

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

ELIEZER WILLIAMS, et al.,) Case No. 312 236
Plaintiffs,) Pages 1 - 153

VS.)

STATE OF CALIFORNIA,)

DELAINE EASTIN, State)

Superintendent Of Public)

Instruction, STATE)

DEPARTMENT OF EDUCATION,)

STATE BOARD OF EDUCATION,)

Defendants.)

_____)

AND RELATED CROSS-ACTION.)

_____)

DEPOSITION OF JACKELYNE MONTES

TAKEN ON

SATURDAY, JANUARY 26, 2002

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

CERTIFIED REALTIME REPORTER

1 Deposition of JACKELYNE MONTES, taken on behalf
2 of the Defendants at 400 South Hope Street,
3 Los Angeles, California, on SATURDAY, JANUARY 26,
4 2002, at 9:52 A.M., before ASHALA TYLOR,
5 CSR No. 2436, RPR, pursuant to Notice.

6
7 APPEARANCES:

8
9 FOR THE PLAINTIFF:

10 MORRISON & FOERSTER LLP
11 BY: ANTHONY L. PRESS, ESQ.
12 1925 Century Park East
13 Suite 2200
14 Los Angeles, California 90067-2701
15 310 203-4030

16
17 FOR THE DEFENDANT STATE OF CALIFORNIA:

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

1 LOS ANGELES, CALIFORNIA
2 SATURDAY, JANUARY 26, 2002; 9:52 A.M.
3

4 JACKELYNE MONTES,
5 Having been first duly
6 sworn, was examined and testified
7 as follows:

8
9 EXAMINATION

10
11 BY MS. KOURY:

12 Q. Good morning, Jacqueline. My name is
13 Vanessa Koury, and I'm an attorney representing the
14 State of California in this lawsuit.

15 Would you please state and spell your full
16 name for the record?

17 A. J-A-C-K-E-L-Y-N-E, M-O-N-T-E-S.

18 Q. Have you ever had your deposition taken
19 before?

20 A. No.

21 Q. Is that no?

22 A. No.

23 Q. Let me briefly explain to you what we're
24 going to be doing here today. I'm going to be
25 asking you a series of questions about this lawsuit

1 I N D E X

2
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5 (By Mr. Press) 145

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1 to determine the facts that you know about it. The
2 court reporter here will be recording my questions
3 and your answers which will then be transcribed
4 into a booklet for your review. When you receive
5 the booklet, you can make changes that you feel are
6 necessary. However, you should be aware that the
7 lawyers in this case will be free to comment on any
8 changes that you make at trial or at any other
9 hearing or proceeding in this case.

10 Do you understand that?

11 A. Yes.

12 Q. Again, it's very important that you
13 respond to these questions as fully and fairly as
14 you possibly can.

15 Do you understand that?

16 A. Yes.

17 Q. Your answer -- I'm sorry, when you answer
18 my questions, it's important that you verbalize
19 your answers because nods or shakes of the head
20 can't be recorded by the court reporter.

21 Do you understand that?

22 A. Yes.

23 Q. It's also hard for the reporter to get a
24 clear record if there's more than one person
25 speaking at a time. So if you'll please allow me

1 to finish my question before you begin to answer,
 2 I, too, will allow you to finish answering my
 3 questions before I ask you another question.
 4 Is that okay?
 5 A. Yes.
 6 Q. It's important that you listen carefully
 7 to the question. If you don't hear or understand a
 8 question that I'm asking, let me know and if
 9 appropriate I'll repeat it or try to rephrase it.
 10 If you answer, I'll presume that you heard
 11 and understood the question that I asked unless you
 12 tell me otherwise.
 13 Do you understand that?
 14 A. Yes.
 15 Q. You're required to answer my questions to
 16 the best of your ability, but I don't want you to
 17 guess. So in other words, I'm entitled to your
 18 best estimate. Do you understand the difference?
 19 A. Yes.
 20 Q. Because your testimony is given under
 21 oath, it will have the same force and effect as if
 22 you were testifying in a court of law. You're,
 23 therefore, subject to all the penalties of perjury
 24 for giving false testimony. So even though we are
 25 here in an informal setting today, you're

1 testifying as if you were in a formal courtroom
 2 with a judge.
 3 Do you understand that?
 4 A. Yes, I do.
 5 Q. If you need a break for any reason, please
 6 just let me know and I'll tell the court reporter
 7 and we'll go off the record. If there's a question
 8 pending, I'll ask that you answer it before we take
 9 a break. Is that okay?
 10 A. Yes.
 11 Q. If at any point during today's deposition
 12 a question that I ask or an answer that you are
 13 giving triggers your memory as to something that
 14 you had previously testified about, please let me
 15 know and we'll get that testimony on the record.
 16 Is that okay?
 17 A. Yes.
 18 Q. If you don't, I'll assume that the answers
 19 you give to me today are full and complete.
 20 Do you have any questions about these
 21 ground rules?
 22 A. No.
 23 Q. No?
 24 A. No.
 25 Q. Is there any reason why you're unable to

1 testify and give your best testimony today?
 2 A. Unless I can't remember. That's all.
 3 Q. Have you consumed any medication or
 4 alcohol or anything else that would -- I'm sorry,
 5 that would cloud your mind or interfere with your
 6 ability to answer these questions?
 7 A. No.
 8 Q. Do you have an attorney here today?
 9 A. Yes. Mr. Press.
 10 Q. I'm going to ask you to speak up just a
 11 little louder so we can all hear you.
 12 When did you meet Mr. Press?
 13 A. Thursday.
 14 Q. This past Thursday?
 15 A. Yes.
 16 Q. How did you learn about this case?
 17 A. With Laura.
 18 Q. Does Laura have a last name?
 19 A. I don't know her last name.
 20 Q. Who is Laura?
 21 A. My attorney.
 22 Q. Laura is your attorney?
 23 A. Yes.
 24 Q. Do you know where she worked?
 25 A. A --

1 Q. ACLU?
 2 A. Yeah.
 3 Q. And when did you first hear about this
 4 case?
 5 A. With Laura.
 6 Q. Do you remember when that was?
 7 MR. PRESS: Let me just caution the
 8 witness not to reveal any attorney-client
 9 communications. So if she asks you about any
 10 communications between you and your attorney, I'm
 11 going to object that they are attorney-client
 12 communications. And if she asks you a question
 13 where in order to answer it you need to tell what
 14 Laura said to you or what you said to Laura, don't
 15 do that. Okay?
 16 BY MS. KOURY:
 17 Q. When did you first learn about this case
 18 from Laura?
 19 A. It was, I think, end of July.
 20 Q. Of this past July?
 21 A. Yeah.
 22 Q. Did Laura contact you?
 23 A. No, she was at her neighbor's house and my
 24 neighbor called me to see if I was interested in it
 25 and I was.

1 Q. Is that the first time you heard about the
2 case?
3 A. Yes.
4 Q. Do you know why Laura was at your
5 neighbor's house?
6 A. No.
7 MR. PRESS: Objection to the extent it
8 calls for an attorney-client communication.
9 If you learned from her what she was doing
10 there, you don't need to answer that question.
11 MS. KOURY: Counsel, at this point she
12 wasn't represented by an attorney, or at least it
13 hasn't been established she was.
14 MR. PRESS: She referred to Laura as her
15 attorney. And if she learned from Laura what Laura
16 was doing there, that could well be an
17 attorney-client communication and it could be work
18 product.
19 BY MS. KOURY:
20 Q. Keeping in mind your attorney's objection,
21 do you know why Laura was at your neighbor's house?
22 A. No, I don't.
23 Q. Do you know your neighbor's name?
24 A. Maria Hinojos.
25 Q. Could you spell?

1 A. H-I-N-O-J-O-S.
2 Q. When your neighbor called you, what did
3 she say to you?
4 A. I don't remember.
5 Q. Do you remember what you said to her?
6 A. I said I was going over her house.
7 Q. And then what happened?
8 A. I met Laura there.
9 Q. And what did Laura say to you?
10 MR. PRESS: Let me again -- from the time
11 that you understood that Laura was going to be your
12 attorney, I don't want you to reveal any
13 communications with Laura. Okay?
14 BY MS. KOURY:
15 Q. What did Laura say to you?
16 A. Just said hi, and what was my name, what
17 school did I go to, and that's about it.
18 Q. Did she tell you why she was asking those
19 questions?
20 A. No.
21 Q. Did she mention the lawsuit?
22 A. Yes.
23 Q. What did she say about the lawsuit?
24 A. She said it's to help the schools in the
25 neighborhood -- in California, I mean.

1 Q. Did she say anything else?
2 A. No.
3 Q. Did you ask your neighbor how it was that
4 your neighbor knew Laura?
5 A. No.
6 Q. Did Laura tell you why it was she was at
7 your neighbor's house?
8 A. No.
9 MR. PRESS: At that time right at the
10 beginning, right?
11 THE WITNESS: Yeah, I don't know.
12 BY MS. KOURY:
13 Q. What else happened?
14 A. Then --
15 MR. PRESS: Objection; vague. Potentially
16 calls for an attorney-client communication. What
17 do you mean by "what else"? What was said?
18 BY MS. KOURY:
19 Q. Go ahead. You can answer that.
20 A. Then I just went to my house and that's
21 all.
22 Q. Did you say anything else to Laura while
23 you were at your neighbor's house?
24 A. Not that I recall, no.
25 Q. Did she ask you at that point if you

1 wanted to be involved in the lawsuit?
2 A. Yeah, yeah.
3 Q. What did she say?
4 A. She asked me if I wanted to be involved
5 with the lawsuit and I said yes.
6 Q. Did you -- what was your understanding of
7 what the lawsuit was about?
8 A. To try to make like the California schools
9 better. I can't remember.
10 Q. Did she tell you what you would have to do
11 to be part of the lawsuit?
12 MR. PRESS: I'm going to object. That
13 calls for an attorney-client communication.
14 BY MS. KOURY:
15 Q. At this point when you were -- when you
16 were at your neighbor's house, did she tell you
17 what you would have to do to be part of the
18 lawsuit?
19 MR. PRESS: I'm going to object. You
20 already established that she said that she wanted
21 to be a part of the lawsuit. She also testified
22 that she considered Laura --
23 MS. KOURY: Counsel, are you making an
24 objection?
25 MR. PRESS: Yes, I am.

1 MS. KOURY: If you are going to be making
 2 a speaking objection this is going to be a very
 3 long day. Put your objection and let's move on.
 4 MR. PRESS: I'm making an objection.
 5 MS. KOURY: Sounds like you're testifying.
 6 MR. PRESS: Counsel, when I state an
 7 attorney-client objection, I'm entitled to state my
 8 reasons therefore.
 9 MS. KOURY: Is that what you were doing?
 10 MR. PRESS: That's what I was doing.
 11 MS. KOURY: Good.
 12 MR. PRESS: Don't interrupt me. Let me
 13 complete my objection. If you interrupt me like
 14 that when I'm stating an attorney-client privilege
 15 objection and act like I'm wasting time with it --
 16 MS. KOURY: Counsel, I didn't know that's
 17 where you were going. You didn't state it. You
 18 were talking around it. Just state it.
 19 MR. PRESS: The record is replete with my
 20 caution about attorney-client privilege
 21 communication and you're marching in trying to
 22 invade it and I'm going to object.
 23 MS. KOURY: Okay.
 24 MR. PRESS: Do not answer any questions
 25 about communications between you and Laura from the

1 time that you considered her to be your attorney.
 2 Do you understand that?
 3 THE WITNESS: Yes.
 4 BY MS. KOURY:
 5 Q. Keeping your attorney's objection in mind,
 6 I don't want to know what communications occurred
 7 once you believed Laura was your attorney. But
 8 having that in mind, did Laura ask to be your
 9 attorney when you were at your neighbor's house on
 10 this day in July?
 11 A. I don't remember. It's been a while so I
 12 don't remember.
 13 Q. Do you remember if you asked her to be
 14 your lawyer?
 15 A. No.
 16 Q. When do you remember her becoming your
 17 lawyer?
 18 A. When I was telling her all the stuff, the
 19 paper, the declaration.
 20 Q. When you were telling her about your
 21 declaration?
 22 A. Yes.
 23 Q. Do you remember when that was?
 24 A. No.
 25 Q. Do you remember if that was that day in

1 July when you were at your neighbor's house the
 2 first time you met Laura?
 3 A. No.
 4 Q. You don't remember or it wasn't that day?
 5 A. I don't remember.
 6 Q. Do you think you would remember if you
 7 were telling her about your declaration that day
 8 when you were at your neighbor's house?
 9 MR. PRESS: Objection. She just said she
 10 doesn't remember.
 11 BY MS. KOURY:
 12 Q. You can answer that.
 13 A. I don't remember.
 14 Q. Do you remember if you when you were at
 15 your neighbor's house, how long you were there for?
 16 A. I think for like 15 minutes. It wasn't
 17 much.
 18 Q. And was it just you and Laura talking or
 19 were there other people there?
 20 A. There were the lady, my neighbor, Maria
 21 Hinojos. Laura, my friend.
 22 Q. Who is your friend?
 23 A. Melissa.
 24 Q. What's Melissa's last name?
 25 A. Pelaiz.

1 THE REPORTER: Could you spell it?
 2 THE WITNESS: P- E -- P-E-L-A --
 3 P-E-L-A -- P-E-L-A-Z, I think.
 4 BY MS. KOURY:
 5 Q. Was there anyone else there?
 6 A. And my mom.
 7 Q. And your mom?
 8 A. Uh-huh.
 9 Q. Is that it that you can remember?
 10 A. Yeah.
 11 Q. When was the next time that you saw Laura
 12 or talked to her?
 13 A. Like the next three or four days after
 14 that time.
 15 Q. And what happened?
 16 A. Probably talked and she told me about the
 17 case. And that's when she told me she was my
 18 attorney.
 19 Q. So do you think that that next time that
 20 you talked to her, is that when she became your
 21 attorney?
 22 A. I guess so. I'm not sure. I simply don't
 23 know. She told me that, I mean.
 24 Q. I'm going to ask you to talk -- I know
 25 it's hard, but you have to talk a little bit louder

1 so we can all hear you.
 2 A. Okay.
 3 Q. When you talked to her this next time, was
 4 it over the phone or in person?
 5 A. It was in person.
 6 Q. When did you meet her?
 7 A. Well, I just live right next to my
 8 neighbor's house so she knew where I lived.
 9 Q. So did she come to your house?
 10 A. Yes.
 11 Q. Do you remember signing anything or having
 12 anything written in paper indicating that she was
 13 your lawyer?
 14 A. No.
 15 Q. How long did you talk with her this second
 16 time?
 17 A. For about like an hour or so. I don't
 18 remember.
 19 Q. I'm sorry, did you say you think for an
 20 about hour?
 21 A. I think about an hour. I'm not sure about
 22 it.
 23 Q. Do you know who was there?
 24 A. Just me and her and my mom.
 25 Q. Earlier you mentioned she did a

1 was.
 2 Q. Did you see Laura again after this second
 3 time that you -- that she came to your house?
 4 A. Yes.
 5 Q. Do you remember when you saw her again?
 6 A. No, I don't remember, but I know I saw her
 7 a couple of times after that second time.
 8 Q. Did she come to your house?
 9 A. Yes.
 10 Q. Did she ever call you on the phone?
 11 A. Yes.
 12 Q. How often -- do you know how often she
 13 would call you? Do you remember?
 14 A. No, I don't remember.
 15 Q. Do you know if your neighbor is involved,
 16 your neighbor Maria, do you know if she's involved
 17 in the lawsuit?
 18 A. I think she was. I'm not sure.
 19 Q. What about Melissa?
 20 A. Yeah, I think she is, too.
 21 Q. Why do you think Melissa is involved in
 22 the lawsuit?
 23 A. I don't know.
 24 Q. Did you ever talk to Melissa about the
 25 lawsuit?

1 declaration for you, Laura did; is that right?
 2 A. Yes, I told her.
 3 Q. You were telling her information about
 4 your declaration?
 5 A. Uh-huh.
 6 MR. PRESS: Don't reveal any of the
 7 substance of what you told her, but I'll allow that
 8 far.
 9 BY MS. KOURY:
 10 Q. When was that that you told her about your
 11 declaration? Was it the first time that you met
 12 her or the second time?
 13 A. No, the second time.
 14 Q. Did you sign anything the second time?
 15 A. No.
 16 Q. Do you remember whether you ever signed
 17 something about the declaration?
 18 A. Just the declaration and the paper saying
 19 that she was my attorney, I think. This paper, I
 20 don't know what it was. I know I signed another
 21 paper.
 22 Q. Do you remember when it was that you
 23 signed these papers? Was it the second time she
 24 visited you?
 25 A. I think it was. I'm not sure. I think it

1 A. No.
 2 Q. What about Maria? Did you ever talk to
 3 Maria about the lawsuit?
 4 A. No.
 5 Q. Did you tell them you had your deposition
 6 today?
 7 A. No.
 8 Q. Other than Laura, have you talked to any
 9 lawyers in this case?
 10 A. Megan.
 11 Q. Auchincloss?
 12 A. I don't know what her last name is.
 13 Q. How many times have you talked to Megan?
 14 A. Oh, like about five or six.
 15 Q. Do you know if these times that you've
 16 talked to Megan, has it been in person or over the
 17 phone?
 18 A. It's been in person and over the phone.
 19 Q. Where do you meet her?
 20 A. With Laura.
 21 Q. Do they come to your house?
 22 A. Yeah.
 23 MR. PRESS: Do or did?
 24 Could I have the question read back?
 25 (The following text was read by the

1 reporter):
 2 "Q. Do they come to your house?"
 3 MR. PRESS: Objection; vague as to time.
 4 BY MS. KOURY:
 5 Q. Other than Megan and Laura, are there any
 6 other attorneys that you've talked to?
 7 A. Mr. Anthony Press.
 8 Q. And other than Mr. Press, is there anyone
 9 else?
 10 A. No.
 11 Q. How many times have you spoken to
 12 Mr. Press?
 13 A. Thursday night.
 14 Q. Was that the first time?
 15 A. Yes.
 16 Q. Was that the only time other than today?
 17 A. No. Thursday night and today.
 18 Q. And you said that Megan, you've talked to
 19 Megan five or six times with Laura; is that right?
 20 MR. PRESS: Objection, mischaracterizes
 21 the testimony.
 22 BY MS. KOURY:
 23 Q. What was your answer?
 24 A. I talked to her along with Laura
 25 sometimes.

1 Q. Have you ever talked to Megan with other
 2 people present when you're talking to Megan? Is
 3 your mom there?
 4 A. No.
 5 Q. Just you and Megan and maybe Laura?
 6 A. Uh-huh.
 7 Q. When was the last time you talked to
 8 Megan?
 9 A. I don't remember.
 10 Q. Do you know if you talked to her since
 11 Christmastime?
 12 A. It was like -- it wasn't since
 13 Christmastime. I just -- I think like on Tuesday
 14 she called, I think.
 15 Q. Do you remember how long you talked to her
 16 for?
 17 A. I think it was for like 20 minutes.
 18 Q. And what about the time before this last
 19 time that you talked to her, do you remember when
 20 that was?
 21 A. No.
 22 Q. Do you know if it was before
 23 Christmastime?
 24 A. It was after.
 25 Q. And the time before that, can you remember

1 before that when you spoke with her?
 2 A. (Unreportable response.)
 3 Q. Is that no?
 4 A. No.
 5 Q. Do you remember the first time that you
 6 talked to Megan or met Megan?
 7 A. I remember but I don't remember what date
 8 it was.
 9 Q. Do you know if it was during the
 10 summertime?
 11 A. Yes, it was during the summertime.
 12 Q. Did you do anything to prepare for today?
 13 A. Yes.
 14 Q. What did you do?
 15 A. Talked to Mr. Press.
 16 Q. Other than talking to Mr. Press what else
 17 did you do?
 18 A. (No response from the witness)
 19 Q. Did -- I'm sorry, were you going to
 20 answer?
 21 A. No. That's basically it. I talked to
 22 Mr. Press.
 23 Q. Did you review any documents?
 24 A. Just the declaration.
 25 Q. Is that your declaration?

1 A. Yes.
 2 Q. Anything else?
 3 A. No.
 4 Q. Did you talk to anyone about the
 5 deposition other than Mr. Press?
 6 A. No.
 7 Q. Did you talk to your parents about it?
 8 A. Just my mom, but she knew about it.
 9 Q. What did you say to your mom?
 10 A. Well, basically I told her I was coming
 11 here today. That's all.
 12 Q. What did she say?
 13 A. She said it was fine.
 14 Q. Have you looked for any documents
 15 regarding the conditions at your school, either
 16 Lynwood or Hosler?
 17 A. What do you mean by documents? Like my
 18 grades?
 19 Q. Have you looked for any of your grades?
 20 A. Yeah, but I couldn't find any.
 21 Q. Any other types of documents?
 22 A. No.
 23 Q. Do you think you have any?
 24 A. I couldn't find them. I might have some
 25 but I couldn't find them.

- 1 Q. Where did you look?
 2 A. In my mom's drawers and in this other
 3 drawer that we have.
 4 Q. And you couldn't find any?
 5 A. No.
 6 Q. Do you think you have any other types of
 7 notes or documents regarding the conditions at your
 8 school about which you talk about in your
 9 declaration?
 10 A. I don't think so.
 11 Q. Have you looked for any other than your
 12 grades?
 13 A. I was trying to look for anything
 14 concerning the school actually. I just couldn't
 15 find any.
 16 Q. Concerning what?
 17 A. The school, like, my grade or anything
 18 like that I that I could find and I couldn't find
 19 any.
 20 Q. How old are you?
 21 A. I'm 13.
 22 Q. What school do you attend now?
 23 A. Hosler Middle School.
 24 Q. Are you in the 8th grade?
 25 A. Yes.

- 1 Q. Do you live near Hosler?
 2 A. Yes.
 3 Q. How do you get to school every day?
 4 A. My mom drives me.
 5 Q. How far do you live from school when you
 6 drive?
 7 A. I live like three minutes, something like
 8 that.
 9 Q. Is there any other school that's closer to
 10 your house than Hosler or is Hosler the closest?
 11 A. It's the closest middle school. There's
 12 an elementary, but middle school that's the
 13 closest.
 14 Q. Does your mom take you to school every
 15 day?
 16 A. Yes.
 17 Q. Does she pick you up?
 18 A. Yes.
 19 Q. Have you lived at the same house that you
 20 live at now for a while?
 21 A. Yes.
 22 Q. How long have you lived there?
 23 A. For about nine years, I think.
 24 Q. Where did you go to school before you were
 25 at Hosler?


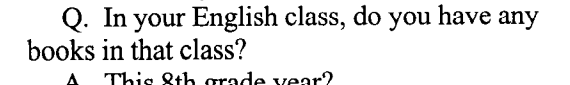
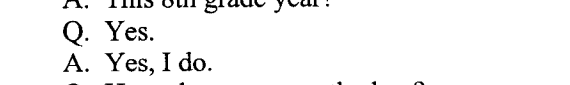
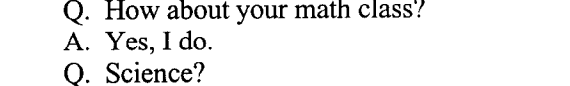
- 1 A. Lincoln -- Lynwood Middle School.
 2 Q. How long were you at Lynwood?
 3 A. One year.
 4 Q. What grade was that?
 5 A. 6th grade.
 6 Q. Where did you go to school before that?
 7 A. Lincoln Elementary School.
 8 Q. How long were you at Lincoln?
 9 A. Since kindergarten to 5th grade.
 10 Q. Why did you leave Lynwood to go to Hosler?
 11 A. Because Hosler was closer to my house.
 12 Q. How far is Lynwood?
 13 A. It was like about -- it's like on the
 14 other side of Lynwood. I'm not sure how long is
 15 it.
 16 Q. Is that the only reason that you went to
 17 Hosler was because of the distance?
 18 A. I guess so. Yeah, basically.
 19 Q. Do you do homework at home?
 20 A. Yes.
 21 Q. Where do you do your homework at home?
 22 A. In my room.
 23 Q. Do you have a desk at home where you do
 24 your homework?
 25 A. Yes.

- 1 Q. And how often do you do homework?
 2 A. When I have homework that teachers give
 3 me.
 4 Q. In the school year, how often is that?
 5 A. Mostly every day.
 6 Q. How long do you have to do your homework
 7 for?
 8 A. Oh, I do my homework and then I study for
 9 about half an hour.
 10 Q. So in total is it about a half an hour?
 11 A. No. It's about an hour, I think.
 12 Q. Do you have a computer at home?
 13 A. Yes.
 14 Q. Do you use your computer to do your
 15 homework?
 16 A. Yes.
 17 Q. Do you have Internet access at home?
 18 A. Yes.
 19 Q. Do you use the Internet often?
 20 A. When I have to do researches and stuff
 21 like that.
 22 Q. Does anyone at home help you with your
 23 homework or your school work?
 24 A. Yes.
 25 Q. Who?

- 1 A. My brother.
 2 Q. Is he older than you?
 3 A. Yes.
 4 Q. How much older is he?
 5 A. Four years older than me.
 6 Q. Is he in high school right now?
 7 A. Yes.
 8 Q. Is that the only sibling you have or do
 9 you have other brothers and sisters?
 10 A. I have a smaller brother.
 11 Q. Is that it?
 12 A. Uh-huh.
 13 Q. Do you have any after school jobs or have
 14 you had any this past school year?
 15 A. No.
 16 Q. What about last year?
 17 A. No.
 18 Q. Did you have a summer job?
 19 A. No.
 20 Q. Not yet?
 21 A. No.
 22 Q. How about after school? Do you have any
 23 activities or programs that you are involved in?
 24 A. Cheerleading.
 25 Q. Oh, really?

- 1 A. Uh-huh.
 2 Q. How long have you been a cheerleader?
 3 A. Since October.
 4 Q. Of this school year?
 5 A. Uh-huh, of 8th grade.
 6 Q. Were you a cheerleader when you were at
 7 Lynwood?
 8 A. No.
 9 Q. How often do you have to practice for
 10 cheerleading?
 11 A. Tuesdays, Wednesdays and Thursdays from
 12 3:00 to 4:00.
 13 Q. And do you have to attend the games?
 14 A. Yeah -- yes.
 15 Q. Are those on the weekends?
 16 A. Sometimes they are on Fridays and there's
 17 not a lot of games.
 18 Q. Any other programs that you are involved
 19 in at school or after school?
 20 A. No.
 21 MR. PRESS: Objection; vague.
 22 BY MS. KOURY:
 23 Q. Is that no?
 24 A. No.
 25 Q. Are you involved in any sports?

- 1 A. Cheerleading is sort of a sport.
 2 Q. Other than cheerleading, any other types
 3 of sports?
 4 A. No.
 5 Q. At Hosler do you have semesters or
 6 quarters? Do you know how it's broken down, your
 7 schedule?
 8 A. There's two semesters.
 9 Q. And this semester what classes are you
 10 taking?
 11 A. I take -- it's -- we have like the both
 12 semesters are basically the same thing.
 13 Q. Okay.
 14 A. We take same.
 15 Q. Same classes this semester as you did last
 16 semester?
 17 A. Yes.
 18 Q. What are those classes?
 19 A. It's English, math, science, PE, history,
 20 and an elective.
 21 Q. What's your elective?
 22 A. Teachers aide.
 23 Q. For what class?
 24 A. For prealgebra class.
 25 Q. Prealgebra?

- 1 A. (Unreportable response.)
 2 Q. Can anyone be a TA or did you have to
 3 qualify to be a TA?
 4 A. You have to have a average.
 5 Q. To be a TA?
 6 A. Uh-huh.
 7 
 8 
 9 
 10 
 11 Q. In your English class, do you have any
 12 books in that class?
 13 A. This 8th grade year?
 14 Q. Yes.
 15 A. Yes, I do.
 16 Q. How about your math class?
 17 A. Yes, I do.
 18 Q. Science?
 19 A. Yes.
 20 Q. PE?
 21 A. No, we don't have books in PE class.
 22 Q. How about history?
 23 A. Yes.
 24 Q. Do you have any classes this school year
 25 during the 8th grade year that you don't have a

1 book to use in class that you have to share with
 2 someone else?
 3 A. No.
 4 Q. Are there any classes this school year
 5 that you can't take your book home for purposes of
 6 doing homework?
 7 A. No.
 8 Q. Is that no?
 9 A. No.
 10 Q. Are there any books this school year that
 11 you think are in really bad condition?
 12 A. Some, but not all.
 13 Q. Which ones do you think are in bad
 14 condition?
 15 A. My history class and my science class.
 16 Q. Let's talk about your history class. How
 17 many books do you have in that class?
 18 A. At the beginning of the year we actually
 19 didn't have none. But then we got some. And we --
 20 they are used.
 21 Q. Do you know why you didn't have books in
 22 the beginning of the year?
 23 MR. PRESS: Objection. Calls for
 24 speculation, lacks foundation.
 25 THE WITNESS: No, I don't know.

1 BY MS. KOURY:
 2 Q. Did the teacher ever say anything to the
 3 effect that she wanted or he wanted books in the
 4 class or was it his choice not to have books?
 5 A. No. She wanted books but she said we had
 6 to wait.
 7 Q. Do you remember when you got books in your
 8 history class?
 9 A. I think after the two weeks we began
 10 school.
 11 Q. You said that you think that these history
 12 books were in bad condition. Why is that?
 13 A. Well, they were used and -- not only
 14 because they are used. I mean they are like
 15 written on and stuff.
 16 Q. Where is the writing?
 17 A. Like on the pages and -- yeah, it's
 18 usually on the pages.
 19 Q. Have you ever been -- have you ever used
 20 your history book and you haven't been able to read
 21 the text of the history book because there's
 22 writing on it?
 23 A. Yes.
 24 Q. How often does that happen?
 25 A. Not much. But maybe some like if there's

1 important pages maybe like I had to go over and
 2 it's not there. It's tagged on, I mean.
 3 Q. When you say tagged, is that like --
 4 A. Written on.
 5 Q. So it's like graffiti on the text?
 6 A. Uh-huh.
 7 Q. I know it's difficult, but I'm going to
 8 ask you again to let me finish asking my question
 9 before you start to answer so there's only one of
 10 us talking at a time so she's able to record it.
 11 Can you specifically remember a time when
 12 you were reading your history book and you couldn't
 13 read the text because there was something written
 14 on it?
 15 A. No.
 16 Q. Can you remember a time where you had to
 17 ask someone to look at their book because you
 18 couldn't read your book?
 19 A. Yes.
 20 Q. Do you remember when that happened?
 21 A. I think it was during November.
 22 Q. Did -- I'm sorry?
 23 A. Not sure.
 24 Q. Did you ask someone else then to use their
 25 book?

1 A. Yes.
 2 Q. Do you remember if you said anything to
 3 your teacher? Did you complain?
 4 A. Yes. I told her that it was written on.
 5 I couldn't see the pages.
 6 Q. What did she say?
 7 A. She said there wasn't any other books so I
 8 had to ask somebody if I could share with them.
 9 Q. And then you shared with them?
 10 A. Yes.
 11 Q. Do you remember if that happened more than
 12 once?
 13 A. I think it happened like twice. I'm not
 14 sure.
 15 Q. And other than writing in the book, in the
 16 history book, are any pages torn?
 17 A. I think there was about, like, two or
 18 three pages missing.
 19 Q. What did you do? Have you come across and
 20 needed those pages?
 21 A. Yes.
 22 Q. What did you do?
 23 A. I told the teacher and she told me I had
 24 to share.
 25 Q. Did you share with someone else?

1 A. Yes.
 2 Q. Other than the writing and pages torn out,
 3 is there anything else that you think is wrong with
 4 these books, the history books?
 5 MR. PRESS: Objection. Vague and
 6 ambiguous as to what you mean by "wrong."
 7 BY MS. KOURY:
 8 Q. Do you understand the question?
 9 A. No.
 10 Q. Is there anything else that bothers you
 11 about the books?
 12 A. No, not --
 13 MR. PRESS: Besides what she's testified
 14 to so far.
 15 THE WITNESS: No, just some pages are
 16 missing and they are written on. That's all.
 17 BY MS. KOURY:
 18 Q. Which you've already testified about?
 19 A. Yes.
 20 Q. What about your science book? How many
 21 books do you have in that class?
 22 MR. PRESS: How many different science
 23 books or how many books total in the class?
 24 BY MS. KOURY:
 25 Q. How many different science books?

1 A. There's only one science book.
 2 Q. What about the science book bothers you?
 3 A. Just like in the history class, some pages
 4 are missing and they are written on.
 5 Q. Have you ever had a page in your science
 6 book that you couldn't read because it was written
 7 on?
 8 A. Yes.
 9 Q. What did you do?
 10 A. I told the teacher and she said -- just
 11 like the history teacher.
 12 Q. And did you share?
 13 A. Yes.
 14 Q. How often did that happen?
 15 A. I think it was two times. I'm not sure.
 16 Q. And you say there are pages missing from
 17 this book at well?
 18 A. Yes.
 19 Q. Have you come across those pages and
 20 needed to use them?
 21 A. Yes.
 22 Q. What did you do?
 23 A. I told the teacher and I had to share
 24 again.
 25 Q. Do you remember how many times that

1 happened?
 2 A. Like twice.
 3 Q. Is there anything else about the science
 4 book that bothers you?
 5 A. No.
 6 Q. What about in your 7th grade, what classes
 7 did you take at Hosler in 7th grade?
 8 A. Other than except my electives -- I wasn't
 9 a TA, I was in art class.
 10 Q. So you took English, math, science, PE,
 11 history and art?
 12 A. Uh-huh, yes.
 13 Q. Did you have books for your English class
 14 in 7th grade?
 15 A. No.
 16 Q. How did you -- what did you use in your
 17 English class?
 18 A. We just had a class. We didn't have take
 19 home.
 20 Q. Okay. Do you remember the name of the
 21 book?
 22 A. It just had literature in the front.
 23 Q. Did you have your own literature book to
 24 use in class?
 25 A. Yes.

1 Q. So you didn't have to share with any other
 2 students?
 3 A. No.
 4 Q. Did you ever want to take the literature
 5 book home?
 6 A. Yes.
 7 Q. Did you ever ask the teacher if you could
 8 take it home?
 9 A. She said I couldn't because other classes
 10 were going to need it.
 11 Q. Do you remember why you wanted to take it
 12 home?
 13 A. To study.
 14 Q. Did she do anything else to help you study
 15 at home?
 16 A. No.
 17 Q. Was there -- did you ever get homework in
 18 this class?
 19 A. Yes.
 20 Q. What kind of homework?
 21 A. We got photocopies.
 22 Q. Of what? Do you remember?
 23 A. Of worksheets. We would get worksheets
 24 and -- that's basically it, worksheets.
 25 Q. Did you ever ask if you could check the

1 literature book out?
 2 A. No. But she said we just couldn't take it
 3 home.
 4 Q. Do you remember what the condition of this
 5 literature book was in?
 6 A. It was -- it was written on, but not
 7 that -- I didn't see any pages missing.
 8 Q. Did you ever -- did you ever remember
 9 reading your literature book and you weren't able
 10 to read the text because there was writing on it?
 11 A. Yes.
 12 Q. Do you remember what happened?
 13 A. I had to share with another student.
 14 Q. Do you know how old your literature book
 15 was?
 16 A. No.
 17 Q. Do you remember how often that happened
 18 that you were reading your literature book and you
 19 weren't able to read the text because it was
 20 written on?
 21 A. In my English class it was like five
 22 times. Like the cover looked and it was okay, but
 23 once you read through and stuff, there were a lot
 24 of written things on it.
 25 Q. When you say the cover looked okay, do you

1 Q. Did you use any books in your science
 2 class in the 7th grade?
 3 MR. PRESS: Are you talking about science
 4 class?
 5 MS. KOURY: That was the question.
 6 THE WITNESS: I'm trying to remember who
 7 was my science teacher.
 8 MR. PRESS: 7th grade science.
 9 THE WITNESS: Oh, we didn't.
 10 BY MS. KOURY:
 11 Q. What did you do in class?
 12 A. We just had our own books and we would get
 13 photocopies.
 14 Q. Of what?
 15 A. For things, for homework we would get
 16 worksheets to take to our house. That was
 17 basically our homework.
 18 Q. What were you -- do you remember what you
 19 were learning in the 7th grade in your science
 20 class?
 21 A. About cells.
 22 Q. Did you have any lab experiments in
 23 the 7th grade?
 24 A. No.
 25 Q. I take it you didn't have any books in

1 mean there was no writing on it?
 2 A. It was like in -- it was used but in a
 3 good condition.
 4 Q. And what about your math class, did you
 5 use your book in the 7th grade for that class?
 6 A. In the 7th grade, yes.
 7 Q. How many books did you have? Was it just
 8 one book that you used?
 9 A. Yeah.
 10 Q. Did you have your own math book to use in
 11 class?
 12 A. Yeah. The one we took home we had to
 13 bring it back. Back and forth the book. We have
 14 to take the book back to our house and then bring
 15 back to school.
 16 Q. So you had your own book to use in class
 17 and to take home?
 18 A. Yes.
 19 Q. Do you remember what the condition of this
 20 book was in?
 21 A. The math book was okay.
 22 Q. You were able to read the text?
 23 A. Yes.
 24 Q. No pages were torn out?
 25 A. No.

1 your PE class in the 7th grade?
 2 A. No.
 3 Q. How about history? Did you have any
 4 books?
 5 A. Yes.
 6 My 7th grade class?
 7 Q. Right.
 8 A. Yeah, we did have books.
 9 Q. Did you just have one book or did you have
 10 more than one type of book?
 11 A. We just had one time of book.
 12 Q. Did you have your own book to use in
 13 class?
 14 A. Yes.
 15 Q. Were you able to take your history book
 16 home for purposes of doing homework?
 17 A. We had -- there was a class. They gave us
 18 a book so we could take home.
 19 Q. Did you ever have to share your history
 20 book in class?
 21 A. No.
 22 Q. Do you remember the condition of the
 23 history book?
 24 A. It was -- it was okay, the book.
 25 Q. Was there any writing in it?

- 1 A. Just in pencil. And I would erase it.
 2 Q. And there were no pages torn out?
 3 A. No.
 4 Q. How about your art class? Did you use any
 5 books for your art class?
 6 A. Yes.
 7 Q. How many different types of books did you
 8 use for your art class?
 9 A. One, I think.
 10 Q. Did you have your own book to use in
 11 class?
 12 A. Yes.
 13 Q. How about to take home for purposes of
 14 doing homework?
 15 A. No, we didn't have books to take home.
 16 Q. Did you want to take the art book home?
 17 A. Yes.
 18 Q. Why?
 19 A. For homework and to study when we going to
 20 have test.
 21 Q. What kind of art class was this?
 22 A. Just an art class.
 23 Q. Was it art history or was it -- did you
 24 actually draw in class?
 25 A. Yeah.

- 1 Q. You drew?
 2 A. Uh-huh.
 3 Q. What kind of homework did you get?
 4 A. Sometimes we'd like vocabulary of like
 5 art. Or sometimes we would just take our projects
 6 home and finish it at home.
 7 Q. How did you do your homework without the
 8 book?
 9 A. Well, the project, we -- we already knew
 10 what to do with the project. But with the
 11 vocabulary we like had to finish in class. Or
 12 sometimes we had to go like after school and get a
 13 book. And if there are like -- if there are -- if
 14 other students come and get the book after school
 15 sometimes I wouldn't get a book to take home.
 16 Q. Students could check the art books out to
 17 take home for homework?
 18 A. Yeah.
 19 Q. Did you ever go to check an art book out
 20 for homework and you weren't able to because there
 21 were none left?
 22 A. Yes.
 23 Q. How often did that happen?
 24 A. That happened once.
 25 Q. What did you do?

- 1 A. I asked my teacher if I could do the
 2 homework in the class.
 3 Q. What did she say or he say?
 4 A. Said it was fine because I didn't get to
 5 get a book.
 6 Q. Did you have any supplies in your art
 7 class? Did you have crayons, markers, paint?
 8 A. Yes.
 9 Q. Did you have enough supplies? Did you
 10 ever feel you didn't have enough crayons or the
 11 supplies you needed for the art class?
 12 A. No.
 13 Q. What about for your science class, did you
 14 use anything other than the books in your science
 15 class?
 16 A. Oh, we -- we --
 17 Q. This is in the 7th grade?
 18 A. In the 7th grade?
 19 Q. Right.
 20 A. Well, when we were learning about cell
 21 plants -- cells of plants, we had to -- the teacher
 22 had to buy stuff and so we could see the process of
 23 a plant or something like that. And we -- we
 24 didn't get to do much science like projects in my
 25 science class in 7th grade.

- 1 Q. What do you mean by that?
 2 A. They -- like things we could like --
 3 because in the book sometimes they had like
 4 examples of like projects we could have done, and
 5 we couldn't do them.
 6 Q. So you did have science books?
 7 A. Just the class set.
 8 Q. And you didn't have to share the class
 9 set?
 10 A. No.
 11 Q. And you said there were experiments in the
 12 book that you didn't do in class?
 13 A. Yes.
 14 Q. Did you ever hear the teacher say anything
 15 about the experiments in the book that you weren't
 16 doing in class?
 17 A. Yes. She said if we wanted to do them we
 18 had to bring money.
 19 Q. What happened?
 20 A. Sometimes some students didn't bring money
 21 and so she couldn't go buy the stuff so we simply
 22 didn't do them.
 23 Q. Other than the plant experiment, did you
 24 do any other experiments?
 25 A. Not that I recall. I don't know.

1 Q. But you remember students bringing money
2 to do experiments?
3 A. We just had to bring like 50 cents, yeah.
4 I don't remember what project that was, but I know
5 it wasn't to do the plant project.
6 Q. So you know that there was some other
7 project that you did; you just can't remember what
8 the project was?
9 A. Yes.
10 Q. Do you remember what the condition of the
11 science book was in, the one that you used in
12 class?
13 A. The science book was okay.
14 Q. Did you ever want to take the science book
15 home?
16 A. Yes.
17 Q. Why?
18 A. To finish section reviews or to study for
19 the tests.
20 Q. Did you ever ask the teacher if you could
21 take it home?
22 A. Yes. Sometimes she would let me take it
23 home but sometimes she wouldn't.
24 Q. Do you know why she wouldn't let you take
25 it home?

1 A. No.
2 Q. Did you ever ask her why?
3 A. No. She would say no and I would tell her
4 okay.
5 Q. Did you think it was weird sometimes she
6 would let you take it home and other times she
7 wouldn't?
8 A. Yes.
9 Q. Do you have any idea why that was that
10 sometimes you could and sometimes you couldn't?
11 A. No.
12 Q. Did you ever tell your parents that you
13 wanted to take the science book home and the
14 teacher wouldn't let you that night?
15 A. Yes.
16 Q. Did your parents do anything?
17 A. No.
18 Q. Did your parents ever talk to your science
19 teacher about that?
20 MR. PRESS: Objection. Calls for
21 speculation.
22 BY MS. KOURY:
23 Q. That you know of.
24 MR. PRESS: Lacks foundation.
25 THE WITNESS: No.

1 BY MS. KOURY:
2 Q. How many times did you ask your science
3 teacher to take the book home and you weren't able
4 to?
5 A. Like about four times.
6 Q. Do you know if the other kids in your
7 science class took their books home at all?
8 A. I think they did, yeah. I'm not sure.
9 Q. When your science teacher told you you
10 couldn't take the book home, she didn't tell you
11 anything else? She just said you can't take it
12 home?
13 A. Yes.
14 Q. Do you know if anyone ever complained in
15 your science class or did you ever complain that
16 you weren't doing all the projects in the book?
17 A. Yes.
18 Q. What happened?
19 A. My teacher said there wasn't supplies to
20 do it so we couldn't do it.
21 Q. Who complained? Do you remember?
22 A. These kids in class.
23 Q. And did anyone -- did you tell your
24 parents about that?
25 A. Yeah.

1 Q. What did you tell them?
2 A. I told them that there wasn't supplies to
3 do the projects in our science class.
4 Q. Do you remember if they did anything or
5 talked to anyone?
6 A. No.
7 MR. PRESS: Calls for speculation.
8 BY MS. KOURY:
9 Q. Do you remember specifically which
10 projects that you wanted to do that you didn't do?
11 A. No, I don't remember.
12 Q. And other than the plant project, you
13 can't remember any of the other projects that you
14 did in your science class?
15 A. No.
16 Q. Do you remember how many other projects
17 you did?
18 A. I think there were two other projects.
19 Q. Other than the plant project?
20 A. Yes.
21 Q. In your 7th grade math class, do you
22 remember how many students there were?
23 A. It was between 30 and I think 35. I'm not
24 sure.
25 Q. Between 30 to 35 students?

1 A. Yes.
 2 Q. Do you need a break?
 3 A. No, that's fine.
 4 MR. PRESS: We'll take one in like
 5 ten minutes if that's okay with you.
 6 MS. KOURY: Yeah, that's fine with me.
 7 Q. Do you remember where you sat in your math
 8 class.
 9 THE WITNESS: If I didn't get there on
 10 time I had to sit where the broken computers were.
 11 BY MS. KOURY:
 12 Q. Could you describe what your math class
 13 looked like?
 14 MR. PRESS: Objection; vague and ambiguous
 15 as to "what it looked like."
 16 BY MS. KOURY:
 17 Q. Do you understand the question?
 18 A. Uh-uh.
 19 Q. Can you describe to me how the set up of
 20 the classroom was? Were there tables, desks, how
 21 many?
 22 A. I'm not sure how many desks there were.
 23 But like around the classroom there was like
 24 computers that didn't work. So there was -- we
 25 would have to, like, sit there. Mostly the

1 computer took all the space of the desk. We had to
 2 like write on the tip, or something, of the desk.
 3 Q. When you walk into your math class were
 4 there any desks at all or were they all tables with
 5 chairs?
 6 A. Desks.
 7 Q. Do you remember about how many desks there
 8 were?
 9 A. I think there were about 25. I'm not
 10 sure.
 11 Q. So there were -- were the -- were each
 12 desk, did it have a computer on it?
 13 A. It was desk and then around there was like
 14 other desks. But it was like a table that had the
 15 computers on it. And that took like room of the
 16 classroom. And that's why not enough desks with,
 17 like -- like where a student would sit, it didn't
 18 all fit.
 19 Q. Talking about the desks without the
 20 computers on them, they were individual desks with
 21 their own chairs --
 22 A. Yes.
 23 Q. -- is that right?
 24 A. Yes.
 25 Q. And you think there are about 25 of those?

1 A. Yes. I'm not sure.
 2 Q. Around those desks there were tables with
 3 computers and chairs?
 4 A. Yes.
 5 Q. You stated earlier that if you got to
 6 class late you couldn't find a desk, you had to sit
 7 at the tables where the computers were; is that
 8 correct?
 9 A. Yes. And sometimes some students had to
 10 sit on the floor.
 11 Q. Do you remember how -- do you remember how
 12 often students would sit on the floor?
 13 A. No, I don't remember.
 14 Q. Do you remember if it happened more than
 15 once?
 16 A. I'm not sure. I don't remember.
 17 Q. Do you know if anyone complained that they
 18 had to sit on the floor?
 19 A. Yes.
 20 Q. Who did they complain to?
 21 A. To the teacher.
 22 Q. And what did the teacher say?
 23 A. They had to wait until they got other
 24 desks.
 25 Q. And did he ever get other desks?

1 A. Yes.
 2 Q. When did he get more desks?
 3 A. I think it was after the winter vacation.
 4 I'm not too sure.
 5 Q. When was your winter vacation?
 6 A. It's -- it starts in -- it doesn't start
 7 like -- it's like December 17 to January the 3rd, I
 8 think. I'm not sure. Between those dates.
 9 Q. When you got back from winter vacation in
 10 around January, there were more desks in your math
 11 class?
 12 A. Yes.
 13 Q. Did they change -- did they take out any
 14 of the desks that were previously in the math
 15 class?
 16 A. They took the computers and the tables
 17 where the computers were out.
 18 Q. And they put in more desks?
 19 A. Uh-huh.
 20 Q. Is that "yes"?
 21 A. Yes.
 22 Q. Individual desks with their own little
 23 chairs?
 24 A. Yes.
 25 Q. At that point did everyone have a desk to

1 sit in?
 2 A. Yes.
 3 Q. Before there were more desks in the class
 4 before your Christmas -- I'm sorry, before your
 5 winter break, do you remember how many people had
 6 to sit at the tables with the computers?
 7 A. About six. I'm not sure.
 8 Q. And you said that you had to sit there?
 9 A. Sometimes.
 10 Q. And you said you had to sit there
 11 sometimes?
 12 A. If I came late.
 13 Q. Was it uncomfortable?
 14 A. Yes.
 15 Q. Why?
 16 A. Because we didn't have enough, like, room,
 17 so we had to, like -- there wasn't room to put our
 18 book and paper.
 19 Q. What would you do?
 20 A. I hold the book in my hand and write with
 21 the other right on the paper.
 22 Q. When you say "write," you mean take notes
 23 in class?
 24 A. Yes.
 25 Q. Do you know if it was that there wasn't

1 Q. Were you able to take notes when you sat
 2 at the little desks?
 3 A. Yes. It was hard, but I -- I could.
 4 Q. Was it more comfortable than sitting at
 5 the tables with the computers?
 6 A. Yes.
 7 Q. Why?
 8 A. Because when we were in the computers, you
 9 had to like face like the wall. And once we were
 10 in the desk we could face the board. And if the
 11 teacher was writing stuff on the board we couldn't
 12 take it down like without have to turn and stuff.
 13 Q. Did it feel less crowded once the
 14 computers were out of the classroom?
 15 A. Yes.
 16 Q. Were there any other classes that you had
 17 in your 7th grade that there wasn't enough space
 18 for everyone to sit at a desk?
 19 A. I don't think so.
 20 MS. KOURY: Did you want to take a break?
 21 MR. PRESS: Yes.
 22 (Recess.)
 23 BY MS. KOURY:
 24 Q. Did you have a nice break?
 25 A. Yes.

1 enough room initially in your math class?
 2 A. No.
 3 Q. Do you know if anyone complained about
 4 that before the winter break?
 5 A. I don't know.
 6 Q. Did you ever complain about it before the
 7 winter break?
 8 A. I told the teacher if -- if they were
 9 going to take the computers out. He said he had to
 10 talk to the principal.
 11 Q. And after the winter break, once the new
 12 desks were put in and the old tables were taken out
 13 with the computers, was there enough room?
 14 A. The desks were small but there was room.
 15 They were little desks.
 16 Q. When you say they were little, were they
 17 smaller than the other desks already in the
 18 classroom?
 19 A. Yes.
 20 Q. And did you ever sit in the smaller desks?
 21 A. Yes.
 22 Q. How did you -- how did you write in class?
 23 A. Well, I'd, like, in the computer tables I
 24 had to hold the book. Because it was small, the
 25 little table with the desk.

1 Q. Can you describe to me how many bathrooms
 2 there are at Hosler?
 3 A. There's -- well, now they keep both of
 4 them open. But last year, in the 7th grade, one of
 5 them was locked up all day.
 6 Q. Let's talk about how many bathrooms there
 7 are now just in general regardless of whether they
 8 are open or closed. How many girls bathrooms are
 9 there at Hosler?
 10 A. Two.
 11 Q. Where are they each located?
 12 A. One is at the lunch area and the other one
 13 is by the 6th graders.
 14 Q. Where are the 6th graders?
 15 A. It's almost like at in front of the
 16 school.
 17 Q. How many buildings are there at Hosler?
 18 A. Like how buildings?
 19 Q. Are all your classes in one building or
 20 are there more than one building?
 21 Do you understand that?
 22 A. No.
 23 Q. Like right now we're in a building, we're
 24 in one building and all the offices are in the same
 25 building. Your classrooms, are they in one

- 1 building or are they separated into more than one
 2 building? Does that make more sense?
 3 A. Yeah, they are not in one building.
 4 Q. Separate buildings?
 5 A. Uh-huh.
 6 Q. How many are there?
 7 A. Well, there's like -- they are not
 8 trailers, but there's like some classrooms and
 9 there's like -- I don't know. Some classrooms in
 10 one row like one row. And they have -- there are
 11 like four different classes. You mean that --
 12 Q. So there's portable classrooms, is that
 13 what you were describing before?
 14 A. Yes.
 15 Q. Do you know how many of those there are?
 16 A. I'm not sure.
 17 Q. Was there more than five?
 18 A. Yes.
 19 Q. More than 10?
 20 A. I'm not sure.
 21 Q. And you were describing before that one of
 22 the bathrooms is near the lunch area?
 23 A. Yes.
 24 Q. What's the lunch area? Is it outside --
 25 A. Yes.

- 1 Q. Is it a cafeteria? Is it outside?
 2 A. It's outside.
 3 Q. Is there a cafeteria?
 4 A. Yes.
 5 Q. Is the cafeteria like a closed off room or
 6 is it open?
 7 A. It's like a room but it's in our
 8 auditorium.
 9 Q. And this -- well, actually in the lunch
 10 area bathroom, how many stalls are there?
 11 A. Three.
 12 Q. How many stalls are there in the bathroom
 13 near the front of the school, or near the 6th
 14 graders as you described it?
 15 A. There is about six.
 16 Q. About six stalls?
 17 A. I think. I'm not sure.
 18 Q. You are talking about this school year,
 19 your 8th grade school year, are both of these
 20 bathrooms open?
 21 A. Yes.
 22 Q. Have they been open since the beginning of
 23 the school year?
 24 A. Yes, sir.
 25 Q. Have you ever had to wait in line to use

- 1 the bathroom this school year?
 2 A. No, not really.
 3 Q. Have you heard any of your other friends
 4 complain that they had to wait in line to use the
 5 bathroom this school year?
 6 A. No.
 7 Q. And do you know how often this school
 8 year -- do you know how often the bathrooms are
 9 cleaned?
 10 A. No, I don't know how often they are
 11 cleaned.
 12 Q. Have you ever seen anyone while you have
 13 been in the 8th grade clean the bathrooms?
 14 A. Yes.
 15 Q. Who did you see clean the bathrooms?
 16 A. The custodian.
 17 Q. How many custodians did you see?
 18 MR. PRESS: On how many occasions or how
 19 many --
 20 BY MS. KOURY:
 21 Q. How many custodians did you see when you
 22 saw custodians clean the bathroom?
 23 A. Only one.
 24 Q. How often have you seen this custodian
 25 clean the bathrooms this school year.

- 1 A. How often do I see her clean the
 2 bathrooms?
 3 Q. Yeah, how often do you see her clean the
 4 classrooms this school year?
 5 A. I've seen six times. I'm not sure.
 6 Q. What time of day is it that you see her
 7 cleaning the bathrooms?
 8 A. Sometimes after school or sometimes like
 9 in third period, between third period and fourth
 10 period.
 11 Q. What time do you have third -- what time
 12 is third and fourth period?
 13 A. It's during the five-minute break at 11:15
 14 and 11:20.
 15 Q. What time do you have lunch?
 16 A. 1:10.
 17 Q. Does everyone at your school have lunch at
 18 the same time?
 19 A. No.
 20 Q. Is it the 8th graders that have lunch at
 21 12:10?
 22 A. 7th and 8th graders.
 23 Q. What time do the 6th graders have lunch?
 24 Do you know?
 25 A. I think it starts when fourth period

1 starts.
 2 Q. Which is around 11:10, 11:20?
 3 A. 11:20.
 4 Q. What did you see the custodian do when she
 5 was cleaning the bathrooms?
 6 A. She was taking out the trash bags and I
 7 think she was mopping.
 8 Q. This school year have you ever used the
 9 bathroom and not had enough toilet paper?
 10 A. Yes.
 11 Q. How many times has that happened?
 12 A. Once.
 13 Q. Do you remember when that was?
 14 A. No.
 15 Q. Was it before Christmas break?
 16 A. Yes.
 17 Q. What did you do?
 18 A. I screamed at my friend and I told her to
 19 hand me some.
 20 Q. Did she?
 21 A. Yes, sir.
 22 Q. So there was toilet paper in the bathroom,
 23 just not in the stall that you were using at the
 24 time?
 25 A. Yes.

1 Q. And have you ever used the bathroom this
 2 school year and there wasn't enough paper towels?
 3 A. Yes.
 4 Q. How many times did that happen this school
 5 year?
 6 A. That happened, I think, about four times.
 7 Q. What did you do?
 8 A. I used shook my hands off, kept them wet.
 9 Q. Did you tell anyone, complain to anyone
 10 that there wasn't enough paper towels?
 11 A. No.
 12 Q. Did you tell any teachers?
 13 A. No.
 14 Q. Do you think that it would help if you
 15 told the teacher, "Hey, there's no paper towels in
 16 the bathroom"?
 17 MR. PRESS: Objection; calls for
 18 speculation, lacks foundation.
 19 THE WITNESS: I don't know.
 20 BY MS. KOURY:
 21 Q. Have you ever heard anyone tell a teacher
 22 or someone else at the school, an official at the
 23 school, "Hey, there's no paper towels in the
 24 bathrooms"?
 25 A. Yes.

1 Q. What happened?
 2 A. I'm not sure. They said they were going
 3 to send a custodian to put some paper towels.
 4 Q. I'm sorry. I didn't hear you. You think
 5 they sent the custodian to put the paper towels in
 6 the bathroom?
 7 A. I think that's what they told, this girl,
 8 I told the security, I think is what she told.
 9 Q. She told a security guard that you needed
 10 more paper towels in the bathroom?
 11 A. Yeah, and the security guard I think --
 12 I'm not sure, but I think he said he was going to
 13 send a custodian to put some paper towels.
 14 Q. Do you think it would help if there were
 15 no paper towels to tell a security guard so that
 16 they would tell the custodian?
 17 A. I guess so.
 18 Q. Do you see the custodian -- the times
 19 that -- actually, I'm not going to ask that.
 20 Do you think the bathrooms this school
 21 year are too dirty?
 22 A. Not as much as they were last year.
 23 Q. Talking about just this school year have
 24 you ever gone in the bathroom and thought "It's too
 25 dirty; I'm not going to use the bathroom"?

1 A. Yes.
 2 Q. Do you remember how often that's happened?
 3 A. Like twice.
 4 Q. Do you remember what time of day it was?
 5 A. Lunch.
 6 Q. What did it look like? Why was it too
 7 dirty, in your opinion?
 8 A. It was like -- the toilet seat they had
 9 like dirt on it. It was like dirty. There was no
 10 paper. Some of it was on the floor. And there
 11 was -- it was like the floor was like muddy or --
 12 it was like dirt and water.
 13 Q. Both times it was around lunchtime?
 14 A. Yes.
 15 Q. Did you come back to the bathroom
 16 afterwards later on in the day?
 17 A. In my 7th period.
 18 Q. And what did the bathrooms look like then?
 19 A. It was -- it was -- the floor was clean, I
 20 guess, cleaned up. There wasn't -- it wasn't wet
 21 any more.
 22 Q. What about the trash or the dirt on the
 23 seats that you saw?
 24 A. I just wiped it off with a paper towel.
 25 Q. You ended up using the bathroom later on

- 1 in the day?
 2 A. Yes.
 3 Q. And in your opinion, was it the bathrooms
 4 were overall cleaner at the end of the day?
 5 A. Yes.
 6 Q. Have you ever been unable to use the
 7 bathroom this school year or for some reason there
 8 were too many people in the bathroom and you had to
 9 hold it?
 10 A. No, not really.
 11 Q. What about in the 7th grade, how many --
 12 A. Yes --
 13 Q. I haven't finished asking the question
 14 yet.
 15 A. Oh.
 16 Q. In the 7th grade was it the same thing,
 17 there were two bathrooms at that time? Regardless
 18 of whether they were opened or closed, were there
 19 two bathrooms?
 20 A. Yes.
 21 Q. One of them is near the lunch area and the
 22 other one is near the 6th grade?
 23 A. Yes.
 24 Q. Were they both open?
 25 A. No.

- 1 Q. Which ones were closed?
 2 A. The one by the 6th graders.
 3 Q. Were they closed the entire school year?
 4 A. Yes, closed all day.
 5 Q. Did you ever use them during the 7th
 6 grade?
 7 A. No. I always went -- I would always go to
 8 the ones that were near the lunch area.
 9 Q. Do you know why they were closed?
 10 A. No.
 11 Q. Did you ever complain to anyone that they
 12 were closed?
 13 A. No.
 14 Q. Did you ever hear anyone else complain
 15 that they were closed?
 16 A. Not that I know.
 17 Q. What did it look like, the bathroom near
 18 the 6th graders? Was there something -- was there
 19 a chain locking the doors or how did you know it
 20 was closed?
 21 A. It was like -- it was a door and we would
 22 try to open it and it was closed.
 23 Q. Just locked?
 24 A. Uh-huh.
 25 Q. And you said this school year it's open?

- 1 A. Yes.
 2 Q. Do you know why it was open this school
 3 year?
 4 A. No.
 5 Q. Have you ever asked anyone?
 6 A. No.
 7 Q. Last school year when you only had the
 8 bathroom near the lunch area, did you ever have to
 9 wait in line for the bathroom?
 10 A. Yes.
 11 Q. How often would you have to wait in line?
 12 A. Well, when I wanted to go to the
 13 bathroom -- it's like during the breaks it was then
 14 and at lunch time, too.
 15 Q. Again my question is, though, how often
 16 would you have to wait in line? Was it every time
 17 you needed to use the bathroom you had to wait in
 18 line?
 19 A. Not every time. It was -- I'm not sure
 20 how many times.
 21 Q. Did you ever have to -- how long was your
 22 break?
 23 A. It was a five-minute break.
 24 Q. Is that the break in between classes?
 25 A. Yes.

- 1 Q. Did you have like a recess in addition to
 2 the breaks in between classes?
 3 A. No.
 4 Q. And you have a lunch break?
 5 A. Yes.
 6 Q. How long was your lunch break?
 7 A. I think -- I think 30 minutes.
 8 Q. 30 minutes?
 9 A. 40 minutes, I think.
 10 Q. And you didn't have any other breaks
 11 besides the 5 minutes in between classes and the
 12 40-minute lunch break?
 13 A. No.
 14 Q. Did you ever try to use the bathroom in
 15 the 7th grade while you were in the 7th grade
 16 during your five-minute breaks and you weren't able
 17 to because the line was too long?
 18 A. Yes. I'm not sure how often that
 19 happened.
 20 Q. More than once?
 21 A. Yes.
 22 Q. More than 5 times?
 23 A. I think so.
 24 Q. What would happen when you had to use the
 25 restroom and you couldn't because there was too

1 long of a line?

2 A. The tardy bell would ring and I had to go
3 to my class. And the teacher wouldn't let me go to
4 the bathroom for the first part of the class so I
5 had to wait and then go.

6 Q. You'd have to wait until the class was
7 over?

8 A. No, not until. For 25 minutes or so,
9 something like that.

10 Q. Do you know why she wouldn't let you go in
11 the first half of the class?

12 A. I don't know.

13 Q. Did you ever ask her to use the bathroom
14 in the first half of the class?

15 A. Yes.

16 Q. And she would say?

17 A. She'd say I had to wait.

18 Q. Did you ever have to use the restroom
19 while you were in the 7th grade during your lunch
20 break and you weren't able to because the line was
21 too long?

22 A. I would wait until -- I wouldn't wait in
23 line.

24 Q. How long were the lines?

25 A. Like ten minutes.

1 Q. How long do you have to wait in line this
2 school year?

3 A. Two minutes or so.

4 Q. And last school year in the 7th grade, did
5 you think the bathrooms were too dirty?

6 A. Yes.

7 Q. Did you ever go to use the bathroom while
8 you were in the 7th grade and there wasn't any
9 toilet paper?

10 A. Yes.

11 Q. How many times did that happen, do you
12 remember?

13 A. Like about three or four times.

14 Q. What did you do?

15 A. Well, I went -- I forgot my friend's name.
16 I told her if she can give me some.

17 Q. So there was toilet paper in the other
18 stalls?

19 A. Yeah.

20 Q. What about paper towels, did you ever use
21 the bathroom while you were in the 7th grade and
22 there just wasn't any paper towels?

23 A. Yeah, there wasn't. Sometimes there
24 wasn't like paper towels at all. I mean there was
25 none whatsoever paper towels.

1 Q. How often would you have to wait in line
2 during lunch break?

3 A. Lunch, the lunch break.

4 Q. How often do you remember having to wait
5 in line to use the bathroom? Throughout the school
6 year how many times do you think you waited in line
7 to use the bathroom during the lunch break?

8 A. I don't know.

9 Q. Was it a couple times a week?

10 A. Yeah.

11 Q. One or two times a week?

12 A. Like two times a week.

13 Q. And the other times you didn't have to
14 wait in line, you could just use the bathroom right
15 away?

16 A. Yeah.

17 Q. Excuse me?

18 A. Yes.

19 Q. This school year now that the other
20 bathroom is open, you don't have to wait in line
21 for either bathroom regardless of which bathroom
22 you're using, you don't have to wait in line; is
23 that correct?

24 A. We do wait in line but not as much as we
25 did last year.

1 Q. How often did that happen while you were
2 in 7th grade?

3 A. Like more than 5 times, I think.

4 Q. And do you remember what you did?

5 A. I just shake my hands off and wait until
6 they dry.

7 Q. Did you ever complain to anyone?

8 A. (Unreportable response.)

9 Q. No?

10 A. (Unreportable response.)

11 Q. Is that no?

12 A. No.

13 Q. She can't record that. You said more than
14 5 times. Do you know if it happened more than 10
15 times?

16 A. I'm not sure.

17 Q. Do you ever remember anyone else
18 complaining or telling anyone, "Hey, there's no
19 paper towels in the bathroom"?

20 A. Not that I know of.

21 Q. Do you remember seeing the custodian in
22 the bathrooms while you were in the 7th grade ever?

23 A. Yes.

24 Q. When did -- how often would you see her in
25 the bathrooms while you were in the 7th grade?

- 1 A. I don't know. I don't remember.
 2 Q. More than 5 times?
 3 A. I think. I'm not sure.
 4 Q. Do you remember what time of day you would
 5 see her?
 6 A. I don't remember seeing her during the
 7 lunchtime.
 8 Q. Was she ever around when you didn't have
 9 any paper towels in the bathroom?
 10 A. Only like twice.
 11 Q. Why didn't you ask her for paper towels?
 12 A. I told her once I was in the bathroom, but
 13 I wouldn't go out to look for her.
 14 Q. What about after you used the bathroom,
 15 did you tell her? Did you think about telling her
 16 maybe that there were no paper towels left?
 17 A. No.
 18 Q. You said earlier that you thought it was
 19 too dirty, the bathrooms, while were you were in
 20 the 7th grade?
 21 A. Yes.
 22 Q. What do you mean by that?
 23 A. The floor was, like, wet. And there
 24 wasn't enough, like, paper towels sometimes. And
 25 it was just, like, muddy on the floor, like,

- 1 always.
 2 Q. Other than the mud on the floor, is there
 3 anything else that made it dirty?
 4 A. The -- not dirty. But sometimes the
 5 doors, like, they had to hold them for us because
 6 the lock didn't work proper.
 7 Q. Anything else?
 8 A. Not that I remember.
 9 Q. This school year do the locks on the doors
 10 work properly in the bathroom near the lunch area?
 11 A. Yes.
 12 Q. Did you ever go into the bathroom while
 13 you were in the 7th grade and think "This is too
 14 dirty. I'm not going to use the bathroom"?
 15 A. Yes.
 16 Q. How often did that happen?
 17 A. Like twice.
 18 Q. What did you do?
 19 A. I just walked out of the bathroom.
 20 Q. Did you come back later?
 21 A. Yes.
 22 Q. What happened when you came back later?
 23 A. It was cleaner.
 24 Q. Did you use the bathroom?
 25 A. Yes.

- 1 Q. Do you think that only happened twice?
 2 A. I'm not sure how many times it happened.
 3 Q. Do you know why the bathroom was cleaner
 4 later?
 5 A. Maybe they cleaned it.
 6 Q. But you don't know?
 7 A. No.
 8 Q. You didn't see the custodians in there?
 9 A. No.
 10 Q. While you were in the 7th grade, who was
 11 your English teacher at the beginning of the school
 12 year?
 13 A. We had different teachers.
 14 Q. Who was the teacher when you first
 15 started? Do you remember?
 16 A. Mr. Trigo.
 17 Q. So Mr. Trigo was your teacher in September
 18 when school started? Did school start in
 19 September?
 20 A. Yes.
 21 Q. He was the teacher in September when it
 22 started?
 23 A. Yes.
 24 Q. When did Mr. Trigo leave?
 25 A. Maybe couple of weeks. I don't remember.

- 1 Q. Was it before Halloween?
 2 A. I don't remember.
 3 Q. I know it's hard to remember, but I'm
 4 going to ask you a couple more questions and see if
 5 it triggers your memory.
 6 Do you know who your teacher was on
 7 Halloween?
 8 A. We had different subs. We had many subs
 9 for that English class.
 10 Q. Do you remember if Mr. Trigo was around
 11 Thanksgiving time?
 12 A. No.
 13 Q. Do you remember if Mr. Trigo was around
 14 before that whole -- that holiday just escaped my
 15 memory.
 16 Was Mr. Trigo -- do you know why he left?
 17 A. No.
 18 Q. Who came after him? What teacher started
 19 to substitute after him?
 20 A. Well, we had substitutes, and I think it
 21 was Mr. Colleton or Mr. Castillo. I'm not sure
 22 which.
 23 Q. Do you remember if you got a teacher after
 24 Mr. Trigo, a permanent teacher?
 25 A. No. We just had subs.

- 1 Q. The whole year?
 2 A. Until January.
 3 Q. Who came in January?
 4 A. [REDACTED]
 5 Q. Do you remember how many weeks it was or
 6 how many months it was that you had substitute
 7 teachers between Mr. Trigo and [REDACTED]
 8 A. [REDACTED] came in January and I had
 9 Mr. Trigo at the beginning of the year.
 10 Q. So Mr. Trigo, do you remember if he was
 11 around for more than a month?
 12 A. I know he was there for some weeks, but I
 13 don't know. I don't know.
 14 Q. Do you remember why you had substitute
 15 teachers after Mr. Trigo left but before
 16 [REDACTED] started?
 17 A. No.
 18 Q. Did you have any homework in your English
 19 class?
 20 A. Not really. Just worksheets.
 21 Q. Do you remember if you had any tests?
 22 A. No.
 23 Q. You don't remember?
 24 A. No.
 25 Q. Did you get a report card at the end of

- 1 any other tests before your November progress
 2 report?
 3 A. Not that I -- no, not that I can remember.
 4 Q. Do you remember -- did you have any
 5 homework before the November progress report?
 6 A. Well, sometimes we get worksheets.
 7 Q. From Mr. Trigo?
 8 A. I think, yeah, and from the subs, too.
 9 Q. Were those worksheets for homework?
 10 A. For classwork and homework.
 11 Q. Do you remember what you were learning in
 12 that class?
 13 A. Pronouns, adjectives, things like that.
 14 Q. Was it a grammar class?
 15 A. It was an English class.
 16 Q. What would -- Mr. Colleton was one of your
 17 substitute teachers?
 18 A. Mr. Colleton.
 19 Q. Colleton?
 20 A. Yes.
 21 Q. Do you remember what Mr. Colleton would do
 22 with you in class?
 23 A. He would give us book -- like words and we
 24 had to define them into sentences.
 25 Q. Did he use a book?

- 1 that semester?
 2 A. Yes.
 3 Q. When did you get a report card? December?
 4 A. No, it wasn't a report card. It was a
 5 progress report.
 6 Q. When did you get a progress report?
 7 A. In November, I think. I'm not sure.
 8 Q. Do you remember if Mr. Trigo was still
 9 your teacher when you got the progress report?
 10 A. No.
 11 Q. You don't remember or he wasn't your
 12 teacher?
 13 A. He wasn't our teacher.
 14 Q. Okay. Do you remember what grade you got
 15 on your progress report?
 16 A. [REDACTED]
 17 Q. Do you know what that grade was based on?
 18 A. No.
 19 Q. Did you have any projects?
 20 A. No.
 21 Q. Did you have any tests before you got the
 22 progress report, this first progress report in
 23 November?
 24 A. With Mr. Trigo we had one test.
 25 Q. Other than that one test, you didn't have

- 1 A. Yes.
 2 Q. Was it the same book that Mr. Trigo used?
 3 A. I'm not sure about that.
 4 Q. Did Mr. Trigo use a book?
 5 A. Yes.
 6 Q. Do you remember if Mr. Colleton ever
 7 assigned homework?
 8 A. No.
 9 Q. You can't remember?
 10 A. I can't remember.
 11 Q. Mr. Castillo, is he another substitute
 12 teacher you had?
 13 A. Yeah.
 14 Q. Do you remember if he used the same book
 15 as Mr. Colleton in class?
 16 A. No, we used a booklet with Mr. Castillo.
 17 Q. Excuse me?
 18 A. We used a booklet.
 19 Q. A booklet?
 20 A. Yeah.
 21 Q. So it was different than the booklet that
 22 Mr. Colleton used or different from --
 23 A. Yes.
 24 Q. Do you remember if Mr. Colleton used this
 25 booklet just in class or did you take it home for

1 homework?
 2 A. Just in class.
 3 Q. Did he assign any homework?
 4 A. Who?
 5 Q. Mr. Colleton.
 6 A. No. Because we only had him for like a
 7 couple of days.
 8 Q. Other than Mr. Colleton and Mr. Castillo,
 9 do you remember any of the other substitutes that
 10 you had?
 11 A. Mr. Trigo, Mr. Colleton, Mr. Castillo are
 12 the only ones I remember.
 13 Q. Do you think you had other substitute
 14 teachers other than Mr. Colleton and Mr. Castillo?
 15 A. Yes.
 16 Q. Do you remember if there were more than
 17 one other substitute teacher?
 18 A. Yes, there were more than one.
 19 Q. More than two?
 20 A. I had at least 10.
 21 Q. At least 10?
 22 A. Yes.
 23 Q. What would you do in class with these
 24 substitute teachers?
 25 A. Sometimes they didn't -- they didn't --

1 like they didn't know what -- what -- what to do.
 2 So we would just sit there do nothing.
 3 Q. What would they do in class while you were
 4 just sitting there?
 5 A. They would just take roll and see who is
 6 here or who is not.
 7 Q. What would happen after they took roll?
 8 A. Well, some of the substitute they say that
 9 they didn't have any work for us or nothing, just
 10 talking.
 11 Q. So you remember talking in class?
 12 A. Yes. There was nothing else to do. It's
 13 not there was nothing else to do; it was the
 14 teacher said we could talk.
 15 Q. How often would that happen that the
 16 teacher would not give you any work and say that
 17 you could talk in class?
 18 MR. PRESS: In the 7th grade English
 19 class, right?
 20 MS. KOURY: Correct.
 21 THE WITNESS: Well, we had different
 22 teachers. If the teachers didn't have, like, a
 23 plan --
 24 BY MS. KOURY:
 25 Q. How many times -- I'm sorry, go ahead.

1 A. Or like something to give us to work,
 2 we -- he would say we could talk, or she.
 3 Q. Right. I understand that. But how many
 4 times do you remember that happening?
 5 A. Like about four times.
 6 Q. And do you know why it was that you kept
 7 having substitute teachers? Did you ever ask?
 8 A. No.
 9 Q. Do you remember if anyone else did?
 10 MR. PRESS: Objection. Calls for
 11 speculation.
 12 THE WITNESS: No.
 13 BY MS. KOURY:
 14 Q. Did you hear anyone else complain that
 15 there wasn't a permanent teacher in your classroom?
 16 A. Yes.
 17 Q. Do you know who they were complaining to?
 18 A. I think they went to the office. I'm not
 19 sure.
 20 Q. Do you know what happened when they went
 21 to the office?
 22 A. No, I don't know.
 23 Q. And when [REDACTED] started -- is that how
 24 you say it?
 25 A. [REDACTED]

1 Q. [REDACTED] When she started, did she stay
 2 through the end of the school year?
 3 A. Yes, sir.
 4 Q. What did she teach you in class?
 5 A. We would just get worksheets in that
 6 class.
 7 Q. Did she give you any tests?
 8 A. No.
 9 Q. You didn't have any tests with her?
 10 A. No.
 11 Q. Did you get a report card from her?
 12 A. Yes.
 13 Q. Do you remember what grade you got?
 14 A. [REDACTED]
 15 Q. Did you get any homework from [REDACTED]
 16 A. Just a worksheet. If we didn't finish the
 17 worksheet in class, we had to -- we had to finish
 18 it for homework and bring back the next day.
 19 Q. Would she grade your worksheets?
 20 A. I guess so.
 21 Q. Did you turn them in to her?
 22 A. Yes.
 23 Q. Did she give them back to you after she
 24 graded them?
 25 A. No.

- 1 Q. Did you have any projects in this class?
 2 A. No.
 3 Q. Did you ever have any research
 4 assignments?
 5 A. No.
 6 Q. Writing assignments?
 7 A. Not that I remember.
 8 Q. When you got your report card and you got
 9 [REDACTED] did you think that that was a good grade?
 10 A. I don't know. Because I -- the teacher
 11 was like -- I think she would -- I don't know. I
 12 guess. [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 Q. You didn't want to find out why it was --
 16 what that grade was based on?
 17 A. Well, I asked her and she said it was
 18 based on my work.
 19 Q. And what work is that?
 20 A. Well, I guess the worksheets. Because
 21 that's all she would give us.
 22 Q. What were in these worksheets?
 23 A. Just like words. Words that were like --
 24 it was like account -- a proper word and stuff like
 25 that, adjectives and things like is that.

- 1 Q. Other than your English class while you
 2 were in the 7th grade, were there any other classes
 3 that you had that the teacher left in the middle of
 4 the school year or the permanent teacher that
 5 started off with you in the beginning of the school
 6 year left?
 7 MR. PRESS: 7th grade.
 8 THE WITNESS: No, not that I remember.
 9 MR. PRESS: I'd either like to take a
 10 short break or --
 11 MS. KOURY: Can we go off the record?
 12 (Recess.)
 13 BY MS. KOURY:
 14 Q. In your PE class in the 7th grade, what
 15 did you guys do in PE --
 16 (Off the record discussion.)
 17 BY MS. KOURY:
 18 Q. You were talking about your PE class.
 19 What kind of things did you do in PE during 7th
 20 grade?
 21 A. Run.
 22 Q. What do you mean by run? Did you run
 23 laps?
 24 A. Yes.
 25 Q. Did you play any sports during PE?

- 1 A. Only basketball.
 2 Q. Did you want to play other sports?
 3 A. Yes.
 4 Q. Do you know why you didn't play other
 5 sports?
 6 A. We didn't have equipment.
 7 Q. Why did you know that?
 8 A. Because the teacher tell us.
 9 Q. What kind of equipment did you not have
 10 that he or she would want?
 11 A. We wanted to play soccer and we didn't
 12 have soccer balls, or baseball.
 13 Q. Did the teacher say why it was that he or
 14 she didn't have soccer balls or baseballs?
 15 A. Because -- no. He just said that we
 16 don't -- we didn't -- we didn't have the equipment.
 17 Q. But you had a basketball?
 18 A. Yeah.
 19 Q. How about football? Did you ever play
 20 football?
 21 A. No.
 22 Q. How about this school year? What do you
 23 do in PE?
 24 A. We stretch. We take two laps and now we
 25 do have equipment and we play -- like each month we

- 1 play a different sport.
 2 Q. What are you playing this month?
 3 A. Playing basketball.
 4 Q. What did you play last month?
 5 A. Soccer.
 6 Q. So you got the soccer balls and the
 7 basketballs this year?
 8 A. Yes.
 9 Q. Any other sports that you played this
 10 year?
 11 A. Oh, at the beginning of the year we
 12 played -- no, we actually condition. That's what
 13 the teacher said.
 14 Q. Condition, get in shape?
 15 A. Yeah.
 16 Q. Do you know why this year you have
 17 equipment and last year you didn't?
 18 A. No.
 19 MR. PRESS: Calls for speculation.
 20 BY MS. KOURY:
 21 Q. What was your answer?
 22 A. No.
 23 Q. Do you know -- have you heard anyone ask?
 24 A. Yes.
 25 Q. What did you hear?

- 1 A. Why didn't we have equipment to play.
 2 Q. Was that the students asking?
 3 A. Yes.
 4 Q. Were they asking your PE teacher?
 5 A. Yes.
 6 Q. What did your PE teacher say?
 7 A. I don't remember. It's just -- I wouldn't
 8 ask. I would just, you know -- if we had it, we
 9 had it. If we did, we did. I would just do what
 10 the teacher told me to.
 11 Q. You don't know what the teacher said to
 12 the students when they asked?
 13 A. No.
 14 Q. Do you know -- do you have any friends in
 15 the 7th grade this school year?
 16 A. If I have any 7th grader friends?
 17 Q. Uh-huh.
 18 A. Yes.
 19 Q. Do you have any 6th grader friends?
 20 A. Yes.
 21 Q. Do you hear them talk about their PE
 22 classes?
 23 A. Yes.
 24 Q. Do you know if they have equipment in
 25 their classes as well?

- 1 A. Yes, they do.
 2 Q. For the 6th grade you were at Lynwood; is
 3 that right?
 4 A. Yes.
 5 Q. Do you know what classes you took at
 6 Lynwood in the 6th grade?
 7 A. Reading, science, social studies, PE,
 8 English and math.
 9 Q. And these classes were from the beginning
 10 of the school year all the way to the end of the
 11 school year?
 12 A. Yes.
 13 Q. Did you have a textbook in your reading
 14 class?
 15 A. Just the class set.
 16 Q. How many different types of books did you
 17 use in your reading class?
 18 A. One.
 19 Q. Do you remember the name of it?
 20 A. It was -- it had just -- it just had
 21 "Literature" on the cover.
 22 Q. And you said that the literature book was
 23 just a class set?
 24 A. Yes.
 25 Q. Did you have your own literature book to

- 1 use in class?
 2 A. Yes.
 3 Q. So you didn't have to share with other
 4 students?
 5 A. No.
 6 Q. And did you ever want to take the book
 7 home for purposes of doing homework?
 8 A. Yes.
 9 Q. Were you able to take it home?
 10 A. No.
 11 Q. Did you ever ask the teacher if you could
 12 take it home?
 13 A. Yes.
 14 Q. What did he or she say?
 15 A. She said we couldn't take it home.
 16 Q. Why did you want to take it home?
 17 A. To study or to finish class. I didn't
 18 finish.
 19 Q. What would happen if you didn't finish
 20 your classwork, or what did happen when you
 21 couldn't finish your classwork?
 22 A. I had to turn it in incomplete.
 23 Q. Did you ever talk to the teacher about
 24 that?
 25 A. Yes.

- 1 Q. What did you say?
 2 A. I told her if I can take the book home.
 3 And she said we couldn't said the book home.
 4 Q. Did you explain to her that you didn't
 5 finish your classwork?
 6 A. Yes.
 7 Q. What did she say about that?
 8 A. She said if we didn't finish we had to
 9 turn it in incomplete like that.
 10 Q. Did you ever complain to your parents that
 11 you couldn't take this book home?
 12 A. No.
 13 Q. What kind of homework did you get in this
 14 class?
 15 A. Vocabulary words. We got -- we had to
 16 read in class and take notes of the story. I don't
 17 remember what else.
 18 Q. Did you have homework almost every day?
 19 A. No, not really every day.
 20 Q. Couple times a week?
 21 A. Yes.
 22 Q. Did you have tests in this class?
 23 A. Yes.
 24 Q. Do you remember what grade you got?
 25 A. [REDACTED]

- 1 Q. What about your science class? Did you
2 have a book in that class?
3 A. Just the class set.
4 Q. How many different books in that set?
5 A. One.
6 Q. Do you remember the name of the book?
7 A. No.
8 Q. Did you have your own book to use in class
9 without having to share with other students?
10 A. Yes.
11 Q. Did you ever want to take the book home?
12 A. Yes.
13 Q. Why?
14 A. So I could finish what I didn't finish and
15 to study.
16 Q. What happened when you wanted to take it
17 home?
18 A. I couldn't. Or I just had to go after
19 school and take it home. But sometimes students
20 from other classes would take it, too, so sometimes
21 I couldn't get a book to take home.
22 Q. Students were allowed to check out the
23 science book if they wanted to?
24 A. Yes. But they had to come after school.
25 Q. And did you ever -- you stated that

- 1 sometimes you would go to check out the science
2 book to take home and there weren't enough?
3 A. Yes.
4 Q. How often did that happen?
5 A. About three times.
6 Q. Did your teacher assign homework in the
7 science class?
8 A. Yes.
9 Q. What type of homework?
10 A. Section reviews. That's all.
11 Q. The section reviews, were they from the
12 book?
13 A. Yes.
14 Q. So how would you do that without the book?
15 A. I would -- I would read the section in
16 class and do the questions. Do as many questions
17 as I can in the classroom.
18 Q. From the book?
19 A. Yes.
20 Q. The section review was in the book and you
21 would -- and the questions were in the book and you
22 would do it during class?
23 A. Yes.
24 Q. And if you didn't finish in class, then it
25 became homework?

- 1 A. Yes.
2 Q. What happened the three times that you
3 wanted to check out the science book to take home
4 and you couldn't?
5 A. Well, I had to go -- I had -- I told the
6 teacher. And he said that he couldn't do nothing
7 about it because there wasn't any books. And I had
8 to -- I had to do it in class.
9 Q. You had to do the section review the next
10 day in class?
11 A. Yes.
12 Q. Did you finish it?
13 A. Sometimes. But I had to catch up with the
14 other work so there was like -- I would kind of
15 finish it but not completely.
16 Q. Other than the section reviews which you
17 did in class and then if you didn't finish you took
18 it home for homework, do you remember any other
19 types of homework that he assigned?
20 A. No, I don't remember any.
21 Q. Do you remember if he gave you worksheets?
22 A. Yes, he gave us worksheets.
23 Q. Did you ever have tests in this class?
24 A. Yes.
25 Q. How did you study for the tests?

- 1 A. Oh, I would sometimes take notes. And
2 from those notes I would study.
3 Q. Notes that you took in class while he was
4 lecturing?
5 A. Yes.
6 Q. Would you have to study from the
7 worksheets?
8 A. Yes.
9 Q. Did you have experiments in this class
10 like labs?
11 A. I remember the microscope experiment. We
12 had like a little container that had like water
13 from rain. And we looked at the water through a
14 microscope.
15 Q. Do you remember any other experiments
16 besides that one?
17 A. No.
18 Q. What about your social studies class at
19 Lynwood in the 6th grade? Did you use any books
20 for that class?
21 A. Yes.
22 Q. Do you remember how many different types
23 of books you used?
24 A. Only one.
25 Q. Did you have your own book to use in class

- 1 without having to share?
 2 A. Yes.
 3 Q. Were you able to take that book home?
 4 A. No.
 5 Q. Did you ever want to take it home?
 6 A. Yes.
 7 Q. Why did you want to take it home?
 8 A. To -- to study when I had tests and -- and
 9 to finish what I didn't finish in class.
 10 Q. Were you able to check out the social
 11 studies book at all if you wanted to like you could
 12 with the science book?
 13 A. No.
 14 Q. Did you ever ask to take the book home?
 15 A. Yes.
 16 Q. And what did the teacher say?
 17 A. Said we couldn't.
 18 Q. Did the teacher assign any homework in
 19 your social studies class?
 20 A. He would give us worksheets. Sometimes I
 21 would take it home.
 22 Q. Did you have tests in this class?
 23 A. Yes.
 24 Q. How did you study for them?
 25 A. The notes we would take in class and

- 1 A. Sometimes we had to share.
 2 Q. Why did you have to share?
 3 A. Because there wasn't enough books.
 4 Q. Were you able to take these books home?
 5 A. No.
 6 Q. Do you know why it was that -- so some
 7 days there weren't enough books, but other days
 8 there were enough books in class?
 9 MR. PRESS: Objection. Mischaracterizes
 10 the testimony.
 11 THE WITNESS: Everything was -- when we
 12 had to read in class, well, there wasn't enough
 13 books for everyone.
 14 BY MS. KOURY:
 15 Q. So some students had to share?
 16 A. Yes.
 17 Q. And sometimes you were one of those
 18 students that had to share?
 19 A. Yes.
 20 Q. And how often did you use your English
 21 book in this class?
 22 A. Three times a week. I'm not sure.
 23 Q. What type of book was it, do you remember?
 24 A. It was a literature book.
 25 Q. So you were reading stories in the book?

- 1 sometimes like before the -- two days before the
 2 test he would give us like a paper. And it had
 3 like the stuff the test was going to be about.
 4 Q. So you would study the notes -- the papers
 5 that he would give you?
 6 A. Yes.
 7 Q. I take it you didn't have any books in
 8 your PE class?
 9 A. No.
 10 Q. What about your English class at Lynwood
 11 in the 6th grade? Did you have any books for that
 12 class?
 13 A. Yeah.
 14 Q. More than one?
 15 A. Yes.
 16 Q. How many books did you use?
 17 A. Only one.
 18 Q. Do you remember if you had more than two
 19 different types of books?
 20 A. No, only one book that I remember.
 21 Q. I'm sorry, so there was only one book that
 22 you remember using in this class?
 23 A. Yes.
 24 Q. Did you have your own book to use in class
 25 without having to share?

- 1 A. Yes.
 2 Q. When you weren't using the books, do you
 3 remember what you were doing in class?
 4 A. We were -- I don't remember.
 5 Q. Do you remember if you used worksheets or
 6 if the teacher just lectured, used the chalkboard?
 7 A. Yeah. Well, we -- she would write stuff
 8 on the board. We had to copy it down.
 9 Q. Did she assign you homework?
 10 A. Yes.
 11 Q. Do you remember how you would do your
 12 homework, with what materials?
 13 A. She would sometimes do copies of books.
 14 We would take those home.
 15 Q. Copies out of the literature book?
 16 A. Yes.
 17 Q. And do you remember if you had tests in
 18 this class?
 19 A. Yes.
 20 Q. How did you study for the tests?
 21 A. Sometimes with the copy sets she would
 22 give us.
 23 Q. Do you remember anything else that you
 24 would use to study?
 25 A. And the notes I would take.

1 Q. Did you ever want to take this literature
2 book home?
3 A. Yes.
4 Q. Did you ask the teacher if you could take
5 it home?
6 A. Yes.
7 Q. What did she say?
8 A. She said we couldn't because it wasn't
9 fair for some students to take it home and the
10 other ones they couldn't.
11 MS. KOURY: Do you want to break for
12 lunch?
13 MR. PRESS: Sure.
14 MS. KOURY: An hour?
15 (At the hour of 12:02 P.M., a luncheon
16 recess was taken. The deposition resumed at
17 1:16 P.M., the same persons being present.)
18
19
20
21
22
23
24
25

1 Q. Did you write in the booklet?
2 A. No, we had to copy it down on a paper.
3 Q. What did you use after you were done using
4 the booklet?
5 A. We would copy off the projector where the
6 teacher would write down.
7 Q. And is that -- what kind of homework did
8 you get in that class?
9 A. Worksheets.
10 Q. Did you have tests in that class?
11 A. Yes.
12 Q. We how did you study?
13 A. We copied and copied from the projector.
14 Q. Did you study from the worksheets?
15 A. If we didn't turn them in, yes.
16 Q. If you turned them in to the teacher,
17 would she give them back to you after she graded
18 them?
19 A. Sometimes.
20 Q. Did you want a book in this class.
21 A. Yes.
22 Q. Why did you want one?
23 A. So I could go over examples. It's not
24 hard. It's just kind of confusing sometimes so I
25 would want a book so I could go over things that I

1 LOS ANGELES, CALIFORNIA
2 SATURDAY, JANUARY 26, 2002; 1:16 P.M.
3
4 EXAMINATION (resumed)
5
6 BY MS. KOURY:
7 Q. Did you have a nice lunch?
8 A. Yeah.
9 Q. We were discussing textbooks that you used
10 at Lynwood in the 6th grade. And you said you had
11 a math class. Did you use a book for your math
12 class?
13 A. No, just the booklet.
14 Q. What was the booklet like?
15 A. I think "Arithmatwist" it was called.
16 Q. "Arithmatwist"?
17 A. Yes.
18 Q. When you say it was a booklet, were the
19 pages bound together?
20 A. Yes.
21 Q. Was it a soft cover?
22 A. Yes.
23 Q. Did you use the booklet the whole year?
24 A. No, just about like two weeks. We
25 finished it.

1 didn't quite understand.
2 Q. Did you ever hear the teacher say why you
3 didn't have books in this class?
4 A. No.
5 Q. Do you know if you were supposed to have a
6 book in this class?
7 A. I don't know if we were supposed to or
8 not.
9 Q. You were just stating earlier that
10 sometimes you wanted models to look at, is that
11 what you said, or examples?
12 A. Examples, yes.
13 Q. Did you ever ask the teacher for something
14 to look at in terms of helping you with examples?
15 A. I would ask him, but he said there wasn't
16 like a book that I could take home to learn, to see
17 examples and things like that.
18 Q. Did the worksheets have examples on them?
19 A. Yes, some.
20 Q. And did you ever -- did you ever have a
21 tutor in this class?
22 A. I don't get it, a tutor.
23 Q. Do you not understand that question?
24 A. Yeah.
25 Q. Did you ever ask for extra help in this

1 class from the teacher?
 2 A. Oh, yes.
 3 Q. And what would happen or what did happen?
 4 A. Well, he would help me. But at my house
 5 if I didn't get -- that's why I wanted a book for
 6 in my house because if I didn't understand
 7 something I could like go over it.
 8 Q. And did you ever ask for help at home?
 9 A. Yes. My brother.
 10 Q. You said that you asked the teacher if
 11 there was a book that you could take home; is that
 12 right?
 13 A. Yes.
 14 Q. And he said there was none?
 15 A. Yes.
 16 Q. In your reading class the book that you
 17 used in class in the 6th grade, what kind of
 18 condition was it in?
 19 A. My reading class?
 20 Q. Right. The book that you used in that
 21 class, I think you referred to it as a literature
 22 book in the 6th grade at Lynwood.
 23 A. Yes.
 24 Q. What kind of condition was the book in?
 25 A. That one -- it -- I don't remember now.

1 Q. Do you remember -- you don't remember
 2 whether the pages were torn out or whether there
 3 was writing?
 4 A. There was a bit of writing on it.
 5 Q. But you were able to read the text without
 6 problems?
 7 MR. PRESS: Are we talking about 6th
 8 grade, right?
 9 MS. KOURY: Right, reading book.
 10 MR. PRESS: English class?
 11 MS. KOURY: Reading.
 12 THE WITNESS: What was the question again?
 13 BY MS. KOURY:
 14 Q. You just stated that your reading book in
 15 the 6th grade had a bit of writing on it. My
 16 question is: Were you able to read the text of the
 17 book without any problems?
 18 A. Yeah. But like it was mostly on pencils.
 19 When it's on pencil, I would just erase it. And if
 20 it had a pen, I couldn't do nothing about it.
 21 Q. Do you ever remember a time that you were
 22 using a reading book and you couldn't read the text
 23 of it because there was writing on it?
 24 A. No.
 25 Q. What about pages torn out? Do you

1 remember if there were any pages torn out of your
 2 reading book?
 3 A. No.
 4 Q. And your social studies book that year as
 5 well in the 6th grade, what kind of condition was
 6 that book in?
 7 A. It was okay.
 8 Q. Was there writing in it?
 9 A. Not that -- on the book I would use there
 10 wasn't.
 11 Q. Do you remember seeing any pages that were
 12 torn out?
 13 A. No.
 14 Q. And your English book that year in the 6th
 15 grade, what kind of condition was that book in?
 16 A. That one was for reading, and it had like
 17 pages missing. Well, the class one because I
 18 didn't have one to take home.
 19 Q. Did you ever have a time where you were
 20 using your English book and you couldn't read it
 21 because there was writing on the text?
 22 A. Yes.
 23 Q. What did you do?
 24 A. I told my teacher.
 25 Q. And what happened?

1 A. I had to share.
 2 Q. Do you remember how many times that
 3 happened?
 4 A. Like about three times. I'm not sure.
 5 Q. And you said that there were pages
 6 missing?
 7 A. Yes.
 8 Q. Did you ever -- what did you do when you
 9 came across a page that was missing?
 10 A. I would share with another student.
 11 Q. How often did that happen?
 12 A. Pages missing? I can remember four times.
 13 I'm not sure if it's four times exactly, but I
 14 remember four times.
 15 Q. So it was about four times?
 16 A. Yes.
 17 Q. And your science class that year, do you
 18 remember or can you describe what kind of condition
 19 the book was in?
 20 A. The same book, the science book was okay.
 21 Q. There was no writing?
 22 A. No writing.
 23 Q. No pages torn out?
 24 A. No.
 25 Q. Did you ever have to buy supplies for your

1 science class?
 2 A. Yes.
 3 Q. What did you have to buy?
 4 A. A cardboard, colored paper. I don't
 5 remember right now.
 6 Q. Why did you buy these things, these items
 7 like the cardboard and the colored paper?
 8 A. For projects.
 9 Q. Did the teacher tell you that you needed
 10 to buy them?
 11 A. (Unreportable response.)
 12 Q. Is that "yes"?
 13 A. Yes.
 14 Q. How at that teacher tell you that?
 15 A. When there was like project in the book,
 16 he told us he wanted to do it and we had to buy the
 17 stuff. So the class said yes. And we had to buy
 18 the stuff. He gave us a list and we had to buy
 19 that stuff.
 20 Q. And when you say "stuff," are you
 21 referring to --
 22 A. Supplies.
 23 Q. And is that only the cardboard and colored
 24 paper or were there more items?
 25 A. There were more items.

1 Q. Was it for one project?
 2 A. Yes.
 3 Q. He only did this for one project?
 4 A. Yes.
 5 Q. Do you remember what the project was
 6 about?
 7 A. No.
 8 Q. Did you take the list home to your
 9 parents?
 10 A. Yes.
 11 Q. Did your parents -- what did they do with
 12 it?
 13 A. They bought the stuff. They bought the
 14 supplies from me.
 15 Q. Do you remember if they complained about
 16 it or said anything to anyone about it?
 17 A. No.
 18 MR. PRESS: "No" meaning "I don't
 19 remember" or they didn't complain?
 20 THE WITNESS: Yes.
 21 MR. PRESS: The problem is you phrased
 22 it --
 23 BY MS. KOURY:
 24 Q. You don't remember?
 25 MR. PRESS: You are phrasing questions "Do

1 you remember that?" I'm not sure what the answer
 2 is.
 3 THE WITNESS: I didn't hear them complain
 4 to me. I don't know. They were talking about it,
 5 but they didn't complain to me.
 6 BY MS. KOURY:
 7 Q. How much did they spend on the items?
 8 A. I don't remember.
 9 MR. PRESS: If you remember.
 10 BY MS. KOURY:
 11 Q. Was it something that any of the other
 12 students complained about?
 13 A. Not that I remember.
 14 Q. I think I asked this before, but just to
 15 make sure. The only list that your science teacher
 16 gave you is only one list of items?
 17 MR. PRESS: Objection. You said this
 18 year?
 19 MS. KOURY: No. I said this science
 20 teacher in your 6th grade class.
 21 MR. PRESS: The record will reflect what
 22 you said. I want it to be clear.
 23 BY MS. KOURY:
 24 Q. The same class, the science class in your
 25 6th grade, is this the only list that he gave you?

1 A. I think there's another one. I'm not sure
 2 about it.
 3 Q. What makes you think there's another one?
 4 A. Because I remember when this other
 5 project, and not only the microscope project that
 6 we did. And the one we had to buy the cardboard, I
 7 just don't remember though.
 8 Q. You remember there being three projects,
 9 one includes the microscopes, the other includes
 10 these cardboard and color papers, and then there's
 11 a third that you somewhat remember?
 12 A. Yes.
 13 Q. Can you remember anything about the third
 14 project?
 15 A. I think we had to buy some straws, I
 16 think. That's all I can remember.
 17 Q. Have your parents ever complained to
 18 anyone at school --
 19 MR. PRESS: Objection.
 20 BY MS. KOURY:
 21 Q. -- about the fact that they have to buy
 22 items for school?
 23 MR. PRESS: Calls for speculation, lacks
 24 foundation.
 25 THE WITNESS: Not that I -- not that I --

1 not that I know about, no.
 2 BY MS. KOURY:
 3 Q. Have you ever discussed it with your
 4 parents?
 5 A. No.
 6 Q. Did your teacher tell you -- this science
 7 teacher, what's your teacher's name?
 8 A. Alem.
 9 Q. Alem?
 10 A. Mr. Alem.
 11 Q. Did Mr. Alem ever say anything about the
 12 lack of supplies in your science class?
 13 A. No.
 14 Q. Did he ever say the fact -- did he ever
 15 say he wanted to do more projects than he was able
 16 to do?
 17 A. Yes.
 18 Q. What did he say?
 19 A. He said we couldn't do them, as many -- we
 20 couldn't do as many projects that we could have
 21 because we didn't have enough supplies for them.
 22 Q. Do you remember how many times he said
 23 that?
 24 A. No, I don't remember.
 25 Q. Do you remember him talking about any

1 A. We would run. And we played football in
 2 that class, basketball, and soccer.
 3 Q. Did you like [REDACTED]
 4 A. Yes.
 5 Q. Did you think she was a good teacher?
 6 A. Yes, for PE.
 7 Q. Did you have any problems with her?
 8 A. No.
 9 Q. Anything about her bother you?
 10 A. No.
 11 Q. Was she ever late for class?
 12 A. Yes.
 13 Q. Did that bother you?
 14 A. Yes.
 15 Q. Do you know why she was late?
 16 A. No.
 17 Q. How often was she late?
 18 A. Mostly every day. I'm not sure.
 19 Q. And how late was she?
 20 A. Like 15 minutes.
 21 Q. How long was her class period?
 22 A. I don't remember how long was the period.
 23 Q. How long were most of your periods for
 24 class?
 25 A. 45 minutes, I think.

1 specific project?
 2 MR. PRESS: Objection, vague and
 3 ambiguous.
 4 BY MS. KOURY:
 5 Q. That you couldn't do?
 6 Did you hear the whole question?
 7 A. No.
 8 Q. Do you remember any specific project that
 9 he was referring to that you weren't able to do?
 10 A. No.
 11 Q. Did you have any -- I'm sorry, did I ask
 12 you about your English books, what kind of
 13 condition they were in?
 14 MR. PRESS: Yes.
 15 THE WITNESS: Yes.
 16 BY MS. KOURY:
 17 Q. Who was your PE teacher that year?
 18 A. [REDACTED]
 19 Q. [REDACTED]
 20 A. For 6th grade, right?
 21 Q. Right.
 22 Was [REDACTED] your teacher the entire
 23 year?
 24 A. Yes.
 25 Q. What did you do in PE class that year?

1 Q. What did your class do when she wasn't
 2 there, when she was late?
 3 A. We would just stand out there and wait for
 4 her to come.
 5 Q. Did anyone ever complain to her that she
 6 was late?
 7 A. Yes.
 8 Q. Really? What did they say?
 9 A. We -- they would ask her, "Why are you
 10 late?"
 11 She would say, "oh, I had business to do."
 12 Q. Did she say anything else?
 13 A. No.
 14 Q. You said it bothered you that she was
 15 late. Why did it bother you?
 16 A. Well, one time that she was late this boy
 17 slap me and I mean -- and they were blaming it on
 18 me, which it wasn't true. And if she would have
 19 been there, I guess that wouldn't have happened.
 20 Q. What did you do after he hit you?
 21 A. I went -- I went to the office.
 22 Q. Did you tell someone at the office?
 23 A. Yes.
 24 Q. Who did you tell?
 25 A. My counselor.

1 Q. What did your counselor say?
 2 A. That why he had slapped me. And I said I
 3 was walking and he pushed me and I told him not to
 4 push me, and then that's when he slapped me.
 5 Q. What happened after you told your
 6 counselor?
 7 A. They suspended the boy.
 8 Q. Did you tell your counselor that your
 9 teacher was late?
 10 A. Yes.
 11 Q. What did the counselor say when you told
 12 her that the teacher was late?
 13 A. Then she asked me why, if I knew why was
 14 she late. And I told her she told me she had
 15 business to attend to. She didn't tell me anything
 16 after that.
 17 Q. Do you know if your counselor did anything
 18 about your teacher being late?
 19 A. No.
 20 Q. Did you tell your parents that a boy hit
 21 you in school?
 22 A. Yes.
 23 Q. What did your parents do?
 24 A. Go complain.
 25 Q. Who did they complain to?

1 A. To the vice-principal, I think.
 2 Q. Did you tell your parents that your PE
 3 teacher was late for class?
 4 A. Yes.
 5 Q. And you told them this before they went to
 6 visit your vice-principal?
 7 A. Yes.
 8 Q. What did your parents tell the
 9 vice-principal?
 10 MR. PRESS: Objection; calls for
 11 speculation, lacks foundation.
 12 Q. Go ahead.
 13 MR. PRESS: If you know.
 14 THE WITNESS: What was the question?
 15 BY MS. KOURY:
 16 Q. When your parents went to talk to the
 17 vice-principal, were you with them?
 18 A. No.
 19 Q. Did they tell you what they said?
 20 A. Some of it.
 21 Q. What did they tell you?
 22 A. They said that they had told the principal
 23 and -- I mean the vice-principal, and that -- that
 24 she said that it wasn't going to happen again; that
 25 the boy wasn't going to touch me.

1 Q. Do you know if your parents told the
 2 vice-principal that your PE teacher was late?
 3 A. I don't know.
 4 Q. Do you know if the vice-principal said
 5 anything to your parents about your teacher being
 6 late?
 7 MR. PRESS: Calls for speculation, lacks
 8 foundation.
 9 THE WITNESS: I don't know.
 10 BY MS. KOURY:
 11 Q. Did you complain to your parents that your
 12 PE teacher was late all the time?
 13 A. Yes.
 14 Q. Did you -- did your parents tell anyone or
 15 complain to anyone at the school that you know of?
 16 A. No. I told them when the boy slapped me,
 17 and so I guess went and complained about the boy
 18 slapping me and about why was the teacher late.
 19 Q. You guess?
 20 MR. PRESS: Don't guess. We don't want
 21 you to guess. We want you to just testify what you
 22 remember. Okay?
 23 THE WITNESS: Well, that's what they went
 24 for. I mean --
 25 BY MS. KOURY:

1 Q. Did your parents say anything about what
 2 was said about your teacher being late?
 3 MR. PRESS: If you remember, if you can
 4 recall.
 5 THE WITNESS: I don't remember.
 6 BY MS. KOURY:
 7 Q. After your parents went and talked to the
 8 vice-principal, when was this about, do you know,
 9 during the school year?
 10 MR. PRESS: Are you asking about what time
 11 during the school year?
 12 MS. KOURY: Right, what month it was in.
 13 MR. PRESS: If you can remember.
 14 THE WITNESS: I don't remember.
 15 BY MS. KOURY:
 16 Q. Was it in the beginning of the school
 17 year?
 18 A. No.
 19 Q. Was it after your winter break?
 20 A. Yes, it was.
 21 Q. After your parents talked to your
 22 vice-principal, was your PE teacher still late for
 23 school -- for class?
 24 A. Sometimes.
 25 Q. Did you tell your parents that she was

- 1 still late?
 2 A. Yes.
 3 Q. Do you know if your parents complained
 4 again about your teacher being late?
 5 MR. PRESS: Calls for speculation.
 6 THE WITNESS: I don't know. I don't
 7 remember.
 8 BY MS. KOURY:
 9 Q. Did you have any substitute teachers while
 10 you were at Lynwood?
 11 A. For any special class?
 12 Q. For any class in your 6th grade.
 13 A. For my English class.
 14 Q. Any other classes?
 15 A. No.
 16 Q. Who was your English teacher at the
 17 beginning of the year in the 6th grade?
 18 A. Mr. Street I think was the name.
 19 Q. Mr. Street?
 20 A. Uh-huh.
 21 Q. And did Mr. Street end up leaving?
 22 A. Yes.
 23 Q. Do you remember when he left?
 24 A. No.
 25 Q. Was he there for more than a few weeks?

- 1 Q. He'd already left?
 2 A. Yes.
 3 Q. So you think he left around November?
 4 A. I think so.
 5 Q. When did -- what teacher did you have
 6 after Mr. Street left?
 7 A. I had substitutes.
 8 Q. Do you remember -- how many substitutes
 9 did you have?
 10 A. I don't remember how many.
 11 Q. Was it more than four?
 12 A. I think so.
 13 Q. More than five?
 14 A. I think so. About six. I'm not sure.
 15 Q. What did you do with the substitute
 16 teachers in class?
 17 A. Worksheets.
 18 Q. What kind of worksheets?
 19 A. What do you mean what kind of worksheets?
 20 What did they have on them?
 21 Q. Yeah.
 22 A. Well, they had --
 23 Q. Were they about English class?
 24 A. Yes.
 25 Q. Do you remember if you had homework from

- 1 A. I think so.
 2 Q. Do you remember if he was there around
 3 Halloween?
 4 A. I think he was.
 5 Q. Do you remember if he was there around
 6 Thanksgiving?
 7 A. I don't know.
 8 Q. You don't remember?
 9 A. No.
 10 Q. Do you remember if he was around after
 11 Thanksgiving around Christmastime, or before winter
 12 break?
 13 A. No.
 14 MR. PRESS: I object that the questions
 15 that start "Do you remember?" They are vague and
 16 ambiguous, and the answer is difficult to ascertain
 17 in light of the phrasing of the question.
 18 BY MS. KOURY:
 19 Q. Do you remember if he was there right
 20 before winter break?
 21 A. No. I don't think he was there before
 22 winter break.
 23 Q. So you remember that he wasn't there
 24 around then?
 25 A. Yes.

- 1 the substitutes? Did they assign homework?
 2 A. No.
 3 Q. You don't remember?
 4 A. No.
 5 Q. Did you have any tests while there were
 6 substitute teachers?
 7 A. No.
 8 Q. When did the next permanent teacher start?
 9 A. I think in January or February.
 10 Q. When you came back from winter break, was
 11 the new teacher there?
 12 A. I'm not sure.
 13 Q. Who was the new teacher that started?
 14 A. Miss Alfaro.
 15 Q. Did Ms. Alfaro stay throughout the rest of
 16 the school year?
 17 A. Yes.
 18 Q. Did you think it was a problem that you
 19 had so many substitute teachers in this class?
 20 A. Yes.
 21 Q. Why?
 22 A. Because we -- basically they didn't do
 23 much with the subs. And if we would have a
 24 permanent teacher, we could have been learning more
 25 things than having all these different subs. And

1 the subs like sometimes wouldn't know like what we
2 were on last week. They didn't know what to do.
3 And if there would have been a teacher, the teacher
4 maybe would have the plans of what he would have
5 teach and things like that.

6 Q. Do you know why Mr. Street left?

7 A. No.

8 Q. Did you complain to your parents about
9 this?

10 A. No.

11 Q. Did you complain to your counselor about
12 this?

13 A. No.

14 Q. Did you ever go talk to your counselor
15 about the fact that substitute teachers didn't have
16 a lesson plan for you?

17 A. No.

18 Q. How often would that happen that the
19 substitute teacher wouldn't have anything for you
20 to do in class? I'm talking only about this
21 English class in your 6th grade.

22 A. I don't understand the question.

23 Q. How often when you had substitute teachers
24 during this time in the English class, how often
25 would the substitute not have something for you to

1 Q. Earlier, we were talking about your
2 textbooks in this class, your English textbook.
3 You said that you had your own book to use in
4 class; is that right?

5 A. Sometimes we had to share.

6 MR. PRESS: Let me object to the last two
7 questions as asked and answered.

8 BY MS. KOURY:

9 Q. Did it bother you to share in class?

10 A. Yes.

11 Q. Why did it bother you?

12 A. Because sometimes like the student you
13 were sharing with was -- didn't like -- hasn't like
14 finished with something on that page. And you want
15 to finish it before class ends. You have to wait
16 until the other student is done so you could go on.

17 Q. Any other reasons?

18 A. No.

19 Q. Do you think it helps in class when you
20 write notes?

21 A. Yes.

22 Q. Why?

23 A. So you could have something at home to
24 study. And if you have a book, it's much more
25 easier so you take notes like what page it's on

1 do in class?

2 A. Four or five times, or something like
3 that. I'm not sure.

4 Q. About four or five times, is that what you
5 said?

6 A. Yes.

7 Q. What did you think of Ms. Alfaro? Was she
8 a good teacher?

9 A. Yes.

10 Q. Why did you think she was a good teacher?

11 A. Because she knew what she was teaching
12 because I learned a lot from that class and she
13 cared about us and she made -- she made sure
14 everyone in class when she was teaching something
15 new made sure everybody understood what she was
16 teaching. I'm sure there's other things. I just
17 don't remember.

18 Q. Did she give you tests in this class?

19 A. Yes.

20 Q. Did Mr. Street give you any tests before
21 he left?

22 A. No.

23 Q. Do you remember what grade you got in this
24 class?

25 A. [REDACTED]

1 something and you could go back to the book and
2 maybe look over it.

3 Q. Do you think writing notes while the
4 teacher is talking in class helps you learn?

5 A. Yes.

6 Q. Why is that? For the reasons you just
7 gave or anything more than what you just stated?

8 A. Sometimes makes it easier.

9 Q. How does it make it easier? What did you
10 mean by that?

11 A. It's like more explainable.

12 MS. KOURY: Can we take a five-minute
13 break?

14 (Off the record discussion.)

15 BY MS. KOURY:

16 Q. Who is your reading teacher at Lynwood in
17 6th grade?

18 A. [REDACTED]

19 Q. Did you like [REDACTED]

20 A. Yes.

21 Q. Was she a good teacher?

22 A. Yes.

23 Q. Why did you think she was a good teacher?

24 A. Because she was -- she made things easy,
25 especially on these things we had to do. I don't

1 remember what it was and it was pretty hard for me.
 2 She made me like think about it in a different way,
 3 and it was much easier for me. Other things I
 4 don't remember at this time. She was really nice
 5 and my class was okay. She would come late.

6 Q. Do you know why she'd come late?

7 A. No.

8 Q. How often would she come late?

9 A. Like once every two weeks.

10 Q. How late would she be?

11 A. Like half of the class.

12 Q. How long was the class, do you remember?

13 A. I think like 45 minutes. I'm not sure.

14 Q. Did you ever complain to anyone about her
 15 being late?

16 A. No.

17 Q. Did any of the other students complain to
 18 anyone about her being late?

19 MR. PRESS: Objection. Calls for
 20 speculation, lacks foundation.

21 THE WITNESS: I don't know.

22 BY MS. KOURY:

23 Q. Did you ever hear any of the other
 24 students complain that she was being late too
 25 often?

1 A. Reading class.

2 Q. Did you participate in her class?

3 A. No.

4 Q. Do you ever hear Miss Banford talk to
 5 [REDACTED] about being late?

6 A. No.

7 Q. Did you ever tell your parents that

8 [REDACTED] was late quite often?

9 A. Yes.

10 Q. What did your parents say?

11 A. That that wasn't right.

12 Q. Did your parents ever go talk to anyone at
 13 school about it?

14 MR. PRESS: Calls for speculation and
 15 lacks foundation.

16 THE WITNESS: I don't remember.

17 BY MS. KOURY:

18 Q. Do you think it would have helped if
 19 someone -- if your parents had maybe talked to

20 [REDACTED]

21 MR. PRESS: Objection. Assumes facts not
 22 in evidence, lacks foundation, calls for
 23 speculation.

24 BY MS. KOURY:

25 Q. Have your parents ever talked to any of

1 A. Complain to like somebody from the school
 2 or between them?

3 Q. To each other.

4 A. Yes.

5 Q. What would happen when she was late? What
 6 would you guys do?

7 A. We would go to this other teacher's class
 8 and we would just stay there until she came.

9 Q. Did someone come and get you to take you
 10 to the other class?

11 A. No. The teacher was just right across
 12 from us so she would tell us to go to her class.

13 Q. How did she know -- how did the other
 14 teacher know that [REDACTED] wasn't in there?

15 A. Because that door was locked and we were
 16 all outside.

17 Q. So you couldn't get into your classroom
 18 until [REDACTED] got there?

19 A. Yes.

20 Q. What was the other teacher's name?

21 A. Miss Banford.

22 Q. Miss Banford would have you sit in here
 23 class?

24 A. Yes.

25 Q. What kind of class did Miss Banford teach?

1 your teachers?

2 A. Yes.

3 MR. PRESS: Same objections.

4 BY MS. KOURY:

5 Q. Which teacher?

6 A. In the 6th grade year?

7 Q. Any grade.

8 A. We talk mostly to all of them.

9 Q. Have they ever talked to any of your
 10 teachers while you were at Lynwood?

11 A. Yes.

12 Q. Can you remember a specific teacher that
 13 they talked to?

14 A. To my science teacher.

15 Q. What was his or her name?

16 A. Mr. Alem.

17 Q. Alem?

18 A. Uh-huh.

19 Q. Do you remember why they talked to
 20 Mr. Alem?

21 A. It was open house. We went.

22 Q. Have they ever complained to take
 23 teacher --

24 MR. PRESS: Same objections.

25 BY MS. KOURY:

1 Q. -- that something the teacher wasn't doing
2 or wasn't right or passed along a complaint that
3 you had had about a teacher?

4 MR. PRESS: Lacks foundation. Calls for
5 speculation.

6 THE WITNESS: Not that I remember.

7 BY MS. KOURY:

8 Q. Other than [REDACTED] and your --

9 A. My PE teacher?

10 Q. -- PE teacher, have you complained to your
11 parents about any of your other teachers?

12 MR. PRESS: Objection. Are you talking
13 about 6th grade still?

14 MS. KOURY: No. Any other teachers.

15 MR. PRESS: From the beginning of school
16 or --

17 MS. KOURY: Sure.

18 THE WITNESS: About them being late?

19 BY MS. KOURY:

20 Q. About anything. Complaining that
21 something that your teacher was doing you thought
22 was wrong and you wanted your parents to talk to
23 your teacher.

24 MR. PRESS: At any time in school.

25 BY MS. KOURY:

1 A. She got a TA.

2 Q. Was [REDACTED] late for class throughout
3 the school year?

4 A. Yes.

5 Q. Did it ever get better?

6 A. Sometimes. She would -- like if it got
7 better like then she wouldn't come late at all?

8 Q. Right.

9 A. No.

10 Q. She was late throughout the year?

11 A. Yes.

12 Q. As far as you know, your parents never
13 said anything to anyone at the school about that?

14 A. No.

15 Q. No, they didn't say anything?

16 A. No, they didn't.

17 Q. Were there any classrooms while you were
18 at Lynwood that you just thought were too hot?

19 A. Yes, my math class.

20 Q. Any others?

21 A. No.

22 Q. Just your math class?

23 A. Yes.

24 Q. When did you have math?

25 A. 7th period.

1 Q. That you can remember.

2 A. Yes. My English teacher.

3 Q. What grade?

4 A. 7th.

5 Q. What was your English teacher's name?

6 A. [REDACTED]

7 Q. What did you tell your parents about her?

8 A. That the class had no control.

9 Q. What did your parents do?

10 A. They want to talk -- no.

11 MR. PRESS: Calls for speculation.

12 THE WITNESS: Like if they went to
13 complain or something?

14 BY MS. KOURY:

15 Q. You said that you complained to your
16 parents about [REDACTED] not having control of
17 the class.

18 A. Yes.

19 Q. What did your parents do about it?

20 MR. PRESS: If you know.

21 THE WITNESS: I don't remember.

22 BY MS. KOURY:

23 Q. Do you remember if it got better, your
24 class -- if [REDACTED] got more control over her
25 class?

1 Q. What time was that?

2 A. 1:00, I think it started.

3 Q. Was that after lunch?

4 A. No. It wasn't after lunch.

5 Q. You have a class -- is that your second
6 class after lunch? Math is your second class after
7 lunch?

8 A. No. It was my fourth class after lunch.

9 Q. What time did you have lunch while you
10 were in the 6th grade?

11 A. Like at 10:20, third period lunch.

12 Q. You had lunch at 10:20?

13 A. (Unreportable response.)

14 Q. What time did you have breakfast? Just
15 kidding.

16 What time was lunch over?

17 A. I believe 11:10 or 15. I don't remember.
18 I'm not sure.

19 Q. What time did school end?

20 A. 2:45.

21 Q. Did you have air conditioning in any of
22 your classes while you were at Lynwood in the 6th
23 grade?

24 A. Yes.

25 Q. Which classrooms had air conditioning?

1 A. My reading class, my English, my science
 2 and my social studies.
 3 Q. Do you know why your math class didn't
 4 have air conditioning?
 5 A. The teacher said it was broken,
 6 air conditioning. The air conditioner.
 7 Q. Did it ever work while you were in that
 8 class?
 9 A. No.
 10 Q. Do you know if your math teacher ever
 11 complained to anyone about it being broken?
 12 MR. PRESS: Calls for speculation, lacks
 13 foundation, I think he did.
 14 BY MS. KOURY:
 15 Q. Why do you think he did?
 16 A. Because this man once came in the
 17 classroom saying if this was the classroom with the
 18 broken air conditioner.
 19 Q. What did the man do?
 20 A. He just made him sign a paper and that's
 21 all.
 22 Q. How hot did it get in there?
 23 A. Pretty hot. I guess, maybe, 80 degrees.
 24 Q. What would you guys do when it got hot in
 25 there?

1 A. Yes.
 2 Q. As a punishment?
 3 A. Yes.
 4 Q. Did he ever bring fans into the classroom?
 5 A. No.
 6 Q. Did you ever complain to your parents that
 7 that math class was just too hot?
 8 A. Yes.
 9 Q. What did they say?
 10 A. Well, I didn't -- I told them it was
 11 broken. My parents said if it was broken they had
 12 to wait until they fixed it.
 13 Q. Did your parents ever talk to anyone at
 14 the school about it?
 15 A. No.
 16 MR. PRESS: Objection; calls for
 17 speculation, lacks foundation.
 18 BY MS. KOURY:
 19 Q. How do you know that they didn't?
 20 A. Well, not that I know of.
 21 MS. KOURY: I don't have any further
 22 questions.
 23 MR. PRESS: I have a couple -- or maybe
 24 more than a couple but not a lot.
 25 ///

1 A. We would sweat and it was hard to
 2 concentrate.
 3 Q. Did you ever complain?
 4 A. Yes.
 5 Q. What did the teacher say?
 6 A. He couldn't do nothing about it because
 7 the air conditioner was broken.
 8 Q. Other than that one man coming in and
 9 asking if that was the class where it was broken,
 10 did you ever see anyone else trying to fix the air
 11 conditioner?
 12 A. Not that I remember.
 13 Q. Were there any other classrooms where the
 14 air conditioner was broken while you were at
 15 Lynwood?
 16 A. No, just that one class.
 17 Q. Did anyone ever pass out because it was so
 18 hot in there?
 19 A. No.
 20 Q. Did you ever open the door?
 21 A. Yes, open the door and the windows. But
 22 then he would close them because if some kids
 23 started talking or something like that.
 24 Q. If they started talking inside the
 25 classroom?

1 EXAMINATION
 2
 3 BY MR. PRESS:
 4 Q. Jackelyne, you testified a little while
 5 ago about your reading class at Lynwood where you
 6 went sent to Miss Banford's class because your
 7 teacher was late.
 8 A. Yes.
 9 Q. Is there a name for what kind of teacher
 10 Miss Banford was? Did she teach some kind of class
 11 that had a name?
 12 A. GATE teacher.
 13 Q. What does GATE mean?
 14 A. I'm not sure about it, but it's more
 15 advanced reading than [REDACTED] class.
 16 Q. So it was a different level from the class
 17 you were in?
 18 A. Yes.
 19 Q. So did you participate in her class?
 20 A. No.
 21 Q. You testified many times during the
 22 deposition that you couldn't take books home with
 23 you. How did you feel about the fact that you
 24 couldn't take books home?
 25 A. Well, upset because I didn't have -- I

1 didn't have something that I could go over when I
2 wanted to. And then if I had a test, it would make
3 it much more easier to have a book with me so I
4 could study.

5 Q. And so you said that you felt upset?

6 A. Yes.

7 Q. Why did you feel upset about it?

8 A. Well --

9 MS. KOURY: Objection. Asked and
10 answered.

11 THE WITNESS: Because if some other
12 schools may have books, how come we can't have
13 books? I guess that's not fair. And I wanted a
14 book so that when I wanted to read or -- when I
15 wanted to do something on my own on the book, I
16 just simply couldn't because I didn't have a book.

17 MR. PRESS: That that's all I have.

18 MS. KOURY: I just have a couple of
19 questions.

20
21 FURTHER EXAMINATION

22
23 BY MS. KOURY:

24 Q. Did you sign a declaration in this case?

25 MR. PRESS: Objection; beyond the scope of

1 which we've marked as Exhibit 1, do you know if you
2 signed that declaration?

3 A. If I signed this?

4 Q. Yes.

5 A. Yes.

6 Q. Is that your signature on the last page,
7 page 3?

8 A. Yes.

9 Q. Did you type the declaration?

10 A. No.

11 Q. Did you read it before you signed it?

12 A. Yes.

13 Q. Did you make any -- do you remember if
14 there was any drafts to that declaration or was
15 that the only one that you saw?

16 MR. PRESS: Continuing objection to beyond
17 the scope of the -- of my examination. Not
18 appropriate redirect.

19 BY MS. KOURY:

20 Q. Do you remember if there were any drafts
21 to that declaration or is that the only one that
22 you saw?

23 A. I saw another one.

24 Q. Did you make changes to it?

25 A. Yes.

1 my examination.

2 BY MS. KOURY:

3 Q. Did you?

4 MR. PRESS: I didn't ask about that.

5 BY MS. KOURY:

6 Q. Did you sign a declaration? In this case
7 do you remember signing a declaration?

8 A. That declaration (indicating)?

9 Q. Are you pointing at this?

10 A. Yes.

11 Q. Let me give you a copy of this. I'll hand
12 you what we'll mark as Exhibit 1 to your deposition
13 transcript.

14 (Deposition Exhibit 1 was marked by the
15 reporter for identification and is attached
16 hereto.)

17 BY MS. KOURY:

18 Q. Could you review that and just let me know
19 when you have finished reviewing it?

20 A. This (indicating)?

21 MR. PRESS: Take your time.

22 (Pause while witness peruses document.)

23 THE WITNESS: I'm finished.

24 BY MS. KOURY:

25 Q. Now that you've read your declaration

1 Q. And were those changes added to this
2 draft?

3 A. Yes.

4 Q. Was there more than one draft or just one
5 draft?

6 MR. PRESS: Same objections.

7 THE WITNESS: Just one.

8 MS. KOURY: I have no further questions.

9 MR. PRESS: Okay.

10 Can I do the closing stipulation?

11 MR. PRESS: Yes, sure. Is this the one we
12 have been using?

13 MS. KOURY: Yes.

14 MR. PRESS: Go quick.

15 MS. KOURY: May we stipulate copies of the
16 documents attached to the deposition may be used as
17 originals?

18 MR. PRESS: Copies of documents attached?

19 MS. KOURY: Such as that one. Attached to
20 the -- the exhibits, which would be this one
21 (indicating).

22 MR. PRESS: Can be used as originals?

23 That's part of the standard stip?

24 MS. KOURY: Yes. It's the one I have been
25 using for almost a year now.

1 MR. PRESS: I thought there was an agreed
 2 upon stip for this case. That's what I meant by
 3 the standard stip, not the one you have been using.
 4 MS. KOURY: Counsel, I have been on this
 5 case since the beginning.
 6 MR. PRESS: In this case?
 7 MS. KOURY: Yes. And this is the standard
 8 stip we used. If you want to object to it, you
 9 can.
 10 MR. PRESS: If you are advising me of
 11 that, I have no reason to --
 12 MS. KOURY: I am. There is no reason --
 13 MR. PRESS: -- disagree.
 14 MS. KOURY: Can we stipulate the original
 15 of this be signed under penalty of perjury; that
 16 the original of the deposition be delivered to
 17 Morrison & Forester; that the reporter is relieved
 18 of liability for the original of the deposition;
 19 that the witness will have 30 days from the date of
 20 the court's transmittal letter to
 21 Morrison & Foerster to sign and correct the
 22 deposition; that Anthony Press shall notify all
 23 parties in writing of any changes to the
 24 deposition; and that if there are no such changes
 25 communicated or signature within that time period,

DECLARATION

1
 2
 3
 4
 5 I hereby declare I am the deponent in the
 6 within matter; that I have read the foregoing
 7 deposition and know the contents thereof, and I
 8 declare that the same is true of my knowledge,
 9 except as to the matters which are therein stated
 10 upon my information or belief, and as to those
 11 matters, I believe it to be true.
 12 I declare under the penalties of perjury
 13 of the State of California that the foregoing is
 14 true and correct.
 15 Executed on the _____ day of
 16 _____, 2002.
 17 _____, California.
 18
 19
 20
 21
 22 _____
 23 WITNESS
 24
 25

1 that any unsigned and uncorrected copy may be used
 2 for all purposes as if signed and corrected?
 3 MR. PRESS: Well, I'll stipulate to all of
 4 that except I might not be the person to notify
 5 everybody about the changes. It might be somebody
 6 else from my office. But with that clarification,
 7 so stipulated.
 8 MS. KOURY: Very well.
 9 (The deposition concluded at 2:16 P.M.)
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1 I, ASHALA TYLOR, a Certified Shorthand
 2 Reporter for the State of California, do hereby
 3 certify:
 4 That prior to being examined, the witness
 5 named in the foregoing deposition, was by me duly
 6 sworn to testify as to the truth, the whole truth,
 7 and nothing but the truth pursuant to
 8 Section No. 2093 of the Code of Civil Procedure;
 9 That said deposition was taken before me
 10 at the time and place therein set forth, and was
 11 taken down by me in shorthand and thereafter
 12 reduced to typewriting via computer-aided
 13 transcription under my direction;
 14 I further certify that I am neither
 15 counsel for, nor related to, any party to said
 16 action, nor in anywise interested in the outcome
 17 thereof.
 18 IN WITNESS WHEREOF, I have hereunto
 19 subscribed my name this 25th day of
 20 January, 2002.
 21
 22 _____
 23 ASHALA TYLOR
 24 CSR No. 2436, RPR, CRR
 25