.  
 18 MS. KOURY: I think that's the mental state  
 19 the client has, not necessarily the attorney.  
 20 MR. ENGLISH: I believe she's confused on  
 21 the status of Ms. Limon at the time.  
 22 BY MS. KOURY:  
 23 Q. Was there any documentation that you signed  
 24 at any point that made you think you had an  
 25 attorney?

1 A. No.  
 2 Q. Have you ever told anyone, other than this  
 3 interview, that you wanted an attorney?  
 4 A. No.  
 5 Q. When you spoke to Mr. English yesterday,  
 6 was it your understanding that he was your attorney?  
 7 A. Yeah.  
 8 Q. And when did you believe that he became  
 9 your attorney?  
 10 A. One day when he called me and said that he  
 11 was my lawyer.  
 12 Q. And that day was yesterday?  
 13 A. No.  
 14 Q. When was that?  
 15 A. Like about around December -- I mean  
 16 November.  
 17 Q. Of this year --  
 18 A. Yeah.  
 19 Q. -- 2001?  
 20 A. Yeah.  
 21 Q. Earlier you testified that the first time  
 22 you talked to Mr. English was yesterday, but now  
 23 you've just said that he called you in November of  
 24 2001. Was that --  
 25 A. He called me, but yesterday was when I

1 spoke to him.  
 2 Q. Okay. So when he called you in November  
 3 2001, you were not home? Did he leave you a  
 4 message?  
 5 A. No, I talked to him personally on November,  
 6 but yesterday was the day that I met with him. Like  
 7 I actually spoke to him.  
 8 Q. Okay. When you spoke to him in November  
 9 2000, was that over the telephone?  
 10 A. Yeah.  
 11 Q. And yesterday when you spoke to him, was  
 12 that in person or by telephone?  
 13 A. In person.  
 14 Q. Other than Mr. English, do you think  
 15 that -- or do you know if you have any other  
 16 attorneys?  
 17 A. No.  
 18 Q. Do you know if the ACLU represented you at  
 19 any point?  
 20 A. No.  
 21 MR. ENGLISH: Objection. Asked and  
 22 answered.  
 23 BY MS. KOURY:  
 24 Q. Do you know if anyone else at Mr. English's  
 25 offices represented you at any time?

1 MR. ENGLISH: Objection. Asked and  
 2 answered. She's already stated that she didn't know  
 3 when she had an attorney.  
 4 BY MS. KOURY:  
 5 Q. You can go ahead and answer that.  
 6 A. No.  
 7 Q. So other than the point when Mr. English  
 8 called you in November of 2001, before that, did you  
 9 ever think that you had an attorney?  
 10 A. No.  
 11 MS. KOURY: I'm not going to ask about the  
 12 content of the questions with Gladys, if you're  
 13 willing to stipulate that you're holding to an  
 14 objection based on attorney-client privilege.  
 15 I'm not going to argue with you, and it's  
 16 your client to instruct. But obviously, I think  
 17 I've set a very clear record that there was no  
 18 attorney-client privilege, because, in fact, there  
 19 was no attorney-client relationship.  
 20 So ... having said that, we'll move on.  
 21 Q. Other than this one conversation that you  
 22 had with Gladys -- how long was that conversation, I  
 23 should ask first.  
 24 A. I don't know.  
 25 Q. Who else was there other than Gladys and

1 Ms. Razo?  
 2 A. Other students that were -- that had an  
 3 interview about this, too.  
 4 Q. Do you know how many students were there?  
 5 A. I think about six, including me.  
 6 Q. Do you know what schools they went to?  
 7 A. Most -- like five went to Santa Paula, or  
 8 go to Santa Paula, and my sister had an interview.  
 9 She's in middle school.  
 10 Q. Was your sister with you on this day?  
 11 A. Yeah.  
 12 Q. Do you know the names of the students?  
 13 A. One was Moraima.  
 14 Q. Can you spell that?  
 15 A. M O R A I M A.  
 16 Q. Last name?  
 17 A. Alallmio, A L A M I, double L, O.  
 18 Q. And the other students?  
 19 A. Sandra Magana.  
 20 Q. Is that your sister?  
 21 A. No.  
 22 Q. Oh, I'm sorry. What was the last name?  
 23 A. Magana.  
 24 Q. Can you spell that? Is it the same?  
 25 A. Yeah.

1 Q. Okay. The other students?  
 2 A. My sister, Cindy Magana.  
 3 Q. Any others?  
 4 A. Ruth Rodriguez.  
 5 Q. What's Rodriguez's last name?  
 6 A. Her name is Ruth.  
 7 Q. Oh, I'm sorry, I didn't hear the first  
 8 name.  
 9 Any other students?  
 10 A. Lorena Magana.  
 11 Q. Any others?  
 12 A. No. That's it.  
 13 Q. Do you know, is Ms. Razo a party to this  
 14 lawsuit? Is she a plaintiff in this lawsuit?  
 15 A. No, I don't know.  
 16 Q. Do you know if she's given a deposition in  
 17 this lawsuit?  
 18 A. No.  
 19 Q. Do you know what her involvement was in  
 20 this lawsuit?  
 21 A. No.  
 22 Q. Why do you think that she called you about  
 23 this lawsuit?  
 24 MR. ENGLISH: Objection. Calls for  
 25 speculation.

1 BY MS. KOURY:  
 2 Q. You can answer that.  
 3 A. Because it's a friend of Gladys and she's  
 4 the one that told us about it.  
 5 Q. Have you talked to Ms. Razo about this  
 6 lawsuit since that day when you spoke with her and  
 7 Gladys?  
 8 A. No.  
 9 Q. Have you spoken to her at all since then?  
 10 A. No.  
 11 Q. Do you know if the other students that were  
 12 there that you just gave me the names, whether  
 13 they're involved in the lawsuit?  
 14 A. They testified, but they're -- they  
 15 haven't -- they're not being deposed.  
 16 Q. What do you mean when you say "testified"?  
 17 A. They took -- they did an interview like  
 18 mine, But that's it.  
 19 Q. Do you know if they signed a declaration?  
 20 A. I don't know.  
 21 Q. When you say they gave an interview, do you  
 22 mean -- were they giving the interview at the same  
 23 time as you were on this day with Gladys?  
 24 A. They did it that day.  
 25 Q. How do you know they did it that day?

1 A. Because I was present at the time.  
 2 Q. Do you know if any of them are represented  
 3 by an attorney?  
 4 A. No, I don't know.  
 5 Q. Was it your understanding that they were  
 6 being represented by an attorney on that day?  
 7 MR. ENGLISH: Objection. Asked and  
 8 answered.  
 9 You can go ahead and answer.  
 10 THE WITNESS: No.  
 11 BY MS. KOURY:  
 12 Q. At any point, did Gladys tell you that she  
 13 was representing you as an attorney?  
 14 MR. ENGLISH: Objection. Asked and  
 15 answered.  
 16 THE WITNESS: No.  
 17 MS. KOURY: Counsel, are you sure you want  
 18 to hold to your objection that there is an  
 19 attorney-client privilege even though there were six  
 20 other people present and there is no indication from  
 21 the witness --  
 22 MR. ENGLISH: I am sure.  
 23 BY MS. KOURY:  
 24 Q. Have you spoken to any of these other  
 25 students since that day?

1 A. I talk to them, but not about the lawsuit.  
 2 ^^ Q. Do you remember what they -- what they said  
 3 during --  
 4 MR. ENGLISH: Objection.  
 5 BY MS. KOURY:  
 6 Q. -- during the interview?  
 7 MR. ENGLISH: I am going to object on the  
 8 attorney-client privilege grounds.  
 9 MS. KOURY: Who's the attorney and who is  
 10 the client?  
 11 MR. ENGLISH: Ms. Magana is confused  
 12 when an attorney-client privilege -- or an  
 13 attorney-client relationship may have been formed.  
 14 So holding to that, I'm going to instruct  
 15 her not to answer any questions about -- regarding  
 16 the contents of conversations with other parties to  
 17 the lawsuit, possible parties and --  
 18 MS. KOURY: Counsel, for the record, what  
 19 I'm asking is who was the attorney present during  
 20 this interview where there were six other students  
 21 there, including your client.  
 22 MR. ENGLISH: I believe you asked her the  
 23 contents of the conversation.  
 24 MS. KOURY: Right. I'm asking you the  
 25 contents of the conversation that occurred with six

1 students and no attorney present, and you're  
2 claiming that there is an attorney-client privilege  
3 there. It's not even clear that there were any  
4 clients, let alone an attorney.

5 MR. ENGLISH: It's clear that Ms. Limon was  
6 there, and barring --

7 MS. KOURY: Is Ms. Limon an attorney?

8 MR. ENGLISH: She is not. But as you well  
9 know, an attorney-client privilege can be formed  
10 without an attorney being present.

11 MS. KOURY: In very rare exceptions. And  
12 if you would like to lay some grounds for this then  
13 perhaps we can at least have a record, but it seems  
14 completely unclear that there were any --

15 MR. ENGLISH: I would be happy to do that.

16 MS. KOURY: Go ahead.

17 MR. ENGLISH: Nelly, in early -- in the  
18 spring of 2001, when you went to the meeting, who  
19 was present at the meeting?

20 THE WITNESS: Those six students and  
21 Gladys.

22 MR. ENGLISH: And did you know that you  
23 were meeting there for the purposes of possibly  
24 joining the lawsuit?

25 MS. KOURY: Counsel, I'm going to stop you.

1 MR. ENGLISH: And, furthermore, Ms. Limon  
2 was an agent of the ACLU at the time, and she was a  
3 legal intern with the ACLU. And as you know, and  
4 albeit in rare circumstances, but perhaps this is  
5 one of them, an agent of an attorney can form an  
6 attorney-client relationship.

7 MS. KOURY: No. An agent of an attorney,  
8 once the attorney and the client have a  
9 relationship, can then further that relationship.

10 But an agent of an attorney can't go and  
11 have an interview with someone without ever telling  
12 that person that they're represented by any counsel  
13 and all of a sudden an attorney-client privilege is  
14 assumed.

15 That's -- in other words, anyone can go  
16 and speak to anyone, have an interview and later  
17 retroactively say that an attorney-client privilege  
18 existed, even though there was no attorney and the  
19 client had no idea that they were even represented  
20 by an attorney --

21 MR. ENGLISH: If you would like to ask some  
22 more foundational questions of Ms. Magana on her  
23 involvement in the lawsuit --

24 MS. KOURY: I think I have --

25 MR. ENGLISH: -- you can go ahead and do

1 When I said you can go ahead and set a record, I was  
2 asking you for your own indication legally why you  
3 think Gladys was an attorney. I was not asking you  
4 to take over and question the witness. You can feel  
5 free to do that at the end of the deposition.

6 But for the record, I think it is entirely  
7 clear that there is no attorney-client privilege by  
8 any means, and the witness has herself conceded that  
9 there was no attorney-client privilege, despite the  
10 many foundational questions I have asked.

11 MR. ENGLISH: No --

12 MS. KOURY: Furthermore, there were six  
13 other people there that were present, and it is  
14 entirely unclear that they were represent by  
15 counsel. And even if they were, that there was some  
16 sort of joint agreement to continue the privilege.

17 So I think that alone would break any  
18 privilege that may have existed, which it is  
19 completely unclear that anything existed.

20 MR. ENGLISH: It is unclear whether there  
21 is an attorney-client privilege to those other six  
22 students. However, it is unclear. And until it is  
23 clear, she's not going to answer any questions  
24 regarding the contents of the conversation.

25 MS. KOURY: Okay.

1 that --

2 MS. KOURY: No, I think that the record is  
3 perfectly clear on that --

4 MR. ENGLISH: However -- however, until  
5 that's done, I'm going to instruct her not to answer  
6 any more questions --

7 MS. KOURY: That's fine. I'll move on.

8 MR. ENGLISH: -- from that meeting onward.

9 MS. KOURY: You can stand on that  
10 objection.

11 MR. ENGLISH: I will. Thank you.

12 BY MS. KOURY:

13 Q. After this interview, when was the next  
14 time you heard about this lawsuit?

15 A. Gladys would send me, like, an information  
16 of how -- what was going on with the lawsuit.

17 Q. What would she send you?

18 MR. ENGLISH: Objection. I'm going to  
19 invoke the attorney-client privilege.

20 You can state generally what she sent you,  
21 but do not reveal the contents of any communications  
22 or correspondence.

23 BY MS. KOURY:

24 Q. What would she send you?

25 A. She would just send about what was --



1 how it was --

2 MR. ENGLISH: I am going to object and  
3 instruct you not to answer what the correspondence  
4 was about. If you want to answer generally, did she  
5 send you letters, or generally --

6 BY MS. KOURY:

7 Q. Did she send you news articles?

8 A. No.

9 Q. Did she send you any letters?

10 A. No.

11 Q. Did she send you photographs?

12 A. No.

13 Q. Did she send you a memo?

14 A. It was like just an information packet of  
15 what was going on.

16 Q. Do you remember if there was a letterhead  
17 on it?

18 A. The first page it was just like -- like a  
19 letter sort of thing, but it was just like "this is  
20 an information packet."

21 Q. Do you remember if she ever sent you the  
22 complaint in this lawsuit?

23 A. No, I don't remember.

24 Q. Do you remember if you have ever received  
25 any pleadings with this lawsuit, anything filed with

1 MR. ENGLISH: Objection. Asked and  
2 answered.

3 BY MS. KOURY:

4 Q. You can answer that.

5 MR. ENGLISH: You can answer.

6 THE WITNESS: Yes.

7 BY MS. KOURY:

8 Q. Why did you think she was your attorney?

9 A. Because she was the one that kept me  
10 informed.

11 Q. Did she ever tell you that you were  
12 represented by an attorney?

13 MR. ENGLISH: Objection. Asked and  
14 answered.

15 BY MS. KOURY:

16 Q. You can answer that.

17 A. No.

18 Q. Other than this conversation that you had  
19 with Gladys, did you speak to her again?

20 I'm sorry, other than the spring of 2001  
21 conversation that you had with her and the other  
22 students and then this phone call, did you speak to  
23 her again?

24 A. Yes.

25 Q. When was that?

1 the court regarding this lawsuit?

2 A. No, I don't remember.

3 Q. How often would she send you things?

4 A. I don't know.

5 Q. Do you remember receiving more than one  
6 package from her?

7 A. Yes.

8 Q. More than two?

9 A. No, I think about two.

10 Q. After this conversation that you had with  
11 her with the other six students in the spring of  
12 2001, did you speak with her again, Gladys?

13 A. Yeah.

14 Q. When did you speak to her again?

15 A. I don't remember.

16 Q. Do you remember if it was in person?

17 A. No.

18 Q. Do you remember if it was over the phone?

19 A. Yes.

20 Q. It was over the phone?

21 A. (Nods head.)

22 Q. How long was the conversation?

23 A. I don't know.

24 Q. When you had this conversation with her,  
25 did you think that she was your attorney?

1 A. I don't remember.

2 Q. Was it this school year, meaning after  
3 September 2001?

4 A. I don't remember if it was this year, but  
5 it was a day that she gave me to sign the  
6 declaration.

7 Q. Where did she meet you to sign the  
8 declaration?

9 A. I had a youth group so she went and gave  
10 it -- gave it to me to sign.

11 Q. Where is your youth group?

12 A. In our church.

13 Q. So it's not on your school campus?

14 A. No. Just all I did was sign it and then  
15 she left.

16 Q. Did she give you something that was  
17 written?

18 A. It was typed.

19 Q. Did you make any changes to it?

20 A. No.

21 Q. Did you read it?

22 A. She read it to me before, like the day  
23 before, over the phone.

24 Q. When she read it to you over the phone, did  
25 you make any changes to it over the phone?

1 A. No.  
 2 Q. Did you believe it was accurate?  
 3 MR. ENGLISH: Objection. Calls for  
 4 speculation. Calls for a legal conclusion.  
 5 BY MS. KOURY:  
 6 Q. Did you believe that that was your  
 7 testimony?  
 8 A. Yes.  
 9 Q. When you went to sign it, did you read it?  
 10 A. No, because I had already read it.  
 11 Q. How did you know that you had already read  
 12 it?  
 13 A. Well, I didn't read it, she read it to me.  
 14 Q. Did she tell you that you should read it  
 15 before you signed it?  
 16 A. I don't remember.  
 17 Q. After you saw Gladys and she asked you to  
 18 sign your declaration, did you see her again or talk  
 19 to her again after that?  
 20 A. I don't remember.  
 21 Q. And you said the first time that you spoke  
 22 to Mr. English was November 2001; is that correct?  
 23 A. Yes.  
 24 Q. And did he call you?  
 25 A. Yes.

1 Q. Do you remember what he said?  
 2 MR. ENGLISH: Objection. I'm going to  
 3 invoke the attorney-client privilege.  
 4 MS. KOURY: I'm sorry. I'm going to  
 5 rephrase that.  
 6 Q. Did you -- did you know how he got your  
 7 phone number at that point?  
 8 A. No.  
 9 MR. ENGLISH: Objection. Calls for  
 10 speculation.  
 11 BY MS. KOURY:  
 12 Q. How long was the conversation?  
 13 A. I don't know.  
 14 Q. And the next time you talked to him was  
 15 yesterday?  
 16 A. No.  
 17 Q. When was the next time you talked to him?  
 18 A. I don't remember the date or the time but  
 19 he called me, like once. I don't remember how many  
 20 times.  
 21 Q. But you never met with him in person?  
 22 A. No.  
 23 Q. Until yesterday?  
 24 A. Yes.  
 25 Q. How long did you meet with him yesterday?

1 A. I don't know.  
 2 ^^ Q. Who else was there?  
 3 MR. ENGLISH: Objection. Attorney-client  
 4 privilege.  
 5 MS. KOURY: Of who else was present during  
 6 the conversation?  
 7 MR. ENGLISH: Yes.  
 8 BY MS. KOURY:  
 9 Q. Other than Mr. English and Gladys, have you  
 10 spoken to anyone else about this lawsuit?  
 11 A. No.  
 12 Q. Did you speak to your parents about the  
 13 lawsuit?  
 14 A. Just them.  
 15 Q. Did you speak to your sister about the  
 16 lawsuit?  
 17 A. No.  
 18 ^^ Q. What did you tell your parents.  
 19 MR. ENGLISH: Objection. I'm going to  
 20 invoke the attorney-client privilege. You can't ask  
 21 her about the substance of the conversation.  
 22 BY MS. KOURY:  
 23 Q. Other than anything you discussed with your  
 24 lawyers, what did you talk to about -- about the  
 25 lawsuit with your parents?

1 MR. ENGLISH: Objection. Attorney-client  
 2 privilege.  
 3 MS. KOURY: About what she spoke to her  
 4 parents about this lawsuit other than any  
 5 conversations that she's had with her attorneys; is  
 6 that your objection?  
 7 MR. ENGLISH: Are you referring to the  
 8 meeting?  
 9 MS. KOURY: No, I'm asking her in general  
 10 if she's spoken to her parents about the lawsuit and  
 11 you've just invoked the attorney-client privilege.  
 12 Do you want to withdraw that objection?  
 13 MR. ENGLISH: Sure, I'll withdraw it.  
 14 BY MS. KOURY:  
 15 Q. What have you spoken to your parents about  
 16 this lawsuit?  
 17 A. I just told them that it was a lawsuit.  
 18 Q. And what did they say?  
 19 A. She just asked if it was going to get me  
 20 into any trouble.  
 21 Q. What did you say?  
 22 A. No.  
 23 Q. Did you explain anything else to them?  
 24 A. I explained that it was a lawsuit against  
 25 the State of California.

1 Q. Was anything else said?  
 2 A. No.  
 3 Q. Did you do anything to prepare for this  
 4 deposition today?  
 5 MR. ENGLISH: You can answer generally,  
 6 but don't discuss or disclose any specific  
 7 communications between us.  
 8 THE WITNESS: Yes.  
 9 BY MS. KOURY:  
 10 ^^ Q. And what did you do.  
 11 MR. ENGLISH: Objection. I just instructed  
 12 her not to answer specifically what she did to  
 13 prepare --  
 14 MS. KOURY: Other --  
 15 MR. ENGLISH: -- I'm invoking the  
 16 attorney-client privilege.  
 17 BY MS. KOURY:  
 18 Q. Other than anything your attorney has told  
 19 you, have you done anything else to prepare for this  
 20 lawsuit -- deposition?  
 21 A. No.  
 22 Q. Did you review any papers?  
 23 A. No.  
 24 Q. Did you talk to anyone about this  
 25 deposition, other than your lawyer?

1 MR. ENGLISH: Objection. Vague.  
 2 THE WITNESS: I told Ruth I was doing the  
 3 deposition.  
 4 BY MS. KOURY:  
 5 Q. And what did Ruth say?  
 6 A. She didn't say anything.  
 7 Q. Did you say anything else to her about the  
 8 deposition?  
 9 A. No. I just told her that I was doing the  
 10 deposition. And that I was doing it during the  
 11 Christmas vacation.  
 12 Q. Did you tell anyone else, or talk to anyone  
 13 else about the deposition other than Ruth --  
 14 MR. ENGLISH: Objection. Asked and  
 15 answered.  
 16 BY MS. KOURY:  
 17 Q. -- and your attorney?  
 18 MS. KOURY: Counsel, I'm going to ask you  
 19 to let me finish my questions before you object.  
 20 And I, in turn, will allow you to state your  
 21 objections.  
 22 Q. I'm going to ask you a question again, and  
 23 I know you sort of testified to it, but I think the  
 24 record is a little confusing because there's been a  
 25 little back and forth.

1 When did you first believe you became --  
 2 that you were represented by an attorney?  
 3 A. I don't know.  
 4 Q. Do you think you have an attorney today?  
 5 A. Yes.  
 6 Q. And that's Mr. English?  
 7 A. Yes.  
 8 Q. And you stated earlier that you believe  
 9 Mr. English became your lawyer yesterday, when he  
 10 told you?  
 11 A. No, no.  
 12 Q. When do you believe he became your lawyer?  
 13 A. I don't know.  
 14 Q. Have you ever signed anything regarding  
 15 having a lawyer?  
 16 A. No.  
 17 Q. Has anyone told you that you have a lawyer?  
 18 A. Yes.  
 19 Q. Who?  
 20 A. Mr. English.  
 21 Q. When did he say that to you?  
 22 A. The first time he called me over the phone  
 23 to tell me.  
 24 Q. Was that the conversation in November 2001?  
 25 A. Yes.

1 Q. Do you have any -- do you have any  
 2 documents or any papers regarding the conditions at  
 3 your school?  
 4 A. No.  
 5 Q. Do you have any report cards or other types  
 6 of records regarding your grades at school?  
 7 A. Not with me.  
 8 Q. Have you given any of those to your  
 9 attorney?  
 10 A. No.  
 11 Q. Do you have any -- actually, I'm going to  
 12 hand you what is titled "Defendant State of  
 13 California's Notice of Deposition of Plaintiffs."  
 14 This is your notice of deposition for today, and ask  
 15 you to read page -- starting on page -- at the  
 16 bottom of page 7 where it says "request number one"  
 17 through page number 8.  
 18 We'll mark this as Exhibit 1 to her  
 19 deposition transcript.  
 20 (The document referred to was marked by the  
 21 Reporter as Deposition Exhibit 1 for identification  
 22 and is attached hereto.)  
 23 BY MS. KOURY:  
 24 Q. Can you just let me know when you're  
 25 finished reading that.

1 A. (Examining document.)  
 2 Q. Are you finished reviewing that?  
 3 A. Yes.  
 4 Q. Have you ever seen what I've marked as  
 5 Exhibit 1 and what you just read?  
 6 A. Yes.  
 7 Q. You have?  
 8 When did you see that?  
 9 MR. ENGLISH: You can answer.  
 10 THE WITNESS: Yesterday.  
 11 BY MS. KOURY:  
 12 Q. Did you look for any of the documents that  
 13 are described in that -- in Exhibit 1?  
 14 A. No.  
 15 Q. Have you looked for any notes or documents  
 16 relating to the conditions at your school that you  
 17 may have -- you may have at your house or in your  
 18 possession?  
 19 A. No.  
 20 Q. Do you know if you have any notes or  
 21 documents regarding the conditions at your school?  
 22 A. No.  
 23 Q. You don't know?  
 24 A. No.  
 25 Q. Do you have any notes or documents relating

1 to discussions that you may have had with your  
 2 teachers or counselors or anyone else at your  
 3 school?  
 4 A. No.  
 5 Q. Have you looked for any letters or  
 6 correspondence that you might have regarding the  
 7 conditions at your school?  
 8 A. No, I don't have any.  
 9 MS. KOURY: Counsel, I'll expect that  
 10 you'll see that Nelly has conducted a reasonable,  
 11 diligent search for the responsive documents. And  
 12 if any are found, that they'll be produced.  
 13 MR. ENGLISH: Counsel, Nelly is confused  
 14 when she just stated she didn't have any. We  
 15 discussed it and she stated that she searched. So  
 16 if you want to re-establish -- if you want to go  
 17 back and re-establish, I think she's just confused  
 18 about what you're asking.  
 19 MS. KOURY: Okay.  
 20 Q. Did you look for documents regarding these  
 21 issues?  
 22 A. The conditions, no.  
 23 Q. You didn't look for any documents?  
 24 A. No.  
 25 Q. Did you look for maybe documents, or notes

1 or anything regarding your grades at school?  
 2 A. No.  
 3 Q. Did you look for any progress reports or  
 4 any other types of records from your school?  
 5 A. No, because he had asked me for -- what's  
 6 it called?  
 7 MR. ENGLISH: Don't -- go ahead.  
 8 THE WITNESS: I don't -- he didn't ask for  
 9 a report card, he said for a -- oh, I don't remember  
 10 what it's called.  
 11 BY MS. KOURY:  
 12 Q. Do you think you have report cards?  
 13 A. I have a report card.  
 14 Q. What about any records regarding attendance  
 15 or --  
 16 A. No, I don't have any.  
 17 Q. Did you look for any other types of  
 18 documents regarding this lawsuit?  
 19 A. No.  
 20 MS. KOURY: Okay. Counsel, I think it's  
 21 still unclear that she's conducted a reasonable,  
 22 diligent search, so I'll just restate what was  
 23 stated earlier. If one could be conducted, and if  
 24 any responsive documents are found, they be  
 25 produced.

1 Q. Nelly, how old are you?  
 2 A. Sixteen.  
 3 Q. And you attend Santa Paula?  
 4 A. Yeah.  
 5 Q. How long have you attended Santa Paula?  
 6 A. Since my freshman year.  
 7 Q. Where did you go to school before that?  
 8 A. To Isbell Middle School.  
 9 Q. Can you spell that?  
 10 A. I S B E L L.  
 11 Q. Isbell High School?  
 12 A. Uh-huh -- no, middle school.  
 13 Q. Middle school.  
 14 How long did you attend Isbell Middle  
 15 School?  
 16 A. Since sixth grade.  
 17 Q. And where did you go to school before that?  
 18 A. I went to Barbara Webster.  
 19 Q. How long did you attend Barbara Webster?  
 20 A. Since third grade.  
 21 Q. And where did you go before Barbara  
 22 Webster?  
 23 A. To Blanchard.  
 24 Q. Blanchard?  
 25 A. Blanchard Elementary.

- 1 Q. How long were you at Blanchard Elementary?  
 2 A. Second.  
 3 Q. You started in second grade?  
 4 A. Uh-huh.  
 5 Q. What school did you go to before Blanchard  
 6 Elementary?  
 7 A. I was in Mexico.  
 8 Q. Did you attend first grade in Mexico?  
 9 A. Kindergarten and first grade.  
 10 Q. Do you remember the name of the school?  
 11 A. No.  
 12 Q. Where is Isbell Middle School? What city  
 13 is that in?  
 14 A. Santa Paula.  
 15 Q. Is Barbara Webster also in Santa Paula?  
 16 A. Yeah, there's all ...  
 17 MS. KOURY: Counsel, will you stipulate for  
 18 the record that you'll accept service for the  
 19 witness --  
 20 MR. ENGLISH: Yes.  
 21 MS. KOURY: -- for all purposes?  
 22 Q. Where you currently live, how long have you  
 23 lived there?  
 24 A. I don't know.  
 25 Q. Can you remember living anywhere else?

- 1 Other than Mexico.  
 2 A. I've always lived in Santa Paula since I  
 3 came from Mexico.  
 4 Q. Do you know how far your school is from  
 5 where you live?  
 6 A. No, I don't know.  
 7 Q. Do you walk to school?  
 8 A. No. My mom takes me to school.  
 9 Q. Does she drive you to school?  
 10 A. Yeah.  
 11 Q. Do you know how long it takes, about?  
 12 A. Like about five to ten minutes.  
 13 Q. Do you know, is that the closest school to  
 14 where you live?  
 15 A. High school, there's only one.  
 16 Q. And that's Santa Paula?  
 17 A. Uh-huh.  
 18 Q. Where do you do your -- your homework?  
 19 A. In the house.  
 20 Q. Do you do it in your bedroom?  
 21 A. Yes.  
 22 Q. And how often do you do homework at -- in  
 23 your bedroom?  
 24 A. I do my homework every day in my bedroom.  
 25 Q. Do you have homework almost every day?

- 1 A. Yeah.  
 2 Q. How long do you spend doing your homework  
 3 every day?  
 4 A. Like about two hours.  
 5 Q. How about last school year? Did you have  
 6 homework every day last school year?  
 7 A. Yeah.  
 8 Q. And do you remember about how long you  
 9 would spend doing your homework?  
 10 A. A little more than two hours.  
 11 Q. Was last school year more homework than  
 12 this year?  
 13 A. Yeah.  
 14 Q. And this year you're a senior?  
 15 A. Junior.  
 16 Q. Junior.  
 17 Do you have a computer at home?  
 18 A. Yes.  
 19 Q. Do you use your computer to do your  
 20 homework?  
 21 A. Only when I have to type something up.  
 22 Q. Do you have Internet access on your  
 23 computer?  
 24 A. No.  
 25 Q. Other than studying at home in your

- 1 bedroom, do you study anywhere else?  
 2 A. Well, I study in the library when I have  
 3 big projects but that's about it.  
 4 Q. What library?  
 5 A. Blanchard Community Library.  
 6 Q. What type of projects do you usually have  
 7 that require you to use Blanchard Library?  
 8 A. If there is a research project or an essay  
 9 or something.  
 10 Q. When did this school year start?  
 11 A. In September.  
 12 Q. So for this school year starting September  
 13 2001, have you had any research projects that have  
 14 required you to go to the library?  
 15 A. No.  
 16 Q. Does anybody help you with your schoolwork  
 17 or your homework?  
 18 A. Not this school year.  
 19 Q. How about last school year?  
 20 A. I had a math tutor.  
 21 Q. Other than your math tutor, did you have  
 22 anyone else?  
 23 A. No.  
 24 Q. Who was your math tutor?  
 25 A. Mark Perez.

1 Q. Do you know, is Mark Perez a teacher at  
2 Santa Paula?  
3 A. No. He was a senior last year.  
4 Q. And how did you -- how did you get Mark  
5 Perez to tutor you in math?  
6 A. I had a class and he was -- he was a  
7 volunteer tutor for the class.  
8 Q. Was it through the teacher?  
9 A. Yeah.  
10 Q. How often did he tutor you?  
11 A. He would go every Tuesday and Thursday.  
12 Q. When would you get tutored on Tuesdays and  
13 Thursdays?  
14 A. During class.  
15 Q. Do you know how long or how many times he  
16 tutored you?  
17 A. No. He wasn't just my tutor -- my tutor.  
18 It was like for everybody in the class that needed a  
19 math tutor.  
20 Q. So how many of you were there at a time  
21 being tutored by him?  
22 A. It was a type of study hall, so he was  
23 there to help anybody out.  
24 Q. So if you had questions, would he answer  
25 them?

1 phones, make copies.  
2 Q. Other than this job at the school district,  
3 have you ever had another job?  
4 A. I did the same thing in my uncle's company.  
5 Q. What kind of company is it?  
6 A. It's a picking company, an agricultural  
7 company.  
8 Q. And how long did you work there?  
9 A. I worked there during the summer.  
10 Q. Which summer?  
11 A. This past summer.  
12 Q. Was that the first summer that you worked  
13 there?  
14 A. Yeah.  
15 Q. Other than working for your uncle and at  
16 the school district, have you had any other jobs?  
17 A. No.  
18 Q. Do you play any sports at school?  
19 A. I played basketball until last year.  
20 Q. Are you going to play this year?  
21 A. No, I can't because I messed up my knee.  
22 Q. I'm sorry.  
23 Any other sports besides basketball?  
24 A. No.  
25 Q. How much of a time commitment was that last

1 A. Yeah.  
2 Q. So did it help? Did he help?  
3 A. Yeah.  
4 Q. Did your grade improve?  
5 A. He helped me to understand geometry.  
6 Q. What math class are you in right now?  
7 A. I don't have a math class right now. I  
8 have until about January, starting when we go back.  
9 Q. What math class did you have in September  
10 through December?  
11 A. I had -- I had geometry, but the second  
12 half of the school year.  
13 Q. I don't understand, the second half --  
14 A. We have block schedules. We have three  
15 classes from September until January and the other  
16 three from January until the school year ends.  
17 Q. Okay. Have you ever had a part-time job or  
18 any type of job?  
19 A. I work in the school district office.  
20 Q. How long have you been working there?  
21 A. I started when school started.  
22 Q. This past September?  
23 A. Yes.  
24 Q. What do you do there?  
25 A. I do office work. I file. I answer

1 year with basketball?  
2 A. A lot. Because we had practice from --  
3 sometimes from 3:00 to 5:00, or it would vary, and  
4 then games and school. It was a lot of time being  
5 away from home.  
6 Q. How did your team do?  
7 A. Not very good.  
8 Q. But they played well; right?  
9 A. Yeah.  
10 Q. Do you have any other activities after  
11 school this year?  
12 A. No.  
13 Q. How about last year, other than basketball?  
14 A. Last year I was in my church choir, and I  
15 do altar serving in church.  
16 Q. You're not in the church choir or altar  
17 serving this year?  
18 A. I'm not in the church choir.  
19 Q. What about altar serving, do you still do  
20 that?  
21 A. I still do that.  
22 Q. The church choir last year, how often did  
23 you practice?  
24 A. Sometimes it was Tuesdays and Thursdays, or  
25 Mondays and Wednesdays.

- 1 Q. Was it after school?  
 2 A. It was from like 6:00 to 7:00, or 8:00.  
 3 Q. P.m.?  
 4 A. Uh-huh.  
 5 Q. And it was about twice a week?  
 6 A. Yeah.  
 7 Q. And how about altar serving?  
 8 A. Altar serving is just on Sundays, or like  
 9 right now, the holidays, during mass.  
 10 Q. So it's just about an hour a week?  
 11 A. Yeah.  
 12 Q. Are you in any other types of activities  
 13 other than altar serving this year?  
 14 A. No.  
 15 Q. How about last year, other than altar  
 16 serving, the church choir and basketball?  
 17 A. No.  
 18 Q. And you were going to tell me about  
 19 Santa Paula. You said there were the block  
 20 schedules. Do you have semesters?  
 21 A. Yes, we have two semesters per block. We  
 22 have two semesters and then a report card and then  
 23 two semesters and then a report card and then the  
 24 school year is over.  
 25 Q. So are they called two quarters?

- 1 A. Two quarters per semester and then there's  
 2 two semesters.  
 3 Q. Okay. And do you have vacations?  
 4 A. Yeah.  
 5 Q. Do you have a winter vacation?  
 6 A. Right now, yeah.  
 7 Q. How long is this?  
 8 A. Two weeks.  
 9 Q. Do you have a spring vacation?  
 10 A. Yes.  
 11 Q. How long is that?  
 12 A. Starting this year, two weeks.  
 13 Q. And you have a summer vacation; is that  
 14 right?  
 15 A. Yeah.  
 16 Q. Is that about from June until --  
 17 A. August.  
 18 Q. Last summer you said you worked at your  
 19 uncle's office?  
 20 A. Yes.  
 21 Q. Did you attend summer school at all?  
 22 A. No.  
 23 Q. Do you know if there is summer school at  
 24 Santa Paula?  
 25 A. There's summer school.

- 1 Q. Have you ever attended summer school there?  
 2 A. No. Because there's usually classes  
 3 offered only for those who have failed the classes.  
 4 Q. And you have never failed a class?  
 5 A. No.  
 6 Q. Do you know if you didn't fail class and  
 7 you wanted to attend summer school, could you?  
 8 A. To a certain -- for certain classes there's  
 9 only for those who have failed.  
 10 Q. Have you ever wanted to attend summer  
 11 school?  
 12 A. I wanted to attend summer school this past  
 13 year to take Algebra 2 so I can take precalculus and  
 14 then calculus my senior year, but they don't have  
 15 calculus anymore, and they don't offer -- I don't  
 16 think they offer it for those who want to just take  
 17 it and get ahead.  
 18 Q. When you say that you don't think that they  
 19 offer it for those that wanted to take it and get  
 20 ahead, did you mean Algebra 2?  
 21 A. Uh-huh.  
 22 Q. Getting offered algebra -- and how do you  
 23 know they didn't offer Algebra 2 over the summer?  
 24 A. Because a lot of my friends go take the  
 25 classes they want to take to get ahead -- they go to

- 1 Ventura College.  
 2 Q. Did you ask anyone at your school whether  
 3 you could take an Algebra 2 class?  
 4 A. No.  
 5 Q. But you said that you have friends that  
 6 have taken Algebra 2 at Ventura College?  
 7 A. I don't know if they've taken Algebra 2,  
 8 but a lot of the classes they want to take, they go  
 9 to Ventura College.  
 10 Q. How far is Ventura College from your home?  
 11 A. I don't know.  
 12 Q. When you were thinking about taking  
 13 Algebra 2 this past summer, did you just decide  
 14 not to because there was not calculus offered?  
 15 A. Yeah.  
 16 Q. And do you know why there's no calculus  
 17 offered?  
 18 A. My friend mentioned it, that it was because  
 19 not a lot of people sign up for it, so they cut it  
 20 off.  
 21 Q. Did you talk to anyone at your school about  
 22 that, about why calculus wasn't offered?  
 23 A. No.  
 24 Q. Do you know if any students take calculus  
 25 at one of the local colleges?

1 A. My friend had mentioned that she wanted to  
 2 take calculus so she -- I'm not sure if she's taking  
 3 it but she's planning to take it at Ventura College.  
 4 Q. Have you ever asked anyone about taking  
 5 calculus at Ventura College?  
 6 A. No.  
 7 Q. Did she say anything about how she was  
 8 going to go about doing that?  
 9 A. No.  
 10 Q. Are there any special program at  
 11 Santa Paula like Magnet programs or honors programs?  
 12 A. Yeah.  
 13 Q. What types of programs are there?  
 14 A. There's college prep honors, and AP, and  
 15 ESL.  
 16 Q. And ESL is English as a Second Language?  
 17 A. Yeah.  
 18 Q. Do you know, are they -- are these classes  
 19 on the same schedule as other classes?  
 20 A. Yeah.  
 21 Q. Have you taken any of these -- have you  
 22 been involved in any of these programs?  
 23 A. I have -- my Spanish class is an honors  
 24 class, and I have U.S. history AP.  
 25 Q. Your Spanish class is an honors class this

1 Q. Do you know if anyone complained about it?  
 2 MR. ENGLISH: Objection. Calls for  
 3 speculation.  
 4 THE WITNESS: No.  
 5 BY MS. KOURY:  
 6 Q. Did you complain about it to anyone?  
 7 A. No.  
 8 Q. Did you tell your parents?  
 9 A. No.  
 10 Q. And you're in the U.S. history AP class.  
 11 Do you get an extra credit for that?  
 12 A. Yes.  
 13 Q. Were you in any AP courses last year?  
 14 A. No.  
 15 Q. What does it mean to be in an AP class?  
 16 A. It's, like, we take the AP test for  
 17 history, they prepare us for the AP test.  
 18 Q. And do you get college credit if you pass  
 19 it?  
 20 A. Yeah.  
 21 Q. How did you get into the U.S. history AP  
 22 class?  
 23 A. I signed up for it.  
 24 Q. Did you have to qualify for it?  
 25 A. No.

1 year?  
 2 A. Uh-huh, but they don't -- it just appears  
 3 as an honors class, they don't give us the credit as  
 4 an honors class.  
 5 Q. Okay. Were you in the honors Spanish class  
 6 last year?  
 7 A. No. It was college prep.  
 8 Q. And this year you are also in the U.S.  
 9 history AP class?  
 10 A. Uh-huh.  
 11 Q. You were saying that this year for Spanish  
 12 you were in the honors class but you don't get extra  
 13 credit for it?  
 14 A. No.  
 15 Q. Do you know why that is?  
 16 A. Our teacher was telling us it was because  
 17 we do a lot more homework and a lot more stuff than  
 18 if it was their second language, so they were  
 19 talking about making it an honors class. But for  
 20 some reason there was some confusion that they  
 21 thought she had said no to it, so they just stopped  
 22 the process.  
 23 Q. Are you upset that you're not getting an  
 24 extra credit for this class?  
 25 A. To some -- a certain point, yeah.

1 Q. So anyone can be in AP U.S. history?  
 2 MR. ENGLISH: Objection. Calls for  
 3 speculation.  
 4 THE WITNESS: Well, if they think that you  
 5 can do it, then they put you in there. But they're  
 6 not -- usually they don't put ESL people because  
 7 they don't really know English, so they don't put  
 8 them in there.  
 9 BY MS. KOURY:  
 10 Q. Did anyone tell you what the requirements  
 11 were to get in the U.S. AP history?  
 12 A. No.  
 13 Q. But it's just your understanding that  
 14 they -- that they look at the student to make sure  
 15 that the student can handle it?  
 16 A. Yeah.  
 17 Q. And where do you get that understanding  
 18 from?  
 19 A. My counselor when I signed up for it, he  
 20 told me that -- because he was -- I wanted to get  
 21 down from an English honors class to a college prep,  
 22 and he told me, no, because he knew I could handle  
 23 it, so he put me in an AP class, or he thought I  
 24 could do as well -- he said that if I could keep up  
 25 in honors, then next year I could apply for an AP



1 class.  
 2 Q. You're just talking about your English  
 3 class?  
 4 A. Uh-huh, because that was last year that I  
 5 didn't want to do an honors class, and he told me  
 6 not to give up, to keep up and try and do as well as  
 7 I can.  
 8 Q. So last year you were in English honors  
 9 and you think that is, in part, why you are in AP  
 10 U.S. history this year?  
 11 A. Yeah.  
 12 Q. For this school year, other than the U.S.  
 13 AP class and the honors Spanish class, are there any  
 14 other classes that you are taking that are college  
 15 prep, honors or AP?  
 16 A. I don't know right now because I don't know  
 17 what classes I'm going to take starting January.  
 18 Q. What about September through December?  
 19 A. I -- I only have three classes, so it's  
 20 Spanish, U.S. history, and I have ceramics.  
 21 Q. Those are the only three classes you took  
 22 from September through December?  
 23 A. This year, yeah.  
 24 Q. And last year you were beginning to tell me  
 25 you were in the English honors class?

1 A. Yes.  
 2 Q. Was that for the whole school year?  
 3 A. No, that was for half of the school year.  
 4 Q. Starting in January?  
 5 A. January.  
 6 Q. What about in September through December?  
 7 A. Of last year?  
 8 Q. Yeah. Did you take an English class?  
 9 A. No.  
 10 Q. For the entire school year last school  
 11 year, other than your English honors class, which  
 12 you took for half the year, did you take any other  
 13 classes that were college prep, honors or AP?  
 14 A. I took -- I don't remember but usually  
 15 it's college prep or honors. I just recently  
 16 started taking AP this year.  
 17 Q. Do you remember if you took any other  
 18 honors or college prep classes other than English  
 19 last year?  
 20 A. Last year I took honors geometry.  
 21 Q. Anything else, any other honors or college  
 22 prep class last year?  
 23 A. I don't remember.  
 24 Q. And you were beginning to tell me about  
 25 your English honors class last year. How did you

1 get into that class?  
 2 A. I signed up for it at the end of my  
 3 freshman year.  
 4 Q. At the end of your freshman year?  
 5 A. Yeah.  
 6 Q. Why did you sign up for it?  
 7 A. Because we chose our classes, and I decided  
 8 to take something more challenging than last year.  
 9 Q. And did anyone talk to you about getting in  
 10 the honors class?  
 11 A. No.  
 12 Q. Do you know if there were any requirements  
 13 you had to meet to get into the English honors  
 14 class?  
 15 A. Well, it is the same thing as an AP class,  
 16 if you do your things, you can keep up and you can  
 17 handle it, they sometimes tell you, "Well, you  
 18 should take honors."  
 19 Q. Did any of your English teachers tell you  
 20 you should take honors?  
 21 A. No.  
 22 Q. Do you know if the honors English  
 23 teacher -- did you have to talk to him or her?  
 24 A. No.  
 25 Q. So do you -- who was the honors English

1 teacher?  
 2 A. Ms. Soble.  
 3 Q. Do you know if Ms. Silva (sic) had to  
 4 approve you in her class?  
 5 A. I don't know.  
 6 THE REPORTER: Are you saying "Silva"?  
 7 THE WITNESS: Soble, S O B L E.  
 8 BY MS. KOURY:  
 9 Q. And you said once you got into this class  
 10 you found it a little difficult and you talked to  
 11 your counselor about it?  
 12 A. Yes. Because it was a lot of reading and I  
 13 had other classes that I had to do.  
 14 Q. Right.  
 15 And what happened? Did you have to go talk  
 16 to your counselor, or did your counselor come to  
 17 you?  
 18 MR. ENGLISH: Objection. Compound.  
 19 THE WITNESS: I called him and told him I  
 20 didn't want to stay in there. And he didn't let me  
 21 get out.  
 22 BY MS. KOURY:  
 23 Q. When you say you "called him," you called  
 24 your counselor?  
 25 A. Right. I signed up for it. For like -- I

1 have to sign up in order to see my counselor.  
 2 Q. What's your counselor's name? Or what was  
 3 your counselor's name?  
 4 A. Mr. Ferris.  
 5 Q. What happened after you signed up to meet  
 6 with Mr. Ferris?  
 7 A. He called me into his office.  
 8 Q. Do you remember when that was?  
 9 A. No.  
 10 Q. Was it during the school day?  
 11 A. Yeah.  
 12 Q. What happened? Did you go into his office?  
 13 A. Yeah.  
 14 Q. And then what happened?  
 15 A. I told him I thought it was a lot of time  
 16 consuming and that I don't want to stay in there.  
 17 Q. And what did he say?  
 18 A. That I couldn't get out because he knew I  
 19 could keep up.  
 20 Q. And what did you say to that?  
 21 A. I had no choice but to stay in there.  
 22 Q. Do you know why he thought you could keep  
 23 up?  
 24 MR. ENGLISH: Objection. Calls for  
 25 speculation.

1 THE WITNESS: Because he knew I could keep  
 2 up, and I had done good in my English class, college  
 3 prep the year before.  
 4 BY MS. KOURY:  
 5 Q. So when was this about during the school  
 6 year, do you remember, that you went to meet with  
 7 him? Was it the beginning of the semester? towards  
 8 the middle? towards the end?  
 9 A. Around the beginning.  
 10 Q. And what happened after that, did you stay  
 11 in the class?  
 12 A. Yes.  
 13 Q. Did you ever go back to talk to Mr. Ferris  
 14 about the class?  
 15 A. No.  
 16 Q. And how did you do in the class?  
 17 A. I got [REDACTED]  
 18 Q. So I guess Mr. Ferris was right.  
 19 What about your geometry honors class, how  
 20 did you get into that class last year?  
 21 A. I signed up for it.  
 22 Q. Do you know if there were any requirements  
 23 that you had to meet to sign up for it?  
 24 A. No, I don't know.  
 25 Q. Did you talk to anyone about getting into

1 the honors class?  
 2 A. No. Usually we just -- towards the end of  
 3 the year they give us a piece of paper and we sign  
 4 up for whatever class we wanted to take the year --  
 5 the next year.  
 6 Q. Did anyone tell you you should take this  
 7 honors class?  
 8 A. No.  
 9 Q. What made you decide that you wanted to  
 10 take honors geometry?  
 11 A. I always liked math, so I just thought I  
 12 would take it.  
 13 Q. And did you talk to Mr. Ferris about this  
 14 class?  
 15 A. No.  
 16 Q. Do you know if anyone -- if any of your  
 17 friends have signed up for an honors class and not  
 18 gotten in?  
 19 A. No, I don't know.  
 20 Q. Did you take AP U.S. history last semester?  
 21 A. Yes.  
 22 Q. And how did you get into that class?  
 23 A. I signed up for it.  
 24 Q. And why did you sign up for AP  
 25 U.S. history?

1 A. Because I didn't think it was going to be  
 2 that hard.  
 3 Q. Was that the only reason you signed up for  
 4 it?  
 5 A. Yeah, because the year before my history  
 6 class, I found it interesting.  
 7 Q. Was it a hard class?  
 8 A. A lot of reading.  
 9 Q. Did you take the AP test already?  
 10 A. No. We're still not through to complete  
 11 the English AP class. I mean the history class.  
 12 Q. So will you take it again this coming  
 13 semester?  
 14 A. Yeah, for a couple weeks.  
 15 Q. Did you talk to Mr. Ferris about your AP  
 16 U.S. history class?  
 17 A. No.  
 18 Q. Have there been any honors classes or AP  
 19 classes or college prep classes that you wanted to  
 20 take but you couldn't?  
 21 A. No.  
 22 Q. Have you ever wanted to take an AP or  
 23 honors or college prep class that you think should  
 24 have been there, or it didn't exist, or it wasn't  
 25 offered?

1 A. I wanted to take calculus.  
 2 Q. And that was a class you wanted to take  
 3 next year; right?  
 4 A. Uh-huh.  
 5 Q. Do you know when they stopped offering it?  
 6 A. I think it was this year, but I'm not sure.  
 7 Q. Other than calculus, was there any other  
 8 class that you wanted to take but it wasn't offered?  
 9 A. No.  
 10 Q. Do you know who the principal is at your  
 11 school?  
 12 A. Antonio Gitan.  
 13 Q. Do you know if there's any assistant  
 14 principals at your school?  
 15 A. I don't remember. I just -- I remember one  
 16 is Fernando, I don't remember his last name. And  
 17 another one is -- I don't remember his name, but his  
 18 last name is Borasa.  
 19 Q. So you think there is two assistant  
 20 principals at your school?  
 21 A. Yeah.  
 22 Q. Is that this school year?  
 23 A. Yes.  
 24 Q. And do you know how many counselors there  
 25 are at your school?

1 A. This year there's about four.  
 2 Q. Do you know their names?  
 3 A. I know one is Mr. Ferris and another one is  
 4 Mrs. Jarreau. And I don't remember, we just  
 5 recently got a new one, so I don't remember -- I  
 6 don't know their names.  
 7 Q. You just recently got one new counselor,  
 8 or --  
 9 A. Yeah, because we had one that was, I don't  
 10 know, transferred to another school or something but  
 11 she's not there this year, and we got, like, a  
 12 replacement.  
 13 Q. And there are four counselors in all?  
 14 A. I think there's, like, about four. I'm not  
 15 sure.  
 16 Q. Are you assigned a specific counselor?  
 17 A. If you're in the AVID program, or in the AG  
 18 academy, then your counselor is Mr. Ferris.  
 19 Q. Are you in the AVID program?  
 20 A. Yes.  
 21 Q. What is the AVID program?  
 22 A. I got out this last year. But usually they  
 23 just help us to -- to -- help us to take better  
 24 notes during class or to help us. That's the class  
 25 I had the tutoring.

1 Q. When -- when did you first become a member  
 2 of the AVID program?  
 3 A. I got in my freshman year.  
 4 Q. How did you get into it?  
 5 A. Because in my eighth grade they had offered  
 6 for eighth graders that wanted to go with a field  
 7 trip with the high school and that was one of them.  
 8 And I got to -- they just put me in the AVID  
 9 program.  
 10 Q. What kind of field trip was it?  
 11 A. We went to the Museum of Tolerance.  
 12 Q. And I still don't understand, how did it  
 13 help you to get into the AVID program?  
 14 A. Because we went with the AVID program, so  
 15 I'm just guessing that they put me in as a student  
 16 in the AVID program.  
 17 Q. Do you remember if you had to sign anything  
 18 or do anything to become involved in the program?  
 19 A. No.  
 20 Q. Do you remember if your parents knew that  
 21 you were going to be in the AVID program?  
 22 A. No.  
 23 Q. Do you remember ever discussing it with  
 24 your parents?  
 25 A. No.

1 Q. Did you discuss it with anyone at school  
 2 that you were going to be in the AVID program?  
 3 A. No. I didn't know I was in the AVID  
 4 program until -- when I got my classes to start high  
 5 school.  
 6 Q. And how did you know by looking at your  
 7 classes that you were in the AVID program?  
 8 A. Because it was one of my classes.  
 9 Q. Was an AVID class?  
 10 A. Yeah.  
 11 Q. And you stated earlier that the AVID class  
 12 helped you to take notes?  
 13 A. We -- they taught us how to take Cornell  
 14 notes and the teacher helped us to do a paragraph,  
 15 and we did tutoring. We did our homework in there.  
 16 Q. Do you think it helped you?  
 17 MR. ENGLISH: Objection. Calls for expert  
 18 opinion.  
 19 THE WITNESS: It -- it helped me in my  
 20 geometry class.  
 21 BY MS. KOURY:  
 22 Q. How did it help you in your geometry class?  
 23 A. Because I was -- I didn't really understand  
 24 geometry.  
 25 Q. And did someone in the AVID class help you

1 with geometry?  
 2 A. My tutor.  
 3 Q. Your tutor, that was in the AVID class?  
 4 A. Yeah.  
 5 Q. And that's Mr. -- I'm sorry. That's Mark  
 6 Perez?  
 7 A. Yes.  
 8 Q. When did you get -- you said you got out of  
 9 the AVID class this year, meaning your junior year?  
 10 A. Uh-huh.  
 11 Q. How did you get out?  
 12 A. I told them that I didn't want to be in it  
 13 anymore.  
 14 Q. Who did you tell?  
 15 A. My counselor.  
 16 Q. Mr. Ferris?  
 17 A. Yes.  
 18 Q. When did you tell him that?  
 19 A. Last year, towards the end of the school  
 20 year.  
 21 Q. How did you talk to him?  
 22 A. I went into his office and told him I  
 23 didn't want it for my junior year.  
 24 Q. What did he say?  
 25 A. He said okay.

1 Q. So you just walked into his office and sat  
 2 down?  
 3 A. I had made a request to see him, and when  
 4 he called me into his office, I told him I didn't  
 5 want to do it anymore.  
 6 Q. Did you discuss it or did he just say  
 7 "that's fine"?  
 8 A. He asked me why I didn't want to do it.  
 9 Q. And what did you say to him?  
 10 A. That I wanted to take some other class that  
 11 would help me to get into college because I didn't  
 12 think that we did anything in there.  
 13 Q. Were you taking the AVID class your  
 14 sophomore year while you were in honors English and  
 15 geometry?  
 16 A. It was during geometry.  
 17 Q. When you say "it was during geometry," AVID  
 18 is a separate class from geometry; is that right?  
 19 A. Yes.  
 20 Q. But it was during the same semester?  
 21 A. Uh-huh.  
 22 Q. So you only took AVID one semester your  
 23 sophomore year?  
 24 A. It's only for one semester.  
 25 Q. Now that you're no longer in AVID, is

1 Mr. Ferris still your counselor?  
 2 A. Yes.  
 3 Q. Have you ever spoken or had any discussions  
 4 with any of the other counselors?  
 5 A. No. I would sometimes talk to the  
 6 counselor that left this year.  
 7 Q. What was her name, or his name?  
 8 A. Ms. Bruggman.  
 9 Q. Ms. Bergman?  
 10 A. Bruggman. Double G.  
 11 Q. And did you speak to Ms. Bruggman last  
 12 year?  
 13 A. I would just sometimes say hi to her and  
 14 have conversations to her -- with her.  
 15 Q. What would you have conversations about?  
 16 A. Just normal conversation because I have  
 17 known her since I was in elementary.  
 18 Q. Did you ever talk to her about  
 19 school-related things?  
 20 A. I don't remember.  
 21 Q. And Mr. Ferris was your counselor also last  
 22 year?  
 23 A. Yes.  
 24 Q. How about your freshman year, was he your  
 25 counselor?

1 A. Yes, he was my counselor.  
 2 Q. Did you ever meet with Mr. Ferris when you  
 3 were a freshman?  
 4 A. Yes. He would sometimes go into the AVID  
 5 classroom and he would talk to us.  
 6 Q. How?  
 7 A. He would -- he would ask -- he would talk  
 8 to us personally and ask us how we were doing in our  
 9 classes or something.  
 10 Q. Do you remember ever telling him how you  
 11 were doing?  
 12 A. Yes.  
 13 Q. How often would he do that?  
 14 A. I don't remember, but he would go in and he  
 15 would ask us how are we doing in geometry, or how  
 16 we're doing in this other class.  
 17 Q. Did you tell him when you were having --  
 18 well, was this your freshman year?  
 19 A. Yes.  
 20 Q. What classes -- did you ever discuss a  
 21 specific class with him?  
 22 A. He would go in there during freshman and  
 23 sophomore year and I would talk to him usually about  
 24 geometry or English.  
 25 Q. And freshman year, were you taking

1 geometry?  
 2 A. No, I was taking Algebra 1.  
 3 Q. Were you taking English?  
 4 A. I don't remember if I was taking English at  
 5 the time.  
 6 Q. Freshman year you stated that you remember  
 7 Mr. Ferris coming into your AVID class and asking  
 8 you generally about your classes. Other than him  
 9 coming into your AVID class, do you ever remember  
 10 making an appointment with Mr. Ferris or talking to  
 11 him outside the AVID class?  
 12 A. No.  
 13 Q. Do you remember your freshman year, if you  
 14 ever raised any type of a concern about a class to  
 15 Mr. Ferris?  
 16 A. My freshman year I signed up for Math A  
 17 and I made a request to talk to him so I could  
 18 change Math A because it was too easy for me, so he  
 19 put me in an Algebra 1 class.  
 20 Q. So your freshman year you made a request to  
 21 see him?  
 22 A. Uh-huh.  
 23 Q. And did he call you into his office after  
 24 you made the request?  
 25 A. Yes, but -- if I call him -- if I make a

1 request during the beginning of the year, or at the  
 2 beginning of when we just started the classes,  
 3 usually there's a lot of people or students wanting  
 4 to make changes, so it would take time for him to  
 5 call us in.  
 6 Q. Do you remember when you made your request  
 7 to change your Math A class?  
 8 A. Like about the third day I was in that  
 9 class.  
 10 Q. Do you remember how long it took for you to  
 11 meet with Mr. Ferris after you put in that request?  
 12 A. I don't remember because I -- I think it  
 13 was like a day or two after.  
 14 Q. And -- and how quickly after you met with  
 15 him did he put you into your algebra class?  
 16 A. I -- he called me in after I had already  
 17 finished -- I was through with that class for the  
 18 day. And I told him that day that I wanted to  
 19 change it because it was too easy, and the next day  
 20 I started in the Algebra 1 class.  
 21 Q. How did you like the Algebra 1 class?  
 22 A. It was much better than Math A.  
 23 Q. It was harder?  
 24 A. It wasn't that hard because I already knew  
 25 most of the stuff, and in Math A we were doing

1 adding and multiplying and dividing.  
 2 Q. Was it an honors class or just a regular  
 3 algebra class?  
 4 A. College prep class.  
 5 Q. What does "college prep" mean?  
 6 MR. ENGLISH: Objection. Calls for expert  
 7 opinion.  
 8 BY MS. KOURY:  
 9 Q. Do you get an extra credit for it?  
 10 A. No.  
 11 Q. What is your understanding of why it's  
 12 called college prep?  
 13 A. I guess because it prepares you for  
 14 college. I don't know.  
 15 Q. Is there another Algebra 1 that's not  
 16 college prep, just regular Algebra 1, that you know  
 17 of?  
 18 A. I don't know.  
 19 Q. I'm sorry. And you stated that you don't  
 20 get an extra credit for college prep classes?  
 21 A. No. We only get credits for honors and AP.  
 22 Q. And other than speaking to Mr. Ferris about  
 23 this Math A class, did you ever -- ever request to  
 24 see him again during your freshman year that you can  
 25 remember?

1 A. No.  
 2 Q. Do you ever remember talking to him during  
 3 your AVID class about algebra?  
 4 A. He would ask me if I was much better in  
 5 there.  
 6 Q. And what would you say to him?  
 7 A. Yes.  
 8 Q. Was there ever a time during your freshman  
 9 year that you can remember wanting to talk to  
 10 Mr. Ferris, or wanting to see Mr. Ferris, and you  
 11 weren't able to?  
 12 A. No.  
 13 MR. ENGLISH: Objection. Compound.  
 14 BY MS. KOURY:  
 15 Q. Was that "no"?  
 16 A. Yeah.  
 17 Q. How about your sophomore year, did you ever  
 18 request to see Mr. Ferris?  
 19 A. I don't remember.  
 20 Q. Your sophomore year you were taking honors  
 21 English and geometry?  
 22 A. Uh-huh.  
 23 Q. Were you taking any college prep classes?  
 24 A. My sophomore year I was taking ... biology.  
 25 Q. Is that a college prep class?

1 A. Yes.  
 2 Q. Did you take any other honors classes your  
 3 sophomore year?  
 4 A. World history.  
 5 Q. And world history is ...  
 6 A. Honors.  
 7 Q. Did you take any other honors classes your  
 8 sophomore year other than English, geometry and  
 9 world history?  
 10 A. No.  
 11 Q. Did you take any AP classes?  
 12 A. No.  
 13 Q. Do you remember if Mr. Ferris would come  
 14 into your AVID class during your sophomore year?  
 15 A. Yes.  
 16 Q. He would come in?  
 17 A. Yes.  
 18 Q. And what would he do?  
 19 A. Ask us if we were doing all right in our  
 20 classes.  
 21 Q. Do you remember about how often he would  
 22 come in during your sophomore year?  
 23 A. I don't know.  
 24 Q. Do you remember ever telling him how things  
 25 were going?

1 A. Yes.  
 2 Q. What do you remember?  
 3 A. I would just tell him I was doing fine.  
 4 Q. Do you ever remember a time during your  
 5 sophomore year that you wanted to speak to  
 6 Mr. Ferris but you weren't able to?  
 7 A. No.  
 8 Q. How about this year, I know that you  
 9 mentioned earlier that you made a request and you  
 10 did see Mr. Ferris this past semester. Was that the  
 11 only time that you've seen him, made an appointment  
 12 to see him during this past semester?  
 13 A. I don't remember.  
 14 Q. But you do remember going to see him and  
 15 that was to discuss your -- your sophomore year, you  
 16 went in there to discuss your English honors class;  
 17 is that correct?  
 18 A. Yes.  
 19 Q. And that's when he told you that you should  
 20 stick it out?  
 21 A. Yes.  
 22 Q. And other than that one time that you  
 23 remember seeing him your sophomore year or making a  
 24 request to see him; is that right? Or did you  
 25 discuss that with him during your AVID period your

1 sophomore year?  
 2 MR. ENGLISH: Objection. Compound.  
 3 THE WITNESS: I talked to him after AVID  
 4 class.  
 5 BY MS. KOURY:  
 6 Q. So you made a request to see him?  
 7 A. (Nods head.)  
 8 Q. Do you remember if you made a request to  
 9 see him this past semester in your junior year?  
 10 A. No.  
 11 Q. Have you seen him at all during your junior  
 12 year?  
 13 A. No.  
 14 Q. But you saw him at the beginning of your  
 15 junior year when you asked to drop out of the AVID  
 16 program?  
 17 MR. ENGLISH: Objection. Asked and  
 18 answered.  
 19 THE WITNESS: No, I asked him last year.  
 20 BY MS. KOURY:  
 21 Q. At the end of your sophomore year?  
 22 A. (Nods head.)  
 23 Q. So you haven't seen him at all this past  
 24 school year?  
 25 A. No.

1 Q. Have you wanted to see him at all this past  
 2 school year?  
 3 A. No. I was thinking of signing up for  
 4 PSATs, the SATs, but I never got around to doing it.  
 5 Q. Have you heard any of your friends complain  
 6 that they wanted to make an appointment with a  
 7 counselor but they weren't able to see him or her?  
 8 A. I don't know.  
 9 MR. ENGLISH: You don't know if you've  
 10 heard, or you don't know if they have?  
 11 THE WITNESS: I don't know that they have.  
 12 BY MS. KOURY:  
 13 Q. But have you ever heard them complain to  
 14 you about it?  
 15 A. No.  
 16 Q. Have you ever discussed anything about your  
 17 counselors with your friends, about being able to  
 18 see your counselors?  
 19 A. No.  
 20 Usually, my friend, she was -- she was in  
 21 ESL. She was talking about getting out of the ESL  
 22 because she knew English good. And she said that  
 23 she had a little problem because the counselor  
 24 didn't think she could have made it in a college  
 25 prep class. So I think she just stayed in ESL.

1 Q. But your friend was able to discuss this  
2 with her counselor?  
3 A. Yes.  
4 Q. Were you ever in the ESL program?  
5 A. No.  
6 Q. Do you know what subjects you have to take  
7 in order to graduate from Santa Paula?  
8 A. I know it's math, English, I think two  
9 years of science, or something, and I think it's one  
10 year of lab science. And I don't know.  
11 Q. Do you know what classes you need to get  
12 into college?  
13 MR. ENGLISH: Objection. Vague.  
14 THE WITNESS: I don't know.  
15 BY MS. KOURY:  
16 Q. Have you ever asked Mr. Ferris what classes  
17 you need to get into college?  
18 A. No. Usually he will -- the teacher in an  
19 individual class would tell us what we needed or  
20 something, but I just don't remember right now.  
21 Q. Do you remember discussing going -- that  
22 you -- have you ever told anyone at school that you  
23 wanted to go to college?  
24 A. No, I didn't -- I haven't told anybody  
25 anything.

1 Q. And you say that your AVID teacher  
2 discussed classes that you needed to take to get to  
3 college?  
4 A. Yes.  
5 Q. Do you remember, was he -- was your AVID  
6 teacher talking about a four-year college?  
7 MR. ENGLISH: Objection. Calls for  
8 speculation.  
9 THE WITNESS: Yes.  
10 BY MS. KOURY:  
11 Q. How do you know that?  
12 A. Because he would talk -- he would put UCSD  
13 or UC something as an example to get in.  
14 Q. And then he would discuss the requirements  
15 to get into the UC schools?  
16 A. Yes.  
17 Q. What did the -- have you ever heard of  
18 Cal State colleges.  
19 A. Yes, but he would never discuss what we  
20 needed to get into those.  
21 Q. Do you know why?  
22 A. No.  
23 Q. Do you know if anyone -- did you ever ask  
24 about the Cal State requirements?  
25 A. No.

1 Q. Have you ever talked to Mr. Ferris about  
2 getting into college?  
3 A. No.  
4 Q. Have you ever received any type of  
5 documents or papers or pamphlets about the  
6 UC schools or any other type of four-year college?  
7 A. I have pamphlets of when we go visit, like,  
8 UCSB or UCLA.  
9 Q. And who did you go with to visit UCSB and  
10 UCLA?  
11 A. I went to UCLA and UCSB with the AVID  
12 program.  
13 Q. And when was that?  
14 A. I don't remember, but usually he would take  
15 us into, like, UCLA or UCSB. I think he took us to  
16 UCLA last year.  
17 Q. And when you say "he," you mean your AVID  
18 teacher?  
19 A. Yes.  
20 Q. What was his name?  
21 A. Mr. Witt.  
22 Q. Witt?  
23 A. Yes.  
24 Q. What was your best subject this past --  
25 MR. ENGLISH: Objection. Vague.

1 BY MS. KOURY:  
2 Q. -- semester?  
3 MR. ENGLISH: Objection. Vague.  
4 BY MS. KOURY:  
5 Q. Did you hear the question?  
6 A. Yes.  
7 Q. Okay. What was your best subject this past  
8 semester, if you had one?  
9 A. Spanish.  
10 Q. And that was honors Spanish?  
11 A. Yes.  
12 Q. How about last school year, or the second  
13 semester of your sophomore year, what was your best  
14 subject then?  
15 A. English.  
16 Q. And that was honors English?  
17 A. Yes.  
18 Q. What about your first semester sophomore,  
19 what was your best subject then?  
20 MR. ENGLISH: Same objection.  
21 THE WITNESS: Biology.  
22 BY MS. KOURY:  
23 Q. And that was a college prep class?  
24 A. Yes.  
25 Q. How did you -- how do you know if a class

1 is college prep or not? Is it on your -- I should  
 2 just ask that. How do you know?  
 3 A. It -- when we get our schedule, it usually  
 4 says "biology, college prep," or whatever, just ...  
 5 Q. On the schedule?  
 6 A. Yes.  
 7 Q. Why is Spanish your favorite class this  
 8 past school year?  
 9 MR. ENGLISH: Objection. Mischaracterizes  
 10 her testimony.  
 11 BY MS. KOURY:  
 12 Q. Did I say "favorite"? I meant to say  
 13 "best." Why was that your best subject?  
 14 MR. ENGLISH: Objection. Vague.  
 15 THE WITNESS: I don't know, because I do  
 16 good in there.  
 17 BY MS. KOURY:  
 18 Q. What did you get?  
 19 A. An A.  
 20 Q. What was your teacher's name?  
 21 A. Ms. Madrigal.  
 22 Q. Was Ms. Madrigal a good teacher?  
 23 A. Yes.  
 24 Q. What made her good?  
 25 A. She explains it very good.

1 Q. Anything else?  
 2 A. No.  
 3 Q. Did you have a lot of homework in this  
 4 class?  
 5 A. Not a lot of homework.  
 6 Q. How did you get your grade?  
 7 I'm sorry. Did you have tests in this  
 8 class?  
 9 A. Yes, we have -- she counts tests, the  
 10 homework, and volunteer -- volunteer to answer to  
 11 questions, and that's it.  
 12 Q. Did you volunteer in class?  
 13 A. No. She usually makes everybody answer one  
 14 question.  
 15 Q. How long has Ms. Madrigal taught at  
 16 Santa Paula; do you know?  
 17 A. I don't know.  
 18 Q. Was she a young teacher, older?  
 19 A. She's, I think, late forties. I don't  
 20 know.  
 21 Q. Very old.  
 22 Why was English your best subject last  
 23 semester, sophomore year?  
 24 A. Because I did good in there.  
 25 Q. I see a pattern.

1 Why do you think you did well in English?  
 2 A. I don't know.  
 3 Q. What grade did you get?  
 4 A. An A.  
 5 Q. Other than doing well in it, what else did  
 6 you like about it?  
 7 A. The books we read were interesting.  
 8 Q. What kind of books did you read?  
 9 A. She did Greek mythology.  
 10 Q. Anything else?  
 11 A. No.  
 12 Q. So did you read short stories or ...  
 13 A. That's what we started out with, but we  
 14 did -- we did King Arthur, we did Romeo and Juliet,  
 15 A Tale of Two Cities, and two books of Greek  
 16 mythology.  
 17 Q. Other than reading, what else did you do in  
 18 this class?  
 19 A. Usually we would just read and she would  
 20 give us like about 50 pages a night to read and we  
 21 would write about it, what it was about, two pages  
 22 per night.  
 23 Q. Each night you would write about two pages?  
 24 A. We would write Cornell notes, which was  
 25 half about what it was about, and the other was

1 questions or comments.  
 2 Q. Questions that you had?  
 3 A. About the book or the story or something.  
 4 Q. Would you type your homework on your  
 5 computer?  
 6 A. No. We used, like, a notebook.  
 7 Q. And then you turned in your notebook?  
 8 A. And she would grade what we would write.  
 9 Q. Would she return it to you?  
 10 A. Yes.  
 11 Q. So you would see your grade?  
 12 A. Uh-huh.  
 13 Q. Did she also give you comments?  
 14 A. Yes.  
 15 Q. And you got an [redacted] in this class?  
 16 A. Yes.  
 17 Q. What was your teacher's name?  
 18 A. Ms. Soble.  
 19 Q. Ms. Ogel?  
 20 A. Soble.  
 21 Q. Soble.  
 22 Did you think she was a good teacher?  
 23 A. She was an interesting teacher.  
 24 Q. What do you mean by that?  
 25 A. She would -- one night we would read and



1 the next day she would explain what we read the  
 2 night before. And, I mean, she's interesting  
 3 because she would really get into what she was  
 4 saying.  
 5 Q. How did she show you that she was really  
 6 getting into it?  
 7 A. Her facial expressions. And the room was  
 8 decorated with, like, if we were reading about gods,  
 9 she would have gods all over the classroom.  
 10 Q. And do you know how long she's been a  
 11 teacher at Santa Paula?  
 12 MR. ENGLISH: Objection. Calls for  
 13 speculation.  
 14 THE WITNESS: I don't know.  
 15 BY MS. KOURY:  
 16 Q. Do you know, is she still a teacher there?  
 17 A. Yes.  
 18 Q. And why was biology one of your best  
 19 subjects last year?  
 20 A. Because it was interesting.  
 21 Q. What made it interesting?  
 22 A. What we studied about, I liked.  
 23 Q. And what did you study about?  
 24 A. We would usually study like the human body  
 25 or compared it with animals, like the bones of a

1 BY MS. KOURY:  
 2 Q. Other than the ones you just described to  
 3 me, can you remember any other experiments that you  
 4 did?  
 5 A. No.  
 6 Q. How about the blood experiment to determine  
 7 your blood type?  
 8 A. Oh, we didn't -- we didn't use real blood,  
 9 we just used punnett squares.  
 10 Q. It's probably safer.  
 11 And what grade did you get in this class?  
 12 A. An [REDACTED]  
 13 Q. And who was your teacher?  
 14 A. For -- for the September until, like, a  
 15 month before the class was over, it was Mr. Sillars.  
 16 And for the -- for the last month was -- I don't  
 17 remember her name ... it was Hoffman, Ms. Hoffman.  
 18 Q. Do you know why Mr. Sillars left?  
 19 MR. ENGLISH: Objection. Calls for  
 20 speculation.  
 21 THE WITNESS: He had been telling us it  
 22 was because he was teaching computer literacy or  
 23 something and he thought he couldn't -- he thought  
 24 he -- I don't know, he just wanted to do the  
 25 computer lab.

1 human with the chimpanzee or something. And we did  
 2 how to figure out, like, from your parents type of  
 3 blood, we would find yours.  
 4 Q. So would you do experiments?  
 5 A. We did labs a couple times.  
 6 Q. Did you like labs?  
 7 A. Yes.  
 8 Q. Why did you like them?  
 9 A. One time we did, like, gases. Like we  
 10 would put salt and add some kind of gas and it would  
 11 turn colors. And comparing with other stuff, we  
 12 would see what kind of chemicals it had inside.  
 13 Q. Did you write the results of your labs in a  
 14 lab book?  
 15 A. No. We would -- she would usually just ask  
 16 us questions about our labs or put the results.  
 17 Q. How often did you do lab experiments; do  
 18 you remember?  
 19 A. I don't know.  
 20 Q. Do you know if there were more than three  
 21 lab experiments?  
 22 MR. ENGLISH: Objection. Asked and  
 23 answered.  
 24 THE WITNESS: I don't know if it was more  
 25 than three or not.

1 BY MS. KOURY:  
 2 Q. Computer literacy at Santa Paula?  
 3 A. Uh-huh.  
 4 Q. Is that "yes"?  
 5 A. Yes.  
 6 Q. Did you think he was a good teacher?  
 7 A. Yes.  
 8 Q. Why?  
 9 A. Because he explained it very good.  
 10 Q. How about Ms. Hoffman when she took over,  
 11 did you think she was a good teacher?  
 12 A. She was a good teacher but I understood --  
 13 I understood and I liked better Mr. Sillars'  
 14 technique.  
 15 Q. Did Ms. Hoffman begin teaching where  
 16 Mr. Sillars left off?  
 17 A. Yes.  
 18 MS. KOURY: Can we take a quick five-minute  
 19 break.  
 20 (Recess taken from 11:05 to 11:15.)  
 21 BY MS. KOURY:  
 22 Q. Did you have a nice break?  
 23 A. Yes.  
 24 Q. Is there anything that triggered your  
 25 memory on any of the questions that I asked before

1 the break that you would like to add to the record?  
 2 MR. ENGLISH: Objection. Vague.  
 3 THE WITNESS: No.  
 4 BY MS. KOURY:  
 5 Q. You were discussing your best classes  
 6 before we took the break. What were your worst --  
 7 what were your worst classes the past semester?  
 8 MR. ENGLISH: Objection. Vague.  
 9 BY MS. KOURY:  
 10 Q. If you had one.  
 11 A. Like "worst" as in I was doing bad in it?  
 12 Q. Sure.  
 13 A. None.  
 14 Q. What about the one that you liked the  
 15 least?  
 16 MR. ENGLISH: Objection. Mischaracterizes  
 17 her testimony.  
 18 MS. KOURY: Well, it couldn't be since I  
 19 was just asking a question and not characterizing  
 20 anything.  
 21 Q. I'm just asking if you had a class that you  
 22 liked the least.  
 23 A. This past year, or --  
 24 Q. This past semester.  
 25 A. None.

1 Q. What about last school year, sophomore  
 2 year. Did you have a worst class, or a class that  
 3 you liked the least?  
 4 MR. ENGLISH: Objection. Compound.  
 5 THE WITNESS: No.  
 6 BY MS. KOURY:  
 7 Q. "No"?  
 8 A. No.  
 9 Q. What about freshman year?  
 10 MR. ENGLISH: Same objection.  
 11 BY MS. KOURY:  
 12 Q. Did you have a worst class freshman year?  
 13 A. No.  
 14 Q. Did you have a class that you liked the  
 15 least freshman year?  
 16 A. No.  
 17 Q. Who was your best teacher this past  
 18 semester?  
 19 MR. ENGLISH: Objection. Vague.  
 20 THE WITNESS: This past semester, my  
 21 ceramics class teacher.  
 22 BY MS. KOURY:  
 23 Q. What was his or her name?  
 24 A. Ms. Park.  
 25 Q. Why was she your best teacher?

1 A. I just like her.  
 2 Q. What did you like about her?  
 3 A. She's a good teacher. She teaches me very  
 4 good in ceramics. She has patience.  
 5 Q. Do you think patience is important for a  
 6 teacher?  
 7 A. Yes. Especially in ceramics.  
 8 Q. Why is that?  
 9 A. Because we have to have time to understand  
 10 and know what kind of figure we're going to make and  
 11 how we're going to make it.  
 12 Q. Other than patience, is there any other  
 13 quality about Ms. Parks that you really liked?  
 14 A. She's friendly.  
 15 Q. Anything else?  
 16 A. She's a good teacher, a teacher to talk to.  
 17 Q. Did you talk to her about things other than  
 18 your class?  
 19 A. Yes.  
 20 Q. So she was accessible?  
 21 A. Yes.  
 22 Q. Did you have projects in this class, making  
 23 things?  
 24 A. Yes.  
 25 Q. How often would you make things?

1 A. We -- she gives us an assignment of -- like  
 2 right now she -- our assignment is to make a figure  
 3 of, like, a -- a thing, or a person, or an animal or  
 4 something that -- like a cartoon or something that  
 5 we don't see that is, like, not present.  
 6 Q. When you say "right now," do you mean you  
 7 had to do this over the break?  
 8 A. Yes.  
 9 Q. So you're --  
 10 A. No, not over the break, during -- before we  
 11 got out on break.  
 12 Q. So you finished the project already?  
 13 A. Yes.  
 14 Q. What did you make?  
 15 A. Dumbo.  
 16 Q. What did you make it out of?  
 17 A. Clay.  
 18 Q. And then what do you do with the clay  
 19 after -- was the clay cold when you made it?  
 20 A. It's not cold, it's room temperature.  
 21 Q. Do you have to heat it up afterwards?  
 22 MR. ENGLISH: Objection. Relevance.  
 23 THE WITNESS: First we get a piece of clay,  
 24 we -- at the beginning of the class she asks us for  
 25 a \$10 donation for the clay. And once we have it,

1 we get a piece of clay and we shape it into like a  
 2 bowl or something. She -- she teaches us how to  
 3 make things.  
 4 BY MS. KOURY:  
 5 Q. Was clay the only thing you used in this  
 6 class?  
 7 A. We used clay and some sort of glaze or  
 8 paint.  
 9 Q. Where did you get the glaze or paint from?  
 10 A. She has them.  
 11 Q. And then after you make the clay, then you  
 12 put the glaze on it?  
 13 A. No. First we make it and she burns it up  
 14 so it can harden.  
 15 Q. Where does she burn it up?  
 16 A. It's like a kiln, like an oven kind of  
 17 thing but it's especially for clay.  
 18 Q. Is it in your classroom, the kiln?  
 19 A. It's not in our classroom, it has a little  
 20 separate room.  
 21 Q. Have you seen it?  
 22 A. Yes.  
 23 Q. Does she teach you how to use it?  
 24 A. She teaches -- she shows us how to put the  
 25 things in there. We don't move anything in there.

1 She's the one that does it.  
 2 Q. And then what happens with -- with the  
 3 ceramics after you make it, like the Dumbo, for  
 4 example, did you keep it?  
 5 A. I shaped it like a bowl and I added the  
 6 ears and everything. I drew the face and I made the  
 7 trunk. And once it's all put together, like the  
 8 ears and stuff put together, we let it dry until --  
 9 because the clay is gray, we let it dry until it  
 10 turns white. And then if it's all -- if it's all  
 11 evenly white, she puts it in the kiln and fires it  
 12 up.  
 13 Q. Then you glazed it afterwards -- or you  
 14 glaze it before it's fired?  
 15 A. No. We don't glaze it until after it's  
 16 been fired.  
 17 Q. Is there anything else? Do you paint it?  
 18 A. It's not any kind of paint, it's just a  
 19 special paint for clay. And depending if it's rough  
 20 or something, we sand it and then add water to get  
 21 off the dust, because if it has dust, the paint  
 22 won't stick on.  
 23 And then after we glaze it, she fires it up  
 24 again so the paint can stick on.  
 25 Q. What about last school year, who was your

1 best teacher --  
 2 MR. ENGLISH: Objection. Vague.  
 3 BY MS. KOURY:  
 4 Q. -- last school year?  
 5 MR. ENGLISH: Excuse me.  
 6 THE WITNESS: Last year ... I liked my  
 7 English teacher.  
 8 BY MS. KOURY:  
 9 Q. What did you like about her?  
 10 A. She was interesting.  
 11 Q. Is that Ms. Soble?  
 12 A. Soble, yes.  
 13 Q. I think you already told us a little bit  
 14 about Ms. Soble. Other than what you've already  
 15 testified about her, was there anything else that  
 16 made her interesting, or a reason why you liked her?  
 17 A. She was funny when she was explaining the  
 18 story.  
 19 Q. Other than your English teacher, did you  
 20 have any other teachers in the other semester of  
 21 your sophomore year that you would consider your  
 22 best teacher?  
 23 MR. ENGLISH: Same objection.  
 24 THE WITNESS: No.  
 25 /// ///

1 BY MS. KOURY:  
 2 Q. Do you consider yourself a good student?  
 3 A. Yes.  
 4 Q. Why?  
 5 A. Because I do good in my school.  
 6 Q. Do you mean in terms of grades?  
 7 A. Yes.  
 8 Q. Have you received any awards?  
 9 A. Not in high school.  
 10 Q. You mentioned earlier some of the  
 11 activities that you're -- that you were involved  
 12 with last year and this year. Did you have any  
 13 activities after school your freshman year?  
 14 A. I had basketball and choir and altar  
 15 serving.  
 16 Q. Anything else?  
 17 A. I had catechism.  
 18 Q. Is that like CCD?  
 19 A. Yeah.  
 20 Q. Anything else?  
 21 A. No, that's it.  
 22 Q. How about in school this school year, are  
 23 you involved in anything like student council?  
 24 debate? drama? any clubs at school?  
 25 MR. ENGLISH: Objection. Compound.

1 THE WITNESS: I'm just in band.  
 2 BY MS. KOURY:  
 3 Q. Anything other than band?  
 4 A. No.  
 5 Q. What about sophomore year, were you in any  
 6 clubs your sophomore year?  
 7 A. I was in migrant club and that's it.  
 8 Q. You weren't in band sophomore year?  
 9 A. Yes.  
 10 Q. You were in band as well?  
 11 A. (Nods head.)  
 12 Q. How about freshman year, were you in band  
 13 freshman year?  
 14 A. Yes.  
 15 Q. Any other clubs?  
 16 A. No. I don't remember if I was in the  
 17 migrant program.  
 18 Q. What's the migrant program?  
 19 A. It's like a club about the parents that --  
 20 students that have parents that are involved in  
 21 working in agriculture.  
 22 Q. What did you do in migrant club?  
 23 A. We would just meet, like, every Wednesday  
 24 and we would make -- like during Cinco de Mayo we  
 25 made, like, a bake sale of tortas. And I think, I

1 don't remember, but we went to visit convalescent  
 2 homes.  
 3 Q. And you're not in migrant club this year?  
 4 A. No.  
 5 Q. Why not?  
 6 A. Because the teacher is not doing it this  
 7 year.  
 8 Q. What about band, do you have competitions  
 9 for band?  
 10 A. We don't have competitions. We -- I have  
 11 that in the morning from 7:30 to 8:30.  
 12 Q. Is that practice?  
 13 A. Yes. And it's a class.  
 14 And then we usually participate in, like,  
 15 parades in Santa Paula and that's it.  
 16 Q. What instrument do you play?  
 17 A. The flute.  
 18 Q. How long have you been playing the flute?  
 19 A. Since fifth grade.  
 20 Q. How did you learn how to play the flute?  
 21 A. A teacher would go -- there's only one  
 22 teacher for band for all of the elementary schools,  
 23 and he would go to every school and asked who wanted  
 24 to join band. And so I signed up and he was  
 25 teaching me.

1 Q. And you said now that band is a class?  
 2 A. Uh-huh.  
 3 Q. Did you take it this year, this past year?  
 4 A. Yes.  
 5 Q. Do you get credit for it?  
 6 A. Yes. But we don't get full credit, we get  
 7 2.5 credits.  
 8 Q. Instead of three?  
 9 A. Instead of five.  
 10 Q. Have you -- have you ever been absent from  
 11 school for a long period of time --  
 12 MR. ENGLISH: Objection.  
 13 BY MS. KOURY:  
 14 Q. -- since you've been at Santa Paula?  
 15 MR. ENGLISH: Excuse me. Objection.  
 16 Vague.  
 17 BY MS. KOURY:  
 18 Q. When I say "a long time," I mean more than  
 19 ten days in a row.  
 20 A. No.  
 21 Q. Do you know what you want to do after you  
 22 finish high school?  
 23 A. No. I'll -- I'll probably stick around, go  
 24 to Ventura College because my mom won't let me go to  
 25 a four-year university straight out.

1 Q. Your mom doesn't let you go out?  
 2 A. No.  
 3 And I don't know, either pediatrician or  
 4 psychology.  
 5 Q. You're interested in science?  
 6 A. Not -- not at the moment, no.  
 7 Q. So are you planning on graduating from  
 8 Santa Paula next year?  
 9 A. Yes.  
 10 Q. You began to tell me about your English  
 11 class and I know you used books in that class -- and  
 12 that was your English class last year. Are you  
 13 taking an English class this year?  
 14 A. No, not right now.  
 15 Q. This coming semester when you start school  
 16 again, do you know what classes you'll be taking?  
 17 A. No. Right now we'll just go back and do --  
 18 finish off the classes we were taking before break.  
 19 And then once we're through, we will get a schedule  
 20 of our new classes.  
 21 Q. And what classes -- what classes were you  
 22 taking before you went on break?  
 23 A. U.S. history, Spanish and ceramics.  
 24 Q. And last year, you took English. Was it  
 25 for one semester or two semesters?

- 1 A. It was from January to June.  
 2 Q. What other classes did you take that  
 3 semester, sophomore year, which would have been  
 4 January to June, other than English?  
 5 A. I think it was world history. And I don't  
 6 remember what else.  
 7 Q. Did you take geometry that semester?  
 8 A. No, it was Spanish.  
 9 Q. So your spring semester sophomore year you  
 10 took English, world history and Spanish?  
 11 A. Yes, from January to ...  
 12 Q. Were there any other classes that you  
 13 remember taking that semester?  
 14 A. Band.  
 15 Q. Anything else?  
 16 A. No.  
 17 Q. What about your sophomore year from  
 18 September to December?  
 19 A. I had biology, the AVID program and  
 20 geometry. I think I remember -- I don't remember if  
 21 geometry was first or second semester.  
 22 Q. Do you know if you used any textbooks for  
 23 any of your classes this past semester for U.S.  
 24 history, Spanish or ceramics?  
 25 A. We have a textbook for U.S. history and a

- 1 Q. Did he tell you how you should treat your  
 2 book?  
 3 A. He explained that any damage to the book,  
 4 we would have to pay for.  
 5 Q. Did he tell you to put a cover on the book  
 6 or anything else?  
 7 A. Yes.  
 8 Q. What did he say about putting a cover on  
 9 the book?  
 10 A. He said we're supposed to put on a book  
 11 cover.  
 12 Q. What kind of condition was the book in?  
 13 A. It wasn't new, but it wasn't all damaged  
 14 and destroyed.  
 15 Q. Were you able to read from it?  
 16 A. Yes.  
 17 Q. Was there ever a time when you were reading  
 18 in your U.S. history book that you couldn't read  
 19 some of the text?  
 20 A. No.  
 21 Q. You said it wasn't new; is that right?  
 22 A. Yes.  
 23 Q. How did you know it wasn't new?  
 24 A. Because it was -- it was not like in a new  
 25 condition.

- 1 textbook that we take home in Spanish. But in  
 2 Spanish, we have other books that we use, but we  
 3 don't take them home.  
 4 Q. Your U.S. history, was there only one  
 5 textbook?  
 6 A. Yes.  
 7 Q. Other than the textbook, were there any  
 8 other books that you used?  
 9 A. For U.S. history, no.  
 10 Q. Do you remember the name of the textbook?  
 11 A. No.  
 12 Q. Do you use it in class?  
 13 A. We use it in class and we take it home.  
 14 Q. Did you have your own book?  
 15 A. Yes.  
 16 Q. How did you get the book?  
 17 A. He assigned it to us.  
 18 Q. At the beginning of the semester?  
 19 A. At the beginning of class.  
 20 Q. How he did assign it to you?  
 21 A. He just passed out one to everybody in the  
 22 class and he made us fill out a little card, and on  
 23 the side of the book there is a number, and we put  
 24 the number so he knows what book we got and what  
 25 book we should return.

- 1 Q. Did -- did you feel as if it was too old?  
 2 A. Not too old.  
 3 Q. Did you feel as though -- did you ever hear  
 4 the teacher or anyone complain that it was too  
 5 outdated?  
 6 A. No.  
 7 Q. Did you think it was too outdated?  
 8 A. No.  
 9 Q. Did you have your own book to use?  
 10 A. Yes.  
 11 Q. Did you ever see any other students sharing  
 12 books?  
 13 A. No.  
 14 Q. Did he assign -- or did your U.S. history  
 15 teacher assign homework from this textbook?  
 16 A. Yes.  
 17 Q. Is that why -- and did you take it home  
 18 each night or only when you had homework?  
 19 A. No. We would take it home every day.  
 20 Q. Did you use it at home?  
 21 A. Yes.  
 22 Q. How often did you use it at home?  
 23 A. He would tell us to read like one-third or  
 24 one-half of the chapter we were reading and he would  
 25 give us a packet that had questions for us to

1 answer.

2 Q. And did you ever use the U.S. history book  
3 if he didn't assign any homework?

4 I'm sorry. Did you ever use the  
5 U.S. history book at home if he didn't assign any  
6 homework?

7 A. I would usually read because I was  
8 sometimes behind, or I would read to study for a  
9 test.

10 Q. And the packet you said he gave you of  
11 questions, what did it look like?

12 A. It had, like, sections from, like, A to G  
13 or H, and A is true and false, B is multiple choice,  
14 C is identification. And there was, like, names  
15 that we would have to pair up with an explanation of  
16 the person --

17 Q. Did -- I'm sorry.

18 A. -- or put them in order of the things that  
19 happened, and put the town with an explanation of  
20 it.

21 Q. Did you write on the packets?

22 A. Yes.

23 Q. Did the packets look like photocopies?

24 A. Yes.

25 Q. Were they photocopies of worksheets?

1 Q. And were you also instructed to put a cover  
2 on this textbook as well?

3 A. Yes.

4 Q. What kind of condition was your Spanish  
5 textbook in?

6 MR. ENGLISH: Objection. Vague.

7 THE WITNESS: Like in a -- it wasn't very  
8 new, but it looked like it had been just recently  
9 used, or recently bought.

10 BY MS. KOURY:

11 Q. Were there any pages torn?

12 A. No.

13 Q. Was there anything written in the textbook?

14 A. No, not that I recall.

15 Q. Did you -- were you allowed to write in the  
16 textbook?

17 A. No.

18 Q. Did you ever want to write in the textbook?

19 A. No, because it was usually like stories, or  
20 an explanation, or of a culture or things like that.

21 So it was just stories.

22 Q. How often would you take the textbook home?

23 A. Every day.

24 Q. Did he assign homework -- or did she assign  
25 homework for the textbook?

1 MR. ENGLISH: Objection. Calls for  
2 speculation.

3 BY MS. KOURY:

4 Q. Do you know what I mean by that?

5 A. Yes. Yes, it was like worksheets.

6 Q. And after you filled out these packets,  
7 would you turn them back into the teacher?

8 A. Yes.

9 Q. Did he grade them?

10 A. Yes.

11 Q. How do you know?

12 A. He would mark either if it was wrong or  
13 right and he would put the grade.

14 Q. And then return it back to you?

15 A. Yes.

16 Q. What about your Spanish class, you said  
17 that there was one textbook that you used in class?

18 A. That we would take home.

19 Q. Do you remember the name of this textbook?

20 A. No.

21 Q. Do you remember how you got that, the  
22 textbook?

23 A. She assigned it to us the same way the --  
24 Mr. Gianello (phonetic) assigned it to us in U.S.  
25 history.

1 A. She would usually assign us to read some  
2 pages and usually there was like a little -- a  
3 little section of, like, Gloria Estafan, and out of  
4 that section, we would have to write a sentence of  
5 importance or a question on the stories and we would  
6 have to answer questions.

7 Q. Did you have -- did you ever see anyone  
8 sharing textbooks in class, this textbook in class?

9 A. That textbook, once in a while, when the  
10 student forgot to take theirs to class or something.

11 Q. And then they would have to share?

12 A. Yes.

13 Q. Did you ever forget your textbook at home?

14 A. No.

15 Q. Did you have your own textbook?

16 A. Yes.

17 Q. So you never had to share in class?

18 A. No.

19 Q. And you used this textbook not only at home  
20 but also in class?

21 A. Yes. I would only share if my friend  
22 would -- forgot hers or something. That's the only  
23 reason I would share with her.

24 Q. And you also mentioned that there were  
25 other books that you would use in class?

- 1 A. Yes.  
 2 Q. What types of books?  
 3 A. Books like worksheet books. We would get,  
 4 our class -- like, she would be teaching about  
 5 accents and give us questions, or an explanation of  
 6 it, like questions, and we would answer out of it  
 7 from there.  
 8 Q. Other than these worksheets -- was it just  
 9 one worksheet book, or were there a few of them?  
 10 A. There is, like, about two.  
 11 Q. Other than these worksheet books, were  
 12 there any other types of books that she used in  
 13 class?  
 14 A. No.  
 15 Q. And you said you couldn't take them home,  
 16 the worksheet books?  
 17 A. No.  
 18 Q. Did you ever want to take the worksheet  
 19 books home?  
 20 A. If I wanted to, it was because usually they  
 21 take them home if they're, like, gone, they don't go  
 22 for a day, so they can catch up, they can take it  
 23 home.  
 24 Q. When you say "they," do you mean students?  
 25 A. The students, yeah.

- 1 Q. Were you ever absent from a class and  
 2 needed to take a worksheet book home?  
 3 A. No.  
 4 Q. Then how do you know that students could do  
 5 that?  
 6 A. Because if we wanted to take it home and  
 7 finish our work out of there if we were absent or  
 8 something, we would have to tell her, "I have number  
 9 15 and I'm going to take it home and bring it back  
 10 tomorrow."  
 11 Q. Did you see other students do that?  
 12 A. Yes.  
 13 Q. What were the worksheet books -- what  
 14 condition were they in?  
 15 MR. ENGLISH: Objection. Vague.  
 16 THE WITNESS: Some were like the cover page  
 17 was like torn off or something, or folded.  
 18 BY MS. KOURY:  
 19 Q. Was there writing inside of them?  
 20 A. Not in a lot of them, but sometimes.  
 21 Q. Did you ever have a worksheet book that you  
 22 were using and you couldn't read from it because  
 23 either a page was torn or there was something  
 24 written on it?  
 25 A. No.

- 1 Q. Did you ever hear any of the other students  
 2 complain that they weren't able to read the  
 3 worksheet book because a page was torn or something  
 4 was written on it?  
 5 A. I don't remember.  
 6 Q. Do you think that the worksheet books were  
 7 in bad condition?  
 8 MR. ENGLISH: Objection. Vague.  
 9 THE WITNESS: I don't know if they were in  
 10 very bad condition, but we could do what we were  
 11 assigned to do out of it.  
 12 BY MS. KOURY:  
 13 Q. I take it you didn't have any books from  
 14 your ceramics class?  
 15 A. We -- if we don't have, like, an idea of  
 16 what we want to make, if we don't know what we want  
 17 to make, she can give us, like, magazines or  
 18 something that we can look at if we don't have an  
 19 idea.  
 20 Q. Did you ever want to take the magazines  
 21 home?  
 22 A. No.  
 23 Q. You just looked at them in class for ideas?  
 24 A. Yes.  
 25 Q. Any other books that you used in ceramics

- 1 class?  
 2 A. No.  
 3 Q. What about in your English class, sophomore  
 4 year, did you use books?  
 5 A. Yes.  
 6 Q. How many books do you remember using in  
 7 that class?  
 8 A. I don't remember, but we used a lot because  
 9 we read out of, like, novels and stuff.  
 10 Q. Did you have a textbook in addition to  
 11 novels?  
 12 A. No.  
 13 Q. So it was just novels that you -- that you  
 14 had in your English class?  
 15 A. Yes.  
 16 Q. Were you able to take the novels home?  
 17 A. Yes.  
 18 Q. Did you use them in class as well?  
 19 A. Yes.  
 20 Q. Did you ever have to share a novel with any  
 21 of the other students?  
 22 A. If the student -- another student forgot  
 23 hers and wanted to answer the question she gave us,  
 24 yes.  
 25 Q. Other than if a student forgot a book, did

1 you ever have to share?  
 2 A. No.  
 3 Q. Do you remember if any of the novels that  
 4 you used were in bad condition?  
 5 MR. ENGLISH: Objection. Vague.  
 6 THE WITNESS: Usually they were hard covers  
 7 and they weren't in a very bad condition.  
 8 BY MS. KOURY:  
 9 Q. What do you mean by that?  
 10 A. They were -- sometimes they were written on  
 11 and stuff, but we could still read out of them.  
 12 Q. Where were -- where would they be written  
 13 on?  
 14 A. Like a sentence would be underlined or  
 15 something.  
 16 Q. Were there any pages torn out?  
 17 A. Not torn out, but like the cover on the  
 18 side would be like there was no paste anywhere, but  
 19 it wasn't completely off.  
 20 Q. Did you ever hear any students complain  
 21 about the novels, that they weren't in good  
 22 condition?  
 23 A. No.  
 24 Q. Did you ever want to complain about the  
 25 novels not being in good condition?

1 A. No.  
 2 Q. How often would you take them home?  
 3 A. Every day.  
 4 Q. Why would you take them home?  
 5 A. Because she would assign pages for us to  
 6 read every night.  
 7 Q. And were there any of the novels that you  
 8 couldn't take home?  
 9 A. No.  
 10 Q. And other than the novels, were there any  
 11 other types of materials that she used in class,  
 12 like worksheets or magazines?  
 13 A. She used worksheets that had, like,  
 14 questions of what that chapter meant, or what was  
 15 that about.  
 16 Q. Anything else?  
 17 A. No.  
 18 All she asked us was to do the logs and  
 19 answer the questions. And when we were through  
 20 reading a book, we would have to write an essay  
 21 about it. That's it.  
 22 Q. The worksheets that you mentioned, would  
 23 you take them home and do them for homework?  
 24 A. No. Usually she would talk about it and  
 25 she would answer the questions on the -- that were

1 in the worksheet.  
 2 Q. In class?  
 3 A. Uh-huh.  
 4 Q. Did you write on the worksheets?  
 5 A. Yes.  
 6 Q. What about your world history class last  
 7 year, did you have a textbook for that class?  
 8 A. Yes.  
 9 Q. How many textbooks did you have?  
 10 A. One.  
 11 Q. Do you remember the name?  
 12 A. No.  
 13 Q. Did you use any other books besides this  
 14 textbook?  
 15 A. No.  
 16 Q. Were you able to take this textbook home?  
 17 A. Yes.  
 18 Q. Did you have your own textbook?  
 19 A. Yes.  
 20 MR. ENGLISH: Objection. Asked and  
 21 answered.  
 22 BY MS. KOURY:  
 23 Q. So you didn't have to share with anyone  
 24 else?  
 25 A. No.

1 Q. And were you -- how were you assigned this  
 2 textbook?  
 3 MR. ENGLISH: Objection. Asked and  
 4 answered.  
 5 MS. KOURY: I don't believe so.  
 6 MR. ENGLISH: Asked and answered.  
 7 BY MS. KOURY:  
 8 Q. Go ahead.  
 9 A. The same way the other textbooks were  
 10 assigned.  
 11 Q. Did you put a cover on this textbook as  
 12 well?  
 13 A. Yes.  
 14 Q. What kind of condition was it in?  
 15 MR. ENGLISH: Objection. Vague.  
 16 THE WITNESS: It wasn't new or old.  
 17 BY MS. KOURY:  
 18 Q. Was there any writing on it?  
 19 A. Sometimes.  
 20 Q. Do you remember where the writing was?  
 21 A. Like on a sentence, or if there was review  
 22 questions, they would usually, like, write where the  
 23 question -- answering the question would start.  
 24 Q. Did it have any pages torn out?  
 25 A. No.



- 1 Q. Were you ever using your textbook, your  
2 world history textbook, and you weren't able to read  
3 it because there was writing on it?  
4 A. No.  
5 Q. Did you ever hear any of the other students  
6 complain that the condition of the world history  
7 textbook wasn't good?  
8 A. No.  
9 Q. Did you ever want to complain that the  
10 condition of the world textbook wasn't good?  
11 A. No.  
12 Q. How often would you take this book home?  
13 A. Every day.  
14 Q. Why?  
15 A. Because usually we would have to read the  
16 chapter or we would answer the questions that were  
17 for every section.  
18 Q. And other than using this textbook, did the  
19 teacher use any other types of materials in this  
20 class?  
21 A. Sometimes I would rent movies like of an  
22 example of what we were reading about.  
23 Q. Other than movies, was there any other  
24 types of materials, like worksheets or magazines?  
25 A. We would use worksheets.

- 1 questions.  
2 Q. Was that for homework?  
3 A. Yes.  
4 Q. That the teacher would assign?  
5 A. Yes.  
6 Q. Any other types of books that you used in  
7 class? What types of books were they?  
8 A. They were, like, worksheets of what we were  
9 learning and we would work out of them during class.  
10 Q. Do you remember how many worksheet books  
11 there were?  
12 A. There was, that I remember, one.  
13 Q. Did you ever want to take the worksheet  
14 book home?  
15 A. No.  
16 Q. Would she ever assign homework from the  
17 worksheet book?  
18 A. From that one she wouldn't assign homework,  
19 but she assigned activities for us to do during  
20 class.  
21 Q. And the book that you did take home, your  
22 Spanish textbook that you did take home, what kind  
23 of condition was it in?  
24 MR. ENGLISH: Objection. Vague.  
25 THE WITNESS: It was not new but it wasn't,

- 1 Q. Did you use them in class?  
2 A. Yes.  
3 Q. Did you take them home for homework?  
4 A. If we didn't finish answering during class.  
5 Q. Would you write on the worksheets?  
6 A. Yes.  
7 Q. What about your Spanish class last year,  
8 how many books did you use for that class?  
9 A. We would use one that we would take home;  
10 and we had others that we used during class.  
11 Q. The one that you took home, how was it  
12 assigned?  
13 A. The same way the other textbooks were  
14 assigned.  
15 Q. Did you ever have to share this textbook in  
16 class?  
17 A. If a student forgot theirs and we were  
18 reading out of it, yes.  
19 Q. But that was the only reason you would have  
20 to share in class?  
21 A. Yes.  
22 Q. Did you take it home every day?  
23 A. Yes.  
24 Q. And why would you take that book home?  
25 A. We would read out of it or we would answer

- 1 like, destroyed that we couldn't read out of it.  
2 BY MS. KOURY:  
3 Q. Could you explain to me what you mean by  
4 that?  
5 A. It wasn't in good condition but we could  
6 still work out of it.  
7 Q. Why didn't you think it was in good  
8 condition?  
9 A. Well, it was in bad condition but we could  
10 still do the stuff. We could still understand and  
11 read what we were reading.  
12 Q. Was there writing in the book?  
13 A. Sometimes.  
14 Q. Where would the writing be?  
15 A. Like in a sentence or something.  
16 Q. Do you remember seeing a lot of writing in  
17 the book, or just a little bit of writing?  
18 A. Just a little bit, not a lot.  
19 Q. Was there ever a page that you were reading  
20 in your Spanish textbook that you couldn't read  
21 because there was writing on it?  
22 A. No.  
23 Q. Were any pages torn out?  
24 A. No.  
25 Q. And other than the book you took home and

1 the worksheet book, were there any other books that  
 2 you remember in your Spanish class?  
 3 A. No.  
 4 Q. Did you have a book for band?  
 5 A. No.  
 6 Q. How about your biology class, sophomore  
 7 year, did you have any books for that class?  
 8 A. Yes.  
 9 Q. How many?  
 10 A. One that we would take home.  
 11 Q. How was it assigned to you?  
 12 A. The same way the others were.  
 13 Q. Did you have to ever share your biology  
 14 book in class?  
 15 A. No.  
 16 Q. How often did you take it home?  
 17 A. Every day.  
 18 Q. Why would you have to take it home every  
 19 day?  
 20 A. She would assign homework from there.  
 21 Q. Did she ever not assign homework from your  
 22 biology book; do you remember?  
 23 A. No. She wouldn't -- sometimes she would  
 24 assign. And usually if we were through with the  
 25 section, we would have a test, and we would have to

1 read out of there to get our answers to the test or  
 2 something.  
 3 Q. Do you have lockers at your school?  
 4 A. Yes.  
 5 Q. So if -- if, for example, in your biology  
 6 class your teacher didn't assign homework from your  
 7 book, would you ever leave your book in your locker?  
 8 A. Yes.  
 9 Q. What kind of condition was your biology  
 10 book in?  
 11 MR. ENGLISH: Objection. Vague.  
 12 THE WITNESS: It wasn't -- it wasn't in  
 13 really bad condition. It was just -- it wasn't --  
 14 we could still do homework out of it.  
 15 BY MS. KOURY:  
 16 Q. Was there writing in it?  
 17 A. Sometimes.  
 18 Q. Did you ever have a page in your biology  
 19 book that had writing in it so you couldn't read it?  
 20 A. No.  
 21 Q. Were any pages torn?  
 22 A. No.  
 23 Q. Was there any information that your teacher  
 24 taught you about in your biology class that wasn't  
 25 in your book that you thought should have been in

1 your book?  
 2 A. No.  
 3 Q. Other than the book in your biology class,  
 4 did your teacher use other materials?  
 5 A. Ms. Hoffman would use the computer and she  
 6 would show, like, pictures and use, like, a  
 7 projector from the computer and show it to us.  
 8 Q. Do you know if she was using the Internet?  
 9 MR. ENGLISH: Objection. Calls for  
 10 speculation.  
 11 BY MS. KOURY:  
 12 Q. Only if you know.  
 13 A. Yes, I think she was.  
 14 Q. Why do you think she was?  
 15 A. Because usually she would have the sign of  
 16 the Internet on.  
 17 Q. Was the computer in the classroom, then?  
 18 A. Yes.  
 19 Q. Did either of your biology teachers ever  
 20 use any other types of materials, like worksheets,  
 21 or magazines, or any other books?  
 22 A. Yes, some. They would use worksheets.  
 23 Q. Do you remember whether you took the  
 24 worksheets home or you used them in class?  
 25 A. Sometimes we would take them home -- we

1 would take them home, but sometimes we didn't have  
 2 to work out of them, but we would use them in class.  
 3 Q. Did you ever have to share any worksheets?  
 4 A. No.  
 5 Q. What about supplies for your experiments in  
 6 this class --  
 7 MR. ENGLISH: Objection. Vague.  
 8 BY MS. KOURY:  
 9 Q. -- did you do -- you did experiments in  
 10 this class; is that right?  
 11 A. Yes.  
 12 Q. For example, the gas experiment that you  
 13 were telling me about earlier.  
 14 A. Uh-huh.  
 15 Q. Did you have supplies for that experiment?  
 16 A. Yes.  
 17 Q. Did everyone do their own experiment, or  
 18 did the teacher just do one experiment for the  
 19 class?  
 20 MR. ENGLISH: Objection. Compound.  
 21 THE WITNESS: She would -- we would sit in  
 22 groups of tables and we would all together work in  
 23 one as a group.  
 24 BY MS. KOURY:  
 25 Q. Did you ever have an experiment and you

1 didn't have all the supplies for that experiment?  
 2 A. No.  
 3 Q. Did you use any books in your AVID class?  
 4 A. Last year we would work out of, like, a  
 5 worksheet book to practice for the SATs.  
 6 Q. Have you taken the SATs yet?  
 7 A. No.  
 8 Q. Did you have your own worksheet book in  
 9 your AVID class to use?  
 10 A. No. I would share with my friend.  
 11 Q. Do you know why you had to share?  
 12 MR. ENGLISH: Calls for speculation.  
 13 THE WITNESS: There wasn't enough for  
 14 everyone in the class.  
 15 BY MS. KOURY:  
 16 Q. Who told you that?  
 17 A. Because usually we would have to look  
 18 around to see -- to see who didn't have one and so  
 19 we would share with them.  
 20 Q. Did you ever take the worksheet book home?  
 21 A. No.  
 22 Q. Did you ever want to take it home?  
 23 A. No.  
 24 Q. Do you know -- did you ever ask to take it  
 25 home?

1 A. No. Because he would -- he mentioned that  
 2 it was just for us to use during class.  
 3 Q. How about your geometry class, did you use  
 4 any textbooks for that class?  
 5 A. No.  
 6 Q. How did he teach the class?  
 7 A. He had, like, a sort of book that he was  
 8 writing and he would photocopy it for us.  
 9 Q. So did you get photocopies each day?  
 10 A. No, he would -- like he would be -- if we  
 11 were going to start learning of a certain way to do  
 12 something, he would give us a worksheet, like a type  
 13 of book packet of that subject.  
 14 Q. So how do you -- how did you know -- was  
 15 the worksheet packet photocopies of the book?  
 16 A. It was not out of a published book. He was  
 17 writing a geometry book.  
 18 Q. The teacher was?  
 19 A. Yes.  
 20 Q. So he was giving you worksheet packets from  
 21 a book that he himself was writing?  
 22 A. Yes.  
 23 Q. Is that what he told you?  
 24 A. Yes.  
 25 Q. Did you write on the photocopy -- I'm

1 sorry -- the worksheet packets?  
 2 A. Yes. That was for us to keep.  
 3 Q. So you took them home as well?  
 4 A. Yes.  
 5 Q. How about your freshman year -- I know  
 6 that's a long time ago -- at Santa Paula, do you  
 7 remember what classes you took your freshman year?  
 8 A. I had English and I had AVID.  
 9 Q. Do you remember if you had any other  
 10 classes?  
 11 A. Geography, health and ...  
 12 Q. Algebra as well; is that right?  
 13 A. Yes.  
 14 Q. Any other classes?  
 15 A. How many is that, five?  
 16 MR. ENGLISH: That's five.  
 17 BY MS. KOURY:  
 18 Q. English, AVID, algebra, geography. Am I  
 19 missing one?  
 20 A. Geography and health were split in half.  
 21 Q. Okay.  
 22 A. Half of -- we would have it from  
 23 January or something to June and half of that was  
 24 geometry and half was health. And we would have --  
 25 I had, I think it was, physical science. I don't

1 remember.  
 2 Q. Do you remember if you used a book in  
 3 English class your freshman year?  
 4 A. Yes.  
 5 Q. Do you remember how many books?  
 6 A. We used that one and we had a novel,  
 7 Of Mice and Men.  
 8 Q. Just one novel?  
 9 A. That I remember, yes.  
 10 Q. The English textbook that you used, did you  
 11 take that one home?  
 12 A. Yes.  
 13 Q. Did you ever have to share that textbook in  
 14 class?  
 15 A. No.  
 16 Q. Do you remember what kind of condition it  
 17 was in?  
 18 A. It was written in the front and back cover.  
 19 Q. How about in the text itself, do you  
 20 remember if there was writing?  
 21 A. Sometimes. But in the front and back it  
 22 was like tagging, and so the teacher covered it up  
 23 with, like, black construction paper.  
 24 Q. Did that bother you, that it was covered up  
 25 in black construction paper?

- 1 A. Yes.  
 2 Q. Why did it bother you?  
 3 A. Because it wasn't that new, so it was -- a  
 4 lot of students would -- if it wasn't covered, they  
 5 would just be looking at the tagging so they  
 6 wouldn't be paying attention.  
 7 Q. What about when they were covered with  
 8 black construction paper?  
 9 A. Did it bother me if it was covered?  
 10 Q. Yeah.  
 11 A. Yes.  
 12 Q. Why did that bother you?  
 13 A. Because in other schools they had, like,  
 14 not that bad of condition books, they weren't that  
 15 bad.  
 16 Q. How do you know that?  
 17 A. Because my friend -- my cousin goes to  
 18 Filmore High School and their books were not, like,  
 19 as old as ours. They were, like, more newer.  
 20 Q. Do you know if your cousin puts covers --  
 21 if they have covers on their books as well?  
 22 A. I don't remember, but I remember looking at  
 23 their calculus or a math book and it was, like, sort  
 24 of brand-new and it wasn't covered.  
 25 Q. Does it bother you to have covers on your

- 1 And since we were reading during class, I couldn't  
 2 just get up and get a dictionary and look that word  
 3 up.  
 4 Q. Did you ever ask the teacher if you could  
 5 take it home for homework?  
 6 A. No, because there wasn't enough books for  
 7 us to take home.  
 8 Q. Did you ever try and check it out from the  
 9 library?  
 10 A. No.  
 11 Q. Do you have a library at school?  
 12 A. Yes.  
 13 Q. Did you ever ask the teacher about getting  
 14 a copy to use at home?  
 15 A. No, because there were other -- we only  
 16 got, like, enough for one class, and there was other  
 17 classrooms or English classes that were using that  
 18 same book, so I don't think there was enough for me  
 19 to take home.  
 20 Q. Did you ever use the library at school?  
 21 A. I go occasionally and check out a book.  
 22 Q. What about your community library, the one  
 23 you mentioned earlier?  
 24 A. I usually don't go and check out books from  
 25 there. But if I have to, I will.

- 1 books?  
 2 A. Not really. Because that way we can write  
 3 on the cover and not on the book.  
 4 Q. Were there any pages torn in this English  
 5 textbook?  
 6 A. No.  
 7 Q. Would you have preferred if the teacher had  
 8 let you cover the book with something else other  
 9 than black construction paper?  
 10 A. Yes.  
 11 Q. Was -- was that what bothered you about it,  
 12 was that there was black construction paper on it,  
 13 or was it something else?  
 14 A. It was just like ... I don't know, it  
 15 didn't bother me much. It was just like kind of --  
 16 I don't know. It was just like a comparison type of  
 17 thing to other schools.  
 18 Q. And you said you had one novel, Of Mice and  
 19 Men?  
 20 A. Uh-huh.  
 21 Q. Did you have one to take home at night?  
 22 A. No, we would use it just during class.  
 23 Q. Did you ever want to take it home at night?  
 24 A. Sometimes, because there's, like, some  
 25 words, vocabulary words that I wouldn't understand.

- 1 Q. Do you have a library card there?  
 2 A. Yes.  
 3 Q. Did you ever complain to anyone that you  
 4 couldn't take the Of Mice and Men book home?  
 5 A. From school, no.  
 6 Q. Did you ever tell your parents that you  
 7 wanted to take it home but that you couldn't?  
 8 A. No. I don't mention a lot of things I do  
 9 in school to my mom.  
 10 Q. Did you tell anyone else at school that you  
 11 wanted to take this book home?  
 12 A. No.  
 13 Q. Were there any other materials that your  
 14 English teacher used other than this textbook that  
 15 you discussed and the novel Of Mice and Men?  
 16 A. She used, I think, some sort of flashcards.  
 17 They had a story that was like a different color for  
 18 the level we were in, reading. And we would read  
 19 the story and answer the questions.  
 20 Q. Did you each have your own flashcards?  
 21 A. We would -- it was like a box of those  
 22 different-colored flashcards, and at the beginning  
 23 we took a test and that showed what level we were  
 24 in. And depending on what level, we got then a  
 25 color that we would read out of so we would progress

1 in our reading.  
 2 Q. So you would have a corresponding color of  
 3 flashcards depending on how you did on the test?  
 4 A. Yes.  
 5 Q. So did you have your own flashcards to use,  
 6 or did you share?  
 7 A. No, we would -- everybody was in different  
 8 levels. We would get one, read it, and once we  
 9 passed the test we would go put it back and get the  
 10 one that came after.  
 11 Q. Did you only use those flashcards in class?  
 12 A. Yes.  
 13 Q. Were there any other materials in this  
 14 class that you remember using?  
 15 A. I don't remember.  
 16 Q. What about in your algebra class, did you  
 17 use a textbook in that class?  
 18 A. Yes.  
 19 Q. Do you remember how many books you used in  
 20 the class?  
 21 A. We used -- we used one. And then once we  
 22 were finished, once we had done most of the stuff  
 23 there, we got another one.  
 24 Q. So were there only two textbooks in the  
 25 class that you used?

1 A. Yes.  
 2 Q. Do you remember if you had your own  
 3 textbook to use in class?  
 4 A. Yes, we had our own.  
 5 Q. Did you have one to take home?  
 6 A. Yes.  
 7 Q. Do you remember what kind of condition it  
 8 was in?  
 9 A. The first one -- the first book was, like,  
 10 the second year that it was being used. And the  
 11 second book was brand-new.  
 12 Q. Was there writing in either of the books?  
 13 A. No.  
 14 Q. Were there any pages torn?  
 15 A. No.  
 16 Q. How did you know that they were -- how did  
 17 you know how old they were?  
 18 A. Because the teacher had mentioned it to us  
 19 that they were -- we were -- that we had just barely  
 20 gotten them. And the second one we saw when she  
 21 took them out of the box to pass them out.  
 22 Q. What about your physical science class, did  
 23 you have any textbooks in that class?  
 24 A. Yes.  
 25 Q. How many?

1 A. One.  
 2 Q. Did you have your own textbook to use?  
 3 A. Yes.  
 4 Q. Were you able to take it home for homework?  
 5 A. Yes.  
 6 Q. Do you remember what kind of condition it  
 7 was in?  
 8 A. It was in good condition.  
 9 Q. What do you mean by "good"?  
 10 A. It wasn't that destroyed. It was just good  
 11 enough for us to use.  
 12 Q. Was there any writing in it?  
 13 A. Sometimes.  
 14 Q. Was there writing in the text itself?  
 15 A. Sometimes there was, like, tagging on the  
 16 front and back cover, or, like, outlined, or tagging  
 17 during -- like in a page or something.  
 18 Q. Was there ever a time that you remember not  
 19 being able to read the text of the physical science  
 20 book because there was writing on it?  
 21 A. No.  
 22 Usually the tagging was made not that  
 23 thick, it was just like in pen or in pencil.  
 24 Q. And can you describe for the record, what  
 25 do you mean by "tagging"?

1 A. Like, tagging. It was just like gang --  
 2 gang-related tagging.  
 3 Q. Like symbols?  
 4 A. Yeah, like symbols or --  
 5 MR. ENGLISH: Like graffiti?  
 6 THE WITNESS: Yeah.  
 7 BY MS. KOURY:  
 8 Q. And were any pages torn?  
 9 A. No.  
 10 Q. What about your geography class, did you  
 11 use any books for your geography class?  
 12 A. Yes, we used one.  
 13 Q. Were you able -- did you have your own  
 14 geography book?  
 15 A. Yes.  
 16 Q. Were you able to take it home?  
 17 A. Yes.  
 18 Q. Do you remember what kind of condition it  
 19 was in?  
 20 A. Some were like a year old and others were  
 21 new.  
 22 Q. Were there more than one book?  
 23 A. No. Like some students got, like, year-old  
 24 books and others got new.  
 25 Q. Was there any writing in these books?

1 A. No.  
 2 Q. Any pages torn out?  
 3 A. No.  
 4 Q. Other than that one book, were there any  
 5 other books you were using in geography?  
 6 A. Like, if we were looking at a map, he would  
 7 give us an atlas, if we needed, for specific detail  
 8 for the map.  
 9 Q. Did you have to share the atlas?  
 10 A. Sometimes, because there wasn't enough for  
 11 every student.  
 12 Q. Did you ever take the atlases home for --  
 13 A. No. They were just for in-class use only.  
 14 Q. Did you ever want to take the atlas home?  
 15 A. Sometimes, because he would -- he would  
 16 sometimes give us a map of Africa and we had to  
 17 name -- put a name to all the rivers and states and  
 18 stuff. And usually it's not very detailed in the  
 19 book.  
 20 Q. So did you ever look in the library for an  
 21 atlas, at your school library?  
 22 A. No. Usually I have one of my own, and I  
 23 would look to see if that was what I needed.  
 24 Q. When you say you had a map of your own, you  
 25 had a map at home?

1 A. Yes.  
 2 Q. And that worked?  
 3 A. Yes.  
 4 Q. What about your health class, did you use  
 5 any books in that class?  
 6 A. Yes.  
 7 Q. How many books?  
 8 A. One.  
 9 Q. Did you have your own book to use?  
 10 A. Yes.  
 11 Q. So you didn't have to share in class?  
 12 A. No.  
 13 Q. Were you able to take it home?  
 14 A. Yes.  
 15 Q. Do you remember what kind of condition it  
 16 was in?  
 17 A. It was in good condition.  
 18 Q. Was there writing in it?  
 19 A. No.  
 20 Q. Were any pages torn?  
 21 A. No.  
 22 MS. KOURY: This is a good breaking point  
 23 for lunch. I assume you want to eat lunch.  
 24 MR. ENGLISH: Yeah, we do.  
 25 ///

1 (At 12:15 p.m., the deposition  
 2 was adjourned for noon recess.)  
 3 /// (Please see next page.) ///

1 (At 1:05 p.m., the deposition  
 2 of NELLY MAGANA was reconvened  
 3 with the same persons present.)  
 4 -oOo-  
 5  
 6 EXAMINATION RESUMED  
 7  
 8 BY MS. KOURY:  
 9 Q. Did you have a nice lunch?  
 10 A. Yes.  
 11 Q. Are you familiar with the bathrooms at  
 12 Santa Paula?  
 13 A. Yes.  
 14 Q. How many bathrooms are there -- is there?  
 15 A. There's -- usable that we have during the  
 16 day, there's like five stalls, and that's like  
 17 towards the center. And there's some a little more  
 18 down to the entrance of the school, but usually we  
 19 don't use those during lunch or break.  
 20 Q. When you say there's five stalls near the  
 21 center, are those five stalls in one bathroom?  
 22 A. Yes.  
 23 Q. The bathroom near the center of the school,  
 24 I take it, is a girls' bathroom?  
 25 A. There's sort of like a medium building and

1 it's separated into two, with boys on one side and  
 2 girls on the other.  
 3 Q. But there's five stalls for the girls?  
 4 A. Yeah.  
 5 Q. And when you say it's in the center, do you  
 6 mean it's in the center of your campus?  
 7 A. It's like -- yeah, like towards the center.  
 8 Q. How many buildings does your campus have?  
 9 A. A lot.  
 10 It's like -- there's -- I don't know  
 11 exactly how much, but there's -- there's evens and  
 12 the odds are separated. And what's it is, like,  
 13 some of our English classrooms and some of our math  
 14 classrooms and there's some at the very top that are  
 15 split into two buildings, and then there's two more  
 16 down on the side and it goes down.  
 17 And then there's the center courts, and  
 18 there's ... near the locker rooms which are on the  
 19 side, there's more classrooms right there. And  
 20 there's one big building down toward the right.  
 21 There's, like, some offices through -- down  
 22 the line through center courts, which are the  
 23 principal's office and counselors' and all those  
 24 offices. And then next to the restrooms there's  
 25 another office. And down towards the entrance by

1 Q. Which restroom?  
 2 A. The center ones.  
 3 I get my lunch and I -- there's the  
 4 cafeteria, but I actually eat my lunch somewhere  
 5 else, like around in the campus.  
 6 Q. Is there a grassy area on the campus?  
 7 A. For us to eat our lunch?  
 8 Q. (Nods head.)  
 9 A. There's -- we can eat our lunch anywhere on  
 10 the campus as long as you don't leave the buildings  
 11 or school with your lunch.  
 12 Q. Do you know how many stalls there are in  
 13 the bathroom near the entrance?  
 14 A. There's, like, about four.  
 15 Q. Other than the bathroom near the center  
 16 courts and the bathroom near the entrance, are there  
 17 any other girls' bathrooms that you are aware of on  
 18 campus?  
 19 A. There is restrooms in the gyms. There's  
 20 the boys' gym, which is separated from, like, the  
 21 school campus and the girls' gym is, like -- like  
 22 close, fairly close to the entrance. It's, like,  
 23 towards -- towards the center.  
 24 Q. Do you know how many stalls are in the  
 25 girls' gym bathroom?

1 the other restrooms there's other buildings of  
 2 classrooms.  
 3 Q. So when you say center bathrooms, is that  
 4 in the -- near the center courts?  
 5 A. Yeah. Like a little bit more down. It's  
 6 like center court is right here and down is the  
 7 restrooms (indicating).  
 8 Q. Okay. And the bathroom near the  
 9 entrance --  
 10 A. There is.  
 11 Q. I'm sorry. It wasn't --  
 12 A. The --  
 13 Q. -- finished.  
 14 A. There's like four sections of buildings.  
 15 There's like four, I'm not sure how many. And on  
 16 this side there's the restroom of the boys and the  
 17 girls (indicating).  
 18 Q. So the entrance bathroom is near these four  
 19 sections of buildings?  
 20 A. Yes.  
 21 Q. Are there classrooms in these buildings?  
 22 A. Yeah. And there's one office.  
 23 Q. Where do you have lunch?  
 24 A. There's the cafeteria which is near the  
 25 restroom and that other office.

1 A. Like about four. But we usually don't use  
 2 those because sometimes there is PE inside and we'll  
 3 interrupt the PE section -- sessions.  
 4 Q. Do the teachers tell you you can't use the  
 5 gym bathroom when PE is going on?  
 6 A. They haven't told me anything, mentioned --  
 7 about me not being able to use those during the PE.  
 8 Q. How about during lunch, can you use the --  
 9 the gym bathroom?  
 10 A. I don't know if you can use it, but usually  
 11 the -- we use the restrooms in the center. We --  
 12 they -- because if we're going to go down to use the  
 13 restrooms towards the entrance, they're going to  
 14 think we're leaving or something, so usually we'll  
 15 go to the center restrooms.  
 16 Q. Who is "they"?  
 17 A. We have security guards taking care -- like  
 18 a little before the classrooms towards the entrance  
 19 there's a security guard there making sure we don't  
 20 leave.  
 21 Q. Have you ever gone -- I'm sorry.  
 22 Have you ever gone to use the entrance  
 23 bathroom and had a security guard say something to  
 24 you?  
 25 A. Not to use the restroom but there's, like,

1 soda machines, like, really close to the entrance.  
2 And usually he'll ask us for I.D. if we want to go  
3 get a soda or something and we'll come back and  
4 he'll give us our I.D.

5 Q. You say you usually use the bathroom near  
6 the center courts?

7 A. Uh-huh.

8 Q. Out of the three bathrooms that you  
9 mentioned, the bathroom near the center courts, the  
10 bathroom near the entrance and the bathroom near the  
11 gym, do you know, are all three of these bathrooms  
12 open during the day?

13 A. The girls' gym is usually open because  
14 the -- there's locker rooms for the PE people in  
15 there so they'll change over there. But I don't  
16 know if we're able to use them during class or  
17 something to go to the restroom.

18 The center -- the center bathrooms, we are  
19 able to use those during class, or whenever, but  
20 usually there's a big line for us to be able to use  
21 the restroom in those.

22 Q. What about the bathrooms near the entrance,  
23 do you know if that's open all day?

24 A. I don't know if they're open all day, but I  
25 know we -- like the bottom classrooms use those

1 eat it and if you want to go to the restroom and  
2 there's a line, you either eat or you go to the  
3 restroom.

4 Q. Well, let's talk about lunch first. During  
5 lunchtime you said there's usually a big line. How  
6 long is the line usually during lunch?

7 A. At the beginning of the lunch there's a  
8 line of more than five people.

9 Q. How long do you usually have to wait?

10 A. Like about five or more minutes.

11 Q. About five minutes, or more?

12 A. Uh-huh. Five minutes or more.

13 Q. Have you ever had to wait longer than --  
14 than five minutes for this bathroom?

15 A. Usually, if there's a big line, like more  
16 than five, I'll wait and then I'll come back later  
17 when the line shortens.

18 Q. And, again, I'm only talking about during  
19 the lunch period.

20 A. Yes.

21 Q. Have you ever -- have you ever done that,  
22 where you come and you think the line is too long so  
23 you come back later?

24 A. Yeah.

25 Q. Why don't you go to use the bathroom near

1 restrooms.

2 Q. Do you know if you can use the entrance  
3 bathroom -- or the bathroom near the entrance during  
4 lunchtime?

5 A. I don't know. I usually always go to the  
6 center ones.

7 Q. Have you ever tried to use the bathroom  
8 near the entrance during lunchtime?

9 A. No.

10 Q. Have you ever tried to use the bathroom in  
11 the gym during lunchtime?

12 A. No.

13 Q. The bathroom near the center courts, how  
14 often do you use that bathroom?

15 A. I use them, like, every day, but during  
16 lunch there's always a big line.

17 Q. What do you mean by "a big line"?

18 A. There's -- since most of the girls just use  
19 those restrooms, there's usually a line of girls  
20 waiting to use those.

21 Q. How long do you usually have to wait in  
22 line?

23 A. Well, during break, there's only ten  
24 minutes, and for it -- to get breakfast there's a  
25 big line. So if you're going to get breakfast and

1 the entrance or the bathroom near the gym when you  
2 see the line is too long at the center courts?

3 MR. ENGLISH: Objection. Compound.

4 THE WITNESS: I don't have a specific  
5 reason but I usually don't go to those. I just  
6 don't.

7 BY MS. KOURY:

8 Q. Do you know if there are lines near the  
9 bathroom -- in the bathroom near the entrance during  
10 lunchtime?

11 A. No, I don't know. But usually, like I  
12 said, there's a security guard that doesn't let us  
13 go past where he's standing.

14 Q. How do you know he wouldn't let you go  
15 past?

16 A. Because if we're going to get a drink of  
17 water or something, he'll ask us where we're going,  
18 like, "you can't go beyond here." And he'll ask us  
19 for our I.D. or something so he can keep it so he  
20 makes sure we're coming back.

21 Q. So have you ever asked him to use that  
22 bathroom if you give him your I.D.?

23 A. No.

24 Q. Have you ever asked the security guard at  
25 all if you can use the bathroom near the entrance



1 during lunchtime?  
 2 A. No, I haven't.  
 3 Q. Have you ever asked anyone if you can use  
 4 that bathroom during lunchtime?  
 5 A. No.  
 6 Q. Do you think it would help to use that  
 7 bathroom during lunchtime rather than the bathrooms  
 8 near the center courts as opposed to waiting in  
 9 line?  
 10 A. Yes, because I don't think there's a line  
 11 over there.  
 12 Q. What about asking to use the bathroom near  
 13 the gym? Have you ever asked anyone if you could  
 14 use the bathroom near the gym during lunchtime?  
 15 A. No.  
 16 Q. Is there a reason why you don't want to use  
 17 the bathroom in the gym during lunchtime?  
 18 A. No, I never use those -- any of those  
 19 restrooms besides the center one.  
 20 Q. Well, is there a reason why you don't want  
 21 to use the bathroom in the gym?  
 22 A. No.  
 23 Well, I'm not sure, but usually there's,  
 24 like, different doors that connects it through the  
 25 gym, and I haven't known of anybody, but they -- you

1 can leave or ditch class or school if you go to  
 2 those restrooms.  
 3 Q. So are you concerned that someone will  
 4 think that you're ditching school if you use that  
 5 bathroom?  
 6 A. The security guards, yes.  
 7 Q. Have you ever asked the security guards if  
 8 you could use that bathroom during lunch?  
 9 A. No.  
 10 Q. Do you think if you gave the security guard  
 11 your I.D. and used that bathroom during lunch, that  
 12 that would be okay?  
 13 A. Probably.  
 14 Q. Why do you think that?  
 15 A. Because he -- if I don't come back and then  
 16 he has my name and everything, he can turn it into  
 17 the office.  
 18 Q. Do you know if there's long lines for the  
 19 bathroom during lunch near the gym -- the bathroom  
 20 near the gym?  
 21 A. No, I wouldn't think so.  
 22 Q. And you mentioned that there are lines to  
 23 the bathroom near the center courts during your  
 24 break?  
 25 A. Uh-huh.

1 Q. You have a ten-minute break?  
 2 A. Yes.  
 3 Q. How long does that line get, usually?  
 4 A. It doesn't get as big as the lunch line, so  
 5 usually there's not a lot of people. There's just  
 6 like a short line of about two or three.  
 7 Q. Do you ever feel like the line is a little  
 8 too long, though, during the break?  
 9 A. No. Usually there's always a line during  
 10 lunch but not during break. It's not that often.  
 11 Q. Do you ever during break use the bathroom  
 12 in the gym?  
 13 A. No. Because I -- where I stand during  
 14 school is like right next to the center bathrooms,  
 15 so I usually just go to those because if I go during  
 16 break and I go all the way down to the bottom and I  
 17 have the classroom all the way up, then it's going  
 18 to take my time.  
 19 Q. Okay. Is that the same -- do you -- do you  
 20 use the bathroom ever during break -- let me  
 21 rephrase that.  
 22 Do you ever use the bathroom near the  
 23 entrance during break?  
 24 A. No.  
 25 Q. Is it the same reason?

1 A. Yes.  
 2 Q. What about at breakfast time. Is there --  
 3 do you use the bathroom near the center courts at  
 4 breakfast time?  
 5 A. Breakfast time is usually during break.  
 6 Q. Okay. So it's the same thing?  
 7 A. Yes.  
 8 Q. Do you think there are any problems --  
 9 well, have you ever used the bathroom at all this  
 10 year, this past school year, meaning your junior  
 11 year, have you ever used the bathrooms near the  
 12 entrance?  
 13 A. I use those if I have to go during my first  
 14 period.  
 15 Q. And this school year, have you ever used  
 16 the bathroom in the gym?  
 17 A. No. I usually just would use those if I  
 18 was staying after school for basketball practice.  
 19 Q. And you didn't do basketball this year?  
 20 A. No.  
 21 Q. Could you tell me all the problems that you  
 22 think exist in the bathrooms near the center courts.  
 23 A. Well, the -- the center ones have, like --  
 24 they have -- sometimes there's no toilet paper or,  
 25 like, napkins or soap.

1 And the toilet covers, toilet seats,  
2 there's -- there's none in the -- like inside every  
3 stall, they're outside by where you wash your hands.

4 And there's -- to put our sanitary napkins,  
5 to put them in the stalls, the boxes are like --  
6 there's sometimes no bottom and there's no trash in  
7 every stall, so usually they're all over the floor.

8 Q. Is there a trash bin in the bathroom at  
9 all?

10 A. There's one big trash can under the napkins  
11 to wash your hands outside.

12 Q. Are there any other problems other than the  
13 ones you've listed?

14 A. There's five stalls and one doesn't close.

15 Q. Meaning the stall door doesn't close?

16 A. Uh-huh.

17 Q. How often -- are there any other problems,  
18 other than the ones you've listed?

19 A. Not that I remember right now.

20 Q. How often is there no soap in these  
21 bathrooms?

22 A. I don't know how often, but usually it's  
23 like soap or toilet paper, like about once or twice  
24 a week.

25 Q. And you said there's missing seats from the

1 So what you're describing are the plastic  
2 covers --

3 A. Uh-huh.

4 Q. -- the paper covers that you put over the  
5 seat?

6 A. Uh-huh.

7 Q. And how often are there no seat covers?

8 A. I don't know, but usually when there's no  
9 napkins, then those would most likely be gone, too.

10 Q. Did you say, then, that you see the seat  
11 covers, the paper seat covers, in a box near the  
12 bathroom?

13 A. Yeah, near -- outside, right next to the  
14 napkins.

15 Q. So if you don't see any paper seat covers  
16 in the stall, do you then go to see if there is any  
17 outside?

18 A. No, there's no toilet seat covers inside in  
19 the stalls at all.

20 Q. Oh, I see.

21 So if there's going to be any, they would  
22 be outside in that box?

23 A. Yeah.

24 Q. And you mentioned that the box where you  
25 put the sanitary napkins are sometimes broken?

1 stalls; is that right?

2 A. Not missing seats, there's no toilet seats,  
3 toilet seat covers inside the stalls.

4 Q. Do you know why there aren't any toilet  
5 seat covers?

6 A. I don't know. There's one little box  
7 outside next to the -- the napkins and the trash  
8 can.

9 Q. What do you mean there's one little box.

10 A. There is a box that contains those outside  
11 the stalls, not inside the stalls.

12 Q. Does it seem the seats have been removed  
13 and put into this box?

14 A. Not the seats, the toilet covers.

15 Q. Are there toilet seats on the toilets?

16 A. Yes.

17 Q. There's just no toilet cover?

18 A. Yes.

19 Q. Does that bother you that there's no toilet  
20 covers?

21 A. Yes, because when there's no napkins to  
22 wipe our hands, then we use those to wipe our hands.  
23 So whenever we want to get one of those, those are  
24 gone, too.

25 Q. I see.

1 A. The -- yeah, inside the stalls.

2 There is a box to put our sanitary napkins  
3 inside and sometimes there is no box. And then some  
4 there is no bottom, so they go right through to the  
5 bottom.

6 Q. Do you know how many of the stalls have a  
7 box without a bottom?

8 A. I don't know how many.

9 Q. Have you seen them -- have you seen the  
10 boxes be fixed and then the next day you come and  
11 it's got no bottom?

12 A. No. Usually if I see it without a bottom,  
13 then it's without a bottom. I don't see it fixed.

14 Q. And you mentioned that there is one stall  
15 door that doesn't close; is that right?

16 A. Yes.

17 Q. How long has that been not closing?

18 A. To my knowledge, since -- I didn't know if  
19 it was before I entered high school, but when I  
20 entered high school, it's been like that.

21 Q. So since your freshman year you noticed  
22 that?

23 A. Yes.

24 Q. And it is still that way today?

25 A. Yes.

1 Q. What do you do when there's no soap in the  
2 bathroom?  
3 A. I just wash my hands with water.  
4 Q. Have you ever complained to anyone that  
5 there was no soap?  
6 A. Not to the school.  
7 Q. But have you ever asked anyone in school if  
8 they could put more soap in the bathroom?  
9 A. No, not me.  
10 Q. What about with toilet paper, what do you  
11 do if there's no toilet paper in the stall?  
12 A. Usually I check if there's toilet paper at  
13 all in the stalls. And usually there's always  
14 toilet paper in the door -- the stall that  
15 doesn't -- the door doesn't close. So I would use  
16 that one.  
17 Q. Has there ever been a time where there was  
18 no toilet paper in the bathroom at all?  
19 A. I don't remember, but usually there's -- if  
20 there's no toilet paper in any of the other ones,  
21 there's going to be some in that one because that  
22 one is not used that often.  
23 Q. So you can't remember a time when you've  
24 used the bathroom and you couldn't find any toilet  
25 paper anywhere in the bathroom?

1 A. I haven't seen him.  
2 Q. Do you know if there is a supply closet at  
3 your school for toilet paper and paper towels and  
4 stuff like that for the bathroom?  
5 A. I don't know.  
6 Q. Have you ever talked to the janitor?  
7 A. Uh-huh.  
8 Q. Do you think if you asked a teacher -- do  
9 you think that if you complained to a teacher that  
10 there was no toilet paper in the bathroom that the  
11 teacher could then ask the janitor?  
12 A. I don't know.  
13 Q. Have you ever heard any other students tell  
14 a teacher or anyone at the school, "Hey, there's no  
15 toilet paper in the bathroom"?  
16 A. I've heard them complain, but I don't know  
17 if the teachers have done something about it.  
18 Q. What about the stall door that doesn't  
19 work. Do you know if anybody has complained about  
20 that to anyone?  
21 A. Not that I know of. I have never heard  
22 anybody complain about that one.  
23 Q. Have you ever mentioned it to any teachers?  
24 A. No.  
25 Q. Do you think that there is anything a

1 A. I don't remember any.  
2 Q. Have you ever asked anyone at school to put  
3 more toilet paper in the bathrooms?  
4 A. No.  
5 Q. You've never asked a teacher?  
6 A. No, because the teachers usually have to  
7 buy their own, like, markers to use on the board, so  
8 I wouldn't think they would have some to put toilet  
9 paper.  
10 Q. Have you ever seen -- do you know who  
11 cleans the bathrooms at your school?  
12 A. The janitor.  
13 Q. Why do you think the janitor cleans the  
14 bathroom?  
15 A. Because sometimes right after school he's  
16 cleaning it.  
17 Q. Have you ever seen him clean the bathrooms  
18 during the day?  
19 A. I haven't seen him during the day, but  
20 sometimes when I get out of the classroom to go to  
21 the restroom, I see him around, like, picking up  
22 stuff and he'll be in there sometimes, cleaning up  
23 the trash can.  
24 Q. Have you ever seen him putting any of the  
25 supplies in the bathroom?

1 student can do in terms of the bathrooms if there's  
2 problems in the bathroom such as no toilet paper, or  
3 no soap, or no paper towels? What do you think a  
4 student could do?  
5 MR. ENGLISH: Objection. Calls for  
6 speculation. Calls for expert opinion.  
7 THE WITNESS: Do I answer that?  
8 MR. ENGLISH: Yes. If you can.  
9 THE WITNESS: I would think do a petition  
10 or something to the school asking for toilet paper  
11 or something.  
12 BY MS. KOURY:  
13 Q. You can't -- have you ever talked to anyone  
14 at the school office?  
15 A. About that stuff, no.  
16 Q. Do you think it's a problem, the conditions  
17 in your bathrooms, specifically these bathrooms, the  
18 center court bathrooms?  
19 A. Yes, because I have a cousin that since  
20 elementary has never used the restroom in school.  
21 Q. Do you think that's a problem that she  
22 hasn't used the bathroom?  
23 A. Well, probably -- I don't know, he's  
24 probably thinking, "Oh, I have football practice, I  
25 have to find a ride for someone to take me and use

1 the restroom at my house and then come back."

2 Q. What about you, do you think it's a problem  
3 for you, the conditions of the bathrooms?

4 A. To -- yes, because it's kind of gross. But  
5 I usually go anyway, because if I have to go, I'll  
6 use them.

7 Q. You said you work now at the school  
8 district, in the office?

9 A. Uh-huh, yes.

10 Q. Have you ever mentioned it to anyone there?

11 A. No, I don't -- usually I don't mention  
12 stuff to them about school. They just ask me, like,  
13 "how was school today," and I would say "fine," but  
14 I don't talk to them about stuff like that.

15 Q. Do you know how often the janitor cleans  
16 the bathrooms at your school?

17 A. I don't know.

18 Q. Do you know how often he puts, or she puts  
19 new supplies in the bathrooms at school?

20 A. No, I don't know.

21 Q. Have you ever mentioned it to your parents,  
22 that, you know, to your mom or your dad, "hey,  
23 sometimes there's no toilet paper in the bathrooms  
24 at school or no power towels"?

25 A. Usually if I don't mention anything to

1 A. No, not that I know of.

2 Q. Have you ever complained or said anything  
3 to a teacher, or anyone else at your school, about  
4 the fact that the boxes in the stalls don't work  
5 properly?

6 A. No, I've never mentioned it to them.

7 Q. Have you seen any repairs done in this  
8 particular bathroom since you've been a student at  
9 Santa Paula?

10 A. No.

11 Q. What about the bathroom near the entrance,  
12 have you ever used this bathroom at all?

13 A. Yes.

14 Q. In this school year, you've used it a few  
15 times?

16 A. That one, yes.

17 Q. Like more than ten times?

18 A. I use it, like, at least once or twice a  
19 week.

20 Q. Could you tell me if there are any problems  
21 in that bathroom?

22 A. It's fairly clean. There's -- there's  
23 toilet -- I mean trash cans inside the stalls, and  
24 there's -- like every door closes good, but -- like  
25 the sink water doesn't look like it's clear, or as

1 them, my cousin or my brother will mention something  
2 to them about it.

3 Q. Well, have you ever mentioned it to them?

4 A. A couple times.

5 Q. Do you know if they did anything, or said  
6 anything to anyone at school?

7 A. No.

8 Q. Do you think it would help if your mom or  
9 dad complained to someone at the school about there  
10 not being enough toilet paper or paper towels?

11 A. Probably.

12 Q. And why do you think it would help?

13 A. Because it's a parent's opinion.

14 Q. Does that usually -- a parent's opinion --  
15 count with the people at the school?

16 A. Sometimes, but not a lot of parents speak  
17 up because a lot of parents don't speak English, so  
18 if they want to, I don't think they can communicate  
19 and do something about it.

20 Q. Have your parents ever been involved with  
21 things at your school, with conditions at your  
22 school?

23 A. No.

24 Q. Do you know if some parents are involved  
25 with the conditions at your school?

1 clean as the other restrooms.

2 Q. Did you say it's "rarely clean" or "fairly  
3 clean"?

4 A. Fairly clean.

5 Q. Are there any other problems with it?

6 A. No.

7 Q. Is there enough toilet paper when you use  
8 that bathroom?

9 A. Yes.

10 Q. How about soap?

11 A. Sometimes there's not -- no soap in there,  
12 but it's not as often as the other restroom.

13 Q. What about paper towels?

14 A. A lot of the time, there's paper towels.

15 Q. What about the bathroom near -- or in the  
16 gym. Have you used it at all this year?

17 A. Not this year.

18 Q. What about last year, you used it during  
19 basketball, you said?

20 A. Yes.

21 Q. Were there any problems with that bathroom  
22 when you used that bathroom?

23 A. None of the closed in there -- doors in  
24 there closed. When you open it, you have to scoot  
25 back because the door, like, is -- like if it opens,

1 it opens right in front of you.  
 2 Q. Any other problems?  
 3 A. No.  
 4 One of the doors is, like, broken. There's  
 5 a -- a lot of the times there's soap and stuff in  
 6 there.  
 7 Q. There is soap?  
 8 A. Yes.  
 9 And there's trash cans in every two stalls  
 10 or something, like in between the stalls.  
 11 Q. So do you think that this bathroom is  
 12 cleaner because there's trash can in each stall?  
 13 A. It's cleaner.  
 14 Q. You said the doors don't close, is that  
 15 because they're broken or -- there are doors on the  
 16 stalls?  
 17 A. There's doors and -- but some of them don't  
 18 close and there's like -- there's like a hole,  
 19 like -- like a little square cut off the door, so  
 20 when it closes, it doesn't hit the toilet. Because  
 21 it's -- when you close it, it opens inside, it  
 22 doesn't open out, so it bumps the toilet seat.  
 23 Q. And how many of the stalls have doors that  
 24 don't close properly?  
 25 A. All of them. And the one that was broken,

1 Q. Do you think it would have helped to tell  
 2 your basketball coach that the door fell?  
 3 A. Probably, because the coach was like a  
 4 counselor, but he -- he -- it was -- he didn't do  
 5 what the other counselors would do.  
 6 Q. What's that?  
 7 A. He would just -- he was just like a friend  
 8 counselor, he wasn't -- he wouldn't ask us to change  
 9 our classes or nothing, he was just like an extra  
 10 counselor.  
 11 Q. And the -- you said the other doors didn't  
 12 close properly?  
 13 A. No.  
 14 Q. Did -- did you ever complain to anyone that  
 15 the doors weren't properly closing in that bathroom?  
 16 A. No, not that I remember.  
 17 Q. Did -- you never told any teachers that the  
 18 doors weren't properly closing in the bathroom?  
 19 A. No. But I would think that the teacher for  
 20 PE would know because she works in that building.  
 21 Q. Do the teachers use those bathrooms?  
 22 A. I don't know.  
 23 Q. So you think that the PE teacher would know  
 24 if one of the students told her?  
 25 A. I don't know if they would have told her,

1 the door fell off, so the door wouldn't close at  
 2 all.  
 3 Q. When did you first notice that the door was  
 4 broken and it fell off?  
 5 A. I don't remember. But at first, like it  
 6 was in a more bad condition than the other doors.  
 7 And then one day my friend opened the door and it  
 8 just like, the screw or something fell off the top,  
 9 so it fell down.  
 10 Q. Well, what did you -- were you there?  
 11 A. I didn't see when she -- when that  
 12 happened, but then she called us to help her because  
 13 she was scared.  
 14 Q. Did she tell anyone, or did you tell  
 15 anyone?  
 16 A. We didn't tell anybody. We just mentioned  
 17 it to the rest of the basketball team.  
 18 Q. Did you tell your basketball coach?  
 19 A. I don't remember.  
 20 Q. Do you remember, is this -- was this your  
 21 sophomore year or your freshman year?  
 22 A. I'm not sure what year it was. I think it  
 23 was last year.  
 24 Q. Do you know if it ever got fixed?  
 25 A. I don't know.

1 or if she would have seen it. But she teaches PE so  
 2 I would assume she would -- she would know that it  
 3 was broken.  
 4 Q. Do you know if those doors were ever fixed,  
 5 any of those doors?  
 6 A. I don't know. Since I haven't played  
 7 basketball, I haven't used those restrooms.  
 8 Q. At the end of the year, or the last time  
 9 you used those bathrooms -- can you recall the last  
 10 time you used them?  
 11 A. I don't remember, but by the time  
 12 basketball was over, it was still the same.  
 13 Q. Do you know whose responsibility it is to  
 14 fix the toilets when they're not working?  
 15 A. I don't know, but I assume it's the  
 16 schools.  
 17 Q. Have you ever talked to the assistant  
 18 principals at your school at all?  
 19 A. Not this year, but my U.S. history teacher  
 20 is -- was an assistant principal last year.  
 21 Q. Do you think maybe telling an assistant  
 22 principal about some of the problems in your  
 23 bathroom would help?  
 24 A. Probably.  
 25 Q. Well, why do you think it would help?

1 A. Because they are one of the ones that are  
2 in charge of the school.

3 Q. Have you ever left school to use the  
4 bathroom somewhere else?

5 A. No.

6 Q. How would you compare your bathrooms to the  
7 bathrooms in other public places?

8 A. Not good.

9 Q. Do you think your bathrooms -- the  
10 bathrooms at your school are worse than public  
11 bathrooms elsewhere?

12 A. Probably. Because when you would go to --  
13 I would say when we would go to away games, usually  
14 we would change in the restrooms and theirs are,  
15 like, a lot cleaner than ours, and they have a lot  
16 more restrooms, buildings that have restrooms than  
17 what -- than we do.

18 Q. When you say they have a lot more  
19 restrooms, do you mean more than the restrooms you  
20 have in your gym?

21 A. No. Usually there's like a restroom inside  
22 the gym and there's some close by the gym, and --  
23 because one time we went to one school and the ones  
24 we would use for some reason were locked, so we  
25 asked around and they showed us around to other

1 restrooms.

2 Q. When you're -- when you practiced for  
3 basketball, did you only use the bathrooms near the  
4 gym?

5 A. Yes, because those restrooms are inside the  
6 gym.

7 Q. Did you ever have to wait in line during  
8 basketball?

9 A. When we first started off, yes. Because  
10 when -- before practice because everybody is  
11 changing in there.

12 Q. How about after everyone has changed, do  
13 you have to wait in line to use the bathrooms, if  
14 you use them?

15 A. No, because usually everybody is  
16 practicing. So if one of us has to go, we just go,  
17 we don't all go at the same time.

18 Q. When you're in class and you have to use  
19 the bathroom, do you have to get a pass to use the  
20 bathroom?

21 A. Yes.

22 Q. Have you ever gotten a pass to use the  
23 bathroom?

24 A. Last year I would get -- yes, I would get a  
25 pass. But if -- usually some teachers just allow

1 one pass per semester, or two, and then if we use  
2 our passes, they deduct points from our grade.

3 Q. How many teachers do that?

4 A. I don't know, but some of my teachers do  
5 that.

6 Q. Did you have any teachers this past school  
7 year, meaning this past semester, during your junior  
8 year that did that?

9 A. Mrs. Park, which is my ceramics teacher.

10 Q. Any other teachers besides Mrs. Park?

11 A. No.

12 Q. How about sophomore year, did any teachers  
13 do that?

14 A. Biology, Ms. Hoffman.

15 Q. Any others?

16 MR. ENGLISH: Any of her teachers?

17 BY MS. KOURY:

18 Q. Any of your teachers, sophomore year, other  
19 than Ms. Hoffman that did that?

20 A. I think my geometry class teacher.

21 Q. Did your other teachers, your sophomore and  
22 this year, just let you use the bathroom during  
23 class?

24 A. No. Usually we have to ask for permission  
25 to go, we can't just leave to go to the bathroom.

1 Q. After you ask for permission, do they let  
2 you go to the bathroom?

3 A. Yes.

4 Q. Why do you think Ms. Parks and Ms. Hoffman  
5 make you use passes to use the bathroom?

6 A. I don't know. But usually when we ask or  
7 something, sometimes they mention that they can't  
8 have more than one or two students out of the  
9 building at the same time.

10 Q. Did you have to use the bathroom during  
11 class more than once in Ms. Park's class?

12 A. No, because I usually go during lunch. I  
13 have that class right after lunch.

14 Q. What about when you were in Ms. Hoffman's  
15 class, did you have to use the restroom while you  
16 were in class more than once?

17 A. No, I only went once, and I didn't go after  
18 because I had already used my pass so I usually hold  
19 on and go during break.

20 Q. Do you think that's a problem that you had  
21 to use the bathroom and you couldn't?

22 A. If I had to go really bad and you couldn't  
23 go because that would be a problem because that  
24 would deduct points from my grade.

25 Q. Did you ever have that occasion that you

1 had to go and you couldn't because you didn't want  
2 to have your grade deducted?

3 A. That happened to me, I think, once in that  
4 class. And I went anyways because when I have to  
5 go, I have to go.

6 Q. Yeah.

7 Did you say anything to your mom or your  
8 dad or complain your grade got deducted because you  
9 had to use the bathroom?

10 A. No, I didn't say anything.

11 Q. Did you say anything to Ms. Hoffman about  
12 that?

13 A. No, because that was one of the rules she  
14 had given us when we first started her class.

15 Q. Do you think that that was a problem that  
16 she deducted your grade because you had to use the  
17 bathroom?

18 A. Yes, because, I mean, we all have to go to  
19 the restroom, she just can't limit to us going to  
20 the restroom.

21 Q. But you didn't say anything to your mom or  
22 your dad about that?

23 A. No, I didn't tell anything.

24 Q. What about counselors, did you ever  
25 complain to a counselor about that policy?

1 A. Sometimes, because she -- if there's  
2 less -- like about 20 students, then the teacher can  
3 pay more attention than she can for about 30  
4 students.

5 Q. Have you ever had a time in the class where  
6 you wanted to ask a question, but you couldn't  
7 because there were too many people in the class?

8 A. No, because not all the students ask  
9 questions at the same time. In my class -- classes  
10 usually it's fairly quiet.

11 Q. Have you ever felt like you wanted to talk  
12 to the teacher, wanted her attention and you  
13 couldn't get it?

14 A. No.

15 Q. You said during lunch your school sometimes  
16 feels crowded and that there are lunch lines; is  
17 that correct?

18 A. Yes.

19 Q. Do you get your lunch --  
20 (Telephonic interruption.)

21 MS. KOURY: Can we go off the record.

22 (Recess taken from 1:50 to 1:56.)

23 BY MS. KOURY:

24 Q. Do you buy your lunch at school?

25 A. No.

1 A. No, because I -- I don't know, I didn't  
2 think they would make a big deal about it. They  
3 would -- I think they would just say, "that's one of  
4 her rules, you have to go by that."

5 Q. Do you know how many students attend  
6 Santa Paula?

7 A. No.

8 Q. Do you know how many students are in each  
9 of your classes, or -- on average, how many students  
10 are in your classes?

11 A. Right now, there's like about 30 in my  
12 Spanish class and not more than 20 students in my  
13 U.S. history class and about 30 in my ceramics  
14 class.

15 Q. Ceramics.

16 Have -- have you ever had a class at  
17 Santa Paula with more than 30 students in it?

18 A. No.

19 Q. Do you think your school is too crowded?

20 A. When everybody is outside during break,  
21 it's kind of crowded, like during the lunch lines  
22 and all that, but usually in the classrooms it's no  
23 more than 30 students.

24 Q. So do you feel that 30 students is too many  
25 students in the classroom?

1 Q. "No"?

2 So do you have to wait in any types of  
3 lines in the cafeteria?

4 A. No. There's -- the cafeteria which is  
5 made, fresh food, and then there's windows of lunch  
6 where they have, like, chips and soda and sandwiches  
7 and stuff like that. But there's no limit. If you  
8 want to buy your lunch, you can buy it anywhere,  
9 whether cafeteria or windows.

10 Q. Are there lines for the cafeteria or the  
11 windows during lunchtime?

12 A. Yes.

13 Q. Are they long?

14 A. It's a lot shorter than the window ones.

15 Q. How long are the windows -- have you ever  
16 waited in line for the windows?

17 A. Yes. It takes a long time to get your  
18 food.

19 Q. How long?

20 A. Well, during break if you want to get your  
21 breakfast, by the time you get your breakfast and  
22 eat, and if you want to go to the restroom,  
23 breakfast is over, and there's only ten minutes.

24 And lunch, if you go to get your food right  
25 when the bell rings and get there, like, a little

- 1 bit before everybody gets there, then you don't take  
2 that long. But if you go from, like, a couple  
3 minutes after the bell has rung, then you have to  
4 wait there for a long time.
- 5 Q. Going back to breakfast. Do you usually  
6 have enough time to get your breakfast from the  
7 windows, eat your breakfast and then use the  
8 bathroom before class?
- 9 A. If I hurry and eat fast, yes. But usually  
10 to avoid that, I just -- right after band I go get  
11 something to eat.
- 12 Q. So you don't eat during your breakfast  
13 break?
- 14 A. Not a lot of the times because it takes a  
15 long time.
- 16 Q. What takes a long time, the line to get the  
17 breakfast?
- 18 A. Yes.
- 19 Q. What do you mean by "long" in terms of  
20 time, it would take about five minutes or what?
- 21 A. To get your lunch, yes.
- 22 Q. You mean to get your breakfast?
- 23 A. Breakfast.
- 24 Q. Do you know why the line is so long?
- 25 A. Because everybody goes and gets something

- 1 to eat, just, like, there are a lot of people that  
2 go.
- 3 Q. And what about the line during lunchtime,  
4 you said it takes a long time. How long does it  
5 usually take?
- 6 A. More than five minutes.
- 7 Q. How much more than five minutes?
- 8 A. Like about ten minutes.
- 9 Q. And how long is your lunch break?
- 10 A. Thirty minutes.
- 11 Q. Have you ever had to wait -- have you ever  
12 not been able to eat your lunch, like from having to  
13 wait in line?
- 14 A. No. But if you go get to eat in the  
15 cafeteria, a lot of the times they ran out of food  
16 in the windows, usually they'll run out of food.  
17 That's the only reason would be if I -- that I  
18 couldn't eat my lunch.
- 19 Q. Have you ever waited in line for lunch in  
20 the cafeteria and they've run out of food?
- 21 A. Yes.
- 22 Q. And what did you do?
- 23 A. Usually they tell us to wait and they'll go  
24 get hamburgers from the windows or something.
- 25 Q. So were you able to eat?

- 1 A. Yes.
- 2 Q. Are there any classes that you've been in  
3 since you've been at Santa Paula that there weren't  
4 enough seats for all the students?
- 5 A. No, not recently.
- 6 Q. How about not enough desks for the  
7 students?
- 8 A. No.
- 9 Q. Have you ever seen students have to stand  
10 up in the class?
- 11 A. No. For -- because there's no place for  
12 them to sit, no.
- 13 Q. Have you ever seen any -- excuse me -- any  
14 insects or bugs in your classrooms?
- 15 A. I haven't seen any personally, but in my  
16 sophomore year during class we heard, like, mice  
17 noises.
- 18 Q. When you say "we," who is "we"?
- 19 A. All the students, everybody that was  
20 present at the time in the classroom.
- 21 Q. Did the teacher hear it?
- 22 A. Yes.
- 23 Q. How do you know that the teacher heard it?
- 24 A. Because she started jumping up and down.
- 25 Q. Did she say anything?

- 1 A. She was scared. She was going crazy  
2 because she heard the mice.
- 3 Q. What did she do, other than jumping up and  
4 down?
- 5 A. Nothing, she was just asking, "Are you  
6 sure?"
- 7 Q. What was she asking?
- 8 A. She was just asking, "Are you sure? You're  
9 not lying to me."
- 10 Q. Was she saying that because some of the  
11 students said that they heard mice?
- 12 A. Uh-huh.
- 13 Q. Did she ever see any of the mice?
- 14 A. She didn't say she saw them or nothing, but  
15 she said that the year before a classroom nearby had  
16 a very strong smell of like a rat -- a dead rodent  
17 so it was spreading out to the classrooms around it,  
18 so they had to evacuate those classrooms.
- 19 Q. Why did they evacuate the classrooms, did  
20 she say?
- 21 A. Because the smell was very strong and it  
22 was -- the students and people in it couldn't handle  
23 it, so they evacuated them.
- 24 Q. Did you smell anything that year?
- 25 A. I didn't smell anything.



1 Q. Do you know if they got rid of the dead  
2 rodent?  
3 A. She mentioned that they had fumigated at  
4 that time.  
5 Q. So she mentioned that after they smelled  
6 the dead rodent, that they fumigated that room?  
7 A. She said that it was the summer -- that  
8 summer when they fumigated.  
9 Q. What about when you heard the mice in her  
10 classroom -- who was the name -- what was the name  
11 of the teacher?  
12 A. Ms. Soble.  
13 Q. Ms. Soble.  
14 Do you know if Ms. Soble told anyone at the  
15 school that you all heard or thought you heard mice  
16 in the classroom?  
17 A. I don't know if she told anybody.  
18 Q. How many times did you hear this?  
19 A. Only that time.  
20 Q. So it was one day in class?  
21 A. Uh-huh.  
22 Q. And the next day you didn't hear anything?  
23 A. No, we would -- but we didn't -- we weren't  
24 expecting that, so we were just kind of quiet to see  
25 if we heard anything the next day.

1 Q. And you didn't?  
2 A. No.  
3 Q. And you -- did anyone ask Ms. Soble if she  
4 did anything in terms of fumigating or telling  
5 anyone about the possibility that there were mice in  
6 this class?  
7 A. No, I don't know.  
8 Q. Did you ever complain to anyone that you  
9 thought that maybe there were mice in the class?  
10 A. No. I just thought it was kind of funny.  
11 Q. But you didn't tell your parents?  
12 A. I told my parents and -- but they didn't do  
13 anything about it.  
14 Q. Other than this one time where you thought  
15 you heard mice, had you seen or heard any other  
16 rodents?  
17 A. No.  
18 Q. Have you seen any other insects at your  
19 school?  
20 A. Not insects.  
21 Q. Any other types of pests?  
22 A. Just pigeons that fly into the classrooms.  
23 Q. How do they get into the classrooms?  
24 A. Like in my ceramics class, she always  
25 leaves the door open because she says the dust from

1 the clay is bad for us. So one time there was a  
2 pigeon in there.  
3 Q. What happened?  
4 A. She was trying to get it to go outside.  
5 Q. Did she get it out?  
6 A. She didn't. They called in the janitors.  
7 Q. Did the janitor get it out?  
8 A. Yeah.  
9 Q. Other than the pigeon in the classroom, any  
10 other types of pests?  
11 A. No. Just animals like bees or butterflies.  
12 Q. Have you heard of any roach problems at  
13 your school?  
14 A. I haven't heard of any.  
15 Q. And you've never seen any?  
16 A. No.  
17 My teacher from Spanish just tells us that  
18 we can't eat in there because ants may go in there  
19 or something.  
20 Q. Have you heard of anyone else complaining  
21 that there were mice or rats at this school?  
22 A. No.  
23 Q. And you've never seen any other mice or  
24 rats? You've never seen any mice or rats; right?  
25 A. No.

1 Q. Are any of your classrooms in your school  
2 too hot during the year?  
3 A. Not very, very hot, like hot it gets in  
4 L.A. or something, no.  
5 Q. Do you have air-conditioning in any of your  
6 classes?  
7 A. I don't know.  
8 Q. You don't know?  
9 A. No.  
10 I -- in my geometry class there was a  
11 heater in there, and occasionally he would turn it  
12 on, but I don't know about air-conditioning.  
13 Q. Do you ever feel like -- have you ever felt  
14 since you've been at Santa Paula that a classroom  
15 was getting too warm and you wish there was  
16 air-conditioning?  
17 A. No, because it doesn't get that hot down in  
18 Santa Paula.  
19 Q. Okay. What about cold, does it ever get  
20 too cold in any of your classes?  
21 A. Yeah. It gets fairly cold.  
22 Q. And what do you do?  
23 A. In the morning the teachers turn on the  
24 heater and close the door.  
25 Q. After they turn on the heater, does it warm

1 up?

2 A. Sometimes. Sometimes the classrooms are  
3 just cold.

4 Q. Have you ever -- has anyone ever complained  
5 while you were in a classroom that it was too cold?

6 A. Well, we complained to the teacher, but  
7 he -- he tells us that it's because that in the  
8 morning it's really warm because he has the heater  
9 on and the door closed, and when we walk into the  
10 class we leave the door open so all the warm air  
11 goes out.

12 Q. Have you ever heard that the heaters aren't  
13 working properly?

14 A. No, I've never heard.

15 Q. Have you ever seen a teacher ask the  
16 janitor to come and fix the heater?

17 A. My teacher called the janitor in once  
18 because he didn't know how to work it, but I don't  
19 know if it wasn't working or --

20 Q. Did the janitor teach or show the teacher  
21 how to work the heater?

22 A. Yes.

23 Q. Did the heater work afterwards?

24 A. Yes.

25 Q. Do you think there aren't enough counselors

1 Q. Do you mean by that? Have you been called  
2 in at the last minute?

3 A. Not me, because I'm a junior. But my  
4 friends, usually their -- they don't -- they're not  
5 called or nothing, and so they're all in a hurry of  
6 taking all their tests. All the seniors are taking  
7 all their tests at the same time.

8 Q. What tests?

9 A. We have the paragraph tests and those tests  
10 that we have to take to graduate and the SATs.

11 Q. So your friends who are seniors, have they  
12 told you that they didn't get -- they didn't get  
13 warned by their counselor that they had to do this?

14 A. They know they're supposed to take it, but  
15 they don't know, like, when to take them. Usually  
16 he just calls them in. Because my friend was called  
17 in and he called her in to tell her, "you're  
18 graduating and you haven't taken any of your tests."

19 Q. When did he call her in?

20 A. Like towards the middle of the year.

21 Q. What year was this, last year?

22 A. Last year. She was graduating this year.

23 Q. So he told her during the middle of her  
24 junior year that she had to take these tests to  
25 graduate?

1 at your school?

2 A. Yes.

3 Q. Why not?

4 A. Because when there's a lot of people and we  
5 call -- when we get called in from our requests and  
6 sometimes the teachers just -- the counselors just  
7 try to do everything fast so they can attend other  
8 students, so we don't spend as much time with them.

9 Q. Do you mean when you're picking out your  
10 classes for the following year, the following  
11 semester?

12 A. Yes, or they -- usually they don't call us  
13 in at all. Like if we don't request it, they don't  
14 call us in.

15 Q. Do you think they should call you in?

16 A. Yes.

17 Q. How often would you like them to call you  
18 in?

19 A. I -- I don't know how often, but like for  
20 juniors and seniors, they should call us in to ask  
21 us or tell us, "you should take your SATs or PSATs,"  
22 or "do you need help filling out your college  
23 application," or something. Usually he just calls  
24 us in, like, at the last minute, "you need to take  
25 your tests."

1 A. Yeah, because she hadn't taken any tests at  
2 all.

3 Q. When did she have to take the test by?

4 A. He just told her a day to go -- he told her  
5 of the day that they were going to be testing for  
6 the Math 1, and she said that in that classroom  
7 there was -- she was the only junior and everybody  
8 was a senior.

9 Q. Do you know if the other kids in that  
10 classroom, whether the counselor told them that they  
11 needed to take their tests?

12 A. No. I don't know who was in that class,  
13 all she told me was that they were all seniors.

14 Q. Do you think that this friend you're  
15 talking about -- what's her name, your friend?

16 A. Viridiana, V I R I D I A N A.

17 Q. Did you think that Viridiana didn't get  
18 enough warning from the counselor? Do you think he  
19 should have told her her sophomore year that she  
20 needed to take all these tests?

21 A. Yes, so she could have -- because if for  
22 some reason she didn't pass one, she could have  
23 taken it again until she passed it. And if he tells  
24 them their senior year, then they don't have as many  
25 chances to take the test.

- 1 Q. But he told her her junior year; is that  
2 right?
- 3 A. Uh-huh.
- 4 Q. And have you spoken to your counselor about  
5 these tests?
- 6 A. No.
- 7 Q. Did you meet with your counselor at all  
8 during this school year?
- 9 A. No, not this school year.
- 10 Q. Other than what you've just testified to  
11 about your friend Viridiana, did you ever hear  
12 anybody else complain that they didn't get enough  
13 time with the counselor?
- 14 A. No.
- 15 Q. Do you think your counselor is going to  
16 tell you about these tests, or did you already learn  
17 about them?
- 18 A. Excuse me?
- 19 Q. Do you think your counselor is going to  
20 meet with you this year to talk to you about these  
21 tests that you have to take to graduate?
- 22 A. I don't know.
- 23 Q. Have you taken any of them yet?
- 24 A. No. I've taken my paragraph test.
- 25 Q. When did you take that?

- 1 A. My freshman year in my English class.
- 2 Q. And why did you take it?
- 3 A. Our English teacher had -- had said that  
4 she was going to prepare for us -- had prepared us  
5 for it. And then she said that we were going to  
6 take the test one day during class.
- 7 Q. Other than the paragraph test, what other  
8 tests do you have to take before you graduate?
- 9 A. Math and reading.
- 10 Q. How do you know you have to take a math  
11 test?
- 12 A. Because my friends are seniors and they  
13 told me that they had to take those.
- 14 Q. When are you going to take your math test;  
15 do you know?
- 16 A. I'm planning to do that this year.
- 17 Q. What about your reading test, how do you  
18 know you have to take a reading test?
- 19 A. Because my friend told me.
- 20 Q. When did you plan on taking that?
- 21 A. Probably this year, too.
- 22 Q. Do you plan on talking to your counselor  
23 about these tests?
- 24 A. I'm planning to.
- 25 Q. So would you like it if the counselor

- 1 contacted you about these tests, rather than waiting  
2 for you to contact him?
- 3 A. Yes.
- 4 Q. Do you think that if you put in a request  
5 to talk to your counselor that he would make an  
6 appointment with you?
- 7 A. Yes. Usually when we fill out a request,  
8 he'll call us in.
- 9 Q. Have you talked -- do you plan to talk to  
10 your counselor about colleges?
- 11 A. I haven't thought about it.
- 12 Q. So you -- is this the only reason, meaning  
13 that the counselors don't tell you about the exit  
14 tests, or don't call you in to discuss the exit  
15 requirements or your high school exit  
16 requirements -- is that the only reason you believe  
17 that there aren't enough counselors?
- 18 A. That and ... yeah. There is -- because  
19 there is a fair -- a lot of students for each  
20 counselor. So they have -- if there was more  
21 counselors, then he would -- they would be focused  
22 on that little amount and we would talk to them more  
23 often.
- 24 Q. But you've never had an occasion where  
25 you've tried to talk to the counselor and you

- 1 couldn't; right?
- 2 A. No, I've never done that.
- 3 Q. And each time that you've put a request in  
4 and you've been able to talk to the counselor, have  
5 you ever felt rushed?
- 6 A. A lot of the times I request, yes.
- 7 Q. A lot of the times that you've requested to  
8 talk to the counselor and while you're talking with  
9 the counselor, you feel rushed?
- 10 A. Yes.
- 11 Q. What do you mean by that?
- 12 A. He ... usually he just does what -- if I  
13 want to change my class, that's all he does. He  
14 just tells me "okay, you don't want to take this  
15 class, I'll put you in this class, this other  
16 class," and he'll change it and that's it.
- 17 Q. What would you like for him to do?
- 18 A. To do that or -- like usually he -- he  
19 doesn't ask for -- when I changed my math class, he  
20 didn't ask me, "oh, do you want to be in Algebra 1,  
21 or geometry," he just put me in the class and  
22 changed it.
- 23 Q. Meaning he put you in the Algebra 1 class?
- 24 A. Yes.
- 25 Q. Without giving you the choice of geometry?

1 A. Without giving me the choice of anything,  
2 he just changed it.

3 Q. Did you say anything to him like you want  
4 to discuss it?

5 A. No, I didn't say anything.

6 Q. Do you think maybe if you had told him that  
7 you wanted that choice, he would have discussed it  
8 with you?

9 A. I don't know.

10 Q. Is there any other reason why you feel like  
11 he rushed you?

12 A. Well, I assume a counselor should tell you,  
13 like, call you in and ask you stuff, like, "do you  
14 want to go to college," or "what do you want to be,  
15 so I can put you in the right classes" or something,  
16 and our counselors don't do that.

17 Q. Have you ever thought about making an  
18 appointment with him to discuss your options of  
19 going to college, or what classes you should be  
20 taking?

21 A. I thought of it, but, like I said, usually  
22 he doesn't have a lot of time and he just ... he  
23 decides for us.

24 Q. Has he ever told you, "I don't have a lot  
25 of time, I can't discuss this"?

1 A. No. But usually there's a lot of people  
2 waiting for him when he calls us in. There's more  
3 students waiting to talk to him besides me.

4 Q. Do you think maybe before the end of the  
5 school year you will make an appointment with him to  
6 discuss your different options for going to college?

7 A. Yes.

8 Q. Well, do you know if any of your friends  
9 have done that?

10 A. No.

11 Q. Have you ever been in a meeting with your  
12 counselor and had someone complain that you were  
13 taking too much time?

14 A. No.

15 Q. Have you ever heard of your other friends  
16 complaining that they felt rushed when they were  
17 talking to their counselor?

18 A. Yes, a couple of my friends mentioned that.

19 Q. And what did they say?

20 A. That -- they mentioned that he just -- he  
21 tries to hurry up and just get done what he was  
22 asked to do.

23 Q. Do you know if they have complained to  
24 anyone else about that?

25 A. No. Usually we just comment among

1 ourselves, we don't tell anybody else.

2 Q. Is it the same counselor that you have that  
3 they were complaining about?

4 A. That -- yes.

5 Q. Mr. Ferris?

6 A. Yes. Because Ms. Bruggman, she usually --  
7 I had had and other of my friends, that she asks  
8 them how are they doing, she asks them, "would you  
9 like to be in this class or this class," or  
10 something.

11 Q. That's one of the other counselors; right?

12 A. That's not there anymore.

13 Q. So you think she spent enough time with the  
14 students?

15 A. Yes.

16 Q. How many students did she have?

17 A. She has a lot more than Mr. Ferris.

18 Because Mr. Ferris has only the AG academy students  
19 and the AVID students. There's only one class for  
20 one semester, one -- the whole year, there's only  
21 one class and there's only about 30 or less  
22 students.

23 Q. So Mr. Ferris only has about 30 students?

24 A. Plus the AG academy.

25 Q. Which is how many students in the AG

1 academy?

2 A. I wouldn't know, but the -- the other  
3 counselor has the rest of the students.

4 Q. And what was that other counselor's name  
5 that you were talking about?

6 A. Ms. Bruggman.

7 Q. Bruggman.

8 So even though Ms. Bruggman had more  
9 students, you thought she spent more time with her  
10 students?

11 A. Yes.

12 Q. Did she call them in to discuss their  
13 different options and to make sure they were taking  
14 the right classes for college?

15 A. I'm not sure, but I -- I think she did.

16 Q. And do you think that because your friends  
17 told you?

18 A. I remember my friends telling me that.

19 Q. So do you think if Mr. Ferris had fewer  
20 students that maybe he would do what Ms. Bruggman  
21 was doing?

22 A. No, because he doesn't have that many  
23 students so ... I don't know why he's always in a  
24 hurry.

25 Q. So maybe it's just Mr. Ferris' personality?

1 A. (Nods head.)  
 2 Q. Have you ever tried to get another  
 3 counselor?  
 4 A. I -- one of the reasons I got out of AVID  
 5 was because I wanted to change to Ms. Bruggman.  
 6 Q. But then she left?  
 7 A. But then she left.  
 8 And they still kept me with him even though  
 9 I wasn't an AVID student.  
 10 Q. So is Mr. Ferris still your counselor  
 11 today?  
 12 A. Yes.  
 13 Q. Do you think there is anything you could do  
 14 to try to get another counselor?  
 15 A. I could probably request it, but I haven't  
 16 met the new counselor, so I don't know.  
 17 Q. Are you going to try to meet the new  
 18 counselor this new semester?  
 19 A. Yes.  
 20 MS. KOURY: Can we take a five-minute  
 21 break?  
 22 MR. ENGLISH: Sure.  
 23 (Recess taken from 2:25 to 2:30.)  
 24 BY MS. KOURY:  
 25 Q. I just have a couple follow-up questions

1 Q. I'm sorry. I didn't understand you.  
 2 A. If I asked, probably she would let me take  
 3 it.  
 4 Q. Why do you think she would let you take it?  
 5 A. Because I've seen other students that  
 6 check -- they ask and they check them out.  
 7 Q. Have you ever had to -- other than sharing  
 8 a book when another student has forgotten her  
 9 textbook at home, have you ever had to share books  
 10 in class?  
 11 A. Just the book -- the book I used in AVID  
 12 class.  
 13 Q. For the PSAT?  
 14 A. Uh-huh. Those we were just allowed to use  
 15 there.  
 16 MS. KOURY: I have no further questions.  
 17 MR. ENGLISH: I have a couple, but do you  
 18 mind if we take a quick break just so I can get  
 19 organized?  
 20 MS. KOURY: Sure.  
 21 MR. ENGLISH: Thanks.  
 22 (Recess taken from 2:35 to 2:40.)  
 23 /// ///  
 24 /// ///  
 25 /// ///

1 about textbooks which we discussed before lunch.  
 2 Other than the one novel that you mentioned  
 3 to me, Of Mice and Men, that you didn't have a  
 4 textbook to take home, have you had any other  
 5 classes while you were at Santa Paula that there was  
 6 a textbook that you couldn't take home that you  
 7 wanted to take home?  
 8 A. Well, there's, like, my Spanish books that  
 9 they don't let you take home. And those are the  
 10 only books that I don't get to take home right now.  
 11 Q. Your Spanish, are those worksheet books?  
 12 A. The worksheet books.  
 13 Q. You have a Spanish textbook that you can  
 14 take home; is that right?  
 15 A. Yes.  
 16 Q. Other than the Spanish worksheet books,  
 17 have there been any other books while you've been a  
 18 student at Santa Paula, either your freshman,  
 19 sophomore, or junior year that you wanted to take  
 20 home but you couldn't?  
 21 A. Not that I remember.  
 22 Q. And have you ever asked if you could take  
 23 your worksheet books home in your Spanish class?  
 24 A. I haven't asked but I -- usually if I ask  
 25 she'll always usually let me take it.

1 EXAMINATION  
 2  
 3 BY MR. ENGLISH:  
 4 Q. Nelly, I'm just going to ask you a couple  
 5 follow-up questions.  
 6 You testified earlier about the literature  
 7 book in your English class; is that right?  
 8 A. Yes.  
 9 Q. And you stated that it was damaged -- you  
 10 stated it was damaged; right?  
 11 A. Yes.  
 12 Q. And you stated that it was written on and  
 13 covered in black construction paper?  
 14 A. Yes.  
 15 Q. How -- how does it make you feel to have a  
 16 damaged book like that?  
 17 A. Bad, because I see the comparison with  
 18 other schools. They have, like, all the other  
 19 things we don't have.  
 20 Q. Let me ask you now about your counselors.  
 21 What's the longest you've ever had to wait  
 22 to see a counselor?  
 23 A. About a week.  
 24 Q. And what happened, you put in a request?  
 25 A. Yes.

1 Q. And what happened after you put in the  
2 request?  
3 A. He called me in about a week later.  
4 Q. Does it concern you that you -- that you  
5 sometimes have to wait, or you've had to wait up  
6 until a week to see your counselor?  
7 A. Yes, because usually by the time we see our  
8 counselor, if for some reason we do change classes,  
9 then we're behind in the -- in the class that we've  
10 been changed to.  
11 Q. You stated that there was -- the center  
12 bathrooms in your school were often dirty?  
13 A. Yes.  
14 Q. How does it make you feel when -- when you  
15 go in and see that there are sanitary napkins and  
16 paper towels on the floor?  
17 A. Bad because it's like really dirty compared  
18 to like a Target or something, because Target gets a  
19 lot more people that use the restrooms than us and  
20 ours is a lot more dirty.  
21 Q. You mean the restrooms in a public place  
22 like a Target are cleaner than the restrooms at your  
23 school?  
24 A. Yes, I never see, like, sanitary napkins on  
25 the floor or stuff like that.

1 Q. Do you think that it's your -- your job to  
2 monitor the restrooms?  
3 A. No.  
4 Q. Why not?  
5 A. Because I go to school to learn, not to  
6 look out for the restrooms.  
7 Q. You stated that there are mice in your  
8 school.  
9 MS. KOURY: Objection. Mischaracterizes  
10 her testimony. She stated that she thought she  
11 heard mice.  
12 BY MR. ENGLISH:  
13 Q. You stated that you thought you had heard  
14 mice; correct?  
15 A. Yes.  
16 Q. And you stated that you thought you heard  
17 mice because your teacher had told you that there  
18 were mice in the school?  
19 MS. KOURY: Objection. Mischaracterizes  
20 her testimony. She said she thought she heard mice  
21 and other students heard it and her teacher  
22 mentioned the year before that there was a dead  
23 rodent.  
24 BY MR. ENGLISH:  
25 Q. Do you believe that there are mice in your

1 school?  
2 A. I don't know at the moment, but at the time  
3 I believed so.  
4 Q. And how did it make you feel at the time?  
5 A. Kind of shocked, because I didn't know that  
6 existed.  
7 Q. Did it make you feel bad?  
8 A. Yes, because I had never heard of a school  
9 that had rodents or mice or something.  
10 Q. Have you heard of any of your other friends  
11 at other schools talk about having mice in their  
12 schools?  
13 A. Not -- no.  
14 MR. ENGLISH: I have nothing further.  
15 MS. KOURY: I just have a couple follow-up.  
16  
17 FURTHER EXAMINATION  
18  
19 BY MS. KOURY:  
20 Q. You stated just now that you had to wait,  
21 once, a week to meet with your counselor?  
22 MR. ENGLISH: Objection. Mischaracterizes  
23 her testimony.  
24 BY MS. KOURY:  
25 Q. When was that?

1 A. I don't remember, but -- I don't remember.  
2 Q. You testified earlier, but before lunch,  
3 that usually if you put in a request to see the  
4 counselor you only have to wait one or two days.  
5 Is that still true?  
6 A. If we ask during the year, yes, but if we  
7 ask when school has recently started or we just  
8 changed classes, then it takes about a week.  
9 Q. I'm actually just asking about you, not  
10 other students. But for you in your experience in  
11 putting in a request to talk to your counselor, have  
12 you ever had to wait more than a couple days to see  
13 the counselor?  
14 A. Yes.  
15 Q. How many times have you had to wait more  
16 than one or two days?  
17 A. I remember about once.  
18 Q. And is that the one time which you  
19 testified to when Mr. English was asking the  
20 questions?  
21 A. Yes.  
22 Q. Do you remember what it was that you wanted  
23 to ask your counselor that particular time when you  
24 had to wait almost a week?  
25 A. I don't remember exactly.

1 Q. Did it have to do with changing classes?  
 2 A. Yes.  
 3 Q. Do you remember if you actually did change  
 4 classes?  
 5 A. Yes, I changed classes.  
 6 Q. And so you had to wait almost a week to  
 7 change from one class to another class?  
 8 A. Yes.  
 9 Q. Do you remember what classes this was  
 10 involving?  
 11 A. I don't remember.  
 12 Q. Did you feel -- do you remember if you felt  
 13 behind in that class that you had to switch from?  
 14 A. Yes, because they had already -- when I  
 15 walked in there and I started doing the work, I  
 16 didn't really know what was going on.  
 17 Q. Do you remember what you did to catch up?  
 18 A. One of the students I was working up --  
 19 working with just kind of helped me to stay up, to  
 20 stay at the level they were in.  
 21 Q. Do you remember how long it took you to  
 22 catch up?  
 23 A. Like about a week.  
 24 Q. Have you heard of other students having to  
 25 wait more than a couple days to talk to a counselor

1 Q. Meaning you only have to wait a day or two  
 2 to see a counselor once you put in a request?  
 3 A. Yes.  
 4 Q. Do you think if there's -- the sanitary box  
 5 is not working appropriately and you want to throw  
 6 something away, do you -- how do you generally throw  
 7 it away? Do you just toss it on the floor?  
 8 A. Normally.  
 9 Q. Do you ever think to maybe wrap it up and  
 10 throw it in the trash in the bathroom?  
 11 A. Oh, I wrap it up.  
 12 Q. So you just don't throw it on the floor?  
 13 A. No, I don't throw it.  
 14 Q. Do you think it's the other students'  
 15 responsibility, even if the box is broken, not to  
 16 throw things on the floor but to throw it in the  
 17 bathroom trash?  
 18 A. Yes, but it's also not their responsibility  
 19 to make sure that there's a trash can in there.  
 20 Q. Is there a trash can in the bathroom, in  
 21 the center bathrooms?  
 22 A. There's a trash can outside of the --  
 23 outside of the stalls, not inside the stalls.  
 24 Q. But there's a -- there's a trash can in the  
 25 bathroom but just not inside the stalls; isn't that

1 after they've put a request in to see the counselor?  
 2 A. No, I don't know.  
 3 Q. But you just testified before that usually  
 4 people have to wait almost -- more than a few days  
 5 to see a counselor if they do it in the beginning of  
 6 the semester; is that true?  
 7 A. Yes, because usually when that happens,  
 8 it's because there's a lot of people wanting to make  
 9 changes in their schedule.  
 10 Q. But you've never heard of any student in  
 11 particular saying that they had to wait more than a  
 12 couple of days to see a counselor?  
 13 A. Not one person in particular, but the -- I  
 14 don't remember who mentioned that they -- we have to  
 15 get a request from them because there is a lot of  
 16 students making changes. They didn't mention  
 17 anybody specifically.  
 18 Q. And this just generally happens at the  
 19 beginning of the semester when everybody is trying  
 20 to switch their schedules around?  
 21 A. Yes.  
 22 Q. But as the semester continues and people  
 23 have their schedules set, it's not difficult to see  
 24 a counselor if you want to?  
 25 A. No.

1 correct?  
 2 A. Yes.  
 3 Q. Do you think the students have an  
 4 obligation or responsibility to throw their trash in  
 5 that trash can?  
 6 A. Well, it's a trash can, but we -- it's kind  
 7 of embarrassing to walk outside with your sanitary  
 8 napkin and go and throw it in there, besides just  
 9 throwing it in the trash can inside.  
 10 Q. Presumably you can wrap it up, right,  
 11 instead of just throwing it on the floor? That  
 12 would be kind of embarrassing as well; don't you  
 13 think?  
 14 A. Yes.  
 15 Q. Have you ever seen a mouse before?  
 16 A. I've seen a mouse before, not in school.  
 17 Q. Where have you seen the mice?  
 18 A. From, like, outside or in the -- the house  
 19 I lived in in Mexico, there was mice occasionally.  
 20 Q. Do you remember seeing -- seeing the mice?  
 21 A. Seeing it, yes.  
 22 Q. When you said you think you saw some mice  
 23 in your house in Mexico, have you ever seen any mice  
 24 here in California while you've been living here?  
 25 A. Besides pet stores, yes -- I mean, no.

- 1 Q. "No," just in pet stores?  
 2 A. Yes.  
 3 Q. Did you actually hear -- when you thought  
 4 you heard mice, did you actually hear it as well, or  
 5 did you just hear the other students say it?  
 6 A. No, I heard.  
 7 Q. And how did you know that it sounded like a  
 8 mouse?  
 9 A. Because I know what a mouse sounds like  
 10 from our experience in living in Mexico.  
 11 MS. KOURY: I have no further questions.  
 12 MR. ENGLISH: Okay. I have a couple more.

13  
 14 FURTHER EXAMINATION

- 15  
 16 BY MR. ENGLISH:  
 17 Q. Nelly, have you ever had to -- well, you  
 18 stated earlier that you played basketball; is that  
 19 right?  
 20 A. Yes.  
 21 Q. Have you ever had to pay any fee in  
 22 connection with your playing basketball?  
 23 A. I -- we pay a yearly fee of \$40 for  
 24 transportation and --  
 25 MS. KOURY: Counsel, I'm going to object to

- 1 A. It's a packet which includes a sweater, a  
 2 polo shirt and your practice clothes.  
 3 Q. And you've had to pay -- how much was that?  
 4 A. Like \$40.  
 5 Q. As far as you know, have any teachers ever  
 6 had to pay any fees for -- for supplies?  
 7 MS. KOURY: Objection. Calls for  
 8 speculation.  
 9 BY MR. ENGLISH:  
 10 Q. As far as you know.  
 11 MS. KOURY: Same objection.  
 12 THE WITNESS: Yes.  
 13 BY MR. ENGLISH:  
 14 Q. And what were those fees?  
 15 A. My Spanish teacher mentioned he has to buy  
 16 his own markers for school to use during -- on the  
 17 board.  
 18 Q. You stated earlier that you were in  
 19 ceramics class?  
 20 A. Yes.  
 21 Q. Have you ever had to pay any fees in  
 22 ceramics class?  
 23 A. I pay a fee of \$10 for clay.  
 24 Q. And what happens if you don't pay the fee?  
 25 A. She still provides us with clay, but we

- 1 this question. It's going beyond the scope of my  
 2 questioning. As far as I know, in terms of  
 3 depositions, you are allowed to ask questions that  
 4 clarify the record. I don't know that you can go  
 5 beyond what I've asked, and I haven't asked anything  
 6 with respect to that.  
 7 And that's fine, but if you plan on  
 8 continuing, I'm going to follow up, clearly, after  
 9 you ask these questions. So just in terms of  
 10 efficiency and not taking all day, if you can ask  
 11 all your questions regarding this subject matter, so  
 12 that way I can redirect --  
 13 MR. ENGLISH: Sure.  
 14 MS. KOURY: -- as opposed to keep going  
 15 back and forth, wasting my time, your time, and the  
 16 deponent's time.  
 17 MR. ENGLISH: Okay. Your objection is  
 18 noted.  
 19 Q. Are there any other fees that you had to  
 20 pay in connection with your playing basketball?  
 21 A. The spirit packet.  
 22 Q. Spare packet?  
 23 A. Spirit.  
 24 Q. Spirit packet.  
 25 And what's the spirit packet?

- 1 don't get as much as we would get if we paid for the  
 2 clay. If we pay, we get, like, a bag this big of  
 3 clay (indicating). And otherwise, she'll just  
 4 provide us with what we need --  
 5 THE REPORTER: I'm sorry. I couldn't hear  
 6 you.  
 7 THE WITNESS: If we pay the fee, she gives  
 8 us a bag like this big of clay (indicating); and if  
 9 we don't, she'll just provide us with, like, a  
 10 little ball of clay.  
 11 BY MR. ENGLISH:  
 12 Q. You started earlier that you -- well,  
 13 strike that.  
 14 Have you ever had to use a calculator in  
 15 your math class?  
 16 A. Yes.  
 17 Q. And were the calculators provided to you?  
 18 A. No.  
 19 Q. Did you have to buy the calculator?  
 20 A. Yes.  
 21 Q. And how much did that cost?  
 22 A. My mom bought it for about \$15.  
 23 Q. And were there kids in the class who didn't  
 24 have calculators?  
 25 A. Well, we didn't have calculators at the



1 time, but when he asked us, we went and bought it on  
2 our own.

3 Q. If there had been a student without a  
4 calculator, what would have happened?

5 MS. KOURY: Objection. Calls for  
6 speculation. And it's also an incomplete  
7 hypothetical.

8 BY MR. ENGLISH:

9 Q. To your knowledge.

10 MS. KOURY: Same objection.

11 THE WITNESS: The teacher would probably  
12 provide one to the student in the class.

13 BY MR. ENGLISH:

14 Q. And where would he provide the calculator  
15 from?

16 A. One they would have of their own, or  
17 something.

18 Q. Did you ever see a student be provided with  
19 a calculator?

20 A. Yes.

21 Q. If -- do you know how many calculators  
22 there were in the class?

23 A. No, I don't know.

24 Q. Do you think that there would have been  
25 enough for everyone in the class?

1 basketball fee?

2 A. Yes.

3 Q. How much was that?

4 A. It was \$40 for transportation and \$40 for  
5 the spirit packet.

6 Q. Did you have to pay the \$40 transportation  
7 fee your freshman year when you played basketball?

8 A. Yes.

9 Q. How did you learn about the fee?

10 A. In the packet -- in the health packet that  
11 they gave us, it mentions the \$40 transportation  
12 fee.

13 Q. What would happen if you couldn't pay it?

14 A. I don't know. Usually everybody paid it.

15 Q. Did you ever hear of anyone not being able  
16 to pay it?

17 A. That joined the team, no.

18 Q. And it was transportation for what?

19 A. For, I'm guessing, away games or something.

20 Q. When you say you're guessing, did it just  
21 say "transportation"?

22 A. It just said "transportation." It didn't  
23 mention any specifics.

24 Q. How do you get to away games?

25 A. The school bus.

1 MS. KOURY: Objection. Calls for  
2 speculation

3 BY MR. ENGLISH:

4 Q. To the best of your knowledge.

5 A. To be provided with, no.

6 Q. So there would not be enough calculators to  
7 provide every student with one, if every student  
8 needed one?

9 A. No, I don't think so.

10 MR. ENGLISH: That's all I have.

11  
12 FURTHER EXAMINATION

13  
14 BY MS. KOURY:

15 Q. When Mr. English asked you about fees and  
16 you answered a couple questions about fees, what --  
17 what do you mean by "fees"? What do you think  
18 "fees" means?

19 A. Something that we pay -- we have to pay for  
20 if we join something, or something.

21 Q. If you join something?

22 A. If we join something, or if we want to  
23 join, or something, we have to pay in order to be in  
24 it.

25 Q. And you mentioned that there was a

1 Q. How did you learn about the spirit packet  
2 fee?

3 A. They told us, the coach told us about it.

4 Q. And when did -- and when was the first time  
5 he told you about it, or she?

6 A. He.

7 I didn't know about the spirit packet my  
8 freshman year, but my sophomore year they told us  
9 there was a spirit packet.

10 Q. So you didn't pay a spirit packet fee your  
11 freshman year?

12 A. No.

13 Q. And your sophomore year, how did you learn  
14 about the spirit packet fee?

15 A. He told us.

16 Q. When did he --

17 A. He told us we needed a spirit packet  
18 because during practice we needed the jersey, so we  
19 need to get the jersey from the spirit packet.

20 Q. Is it a jersey or a sweatshirt?

21 A. It's a jersey, a sweater and a polo shirt.

22 Q. Do you keep the jersey and the polo sweater  
23 and the shirt?

24 A. Yeah. If we paid for the spirit packet, we  
25 got to keep everything that it contained.

1 Q. What if you didn't pay for it?  
 2 A. We couldn't get anything.  
 3 Q. Was there anyone -- anyone in your class  
 4 that wasn't able to pay for it?  
 5 A. I don't know if they weren't able to but  
 6 some didn't purchase it.  
 7 Q. What happened?  
 8 A. Nothing. They just didn't play with the  
 9 jersey. They didn't practice with the jersey.  
 10 Q. Was -- did you only wear these jerseys,  
 11 sweaters and shirts during practice?  
 12 A. They were practice clothes. The jersey we  
 13 would wear for practice. The polo, usually we would  
 14 wear it for away games. And the sweater.  
 15 Q. So the students that didn't pay for the  
 16 spirit packet, did they wear the polo and the shirt  
 17 at away games?  
 18 A. No. They would just go with the team, but  
 19 they wouldn't be as dressed as everybody else.  
 20 Q. Did they still play?  
 21 A. Yes.  
 22 Q. So if you didn't pay for the spirit packet,  
 23 you could still play on the team?  
 24 A. For that, yeah.  
 25 Q. You mentioned that the transportation fee

1 THE WITNESS: No. She said you had to pay  
 2 it.  
 3 BY MS. KOURY:  
 4 Q. What would happen if you didn't pay it?  
 5 A. We wouldn't get the clay.  
 6 Q. Did everyone in the class pay the \$10 fee?  
 7 A. Everybody, but there's some students that  
 8 didn't pay for it, so they usually ask for clay from  
 9 the other students that they paid for it.  
 10 Q. Earlier you testified, when Mr. English was  
 11 asking the questions, that if students didn't pay  
 12 for that, they only got the amount of clay they  
 13 needed, they didn't get the extra clay.  
 14 Is that correct?  
 15 A. She -- the first time she gives them the  
 16 clay, and the rest of the time usually she -- we --  
 17 other students let them have some from their bag  
 18 that they get.  
 19 Q. Do you know -- she gave them -- how many  
 20 students were there that didn't pay the \$10?  
 21 A. I don't know, but for, like, the first week  
 22 we were in her class before she -- she asked us to  
 23 pay, but once -- but once we paid already, she would  
 24 give us a bag of clay that would be for us to use.  
 25 And if we didn't pay for it for that week, she would

1 was in a packet, a handwritten packet?  
 2 A. Uh-huh.  
 3 Q. Do you still have that packet at home?  
 4 A. No, because I'm not playing this year so I  
 5 didn't get one.  
 6 Q. Did you -- was the fee for the spirit  
 7 packet, was that also on a handout?  
 8 A. No. On the front of the folder there was,  
 9 like, a list of everything that we needed to turn  
 10 back, and at the bottom it had the \$40  
 11 transportation fee.  
 12 Q. But there was nothing written about the  
 13 spirit packet fee?  
 14 A. No.  
 15 Q. Earlier when you were talking about your  
 16 ceramics class, you mentioned that your teacher  
 17 asked you to pay a \$10 donation for the clay. And  
 18 right now you stated that she asked you to pay a  
 19 fee, which is it?  
 20 A. I don't remember if she said "donation" or  
 21 "fee," but she said that we had to pay those \$10.  
 22 Q. Did she say she had to pay, or did she say  
 23 you had the option of paying it?  
 24 MR. ENGLISH: Objection. Asked and  
 25 answered.

1 provide for us. But after that other students would  
 2 provide, like, we would share it with them.  
 3 Q. So each week you would pay \$10?  
 4 A. No, just \$10 in total for the whole  
 5 semester.  
 6 Q. So for some students who didn't pay the  
 7 \$10, she still gave them some clay?  
 8 A. For the first couple weeks. Right now she  
 9 doesn't provide clay for them.  
 10 Q. So for the students that didn't pay the  
 11 \$10, she gave them clay for the first few weeks and  
 12 then stopped giving them clay?  
 13 A. Yes.  
 14 Q. Did she indicate to them that that clay was  
 15 supposed to last the whole semester?  
 16 A. No, just -- she just told the ones that  
 17 bought clay -- that bought the clay, she just told  
 18 us that that was for the whole year.  
 19 Q. And she continues to give you, the ones  
 20 that paid the \$10, clay each week and not the other  
 21 students?  
 22 A. No, she just gives a bag of clay and we get  
 23 whatever -- we get whatever clay we want to make our  
 24 piece.  
 25 Q. So what do the other students who didn't

- 1 pay the \$10 get at the beginning of the year?  
 2 A. They got the clay. And from then on when  
 3 she stopped providing for them, we share or give  
 4 them clay so they can do their pieces.  
 5 Q. I'm still not understanding this. Does she  
 6 give you more clay each week?  
 7 A. No. She only gives us one big bag of clay  
 8 for the whole year.  
 9 Q. Okay. At the beginning of the year she  
 10 gives you one big bag. And what did she do for the  
 11 students who didn't pay the \$10?  
 12 A. She gave them clay up to the -- she gave  
 13 them clay up to a certain date, and if they didn't  
 14 pay, they weren't going to get clay after that.  
 15 Q. So she gave them the same bag of clay that  
 16 she gave you at the beginning of the year?  
 17 A. No. She would open the bag and give them a  
 18 piece of clay.  
 19 Q. So they didn't get a bag of their own?  
 20 A. No.  
 21 Q. Do you know if they complained that they  
 22 didn't have enough clay?  
 23 A. No, because they know they didn't pay for  
 24 it.  
 25 Q. How many students were there?

- 1 A. In total, there's like about 30.  
 2 Q. Do you keep whatever you make in ceramics  
 3 class?  
 4 A. Yes.  
 5 Q. So once you've made something out of clay,  
 6 you keep that at home? You take it with you?  
 7 A. Once it's all painted and fired, yes.  
 8 Except those that, like, if she likes our piece, she  
 9 asks us if we want to put it in, like, an art  
 10 exhibition that is, like, at the end of the school  
 11 year.  
 12 Q. Okay. You mentioned you had to use a  
 13 calculator in one of your classes. How many classes  
 14 have you used a calculator in?  
 15 A. I've used it in both my math classes and in  
 16 my science classes.  
 17 Q. When you say both your math classes, were  
 18 there two separate math classes that you used a  
 19 calculator for?  
 20 A. Geometry and Algebra 1.  
 21 Q. And which science classes did you use a  
 22 calculator for?  
 23 A. Physical science.  
 24 Q. And what was the other class?  
 25 A. My biology class.

- 1 Q. In your geometry class, did the teacher  
 2 tell you you needed a calculator for this class?  
 3 A. Not at the beginning. Once we started  
 4 getting into when we needed -- when we were going to  
 5 need the calculator, he told us that we needed one.  
 6 Q. And what did you do?  
 7 A. I went to buy one.  
 8 Q. Did you tell him -- did you say anything  
 9 like, "I don't have a calculator and I want the  
 10 school to provide one for me"?  
 11 A. No.  
 12 Q. And why not?  
 13 A. Because I didn't know the school was  
 14 supposed to provide it for me.  
 15 Q. Do you think the school was supposed to  
 16 provide it for you?  
 17 A. I don't know.  
 18 Q. Did any of the other students in the class  
 19 not have a calculator, in your geometry class?  
 20 A. A lot of them, they didn't have one. But I  
 21 don't know whether it was because they don't have  
 22 one or they didn't take it.  
 23 Q. Didn't take it from where?  
 24 A. From home.  
 25 Q. What happened when you were all using the

- 1 calculators and these students didn't have one?  
 2 A. Usually everybody would take it. But if a  
 3 student wouldn't take one, he would let them borrow  
 4 one for the day.  
 5 Q. Was there ever a time that you were in  
 6 class and you were using calculators and a student  
 7 didn't have a calculator to use?  
 8 A. Once.  
 9 Q. And what happened?  
 10 A. Let them borrow one.  
 11 Q. Was there ever a time that you were in  
 12 class, this geometry class, and you were using a  
 13 calculator and a kid didn't have a calculator to use  
 14 and the teacher didn't have one for him to borrow?  
 15 A. No.  
 16 Q. How about your algebra class, did the  
 17 teacher tell you in your algebra class that you  
 18 needed a calculator?  
 19 A. Yes.  
 20 Q. And what happened there, what did you do?  
 21 A. She -- I think she would provide it for us  
 22 in Algebra 1.  
 23 Q. Why do you think that?  
 24 A. Because I remember her telling us that  
 25 there was a missing calculator, because I remember

1 her giving us a -- like calculators, and one day  
 2 there was one missing.  
 3 Q. Do you remember if any students didn't have  
 4 a calculator to use in this algebra class?  
 5 A. No.  
 6 Q. What about your physical science class, did  
 7 you use a calculator in that class?  
 8 A. Yes.  
 9 Q. And did she just tell you, or he tell you  
 10 at the beginning of the year that you were going to  
 11 have to use a calculator?  
 12 A. He told us that we were going to keep score  
 13 of our grade and you might need a calculator to find  
 14 out the percentages and stuff.  
 15 Q. What calculator did you use?  
 16 A. I used -- I didn't buy a calculator at the  
 17 time. I used my friend's.  
 18 Q. And you shared one with your friend?  
 19 A. Just when I needed to update my grade.  
 20 Q. So you were only using the calculator for  
 21 your grades, to calculate your grades?  
 22 A. Yeah.  
 23 Q. You weren't using it in class as part of  
 24 your -- as part of your studies?  
 25 A. No.

1 Q. And what about biology?  
 2 A. We would use it, like, during a lab or  
 3 something.  
 4 Q. Where did you get your calculator to use,  
 5 or what calculator did you use?  
 6 A. I was using the one I had bought.  
 7 Q. Well, what about other students, was there  
 8 anyone in that class that didn't have a calculator  
 9 to use?  
 10 A. I don't remember.  
 11 Q. Do you remember the teacher letting  
 12 students use a calculator in that class?  
 13 A. No.  
 14 Q. Earlier you mentioned that you think -- or  
 15 do you think that a teacher -- the teacher that let  
 16 you use the calculators in your -- when you were  
 17 answering the questions that Mr. English was asking  
 18 you regarding the calculator that you used in a  
 19 class, which class were you referring to?  
 20 A. The one I was -- the one I needed to buy  
 21 was my geometry class.  
 22 Q. Geometry?  
 23 A. Yes.  
 24 Q. And you think in that class that the  
 25 teacher allowed some of the students to borrow a

1 calculator from him?  
 2 A. He let -- he let students borrow if they  
 3 didn't have one or if they forgot it.  
 4 Q. Do you know where he got the calculators  
 5 from?  
 6 A. I don't know. I just saw him get it out of  
 7 his desk.  
 8 Q. Did he ever mention the fact that he bought  
 9 them himself?  
 10 A. I don't remember.  
 11 Q. So you have no reason to know either way  
 12 whether he bought them himself, or the school  
 13 provided them, or what happened?  
 14 A. No. I just remember him letting the  
 15 student borrow them.  
 16 MS. KOURY: I have nothing further.  
 17 MR. ENGLISH: Nothing further.  
 18 MS. KOURY: Request we stipulate that the  
 19 copies of the document attached to the deposition  
 20 may be used as originals.  
 21 MR. ENGLISH: Yes.  
 22 MS. KOURY: And stipulate that the original  
 23 of this deposition be signed under penalty of  
 24 perjury;  
 25 That the original be delivered to the

1 offices of Morrison & Foerster;  
 2 That the reporter is relieved of  
 3 liability for the original of the deposition;  
 4 That the witness will have 30 days from  
 5 the date of the court reporter's transmittal letter  
 6 to Morrison & Foerster to sign and correct the  
 7 deposition;  
 8 That Norman English will notify all  
 9 parties in writing of any changes in the deposition;  
 10 And if there are no such changes  
 11 communicated or signature within that time, that any  
 12 unsigned and uncorrected copy may be used for all  
 13 purposes as if signed and corrected?  
 14 MR. ENGLISH: We do stipulate.  
 15 MS. KOURY: Off the record.  
 16  
 17 (Whereupon, at 3:10 p.m.,  
 18 the deposition of NELLY MAGANA  
 19 was concluded.)  
 20 -oOo-  
 21  
 22  
 23  
 24  
 25

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.

3  
4

5 I, NELLY MAGANA, hereby certify declare  
6 under penalty of perjury under the laws of the State  
7 of California that the foregoing is true and  
8 correct.

9

10 Executed this day of  
11 , 2002, at ,  
12 California.

13  
14  
15

16 \_\_\_\_\_  
NELLY MAGANA

17  
18  
19  
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21  
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25

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.

3

4 I, c. jane harman, C.S.R. No. 5266, in  
5 and for the State of California, do hereby certify:

6 That, prior to being examined, the  
7 witness named in the foregoing deposition, to wit,  
8 NELLY MAGANA, was by me duly sworn to testify to the  
9 truth, the whole truth and nothing but the truth;

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

15 I further certify that I am not  
16 interested in the event of the action.

17 WITNESS MY HAND this 14TH day of JANUARY,  
18 2002.

19  
20  
21

22 \_\_\_\_\_  
23 Certified Shorthand  
Reporter for the  
State of California

24  
25