

SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, et al.,)

Plaintiffs,)

vs.)

No. 312 236

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

Defendants.)

STATE OF CALIFORNIA,)

Cross-Complainant,)

vs.)

SAN FRANCISCO UNIFIED SCHOOL)
DISTRICT, et al.,)

Cross-Defendants.)

DEPOSITION OF SILAS MOULTRIE

San Francisco, California

Friday, May 25, 2001

Volume 2

Reported by:
GINA GLANTZ
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13 Defendants.)

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16 vs.)

17 SAN FRANCISCO UNIFIED SCHOOL)
18 DISTRICT, et al.,)

19 Cross-Defendants.)

20 Deposition of SILAS MOULTRIE, Volume 2,
21 taken on behalf of Defendant/Cross-Complainant
22 State of California, at 275 Battery Street,
23 26th Floor, San Francisco, California,
24 beginning at 9:36 a.m. and ending at 2:44
25 p.m., on Friday, May 25, 2001, before GINA
GLANTZ, Certified Shorthand Reporter No. 9795.

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12 2 Two-page document entitled "San Francisco 390
13 Unified School District" "Grade Report"

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18 Board of Education:

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24 (No appearance.)
25

1 San Francisco, California, Friday, May 25, 2001
2 9:36 a.m. - 2:44 p.m.

3
4 SILAS MOULTRIE,
5 having been first duly sworn, was examined and testified
6 as follows:

7
8 EXAMINATION

9 BY MR. SIMMONS:

10 Q Good morning, Silas. How are you today?

11 A Fine.

12 Q All right. We'll go over the ground rules
13 again just quickly. If you -- do you remember them from
14 last time a little bit?

15 A Not really.

16 Q Okay. You understand that the oath that you
17 just took requires you to tell the truth?

18 A Yes.

19 Q Okay. And it's important that you verbalize
20 your answers today.

21 A Okay. Yes.

22 Q And we'll continue to try and have one of us
23 speak at a time. I'll hope that you'll let me finish a
24 question, and I'll let you finish your answer.

25 A Yes.

- 1 Q And if you don't understand a question, just
2 let me know and I'll do my best to rephrase it if I can;
3 okay?
4 A Yes.
5 Q And just to remind you, it's just important
6 that you listen to the questions carefully and do your
7 best to answer the question that's asked of you, because
8 if you answer the question that I ask, we'll assume that
9 you understood it and that you understand the question
10 that you're answering. But if you don't, just let me
11 know again and I'll make sure to rephrase; okay?
12 A Yes.
13 Q And again, if you need to take any breaks
14 during the course of the day, just let us know. We will
15 take a break if you need one; okay?
16 A Okay.
17 Q And if at any point during today, you have an
18 answer, a previous answer that you'd like to supplement
19 or add something to, just let me know and we'll go back
20 to that; okay?
21 A Yes.
22 Q Is -- let's see, and in between the -- in
23 between the -- so do you understand those rules up to
24 this point?
25 A Yes.

- 1 Q And is there any reason that you wouldn't be
2 able to give your best testimony today?
3 A No.
4 Q Have you had any medication today?
5 A No.
6 Q Any alcohol today?
7 A No.
8 Q And you don't suffer from a disability of any
9 kind; is that right?
10 A Yes.
11 Q And did -- I know that we talked last time
12 about the steps that you took to prepare for the
13 deposition on last Friday.
14 A Yes.
15 Q In between that time, last Friday and today,
16 did you do anything else to prepare for your deposition?
17 A No.
18 Q Did you have any more conversations with your
19 lawyers?
20 A Yes.
21 Q How many conversations did you have?
22 A Two.
23 Q When were those?
24 A Both last night.
25 Q How long did they last?

- 1 A About two minutes each.
2 Q And who did you have the conversations with?
3 A One with Catherine Lhamon and one with Lois
4 Perrin.
5 Q Did you review any more documents for today?
6 A No.
7 Q Can you think of anything else you did to
8 prepare for the deposition today?
9 A No.
10 Q Now, last Friday, I remember -- and we'll have
11 you correct me if I'm wrong -- but you testified last
12 Friday that your classrooms had been -- were clean this
13 year; is that correct?
14 A Yes.
15 Q And did you also testify that the gymnasium had
16 been cleaned up?
17 A Yes.
18 Q And you testified that the locker room had been
19 cleaned up?
20 A Yes.
21 Q And you said that your classes from your
22 seventh grade year had also been cleaned up too?
23 A No.
24 Q The classrooms from your seventh grade year are
25 in the same condition they were?

- 1 A Oh, no, they are clean.
2 Q They are clean?
3 A Yes.
4 Q And are the other classrooms at the school --
5 have they been cleaned up?
6 A Yes.
7 Q When did this -- when did this occur?
8 A Probably over summer vacation.
9 Q And so when you returned to school this year,
10 all of the classrooms had been cleaned?
11 A Yes.
12 Q And the gymnasium had been cleaned?
13 A Yes.
14 Q And the locker room had also been cleaned?
15 A Yes.
16 Q Did you have any discussions with anyone --
17 A No.
18 Q -- about the classrooms being cleaned up?
19 A No.
20 Q Okay. What I'd like to do now is just have you
21 list all the things at your school that you would like
22 to have changed. Can you do that for me?
23 A The bathrooms, water fountains, more books, the
24 graffiti on the walls. That's it.
25 Q So we have bathrooms, water fountains, more

- 1 textbooks, and graffiti on the walls?
 2 A Um-hmm.
 3 Q Anything else?
 4 A No.
 5 Q What would you like changed about the water
 6 fountains?
 7 A For them to be working and not be dirty.
 8 Q How many water fountains are there at school?
 9 A I don't know.
 10 Q How many floors are there at your school?
 11 A Three.
 12 Q Do you know how many water fountains there are
 13 on the first floor?
 14 A Two.
 15 Q How about on the second?
 16 A I don't know.
 17 Q Is there at least one?
 18 A Yes.
 19 Q At least two?
 20 A Yes.
 21 Q Okay. At least three?
 22 A No.
 23 Q And how about on the third floor?
 24 A I don't know.
 25 Q Can you remember there being at least one?

- 1 A Yes.
 2 Q At least two?
 3 A Yes.
 4 Q At least three?
 5 A No.
 6 Q Okay. Now, when you say that the water
 7 fountains at your school don't work, what do you mean by
 8 that?
 9 A They don't work.
 10 Q How so?
 11 A No water comes out. It's not really all of
 12 them, but one on the first floor don't work, one on the
 13 second floor don't work, both on the third floor work.
 14 But the ones outside by the gym and by the cafeteria
 15 lunch line, the courtyard, they don't work. There's
 16 about -- a few of those lined up.
 17 Q So there's one on the first floor, one on the
 18 second floor, and how many are by the gym that don't
 19 work?
 20 A Outside of the gym.
 21 Q Outside of the gym?
 22 A It's like a line, like with a little handle on
 23 the bottom, so I don't know.
 24 Q More than two?
 25 A Yes.

- 1 Q More than three?
 2 A Yes.
 3 Q More than five?
 4 A I don't know.
 5 Q And then you said that there were others by the
 6 cafeteria?
 7 A Yes.
 8 Q And is that also the same as saying "in the
 9 courtyard"?
 10 A Yes.
 11 Q And how many don't work in that area?
 12 A All of them.
 13 Q Do you know how -- a number, of how many are
 14 there?
 15 A Well, the same as the gym, by the gym: about
 16 five.
 17 Q When was the last time you tried to use the
 18 drinking fountain on the first floor?
 19 A I don't know, it's been awhile.
 20 Q Can you remember at all the last time you tried
 21 to use it?
 22 A About two weeks ago, coming from lunch.
 23 Q And what happened when you tried to use it?
 24 A No water came out.
 25 Q What did you do after that?

- 1 A I then went to class.
 2 Q Did you tell anyone about the water fountain?
 3 A Nope.
 4 Q Do any other students complain about that water
 5 fountain on the first floor?
 6 A I don't know.
 7 Q Do any teachers complain about that water
 8 fountain?
 9 A I don't know.
 10 Q Why does the -- how does not having the water
 11 fountain on the first floor affect your educational
 12 experience?
 13 A You go to class thirsty. Basically not really
 14 much. You just be thirsty, coming from lunch, playing.
 15 Q And you said you tried to use the drinking
 16 fountain on the first floor about two weeks ago?
 17 A Yes.
 18 Q Can you remember the time -- a time before that
 19 that you tried to use it?
 20 A No.
 21 Q Let's go to the drinking fountain on the second
 22 floor. When was the last time you tried to use that
 23 one?
 24 A I don't know.
 25 Q How do you know that the drinking fountain on

- 1 the second floor doesn't work?
 2 A I tried it before.
 3 Q Do you remember how long ago that was?
 4 A No.
 5 Q Was it within a month?
 6 A I don't know.
 7 Q Any time frame at all that you can remember?
 8 A Months ago.
 9 Q Three months ago?
 10 A I don't know.
 11 Q Two months ago?
 12 A I don't know.
 13 Q And when you say it doesn't work, how does the
 14 restroom on the second floor not work?
 15 A What?
 16 Q When you say that -- or, I'm sorry, when you
 17 say that the drinking fountain on the second floor
 18 doesn't work, how do you mean it doesn't work?
 19 A No water comes out.
 20 Q Is there anything else wrong with the drinking
 21 fountain?
 22 A No.
 23 Q And how does not having the drinking fountain
 24 on the second floor affect your educational experience?
 25 A Not very much. Basically the same as the one

- 1 with nothing in the water bottle.
 2 Q Did you see him trying to fill the water bottle
 3 up?
 4 A Yes.
 5 Q And so you say that water doesn't come out of
 6 the drinking fountains by the gym. Is there anything
 7 else wrong with those drinking fountains?
 8 A No -- yes.
 9 Q What's that?
 10 A There's trash in them: plastic bags, chip
 11 bags, candy wrappers.
 12 Q Anything else?
 13 A No.
 14 Q When was the last time that you saw plastic
 15 bags in the drinking fountain by the gym?
 16 A Every day.
 17 Q When was the last time?
 18 A Yesterday.
 19 Q And the time before that?
 20 A The day before that.
 21 Q And what kind of bag did you see in there?
 22 A Plastic bag.
 23 Q Is there anything distinct about it?
 24 A What do you mean?
 25 Q Was it -- I mean, was it a sandwich bag or --

- 1 on the first floor.
 2 Q Now, the first-floor drinking fountain doesn't
 3 work because no water comes out. Is there anything else
 4 wrong with that drinking fountain?
 5 A No.
 6 Q When was the last time you tried to use one of
 7 the fountains by the gymnasium?
 8 A I don't try anymore. It's been probably last
 9 year.
 10 Q And how do you know that those drinking
 11 fountains don't work?
 12 A I watch kids try to get water from them during
 13 gym time.
 14 Q When was the last time you watched a kid do
 15 that?
 16 A Yesterday.
 17 Q Do you remember the kid's name?
 18 A Nope.
 19 Q Was it a boy or a girl?
 20 A Male.
 21 Q Did you see anyone else try yesterday?
 22 A No.
 23 Q And how do you know he wasn't able to get it to
 24 work?
 25 A 'Cause he had a water bottle, and he came back

- 1 A Grocery bag.
 2 Q Did you see anything else in there?
 3 A Candy wrappers.
 4 Q What kind of candy?
 5 A I don't know.
 6 Q Did you see anything else?
 7 A Chip bags.
 8 Q And how often do you see these types of things
 9 in the fountains?
 10 A Every day.
 11 Q And how does not being able to use the drinking
 12 fountains by the gym affect your educational experience?
 13 A You get very thirsty in gym because you're
 14 running around, and you get tired.
 15 Q Where is the closest drinking fountain to the
 16 gym that you can use?
 17 A The one on the third floor -- no, inside the
 18 gym.
 19 Q And when was the last time you used that?
 20 A Yesterday.
 21 Q Is there anything wrong with that drinking
 22 fountain?
 23 A No -- yes. It's warm water at times.
 24 Q How often would you say there's warm water?
 25 A On hot days.

1 Q Was it warm water when you used it yesterday?
 2 A No. Pretty cold.
 3 Q So the one drinking fountain in the gym is an
 4 additional fountain from the ones that we already
 5 discussed; is that right?
 6 A What do you mean?
 7 Q Well, you said that there were two on the
 8 first, two on the second, two on the third, some
 9 fountains by -- outside the gymnasium and some
 10 fountains --
 11 A I didn't count that.
 12 MS. LHAMON: You're mischaracterizing his
 13 testimony.
 14 MR. SIMMONS: Just make sure.
 15 Q I just want to establish if this is a new
 16 drinking fountain --
 17 A Yes.
 18 Q -- than what we discussed about earlier.
 19 A Yes.
 20 Q And if you don't -- is there a drinking
 21 fountain on the first floor that works?
 22 A Yes.
 23 Q And how many drinking fountains on the first
 24 floor don't work?
 25 A One.

1 A Not very far.
 2 Q And you say there's about five drinking
 3 fountains outside of the cafeteria?
 4 A Yes.
 5 Q And none of those drinking fountains work?
 6 A Yes.
 7 Q And how -- what, exactly, do you mean when you
 8 say they don't work?
 9 A No water comes out.
 10 Q And is there anything else wrong with those
 11 drinking fountains?
 12 A No.
 13 Q When was the last time you tried to use one of
 14 those drinking fountains?
 15 A It's been awhile.
 16 Q About how long?
 17 A I don't know.
 18 Q More than a month?
 19 A I don't know.
 20 Q More than a week?
 21 A I don't know.
 22 Q How do you know that the fountains don't work?
 23 A Because, if the one on the first floor wasn't
 24 fixed, doesn't work, obviously all of them don't work.
 25 And I see people go to the water fountain, like

1 Q And how far apart are those drinking fountains?
 2 A I don't know. Not very far.
 3 Q And what about on the second floor, how many
 4 drinking fountains don't work?
 5 A One.
 6 Q And how many drinking fountains do work?
 7 A Five.
 8 Q Five drinking fountains?
 9 A (No audible response.)
 10 Q And how far are those from the one that doesn't
 11 work?
 12 A What do you mean? I mean, I just counted all
 13 of them that work in the school, period.
 14 Q Oh, okay, I'm sorry. Well, we know that
 15 there's one drinking fountain on the second floor that
 16 doesn't work.
 17 A Yes.
 18 Q Is there a drinking fountain on the second
 19 floor that does work?
 20 A Yes.
 21 Q Is there more than one that works?
 22 A No.
 23 Q And how far is the one drinking fountain on the
 24 second floor that works from the one drinking fountain
 25 on the second floor that does not work?

1 sixth-graders, new ones go to the water fountain by the
 2 cafeteria, and they don't work, none of them.
 3 Q And when was the last time you saw somebody
 4 trying to use the drinking fountains by the cafeteria?
 5 A Wednesday.
 6 Q Do you know that student's name?
 7 A Yes.
 8 Q What is it?
 9 A Jordan.
 10 Q And what did you see when he went to go use the
 11 fountain?
 12 A Went to the water fountain, bent over,
 13 turned -- turned the knob, and it didn't work. And he
 14 tried all of them; none of them worked.
 15 Q Can you remember the next time before you saw
 16 Jordan trying to use the fountains?
 17 A No.
 18 Q And where is the nearest working fountain from
 19 the drinking fountains by the cafeteria?
 20 A Third floor. Matter of fact, second floor.
 21 Q Did you say there was a drinking fountain that
 22 works on the first floor?
 23 A Yes.
 24 Q How is it that the drinking fountain on the
 25 second floor is closest to the cafeteria than the --

- 1 A Because the cafeteria is on the second floor.
 2 Q And about how far would you say the working
 3 drinking fountain on the second floor is from the
 4 fountains that don't work by the cafeteria?
 5 A Kind of a while, a nice walk.
 6 Q 20 yards?
 7 A I don't know.
 8 Q How long would it take you to walk there?
 9 A About three minutes, two minutes.
 10 Q And how does not having the drinking fountain
 11 by the cafeteria work affect your educational
 12 experience?
 13 A Not very much, you just be thirsty sometimes.
 14 And at lunch, you just -- most of us just buy something
 15 to drink or you get it out of the cafeteria lunch line.
 16 Q And you also say that there's graffiti on the
 17 walls?
 18 A Yes.
 19 Q Where is it?
 20 A In the hall -- on the staircase.
 21 Q And where is that staircase located?
 22 A One's on the first floor, second floor, third
 23 floor.
 24 Q And what part of the first floor is the
 25 staircase located at?

- 1 A By the men's restroom.
 2 Q And how about on the second floor?
 3 A By the girls' restroom.
 4 Q How about on the third?
 5 A Boys' bathroom.
 6 Q Is there graffiti anywhere else in the school?
 7 A In the bathrooms.
 8 Q Anywhere else?
 9 A On some lockers, and on books. That's it.
 10 Q On the staircases, in the bathrooms, on some
 11 lockers, on some books --
 12 A That's it.
 13 Q What kind of graffiti is on the staircases?
 14 A Writing. All the graffiti is writing, and some
 15 pictures sometimes.
 16 Q And how much graffiti would you say is on the
 17 staircase on the first floor?
 18 A Not very much.
 19 Q How much graffiti would you say is on the
 20 staircase on the second floor?
 21 A A nice amount.
 22 Q And what do you mean by "a nice amount"?
 23 A There's a lot of writing.
 24 Q Can you be a little more specific?
 25 A How? Like what?

- 1 Q Well, how big of an area would you say is
 2 covered?
 3 A Basically, more than half of the staircase.
 4 Q Why do you think there's more graffiti on the
 5 second floor staircase than the first floor?
 6 A I don't know.
 7 Q And how much graffiti would you say is on the
 8 staircase of the third floor?
 9 A A little.
 10 Q And any idea as to why there's less graffiti
 11 there than on the second?
 12 A No.
 13 Q Do you ever see anybody putting the graffiti on
 14 the staircase?
 15 A No.
 16 Q Do you ever see anybody trying to clean the
 17 graffiti up?
 18 A Yes.
 19 Q Who do you see trying to do that?
 20 A Sometimes the janitor and Simboun.
 21 MS. LHAMON: Do you want to spell that for the
 22 court reporter.
 23 THE WITNESS: S-i-m-b-o-u-n.
 24 BY MR. SIMMONS:
 25 Q And who is Simboun?

- 1 A Someone who works there.
 2 Q Do you know what --
 3 A Art teacher.
 4 Q Is Simboun a man or a woman?
 5 A Male.
 6 Q So you see the janitor, Simboun. Do you see
 7 anybody else trying to clean up the graffiti?
 8 A Yeah, if you get caught graffiti-ing, they make
 9 you clean up what you wrote.
 10 Q So students who have been caught --
 11 A Clean it.
 12 Q And how often do you see a student cleaning up
 13 the graffiti?
 14 A Not often.
 15 Q When was the last time you saw one doing it?
 16 A I don't know.
 17 Q When was the last time you saw the janitor
 18 cleaning graffiti?
 19 A I don't know.
 20 Q How about Simboun?
 21 A I don't know.
 22 Q And you say there's graffiti on some lockers?
 23 A Yes.
 24 Q Where are those lockers at?
 25 A Third floor and second floor.

- 1 Q Any other lockers with graffiti on them?
 2 A A few on the first floor.
 3 Q And how -- where are the lockers on the third
 4 floor located?
 5 A All around.
 6 Q Are they in classrooms or are they in the
 7 hallways?
 8 A Hallways.
 9 Q And do you know about how many lockers, total,
 10 there are on the third floor?
 11 A No.
 12 Q About how many lockers would you say have
 13 graffiti on them on the third floor?
 14 A I don't know.
 15 Q Is it a small number?
 16 A No.
 17 Q Why do you say it's not a small number?
 18 A It's a lot. I don't know how many, though, but
 19 I know it's a lot.
 20 Q Can you estimate a fraction of --
 21 A No.
 22 Q And how many lockers -- do you know how many
 23 lockers there are on the second floor, total?
 24 A No.
 25 Q Can you estimate how many of the lockers on the

- 1 the lockers?
 2 A No.
 3 Q And how does having graffiti on some of the
 4 lockers affect your educational experience?
 5 A It really doesn't, but it looks bad.
 6 Q What do you think should be done to fix that
 7 problem?
 8 A Be cleaned.
 9 Q Who do you think should clean it?
 10 A I don't know. Students and teachers probably.
 11 Q Anybody else?
 12 A No.
 13 Q Do any of your classrooms have air
 14 conditioning?
 15 A No.
 16 Q Do you know if any classrooms at Burbank have
 17 air conditioning?
 18 A I don't know.
 19 Q In the spring, would you say that most of your
 20 classes that you take this year -- would you say that
 21 those classrooms are all about the same temperature on
 22 any given day?
 23 A Repeat it.
 24 Q Let's see, how's the best way to put this?
 25 If you go to school on any day, would your

- 1 second floor have graffiti on them?
 2 A No.
 3 Q What types of graffiti do you see on the
 4 lockers?
 5 A Writing.
 6 Q Anything else?
 7 A No.
 8 Q And how -- can you say what portion of the
 9 lockers on the second floor have graffiti on them?
 10 A No.
 11 MS. LHAMON: Asked and answered, that question.
 12 BY MR. SIMMONS:
 13 Q Do you know how many lockers there are on the
 14 first floor?
 15 A No.
 16 Q Do you know how many lockers on the first floor
 17 have graffiti on them?
 18 A No.
 19 Q Can you estimate a portion of the lockers that
 20 have graffiti on them?
 21 A No.
 22 Q Have you ever seen anybody trying to clean the
 23 graffiti off the lockers?
 24 A No.
 25 Q Have you ever seen anybody placing graffiti on

- 1 English class be about the same temperature as your
 2 history class?
 3 A Yes.
 4 Q And would all of your classes seem to be about
 5 the same temperature on the same day?
 6 A Yes.
 7 Q What would you say the temperature of your
 8 classrooms typically is in the spring?
 9 A I don't know.
 10 Q How about in the sum- -- how about in the fall?
 11 A Cold.
 12 Q And how about in the winter?
 13 A Cold.
 14 Q And when you say "cold," can you be a little
 15 bit more specific what you mean?
 16 A Just cold.
 17 Q How does it compare to, say, the temperature at
 18 home on those days?
 19 A At home, it's warm.
 20 Q And how do cold temperatures in the fall affect
 21 your educational experience?
 22 A When you're very cold, you don't want to move,
 23 really.
 24 Q When was the last cold day you can remember?
 25 A Last time it rained.

- 1 Q And about when was that?
 2 A I don't know.
 3 Q Was it within a month?
 4 A I don't know.
 5 Q But the last time that it rained is the last
 6 time you can recall it being cold?
 7 A Yes.
 8 Q Can you recall any other times that you felt
 9 cold in class?
 10 A What do you mean?
 11 Q Well, this year, can you recall any times that
 12 you were sitting in class and thought that "it's too
 13 cold in here"?
 14 A Yes.
 15 Q Can you remember any of those times
 16 specifically?
 17 A No -- during the winter.
 18 Q About how many times during the winter do you
 19 think you would --
 20 A I don't know.
 21 Q -- have that feeling, that you were cold?
 22 A I don't know.
 23 Q Can you remember anytime this spring when you
 24 were cold?
 25 A No.

- 1 Q Can you remember anytime in the fall when you
 2 were cold?
 3 A When it rained.
 4 Q Each time that it rained or just sometimes that
 5 it rained?
 6 A Each time it rained.
 7 Q And would you say that the temperature in the
 8 fall in the area that your school is located is
 9 typically cold?
 10 A Could you say it again.
 11 Q How would you describe the temperature in the
 12 fall at Burbank?
 13 A Pretty cold.
 14 Q And how about in the winter?
 15 A Cold. Very cold.
 16 Q And how about in the spring?
 17 A Warm.
 18 Q Does the weather get foggy often?
 19 A Yes.
 20 Q About how often?
 21 A I don't know.
 22 Q Is it foggier during the spring, summer or
 23 fall?
 24 A Winter.
 25 Q When it gets cold, about how many days in a row

- 1 will it be cold for?
 2 A I don't know.
 3 Q Have you ever complained about your classroom
 4 being cold to anyone?
 5 A Yes.
 6 Q Who did you complain to?
 7 A My teacher.
 8 Q Which teacher?
 9 A All of them.
 10 Q Can you give me their names?
 11 MS. LHAMON: Asked and answered. He gave you
 12 names last year -- last week.
 13 BY MR. SIMMONS:
 14 Q Can you give me the teachers' names that you
 15 complained to?
 16 A [REDACTED]
 17 [REDACTED]
 18 Q And when was the last time you complained to --
 19 A During the winter.
 20 Q How about [REDACTED]
 21 A When it was raining.
 22 Q Do you remember anything more specific about
 23 that?
 24 A What do you mean?
 25 Q Can you remember anything about the

- 1 conversation that you had with [REDACTED]
 2 A I told her it was very cold, and I didn't feel
 3 like dressing for gym.
 4 Q And what did she say?
 5 A She said "okay."
 6 Q Can you remember anytime you told [REDACTED] it
 7 was cold?
 8 A During the winter, and when it rained.
 9 Q And what do you remember about telling him that
 10 it was cold?
 11 A Nothing, really. There's nothing he can really
 12 say. The heaters don't work.
 13 Q And how about with [REDACTED]?
 14 A Same.
 15 Q Can't really remember anything?
 16 A No.
 17 Q The same with [REDACTED]
 18 A Same with all of them. It's really nothing
 19 they can do. The heat don't work.
 20 Q And which of your classrooms have heaters?
 21 A All of them have heaters, except for gym.
 22 Q And which classrooms do the heaters work
 23 properly in?
 24 A None.
 25 Q Do they turn on?

- 1 A No.
 2 Q How do you know they don't turn on?
 3 A If they turned on, they would work.
 4 Q Have you ever tried to turn them on?
 5 A No.
 6 Q Do you know whether they can be turned on in
 7 the classroom?
 8 A They can. They can, but they don't work.
 9 Q Does anybody come in and try to fix them?
 10 A No.
 11 Q Have you ever seen anybody try and come in and
 12 fix them?
 13 A No.
 14 Q What do you think should be done about the
 15 problem with the heaters?
 16 A Be fixed.
 17 Q Who do you think should fix it?
 18 MS. LHAMON: Calls for speculation.
 19 THE WITNESS: A repairman.
 20 BY MR. SIMMONS:
 21 Q When was the last time that you can remember
 22 being hot in class?
 23 A Probably yesterday.
 24 Q And how hot was it?
 25 A Kind of hot. I worked up body heat playing

- 1 A One. There's two restrooms on every floor.
 2 Q The first floor has one boys', one girls'?
 3 A Yes.
 4 Q And the second floor has one for the boys, one
 5 for the girls?
 6 A Yes.
 7 Q And the third floor has one bathroom for the
 8 boys and one bathroom for the girls?
 9 A Yes.
 10 Q Are there any other restrooms at the school?
 11 A Locker rooms.
 12 Q Anywhere else?
 13 A Staff bathrooms.
 14 Q Anywhere else?
 15 A No.
 16 Q So the bathrooms on the first floor, the second
 17 floor, the third floor, the bathrooms in the locker
 18 room, and the staff bathrooms are the only bathrooms at
 19 Luther Burbank?
 20 A Yes.
 21 MS. LHAMON: Speaking of bathrooms, can we take
 22 a break? Do you mind?
 23 MR. SIMMONS: Yeah, that's fine.
 24 (Recess.)
 25 BY MR. SIMMONS:

- 1 basketball at lunch.
 2 Q And how about before that, when was the next
 3 time before that that you can remember being hot in
 4 class?
 5 A I don't know.
 6 Q And so you were hot yesterday in fifth period?
 7 A Yes.
 8 Q Were you hot in any other classes?
 9 A No.
 10 Q And how often does it get hot at Luther
 11 Burbank?
 12 A I don't know.
 13 Q Can you think of -- if it does get hot, does it
 14 usually last for one day or two days or --
 15 A I don't know.
 16 Q And how -- when it gets hot, how does that
 17 affect your educational experience?
 18 A It really doesn't.
 19 Q How many restrooms are there at your school?
 20 A For boys or girls?
 21 Q Well, shall we go -- let's take it floor by
 22 floor. How many restrooms are there on the first floor
 23 for boys?
 24 A One.
 25 Q And how about for girls?

- 1 Q I'm going to jump away from bathrooms just real
 2 quick and ask you, when the temperatures are cold at
 3 school, how does that affect your ability to learn?
 4 A Would you say that again.
 5 Q When it's cold at school, how does that affect
 6 your ability to learn?
 7 A You feel uncomfortable, you don't feel like
 8 working, you want to sit still, try to stay as warm as
 9 possible.
 10 Q Anything else?
 11 A No.
 12 Q And what can you do to make yourself warmer at
 13 school?
 14 A Wear extra clothing.
 15 Q What kind of extra clothing?
 16 A Probably sweat pants under your pants, coat,
 17 sweater.
 18 Q How often do you wear sweat pants under your
 19 pants?
 20 A Not often.
 21 Q How many times in a month do you think you
 22 would do that?
 23 A I don't know.
 24 Q More than once?
 25 A I don't do it.

- 1 Q You don't do it?
 2 Do you ever wear gloves in class?
 3 A Yes.
 4 Q How often do you do that?
 5 A Not very often now. When it was cold, I did.
 6 Q About how often would you wear gloves when it
 7 was cold?
 8 A Probably a dozen.
 9 Q What kind of gloves would you wear?
 10 A Mittens.
 11 Q Anything else you can do to make yourself warm
 12 in class?
 13 A No.
 14 Q What about students, do they do anything else,
 15 other students at school?
 16 A No.
 17 Q So let's focus on the boys' bathroom on the
 18 first floor. How many urinals are in there?
 19 A I don't know.
 20 Q How many sit-down toilets are in there?
 21 A Two. There's two sit-downs on every floor.
 22 Q And do you know whether it's the same on every
 23 floor with respect to urinals?
 24 A I don't know.
 25 Q You know what I mean by a urinal?

- 1 A Yes.
 2 Q Anything else about the first-floor bathroom
 3 that bothers you?
 4 A Graffiti. That's about it.
 5 MS. LHAMON: Could I ask for a clarification?
 6 Silas, you said there are two toilets in the
 7 first-floor bathroom, two of the sit-down toilets.
 8 THE WITNESS: Um-hmm.
 9 MS. LHAMON: But then you said that the -- I
 10 think you used the plural, that the doors -- there are
 11 either no doors or the ones that do have doors don't
 12 have locks?
 13 THE WITNESS: Yes.
 14 MS. LHAMON: Are you -- were you referring only
 15 to the first-floor bathroom or were you referring to all
 16 the bathrooms?
 17 THE WITNESS: All of them.
 18 MR. SIMMONS: Okay, we'll go through them
 19 specifically.
 20 MS. LHAMON: Thanks.
 21 BY MR. SIMMONS:
 22 Q And are the -- is the first-floor boys'
 23 bathroom -- is it clean?
 24 A Not really.
 25 Q So let's go to graffiti. And where is there

- 1 A Yes.
 2 Q What's your estimate as to how many urinals
 3 there are in the boys' bathroom on the first floor?
 4 A About five.
 5 Q And are there things about the first-floor
 6 boys' bathroom that you don't like?
 7 A Graffiti on the walls, no doors on the
 8 sit-downs.
 9 Q Anything else?
 10 A On the ones that do got doors, there's no lock.
 11 Q Any other problems with the first-floor
 12 bathroom?
 13 A No.
 14 Q How many sinks are there in that bathroom?
 15 A Three.
 16 Q Does the water work in those sinks?
 17 A Yes. It's the same on every floor.
 18 Q So there will also be three bathrooms -- or I'm
 19 sorry, three sinks in all the other --
 20 A Yes.
 21 Q -- boys' restrooms?
 22 A Yes.
 23 Q So you said graffiti, that some of the sit-down
 24 toilets don't have doors, and that the ones that do have
 25 doors don't have a lock?

- 1 graffiti in --
 2 A The walls.
 3 Q And what kind of graffiti is in there?
 4 A Writing.
 5 Q Anything else?
 6 A No.
 7 Q So other than writing on the walls, is there
 8 any other graffiti in the bathroom?
 9 A No.
 10 Q And about how much graffiti would you say is in
 11 the first-floor bathroom?
 12 A A lot.
 13 Q When you say "a lot," what do you mean by that?
 14 A I mean a lot. They're basically covered.
 15 Q Can you think of an area, like a square -- what
 16 size square would you say would be filled up with the
 17 graffiti?
 18 A More than half.
 19 Q But, I mean, like, you know how you can measure
 20 a square by saying each side is, say, 5 feet? How big
 21 of a square would it take to fit the graffiti in the
 22 bathroom in?
 23 A I don't know.
 24 Q Can you give me a specific example of graffiti
 25 in the bathroom?

- 1 A What do you mean?
 2 Q I mean, can you think of any particular
 3 graffiti that you are -- that you can remember right now
 4 that stands out in your mind?
 5 A No.
 6 Q Is the first-floor boys' bathroom -- is it
 7 always open?
 8 A Yes.
 9 Q Has it always been open?
 10 A No.
 11 Q When wasn't it opened?
 12 A Sixth and seventh grade.
 13 Q And how do you know it wasn't open then?
 14 A I went there and they were locked.
 15 Q How often do you think you would try to use the
 16 first-floor boys' bathroom?
 17 A I don't know.
 18 Q How did you know they were always locked?
 19 A Because I tried them.
 20 Q How often did you try them?
 21 A Probably every other period, almost. Something
 22 around there.
 23 Q Do you know why they were locked?
 24 A No.
 25 Q Did you ever ask anyone?

- 1 A No.
 2 Q Did you ever complain to anyone?
 3 A Yes.
 4 Q Who did you complain to?
 5 A My teacher.
 6 Q Which one?
 7 A Ms. Gash.
 8 Q What did you say to her?
 9 A "Why is it locked?"
 10 Q What did she say to you?
 11 A She didn't know.
 12 Q Did you ever ask her to do something about it?
 13 A No.
 14 Q And do you know when they started to keep the
 15 first-floor bathroom always open?
 16 A Say it again.
 17 Q You testified, now, that -- I think you
 18 testified earlier that the first-floor boys' bathroom is
 19 always open now?
 20 A Yes.
 21 Q And that's right?
 22 When did that -- when did that change occur?
 23 A This year.
 24 Q The first day of school?
 25 A Yes.

- 1 Q And it's always been open since the first day
 2 of school?
 3 A Yes.
 4 Q Now, some of the bathrooms, you say, have
 5 stalls for the sit-down toilets that don't have doors on
 6 them?
 7 A Yes.
 8 Q Does that problem exist in the first-floor
 9 boys' bathroom?
 10 A Yes.
 11 Q How many of the stalls don't have a door?
 12 A One on the first floor, one on the second, one
 13 on the third. Basically one on every floor.
 14 Q And how long has the first-floor boys' bathroom
 15 stall without the door -- how long has it been like
 16 that?
 17 A Since I got there.
 18 Q Do you know why there's no door on there?
 19 A No.
 20 Q Have you ever asked anyone?
 21 A No.
 22 Q Have you ever complained?
 23 A Yes.
 24 Q Who did you complain to?
 25 A Principal.

- 1 Q When did you do that?
 2 A A while ago.
 3 Q A few months ago?
 4 A Yes.
 5 Q More than that?
 6 A No.
 7 Q What did you say?
 8 A "Why aren't there doors on the first-floor
 9 bathroom, and on the other floors?" He said because
 10 children mess -- break them down, I guess.
 11 Q Have you ever seen anyone, I guess, try and
 12 take the door down?
 13 A No.
 14 Q And you say that some of the bathrooms, even if
 15 they have doors, there's no locks on the door?
 16 A Yeah.
 17 Q Is that the case with the first-floor boys'
 18 bathroom?
 19 A Yes. It's the case with all the bathrooms.
 20 Q So if we went into every boys' bathroom on the
 21 first, second, and third floors, in each of those
 22 bathrooms we would find one sit-down toilet stall that
 23 doesn't have a door?
 24 A Yes.
 25 Q And we would find one sit-down toilet stall

- 1 that does have a door, but the door doesn't have a lock?
 2 A Yes.
 3 Q Now, you say that the first-floor boys'
 4 bathroom isn't clean?
 5 A That one's -- no, it isn't.
 6 Q What's dirty about it?
 7 A Everything.
 8 Q Can you be a little more specific?
 9 A The floor, the walls. Just dirty.
 10 Q What's wrong with the floor?
 11 A It's dirty, stuff on it.
 12 Q What kind of stuff?
 13 A Paper towels, toilet paper, candy wrappers,
 14 chip bags; that's it.
 15 Q So there's trash on the floor?
 16 A Yes.
 17 Q How much trash on the floor would you say there
 18 is?
 19 A I don't know.
 20 Q When was the last time you used the first-floor
 21 boys' bathroom?
 22 A I don't know.
 23 Q When was the last time you remember seeing
 24 trash on the floor of the first-floor bathroom?
 25 A Last time I used it. That was awhile ago. I

- 1 don't know.
 2 Q About how long ago was that?
 3 A I don't know.
 4 Q And what's wrong with the walls?
 5 A Graffiti.
 6 Q Is that it?
 7 A Yes.
 8 Q Is there a paper-towel dispenser in the
 9 first-floor boys' bathroom?
 10 A Yes.
 11 Q How is that -- what kind of dispenser is it?
 12 A The ones that you pull it down and it comes
 13 out, but there's no paper towels in there.
 14 Q How do you know that?
 15 A It's never been.
 16 Q When was the last time you tried to --
 17 A Last time I used the restroom down there.
 18 Q When was that?
 19 A I don't know.
 20 Q About how often do you use the bathroom on the
 21 first floor?
 22 A I don't know.
 23 Q So you can't remember -- can you remember a
 24 specific time when you went to the first-floor boys'
 25 bathroom and didn't find paper towels?

- 1 A No.
 2 Q Is there soap?
 3 A No.
 4 Q Is there a dispenser?
 5 A What do you mean?
 6 Q On the first-floor boys' bathroom, is there
 7 something that -- even though there's not soap, is there
 8 something that could be used to put soap in so that you
 9 would be able to use it?
 10 A Yes.
 11 Q How does that thing work?
 12 A Supposed to push the little brown button.
 13 Q And how do you know there's no soap in the
 14 first-floor boys' bathroom?
 15 A Tried it.
 16 Q When did you try it?
 17 A Last time I used the restroom.
 18 Q And when was that?
 19 A I don't know.
 20 Q Do you know about how long ago that was?
 21 A No.
 22 Q Do you know whether it was a week ago?
 23 A No.
 24 Q Is it less than a month?
 25 A I don't know.

- 1 Q No time frame whatsoever you can put it in?
 2 A No.
 3 Q Can you remember any specific time that you
 4 wanted to use soap in the first-floor bathroom and it
 5 wasn't there?
 6 A When I used the restroom, after.
 7 Q Can -- I'm sorry, go ahead, I didn't mean to
 8 cut you off.
 9 A I don't remember a specific time, though. I
 10 don't know when.
 11 MS. LHAMON: Shaun, would you mind if I asked a
 12 couple questions?
 13 MR. SIMMONS: Yeah.
 14 MS. LHAMON: Silas, do you think about -- does
 15 a week go by when you don't try to use the restrooms at
 16 the school?
 17 THE WITNESS: Hmm?
 18 MS. LHAMON: Does any week, any school week go
 19 by when you don't try to use a restroom at school?
 20 THE WITNESS: No.
 21 MS. LHAMON: So pretty much every week you go
 22 into at least one of the restrooms?
 23 THE WITNESS: Yeah.
 24 BY MR. SIMMONS:
 25 Q Would that be the same case with the

- 1 first-floor bathroom?
 2 A What do you mean?
 3 Q Would you say -- I mean, you say that at least
 4 once a week you would go and use a bathroom at school?
 5 A Yes.
 6 Q Would that be the same with the first-floor
 7 bathroom?
 8 A No.
 9 Q Do you know about how often you might use the
 10 first-floor bathroom?
 11 A No.
 12 MS. LHAMON: Could I ask another question?
 13 I'm sorry, is there any one bathroom that you
 14 tend to use more often than another?
 15 THE WITNESS: The third floor.
 16 BY MR. SIMMONS:
 17 Q Have you ever had to wait in line to use any of
 18 the bathrooms?
 19 A No.
 20 Q Do you know of anyone who has?
 21 A No.
 22 Q Have you ever heard of any students going to
 23 the bathroom on themselves because they had --
 24 A Yes.
 25 Q -- because they had to wait to use a toilet?

- 1 A Yes.
 2 Q Who was that?
 3 A Olivia.
 4 Q And --
 5 MS. LHAMON: Just for the record, that's Olivia
 6 Saunders; is that right, Silas?
 7 THE WITNESS: Yes.
 8 MS. LHAMON: That's S-a-u-n-d-e-r-s.
 9 MR. SIMMONS: Thank you.
 10 Q When you say -- I just want to clarify. Do you
 11 know whether she didn't use the bathroom because it
 12 wasn't available or she used (sic) the bathroom because
 13 she didn't want to use the bathroom at the school?
 14 A She didn't want to use the bathroom at the
 15 school.
 16 Q And how do you know that's why she didn't want
 17 to use the bathroom?
 18 A She said it.
 19 Q When did she say it?
 20 A Last year.
 21 Q The first-floor boys' bathroom, does that have
 22 toilet seat covers?
 23 A No.
 24 Q Have you ever been in the first-floor girls'
 25 restroom?

- 1 A No.
 2 Q Would you know how many stalls are in that
 3 restroom?
 4 A No.
 5 Q Would you know how many sinks are in that
 6 restroom?
 7 A No.
 8 Q Can you tell me anything about the first-floor
 9 girls' restroom?
 10 A No.
 11 MS. LHAMON: I'm glad to hear that, Silas.
 12 MR. SIMMONS: Sorry, buddy, I had to ask.
 13 Q And I take it that -- would that be the same
 14 with the girls' restrooms on the second and third
 15 floors?
 16 A Yes.
 17 Q Have you ever heard anything said about those
 18 bathrooms --
 19 A Yes.
 20 Q -- about -- well, let me rephrase that.
 21 Have you ever heard anything said about any of
 22 the girls' bathrooms on the first, second or third
 23 floors?
 24 A Yes.
 25 Q Which bathrooms?

- 1 A I don't know which bathrooms, but I've heard.
 2 Q And what have you heard?
 3 A They're dirty.
 4 Q And did anybody say anything more specific than
 5 that they were dirty?
 6 A Things on the floor.
 7 Q What kind of things?
 8 A I don't want to discuss it.
 9 Q Well, we've probably got to discuss it. What
 10 types of things did you hear?
 11 A Tampon.
 12 Q Okay. And where did you hear this?
 13 A From a girl.
 14 Q Do you know her name?
 15 A Olivia.
 16 Q Did she tell you -- was this just one occasion?
 17 A I don't know.
 18 Q Did she mention any more than one occasion that
 19 she saw a tampon on the bathroom floor?
 20 A Not to me, no.
 21 Q Have you heard anything else about the girls'
 22 restrooms at Burbank?
 23 A No.
 24 Q Let's go to the second-floor boys' bathroom.
 25 There's about five urinals in that bathroom, you think?

- 1 A Yes.
 2 Q And about two sit-down toilets?
 3 A Yes.
 4 Q And one of the sit-down toilets doesn't have a
 5 door?
 6 A Yes.
 7 Q And one of the sit-down toilets that has a door
 8 doesn't have a lock?
 9 A Yes.
 10 Q What don't you like about the second-floor
 11 bathrooms?
 12 A Same as the first floor. They're all the same.
 13 They're all dirty. No soap, no seat covers, no paper
 14 towels.
 15 Q So there's graffiti, it's dirty, there's no
 16 soap, no seat covers, no paper towels. Anything else
 17 that you don't like about that bathroom?
 18 A The graffiti.
 19 Q Anything else?
 20 A No.
 21 Q And what kind of graffiti is in the
 22 second-floor boys' bathroom?
 23 A Same as the first: writing.
 24 Q How much is in there?
 25 A A lot.

- 1 boys' bathroom, is dirty.
 2 A Yes.
 3 Q Can you describe how it's dirty?
 4 A Same as the first floor.
 5 Q Which would be?
 6 A Wrappers all over the floor, trash on the
 7 floor, period. It's the same. All of them is the same,
 8 except for the locker room.
 9 Q When was the last time that you saw trash on
 10 the floor in the --
 11 A Yesterday.
 12 Q And how much trash was in there?
 13 A I don't know.
 14 Q Can you remember any of the trash that was in
 15 there? I mean, can you remember what type it was?
 16 A Hot Cheeto wrapper, chip wrappers.
 17 Q And how many of those?
 18 A I don't know.
 19 Q More than one?
 20 A I don't know. No.
 21 Q Anything other than Cheeto wrappers?
 22 A Yes. I can't identify them all.
 23 Q What can you identify?
 24 A Snickers, Baby Ruth, Starburst. There's a lot.
 25 Q And about how many wrappers -- so we'll take it

- 1 Q Can you be --
 2 A It's on the walls, like, basically, all the
 3 walls, like the left here, up, all over.
 4 Q And can you say what portion of the bathroom is
 5 covered in graffiti?
 6 A No.
 7 Q Can you give me a specific example of graffiti?
 8 A I think I can give you about probably more than
 9 half.
 10 Q And when you say "more than half," do you mean
 11 more than half of the walls?
 12 A Yes -- more than half of the bathroom.
 13 Q Where is graffiti in the bathroom other than on
 14 the walls?
 15 A On the door.
 16 Q Which door? The one that you enter and exit
 17 through or the stall door?
 18 A Both.
 19 Q And can you remember any specific examples of
 20 graffiti?
 21 A Say it again, please.
 22 Q Can you remember any specific examples of
 23 graffiti?
 24 A No.
 25 Q And you say that the second-floor bathroom,

- 1 as a class; we'll say there's one set of trash that's
 2 candy wrappers. About how many candy wrappers do you
 3 think you saw?
 4 A I don't know.
 5 Q More than five?
 6 A Yes.
 7 Q More than ten?
 8 A I don't know.
 9 Q Any other kinds of trash on the floor?
 10 A Paper towels.
 11 Q Anything else?
 12 A No.
 13 Q About how many paper towels did you see?
 14 A I don't know.
 15 Q More than one?
 16 A Yes.
 17 Q More than five?
 18 A I don't know.
 19 Q And you say that there's no soap in the
 20 second-floor boys' bathroom?
 21 A Yes.
 22 Q So I take it that there was no soap in there
 23 yesterday when you tried it?
 24 A Yes.
 25 Q Can you remember another time that you used the

1 bathroom on the second floor and there wasn't soap?
 2 A Day before.
 3 Q How about before that?
 4 A Day before that. I basically go to the second-
 5 and first-floor bathroom.
 6 Q So you use -- you use the second-floor bathroom
 7 daily?
 8 A Yes. And the third floor.
 9 Q And the first-floor bathroom you use less
 10 often?
 11 A Yes.
 12 Q But you're not quite sure how much less often?
 13 A Yes.
 14 Q And can you remember a time when you went to
 15 the second-floor bathroom and found that there was soap?
 16 A No.
 17 Q And how many times had you used the
 18 second-floor bathroom, total, this past week?
 19 A Four times.
 20 Q About what time of the day did you use it?
 21 A Right after lunch.
 22 Q And was there any soap --
 23 A No.
 24 Q -- any of those times?
 25 A No.

1 Q And you say that there's not enough paper
 2 towels?
 3 A Yes.
 4 Q Were there paper towels in there yesterday?
 5 A No.
 6 Q Where do you think the paper towels that were
 7 on the floor came from?
 8 A Probably from earlier, earlier during the day.
 9 Q So would you say that they probably stock the
 10 bathrooms in the morning with paper towels?
 11 MS. LHAMON: Objection. Calls for speculation.
 12 THE WITNESS: Yes.
 13 BY MR. SIMMONS:
 14 Q If you use the bathroom in the morning, are you
 15 more likely to find paper towels?
 16 A Yes.
 17 Q Can you think of any times when you used the
 18 second-floor bathroom in the morning that there weren't
 19 paper towels?
 20 A No. I don't use the bathroom in the morning.
 21 Q And is there a paper-towel dispenser in the
 22 second-floor boys' bathroom?
 23 A Yes.
 24 Q Can you describe that?
 25 A The same as the first floor, a little -- you

1 just pull the little thing and it comes out.
 2 Q Does it come out in a single sheet?
 3 A Um-hmm, in a long strip; you rip what you want.
 4 Q And how many -- how many sinks are there in the
 5 second-floor boys' bathroom?
 6 A Three.
 7 Q And do all those sinks work?
 8 A Yes.
 9 Q If there's a lack of paper towels in the
 10 bathroom, is there someone that you can complain to?
 11 A The janitor.
 12 Q And if you ask him --
 13 A Her.
 14 Q Her. If you ask her to place paper towels in
 15 the bathroom, will she do it?
 16 A No.
 17 Q Do you know why?
 18 A No.
 19 Q How many times have you asked her to put paper
 20 towels in the bathroom?
 21 A I don't know. More than once, though.
 22 Q More than five times?
 23 A No.
 24 Q And if you wanted to complain about the lack of
 25 soap in the bathroom, who would you complain to?

1 A The janitor.
 2 Q Anybody else?
 3 A No.
 4 Q And have you ever complained to the janitor
 5 about the lack of soap?
 6 A Yes.
 7 Q Can you remember the last time you did that?
 8 A No.
 9 Q Can you remember about how many times you've
 10 complained to her about a lack of soap?
 11 A No.
 12 Q Have you ever seen anyone clean any of the
 13 restrooms?
 14 A No.
 15 Q Do you know who's responsible for cleaning the
 16 restrooms?
 17 A The janitor.
 18 Q Have you ever seen anybody stock the restrooms?
 19 A No.
 20 Q And by "stock," I mean put paper towels in.
 21 A No.
 22 Q When you've gone to use the first-floor boys'
 23 bathroom, has there been toilet paper?
 24 A Yes.
 25 Q Can you think of a time when you went to use

- 1 the first-floor boys' bathroom that there wasn't toilet
2 paper?
3 A Last -- nope.
4 Q And how about with the second-floor boys'
5 bathroom, can you think of -- can you think of a time
6 when there wasn't toilet paper in there?
7 A Yes.
8 Q When would that be?
9 A Last year.
10 Q And about how many times last year would you
11 say that there was no toilet paper in the second-floor
12 boys' bathroom?
13 A I don't know.
14 Q More than once?
15 A Yes.
16 Q More than five times?
17 A I don't know.
18 Q Do people ever cut school to use the restroom
19 elsewhere?
20 A Yes.
21 Q About how many people do you know of?
22 A About four.
23 Q Do you know where they go to use the restroom?
24 A Home.
25 Q Does anybody use the restroom other than the

- 1 one of these permits?
2 A Not a lot. I don't know, though, how many
3 times.
4 Q About how many -- did you get one in the last
5 month?
6 A Yes.
7 Q More than one in the last month?
8 A I don't -- yes.
9 Q More than two?
10 A I don't know.
11 Q And how long did you stay away from school each
12 of those times?
13 A These weren't restroom breaks; dentists.
14 Q Did you -- so in the last month, you never
15 asked for a permit to use the restroom at your home?
16 A No.
17 Q How about the month before that?
18 A Yes.
19 Q How many times during that month?
20 A I don't know.
21 Q Was it more than once?
22 A Yes.
23 Q More than twice?
24 A I don't know.
25 Q So you can recall two times that you got a

- 1 one at school -- the ones at school or the one at their
2 home?
3 A I don't know.
4 Q Have you ever cut school to use the restroom?
5 A Yes.
6 Q About how many times?
7 A I don't know.
8 Q When was the last time you did it?
9 A I don't know.
10 Q Did you do it this year?
11 A Yes. I don't cut, I get a permit to leave.
12 Q And how do -- what's that permit; can you
13 describe that for me?
14 A A piece of paper that says "permission to
15 leave."
16 Q And what do you have to do to get that permit?
17 A Get a pass; go to the office, tell them what's
18 wrong. She'll call your house -- or they'll call your
19 house, and tell your mom the problem, and ask your mom
20 is it okay for you to come home. "Yes." Write it out,
21 you go home.
22 Q And about how long do you stay away from campus
23 if you have a permit?
24 A You can stay for the remainder of the day.
25 Q How often -- how many times have you received

- 1 permit?
2 A Yes.
3 Q And what period of time -- what period of time
4 were you out?
5 A It was about fourth period.
6 Q Both times for both permits?
7 A No. One, fourth period; one, fifth.
8 Q And how much class time do you think you
9 missed?
10 A About a period and ten minutes.
11 Q And on both those occasions you went home to
12 use the restroom?
13 A Yes.
14 Q And why did you choose to go home to use the
15 restroom on those days?
16 A Because the bathrooms are dirty.
17 Q And about -- would two times a month be an
18 average time that you use a permit?
19 A No.
20 Q Is that more, or less?
21 A I don't know. It depends on what I'm doing.
22 If I use the bathroom, then I go. If I got a dentist
23 appointment, then I go to the dentist.
24 Q Okay. I'm sorry. To use a permit for the
25 bathroom, to use your restroom at home, about how many

- 1 times on average would you request a permit for that
 2 purpose a month?
 3 A I don't know.
 4 Q Does two times seem like an average?
 5 A I don't know.
 6 Q So --
 7 MS. LHAMON: Shaun, he has testified that he
 8 didn't do it at all last month, so it might be hard for
 9 him to come up with an average.
 10 MR. SIMMONS: Right.
 11 Q There were no times last month, two times for
 12 the month before that?
 13 A Yes.
 14 Q And can you remember -- can you remember for
 15 the month of March, which would have been the next
 16 previous month -- can you remember whether you used a
 17 permit to use the restroom at home that time, during
 18 that month?
 19 A Yes -- no, I don't know.
 20 Q Okay. What kind of toilet paper is used in
 21 your restrooms?
 22 A Rough kind.
 23 Q Is it on the roll?
 24 A Yes.
 25 Q Do students ever try and clog up toilets or

- 1 sinks with the toilet paper?
 2 A No.
 3 MS. LHAMON: Objection. Calls for speculation.
 4 BY MR. SIMMONS:
 5 Q So let's go to the third-floor restroom.
 6 There's about five urinals in there?
 7 A Yes.
 8 Q There's two sit-down toilets?
 9 A Yes.
 10 Q One of those has a door on it but there's no
 11 lock?
 12 A Yes.
 13 Q And one doesn't have a door at all?
 14 A Yes.
 15 Q Do you know why there's a door on one but not
 16 the other?
 17 A No.
 18 Q Does it ever change, which sit-down toilet has
 19 the door?
 20 A No.
 21 Q It's always the same one that's without the
 22 door?
 23 A Yes.
 24 Q And there's three sinks in that bathroom?
 25 A Yes.

- 1 Q And do all three sinks work?
 2 A Yes.
 3 Q And just back to the second-floor bathroom
 4 again real quick. Is that bathroom always open?
 5 A Yes.
 6 Q Has it always been open?
 7 A Yes.
 8 Q During your sixth and seventh grade school
 9 years as well?
 10 A Yes.
 11 Q Has there ever been a problem at Burbank where
 12 students have to wait in line for restrooms because
 13 there's not a sufficient number?
 14 A Not that I know of, no.
 15 Q And what do you think is wrong with the
 16 third-floor restroom?
 17 A Graffiti, trash on the floor, the door.
 18 Q Anything else?
 19 A No. Oh, yes, soap; the soap, and paper towels.
 20 Q And how much -- where is the graffiti at in the
 21 third-floor restroom?
 22 A Walls and on the door.
 23 Q And what portion of the bathroom do you think
 24 has graffiti on it?
 25 A Not that much on the third floor.

- 1 Q And can you describe the types of graffiti that
 2 are in that bathroom?
 3 A Writing.
 4 Q Do you know what's written there?
 5 A Names.
 6 Q Anything else?
 7 A No.
 8 Q And what kind of trash do you find in the
 9 third-floor restroom?
 10 A Chip bags, sandwich wrappers, plastic bags,
 11 paper bags, candy wrappers. That's it.
 12 Q And how often would you say there's trash on
 13 the floor in the bathroom?
 14 A Daily.
 15 Q Does the floor start out clean and get
 16 progressively dirtier throughout the day?
 17 A I don't know.
 18 Q And do you usually use the third-floor restroom
 19 in the afternoon?
 20 A Yes, and in the morning.
 21 Q Does it look different, normally, in the
 22 mornings than it does in the afternoon?
 23 A No.
 24 Q When was the last time you used the third-floor
 25 restroom?

- 1 A Yesterday.
 2 Q And was there trash on the floor then?
 3 A Yes.
 4 Q Can you describe the trash that was on the
 5 floor?
 6 A Cheeto wrappers, trash.
 7 Q Anything other than Cheeto wrappers?
 8 A Candy wrappers, plastic bags, paper bags,
 9 sandwich wrappers.
 10 Q How many candy wrappers do you think were on
 11 the floor?
 12 A I don't know.
 13 Q More than one?
 14 A Yes.
 15 Q More than five?
 16 A I don't know.
 17 Q How many sandwich bags do you think were on the
 18 floor?
 19 A More than one.
 20 Q Can you get any more specific?
 21 A No.
 22 Q And were there paper towels on the floor?
 23 A No.
 24 Q Anything else other than candy wrappers, chip
 25 wrappers, and sandwich bags on the floor?

- 1 A No.
 2 Q Was there soap in the third-floor bathroom when
 3 you tried to use it yesterday?
 4 A No.
 5 Q Did you tell anyone?
 6 A No.
 7 Q And what kind of dispenser -- is there a
 8 dispenser for the soap in the third-floor bathroom?
 9 A No.
 10 Q Do they put out bar soap?
 11 A No.
 12 Q Is there a paper-towel dispenser for the third
 13 floor?
 14 A Yes, but it's broken.
 15 Q What kind of dispenser is it?
 16 A Same ones as on the second and first floor:
 17 You pull the thing, it comes out.
 18 Q And what's broken about that?
 19 A The top, the -- like the front of it, it's
 20 gone.
 21 Q Is it still functional?
 22 A I don't know.
 23 Q Were there paper towels in it yesterday?
 24 A No.
 25 Q Did you tell anyone?

- 1 A No.
 2 Q And is the third-floor bathroom always open?
 3 A Yes.
 4 Q Has it always been open?
 5 A Yes.
 6 Q Do you know whether students at school
 7 vandalize the restrooms?
 8 A Say it again, please.
 9 Q Do you know whether any students at school
 10 vandalize the restrooms?
 11 A I know they do.
 12 Q What do they do to them?
 13 A Write on the walls.
 14 Q Anything else?
 15 A They put the trash on the floor.
 16 Q Anything else?
 17 A No.
 18 Q Have you ever seen any students write on the
 19 walls?
 20 A No.
 21 Q Have you seen any students put trash on the
 22 floor?
 23 A Yes.
 24 Q When was the last time you saw somebody put
 25 trash on the floor?

- 1 A I don't know.
 2 Q Have you ever dropped trash on the floor in
 3 there?
 4 A No.
 5 Q Have you ever written on the walls?
 6 A No.
 7 Q Do you ever -- how often would you say you
 8 report -- or do you ever report that there are a lack of
 9 paper towels in the bathroom?
 10 A Not very often.
 11 Q Would you do it once a month?
 12 A No.
 13 Q Probably less than that?
 14 A Yes.
 15 Q And you'd report that to the janitor?
 16 A Yes.
 17 Q And how about with soap; about how many times
 18 do you think you reported that the bathrooms lacked
 19 soap?
 20 A Not a lot.
 21 Q A few times over the course of a year?
 22 A Yes.
 23 Q And who did you report it to?
 24 A The janitor.
 25 Q And do you know what happened as a result of

- 1 reporting?
 2 A Nothing.
 3 Q How do you know that?
 4 A Because the next day there was no soap, no
 5 paper towels.
 6 Q So each time that you requested paper towels --
 7 A Yes.
 8 Q -- the next day there weren't paper towels
 9 again?
 10 A Yes.
 11 Q Do you ever use other public restrooms?
 12 A What do you mean?
 13 Q I mean, like public restrooms, like a bathroom
 14 that's opened to the public, like a restroom at a
 15 fast-food facility.
 16 A No.
 17 Q Or --
 18 A A restaurant, yes.
 19 Q A restaurant?
 20 A Not a fast-food, a restaurant.
 21 Q How do you think the restroom -- what
 22 restaurant have you used?
 23 A Red Lobster.
 24 Q Any other bathrooms?
 25 A Yes.

- 1 Q Which one?
 2 A Sizzler; there's a lot. I can't name them all.
 3 Q How do those -- how does a bathroom at Red
 4 Lobster compare to your bathroom at home?
 5 A Probably equal.
 6 Q And how about at the Sizzler?
 7 A Equal, probably. My bathroom is different,
 8 though.
 9 Q In terms of -- yeah, I should help you out
 10 there.
 11 In terms of cleanliness, how do you think the
 12 bathroom at Red Lobster compares to the bathroom at
 13 home?
 14 A Equal.
 15 Q And how about with Sizzler?
 16 A Same.
 17 Q And how would those restrooms -- how would the
 18 restroom at the Red Lobster compare with the restroom at
 19 school?
 20 A A lot different.
 21 Q How so?
 22 A The restaurant bathrooms have paper towels,
 23 soap, they all have locks, no writing, and a lot
 24 cleaner. They smell better.
 25 Q Why do you think that there aren't a sufficient

- 1 number of paper towels at school?
 2 A I don't know.
 3 Q And how about with the soap?
 4 A I don't know.
 5 Q Are the sinks ever clogged at school?
 6 A Yeah.
 7 Q How often does that happen?
 8 A I don't know.
 9 Q Can you remember the last time you saw a
 10 clogged sink?
 11 A No.
 12 Q Did you see a clogged sink this month?
 13 A I don't know.
 14 Q How about last month?
 15 A No.
 16 Q How about a clogged toilet; did you see a
 17 clogged toilet this month?
 18 A Yes.
 19 Q Where at?
 20 A Third floor.
 21 Q Did you see any others?
 22 A No.
 23 Q How long did the toilet on the third floor stay
 24 clogged for?
 25 A About a period.

- 1 Q Do you know who fixed it?
 2 A A janitor.
 3 Q Do you know who told the janitor about the
 4 toilet?
 5 A Teacher.
 6 Q Have you ever seen students try and tear down
 7 the paper-towel dispensers?
 8 A No.
 9 Q Do you know if -- have you ever heard that they
 10 try and do that?
 11 A No.
 12 Q Which restrooms out of those on the second,
 13 third -- second -- first, second and third floors are
 14 used the most?
 15 A Third floor.
 16 Q And those are used the most by you and students
 17 in general?
 18 A Yes.
 19 Q And why are those -- why are those restrooms
 20 used the most?
 21 A That's where the largest classes are.
 22 Q Any other reason?
 23 A No.
 24 Q And is that true with both the boys' and girls'
 25 restroom?

1 A I don't know about the girls', I know about the
2 boys'.
3 Q Can you describe the ways that the condition of
4 the bathroom has affected your education?
5 A It makes me feel bad. Like when we went to
6 other schools for basketball games and stuff, we get
7 changed in the bathrooms, their bathrooms wasn't nothing
8 like ours, or their lockers. It was way clean. No
9 writing, soap, paper towels, no broke dispensers.
10 Q So you say -- when you say it made you feel
11 bad, you mean that you felt bad because you wanted the
12 same restrooms that other kids had --
13 A Yes.
14 Q -- at the schools that you had been to games
15 to?
16 A Yes.
17 Q Did it have an effect on your education in any
18 other way?
19 A Yeah. I go to class feeling kind of bad, you
20 know; like every day, I go to that bathroom, and it
21 looked the same and no changes being made.
22 Q Do the bathrooms ever affect your ability to
23 learn in class?
24 A Yes.
25 Q How so?

1 A Feel uncomfortable after coming from the
2 bathroom and going to class, feel kind of sick, the
3 smell, and the look.
4 Q For how long after using the bathroom do you
5 think you would feel uncomfortable or sick?
6 A About 15 minutes, 10 minutes.
7 Q How often, on average, would you say you use a
8 restroom at school a day?
9 A About twice.
10 Q And would you use them at -- would it be
11 random, the times that you would use them, or do you
12 frequently use the restrooms around the same times of
13 the day?
14 A Frequently the same time of the day.
15 Q And what times would those be?
16 A The second-floor bathroom after lunch, and the
17 third-floor bathroom after gym.
18 Q And is gym your second period class?
19 A Yes.
20 Q Do you think the condition of the bathrooms has
21 had an adverse effect on your grades at school?
22 A No.
23 Q Do you think the conditions of the bathrooms
24 affect your ability to take tests?
25 A No.

1 Q Other than feeling bad because you would like
2 for your schools to look like some other schools'
3 bathrooms, and feeling sick or uncomfortable to your
4 stomach after using a restroom, is there any other way
5 that the conditions of the bathroom have affected your
6 education?
7 MS. LHAMON: I think you're mischaracterizing
8 his testimony.
9 MR. SIMMONS: He said --
10 Q Have I mischaracterized your testimony?
11 MS. LHAMON: Do you know what that means,
12 Silas?
13 THE WITNESS: No.
14 MR. SIMMONS: Yeah, sorry.
15 Q Did what I say you said -- is that what you
16 said earlier in the last question?
17 A What?
18 Q Let's start over.
19 You testified that you feel bad about the
20 conditions of your bathrooms because you've been to
21 other schools where the conditions are better.
22 A Yes.
23 Q And you've also testified that sometimes you'll
24 come back from the restroom feeling sick or
25 uncomfortable.

1 A Yes.
2 Q Now, other than those two things, do the
3 conditions of the bathrooms affect your education in any
4 other way?
5 A No.
6 MS. LHAMON: Just a point of clarification.
7 Are we talking now only about the three -- the bathrooms
8 on the first, second and third floors in the school;
9 we're not talking about the bathrooms in the locker room
10 now?
11 MR. SIMMONS: Yeah, I was going to hit that
12 separately.
13 Q And what do you think could be done to avoid --
14 what do you think should be done to fix the problems
15 with the restrooms?
16 A The graffiti needs to be painted over. We
17 should have doors, new doors with locks, paper towels,
18 soap, and seat covers.
19 Q And what do you think the best way to go about
20 doing that would be?
21 A I don't know.
22 MS. LHAMON: Not an expert in toilet stocking?
23 BY MR. SIMMONS:
24 Q Do you think that people who work at your
25 school right now could fix the problem?

- 1 A Yes.
 2 Q Who could fix it?
 3 A The principal.
 4 Q Anybody else?
 5 A The janitor, and Simboun.
 6 Q And what do you think they ought to do?
 7 A The principal, he could probably order some
 8 seat covers and paper towels and soap. And the janitor
 9 could -- janitor, Simboun could probably paint over the
 10 graffiti and clean the bathrooms.
 11 Q And Simboun -- I'm sorry, did you say that he
 12 could do something?
 13 A Yes.
 14 Q What was that again? I'm sorry.
 15 A Help paint over the graffiti.
 16 Q And what about the students; could the students
 17 do anything to help out with the conditions of the
 18 bathrooms?
 19 A Yes.
 20 Q What could they do?
 21 A Help paint the graffiti as well.
 22 Q Anything else?
 23 A Not litter.
 24 Q Anything else?
 25 A No.

- 1 Q Anything else?
 2 A No.
 3 Q Are there sinks in the locker room?
 4 A Yes.
 5 Q All the sinks work?
 6 A Yes.
 7 Q Can you tell me what kind of trash used to be
 8 on the floor in the sixth and seventh grade?
 9 A Wrappers, basically.
 10 Q And how about graffiti?
 11 A Writing.
 12 Q And where was it?
 13 A On the walls and on the lockers.
 14 Q And about what portion of the -- what portion
 15 of the -- in the bathroom in the locker room would the
 16 graffiti take up?
 17 A I don't know.
 18 Q And how about, what portion of the remaining
 19 locker room would the graffiti take up?
 20 A I don't know.
 21 Q So there were wrappers on the floor of the
 22 restroom in the locker room. Were there any other kinds
 23 of trash in there?
 24 A Chip bags.
 25 Q Anything else?

- 1 Q And the only other restroom available to
 2 students is the one in the gymnasium?
 3 A Locker room.
 4 Q And the locker room, I'm sorry.
 5 And how many urinals are in the locker-room
 6 restroom?
 7 A About five.
 8 Q And how many sit-down toilets?
 9 A Two, but one doesn't have a sit-down. It's
 10 two, like, but one is missing the whole sit-down thing,
 11 so it's basically one.
 12 Q The one is missing the cover that comes down?
 13 A The whole toilet.
 14 Q There's no -- there's a stall but there's no
 15 toilet in it?
 16 A Yeah.
 17 Q And what's the condition of the locker-room
 18 bathrooms like?
 19 A They're clean.
 20 Q And have they always been clean?
 21 A No.
 22 Q When weren't they clean?
 23 A Sixth and seventh grade.
 24 Q And what wasn't clean about the bathrooms then?
 25 A Graffiti and trash on the floor.

- 1 A No.
 2 Q And would the amount of trash on the floor
 3 during the sixth and seventh grade -- was it the same
 4 from day-to-day or did it differ?
 5 A It differed.
 6 Q Were there days that were particularly bad?
 7 A Yes.
 8 Q Which days?
 9 A I don't know.
 10 Q When you say that there were days that were
 11 worse than others, was it like Mondays were generally
 12 worse than others or Fridays were generally worse than
 13 others?
 14 A Just certain days. I don't know which days.
 15 Q Certain days, but not any particular day of the
 16 week?
 17 A Yes.
 18 Q And how would you describe the trash on the --
 19 on a bad day?
 20 A Full, there would be a lot.
 21 Q Can you be any more specific about "a lot"?
 22 A Just be a lot of trash, basically.
 23 Q Would it be the same kind of trash -- I mean,
 24 would it be wrappers --
 25 A Yes.

- 1 Q -- chip bags?
 2 A Yes.
 3 Q About how many wrappers would you see on a bad
 4 day?
 5 A I don't know.
 6 Q About how many chip bags would you see on a bad
 7 day?
 8 A I don't know.
 9 Q What other types of trash would there be, other
 10 than the wrappers and chip bags?
 11 A That's it.
 12 Q And how would a good day or a cleaner day
 13 compare to the bad day?
 14 A Not as much.
 15 Q Can you give a fraction of the amount of trash
 16 that would be there on a good day?
 17 A No.
 18 Q And on a good day, how many wrappers do you
 19 think would be in there?
 20 A I don't know.
 21 Q More than one?
 22 A Yes.
 23 Q More than five?
 24 A Yeah.
 25 Q More than ten?

- 1 has paper towels in the locker room, just no soap and
 2 seat covers.
 3 Q Why do you think that there's less trash in
 4 there this year -- there's no trash in there this year
 5 as compared to the previous years?
 6 A I don't know.
 7 Q Do you see anybody picking up trash in there
 8 this year?
 9 A No. Oh, like now, the gym teachers stay in
 10 there. Like, the male gym teachers, they stay in.
 11 There will be one in the front, one in the middle, and
 12 one all the way in the back, because we all line up in
 13 single-file line, and they wait until everybody leave,
 14 and then they leave, lock up. Last year they used to
 15 leave people in there, let the kids stay in there, and
 16 they used to write all over, I guess.
 17 Q What else do you think is responsible for the
 18 smaller amount of trash?
 19 A I don't know.
 20 Q And what happened with the graffiti?
 21 A There is none anymore. Painted over.
 22 Q When did that happen?
 23 A While we was over summer vacation last year.
 24 Q And do you know who was responsible for that?
 25 A No.

- 1 A I don't know.
 2 Q And how about with chip bags?
 3 A I don't know.
 4 Q More than one?
 5 A Yes.
 6 Q More than five?
 7 A I don't know.
 8 MS. LHAMON: Shaun, when you get to a stopping
 9 point, I'd like to take a break.
 10 MR. SIMMONS: Do you think if we took a break
 11 now, could we go and maybe come back and go until 12:30
 12 and then have lunch? Does that sound good for
 13 everybody?
 14 MS. LHAMON: Yes, that sounds fine.
 15 (Recess.)
 16 BY MR. SIMMONS:
 17 Q Can you remember the last time that you saw the
 18 locker-room restroom in a condition that you didn't
 19 like?
 20 A No.
 21 Q And you say that the locker room is cleaner
 22 this year?
 23 A Yes.
 24 Q Can you tell me how?
 25 A There's no trash, there's no graffiti. And it

- 1 Q And why hasn't the graffiti gone back up?
 2 A Because the teachers stay in the locker room
 3 until everyone exits.
 4 Q And you say there are paper towels this year?
 5 A Yes.
 6 Q Why do you think that there are paper towels
 7 this year when there weren't last year?
 8 A I don't know.
 9 Q Do you ever see anyone stocking the paper
 10 towels?
 11 A No.
 12 Q Do you know who would be responsible for that?
 13 A No.
 14 Q Has there ever been a time this year when you
 15 wanted to have paper towels in the locker-room restroom,
 16 but you didn't?
 17 A No.
 18 Q And you say that you have seat covers in the
 19 locker-room restroom?
 20 A I said we don't.
 21 Q Oh, you don't, okay.
 22 And you also say that there -- are there ever
 23 seat covers in that restroom?
 24 A No.
 25 Q And how about -- you say there's no soap?

- 1 A No.
 2 Q How do you know that there's no soap?
 3 A Because when we were dressing, like last week,
 4 there wasn't.
 5 Q "Last week," do you mean a particular day last
 6 week?
 7 A The whole week.
 8 Q And how do you know that there was no soap for
 9 the whole week?
 10 A Because I tried. Except for Friday; I wasn't
 11 there.
 12 Q So Monday through Thursday --
 13 A There wasn't soap.
 14 Q -- you used the soap dispenser?
 15 A Yeah, I tried.
 16 Q Did you let anyone know that there wasn't any
 17 soap?
 18 A No.
 19 Q And how often would you say that there is soap
 20 in the dispenser in the locker room?
 21 A Never.
 22 Q You've never tried to -- there's never been
 23 soap in there when you've tried to use it?
 24 A Yes.
 25 Q Yes, there hasn't been, or yes, there has been?

- 1 A Hasn't.
 2 Q Okay. Other than a lack of soap and seat
 3 covers, is there anything else about the locker-room
 4 restrooms you'd want to change?
 5 A The stall.
 6 Q And what about the stall would you want to
 7 change?
 8 A Have a toilet.
 9 Q Anything with respect to the other stall?
 10 A A lock on the door.
 11 Q How do you think -- how do you think the
 12 condition of the locker room during your sixth and
 13 seventh grade years affected your educational
 14 experience?
 15 A Say it again.
 16 Q How did you think that the lack of -- or the
 17 conditions of the restrooms during your sixth and
 18 seventh grade years affected your educational
 19 experience?
 20 A By the same things as the other bathrooms:
 21 making you feel very uncomfortable going to the gym.
 22 Q Anything else?
 23 A No.
 24 Q And when you say it made you feel
 25 uncomfortable, how do you mean "uncomfortable"?

- 1 A You go to the gym feeling kind of sick, seeing
 2 all that stuff. And, like, when it's -- like fresh
 3 graffiti, when somebody just did it, you could smell the
 4 marker, and it hurts your stomach.
 5 Q Did the condition of the locker-room restrooms
 6 during your sixth and seventh grade year affect your
 7 ability to learn?
 8 A Yes.
 9 Q How so?
 10 A Feeling uncomfortable. Going to gym feeling
 11 kind of sick.
 12 Q Can you remember a specific time when you felt
 13 your ability to learn was affected?
 14 A Well, I went to the locker room to change last
 15 year, and it was like some fresh graffiti; I smelled it,
 16 and then it started -- it was stinking, it hurt my
 17 stomach, and I went to gym, and I didn't want to
 18 participate because I felt sick.
 19 Q How far away can you smell the marker from?
 20 A When you first walk in.
 21 Q And how long does that smell stay?
 22 A About awhile; I don't know how long.
 23 Q So the condition affected your ability to
 24 participate in PE one day last year that you can
 25 remember. Can you remember any other times?

- 1 A Yes, but not -- I can't really identify them as
 2 well as that one.
 3 Q Can you think of a total number of times?
 4 A No.
 5 Q And has the condition of the locker rooms this
 6 year affected your educational experience at all?
 7 A No.
 8 Q Can you describe the condition of the
 9 gymnasium?
 10 A Yes. Yes, the floor's clean, there's no more
 11 trash in the gym, they're putting in new tiles. The
 12 floor's waxed, a lot more grippy, and it now feels
 13 better to sit down and not have to be sitting on dirt,
 14 sunflower seeds and stuff.
 15 Q And when did these improvements start to take
 16 place?
 17 A I guess over summer vacation.
 18 Q When you came back to school this year, the gym
 19 was in good condition?
 20 A Yes.
 21 Q I'm sorry, with respect to the locker room,
 22 have you ever heard that students have to wait for the
 23 teachers to -- the gym teachers to go into the locker
 24 room and scare away vermin before the students go in?
 25 A No.

- 1 Q Do you think there would be any reasons for
2 teachers to do that?
3 A No.
4 Q And you've never seen a mouse in the locker
5 room?
6 A No.
7 Q Or a rat?
8 A No.
9 Q Or a cockroach?
10 A No.
11 Q Can you describe the condition of the gymnasium
12 last year?
13 A The floor was very slippery, was dirty, had
14 sunflower seeds all over it, candy wrappers all over,
15 chip wrappers, graffiti on the bleachers, not on the
16 walls but on the bleachers, and on the backboard of the
17 basketball hoops.
18 Q What was that with respect to the basketball
19 hoops again? I'm sorry.
20 A Writing on the backboard.
21 Q Anything else wrong with the gymnasium last
22 year?
23 A No.
24 Q And what about ceiling tiles?
25 A They're falling.

- 1 Q Can you describe the ceiling tile, what it is?
2 A Something like that, but --
3 MS. LHAMON: For the record, you're indicating
4 the tiles that are in this room, on the ceiling?
5 THE WITNESS: Uh-huh, sort of like that, but
6 it's a lot bigger, and stuff was peeling off of them and
7 they was falling.
8 BY MR. SIMMONS:
9 Q Do you know about how much a ceiling tile
10 weighs?
11 A No.
12 Q Is it light?
13 A I don't know.
14 Q Do you know whether it's light?
15 A I don't know.
16 Q Okay. And how many tiles would you see fall
17 from the ceiling?
18 A A few.
19 Q "A few," is that three?
20 A Yeah.
21 Q And can you remember the circumstances under
22 which you saw them fall?
23 A What do you mean?
24 Q How -- how did it fall?
25 A Came straight down.

- 1 Q And when did it fall?
2 A During gym.
3 Q And do you know what caused it to fall?
4 A No.
5 MS. LHAMON: Shaun, by "it," do you mean
6 "they?" He's talking about --
7 MR. SIMMONS: Oh, yeah, that's right, there's
8 three.
9 Q Let's start with: When was the last one that
10 you -- thank you.
11 When was the last one that you remember
12 falling?
13 A Last year sometime.
14 Q And did all three fall in that same year?
15 A Yes.
16 Q Is it clear in your mind; can you distinguish
17 between the three episodes when you saw a ceiling tile
18 fall?
19 A What do you mean?
20 Q I mean, do you remember specifically the
21 circumstances surrounding all three times that the
22 ceiling tile fell?
23 A It was all during gym.
24 Q Do you have a clear picture in your mind of
25 ceiling tile 1 falls and then a clear picture of ceiling

- 1 tile 2 falls?
2 A No.
3 Q How high above the court would you say the
4 ceiling tiles are?
5 A High; I don't know. I don't know in feet or
6 yards, but it's pretty high.
7 Q How many times do you think -- can you figure
8 how many times you would have to stand up and then put
9 your same height on top of you -- how many times you'd
10 have to do that to get up to the top?
11 A No.
12 Q Okay. Do students ever -- would students ever
13 kick balls at the ceiling tiles?
14 A Yes.
15 Q And what would happen when they did that?
16 A They would fall.
17 Q And how often do you think students would do
18 that?
19 A I don't know.
20 Q Did it happen weekly?
21 A I don't know.
22 Q Monthly?
23 A I don't know.
24 Q Now, if -- they would kick balls, using their
25 foot, at the ceiling tiles; is that how they would do

- 1 it? Would they take a ball and --
- 2 A Sometimes it just came down, sometimes it was
- 3 old. Sometimes people kick balls and they come down;
- 4 most of the time they just came down.
- 5 Q Did you see anybody knock a ceiling tile down
- 6 by doing any other thing than kicking a ball at it?
- 7 A Throwing a ball.
- 8 Q What kind of ball do they use?
- 9 A Different ones: basketballs, kickballs,
- 10 footballs.
- 11 Q And does it take a pretty good kick to get up
- 12 there?
- 13 A Yes.
- 14 Q And a pretty good throw?
- 15 A Yes.
- 16 Q Have you ever taken a throw?
- 17 A No.
- 18 Q Ever taken a kick?
- 19 A No.
- 20 Q Has anyone ever been injured by a ceiling tile
- 21 that fell?
- 22 A Yes.
- 23 Q How many people?
- 24 A I don't know.
- 25 Q How many people do you know that have been

- 1 A Yes.
- 2 Q Can you tell me a little bit more about that?
- 3 A Slippery because of dust and not being swept.
- 4 Q And how do you know that's why it was slippery?
- 5 A If you rub your hand across it, dust would be
- 6 on your fingers.
- 7 Q Did you ever see anybody sweeping the floor in
- 8 there?
- 9 A No.
- 10 Q Did anybody ever slip and fall and hurt
- 11 themselves?
- 12 A No.
- 13 Q About how big is the gym?
- 14 A I don't know how big it is.
- 15 Q How many -- like, if you put your classrooms
- 16 together, how many classrooms do you think it would take
- 17 to fill up the gym?
- 18 A About three.
- 19 Q And you say that there are bleachers in the
- 20 gym?
- 21 A Yes.
- 22 Q And what's the condition of the bleachers right
- 23 now?
- 24 A Pretty clean.
- 25 Q Anything that you would want changed about

- 1 injured?
- 2 A One.
- 3 Q Have you ever heard of anyone else being
- 4 injured?
- 5 A No.
- 6 Q Do you know that one person's name?
- 7 A No.
- 8 Q Did you see them get injured?
- 9 A No.
- 10 Q How do you know that they were injured?
- 11 A Teachers told us.
- 12 Q And what did they tell you?
- 13 A That -- "don't kick no balls up there because
- 14 the tiles come down," and from then on, it was, like,
- 15 going outside, doing our exercises and warming up.
- 16 Q Now, when a ceiling tile falls down, does
- 17 someone come immediately and clean it up?
- 18 A No.
- 19 Q Or did someone come and clean it up?
- 20 A Someone came and cleaned it up later on.
- 21 Q When you've seen a ceiling tile fall, has it
- 22 been there the next day in gym class?
- 23 A No.
- 24 Q Now, you say that during your sixth and seventh
- 25 grade years, the floor was slippery?

- 1 them?
- 2 A No.
- 3 Q And what was the condition of the bleachers
- 4 last year?
- 5 A It was pretty clean, a little writing.
- 6 Q Anything else?
- 7 A No, nothing.
- 8 Q When you say "a little writing," just -- can
- 9 you be a little more specific?
- 10 A A little graffiti.
- 11 Q What's that?
- 12 A A little graffiti.
- 13 Q And when you say "a little graffiti," can you
- 14 be a little more specific about what that means?
- 15 A Writing.
- 16 Q But not what the graffiti is, just how much of
- 17 it there was.
- 18 A Not a lot.
- 19 Q And was there -- you say that there were
- 20 wrappers on the floor of the gym?
- 21 A Yes.
- 22 Q Are there still wrappers there?
- 23 A No.
- 24 Q How many wrappers used to be in the gym?
- 25 A I don't know.

1 Q A little or --
 2 A I don't know.
 3 Q Do you know what kind of wrappers there would
 4 be in there?
 5 A Different kinds.
 6 Q But food wrappers?
 7 A Yes.
 8 Q Any other kind of stuff?
 9 A Candy wrappers.
 10 Q Anything else?
 11 A No.
 12 Q Are students allowed to eat in the gym?
 13 A No.
 14 Q How often would you see -- would you ever see a
 15 student eating in the gym?
 16 A Yes.
 17 Q About how often?
 18 A Daily.
 19 Q Does anybody ever get in trouble for eating in
 20 the gym?
 21 A No.
 22 Q How come?
 23 A I don't know. Whatever you're eating, they
 24 make you go to the garbage and spit what you got in your
 25 mouth out, and everything, and whatever you're eating,

1 A There was a lot of sunflower seeds on the
 2 floor.
 3 Q And why would you say there's a lot?
 4 A Because there is.
 5 MS. LHAMON: Silas, could I -- a little while
 6 ago you said that it was better to sit down now because
 7 there's no sunflower seeds to sit on.
 8 THE WITNESS: Yes.
 9 MS. LHAMON: Were there other parts of the gym
 10 where you'd be more likely to sit on sunflower seeds?
 11 THE WITNESS: Yes.
 12 MS. LHAMON: Which parts were those?
 13 THE WITNESS: This side.
 14 MS. LHAMON: That's the left side?
 15 THE WITNESS: Huh?
 16 MS. LHAMON: Is that the left side; is that
 17 what you're saying?
 18 THE WITNESS: Yes.
 19 BY MR. SIMMONS:
 20 Q Can you say whether that's -- this is going to
 21 be too hard, but can you say north or south side, or do
 22 you know that?
 23 A No.
 24 MS. LHAMON: Is it near, like, a basketball
 25 court?

1 whatever you got to eat.
 2 Q So your gym teachers do supervise. And if they
 3 see someone eating, they'll make them spit it out?
 4 A Yes.
 5 Q Do they do anything else to try and keep tabs
 6 on the amount of food in the gym?
 7 A No.
 8 Q And what condition are the -- is the -- are the
 9 backboards in the gym?
 10 A Clean, they painted them.
 11 Q And what condition were they in?
 12 A Good condition, just writing on them.
 13 Q And there were -- you say there were sunflower
 14 seeds in the gym last year?
 15 A Yes.
 16 Q About how many, do you think?
 17 A I don't know.
 18 Q Can you think of a portion of the gym that
 19 would have been covered with sunflower seeds?
 20 A No.
 21 Q How would you characterize the amount of
 22 sunflower seeds in the gym?
 23 A What do you mean?
 24 Q I mean, how would you describe, if you wanted
 25 to tell someone what the condition of the gym floor was?

1 THE WITNESS: Yes.
 2 MS. LHAMON: Are there basketball courts on
 3 both sides of the gym or only on one side?
 4 THE WITNESS: Both.
 5 MS. LHAMON: Is it near the entrance or the
 6 exit?
 7 THE WITNESS: Both.
 8 MS. LHAMON: I'm not helping, sorry.
 9 BY MR. SIMMONS:
 10 Q Is there -- there's two ways -- is there two
 11 ways in and out of the gym?
 12 A Yeah, there's an entrance, entrance, exit,
 13 exit.
 14 Q Could you help us out with any specific area
 15 where you think --
 16 A In the corner.
 17 Q In the corner?
 18 A (No audible response.)
 19 MS. LHAMON: Is there anything else in that
 20 corner that's not in the other corners of the gym?
 21 THE WITNESS: No.
 22 MS. LHAMON: You're a hard nut to crack, Silas.
 23 BY MR. SIMMONS:
 24 Q And are there sunflowers in the gym this year?
 25 A No.

- 1 Q I guess sunflower seeds -- sorry. So there are
2 no sunflower seeds in the gym this year?
3 A Yes.
4 Q "Yes" meaning there are none; correct?
5 A Yes.
6 Q And in general, there's -- the floor is cleaner
7 this year?
8 A Yes.
9 Q Why do you think the school's been able to keep
10 it cleaner?
11 A Enforcing the rules, no food in the gym.
12 Q How do they enforce -- did they not used to
13 enforce that rule, or are they just more strict now?
14 A They didn't enforce it, really. Last year you
15 could just come in and eat. This year they don't let
16 you do it. They make you throw it away.
17 Q Why do you think -- why do you think they
18 started enforcing the rule this year?
19 A I don't know. Probably due to the lawsuit.
20 Q What makes you say that?
21 A Because last year -- last year it was dirty,
22 and the year before; and then, like, the year before, I
23 was in sixth grade; when I came back to go to seventh
24 grade, it was still messed up. Then we got the lawsuit,
25 I came back for eighth grade, it was cleaner.

- 1 Q Have you ever seen a rat in the gymnasium?
2 A Yes.
3 Q How many?
4 A One.
5 Q And when did you see it?
6 A Last year.
7 Q And where was it?
8 A In the hole.
9 Q In the hole?
10 A In a hole in the gym.
11 Q And where was that hole?
12 A On the gym floor.
13 Q And what kind of hole was that on the gym
14 floor?
15 A Like this metal thing, metal top, it looks like
16 a hole inside and it was in there, if you take the metal
17 top thing off.
18 Q Is that where -- if you wanted to play
19 volleyball, would you put a post in that?
20 A Yes.
21 Q Do you know how the rat got there?
22 A Probably run in there.
23 Q How big would you say the hole is? How deep is
24 that?
25 A About this far, from here to here.

- 1 Q So does that look like about 6 or 8 inches to
2 you?
3 MS. LHAMON: That's exactly what I was going to
4 say. Does that sound right to you, Silas, 6 to 8
5 inches?
6 THE WITNESS: Yes.
7 BY MR. SIMMONS:
8 Q And about the dia- -- yeah, what's that word?
9 MS. LHAMON: Width.
10 BY MR. SIMMONS:
11 Q How wide would it be? How wide would the
12 diameter be across?
13 A Like this.
14 Q So that would be about 4 inches across?
15 A Probably.
16 Q How long did the rat stay there?
17 A About some months.
18 Q "Some months"; is that what you said?
19 A Yes.
20 Q Do you know a number?
21 A No.
22 Q It would be plural, so you think it was more
23 than one?
24 A It was.
25 Q When did you first see it?

- 1 A When someone lifted the metal thing.
2 Q And who lifted it?
3 A A student.
4 Q Can you remember his name?
5 A John.
6 Q And this was during your seventh grade year
7 or --
8 A Yes.
9 Q And do you remember whether, when you first saw
10 it, it was the fall or the spring?
11 A It was toward the end of the school year.
12 Q And do you think it stayed there for more than
13 two months?
14 A Yes.
15 Q More than three?
16 A I don't know.
17 Q And did you tell anybody about it when you saw
18 it?
19 A Yes.
20 Q Who did you tell?
21 A [REDACTED]
22 Q And this occurred after the first time you saw
23 it?
24 A Yes.
25 Q And what did you tell [REDACTED]

- 1 A That there was a rat in the gym.
 2 Q Did you tell her anything else?
 3 A Where it was at.
 4 Q Anything else?
 5 A No.
 6 Q And what did she say to you?
 7 A "Don't worry about it."
 8 Q Did she say anything else?
 9 A No.
 10 Q Did you ever tell anybody else about the rat
 11 being there?
 12 A No.
 13 Q Do you know how long the rat was there before
 14 you saw it?
 15 A No.
 16 Q And what finally became of the rat?
 17 A It got -- throw away, I guess.
 18 Q Do you know who was responsible for that?
 19 A No.
 20 Q Do you know how many people knew about the rat?
 21 A A lot.
 22 Q A lot of students?
 23 A Yes.
 24 Q And what about teachers?
 25 A I don't know.

- 1 Q Other than [REDACTED], you don't know whether any
 2 teachers knew about it?
 3 A Yes. [REDACTED] knew about it.
 4 Q When did he learn about it?
 5 A I don't know.
 6 Q Do you know how he learned about it?
 7 A No. By a student, I guess.
 8 Q And how do you know that he was aware of the
 9 rat?
 10 A He said it himself.
 11 Q When did he say it?
 12 A During a class.
 13 Q Which class?
 14 A Elective.
 15 Q And what else did he say about it?
 16 A I don't know, I forgot.
 17 Q Do you remember why he brought it up to the
 18 class?
 19 A Because he seen one in his class.
 20 Q And can you remember anything about what he
 21 said?
 22 A No.
 23 Q Do you know whether any administrators knew
 24 about the rat?
 25 A I don't know.

- 1 Q And you know what I mean when I say the word
 2 "administrators"?
 3 A Like principals. I don't know.
 4 Q Do you know whether anyone ever told a
 5 custodian?
 6 A I don't know.
 7 Q I think you -- tell me if I'm wrong, but I
 8 think you testified that you've seen a rat in the
 9 gymnasium?
 10 A Yes.
 11 Q A mouse in two classes; one mouse in each
 12 class, and those were where [REDACTED] was the teacher?
 13 A Yes.
 14 Q Have you ever seen any other rats or mice at
 15 school?
 16 A In [REDACTED] class.
 17 Q Tell me about that one.
 18 A It ran across the back of the room and went
 19 through the heater.
 20 Q And other than -- so that would be four
 21 sightings total?
 22 A Yes.
 23 Q Have you seen any other rats or mice?
 24 A No.
 25 Q Have you heard other students -- do you know

- 1 how many rats or mice other students have seen?
 2 MS. LHAMON: Objection.
 3 THE WITNESS: No.
 4 MS. LHAMON: Calls for speculation and also
 5 asked and answered.
 6 BY MR. SIMMONS:
 7 Q Do you ever see anyone come to school like an
 8 exterminator?
 9 A No.
 10 Q Have you ever complained to anyone about there
 11 being too many rats or mice at your school?
 12 A No.
 13 Q Do you know of any students that have become
 14 sick or injured due to the presence of vermin at school?
 15 A No.
 16 Q And how do you think that -- the presence of
 17 the mice and the rats or the cockroaches, how do you
 18 think that affects your education?
 19 A It makes you feel very uncomfortable. When you
 20 see it, it breaks everybody's concentration because then
 21 the class gets noisy; it's a big distraction,
 22 interruption.
 23 Q How often has -- the presence of a vermin or a
 24 pest, how often has that broken your concentration?
 25 A Every time.

- 1 Q So the three times that you saw --
 2 A Yes.
 3 Q -- the mouse in class?
 4 A Except for in the gym.
 5 Q Any other times?
 6 A No.
 7 Q Have you been made to feel uncomfortable at any
 8 other times than those three times?
 9 A All.
 10 Q All four times?
 11 A Yes.
 12 Q Do you know how --
 13 MS. LHAMON: Excuse me for a second. I think
 14 the "four times" doesn't accurately characterize the rat
 15 in the gym, because it was there for more than one day,
 16 so that's not a single sighting.
 17 BY MR. SIMMONS:
 18 Q How many times did the rat in the gym make you
 19 feel uncomfortable?
 20 A Every day.
 21 Q Did you look at it every day?
 22 A No.
 23 Q What about it made you feel uncomfortable?
 24 A Every day.
 25 Q You didn't see it every day, though?

- 1 A No.
 2 Q If you didn't see it, why did you still feel
 3 uncomfortable?
 4 A To know it was there.
 5 Q And what about that made you feel
 6 uncomfortable, knowing it was there?
 7 A Knowing a rat's in the gym, there is probably
 8 more around.
 9 Q Does it ever have -- the presence of the mice
 10 or the rat affected your ability to take tests?
 11 A Yes.
 12 Q When was that?
 13 A In Mr. Nawa's class.
 14 Q And can you be a little bit more specific about
 15 when that happened?
 16 A What do you mean?
 17 Q Well, you felt it was a test in Mr. Nawa's
 18 class?
 19 A Yes.
 20 Q And was that the only test?
 21 A Yes.
 22 Q And do you --
 23 MS. LHAMON: Shaun, he hasn't testified as to
 24 the number of times or number of tests.
 25 BY MR. SIMMONS:

- 1 Q Were there any other tests than that class --
 2 than that test in Mr. Nawa's class that you were made to
 3 feel like you couldn't concentrate because of the
 4 presence of mice or rats or vermin?
 5 A No.
 6 MS. LHAMON: I think that if we read the
 7 record, it will not be clear whether he's talking about
 8 only one test in Mr. Nawa's class or if there were
 9 multiple tests in Mr. Nawa's class.
 10 BY MR. SIMMONS:
 11 Q Are there any -- is it just one test, a single
 12 test, that you felt you couldn't perform on?
 13 A Yes.
 14 Q And that was because of the presence of a
 15 mouse?
 16 A Yes.
 17 Q Can you think of any other tests where your
 18 performance was affected, whether they were in
 19 Mr. Nawa's class or not?
 20 A No.
 21 Q And do you know what time of year this test
 22 was --
 23 A Toward the end.
 24 Q Of which, your sixth or your seventh grade?
 25 A Seventh grade. It was kind of in the middle.

- 1 Q And do you know how you did on that test?
 2 A Okay.
 3 Q Do you know what grade you got?
 4 A No.
 5 Q Other than vermin or pest, can you think of any
 6 other unhealthy conditions at your school?
 7 A No.
 8 Q Anything at your school that you think might
 9 make kids sick?
 10 A The restrooms.
 11 Q And when you say the restrooms might make kids
 12 sick, how would they make them sick?
 13 A By the fresh graffiti and the way it smells.
 14 Q Make their stomach feel queasy?
 15 A Yes.
 16 Q Anything else?
 17 A No.
 18 Q Where do the students eat lunch in your school?
 19 A Cafeteria or out in the courtyard.
 20 Q And where is the cafeteria located?
 21 A On the second floor.
 22 Q And about how many students can eat lunch in
 23 the cafeteria?
 24 A I don't know.
 25 Q Can all of the students eat lunch in the

1 cafeteria?
 2 A No.
 3 Q What happens if it rains?
 4 A We go in the gym or -- you get different
 5 options. You can go into the gym, you can go to your
 6 homeroom for board games, or you can go to the
 7 auditorium for a movie.
 8 Q And on those occasions, will people be allowed
 9 to eat in the gym?
 10 A No.
 11 Q So if -- how do students get their lunch if it
 12 rains and not everybody can eat in the cafeteria?
 13 A There's two different -- I mean, there's two
 14 different lunch periods, and like that. For our period,
 15 there's enough room for you to eat in the cafeteria.
 16 And then you eat, and then you go to the gym. It
 17 depends on where you're going. You can eat in the
 18 homeroom, you can eat -- but you can't eat in the
 19 auditorium or the gym.
 20 Q And you said that you can eat in the homeroom?
 21 A Yeah.
 22 Q And do you have -- is it like an A and B lunch;
 23 is that what they call it or --
 24 A Just like there's periods. It's the eighth
 25 grade lunch and -- it's sixth grade lunch, and then

1 to sit down when they eat their lunch?
 2 A Sit where you want.
 3 Q And what kind of seats are they? Individual
 4 seats or --
 5 A Two -- there's two tables and one -- like, one
 6 table is split, and then there's another table, there's
 7 like a whole row, another row, like that.
 8 Q And they are -- there's a bench seat that goes
 9 the length of the table?
 10 A Yes.
 11 MR. SIMMONS: I'm just basically at the end of
 12 a subject right now. So it would be nice --
 13 MS. LHAMON: Okay.
 14 MR. SIMMONS: -- if we break now instead of
 15 getting halfway into one.
 16 MS. LHAMON: Okay.
 17 MR. SIMMONS: Is that okay?
 18 (Lunch recess.)
 19 BY MR. SIMMONS:
 20 Q Welcome back. We'll just remind you that
 21 you're still under oath. You remember that?
 22 A Yes.
 23 Q And just to check, too, you didn't do anything
 24 over lunch that will affect your ability to testify, did
 25 you?

1 seventh and eighth grade lunch.
 2 Q And what period is sixth grade lunch?
 3 A It was fourth period.
 4 Q So before fourth period or after fourth period?
 5 A Before.
 6 Q And seventh and eighth grade lunch is after
 7 fourth period?
 8 A Yes.
 9 Q What's the condition of the cafeteria?
 10 A Clean.
 11 Q And has it always been that way?
 12 A Yes.
 13 Q Who's responsible for cleaning the cafeteria?
 14 A The custodian, I think.
 15 Q And do you know when the cafeteria gets
 16 cleaned?
 17 A No.
 18 Q Have you ever seen it being cleaned?
 19 A No.
 20 Q How is the cafeteria set up; are there a number
 21 of tables lined up?
 22 A Yes.
 23 Q And what kind of seating is provided?
 24 A What do you mean?
 25 Q Like how do the kids -- how are the kids able

1 A No.
 2 Q Did you take any medication?
 3 A No.
 4 Q Didn't have a beer with lunch?
 5 A No.
 6 Q No other alcohol?
 7 A No.
 8 Q All right. So let's go to hallways. Can you
 9 describe the hallways at Burbank?
 10 A We have some long hallways; they're clean.
 11 It's not no writing on the lockers now. Pretty clean, a
 12 lot better from last year and the year before.
 13 Q Okay. So I take it that the hallways changed
 14 over the summer, too, you suspect?
 15 A Yes.
 16 Q When you first came to school for the eighth
 17 grade, they were cleaned up?
 18 A Yes.
 19 Q And how is the building set up? Are there --
 20 is there basically a hallway that goes down in
 21 between -- in between -- I guess there would be
 22 classrooms on both sides of the hallway; is that how it
 23 works?
 24 A Yes.
 25 Q And it's the same on every -- on floors 1, 2,

1 3?

2 A Yes.

3 Q And how -- is the school self-contained in that
4 one -- in one building with three floors or --

5 A What do you mean?

6 Q Is there anything other -- is there any other
7 structure, that's part of Burbank, than the three floors
8 of the building?

9 A No.

10 Q So it's all -- the whole school -- the gym, the
11 cafeteria, the auditorium, the classrooms -- are all in
12 one building?

13 A Yes.

14 Q How would you describe the hallways during
15 your -- did the hallways look about the same to you
16 during the sixth and seventh grade?

17 A Cleanwise, no; but studentwise, yeah.

18 Q Okay. I mean, because some of the stuff we've
19 talked about so far, you've said that it changed during
20 your eighth grade year, but that the sixth and seventh
21 grade years, the conditions were the same. Is that --

22 A No, they were dirty.

23 Q Okay. But did -- if they were dirty for both
24 sixth and seventh grade, were they -- did they face
25 about the same amount of problems?

1 Q Okay. And you said that there was always paper
2 on the third floor but not on the first and second?

3 A Yes.

4 Q Why was that?

5 A Because, like, on the second floor, there was a
6 security guard; on the first floor, there was a security
7 guard, right by the office. People really didn't do
8 that much bad stuff by the office.

9 Q And that was with respect to the second floor?

10 A First floor.

11 Q First floor?

12 A Second floor had a security guard as well,
13 right in the center.

14 Q Okay. So first floor had the office and a
15 security guard, and the second floor had a security
16 guard?

17 A Third floor didn't have a security guard then.

18 Q And how much -- how much -- I guess, how much
19 trash would you say was in the hallways?

20 A I don't know. It was a lot, though.

21 Q What makes you say it was a lot?

22 A By the look of it. It really wasn't that much.
23 Like, candy wrappers or chip bags; it was just a lot of
24 paper, like people just cleaning lockers out and just
25 throwing a lot of paper on the ground.

1 A What, sixth and seventh grade years?

2 Q Yes.

3 A Yes.

4 Q Okay. So why don't you tell me what the
5 problems were in the hallways during your sixth and
6 seventh grade years.

7 A It was -- it really was kind of wild, sixth and
8 seventh grades: people was always in the hallways,
9 people cutting, running around, there was always paper,
10 a lot of stuff, paper, wrappers, trash. It was all
11 through the hallway. There was never, like, no paper on
12 the first or second floor; it was all on the third
13 floor.

14 Q Anything else?

15 A There was graffiti on lockers then.

16 Q Anything else?

17 A No.

18 Q Just so far, we have it was wild in the
19 hallways with people who were cutting class?

20 A Yes.

21 Q And there were paper, wrappers, other types of
22 trash, and there was graffiti on the lockers?

23 A Yes.

24 Q Anything else?

25 A No.

1 Q And was that the same on all three floors?

2 A Just the third floor.

3 Q Just the third floor?

4 And was it -- was the hallway clean on some
5 days?

6 A No.

7 Q Were some days dirtier than others?

8 A No. Pretty much the same.

9 Q What's -- would the trash be in the middle of
10 the hallway or would it be close to the edges?

11 A Scattered.

12 Q And can you think of how much, what portion of
13 the floor would be covered with paper?

14 A No.

15 Q If you lay, kind of, all the trash out and
16 tried to put it in a kind of pile that would cover up a
17 portion of the hallway, can you think about what amount
18 of the hallway you'd be able to cover?

19 A No.

20 Q Can you think of a number of paper that -- a
21 number of papers that you would see in the hallway?

22 A No.

23 Q Can you remember -- can you remember a specific
24 day right now -- looking back, can you remember a
25 specific day where you walked through the third-floor

- 1 hallway and thought "this place is dirty"?
- 2 A Yes.
- 3 Q Which day do you think that would be?
- 4 A Probably, like, toward the end of the year, as
- 5 I thought about it, going on to the seventh grade; like
- 6 "this is filthy."
- 7 Q This was toward the end of the year at the
- 8 seventh grade?
- 9 A Sixth grade.
- 10 Q And what did you see?
- 11 A Papers, trash, chip bags, a lot of stuff.
- 12 Q And again, can you think of how much of the
- 13 floor was covered?
- 14 A No.
- 15 Q Would the trash cover half the floor?
- 16 A I don't know.
- 17 Q Who picks up the trash through the hallways?
- 18 A The custodian.
- 19 Q And do you know how often they do that?
- 20 A No.
- 21 Q When you would come to school in the mornings
- 22 during sixth and seventh grade, would there be trash on
- 23 the floor?
- 24 A No.
- 25 Q So someone would clean the trash, the paper

- 1 from the previous day, up?
- 2 A Yes.
- 3 Q And then throughout the course of the day,
- 4 paper would be strewn about?
- 5 A Yes.
- 6 Q Are there trash cans in the hallways?
- 7 A No.
- 8 Q Are there trash cans in the classroom that
- 9 people can throw stuff in?
- 10 A Yes.
- 11 Q About how many trash cans are there in each
- 12 classroom?
- 13 A Two.
- 14 Q And how big are they?
- 15 A Little ones, little round ones. Somewhat like
- 16 that, but round.
- 17 Q So like maybe -- maybe, like, 16 inches tall?
- 18 A Probably, yes.
- 19 Q And then maybe, like, 12 inches across?
- 20 A Yes.
- 21 Q And that's 12 inches in diameter? Does that
- 22 word make sense to you?
- 23 A No.
- 24 Q And you say that there was graffiti on the
- 25 lockers during your sixth and seventh grade year?

- 1 A Yes.
- 2 Q Was there graffiti anywhere else?
- 3 A Bathrooms, and --
- 4 Q Or just in the hallway, though; I'm sorry,
- 5 limited to the hallway.
- 6 A No. During seventh grade, there was graffiti
- 7 on the walls, though, not in sixth grade; it was only on
- 8 the lockers.
- 9 Q And can you think of what portion of the walls
- 10 and the hallways would be covered with graffiti?
- 11 A No.
- 12 Q Was there -- as with trash, was there less --
- 13 was there less graffiti on the first and second floors?
- 14 A There wasn't no graffiti on the second floor or
- 15 first floor, it was always -- it was on the third. Only
- 16 graffiti that was on the first floor was in the
- 17 bathroom.
- 18 Q And can you think of what portion of the
- 19 lockers would be covered with graffiti?
- 20 A No.
- 21 Q Can you say whether it would be a quarter of
- 22 the lockers or --
- 23 A No.
- 24 Q Now, you said the hallways were wild during
- 25 your sixth and seventh grade years?

- 1 A Yes.
- 2 Q And what makes you say they were wild?
- 3 A People running around.
- 4 Q When would they be doing this?
- 5 A First and second periods, and sixth and
- 6 seventh.
- 7 Q Why those periods?
- 8 A I don't know. That's just from what I know.
- 9 Those are the periods that I was on the third floor.
- 10 Q And how many people do you think would be in
- 11 the hallways?
- 12 A I don't know.
- 13 Q Did you ever go out into the hallways when
- 14 people were running around?
- 15 A No, unless I was going to the restroom.
- 16 Q And would you be able to -- did you ever go the
- 17 restroom on the third floor and see people out in the
- 18 hallways being wild?
- 19 A Yes.
- 20 Q How many people did you see?
- 21 A I don't know. It was a lot.
- 22 Q More than three?
- 23 A Yes.
- 24 Q More than five?
- 25 A No.

- 1 Q Did you know the people?
 2 A No.
 3 Q And when you say they were being wild, what
 4 does it mean to be wild?
 5 A Yelling, kicking lockers, slamming -- opening
 6 lockers and slamming them, the ones with no lock,
 7 running around, throwing stuff.
 8 Q Anything else?
 9 A No.
 10 Q And would you be able to hear these people from
 11 your classroom?
 12 A Yes.
 13 Q Would your teacher say anything?
 14 A Yes.
 15 Q What would your teacher say?
 16 A "It's a shame for kids to be running around,
 17 wasting their class time."
 18 Q Do you remember what teacher this is?
 19 A Ms. Rottelli.
 20 Q And was this a teacher that you had during the
 21 sixth grade?
 22 A Yes.
 23 Q Did you have any other teachers that would
 24 comment on the students in the hallway?
 25 A Ms. Gash and Ms. Marshall.

- 1 Q And what would Ms. Gash say?
 2 A The same.
 3 Q And Ms. Marshall?
 4 A She would go out in the hallway, tell them to
 5 get to class.
 6 Q And what would they do?
 7 A Continue.
 8 Q Could he ever get them to stop being loud?
 9 A She. No.
 10 Q For a second there, I thought that you had
 11 said --
 12 Did I hear him say "he" about one teacher?
 13 MS. LHAMON: I heard "she," but --
 14 MR. SIMMONS: Okay.
 15 Q So Ms. Rottelli, Ms. --
 16 A Ms. Marshall.
 17 Q Ms. Marshall and Ms. Gash, and they're all --
 18 those are all women teachers?
 19 A Yes.
 20 Q Sorry about that.
 21 And did they ever try to do anything else about
 22 the students in the hallway?
 23 A Call security.
 24 Q And do you know whether security ever came?
 25 A Yep. They had chased them, but they had run.

- 1 Q And were these students at Burbank?
 2 A Yes.
 3 Q How do you know they were students?
 4 A Seen them around before.
 5 Q And how about the third floor now?
 6 A It's quiet. We got two securities on the third
 7 floor now.
 8 Q Do you ever see kids being wild at all anymore?
 9 A No.
 10 Q Are the same kids who were -- that you used to
 11 see being wild, are they still at school?
 12 A No.
 13 Q Do you think -- do you think that the reason
 14 that it's quiet there is because kids that used to be
 15 loud have left, or do you think it's because the
 16 security guards are now there to make sure that they're
 17 not loud?
 18 A Because the security guards are there.
 19 Q Are the floors in the hallway -- are they ever
 20 sticky?
 21 A No.
 22 Q Have they ever been?
 23 A Yes.
 24 Q When was that?
 25 A When soda or juice is spilled.

- 1 Q And how --
 2 A When they dry up, then it gets sticky.
 3 Q And how big of an area would that take up?
 4 A Different amounts, depending on how much soda
 5 was in the bottle and how much was spilt.
 6 Q What would the largest amount be?
 7 A I don't know.
 8 Q Like a patch, say, about 16 inches wide and
 9 maybe 16 inches long?
 10 A I don't know.
 11 Q How many -- how many patches of, I guess, the
 12 sticky place would there be throughout the hallway?
 13 A Probably one.
 14 Q And would people come by and clean it up?
 15 A No. They'll probably clean it up at the end of
 16 the day.
 17 MS. LHAMON: For a point of clarification,
 18 Silas, is this a hypothetical for you? Are you saying
 19 that if a kid spills, then the hallway would be sticky?
 20 Or are you remembering a particular time or times?
 21 THE WITNESS: Remember a particular time.
 22 BY MR. SIMMONS:
 23 Q And what grade were you in then?
 24 A Seventh grade.
 25 Q And did you see the person spill?

- 1 A No.
 2 Q Did you walk over the sticky area?
 3 A Yes.
 4 Q And it was there on a particular day and then
 5 the next day you came back and it was gone?
 6 A Yes.
 7 Q Did you ever see a spill stay for longer than a
 8 day?
 9 A No.
 10 Q Does paint peel off the walls anywhere at
 11 school?
 12 A Not that I know of.
 13 Q Have you ever seen anyone painting the walls at
 14 your school?
 15 A Yes.
 16 Q When was that?
 17 A This year.
 18 Q How long did they paint for?
 19 A I don't know.
 20 MS. LHAMON: You've asked and answered. You've
 21 been through this series of questions already. He
 22 answered it with respect to graffiti.
 23 BY MR. SIMMONS:
 24 Q Did you see -- and was that -- that's the only
 25 time you've ever seen painting done at your school, was

- 1 Q Is the library open?
 2 A Yeah, but not for you to go get books. They've
 3 been cleaning it out.
 4 Q Does it have normal hours where students can go
 5 into the library?
 6 A No.
 7 Q And why -- has it ever had normal hours where
 8 students can go into the library?
 9 A Not that I know of.
 10 Q Have you ever been in the library?
 11 A Yes.
 12 Q What did you go in there for?
 13 A To help clean up.
 14 Q And what did you clean up when you were there?
 15 A Some old books, they put -- we put them in
 16 boxes and rolled them out on a cart.
 17 Q And you say that students can't use the
 18 library?
 19 A Not that I know of, no, you can't.
 20 Q Do you know why?
 21 A No.
 22 Q Are there books in the library?
 23 A Yes.
 24 Q How large is the library?
 25 A I don't know. About -- probably about three of

- 1 painting over graffiti?
 2 A No.
 3 Q What else -- what other times have you seen
 4 painting done?
 5 A Simboun painting a mural on the wall.
 6 Q Where was that mural painted?
 7 A On the first floor, near the teachers'
 8 entrance.
 9 Q What's it look like?
 10 A Trees and flowers, clouds.
 11 Q Do you like it?
 12 A Yes.
 13 Q Any other painting?
 14 A No.
 15 Q Is there a library at your school?
 16 A Yes.
 17 Q Where is it located?
 18 A On the third floor, near the gym.
 19 Q And what kinds of activities take place in the
 20 library?
 21 A None.
 22 Q How come you say "none"?
 23 A Because none take place.
 24 Q Are there any study classes in the library?
 25 A No.

- 1 my classrooms, like two and a half, somewhere around
 2 there.
 3 Q And does anybody work in the library?
 4 A Yes.
 5 Q Who works in there?
 6 A I don't know her name.
 7 Q One woman works in there that you know of?
 8 A Two.
 9 Q Two women?
 10 A Yes.
 11 Q Anybody else?
 12 A No.
 13 Q Do you know of any students that go into the
 14 library?
 15 A No.
 16 Q Have you ever tried to go into the library?
 17 A No.
 18 MS. LHAMON: He testified that he was in the
 19 library.
 20 BY MR. SIMMONS:
 21 Q Other than -- other than when you went there to
 22 help clean up, have you ever tried to go to the library?
 23 A Probably, yeah, sixth grade, seventh grade; not
 24 this year.
 25 Q When was the last time you tried to go?

- 1 A Seventh grade.
 2 Q And why were you trying to go?
 3 A To get a book.
 4 Q And what happened?
 5 A I couldn't go.
 6 Q How come?
 7 A I don't know.
 8 Q Did you -- was it locked?
 9 A No.
 10 Q What stopped you from going?
 11 A The librarian.
 12 Q How did she stop you?
 13 A Said, "You can't come in right now."
 14 Q Did you ask --
 15 A So I went back to class.
 16 Q Did you ask why you couldn't come in?
 17 A No.
 18 Q Did you tell your teacher about the incident?
 19 You said you were going back to class.
 20 A Yes.
 21 Q And did you tell your teacher that you weren't
 22 allowed in?
 23 A Yes.
 24 Q What teacher was that?
 25 A Mr. Nawa.

- 1 Q And what did he say?
 2 A "It's not right for us to have a library and
 3 not be able to go into it."
 4 Q Did he know why she wouldn't let you in it?
 5 A No.
 6 Q Did you have permission from him to go to the
 7 library?
 8 A Yes.
 9 Q Did you tell the librarian that?
 10 A Yes.
 11 Q And what did she say?
 12 A "Can't come in."
 13 Q Did you ask her why?
 14 A No.
 15 Q Do your teachers ever assign work that would
 16 require you to use library resources?
 17 A Yes, but not from the school.
 18 Q Where do you go to get those resources?
 19 A Either the library or on the Internet.
 20 Q And what libraries do you go to?
 21 A The one on [REDACTED]
 22 Q How far is that from the school?
 23 A Quite awhile.
 24 Q Is it closer to your home?
 25 A Yes.

- 1 Q How far is it from your home?
 2 A About ten minutes on the bus, five minutes on
 3 the bus.
 4 Q Can you walk to it?
 5 A Yes.
 6 Q How long does that take?
 7 A I don't know, I haven't walked to it. I rode
 8 my bike.
 9 Q Have you ever complained to anyone about not
 10 being able to use the library?
 11 A Yes.
 12 Q Who was that?
 13 A Mr. Nawa.
 14 Q Was that just the day that you came back and
 15 said you weren't allowed in?
 16 A Yes.
 17 Q And do you remember what he said exactly?
 18 A No.
 19 Q Do you remember in so many words or in the
 20 substance of what it was you said to him?
 21 A No.
 22 Q Have you complained to anyone else?
 23 A No.
 24 Q Would you use the library more often if it were
 25 open?

- 1 A Yes.
 2 Q How so?
 3 A What do you mean?
 4 Q What would you do if you could get into the
 5 library?
 6 A Get books.
 7 Q What kind of books?
 8 A Whatever one I find interesting.
 9 Q How often do you go into the library on [REDACTED]
 10 A When I need it.
 11 Q How often is that?
 12 A Not very often now.
 13 Q Was there a time when you needed to do it more
 14 often?
 15 A Not really.
 16 Q Would you say that you go to the library more
 17 than once a month?
 18 A No.
 19 Q Less than once a month?
 20 A Probably so.
 21 Q You were in the -- you've been in the library
 22 on one occasion, and that was when you were helping to
 23 put some books away?
 24 A Yes.
 25 Q And the other times you went, but you weren't

- 1 allowed in?
 2 A Yes.
 3 Q Have you been inside the library, the structure
 4 of the library at any other time?
 5 A Yes.
 6 Q When was that?
 7 A This year, for a meeting with our group.
 8 Q Who is your group?
 9 A Millionaire's Club.
 10 Q I'm sorry?
 11 A Millionaire's Club.
 12 Q And is that the only meeting you had in there
 13 with this club?
 14 A Yes. We have some in there. We had about four
 15 in there.
 16 Q So four Millionaire's Club meetings in the
 17 library?
 18 A Yes.
 19 Q And do you know why the Millionaire's Club can
 20 get in there and yet you can't, when you go in?
 21 A No.
 22 Q Have you ever asked?
 23 A No.
 24 Q What's the Millionaire's Club?
 25 A Our group.

- 1 Q So you've been in the library for Millionaire's
 2 Club meetings. Have you been in there for any other
 3 reasons?
 4 A No.
 5 Q How often do you think you'd go into the
 6 library if you were able to?
 7 A I don't know.
 8 Q What's the physical condition of the library?
 9 A Clean.
 10 Q Are there a lot of books in there?
 11 A Yes.
 12 Q What condition are the books in?
 13 A Good condition.
 14 Q Is there any time whatsoever when the library
 15 is open to students?
 16 A Not that I know of, no.
 17 Q Are there computers at Burbank that are
 18 available to students?
 19 A Yes.
 20 Q How many?
 21 A A lot. It's the computer lab.
 22 Q And where is that located?
 23 A Second floor.
 24 Q And when you say "a lot" of computers, what do
 25 you mean by "a lot"?

- 1 Q Could you describe it a little bit more?
 2 A You just talk with a teacher -- not a teacher,
 3 but someone who works there.
 4 Q What do you talk about?
 5 A Different stuff.
 6 Q Can you give me one example.
 7 A Plans for -- future plans.
 8 Q So do you talk about going to college?
 9 A Yes.
 10 Q Anything else?
 11 A Yes.
 12 Q What else?
 13 A We talk about a lot of stuff.
 14 Q And who's the -- who is the person that
 15 oversees the club?
 16 A Brother Grice.
 17 Q Can you spell that?
 18 A G-r-i-c-e.
 19 Q And what is his connection to the school?
 20 A I don't know. He's the IRISE coordinator.
 21 IRISE.
 22 Q And what's IRISE?
 23 A Some -- I don't know.
 24 Q Are you a member of it?
 25 A No.

- 1 A A lot.
 2 Q Do you know of a number?
 3 A No.
 4 Q Would you say there's more than 20?
 5 A Yes.
 6 Q Would you say there's more than 30?
 7 A I don't know -- yes.
 8 Q More than 40?
 9 A I don't know.
 10 Q But somewhere over 30?
 11 A Yes.
 12 Q A lot more than 30 or --
 13 A I don't know. I know there's more than 30.
 14 Q How do you know there's more than 30?
 15 A Because I've been taking computer lab in my
 16 class and there's more than 30 people in my class that
 17 was there.
 18 Q And everybody had a computer of their own to
 19 use?
 20 A Yes.
 21 Q What class was this for?
 22 A Social studies.
 23 Q And for which year?
 24 A This year.
 25 Q And do the computers have Internet access?

- 1 A Yes.
 2 Q And how often can you use them?
 3 A When you want, basically. You can go -- like,
 4 you can't go during -- like regular classes, unless your
 5 teacher is scheduled to go, but you can go after school
 6 and during lunch.
 7 Q So your teacher can schedule a time for the
 8 class to go?
 9 A Yes.
 10 Q It's also open after school?
 11 A Yes.
 12 Q And it's open during lunch?
 13 A Yes.
 14 Q Any other times? Can you go in early in the
 15 morning and use it?
 16 A No.
 17 Q How long after school is it open?
 18 A I don't know.
 19 Q Have you ever used it after school?
 20 A Yes.
 21 Q How often would you say you use the computer
 22 lab after school?
 23 A Not very often.
 24 Q Once a month?
 25 A I don't know.

- 1 Q Do you think you would use it more than once a
 2 month or less than once a month?
 3 A I don't know.
 4 Q And how about during lunch, do you use it
 5 during lunch?
 6 A No.
 7 Q Have you ever used it during lunch?
 8 A No.
 9 Q Is there ever a line to use the computers?
 10 A No.
 11 Q Is the computer lab any different this year
 12 than it was during your sixth and seventh grade years?
 13 A There was no computer -- or, yeah. Last year
 14 we really didn't have Internet access; or the sixth
 15 grade, we didn't.
 16 Q Anything else that was different about it last
 17 year?
 18 A There was a woman running it. This year it's a
 19 man.
 20 Q Is it -- is the person who runs it, are they a
 21 teacher or --
 22 A Yes.
 23 Q And so when you go in there for one of your
 24 other classes, does that teacher handle the whole class
 25 while you're there, or does your teacher from the class

- 1 that you came there with do anything?
 2 A He do -- like last Thursday, I think, or
 3 Wednesday, we was working on our -- some people was
 4 working on their social-studies thing. You have to pick
 5 a person out of a list; some people did theirs there.
 6 Other people, you can just go online, on different Web
 7 sites, and do what you want. But if you're not done
 8 with the report, then you have to do your report in
 9 there, so the teacher gives you instructions.
 10 Q And when you say it didn't really have -- that
 11 the computer lab didn't really have Internet access last
 12 year, what did you mean by that?
 13 A It didn't have Internet access. You couldn't
 14 go on the Internet.
 15 Q None of the computers?
 16 A None.
 17 Q And was there Internet access starting at the
 18 beginning of this school year?
 19 A Yes.
 20 Q But there wasn't Internet access up to the last
 21 day of your seventh grade year?
 22 A No.
 23 Q And how many times will your class go into
 24 that -- how many times have you been with your class
 25 into the computer lab?

- 1 A About once a week.
 2 Q And was that the same or different than last
 3 year?
 4 A Different.
 5 Q How so?
 6 A 'Cause this year you could do Internet, and the
 7 computer man really ain't that strict. He just wants
 8 you to be quiet and not make all that noise.
 9 Q Did you still go once a week last year?
 10 A No.
 11 Q How often would you go last year?
 12 A I don't know.
 13 Q Do you think going to the computer lab this
 14 year has helped you to learn more?
 15 A Yes.
 16 Q And in what way?
 17 A Before -- like, before we started testing, like
 18 a week before we started testing, we went there and they
 19 were reading 180. So it's a program; it had basically a
 20 lot of stuff the test had, and showed you how to do it.
 21 And you have these little earphones, and the man talks
 22 through the earphones and shows you examples and all
 23 that. You did real better on your test.
 24 Q And this is preparation for the Stanford 9
 25 test?

- 1 A Yes.
- 2 Q And how do you know that you did better on your
3 test because of that?
- 4 A Because like before, before we went to the
5 computer lab to do the reading 180, you really didn't
6 know -- like, we were doing practice tests, and you
7 really didn't know how to do it; and then the teacher
8 took us to the computer lab, and then we got examples,
9 and he was telling us that -- the man that run that
10 computer talks to you, and it became a lot easier, and
11 we were doing the practice test better, so we probably
12 did the test better.
- 13 Q And how many classes do you have that would
14 require you to use the Internet?
- 15 A Two -- three. Three.
- 16 Q What classes are those?
- 17 A English, science and social studies.
- 18 Q And what kind of stuff would you be required to
19 do on the Internet?
- 20 A In what class?
- 21 Q In English.
- 22 A Depending on the book we're reading, we -- like
23 just now, we was reading about Anne Frank. We have to
24 do -- Higgy (phonetic) -- Higgy will put you in groups,
25 and your group, you get a certain event during the time

- 1 of the Holocaust. My group had the Holocaust. We had
2 to look on the Internet for stuff on the Holocaust:
3 when it start, when it end. All that stuff.
- 4 Q And how would you use -- how would you use the
5 Internet for your science class?
- 6 A For the -- for the periodic table, pick one of
7 them, tell them who discovered it, when was it
8 discovered, and that type of stuff. Social studies was
9 for our social-studies report, and that's it.
- 10 Q And what kind of report?
- 11 A In social studies? Somebody -- he gave us a
12 list, and you could pick somebody off the list. And you
13 look up on the Internet, a certain Web site, and print
14 up the person.
- 15 Q Having the computer lab, you think, has helped
16 you with the standardized testing, having access to the
17 computer lab and the software. Can you think of other
18 ways that having access to the computer lab has helped
19 your education?
- 20 A Yes.
- 21 Q What would those be?
- 22 A For science, we went there, we learned about
23 Newton's laws, the marble and stuff: if you drop it
24 from a ten meter, and you go to another ten meters,
25 stuff like that.

- 1 Q Anything else?
- 2 A No.
- 3 Q What would you say are the good things about
4 Burbank?
- 5 A Some teachers.
- 6 Q Anything else?
- 7 A Gym.
- 8 Q What else do you think is good about your
9 school?
- 10 A The events we have.
- 11 Q And anything else that you can think of?
- 12 A No.
- 13 Q When you say "some teachers," what do you mean
14 by that?
- 15 A Some teachers are nice; some aren't.
- 16 Q And which teachers are those?
- 17 MS. LHAMON: Well, I'm sorry, are you asking
18 which are the nice teachers?
- 19 MR. SIMMONS: Yeah, sorry.
- 20 THE WITNESS: [REDACTED] that's
21 it.
- 22 BY MR. SIMMONS:
- 23 Q Two teachers are nice right now?
- 24 A Yeah.
- 25 Q Is being a good teacher different from being a

- 1 nice teacher?
- 2 A No -- well, yes.
- 3 Q How so?
- 4 A You can be a good teacher and not be a nice
5 teacher. Like [REDACTED] I had in seventh grade; she
6 was a good English teacher, but she was mean and very
7 strict. [REDACTED] and [REDACTED], they're both nice.
- 8 Q So do you think Burbank has good teachers?
- 9 A Yes.
- 10 Q Do you think any of the teachers at Burbank
11 could be better?
- 12 A Not really. They all teach good, it's just the
13 way -- their attitude. Some is mean, some are nice, but
14 they all teach pretty well.
- 15 Q And you say that gym is a good thing about
16 school?
- 17 A Yes.
- 18 Q Why do you say that?
- 19 A It's fun.
- 20 Q Just get to play sports?
- 21 A Yes.
- 22 Q Any other reason why it's fun?
- 23 A All the energy you have, you can just let it
24 out, outside, run around, calm down. It's fun. That's
25 about it.

- 1 Q And you said the events that you have at
2 Burbank are good?
3 A Yeah.
4 Q What are the events?
5 A We had mismatched shoe day, whacky hair day,
6 backwards day, pajama day. We had students versus
7 faculty basketball game. We'd be having three on three
8 basketball games at lunch, different stuff. That's
9 about it, I think.
10 Q Now today and last Friday, we identified,
11 basically, issues that you had with your school and
12 areas which you hope they would improve on.
13 A Yes.
14 Q Let's try and make that list again. There were
15 books?
16 MS. LHAMON: I'm going to object that it's
17 asked and answered.
18 BY MR. SIMMONS:
19 Q We have books.
20 A Some of the doors in the bathroom.
21 Q Heaters?
22 A Yes.
23 Q An open library?
24 A Yes.
25 Q Drinking fountains that work?

- 1 A Yes.
2 Q How is the water in the fountains that do work?
3 A Good.
4 Q You want to get rid of the vermin?
5 A Don't have any more vermin anymore; at least I
6 haven't seen one this year.
7 Q And you're happy with your teachers?
8 A Yes.
9 Q So if you could choose which way you wanted to
10 fix those problems, which would you want to fix first:
11 books, bathrooms, heaters, the library, or drinking
12 fountains?
13 A The books.
14 Q Why would you want to fix books first?
15 A I don't have -- I would have to go education
16 first.
17 Q And how would you fix books?
18 A Get a whole other set and enough for every
19 class to take one home.
20 Q And which classes would you want that for?
21 A Science, social studies. That's it.
22 Q And you have books for math and English right
23 now; is that right?
24 A Yes. We just turned them in yesterday.
25 Q Do you think your science and social-studies

- 1 books -- or science and social-studies courses could be
2 taught appropriately with instructional materials other
3 than books?
4 MS. LHAMON: Calls for speculation.
5 THE WITNESS: What do you mean?
6 BY MR. SIMMONS:
7 Q Are there certain tools that your teacher could
8 use to teach your science or your social studies class
9 that would work just as well as books?
10 MS. LHAMON: Calls for speculation. There's no
11 reason why he would know what a teacher could or could
12 not do in class.
13 BY MR. SIMMONS:
14 Q It's okay to answer the question.
15 MS. LHAMON: It is okay.
16 THE WITNESS: Can you repeat it.
17 MR. SIMMONS: Can you read it back.
18 (Record read.)
19 THE WITNESS: Yeah.
20 BY MR. SIMMONS:
21 Q What do you think some of those would be?
22 A They did. They used worksheets and the
23 overhead projector, chalkboard, and we used computers.
24 Q And now with respect to bathrooms, heaters, the
25 library, and the drinking fountains, which one of those

- 1 would you want fixed first?
2 A Heater.
3 Q And why the heater?
4 A For in the winter or when it gets cold, you
5 could just -- have an option to turn it off or on, turn
6 it on, keep the kids warm so they feel comfortable in
7 class.
8 Q What do you think of -- what do you think a
9 fair temperature is to have your classroom?
10 A I don't know.
11 Q What do you think -- out of books, bathrooms,
12 heaters, the library and the drinking fountain, do you
13 think all kids at your school would want books to be
14 fixed first?
15 MS. LHAMON: Calls for speculation.
16 THE WITNESS: I don't know.
17 BY MR. SIMMONS:
18 Q Do you think some kids would want books fixed
19 first?
20 A I don't know. That's what I think should be
21 first.
22 Q Do you think some kids would want the heaters
23 to be fixed first?
24 A I don't know.
25 Q Out of the bathrooms, the library and the

1 drinking fountains, what would you want fixed next?
 2 A Say it again. The --
 3 Q Out of the bathrooms, the library and the
 4 drinking fountains.
 5 A Bathrooms.
 6 Q Why would you want the bathrooms to come next?
 7 A Because if they've got to use the restroom,
 8 they can use the restroom knowing that they don't have
 9 to go home, knowing they have a clean restroom to go to
 10 with, like, good resources like paper towels, soap, seat
 11 covers, doors that lock, and no graffiti in them.
 12 Q And how about between library and the drinking
 13 fountains?
 14 A I would go drinking fountains.
 15 Q Why would you choose that?
 16 A Because sometimes it can get real hot during
 17 class or at gym periods, and if you ain't got nothing to
 18 drink, you can get, like, dehydrated; and all the water
 19 fountains we got, they all should be working.
 20 Q What things outside of school do you think
 21 affect your ability to learn?
 22 A What do you mean?
 23 MS. LHAMON: Calls for speculation.
 24 BY MR. SIMMONS:
 25 Q Well, the school can provide books, and they

1 MS. LHAMON: Calls for speculation.
 2 THE WITNESS: Some people get A's in certain
 3 classes, some people get C's in the same class.
 4 BY MR. SIMMONS:
 5 Q Why do you think some people do better than
 6 others?
 7 MS. LHAMON: Calls for speculation.
 8 THE WITNESS: I don't know.
 9 BY MR. SIMMONS:
 10 Q Do you think some people take their work more
 11 seriously?
 12 MS. LHAMON: Calls for speculation.
 13 THE WITNESS: I don't know.
 14 BY MR. SIMMONS:
 15 Q Which of the conditions in Burbank that you've
 16 identified do you think has the greatest effect on your
 17 educational experience?
 18 A What do you mean?
 19 Q Are you -- let me try it this way. Are you
 20 satisfied with your education at Burbank?
 21 A Not really.
 22 Q And which thing aren't you satisfied with do
 23 you think has the biggest effect on your educational
 24 experience?
 25 A I felt the books did.

1 can provide teachers, and they can provide a bathroom,
 2 but there's certain things that, maybe, that a school
 3 can't do that would help your education. Can you think
 4 of any of those things?
 5 A No.
 6 Q Do you think that students at Burbank have an
 7 effect on your ability to learn?
 8 A No.
 9 Q Are there things that students can do that
 10 might affect your ability to learn?
 11 A Yes.
 12 Q What kind of things are those?
 13 A Disrupting the class.
 14 Q Anything else?
 15 A No.
 16 Q Do you think that all the kids at Burbank
 17 experience the same education?
 18 MS. LHAMON: Calls for speculation. He's not
 19 any other kid. It would be hard for him to know.
 20 THE WITNESS: I don't know.
 21 BY MR. SIMMONS:
 22 Q Do some students do better at school, at
 23 Burbank, than others?
 24 A Yes.
 25 Q Why do you think that is?

1 Q And what do you think would have had the second
 2 biggest effect on your educational experience?
 3 A Probably the library.
 4 MS. LHAMON: Silas, when you're answering these
 5 questions, I don't want you to guess. It's important
 6 that, if you have an answer, you should tell
 7 Mr. Simmons; but if you don't have an answer, you
 8 shouldn't just guess.
 9 BY MR. SIMMONS:
 10 Q And how about third, what do you think has
 11 affected your education the third most?
 12 A I don't know.
 13 Q Do you think any of the conditions you've
 14 identified affected your ability to do homework?
 15 A What do you mean?
 16 Q Well, there's certain things that you wish were
 17 different at Burbank. How many of those things affected
 18 your ability to study and do homework?
 19 A The books in science.
 20 Q Anything else?
 21 A And social studies.
 22 Q Have any of the conditions that you identified
 23 affected your grades?
 24 A No.
 25 Q Do you think they've affected any of your test

1 scores?
 2 A No.
 3 Q How come they haven't affected your grades?
 4 MS. LHAMON: Calls for speculation.
 5 THE WITNESS: What do you mean?
 6 BY MR. SIMMONS:
 7 Q Well, why did you answer "no," that they don't
 8 have an effect on your ability to take tests?
 9 A Because I use outside sources to prepare for
 10 tests.
 11 Q Do you think that the conditions at your school
 12 will interfere with your ability to obtain a quality
 13 education?
 14 A I don't know.
 15 Q Other than the conditions at your school, can
 16 you think of anything else that might interfere with
 17 your ability to achieve a quality education?
 18 A I don't know.
 19 Q Do you know how the conditions at your school
 20 have affected other students?
 21 MS. LHAMON: Calls for speculation.
 22 THE WITNESS: I don't know.
 23 MR. SIMMONS: Just give me a second to check.
 24 I think I'm nearing the end.
 25 MS. LHAMON: The grin on Silas's face is ear to

1 ear.
 2 MR. SIMMONS: The only other thing to do is, I
 3 have a "San Francisco Unified School District Grade
 4 Report," that's the title of the document. Could we
 5 mark that as Exhibit 2.
 6 (Deposition Exhibit 2 was marked for
 7 identification by the court reporter.)
 8 BY MR. SIMMONS:
 9 Q And do you know what this document is, Silas?
 10 A Yes.
 11 Q Can you tell me what it is.
 12 A My report card.
 13 Q Where did you get this document?
 14 A My house.
 15 Q And this -- do you see where it says "COMM"?
 16 A Yes.
 17 MS. LHAMON: I don't. Where is that?
 18 Thank you.
 19 BY MR. SIMMONS:
 20 Q That looks like that stands for "comments"; is
 21 that right?
 22 A Yes.
 23 Q And some of the classes -- oh, and then where
 24 you see "ABS" to the left of "COMM" --
 25 A Yes.

1 Q -- that stands for "absence"; is that right?
 2 A Yes.
 3 Q And do you see "TDY" in between "COMM" and
 4 "ABS"?
 5 A Yes.
 6 Q And does that stand for tardy?
 7 A Yes.
 8 Q And then the "CIT" next to "ABS --"
 9 A Yes. "Citizenship."
 10 Q -- "citizenship," okay. And the "S" stands for
 11 "satisfactory"; is that right?
 12 A Yes.
 13 Q And the "W" stands for "warning"?
 14 A Yes.
 15 Q And the "E" stands for "excellent"?
 16 A Yes.
 17 Q Do you know why you got a [REDACTED]
 18 A Yes.
 19 Q Can you tell me why?
 20 A [REDACTED]
 21 Q Any other reasons?
 22 A I don't -- no.
 23 Q And do you see where it says -- it looks like
 24 you got a [REDACTED] in the comment -- oh, no, [REDACTED] in the comment
 25 section.

1 A Yes.
 2 Q Do you know what the [REDACTED] stands for?
 3 A Yes.
 4 Q What's it stand for?
 5 A [REDACTED]
 6 Q And do you know why they give you a [REDACTED] in that
 7 class?
 8 MS. LHAMON: Could you specify what class
 9 you're referring to?
 10 THE WITNESS: Math.
 11 MR. SIMMONS: I'm sorry.
 12 Q In your math class, I apologize. Do you know
 13 why you got the [REDACTED] in that class?
 14 A [REDACTED]
 15 Q Anything else?
 16 A No.
 17 Q And then if we go up to the class above that,
 18 for PE --
 19 A Yes.
 20 Q -- there's a [REDACTED] there. Do you know what the [REDACTED]
 21 stands for?
 22 A Yes.
 23 Q What's it stand for?
 24 A [REDACTED]
 25 Q And do you know why you got that comment?

1 A [REDACTED]
 2 Q Do you think that was fair of the teacher to
 3 put that comment down?
 4 A Yes.
 5 Q And what's the [REDACTED] stand for?
 6 A [REDACTED]
 7 [REDACTED]
 8 Q And why do you think your teacher put that
 9 comment down?
 10 A [REDACTED]
 11 Q Do you think it was fair?
 12 A Yeah.
 13 Q Why do you think it was fair?
 14 A Because I didn't dress all the time.
 15 Q And the last one there is a [REDACTED]
 16 A Yes.
 17 Q And that stands for [REDACTED]
 18 [REDACTED]
 19 A Yes.
 20 Q And do you know why your PE teacher put that?
 21 A Where gym starts, when we go to the gym, we
 22 shoot around, shoot the basketball around in the gym,
 23 and I should sit on my number.
 24 Q Anything else?
 25 A No.

1 A Yes.
 2 Q So, if I send you letters -- or when I have
 3 sent you letters --
 4 A Yes.
 5 Q -- in the past, did you read them?
 6 A No.
 7 Q Did anybody read them?
 8 A Yes.
 9 Q Who read them?
 10 A My mother.
 11 Q And how do you know she read them?
 12 A Because, like, I come home, or I'll be home and
 13 she'll read it, tell me what it was about.
 14 Q So you talked to your mom about them?
 15 A Sometimes.
 16 Q And when I call you on the phone, and I've
 17 talked to you --
 18 A Yes.
 19 Q -- do you pay attention to me?
 20 A Yes.
 21 Q And will you agree to keep paying attention to
 22 me when I call you on the phone?
 23 A Yes.
 24 Q And will you agree to call me when you have any
 25 questions?

1 MR. SIMMONS: All right, I think that's it.
 2 MS. LHAMON: Silas, I have a couple of
 3 questions for you. Sorry.
 4 EXAMINATION
 5 BY MS. LHAMON:
 6 Q Do you remember back the first day when
 7 Mr. Simmons was asking you if you keep up with this
 8 case; do you remember that?
 9 A Yes.
 10 Q Did you understand what "keep up with" means?
 11 A Kind of, yeah.
 12 Q Do you remember you said no, you would not keep
 13 up with the case?
 14 A Yes.
 15 Q What did you understand "keep up with" to mean?
 16 If you can't remember, it's okay.
 17 How about this. I understand "keep up with" to
 18 mean follow or to find out about what's going on with
 19 this case.
 20 A Um-hmm.
 21 Q Will you agree to follow or to find out about
 22 what's going on with this case?
 23 A Yes.
 24 Q Does that make sense to you; do you know what
 25 "follow" and "find out" mean?

1 A Yes.
 2 Q Or you can also call Lois --
 3 A Yes.
 4 Q -- one of the other lawyers.
 5 A Yes.
 6 Q Thanks.
 7 And then there's just one other set of
 8 questions I wanted to ask you. Just a little while ago,
 9 Mr. Simmons was asking you if you thought there are
 10 other materials, other than textbooks, that would
 11 work -- I think this is his phrase: "would work just as
 12 well as books."
 13 A Yes.
 14 Q You said that -- if I recall correctly, you
 15 said that your teachers used overhead projectors and
 16 worksheets and computers. Do you think that those
 17 materials work just like books work for the students,
 18 for learning?
 19 A Not really.
 20 Q What's the difference?
 21 A A book, you can take it home and do work out of
 22 it, it gives you examples. The computer is pretty much
 23 the same, but not the worksheets.
 24 Q And can you explain to me the difference with
 25 the worksheets?

1 A The worksheets, just mostly like a read and
2 answer, or answer the question from the following graph
3 above, stuff like that.

4 Q And what does a book have that a worksheet
5 doesn't have?

6 A Examples.

7 Q Okay. That's all I have. Thanks, Silas.

8 A You're welcome.

9 MS. LHAMON: Did you have anything? Are you
10 going to stipulate again?

11 MR. SIMMONS: Yeah, exactly, so we'll need to
12 stipulate that the original of the deposition will be
13 sent to Catherine, Ms. Lhamon, along with a copy; is
14 that right?

15 MS. LHAMON: Please.

16 MR. SIMMONS: And then we'll do the same thing.
17 I assume it's probably best if we can get it sooner than
18 30 days; we would really appreciate it; but 30 days will
19 be the limit instead of 15 that they were trying to ask.

20 MS. LHAMON: Thanks. I appreciate it.

21 MR. SIMMONS: Then, I think as far as -- oh,
22 and then there was one other thing; I don't know. I
23 know there was one attempt to grab a report card from
24 the school. I don't know whether there's a possibility
25 that we could get a second attempt out of the school to

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I, SILAS MOULTRIE, do hereby declare under
penalty of perjury that I have read the foregoing
transcript; that I have made such corrections as noted
herein, in ink, initialed by me, or attached hereto;
that my testimony as contained herein, as corrected, is
true and correct.

EXECUTED this _____ day of _____,
2001, at _____,
(City) (State)

SILAS MOULTRIE
Volume 2

1 try and get the other cards, and maybe, you know, if we
2 could get the others from the other semesters, that
3 would be great for us.

4 MS. LHAMON: Silas, is it okay with you to ask
5 at school again if you can get your report card?

6 THE WITNESS: Yeah.

7 MS. LHAMON: So we'll ask again. I think I
8 told you, off the record, that Silas asked and they
9 wouldn't give it to him.

10 THE WITNESS: My mom, too, and they wouldn't
11 give it to her.

12 MS. LHAMON: So we'll agree to make another
13 attempt, but you may be in a better position to get
14 them.

15 MR. SIMMONS: I would just say, if we don't
16 have to send a document request or subpoena, then we
17 won't.

18 MS. LHAMON: No, I agree.

19 MR. SIMMONS: Let's see, then, I think that
20 takes care of it.

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I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby
certify:

That the foregoing proceedings were taken
before me at the time and place herein set forth; that
any witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim
record of the proceedings was made by me using machine
shorthand which was thereafter transcribed under my
direction; further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither
financially interested in the action nor a relative or
employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date
subscribed my name.

Dated: _____

GINA GLANTZ
CSR No. 9795