

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF SAN FRANCISCO

3

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

5 Plaintiffs,)

6 v.)

7 STATE OF CALIFORNIA;)

8 DELAINE EASTIN, State)

9 Superintendent of Public)

10 Instruction; STATE)

11 DEPARTMENT OF EDUCATION;)

12 STATE BOARD OF EDUCATION,)

13 Defendants.) Pages 1 - 219

14)

15 AND RELATED CROSS-ACTION)

16

17 DEPOSITION OF:

18 ALEXANDER NOBORI

19 SATURDAY, JANUARY 12, 2002

20 9:55 A.M.

21

22 Reported by:

23 C. JANE HARMAN

24 CSR No. 5266

25

1 Deposition of ALEXANDER NOBORI, the
2 witness, taken on behalf of DEFENDANT STATE OF
3 CALIFORNIA, at 9:55 A.M., SATURDAY, JANUARY 12,
4 2002, at 400 South Hope Street, Fifteenth Floor,
5 Los Angeles, California, before c. jane harman,
6 CSR No. 5266.

7
8 APPEARANCES OF COUNSEL

9
10 FOR PLAINTIFFS:

11 MORRISON & FOERSTER, LLP
12 BY: ANTHONY L. PRESS, ESQ.
13 1925 Century Park East
14 Suite 2200
15 Los Angeles, California 90067
16 310 203 4030

17
18 FOR DEFENDANT STATE OF CALIFORNIA:

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

1 APPEARANCES CONTINUED

2
3 ALSO PRESENT:

4 Linda Nobori
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13			3 pages

1 LOS ANGELES, CALIFORNIA
2 SATURDAY, JANUARY 12, 2002
3 9:55 A.M.
4 -oOo-

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

9
10 EXAMINATION

11
12 BY MR. SIMMONS:

13 Q. Good morning, Mr. Nobori. My name is Shaun
14 Simmons. I'm an attorney representing the State of
15 California in this litigation.

16 Would you please state and spell your full
17 name for the record.

18 A. My name is Alexander Kojiro Nobori. A --
19 that's A L E X A N D E R; Kojiro, K O J I R O;
20 Nobori, N O B O R I.

21 Q. Thank you.

22 And today would you prefer that I call you
23 Mr. Nobori, Alexander or Alex, or something else?

24 A. Alex is good.

25 Q. Okay. Have you ever had your deposition

1 taken before?
 2 A. No.
 3 Q. All right. Do you know what a deposition
 4 is?
 5 A. Sort of.
 6 Q. All right. What are -- what's your
 7 understanding?
 8 A. That it's you want to ask me questions
 9 about the case.
 10 Q. Exactly.
 11 We'll -- we'll just -- today I'll be asking
 12 you questions about the facts that you know that
 13 relate to the lawsuit.
 14 A. Okay.
 15 Q. And when we refer to the lawsuit, sometimes
 16 we'll call it the "Williams litigation" or the
 17 "Williams lawsuit."
 18 Will you know what I mean if I say that?
 19 A. Yes.
 20 Q. Okay. At the end -- at the end of the day
 21 after all of our -- all of my questions and your
 22 answers are transcribed by the court reporter,
 23 she'll go back and make a booklet out of those
 24 questions and answers. And that booklet will be
 25 provided to you; and you'll have an opportunity to

1 make changes, if you'd like.
 2 But you should know that if you do make
 3 changes, the various lawyers in the case can comment
 4 on the changes.
 5 Do you understand that?
 6 A. Yes.
 7 Q. Okay. It's important that you give full
 8 and complete answers today.
 9 And if at any time during the course of the
 10 deposition you remember something about a previous
 11 answer, just let me know and we'll go back so you
 12 can supplement it and change it, just so we can get
 13 a full record here today --
 14 MR. PRESS: Sorry, Shaun, I'm going to
 15 object to that to the extent that the witness needs
 16 to be constantly thinking about the answers he's
 17 given and supplementing through the deposition.
 18 MR. SIMMONS: That's fine to raise the
 19 objection.
 20 Q. But I do just want you to know that if --
 21 if basically something triggers your memory, we
 22 should go back and correct the answer. Don't be
 23 timid about telling me "I remember something else."
 24 MR. PRESS: Or something that was -- you're
 25 saying if you remember something that was wrong,

1 something that he thinks was inaccurate, he can come
 2 back and tell you, or are you just saying he should
 3 be constantly thinking about what he's said and
 4 whether he should be saying anything else in
 5 response to all of the prior answers?
 6 MR. SIMMONS: I think -- I mean, either
 7 situation is fine. I think it's pretty standard.
 8 MR. PRESS: Well, I object to that. And
 9 it's not standard in my practice. He has to focus
 10 on your current question, he can't be thinking of
 11 all of the past answers he's given.
 12 BY MR. SIMMONS:
 13 Q. Okay. I think that's true. We would
 14 like for you to focus on the question, but my only
 15 suggestion is that if you at any time remember
 16 something you'd like to change or supplement an
 17 answer, just let me know and we'll go and do it.
 18 Okay?
 19 A. Fine.
 20 Q. Also, it's important when you answer my
 21 questions, that you answer verbally. The court
 22 reporter can't transcribe shakes or nods of the
 23 head.
 24 Do you understand that?
 25 A. Yes, I do.

1 Q. Thank you.
 2 Also, we'll try and do our best to have one
 3 person speak at a time here. It helps to get a
 4 clean record if we are not trying to talk over each
 5 other. So if you will let me finish my question
 6 before answering, I'll let you finish your answer
 7 before I ask another question.
 8 Do you understand that?
 9 A. Yes.
 10 Q. Okay.
 11 Also, it's important that you listen
 12 carefully to the question. If you don't understand
 13 a question, just let me know and I'll do my best to
 14 rephrase it.
 15 If at -- and you should know that if you go
 16 ahead and answer a question and don't tell me that
 17 you didn't understand it, we'll just presume that
 18 you understood the question.
 19 Does that make sense to you?
 20 A. Yes.
 21 Q. Also, we don't want you to guess here
 22 today, but you are required to answer my questions
 23 to the best of your ability. And if there are times
 24 where you can give an estimate but -- or if there
 25 are times where you can give an estimate, we would

1 appreciate your best estimate, but at the same time
 2 we don't want you to guess.
 3 Are you comfortable with the difference
 4 between an estimate and a guess?
 5 A. Yes, I'm comfortable.
 6 Q. Okay. Also, you've taken an oath here
 7 today, and even though we're -- we're here in an
 8 informal setting and not a courtroom, we just want
 9 you to know that you are subject to the penalties of
 10 perjury if you give false testimony here today.
 11 Do you understand that?
 12 A. Yes.
 13 Q. Okay. Also, if you need a break for any
 14 reason today, just let me know; we'll be happy to
 15 take a break whenever you need to. The only thing I
 16 would ask is that if you need a break and there's a
 17 question pending, just provide an answer to the
 18 question first and then we'll take a break.
 19 Do you understand that?
 20 A. Yes.
 21 Q. Okay. And do you have any questions?
 22 A. No, I don't, right now.
 23 Q. Is there any reason why you might be unable
 24 to give your best testimony here today?
 25 A. No.

1 Q. Have you recently consumed any medication
 2 or any substance that would affect your ability to
 3 testify?
 4 A. No.
 5 Q. And do you suffer from any disability of
 6 any kind that would affect your ability to testify?
 7 A. No.
 8 Q. What did you do to prepare for your
 9 deposition?
 10 A. I looked over my declaration. I ...
 11 MR. PRESS: We met.
 12 THE WITNESS: Yeah.
 13 BY MR. SIMMONS:
 14 Q. So you recall looking over your
 15 declaration, and you recall meeting with Mr. Press;
 16 is that correct?
 17 A. Yes, yes.
 18 Q. Do you recall doing anything else to get
 19 ready for your deposition today?
 20 A. No.
 21 Q. And when did you meet with Mr. Press?
 22 A. I met with him last night at my house.
 23 Q. For how long?
 24 A. Maybe an hour and a half to two hours.
 25 Q. You looked over your declaration as well;

1 is that correct?
 2 A. Yes.
 3 Q. Did you observe any inaccuracy in your
 4 declaration when you went over it?
 5 A. No, I did not.
 6 Q. How old are you?
 7 A. I'm 15 years old.
 8 Q. And what grade are you in?
 9 A. I'm -- let's see, in tenth grade.
 10 Q. So you're a sophomore; is that right?
 11 A. Yes.
 12 Q. And where do you go to school?
 13 A. Mark Keppel High School.
 14 Q. And do you have any understanding as to the
 15 substance of the lawsuit that you've been called
 16 here to testify about here today?
 17 A. Yes.
 18 Q. Can you tell me what that understanding is.
 19 A. That the condition of many of the public
 20 schools in California is bad, so bad that sometimes
 21 it affects the education of the students who go
 22 there. And that the lawsuit will have -- will have
 23 the state try to fix that condition.
 24 Q. When did you first learn about this
 25 lawsuit?

1 A. About two years ago when I answered -- when
 2 I --
 3 MR. PRESS: I may caution the witness not
 4 to reveal any attorney communications that may have
 5 occurred at the beginning.
 6 THE WITNESS: Okay.
 7 Two years ago.
 8 BY MR. SIMMONS:
 9 Q. And how did you learn about this lawsuit?
 10 A. My mother told me.
 11 Q. What did your mother tell you?
 12 A. She told me that I would rather -- well, I
 13 can't exactly remember exactly what she told me, but
 14 pretty much that there was -- that this lawsuit
 15 existed and that she would like me to go answer a
 16 few questions for the people who were conducting the
 17 lawsuit.
 18 Q. Do you remember what month this happened?
 19 A. No, I do not.
 20 Q. Do you remember whether it was the fall or
 21 the spring?
 22 Well, strike that.
 23 Do you remember what season this
 24 conversation took place in?
 25 A. I think it was over the summer, but I'm not

1 sure.
 2 Q. And do you know how your mother knew about
 3 the lawsuit?
 4 A. No, I do not.
 5 MR. PRESS: Objection. Calls for
 6 speculation.
 7 BY MR. SIMMONS:
 8 Q. How did you respond when your mother
 9 brought up the lawsuit to you?
 10 A. I don't understand the question.
 11 Q. Your mother mentioned the lawsuit to you;
 12 is that correct?
 13 A. Yes.
 14 Q. And she asked if you would -- if you had an
 15 interest in participating; is that correct?
 16 A. Yes.
 17 Q. And how did you respond?
 18 A. I would like to participate.
 19 Q. Did you and your mother discuss anything
 20 else that you can recall at this -- during this
 21 conversation?
 22 A. No.
 23 Q. What was the next time that you had a
 24 conversation about this lawsuit?
 25 A. With anyone?

1 Q. With anyone, yes.
 2 A. Probably with my mother to -- telling us
 3 that we're going to go get interviewed for the
 4 lawsuit.
 5 MR. PRESS: Let me just -- just remind the
 6 witness that -- to the extent that any of the
 7 questions -- for you to answer any of the questions
 8 you need to reveal some communications that took
 9 place between the ACLU attorneys or Morrison &
 10 Foerster attorneys, or you and your mom, that you
 11 shouldn't reveal those attorney-client privileged
 12 communications.
 13 THE WITNESS: Okay.
 14 BY MR. SIMMONS:
 15 Q. Have you met with an attorney in relation
 16 to this case?
 17 A. Yes.
 18 Q. When was the first time you met with an
 19 attorney in relation to this case?
 20 A. Two years ago.
 21 Q. Do you recall about how long that was after
 22 the first time you discussed the case with your
 23 mother?
 24 A. Could you repeat the question.
 25 Q. Do you recall about how long after your

1 conversation with your mother you met with an
 2 attorney?
 3 A. No, I don't.
 4 Q. Do you think it was more than a month after
 5 you had a conversation with your mother?
 6 MR. PRESS: Objection. The witness doesn't
 7 recall. You're asking him to speculate.
 8 THE WITNESS: I don't know.
 9 BY MR. SIMMONS:
 10 Q. How many times have you met with a lawyer
 11 in relation to this case?
 12 A. Twice.
 13 Q. Do you know when the first time was?
 14 A. Two years ago.
 15 Q. Who did you meet with?
 16 A. I don't recall his name.
 17 Q. Were you seeking legal representation at
 18 the time?
 19 A. I don't understand the question.
 20 Q. Were you seeking the advice of a lawyer at
 21 the time, at the time you met with this individual
 22 who you can't recall?
 23 A. Advice for what?
 24 Q. In relationship to this lawsuit.
 25 A. Was I seeking advice? I don't understand

1 the question, like --
 2 Q. Why did you meet with this lawyer?
 3 A. To tell him what was --
 4 MR. PRESS: No, no. Hang on. Don't reveal
 5 the communications with the lawyer.
 6 THE WITNESS: Okay.
 7 MR. PRESS: Objection to the extent that
 8 the question seeks attorney-client privileged
 9 communication and I'm going to instruct the witness
 10 not to provide that.
 11 MR. SIMMONS: I think -- but to the extent
 12 that he doesn't reveal attorney-client
 13 communications, he's entitled to answer the
 14 question; is that correct?
 15 MR. PRESS: Yeah. Let me have the question
 16 read back, the pending question.
 17 (The record was read as follows:
 18 Question: Why did you meet with this
 19 lawyer?)
 20 MR. PRESS: You can answer that without
 21 revealing the attorney-client communications that
 22 transpired between you and the lawyer.
 23 THE WITNESS: I wanted to meet with him
 24 because I know there is something wrong with the
 25 school I went to and that I did go to at the time.

1 And from what I could see, there was something wrong
2 with the school that I was going to -- the high
3 school that I was going to enter. So I really feel
4 that something should be done about this problem.

5 BY MR. SIMMONS:

6 Q. So did you meet with your lawyer to try to
7 obtain a change at your existing school and your
8 future high school?

9 A. Yes.

10 Q. How long did you meet with this lawyer?

11 A. I don't know.

12 Q. And what was the next time you met with a
13 lawyer in relation to this case?

14 A. Last night.

15 Q. So in the two years you've known about this
16 lawsuit, you've met with two lawyers; is that
17 correct?

18 A. Yes.

19 Q. And one of the lawyers you can't recall his
20 name; is that correct?

21 A. Yes.

22 Q. And one of the lawyers was Mr. Press; is
23 that correct?

24 A. Yes.

25 Q. Other than communications with lawyers

1 Mr. Nobori; is that correct?

2 MR. PRESS: That's correct.

3 BY MR. SIMMONS:

4 Q. And, Mr. Nobori, is it okay for your
5 attorney here to accept service of documents that we
6 may file on your behalf?

7 A. I don't understand.

8 MR. PRESS: Serve us, you might want to
9 explain to him what that means.

10 MR. SIMMONS: Yeah.

11 Q. If we have some documents that we would
12 like -- that are related to this case, that we would
13 like to get to you, instead of you having to provide
14 us with your address and having us provide you the
15 documents directly, what we'll do is send them to
16 your lawyer here, Mr. Press.

17 Is that okay with you?

18 A. That's okay with me.

19 Q. Okay. That's all we need. Thank you.

20 MR. PRESS: It's okay with me, too.

21 BY MR. SIMMONS:

22 Q. You were a student in Brightwood Elementary
23 School in Alhambra; is that correct?

24 A. Actually the school is in Monterey Park,
25 but, yes, that is correct other than that.

1 involved with this case, have you -- have you spoken
2 about this case with anyone else?

3 A. I spoke with my mother.

4 Q. And you've identified two conversations
5 with your mother about this case so far; is that
6 correct?

7 A. Yes.

8 Q. Have you had any other conversations with
9 your mother about the case?

10 A. Probably.

11 Q. Do you recall any specifically?

12 A. Not really.

13 Q. Do you recall generally speaking to your
14 mother about this case?

15 A. Do I recall generally speaking to my mother
16 about this case? Yes.

17 Q. And what did you speak with her about?

18 A. She -- we were talking about just how this
19 case would help fix the problems in the schools,
20 which I very much would like to see happen.

21 Q. Is that all you can recall?

22 A. That's all I can recall.

23 MR. SIMMONS: And, Counsel, it's my
24 understanding that in lieu of providing addresses,
25 you'll agree to accept service on behalf of

1 Q. Thank you.

2 And for what grades did you attend
3 Brightwood?

4 A. Kindergarten through eighth grade.

5 Q. Can you tell me what classes you took
6 during your sixth grade year?

7 A. Actually the classes we took didn't really
8 have names. I can tell you that we had three
9 teachers and I went to -- I'm sorry. And I was
10 instructed by all three teachers. I can tell you
11 that I learned about history, math and English, and
12 that's about it.

13 Q. Who were your three teachers?

14 A. Their names were Mrs. Peck, Mrs. Shin, and
15 Mr. Frazier.

16 Wait. Yeah.

17 Is that his name?

18 Q. And did you have those teachers for
19 specific periods of the day?

20 A. Yes.

21 Q. Can you tell me what period you had each
22 teacher for?

23 A. Actually I can't. I think some -- they
24 were different times of the week.

25 Like, for example, maybe in the beginning

1 of the week we'd be going to this teacher and
2 another teacher and another teacher. Later on in
3 the week we'd go -- we would have a different
4 schedule. So I don't really remember the order we
5 saw the teachers. My main -- my homeroom teacher
6 was Mr. Frazier.

7 Q. And what does homeroom consist of?

8 A. What we learn or --

9 MR. PRESS: Objection. Vague in the use of
10 the word "consist of."

11 BY MR. SIMMONS:

12 Q. Yeah, what did you -- is homeroom -- is
13 that the subject? Is that how you would describe
14 the subject that you learned from Mr. Frazier?

15 A. No. Actually all homeroom means is that
16 that's the class that we go to first and that's the
17 class we leave school with. And announcements are
18 given in that class.

19 Q. So that's -- homeroom is basically an
20 administrative class, if anything?

21 A. I guess so.

22 MR. PRESS: No.

23 THE WITNESS: Well, what do you mean
24 "administrative"?

25 MR. PRESS: Miscasts the witness's

1 other subjects than English from Mr. Frazier?

2 A. Like I said, I don't remember.

3 Q. Then what subjects did you receive
4 instruction from Mrs. Peck?

5 A. I remember receiving instruction in math.
6 I'm not sure if there was more subjects, again, but
7 I do remember that I learned math from her.

8 Q. In what subjects did you receive
9 instruction from Mrs. Shin?

10 A. Like I said, I don't remember if I learned
11 more subjects from her, but I do remember learning
12 about history.

13 Q. Did you receive any science instruction
14 during your sixth grade year?

15 A. Yes. Actually I remember now; that was
16 from Mr. Frazier.

17 Q. Who were your teachers during the seventh
18 grade year at Brightwood?

19 A. They were Mrs. Wawer, who is a teacher at
20 Mark Keppel High School. I went to Mark Keppel in
21 the morning to get an advanced math class.

22 Q. Can you spell Mrs. Wawer's name for me?

23 A. Yes. It's W A W E R.

24 Q. Did you have any other teachers during the
25 seventh grade?

1 testimony.

2 BY MR. SIMMONS:

3 Q. But basically you met in your homeroom
4 class to get announcements about school and find out
5 the daily happenings of your school?

6 A. If any, yes.

7 Q. Did Mr. Frazier provide any instruction in
8 any subjects?

9 A. Yes.

10 Q. What subjects?

11 A. English. There may have been more, but I
12 don't really remember.

13 MR. PRESS: And just for the record, are we
14 asking about sixth grade right now?

15 MR. SIMMONS: Yes.

16 MR. PRESS: You understand --

17 THE WITNESS: Yes.

18 MR. PRESS: -- that these questions relate
19 to sixth grade?

20 THE WITNESS: (Nods head.)

21 BY MR. SIMMONS:

22 Q. Did you have Mr. Frazier for any other
23 grades at Brightwood?

24 A. No.

25 Q. And did you receive instruction in any

1 A. Yes. I had Mr. Glick, that's G L I C K;
2 Mrs. Lyle, L Y L E; and [REDACTED] -- oh,
3 excuse me [REDACTED]

4 Q. And just so you know, if there comes a
5 teacher whose name you can't remember how to
6 spell -- if you can that's fine -- you can just say
7 so.

8 And in what subjects did you receive
9 instruction from Mr. Glick?

10 A. Mr. Glick ... I think we just learned
11 history. Excuse me. History and health. But,
12 again, I could -- there could be a subject I don't
13 remember.

14 Q. And what subjects did you receive
15 instruction from Ms. Lyle?

16 A. English.

17 Q. And what subjects did you receive
18 instruction from [REDACTED]

19 A. Science.

20 Q. Did you have any elective courses during
21 the seventh grade?

22 A. We had -- yes, we had elective courses, but
23 I don't remember what they are, but I'm -- I'm
24 pretty sure that [REDACTED] taught them.

25 Q. Did you have any elective courses during

1 the sixth grade?
 2 A. I think we had -- we might have had a
 3 course -- or just a period of time where we learned
 4 elective. But, again, I don't remember what we did,
 5 and I don't even remember the teacher who taught it,
 6 if we had it at all.
 7 Q. Who were your teachers from the eighth
 8 grade?
 9 A. They were Mrs. Ito, that's E -- I'm sorry,
 10 excuse me, I T O; Mr. Soule, S O U L E, and ...
 11 let's see.
 12 Actually -- again, I had an advanced math
 13 course and -- at Mark Keppel and that was taught by
 14 [REDACTED] which is [REDACTED] I had another teacher, who
 15 I only had for homeroom because I was taking the
 16 advanced math class, named Mrs. Lim, L I M.
 17 Q. Did you have a homeroom teacher during the
 18 seventh grade?
 19 A. Yes, I did.
 20 Q. Who was that?
 21 A. [REDACTED]
 22 Q. In what subjects did you receive
 23 instruction from Mrs. Ito?
 24 A. English. But, again, if there was another
 25 subject that I don't remember, then -- I mean, I'll

1 tell you if I remember, but I think that's just
 2 English.
 3 Q. Today you can recall English?
 4 A. Yes.
 5 Q. How about Mr. Soule?
 6 A. History and science.
 7 Q. And in what subjects did you receive
 8 instruction from Mrs. Lim?
 9 A. I didn't receive any instruction from her
 10 because -- actually, I had -- I guess you would call
 11 it an elective subject from her.
 12 Q. And what was that elective subject?
 13 A. Well, I recall we would go -- sometimes we
 14 would go to -- actually during the time of the
 15 semester we would go to help -- to help with the
 16 lower-grade kids.
 17 Q. Is this some type of tutoring that you're
 18 referring to?
 19 A. Yes, in a sense.
 20 Q. Do you think Mr. Frazier was a good
 21 teacher?
 22 MR. PRESS: Objection. Vague and ambiguous
 23 in the use of the word "good."
 24 THE WITNESS: Good in what sense?
 25 /// ///

1 BY MR. SIMMONS:
 2 Q. Mr. Frazier taught you English; is that
 3 correct?
 4 A. Yes.
 5 Q. Did you feel he was competent to teach that
 6 subject?
 7 A. Yes.
 8 Q. He also taught you science; is that
 9 correct?
 10 A. Yes.
 11 Q. And did you feel he was competent to teach
 12 science?
 13 MR. PRESS: I'm going to object to the use
 14 of the word "competent." And also object to these
 15 questions, to the extent you're going to ask more
 16 like this, as seeking expert opinion.
 17 BY MR. SIMMONS:
 18 Q. You can still answer the question.
 19 A. I -- was he able to teach science? Yes, he
 20 was competent. But I think like Mr. Press said, I
 21 wouldn't be able to tell you if he were a super
 22 teacher, you know, a great teacher, or if he was ...
 23 Q. Was there anything about Mr. Frazier that
 24 you disliked?
 25 A. Probably.

1 MR. PRESS: Objection. Vague and
 2 ambiguous.
 3 BY MR. SIMMONS:
 4 Q. Do you recall anything?
 5 A. Not at the moment, but that was four years
 6 ago.
 7 Q. So as you sit here today, you can't recall
 8 anything you disliked about Mr. Frazier?
 9 A. He would yell a lot.
 10 Q. Can you recall anything else?
 11 MR. PRESS: It's too vague and open-ended.
 12 Broad -- overbroad.
 13 THE WITNESS: I don't know.
 14 MR. PRESS: Anything else about what? I
 15 think we've lost the question here.
 16 MR. SIMMONS: Would you read back the
 17 question, please.
 18 MR. PRESS: The last question is, "do you
 19 recall anything else," or "anything else."
 20 BY MR. SIMMONS:
 21 Q. Okay. Let's go with, do you recall any --
 22 you've identified that one of the things you
 23 disliked about Mr. Frazier is that he yelled a lot;
 24 is that correct?
 25 A. Yes.

1 Q. Can you recall anything else about
2 Mr. Frazier that you disliked?
3 MR. PRESS: Same objections.
4 THE WITNESS: Disliked in what sense? I
5 mean, I could dislike someone and still think he's a
6 good teacher, or like someone and still think he's a
7 bad teacher. I don't understand what you're trying
8 to ask.
9 BY MR. SIMMONS:
10 Q. Were there any aspects of Mr. Frazier's
11 teaching style you would have preferred were
12 different?
13 A. To be honest, I don't even remember his
14 teaching style because it was so long ago.
15 Q. How often would he yell?
16 A. I don't know, but enough so that it stuck
17 in my mind.
18 Q. But you can't recall how often?
19 A. No, I cannot.
20 Q. Did you have an English textbook during the
21 sixth grade?
22 A. I don't remember.
23 Q. Do you recall whether you had a science
24 textbook during the sixth grade?
25 A. I believe we had a very -- a thin book

1 Q. What kind of readings, if you recall?
2 MR. PRESS: Objection. Vague --
3 THE WITNESS: I don't --
4 MR. PRESS: -- as to what you mean by
5 "kind."
6 BY MR. SIMMONS:
7 Q. What was the physical condition of the
8 books that we're speaking about?
9 A. The physical condition was --
10 MR. PRESS: Let me just enter an objection.
11 You're talking about books plural now?
12 MR. SIMMONS: That's helpful, I'll
13 rephrase.
14 MR. PRESS: I understand the context to
15 refer to the thin science soft-cover book, singular.
16 MR. SIMMONS: No. Exactly. That's
17 helpful.
18 Q. We can start with the condition of your
19 textbook, your science textbook. Do you recall the
20 physical condition of that book?
21 A. I believe that book was new, actually.
22 Q. And do you recall the physical condition of
23 any of the other science books in your class?
24 MR. PRESS: Objection. In what year and in
25 what class?

1 (indicating), that every student received. It was
2 soft covered and that served as our textbook.
3 Q. Do you recall the title of that book?
4 A. No, I do not.
5 Q. Did the book contain assignments?
6 A. I don't remember.
7 Q. Do you recall anything about the book?
8 A. No.
9 Q. Other than what you've already told me, of
10 course.
11 A. Do I recall anything about the book ...
12 MR. PRESS: You're talking about the thin
13 science soft-cover book?
14 MR. SIMMONS: Yes.
15 THE WITNESS: I don't really understand the
16 question.
17 BY MR. SIMMONS:
18 Q. What did the book contain?
19 A. Information on science.
20 Q. And how was that information presented, if
21 you can recall?
22 A. I don't understand what you mean by how was
23 it presented, like in letter form?
24 Q. Were there readings?
25 A. Yes.

1 MR. SIMMONS: This is his science class for
2 the sixth grade.
3 MR. PRESS: Okay.
4 THE WITNESS: I don't believe we had any
5 other books.
6 BY MR. SIMMONS:
7 Q. Do you know the physical condition of other
8 students' science books that they had?
9 Well, first of all, let's start with: Did
10 other students receive the same book, in science,
11 that you've identified here today?
12 A. Yes.
13 Q. And do you know the condition of those
14 books?
15 A. I believe that the condition was the same
16 as mine.
17 Q. Do you recall how many students were in
18 Mr. Frazier's class during the sixth grade?
19 A. No, I do not.
20 Q. Were you able to take your science textbook
21 home in the sixth grade?
22 A. I don't recall.
23 Q. Do you recall using any other instructional
24 materials in your sixth grade science class?
25 MR. PRESS: Asked and answered.

1 THE WITNESS: Pardon?

2 MR. PRESS: I'm sorry. That was just an
3 objection. I said "asked and answered," but don't
4 worry about it. You can answer it, if you remember
5 the question at this point.

6 THE WITNESS: I don't remember -- I
7 don't -- what do you mean by "instructional
8 materials"?

9 BY MR. SIMMONS:

10 Q. Do you have an -- do you have an
11 understanding -- what would that term mean to you,
12 "instructional materials," if anything?

13 A. Well, it could mean a lot of things.
14 Instructional material could be like a desk, you
15 know, because I write on it and it helps me learn.
16 It could be a pencil; it could be a book; it could
17 be -- do you want me -- I want to know what you mean
18 by it, so I can answer your question.

19 Q. Did you have any other books?

20 A. Science?

21 Q. Yes.

22 A. I believe we received a magazine every
23 month or so that was related to science things. But
24 that was it, I think.

25 Q. Do you recall anything more particular than

1 A. Yes.

2 Q. And was a copy of that book provided to you
3 by your teacher?

4 A. Yes.

5 Q. Could you take a copy of that book home?

6 A. I don't recall.

7 Q. Do you recall reading The Cay in class as
8 part of your daily activities?

9 A. Yes.

10 Q. Do you recall using any worksheets in
11 connection with your sixth grade English class?

12 A. I don't recall, like I said before.

13 Q. Do you recall what grade you received for
14 your English class in the sixth grade?

15 A. No, I do not recall.

16 Q. How about with respect to your science
17 class?

18 A. No.

19 Q. Do you recall the physical condition of
20 Mr. Frazier's classroom during your sixth grade?

21 MR. PRESS: Objection. Assumes facts not
22 in evidence, that it was his classroom. Lacks
23 foundation.

24 THE WITNESS: It's too long ago for me to
25 remember.

1 "science things"?

2 A. No.

3 Q. And you say you believe you received a
4 monthly magazine. Do you recall that with
5 certainty, or are you guessing on that?

6 A. I wouldn't say I'm guessing, but I can
7 recall with a fair amount of certainty.

8 Q. Do you recall using any worksheets in your
9 sixth grade science class?

10 A. I do not recall.

11 Q. Do you recall reading any novels in your
12 sixth grade English class?

13 A. Yes.

14 Q. What novels do you recall?

15 A. A book called The Cay, C A Y.

16 Q. Any other books -- any other novels that
17 you can recall reading in your sixth grade English
18 class?

19 MR. PRESS: I'll object that it's vague and
20 ambiguous to the extent that it's unclear whether
21 you're asking whether he read the book in the class,
22 or he recalls reading while he's in sixth grade.

23 BY MR. SIMMONS:

24 Q. Was The Cay a book that was assigned to you
25 by your teacher in sixth grade?

1 BY MR. SIMMONS:

2 Q. Did you attend class with Mr. Frazier in
3 the same classroom, physical classroom every day --

4 A. Yes.

5 Q. -- during your sixth grade year?

6 A. Yes.

7 Q. Did that classroom have a room number?

8 A. Yes, it did.

9 Q. Can you recall it?

10 A. No, I can't.

11 Q. And you can't recall the physical condition
12 of that classroom as we sit here today; is that
13 correct?

14 A. Yes.

15 MR. PRESS: Let me just interpose an
16 objection, that "physical condition" is broad and
17 potentially vague. It's unclear that you and he are
18 both thinking about the same things.

19 BY MR. SIMMONS:

20 Q. Do you recall whether the classroom was
21 maintained in a clean fashion?

22 A. Maintained by who?

23 Q. By anyone.

24 A. Well, I remember that the classroom was
25 pretty well maintained, but the room itself was

1 pretty old. The -- the walls were painted with kind
2 of a -- a strange kind of dreary color. And the
3 carpet was kind of a -- was really old.

4 As far as how it was maintained, it was
5 clean, but the room itself was pretty old. That's
6 what I remember.

7 Q. Let's turn to your sixth grade math class.

8 That was Ms. Peck; is that correct?

9 A. Yes, that's correct.

10 Q. Did you have a textbook to use in your
11 sixth grade math class?

12 A. I don't recall.

13 Q. Did you attend math in the same physical
14 classroom each day?

15 A. Yes.

16 Q. Did that class have a room number?

17 A. Yes.

18 Q. Is that one that you can recall?

19 A. No, it's not.

20 It was next to Mr. Frazier's room.

21 Q. And when you say "next," do you mean
22 adjacent --

23 A. Yes.

24 Q. -- as though --

25 A. Yes.

1 Mr. Fischer's room.

2 Q. Do you recall receiving homework in your
3 math class in the sixth grade?

4 A. Yes.

5 Q. Do you recall about how often?

6 A. No.

7 Q. How about your English class, do you recall
8 receiving homework in that class during the sixth
9 grade?

10 A. Yes.

11 Q. And do you recall how often?

12 A. No.

13 Q. Is that the same with respect to science?

14 A. Yes.

15 Q. Do you recall what grade you received in
16 math?

17 A. No, I do not. I do not recall any grades
18 that I received in the sixth grade.

19 Q. Mrs. Shin was your history teacher for the
20 sixth grade; is that correct?

21 A. Yes.

22 Q. Do you recall whether or not you had a
23 textbook in that class for history?

24 A. Yes, I had -- I had a textbook.

25 Q. Do you recall the title of the textbook?

1 Q. -- it were right next to?

2 A. I'm sorry. His name, it was Fischer, not
3 Frazier. And you spell that F I S C H E R. Sorry.

4 Q. So it was Mr. Fischer not Mr. Frazier who
5 was your sixth grade English teacher?

6 A. Yes. It was four years ago; it's been a
7 long time.

8 Q. You can't recall whether you had a textbook
9 in your math class. Can you recall making use of
10 any other instructional materials?

11 A. I recall using worksheets.

12 Q. Were any of those worksheets assigned as
13 homework assignments, if you can recall?

14 A. I don't recall.

15 Q. Do you recall anything about the worksheets
16 that you used?

17 MR. PRESS: Okay. We're referring to the
18 math class in sixth grade?

19 MR. SIMMONS: Yes.

20 THE WITNESS: No.

21 BY MR. SIMMONS:

22 Q. Do you have any recollection of the
23 physical condition of the classroom in which you had
24 math during the sixth grade?

25 A. The physical condition was the same as in

1 A. No, I don't.

2 Q. Was it a hard cover text?

3 A. Yes.

4 Q. Were you assigned a specific test -- text
5 in that class?

6 A. Yes.

7 Q. And could you take the textbook home?

8 A. Yes.

9 Q. Did you have your history class in the
10 sixth grade in the same physical classroom each day?

11 A. Yes.

12 Q. Do you recall the number of that classroom?

13 A. No.

14 Q. Do you recall the physical condition of
15 that classroom?

16 A. The -- the paint on it was -- was newer and
17 less dirty than Mr. Fischer's and Ms. Peck's room.

18 Q. Was that classroom maintained in a clean
19 fashion?

20 A. "Maintained" as in it was clean?

21 Q. Uh-huh.

22 A. It was clean, but the carpet was old. It
23 was the same carpet in Mr. Fischer's, Mrs. Peck's
24 and Mrs. Shin's room.

25 Q. Now, you've mentioned the carpet -- the

1 carpet was old. Can you recall any other aspects of
2 the physical condition of your history class during
3 the sixth grade that you think were unsatisfactory?

4 MR. PRESS: Let me object, again, to the --
5 in that you're not focusing on what physical
6 aspects. And it's vague.

7 BY MR. SIMMONS:

8 Q. Were there any problems with the walls in
9 that classroom? This being your history class
10 during the sixth grade.

11 A. Not that I can recall.

12 Q. Did you have desks to sit at in your
13 history class during the sixth grade?

14 A. Yes.

15 Q. Were the desks clean?

16 A. No.

17 Q. In what -- were the desks dirty, then?

18 A. No. They had writing on them and
19 scratchings and all sorts of different ... they were
20 defaced.

21 Q. Do you know how old the desks were?

22 A. No.

23 MR. PRESS: Objection. Calls for
24 speculation.

25 /// //

1 Q. Were you assigned homework in that class?

2 A. Yes.

3 Q. Do you recall how often?

4 A. Every day.

5 Q. Did you like Mr. Wawer as a teacher?

6 A. Yes.

7 Q. What about her did you like?

8 MR. PRESS: Objection. Vague. Overbroad.

9 THE WITNESS: I liked that she had a system
10 set where she knew what she wanted to teach you, and
11 it was important for her that you learn what she
12 wanted to teach you. Which was kind of rare for me
13 in my experiences at Brightwood.

14 BY MR. SIMMONS:

15 Q. So you feel that Mrs. Wawer was generally a
16 better teacher than the teachers you had at
17 Brightwood?

18 A. Yes.

19 Q. Did you like Mrs. Shin as a teacher?

20 MR. PRESS: Objection. Vague as to "like."

21 THE WITNESS: Did I like her as a teacher?

22 I don't ... I liked her as a person.

23 BY MR. SIMMONS:

24 Q. What do you mean by that?

25 A. I mean she was a nice person who cared

1 BY MR. SIMMONS:

2 Q. And did you use worksheets at all in your
3 history class?

4 A. I don't recall.

5 Q. With respect to your math class during the
6 sixth grade, do you -- do you recall the substance
7 of what you studied in that class? Was it algebra,
8 or pre-algebra?

9 A. We studied like multiplication and
10 division, stuff like that.

11 Q. During the seventh grade, you attended Mark
12 Keppel for math class; is that correct?

13 A. Yes.

14 Q. And do you recall the substance of -- of
15 what the -- the math was that you were studying in
16 that class?

17 A. Pre-algebra.

18 Q. Did you have a textbook to use in that
19 class?

20 A. Yes.

21 Q. Were you assigned a specific textbook in
22 there?

23 A. Yes.

24 Q. And could you take the textbook home?

25 A. Yes.

1 about her students, but ... yeah, that's what I
2 mean.

3 Q. Anything else?

4 A. No.

5 MR. PRESS: I'm not sure if the "anything
6 else" is clear again, when you do that.

7 BY MR. SIMMONS:

8 Q. Do you recall how many students were in
9 your math class during your seventh grade year?

10 A. No, I don't.

11 Q. Do you recall the physical condition of the
12 textbook you used in your math grade during your
13 seventh grade year?

14 A. No, I don't recall.

15 Q. Do you recall making use of any
16 instructional materials other than textbooks in your
17 math class during your seventh grade year?

18 A. No.

19 Q. Do you recall any problems with the
20 physical condition of your math class during your
21 seventh grade year?

22 MR. PRESS: Objection. Vague and
23 ambiguous. Overbroad.

24 THE WITNESS: The desks were written upon.
25 Actually the -- this problem I had

1 experienced probably through many of my classes at
2 Brightwood, and at Keppel, too. The desks being
3 written on, that is. The walls were in need of a
4 paint job.

5 BY MR. SIMMONS:

6 Q. And why do you say the walls were in need
7 of a paint job?

8 A. Because they were -- some parts of them
9 were dirty and they needed -- and the color was kind
10 of drab and dreary, I guess you would say, a
11 yellowish tint sort of.

12 Q. Do you recall whether any of the desks that
13 had writing on them were not functionable?

14 A. Well, if you're writing on a desk and
15 there's a hole in the desk, then your pencil stops
16 and it messes up your writing.

17 Q. Do you recall any desks like that?

18 A. Do I recall any desks like that? Yes.

19 Q. How many desks can you recall like that?

20 MR. PRESS: Objection. Are we talking
21 about in a class? In how many years? Different
22 classes? Vague and ambiguous as to time, scope.

23 BY MR. SIMMONS:

24 Q. During either the time that you attended
25 Brightwood or Mark Keppel.

1 THE WITNESS: Well, the chalkboard was
2 often -- I guess you would say chalky. I don't
3 know -- I'm not an expert on chalkboards, but it's
4 like you erase it, and all you're doing is putting
5 more chalk dust on it.

6 I'm not sure if that's because the chalk --
7 the erasers themselves weren't cleaned, or if the
8 chalkboard wasn't cleaned, or the place you put the
9 erasers on wasn't clean, but something was wrong
10 because it was chalky.

11 BY MR. SIMMONS:

12 Q. Do you recall any other unsatisfactory
13 conditions in your seventh grade math class,
14 physical conditions?

15 MR. PRESS: Continuing objection to the
16 overbreadth and vagueness of "physical conditions."

17 THE WITNESS: (Witness pauses.)

18 I remember sometimes it would get kind of
19 hot because there was a little -- well, one problem
20 that I didn't like about that classroom was there
21 was -- the only ventilation we had was one window
22 which led to the outside, which didn't open. To get
23 any other ventilation, we could open a door which
24 led to a hall which had no ventilation.

25 Sometimes it got stuffy in the room and

1 A. (Laughs.)

2 More than ten.

3 Q. Was the paint peeling off the walls at all
4 in the math class that you had at Mark Keppel?

5 A. I don't recall.

6 Q. Now, I think you've identified some writing
7 on the desks and that you felt that the walls were
8 in need of a paint job. Were there any other
9 aspects of the physical condition of your math class
10 in seventh grade that you felt were unsatisfactory?

11 MR. PRESS: Objection. Miscasts the
12 witness. You left out the holes in the desk, and
13 other aspects of the walls.

14 THE WITNESS: Could you repeat the
15 question.

16 MR. SIMMONS: Would you read the question
17 back, please.

18 (The record was read as follows:

19 Question: Now, I think you've identified
20 some writing on the desks and that you
21 felt that the walls were in need of a
22 paint job. Were there any other
23 aspects of the physical condition of
24 your math class in seventh grade that
25 you felt were unsatisfactory?)

1 sometimes it got too cold in the room and there
2 really wasn't much we could do about it.

3 BY MR. SIMMONS:

4 Q. Did you testify that sometimes that
5 classroom got too warm?

6 A. No, I did not.

7 Q. Did you testify that sometimes that
8 classroom got too cold?

9 A. That classroom?

10 Q. Yes.

11 A. No.

12 Q. What classroom were you referring to when
13 you just gave me that testimony?

14 A. I was referring to class 250 in Mark Keppel
15 High School.

16 Q. And is that the class where you took math?

17 A. Yes.

18 Q. With Ms. Wawer?

19 A. Yes.

20 Q. So that classroom -- classroom number 250,
21 you felt had problems with ventilation?

22 A. Yes.

23 Q. And you felt it had problems with
24 temperature?

25 A. Yes.

1 Q. Do -- do you recall how often in a month
2 that classroom 250 would become uncomfortably warm,
3 in your opinion?

4 A. Could you repeat the question?

5 Q. Sure.

6 Do you recall how often, you know, just
7 estimating, how often in a month that classroom 250
8 would become uncomfortably warm, in your opinion?

9 A. Well, it would become uncomfortably warm --
10 it wasn't -- well, as the seasons change, the
11 temperature changes, too; right? And so during the
12 winter months, sometimes it would become
13 uncomfortably cold, and during the summer months
14 and towards the end of fall, it would become
15 uncomfortably warm.

16 How often during those months? Maybe two
17 to three days a week out of the five-day week.

18 Q. And earlier I think you said it would
19 become uncomfortably warm toward the end of fall.
20 Did you mean the beginning of fall?

21 A. Toward the beginning of school, which is
22 the middle or end of fall.

23 Q. When -- when do you start school?

24 A. September.

25 MR. PRESS: Can we take a five-minute

1 was a very hard class in relation to some. So if it
2 was an easier class, I probably would have gotten an
3 [REDACTED] but it -- for that class, I suppose it was a fair
4 representation of my performance.

5 BY MR. SIMMONS:

6 Q. Mr. Glick was your history and health
7 teacher; is that right?

8 A. Yes, sir.

9 Q. And that's for the seventh grade year?

10 A. That's for the seventh grade.

11 Q. Do you recall having a textbook to use for
12 your history class?

13 A. Yes.

14 Q. Do you recall the title of that textbook?

15 A. No.

16 Q. Was it a hard-cover text?

17 A. Yes.

18 Q. Were you assigned a specific copy of the
19 textbook?

20 A. Yes.

21 Q. Could you take the textbook home?

22 A. Yes.

23 Q. Do you have a recollection as to the
24 physical condition of the textbook?

25 A. Yes.

1 break?

2 MR. SIMMONS: Yeah, sure. That's fine.

3 (Recess taken from 10:55 to 11:00.)

4 BY MR. SIMMONS:

5 Q. Do you recall what grade you received in
6 your math class during the seventh grade year?

7 A. I believe I received [REDACTED]

8 Q. And when you say [REDACTED] is that -- were you
9 graded on semesters?

10 A. Yes.

11 Q. And did you believe that the [REDACTED] were a --
12 were a fair reflection of your performance in the
13 math class?

14 A. A fair reflection of my performance in the
15 math class ...

16 MR. PRESS: Object. That's irrelevant and
17 calls for speculation --

18 THE WITNESS: Well --

19 MR. PRESS: -- lacks foundation.

20 THE WITNESS: -- at the time I was -- I was
21 still pretty young so I didn't know much about,
22 like, how to study.

23 I studied -- I tried pretty hard. I guess
24 I just didn't try hard enough, though, to get an [REDACTED]
25 I guess. So, yeah. Of course, Mrs. Wawer's class

1 Q. And what -- what is your recollection?

2 A. It was pretty old.

3 Q. Do you know how old?

4 A. No. Old enough so that I could tell that
5 it was old; that the pages were worn and that the
6 cover was scratched and ...

7 Q. Were there any pages missing from the
8 textbook?

9 A. No. There were some pages that were torn,
10 though.

11 Q. Could you still read from those pages?

12 A. I could read them if I turned the pages
13 carefully.

14 Q. Did you have your history class in -- with
15 Mr. Glick in the same classroom every day?

16 A. Yes.

17 Q. And do you recall the room number of that
18 one?

19 A. No.

20 Q. And you had your health class in that same
21 physical classroom; is that correct?

22 A. Yes.

23 Well, I'm sorry. Actually, I guess you
24 would call it a classroom, but in essence, it wasn't
25 really a room. They're actually bungalows that had

1 been there for as long -- for the eight years that I
2 went to that school and for the three years before
3 that that my brother had gone there since he was in
4 kindergarten.

5 I guess they put up temporary bungalows to
6 prepare to build more main buildings or to add on to
7 the buildings, but they never got around to it. And
8 those bungalows have been there for a very, very
9 long time.

10 Q. So you would call your room for health and
11 history, you would refer to that as a bungalow
12 instead of a room --

13 A. Yes.

14 Q. Instead of a classroom, I guess?

15 A. Yes.

16 Q. Okay. But you had -- you had four walls
17 and a roof, just to make sure?

18 A. Yes.

19 Q. Did you have a textbook to use for your
20 health class in the seventh grade?

21 A. A textbook to use in my health class for
22 seventh grade? No. We had another system where we
23 would get monthly magazines about health, it was
24 called Current Health, and we would do assignments
25 from that magazine and study it.

1 Q. Do you recall about how often you would be
2 tested in your history class?

3 A. At least once a week.

4 Q. Were you tested in your health class during
5 the seventh grade?

6 A. Yes.

7 Q. Do you recall about how often?

8 A. At least once a week.

9 Q. And were there any problems with the
10 physical condition of the bungalow that you had your
11 health and history class in?

12 A. Yes.

13 Q. Can you identify those for me?

14 A. Well, the room was very old. It had the
15 same -- it had -- the carpeting was very old, too.
16 Parts of it was -- were coming off, actually.

17 One -- actually Mr. Glick, the teacher who
18 taught in that room, even told us that when the
19 bungalow was put up there -- okay. He was moved to
20 the bungalow many years ago and he said -- he
21 called -- he told us this story.

22 He said he called the -- I don't know if it
23 was the principal or someone, saying, "There's a
24 hole in the wall of my bungalow, there's a big
25 hole."

1 (Witness sneezes.)

2 MR. PRESS: Bless you.

3 THE WITNESS: Thank you.

4 BY MR. SIMMONS:

5 Q. Did you ever use worksheets in connection
6 with your health class in the seventh grade?

7 A. I don't recall.

8 Q. Do you recall receiving homework in your
9 history class during the seventh grade?

10 A. Yes.

11 Q. Do you know about how often you received
12 homework during your seventh grade history class?

13 A. Very often. Too often.

14 Q. How about with respect to your health
15 class. Do you recall receiving homework in that
16 class?

17 A. Yes.

18 Q. Do you recall about how often you would
19 receive homework in your seventh grade health class?

20 A. Probably the same amount that I received in
21 history.

22 Q. And did you receive -- did you -- were you
23 required to take tests in your history classes
24 during the seventh grade?

25 A. Yes.

1 They said, "Okay."

2 And he said, "What should I do?"

3 And they said, "It's okay, we'll take care
4 of it."

5 And then maybe a few days later, they came
6 with a big bulletin board, a big, like, stick-up --
7 push-pin board and they stuck it over the hole. And
8 that was their solution.

9 The paint job was old; it was peeling in
10 some places. And I could just tell that everything
11 in the room wasn't really -- it was just old. It
12 had been there for a very long time. It was ...

13 Q. How about with respect to the cleanliness
14 of the classroom, was it maintained in a clean
15 fashion?

16 A. It was maintained in a clean fashion,
17 but ... I mean, if you have desks that are full of
18 writing and they have holes in them, you can clean
19 the desks, but you'll still have holes in them and
20 it doesn't ... you know, it's like ... even though
21 they were clean, it still wasn't -- it still didn't
22 seem to me as if they were satisfactory.

23 Q. Just to make sure. When you say there were
24 holes in the desk, can you just give me an idea of
25 the size of the type of holes you're speaking of?

1 A. Well, they weren't really holes. They were
 2 more like scratches. I would say -- it wasn't so
 3 much that the scratches themselves were big, but
 4 that there was so many of them. For whatever
 5 reason, I don't know, there were just a lot of
 6 scratches on the desk.
 7 Q. Ms. Lyle was your English teacher --
 8 A. That's correct.
 9 Q. -- is that correct, during your seventh
 10 grade year?
 11 A. Yes.
 12 Q. Do you recall whether you had a textbook to
 13 use in your seventh grade English class?
 14 A. No, I don't recall.
 15 Q. Do you recall any of the types of
 16 assignments you received in your seventh grade
 17 English class?
 18 A. The types of assignments we received?
 19 Q. (Nods head.)
 20 A. I recall that we would occasionally
 21 receive -- to write a paper. I know that we had
 22 other smaller assignments, like, more daily -- you
 23 know, less -- I would say like less big assignments,
 24 but I don't -- I don't recall what they are.
 25 Q. Do you recall reading any novels as part of

1 the course of instruction in your seventh grade
 2 English class?
 3 A. Yes.
 4 Q. What novels can you recall reading as part
 5 of the course of instruction in your seventh grade
 6 English class?
 7 A. I can recall reading a novel called
 8 *The Giver*, spelled G I V E R.
 9 Q. Any others?
 10 A. Not that I recall.
 11 Q. And do you recall receiving homework in
 12 your seventh grade English class?
 13 A. Yes.
 14 Q. Do you recall about how often?
 15 A. No, I don't recall.
 16 Q. Do you recall receiving any tests in your
 17 seventh grade English course?
 18 A. Yes, I recall receiving tests.
 19 Q. Do you recall about how often you were
 20 tested in that course?
 21 A. Maybe two weeks to a month.
 22 Q. And when you say "maybe two weeks to a
 23 month," you mean one time every two weeks --
 24 A. Yes.
 25 Q. -- to a month?

1 And did you have your English class with
 2 Ms. Lyle in the same physical classroom each day?
 3 A. Yes.
 4 Q. And do you recall the room number of that
 5 classroom?
 6 A. No, I don't.
 7 Q. And do you recall any problems with the
 8 physical condition of that classroom?
 9 A. Well, it was a bungalow.
 10 MR. PRESS: Same objection. Vague.
 11 Overbroad.
 12 THE WITNESS: It was a bungalow just
 13 like -- just like -- actually all the seventh grade
 14 classes were bungalows. What it was, we have a big
 15 playground and in one corner they put up three
 16 bungalows and that served as your learning area in
 17 the seventh grade. We learned in those bungalows,
 18 so that in itself was kind of bothersome.
 19 The carpet, too, was very old, just like in
 20 Mr. Glick's class. And I could also see that in
 21 some parts, some of it was, like, peeling off.
 22 That's all that I can recall right now.
 23 BY MR. SIMMONS:
 24 Q. Can you tell me a little bit more about
 25 what you mean when you say that some of the parts of

1 the carpet were peeling off?
 2 A. Well, the carpet itself was composed of
 3 these long strips, I guess, of carpet, and sometimes
 4 one of those strips could come off and you would
 5 actually see it bending back and coming off,
 6 (indicating).
 7 Q. When we refer to bungalows as being some of
 8 the classrooms, is a bungalow the same thing as
 9 what's referred to as a portable classroom?
 10 A. I guess you could say -- I don't really
 11 know. I've never heard of a portable classroom.
 12 Q. Okay. And [REDACTED] was both your science
 13 and homeroom teacher; is that correct?
 14 A. Yes.
 15 Q. At least for the seventh grade year?
 16 A. Yes.
 17 Q. Do you recall whether you had a textbook to
 18 use in your seventh grade science class?
 19 A. I believe we received another science book
 20 that was a -- a thin, soft-covered science book,
 21 similar to the one we used in sixth grade.
 22 Q. Was this -- this science book, is it
 23 properly characterized as a workbook? Was it
 24 something you could write in?
 25 A. No.

1 Q. And I think that earlier you testified that
2 you thought the -- this textbook that you received
3 that was similar in the sixth grade was a new
4 textbook. Do you know how old the textbook that you
5 received for your sixth grade class was?

6 A. It was older.

7 Q. And do you know by how much?

8 A. No, I don't. Old enough so I could tell
9 that it was older. It was more worn.

10 Q. Were there any pages missing from the book?

11 A. No.

12 Well, not from my book at least, you know.

13 Q. Do you -- oh, I'm sorry. Please continue.
14 I didn't mean to cut you off.

15 A. No. That's it. I had nothing to say.

16 I don't know if any other people who
17 have -- whose pages -- the pages were missing, but I
18 didn't go around and check everybody's books,
19 anyways.

20 Q. Right. You know the condition of your
21 textbooks, but not the condition of the other
22 students' textbooks?

23 A. Well, I could see their books was just as
24 worn as mine, but I didn't actually know if any
25 pages were actually missing from any other student's

1 wouldn't necessarily be provided with a lecture in
2 accompaniment with that assignment.

3 Is that your testimony?

4 A. Well --

5 MR. PRESS: Objection to the extent that it
6 miscasts the witness's testimony.

7 BY MR. SIMMONS:

8 Q. Yeah, please correct me if I'm wrong. I'm
9 just trying to get an idea.

10 A. I'm saying that sometimes he would just
11 give an assignment, not lecture us. And -- or if he
12 did lecture us, it would just be a vague lecture.

13 I mean, it would just be -- sometimes his
14 lecture, all it would be would just all of us having
15 our books out and he would tell people to read, "you
16 read aloud this section and then after that you read
17 aloud this section and then you read aloud this
18 section."

19 And he would just have us read the book in
20 class. We wouldn't really -- he often wouldn't
21 explain what we were learning, or -- he wouldn't
22 have words of his own, I guess you would say.

23 Q. Were you tested in that class?

24 A. Was I tested in that class?

25 Q. Yes.

1 textbook.

2 Q. Okay. Did you like [REDACTED] as a
3 teacher?

4 A. No.

5 Q. Why didn't you like [REDACTED]

6 A. I think he was incompetent.

7 Q. What made you think that he was
8 incompetent?

9 A. Well, he couldn't -- he didn't really
10 control his class. I don't know, I guess you could
11 say that that's the fault of the students. But,
12 then, we would often talk and he wouldn't -- I guess
13 he would lecture very little and we -- I -- we
14 didn't learn much in his class.

15 I guess, I mean, when I say that we would
16 talk a lot, I think we would talk because we would
17 have nothing else to do. We would often in our
18 class period just sit there and do nothing sometimes
19 during the entire period. He might give us
20 assignments to do, but he wouldn't -- he often
21 wouldn't supplement it with instruction -- or not
22 instruction, but lesson, you know. Lecture, I guess
23 you would say.

24 Q. So you would be -- you would be given an
25 assignment to do during the science period, but you

1 A. Yes.

2 Q. Do you recall about how often you received
3 a test in your seventh grade science class?

4 A. No, I don't.

5 Q. Were you given homework in that class?

6 A. Sometimes.

7 Q. Do you recall about how often you were
8 generally given homework in that class?

9 A. I wouldn't be able to say.

10 Q. Do you recall what grade you received for
11 the seventh grade science class?

12 A. I believe I received an [REDACTED]

13 Q. And did you have this science class in the
14 same physical classroom each day?

15 A. Yes.

16 Q. Was this classroom also in a bungalow?

17 A. Yes.

18 Q. And as you sit here today, can you recall
19 any problems with the physical condition of that
20 bungalow?

21 A. I remember the same -- the carpet was
22 old -- the carpet was the same, and probably as old
23 as the other carpets in the other two bungalows in
24 my seventh grade class. I could see that it was --
25 I'm sorry. This also applies to other carpets in

1 the other rooms.

2 I remember there was, like, I guess gum
3 that had been dropped on the floor and then
4 constantly stepped on so it looked like a little
5 black circle on the floor and it was actually
6 surprisingly -- it was a lot of it, it just
7 hardened, and so it was just a flat black circle.

8 I remember there was some -- the walls, the
9 paint was peeling off in some -- some of the walls
10 in [REDACTED] class.

11 The desks, just like in the other
12 classrooms I talked about, were -- were covered with
13 writing and scratches.

14 And that's all I can recall right now.

15 Q. And [REDACTED] was your teacher for your
16 advanced math class in the eighth grade; is that
17 correct?

18 A. Yes.

19 Q. And this is a class that you took at Mark
20 Keppel; is that right?

21 A. Yes.

22 Q. And what was the substance of this math
23 class?

24 A. Algebra 1 honors.

25 Q. Do you recall what the room number was for

1 Highlands. And I don't know what kind of -- it was
2 hard for me to be at their level because of, I guess
3 the inferior math that I had before. It was
4 difficult for me. I didn't have the same foundation
5 that they did.

6 Q. How do you know that?

7 A. Because they were doing better than me and
8 they would know things in class that they would
9 actually -- Ms. Wawer would say, "Did anyone -- did
10 you talk about this in your other math classes,"
11 and everyone would be raising their hand except me
12 and the people who were in my math classes -- well,
13 not everyone, but there would people who knew things
14 that I didn't, from before.

15 Q. And you attribute that to what you think
16 was a better math program at their elementary or
17 middle schools?

18 A. Well, I didn't say -- maybe -- I don't know
19 about their math program at their elementary or
20 middle schools, but I do know that I didn't learn
21 much at all from the math classes in my elementary
22 school. And I would attribute at least a part of it
23 to the poor teaching.

24 Q. Did you take any standardized tests in the
25 mathematics area while you attended Brightwood?

1 this classroom?

2 A. I believe that was 252.

3 Q. And did you have class in room 252 each
4 day?

5 A. Yes.

6 Q. Did you like [REDACTED] as a teacher?

7 A. I thought he wasn't as good as Ms. Wawer,
8 but, yes, he was -- he was -- it was -- when I went
9 to Mark Keppel for math classes, it was -- it was a
10 new experience for me, because I had considered
11 every other math class that I had taken at
12 Brightwood far less superior to what I experienced
13 at Mark Keppel.

14 We would go day-by-day with a new lesson
15 each day and it just -- the way -- the way that
16 he -- the way that they talked about -- the way that
17 they taught us math was a lot more structured and a
18 lot more efficient and -- then anything I had
19 experienced at Brightwood as far as math went.

20 And so actually I kind of had a hard time
21 going into seventh and eighth grade math, where I
22 had to -- where I had to, I guess you would say, the
23 people who I took the math classes with at Mark
24 Keppel were people from the different elementary
25 schools around, like Inez, and Repetto and

1 A. I don't recall.

2 Wait, actually, yes, I think they were
3 called the Sat 9.

4 Q. Did you take the Sat 9 for -- during more
5 than one grade at Brightwood?

6 A. Actually I believe -- there was another
7 test called the STAR test that we took which we took
8 earlier. I think we had at least a standardized
9 test every year, actually.

10 Q. And did those standardized tests test you
11 in mathematics?

12 A. I believe so.

13 Q. Do you recall how you did on any of those
14 tests?

15 A. I don't recall.

16 Q. And do you recall whether you were given a
17 summary of your performance on those tests?

18 A. A summary of my performance. The results?

19 Q. Sure.

20 A. Yes, I was given the results.

21 Q. Were the results provided to you in written
22 form?

23 A. Yes.

24 Q. Do you know whether you saved those?

25 A. No, I don't know.

1 Q. Did you have a textbook to use in your
2 Algebra 1 honors class during the seventh grade?
3 A. Yes.
4 Q. Were you assigned a specific copy?
5 A. Was I assigned a specific copy? Yes.
6 Q. Could you take the textbook home?
7 A. Yes.
8 Q. Did you receive homework in your seventh
9 grade math class?
10 A. Did I receive homework in my seventh grade
11 math class? Wait a minute, my seventh grade math
12 class?
13 MR. SIMMONS: I apologize.
14 MR. PRESS: We're jumping around here.
15 BY MR. SIMMONS:
16 Q. I apologize. I was meaning to discuss
17 eighth grade.
18 A. Oh.
19 Q. Let's go back to say: Did you have a
20 textbook to use in your -- I think I called it your
21 seventh grade Algebra 1 honors, but it's your eighth
22 grade Algebra 1 honors.
23 A. Okay.
24 Q. So did you have a textbook to use in that
25 class?

1 A. Yes.
2 Q. And were you assigned a specific copy?
3 A. Yes, I was assigned a specific copy.
4 Q. And could you take the textbook home?
5 A. Yes, I could take it home.
6 Q. Do you recall the physical condition of
7 your textbook?
8 MR. PRESS: Eighth grade, Algebra 1; right?
9 MR. SIMMONS: Yes.
10 THE WITNESS: No, I don't recall the
11 physical condition.
12 BY MR. SIMMONS:
13 Q. Did you use worksheets at all in your
14 Algebra 1 class?
15 A. If we used them, they were -- we used them
16 infrequently. We didn't use them very often.
17 Q. And do you recall being tested in your
18 Algebra 1 honors class?
19 A. Yes.
20 Q. About how often?
21 A. Maybe -- let's see. Every two weeks,
22 about.
23 Actually, I'm sorry. By "tested," do you
24 mean also quizzed?
25 Q. Sure, a quiz.

1 A. Maybe every week.
2 Q. Was your Algebra 1 textbook missing any
3 pages?
4 A. Not that I can recall.
5 Q. Can you recall there being any torn pages
6 in that book?
7 A. Yes.
8 Q. Do you recall any pages that were not
9 usable because they had been torn?
10 MR. PRESS: Objection. Vague as to the use
11 of "not usable."
12 THE WITNESS: Well, actually -- well,
13 the tear was not -- okay. If this is a page
14 (indicating), and this was torn (indicating), it
15 wasn't a chunk of a page torn, it was a single tear.
16 A rip. I guess you would say it was like a
17 hairline.
18 If one were to flip through it quickly and
19 accidentally pull it too hard, then you could
20 probably rip it more, even rip the page out. But it
21 wasn't a chunk of the page missing so that I
22 couldn't read what was going on.
23 But it seems as if, if those books aren't
24 replaced, then that could be the situation later,
25 that it would be so bad that you can't read pages.

1 BY MR. SIMMONS:
2 Q. Do you recall about how many pages were
3 torn or ripped in your --
4 A. I don't recall.
5 Q. -- Algebra 1 book?
6 A. I'm sorry. I don't recall.
7 Q. Were there any problems with the physical
8 condition of your Algebra 1 classroom during the
9 eighth grade?
10 A. Well, the -- since the -- since
11 Mrs. Wawer's and [REDACTED] room were adjacent to
12 each other, the way they were built was the same.
13 There was only one window in the entire room that
14 served, I guess, as ventilation, but it didn't
15 really since there was no way to open the window.
16 Or at least it was never opened throughout the whole
17 year.
18 The same problem existed, there was no --
19 if you opened the doors, then you -- it led to an
20 unventilated hall. So the ventilation problem
21 existed there, too.
22 The same problem existed with the
23 chalkboard. It was often dusty and to erase would
24 just put more chalk dust on the board itself.
25 Those are the things that I can recall

1 right now.

2 Q. When you refer to the hallway that was
3 unventilated --

4 A. Yes.

5 Q. -- how do you know that there was no
6 ventilation in that hallway?

7 A. Because there are no windows.

8 Q. And is that the only reason that you know
9 that there was no ventilation in that hallway?

10 A. Yes.

11 In fact, the fact that there are no windows
12 actually -- well, I guess a good way you can tell if
13 there's no ventilation in the hall, for example,
14 lots of times kids like to throw stink bombs in the
15 hallway. If they throw -- if they throw the bomb,
16 then you could smell it -- it's very strong, you
17 could smell it throughout the entire hallway.

18 And actually I remember going out -- going
19 into a classroom and smelling it and coming out the
20 next period and the smell is still there. It's
21 not -- it's very -- it seems as if there is no place
22 for the -- for the smell to go to. It just lingers
23 in the air.

24 And it -- when that does happen, there's
25 not much that anyone can do and it's really

1 to your classroom?

2 A. Maybe once every three months. Sometimes
3 more; sometimes less.

4 Q. And were there also problems with students
5 throwing stink bombs during your seventh grade year?

6 A. When -- when I mentioned throwing stink
7 bombs, I wasn't talking how that was a problem, I
8 saying -- I was demonstrating how I know that there
9 was poor ventilation in the hallway.

10 Q. And do you recall during your seventh grade
11 year about how often a student would throw a stink
12 bomb in the hallway adjacent to your room?

13 A. Probably the same amount.

14 Q. When you say "the same amount," I think
15 that was approximately once every three months; is
16 that right?

17 A. Yes.

18 Q. And Mr. Ito was your English teacher --

19 A. Mrs. Ito, yes.

20 Q. Oh, Mrs. Ito, thank you.

21 Did you have a textbook to use in your
22 eighth grade English class?

23 A. Yes.

24 Q. Do you recall the title of it?

25 A. I don't recall the title.

1 unpleasant. You just try to walk through the
2 hallways as quickly as you can.

3 Q. Well, when you say a lot of times kids
4 throw stink bombs, can you give me an estimate as to
5 how often that happens?

6 MR. PRESS: Objection. Vague as to time,
7 location. Lacks foundation.

8 BY MR. SIMMONS:

9 Q. You testified that -- earlier that a lot of
10 times kids throw stink bombs in this hallway that's
11 near your Algebra 1 -- or that's near your Algebra 1
12 honors class; is that correct?

13 A. Well, I testified that -- that this problem
14 exists in actually all the hallways in Mark Keppel
15 High School.

16 MR. PRESS: Are you asking him how many
17 times during that Algebra 1 year, his eighth grade
18 year it happened, or are you asking for his -- how
19 many times during his entire schooling? It's
20 unclear.

21 BY MR. SIMMONS:

22 Q. Yeah, if you can recall. During your
23 eighth grade year when you were there attending for
24 Algebra 1 honors, do you recall how many times
25 someone threw a stink bomb in the hallway adjacent

1 Q. Was it a hard cover?

2 A. Yes.

3 Q. Did you have your own copy of the textbook?

4 A. Yes.

5 Q. Were you assigned a specific copy?

6 A. Yes.

7 Q. Could you take the copy home?

8 A. Yes.

9 Q. Were there any problems with the physical
10 condition of that textbook?

11 A. It was old.

12 Q. Do you know about how old it was?

13 A. No, I don't.

14 Q. Were there any pages missing?

15 A. I don't believe there were any pages
16 missing.

17 Q. Did any of the pages have tears or rips?

18 A. I'm sure at least a few of them did.

19 Q. Do you recall reading any novels as part of
20 the course of instruction in your eighth grade
21 English class?

22 A. Yes.

23 I believe we read The Call of the Wild by
24 Jack London. We also read Tom Sawyer.

25 Q. Any others that you can recall?

- 1 A. Not that I can recall.
 2 Q. Were you provided with your own copy of
 3 The Call of the Wild?
 4 A. Yes, as well as Tom Sawyer.
 5 Q. Could you take those copies home?
 6 A. Yes.
 7 Q. Were there any pages missing from your copy
 8 of The Call of the Wild?
 9 A. I don't recall.
 10 Q. Were there any pages missing from your copy
 11 of Tom Sawyer?
 12 A. I don't recall.
 13 Q. Can you recall whether any of the pages in
 14 your copy of The Call of the Wild were ripped?
 15 A. I don't recall.
 16 Q. How about with respect to Tom Sawyer, can
 17 you recall whether any of the pages in your copy of
 18 Tom Sawyer were ripped?
 19 A. I don't recall the condition of the books.
 20 Q. Did you receive homework in your English
 21 class during the eighth grade?
 22 A. Yes.
 23 Q. About how often?
 24 A. Maybe every once -- every few days.
 25 Q. Do you recall what kind of homework

- 1 A. I can recall a lot problems with
 2 temperature. Normally -- well, I would say during
 3 the summer months, or even the late fall months, it
 4 would get pretty hot. And when it grew really hot,
 5 then there was no air-conditioning system in the
 6 classrooms that we had in eighth grade. And so the
 7 only way that we could let out the hot air -- the
 8 only way we could, you know, make it cooler was by
 9 using fans, but usually all they did was just move
 10 the hot air around, which didn't help much. And it
 11 was just really hot.
 12 Q. Is Brightwood a year-round school?
 13 A. Yeah -- no, it's a -- it's -- we have a
 14 summer vacation.
 15 Q. The school -- do you know what months the
 16 school -- the school calendar generally starts at
 17 Brightwood?
 18 A. We usually start in September and end in
 19 June.
 20 Q. Could you tell me what months you consider
 21 to be the summer months?
 22 A. Well, it would usually get hot in the last
 23 two months of school, which would be May and June,
 24 but then it was -- the problem with that is that we
 25 usually take our finals around that time. And when

- 1 assignments you received?
 2 A. Usually exercises from the book.
 3 Q. Were these grammar exercises?
 4 A. Yes.
 5 And then occasionally we would receive --
 6 we'd have to write a paper about something we
 7 learned. I mean, well, a topic that she had given
 8 us.
 9 Q. Were you tested in your eighth grade
 10 English class?
 11 A. Yes.
 12 Q. Do you recall about how often?
 13 A. I don't recall.
 14 Q. Did you attend English in the same physical
 15 classroom each day of the school year?
 16 A. Yes.
 17 Q. And do you recall the number of that
 18 classroom?
 19 A. No, I don't.
 20 Q. Was this classroom also a bungalow?
 21 A. No.
 22 Q. And do you recall any problems with the
 23 physical condition of this classroom?
 24 A. Yes.
 25 Q. What can you recall as you sit here today?

- 1 we're trying to go over our finals or learn the last
 2 parts of our chapter, it gets -- it's hard -- it's a
 3 crucial time in school, and it being hot, makes
 4 us -- makes it harder to concentrate on what we're
 5 trying to learn, or what I was trying to learn at
 6 the time, and ... yeah.
 7 Q. So when -- when you testified earlier
 8 that -- that it would become uncomfortably warm
 9 during the summer months, were you referring to May
 10 and June as the summer months?
 11 A. Yes.
 12 Q. Any other months that fall within the
 13 summer months?
 14 MR. PRESS: Okay. Are you asking him
 15 whether there are any other months in the summer
 16 other than May and June, or are you asking him
 17 whether there are any other months where it was
 18 uncomfortably hot in class?
 19 MR. SIMMONS: I'm just trying to find
 20 out -- I think he and I have a different view of
 21 what summer and fall are. And so I'm just trying to
 22 find out -- he testified the "summer months." I
 23 just want to know what those summer months -- what
 24 months he was referring to as the "summer months."
 25 And then I'll find out which months are the late

1 fall, just so we make sure we're on the same page as
2 far as ... working here.

3 Q. So summer months, you included in that May
4 and June. I just wanted to see if there were any
5 other months that you would include in that?

6 A. Well, it would also -- it would also get
7 hot during probably the first two months of school.
8 It would be uncomfortable to work in. Not as
9 uncomfortable as the later -- the last two months,
10 but, yes.

11 Q. And the first two months being September
12 and October?

13 A. Right.

14 Q. And I'll just try this one more time. May
15 and June are summer months. And do you consider
16 September and October to be the late fall months?

17 A. Yes.

18 Q. Okay. Thank you.

19 And in May, for example, do you recall
20 about how often your classroom for eighth grade
21 English would become uncomfortably warm?

22 A. How often? Maybe two to three times a week
23 in the five-day week.

24 Q. Do you know what the temperature was on any
25 of these occasions?

1 MR. PRESS: We're speaking about on average
2 here; right?

3 MR. SIMMONS: Yeah, exactly. This is just
4 a rough estimate that he -- if he's comfortable with
5 giving.

6 Q. And do you recall what the temperature
7 was during those three or so times a week in June?

8 A. Sometimes it would get into the 90s, as I
9 said.

10 Q. And that opinion is not based on any
11 reading of a thermometer; is that correct?

12 A. That's correct. I didn't carry a
13 thermometer with me.

14 Q. How about during the month of September, do
15 you know about how often your eighth grade English
16 class would become uncomfortably warm?

17 A. Maybe two times a week.

18 Well, you can't really say that it would
19 come two times a week. Sometimes there would be a
20 heatwave, or sometimes there would be a period where
21 it rains where it gets cooler. Yeah.

22 Q. That -- I mean, I can understand that some
23 weeks it might have been four --

24 A. Yeah.

25 Q. -- and other weeks -- other weeks none, and

1 A. Sometimes it would probably get in the 90s
2 area.

3 Q. And how do you know that?

4 A. Well, because I know what the 90s feels
5 like because I've been in 90-degree -- I've been
6 outside and then I've looked at the TV and then it
7 says 90 degrees, and I know how that feels, and I
8 remember.

9 Q. But you didn't have a thermometer in the
10 classroom or anything like that?

11 A. Actually there was a thermometer in the
12 classroom in Ms. Ito's class. And she has said that
13 it has been in the 90s in her room.

14 Q. Did you ever personally see the thermometer
15 register in the 90s?

16 A. No. I don't look at the thermometer in
17 class, it's at the front of the room.

18 Q. And how about -- you testified that about
19 two to three times a week that it would become
20 uncomfortably warm in May. How about in June? How
21 often would your eighth grade English classroom
22 become uncomfortably warm?

23 A. Probably about three.

24 Q. Three times a week?

25 A. Yes.

1 then two and two. I'm just trying to say, do you
2 feel comfortable with saying two times a week is a
3 fair estimate, though?

4 A. Yes.

5 Q. And do you recall what the temperature
6 would be when it would become uncomfortably warm
7 during those two times a week during September?

8 A. I -- I can't recall, but it would not be as
9 hot as in the summer months.

10 Q. How about with respect to October? About
11 on average, would your eighth grade English class
12 get warm during the month of October?

13 A. Maybe once a --

14 MR. PRESS: Objection. "Warm" is now too
15 vague.

16 MR. SIMMONS: Yeah.

17 Q. Uncomfortably warm.

18 A. Maybe once or twice a week.

19 Q. Now, we've identified temperature as one of
20 the problems with the physical condition for your
21 eighth grade English course. Are there any -- were
22 there any other problems with your eighth grade
23 English class, at least with the physical condition
24 of that classroom?

25 A. Were there any problems with the condition

1 of the classroom --

2 MR. PRESS: Have you been meaning to
3 include temperature in "physical condition"
4 throughout this deposition?

5 MR. SIMMONS: I think, yes.

6 MR. PRESS: Well, this is why I was
7 objecting to it at the beginning, you didn't clarify
8 that. I'm not sure if the witness has included that
9 in the earlier testimony about physical condition.

10 MR. SIMMONS: Okay.

11 Q. Are there -- are there classrooms to this
12 point that have had -- that have had temperature
13 problems?

14 A. Yeah. Sometimes it would get very hot in
15 my -- uncomfortably hot in -- in Mr. Glick's room,
16 my seventh grade teacher. Because his -- yeah,
17 sometimes, occasionally.

18 But there was less problems there, because
19 they have an air-conditioning system. But
20 occasionally it wouldn't work, and in those times it
21 would be uncomfortable.

22 Q. So Mr. Glick's classroom had some form of
23 air-conditioning system; is that correct?

24 A. Yes.

25 Q. Did your other classrooms have some form of

1 BY MR. SIMMONS:

2 Q. When you say "gum under the table," you
3 mean gum under the desks or --

4 A. Yeah, gum under the desks.

5 Q. Do you know about how many gum spots on the
6 floor there were in your eighth grade English class?

7 A. Maybe about four or five.

8 Q. And just to make sure, is that -- is that a
9 statement you're comfortable with here today, or do
10 you feel like you're guessing with that?

11 A. That's a pretty fair estimate.

12 Q. Mr. Soule was your eighth grade history and
13 science teacher; is that right?

14 A. Yes.

15 Q. And did you have the history class in the
16 same physical classroom with Mr. Soule each day?

17 A. Yes.

18 Q. And is that the same with respect to
19 science?

20 A. Yes.

21 Q. Did you have a history textbook to use in
22 your eighth grade class with Mr. Soule?

23 A. Yes.

24 Q. Were you assigned a specific copy?

25 A. Yes.

1 air-conditioning system?

2 A. Yes.

3 MR. PRESS: What year are we referring to?

4 MR. SIMMONS: During either the sixth or
5 seventh grades.

6 THE WITNESS: I don't recall.

7 BY MR. SIMMONS:

8 Q. Well, we've only done one classroom so far
9 and that's your eighth grade English class for
10 eighth grade. And that class, am I correct, doesn't
11 have air-conditioning; is that right?

12 A. Yes, that's right.

13 Q. And was your eighth grade English class
14 maintained in a clean fashion?

15 MR. PRESS: Objection. Vague.

16 THE WITNESS: It was -- it was swept every
17 day. But, again, there were those gum spots, or
18 whatever you want to call them, on the floor. And
19 the desks, again, were -- had writing on them and
20 the scratches that I talked about.

21 And there was gum under -- actually this
22 actually applies to a lot of the classrooms that
23 I've experienced. There's gum under the table,
24 sometimes it's fresh.

25 ///

///

1 Q. Were you able to take that textbook home?

2 A. Yes.

3 Q. Were there any problems -- first, do you
4 recall whether there were any pages missing from
5 that textbook?

6 A. No, I don't recall.

7 Q. Do you recall whether there were any pages
8 torn or ripped in that textbook?

9 A. Yes.

10 Q. How many?

11 A. I wouldn't be able to say. But I do recall
12 that there were ripped pages.

13 Q. Do you recall any occasions where you were
14 unable to read an actual page because of a tear or a
15 rip?

16 A. I don't recall.

17 Q. Were these hard-cover textbooks?

18 A. Yes.

19 Q. Did you receive homework in your history
20 class during the eighth grade?

21 A. Yes.

22 Q. About how often?

23 A. I don't recall.

24 Q. Were you tested in your eighth grade
25 history course?

1 A. Yes.
 2 Q. About how often?
 3 A. I don't recall.
 4 Q. Did you have a textbook for the science
 5 portion of your eighth grade class with Mr. Soule?
 6 A. I don't recall.
 7 Q. Do you recall using worksheets in that
 8 class?
 9 A. No.
 10 Q. Do you recall receiving homework in your
 11 science class during the eighth grade?
 12 A. Yes.
 13 Q. Do you know about how often?
 14 A. No.
 15 Q. What kind of assignments -- homework
 16 assignments would you receive?
 17 A. Well, sometimes we would do experiments
 18 in class and we would have to write up these
 19 assignments, I guess you would say. And, yeah, that
 20 would be our assignment.
 21 Q. And what kind of experiments would you do?
 22 A. I don't recall.
 23 We also had a project, a big
 24 end-of-the-year science project that we had to put
 25 up on a big board and give a presentation for.

1 Q. What did you do your project on?
 2 A. I don't recall.
 3 Actually it was something about at what
 4 angle produces optimal lift in a wing foil or
 5 something like that.
 6 Q. Did you do any dissections in your eighth
 7 grade science class?
 8 A. Yes.
 9 Q. What did you dissect?
 10 A. I believe we dissected a brain, a cow
 11 brain. That's all I can remember.
 12 Q. That beats frogs.
 13 A. Actually I think -- I think -- I don't want
 14 to say, because I'm not positively sure, but I think
 15 we might have dissected a frog.
 16 Q. Can you describe the physical condition of
 17 your eighth grade science classroom.
 18 A. It had the same heating problem as
 19 Mrs. Ito's classroom had. Actually all three eighth
 20 grade classrooms had the same heating problems
 21 because they were all adjacent to each other and
 22 none of them had air-conditioning.
 23 Again, the desks had writing on them.
 24 Actually not so much in Mr. Soule's room. But there
 25 were still some scratches that made it hard to

1 write, sometimes.
 2 Q. And just --
 3 A. I --
 4 Q. -- I'm sorry. I was going to say just to
 5 make sure, when you mentioned heating problem, that
 6 was a problem with the temperature being too hot,
 7 not the temperature being too cold; is that correct?
 8 A. Yes, yes, that's true.
 9 Q. And you said it was the same. Do you feel
 10 that the classroom became warm on average about the
 11 same times that your classroom with Mrs. Ito became
 12 uncomfortably warm?
 13 A. Yes, yes.
 14 Now, when you ask questions about the
 15 class, you're just asking about the actual room;
 16 right? You're not asking about anything else;
 17 right?
 18 Q. Yeah, we're just -- later on I'll give you
 19 the opportunity to mention things outside of the
 20 class but for now let's focus on things in the
 21 class.
 22 THE WITNESS: Can we take a bathroom break?
 23 (Recess taken from 11:55 to 12:00.)
 24 BY MR. SIMMONS:
 25 Q. Did you like Mr. Soule as a teacher?

1 MR. PRESS: Objection. Vague and
 2 ambiguous.
 3 MR. SIMMONS: Actually, I'll strike that.
 4 Q. What qualities do you think makes a good
 5 teacher?
 6 MR. PRESS: Generally? You're speaking
 7 generally, you're not talking about science or --
 8 MR. SIMMONS: Yeah, yeah.
 9 MR. PRESS: Okay.
 10 THE WITNESS: I think a teacher should --
 11 well, first off, a teacher should be able to control
 12 his class.
 13 I think it helps if a teacher has a
 14 direction, where he or she knows where they want to
 15 go.
 16 I think it's important for a teacher to
 17 care about the progress of their class. And if
 18 they're not -- if they're not doing well, if the
 19 class isn't doing well and the teacher understands
 20 that, or slows down or tries to fix the problem
 21 accordingly.
 22 Yeah. Those are the things that I can
 23 think of right now.
 24 BY MR. SIMMONS:
 25 Q. Okay. Just to make sure we're on the same

1 page. The first concern about controlling the
2 classroom, that's kind of a classroom management
3 issue; is that right?

4 A. I --

5 Q. Are you just comfortable with saying
6 "controlling the class"?

7 A. Yes.

8 Q. Now, you mentioned direction, the teacher
9 knows where they want to go. Can you tell me a
10 little bit more about what you mean by that?

11 A. Like a teacher will say, "Okay, I want my
12 students to learn this, this, and this. And I'm
13 going to do it like this. I'm going to go in there
14 tomorrow and we'll go over this section and we'll
15 study this, and then I'll have them do this and
16 this."

17 You know -- do you know what I mean?

18 Q. So would it be fair to characterize it as
19 having and sticking to a course outline?

20 A. I wouldn't call it a course outline,
21 because a lot of teachers are so stuck in their
22 course outline that they don't care about the class,
23 they only care about their outline.

24 And I think that a lot of teachers who have
25 been teaching at Keppel, and also at Brightwood,

1 opinion.

2 THE WITNESS: Well, I think that he was
3 sort of deficient in that he didn't really care
4 about the progress of the class. And there was a
5 group of students who -- who tried to learn the
6 material, but simply got behind somewhere, and
7 that -- the result was that they were behind for the
8 rest of the year.

9 And I was part of that group. And so it
10 was very hard for me to catch up when I was already
11 behind as we were keep -- as we were moving forward.
12 And so that was one of the problems that I had with
13 his class.

14 BY MR. SIMMONS:

15 Q. Did you let [REDACTED] know that you felt that
16 you were falling behind?

17 A. No.

18 Q. Mrs. Lim was your homeroom teacher and also
19 I think you testified you had her as an elective
20 teacher for the eighth grade; is that right?

21 A. Yes.

22 But I wouldn't really call her an elective
23 teacher since pretty much what it was, she was
24 teaching her math class to the students who were in
25 my homeroom while we were either downstairs helping

1 that they've been teaching there so long, that they
2 care only -- a lot about their course outline so
3 much that it sort of blinds them as to how their --
4 their students are actually doing.

5 So I think it's important to know where --
6 where you're going, but I think it's also important
7 to observe the progress of your class.

8 Q. So having a course outline but being
9 responsive and concerned about how students are --
10 are experiencing that course outline, or responding
11 to that course outline?

12 A. Yes.

13 Q. Was Mr. Soule deficient in any of these
14 areas?

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

16 Q. How about Mrs. Ito?

17 A. No.

18 Q. And how about [REDACTED] Was he deficient in
19 any of the areas that you've identified?

20 MR. PRESS: I'm going to object in the
21 sense deficiencies meaning -- if we're talking about
22 a range, it's pretty hard for the witness to know
23 where you draw a line at deficiency. And I think I
24 may have a continuing line of objections to the
25 questions to the extent that they call for expert

1 the kids -- the lower-grade kids or working on
2 something else on our own. And she never really --
3 I mean, she addressed us but she -- we never
4 actually learned, per se, anything from her.

5 Q. How long, in terms of minutes or hours,
6 were you in this classroom on a daily basis?

7 A. I think one hour.

8 Q. And is this -- I mean, is this a one-period
9 course, is that the way to refer to it, or --

10 A. Yeah.

11 Well, actually the class was two -- it was
12 two hours. Our day was -- was composed of three
13 two-hour classes, sort of. Well, three two-hour --
14 I wouldn't really call them classes, I would call
15 them sessions with the teacher.

16 Like, for example, Mr. Soule, we had two
17 hours with him. Sometimes he would teach science;
18 sometimes he would teach history or whatever.

19 And so what it was, was that we would go
20 to Mark Keppel, be there for an hour and learn
21 Algebra 1, then drive back to Brightwood, and we
22 would -- we would be in Mrs. Lim's class for an
23 hour.

24 Q. And while you were there, one of the things
25 that you did was tutor some other students,

1 lower-grade level students at Brightwood in math; is
2 that right?

3 A. Yes.

4 Q. And did they come to Mrs. Lim's classroom,
5 or did you go to their classroom?

6 A. We went to their classroom. We were split
7 up into -- there were about six of us or so, and we
8 all went to different -- I think they were fifth
9 graders, fifth grade classrooms.

10 Q. How often would you tutor? How many times
11 a week would you tutor, if you can recall?

12 A. Well, I believe we only started tutoring in
13 the second semester, but when we did start, we would
14 be there almost every day.

15 Q. What kind of activities did you do in
16 Mrs. Lim's class when you would return from Mark
17 Keppel during the first semester?

18 A. We would -- I think we would just --
19 sometimes we would decorate her class, or we would
20 do things to -- I don't know, just anything she
21 wanted us to do. Sometimes she wouldn't tell us to
22 do anything and we just had, like, a free period for
23 an hour.

24 Q. And what kind of things would you do when
25 you would have a free period? Would you do your

1 homework, or --

2 A. Yes.

3 Q. Anything else?

4 A. Talk, quietly.

5 Q. Mrs. Lim's class -- now you went to another
6 class to tutor, but Mrs. -- when you were in
7 Mrs. Lim's class, that was the same physical
8 classroom each day; is that right?

9 A. Yes.

10 Q. Do you recall the room number for that
11 classroom?

12 A. No, I don't.

13 Q. Do you -- do you have a recollection as to
14 the physical condition of that classroom?

15 A. As I said, the same -- the temperature --
16 well, actually I wouldn't know the temperature
17 condition there, because we went there in the
18 morning, but ... physical condition of the
19 classroom, well, besides the desks being scratched
20 upon, I don't recall any other ...

21 MR. SIMMONS: Can we go off quickly.

22 (At 12:15 p.m., the deposition
23 was adjourned for noon recess.)

24 /// (Please see next page.) ///

25

1 (At 1:25 p.m., the deposition
2 of ALEXANDER NOBORI was reconvened
3 with the same persons present.)

4 -oOo-

5

6 FURTHER EXAMINATION

7

8 BY MR. SIMMONS:

9 Q. Welcome back.

10 A. Thank you.

11 Q. I just want to remind you that you're still
12 under oath, even though we took the break and you
13 weren't resworn in; okay?

14 A. Okay.

15 Q. And also I want to make sure that you
16 didn't take anything over the course of lunch that
17 would affect your ability to testify here today.

18 A. No.

19 MR. SIMMONS: Can we mark this as
20 Exhibit 1.

21 (The document referred to was marked by the
22 Reporter as Deposition Exhibit 1 for identification
23 and is attached hereto.)

24 BY MR. SIMMONS:

25 Q. Would you take a look at what's been marked

1 as Exhibit 1.

2 A. Okay.

3 Q. Take a couple minutes, if you want, to look
4 through the pages of it and familiarize yourself
5 with it.

6 A. (Examining document.)

7 Q. Have you had a chance to review it,
8 Exhibit 1?

9 A. Yes.

10 Q. A brief scan, anyway?

11 A. Yeah.

12 Q. Have you seen a document similar to this at
13 all?

14 A. Yes, I have.

15 Q. Do you know what this document that's
16 marked as Exhibit 1 is?

17 A. It's called a deposition? Notice of
18 deposition.

19 Q. It's entitled a "Notice of Deposition."

20 Do you know whether that document requires
21 you to do anything?

22 A. No.

23 MR. PRESS: Object to the extent it calls
24 for attorney-client communications.

25 Let me note for the record that this

1 particular version that's been marked for the
 2 witness has some --
 3 MR. SIMMONS: I see.
 4 On page 2 -- are you looking at page 2? I
 5 see something that says "and" --
 6 MR. PRESS: Yeah, there's a little bit of
 7 handwriting on page 2, and in the document request
 8 that's attached, there's underlining.
 9 But --
 10 MR. SIMMONS: I apologize, I think I gave
 11 the wrong --
 12 MR. PRESS: Do you want to switch?
 13 MR. SIMMONS: -- I gave you the wrong copy.
 14 MR. PRESS: Is this your work product?
 15 MR. SIMMONS: Yeah, the one that's
 16 underlined.
 17 MR. PRESS: It's up to you. If you want to
 18 switch.
 19 MR. SIMMONS: That's okay. If that's okay
 20 with you.
 21 MR. PRESS: Sure. It's fine with me.
 22 MR. SIMMONS: Okay.
 23 Q. Did you search for any documents before
 24 coming here today?
 25 A. No.

1 Q. Did you look for any report cards at all
 2 for -- that you would bring here with you today?
 3 A. No.
 4 Q. Did you regular -- regularly receive report
 5 cards from Brightwood?
 6 A. Yes.
 7 Q. Do you keep those documents anywhere?
 8 A. I don't personally keep them. I sometimes
 9 give them to my dad.
 10 Q. And do you keep -- and do you know whether
 11 anyone keeps a file at your home that would contain
 12 your report cards?
 13 A. I don't know.
 14 Q. How about, you mentioned earlier that you
 15 receive a -- you received the results of your
 16 standardized tests?
 17 A. Yes.
 18 Q. Are those in written form?
 19 A. Yes.
 20 Q. And do you bring those home with you?
 21 A. Yes.
 22 Q. And do you keep those?
 23 A. Yes.
 24 Q. Where are those kept?
 25 A. I don't know.

1 Q. But it's my understanding that you didn't
 2 look for any of those documents to bring with you
 3 here today; is that correct?
 4 A. Yes.
 5 Q. All right. Before we took a break, we were
 6 discussing the qualities that you felt were -- that
 7 you felt were important to you in making a good
 8 teacher.
 9 A. Yes.
 10 Q. Do you remember those qualities?
 11 A. Yes.
 12 Q. Okay. I have for myself -- just to make
 13 sure we're on the same page -- I have ability to
 14 control the classroom?
 15 A. Right.
 16 Q. Also, direction, which we mentioned
 17 includes having a direction as to where to bring the
 18 class, and the materials that are the subject matter
 19 that the teacher wants the class to learn, but also
 20 being responsive and concerned to students who
 21 have -- who may fall behind, or who may not be
 22 learning the material.
 23 Is that correct?
 24 A. Correct.
 25 Q. And were there any other qualities?

1 A. None that I can think of right now.
 2 Q. [REDACTED] was your science teacher for the
 3 seventh grade; is that correct?
 4 A. That's correct.
 5 Q. And was [REDACTED] deficient in any of the
 6 areas that we've identified here?
 7 A. Yes. As I've said before, he had -- he did
 8 not -- he couldn't control the class.
 9 Q. And -- and any other areas?
 10 A. Yes. Like I've said before, he often
 11 wouldn't lecture. And when he would, it would not
 12 consist of a real lecture, just the reading around
 13 the class of the book we already had.
 14 Q. How about with respect to Ms. Lyle who was
 15 your English teacher in the seventh grade. Was she
 16 deficient in any of the areas that we've identified?
 17 MR. PRESS: If I may interpose a continuing
 18 objection to these questions about "deficient" as
 19 vague and ambiguous in the use of the word
 20 "deficient."
 21 THE WITNESS: No.
 22 BY MR. SIMMONS:
 23 Q. And Mr. Glick was your seventh grade
 24 history and health teacher. Was he deficient in any
 25 of the categories that we've identified?

1 A. I felt that he often wouldn't -- wouldn't
2 be responsive to how the class was doing. If you --
3 if there was some students that wouldn't -- that
4 were behind, instead of stopping and taking time to
5 help them, then he would just -- sort of just say
6 "tough luck," and keep moving on.

7 Q. Were you personally ever one of those
8 students who fell behind?

9 A. Yes.

10 Q. And did you let Mr. Glick know on any
11 occasion that you had fallen behind?

12 A. No.

13 Q. Mr. Wawer?

14 A. Mrs. Wawer.

15 Q. Oh, I'm sorry. Mrs. Wawer from Mark Keppel
16 for your advanced math class, did -- was she
17 deficient in any of the categories that we've
18 identified?

19 A. No.

20 Q. I have Mr. Fischer, not [REDACTED] --

21 A. Yes.

22 Q. -- for your sixth grade English and science
23 teacher?

24 A. Yes.

25 Q. Was he deficient in any of the areas that

1 Q. Did you consider yourself to be one of the
2 students who was having problems grasping the
3 material?

4 A. At times, yes.

5 Q. And did you make her aware of that?

6 A. No.

7 Q. Mrs. Shin was your history teacher;
8 correct?

9 A. Yes.

10 Q. Was she deficient in any of the categories
11 that we've identified?

12 A. No.

13 MR. PRESS: Same objection.

14 THE WITNESS: Can I take a quick break?

15 MR. SIMMONS: Yeah, sure.

16 (Conference held off the record
17 between the witness and Mr. Press.)

18 BY MR. SIMMONS:

19 Q. What classes did you take at Mark Keppel
20 during your ninth grade year?

21 A. Ninth grade. I took debate, English
22 honors, biology honors, health and safety.

23 Let's see ...

24 Q. Did you have a history class?

25 A. No.

1 we've identified?

2 A. He sometimes wouldn't -- wouldn't be able
3 to control the class very well.

4 Q. Is there an example that stands out in your
5 mind that exhibits his inability to control the
6 class?

7 A. Not right now.

8 Q. And your sixth grade math teacher, was that
9 Mr. or Mrs. Peck?

10 A. Mrs. Peck.

11 Q. Was Mrs. Peck deficient in any of the areas
12 that we've identified?

13 MR. PRESS: Same objection.

14 THE WITNESS: Yes.

15 BY MR. SIMMONS:

16 Q. And what areas?

17 A. I feel that often she wouldn't ... she
18 wouldn't -- even if people were doing badly, then
19 she would make no note of it. She would just carry
20 on her class and not seem to care about the students
21 who weren't doing ...

22 Q. So you -- you felt that she was not
23 responsive to students who were not grasping the
24 material as well as other students?

25 A. Yes.

1 PE, French, and one more. Oh, Algebra 2.
2 For the first semester.

3 And then in the second semester, I took the
4 same classes, except -- well, what it is, is that
5 health and safety and computer keyboarding are
6 split. For the first semester you take health and
7 safety; for the second semester you take computer
8 keyboarding. But I didn't take computer
9 keyboarding, I took -- the class is called advanced
10 choir. And, yeah, I took computer keyboarding over
11 the summer.

12 Q. And did you take computer keyboarding at
13 Mark Keppel, as well, in the summer?

14 A. No. I took it at San Gabriel High School.

15 Q. Was there any particular reason that you
16 took it at San Gabriel instead of Mark Keppel?

17 A. Every year they rotate -- you know, they
18 have all summer classes at one of the three high
19 schools, either San Gabriel, Mark Keppel or
20 Alhambra. And this year it just happened to be at
21 San Gabriel.

22 Q. And this year you're in the tenth grade;
23 right?

24 A. Yes.

25 Q. And what classes did you have during -- has

1 the fall semester concluded?
 2 A. Almost. We have our finals in -- next
 3 week.
 4 Q. What classes do you have right now?
 5 A. I have ... let's see.
 6 I have world history, I have French,
 7 advanced choir, trigonometry, English honors, and
 8 chemistry honors.
 9 Q. Now, just to make sure, I had seven -- you
 10 had seven classes --
 11 A. Right.
 12 Q. -- in your ninth grade and six this year?
 13 A. Right.
 14 Q. Okay.
 15 A. Debate last year was the zero period.
 16 Q. Thank you.
 17 Who was your debate teacher?
 18 A. Mr. Reis, R E I S.
 19 Q. And with respect to the qualities that
 20 we've identified as important to making up a good
 21 teacher, was Mr. Reis deficient in any of those
 22 areas?
 23 A. Just --
 24 MR. PRESS: Same objection to the use of
 25 the word "deficient."

1 THE WITNESS: Mr. Reis would often -- he
 2 seemed -- since debate was sort of almost like half
 3 class, half club, or half -- sort of like half team,
 4 you know, geared toward performing in competitions,
 5 where we would, you know, debate, or do certain
 6 debate-type rounds --
 7 Well, anyway, my point is that Mr. Reis
 8 would often select the -- the -- the cream of the
 9 crop, I guess you would say, the people who are best
 10 at what they did and help them more, over people who
 11 weren't performing as well. Either because he felt
 12 they weren't trying very hard or -- yeah, mostly
 13 because he felt they weren't trying very hard. And
 14 rather than encourage them, he would just sort of
 15 say, "Well, you don't care, so I'm not going to work
 16 with you."
 17 BY MR. SIMMONS:
 18 Q. How many -- do you know about how many
 19 students fall into the category of being ignored or
 20 not helped as much?
 21 A. Pretty much 25. It was -- except -- it is
 22 almost the entire class except for maybe five or six
 23 people.
 24 Q. Were you a member of the five or six
 25 people, or were you a member of the entire class?

1 MR. PRESS: Objection. It misstates the
 2 witness' testimony. It wasn't the entire class.
 3 MR. SIMMONS: Well, yeah. Sorry. Almost
 4 the entire class.
 5 THE WITNESS: I was sort of somewhere in
 6 between. I was half -- when I -- in the beginning
 7 of the year I tried hard and did well. Toward the
 8 end, because of my other commitments, toward -- in
 9 different extracurricular activities, and in school,
 10 I couldn't focus as much time into debate, so I sort
 11 of fell into part of the class.
 12 BY MR. SIMMONS:
 13 Q. Did you ever inform Mr. Reis that you felt
 14 he was handling the class in the manner that you've
 15 just testified to?
 16 A. No. But he actually told us himself that
 17 if you don't care about it either, then pretty much
 18 I will -- if you don't care about debate, then you
 19 might as well drop the class, because there's no
 20 point in you being there.
 21 Q. Was there a textbook at all for your debate
 22 class?
 23 A. No.
 24 Q. Do you recall what room your debate class
 25 was held in?

1 A. Room 116, I believe, but I'm not -- I'm not
 2 sure.
 3 Q. Was it held in the same room each day?
 4 A. Yes.
 5 Q. Were there any problems with the physical
 6 condition of that room?
 7 A. Yes.
 8 The paint is -- was peeling off in a lot of
 9 areas of the room, especially in the corners of the
 10 room. There were -- there was one window, a rather
 11 tall window, actually (indicating), but it couldn't
 12 open -- I'm sorry, it could open, but it often was
 13 left closed during the period of the class, which
 14 led -- which didn't give us very good ventilation.
 15 Q. Is -- can you identify any other --
 16 A. Well --
 17 Q. -- problems with the physical condition of
 18 your debate classroom?
 19 A. There were scratches and carvings into the
 20 desks. But other than that, nothing comes to my
 21 mind right now.
 22 Q. Do you recall how many windows total there
 23 were in the debate classroom?
 24 A. I believe there was one.
 25 Q. And that's the one that you've testified to

1 already?
 2 A. Yes.
 3 Q. Did you receive homework in your debate
 4 class?
 5 A. Yes.
 6 Well, mostly the homework was to prepare --
 7 be prepared in your event that you were going to
 8 perform in in the tournament. Sometimes he would
 9 sort of make us be in an event, where the homework
 10 would be to, you know, find evidence for your case,
 11 or to prepare an outline for your case, or something
 12 like that.
 13 That would be mostly the homework.
 14 Q. Were there any tests in your debate class?
 15 A. We didn't have written tests, but if you
 16 didn't perform in a tournament, then you -- you had
 17 to take a final, which at the end of the semester
 18 was to give -- perform your event as if you were in
 19 a tournament. And you were graded by Mr. Reis.
 20 Q. Did you attend a tournament?
 21 A. Yes.
 22 Q. Did you attend more than one?
 23 A. Yes.
 24 Q. How many did you attend?
 25 A. I think about three.

1 teacher?
 2 A. Doering.
 3 Q. Can you spell that for us?
 4 A. D O E R I N G.
 5 Q. And with respect to those qualities of a
 6 good teacher that we've identified, was Mr. Doering
 7 deficient in any of those?
 8 A. Well, sometimes I felt that he was kind of
 9 unfair to -- to us.
 10 Q. Can you give me an example?
 11 A. Well, oftentimes I would participate in
 12 extracurricular activities, such as the school play.
 13 When I was in the school play, I had to sign out of
 14 some periods, including his. And because of this
 15 and because I was absent sometimes -- I would get
 16 sick throughout the year -- he kind of got mad at me
 17 for that. He said that you -- for missing so much
 18 class. And sometimes I felt he would treat me
 19 unfairly because of this.
 20 Q. Are there any other areas where Mr. Doering
 21 was -- Mr. Doering's performance was deficient?
 22 MR. PRESS: Same objection as to the use of
 23 the word "deficient."
 24 THE WITNESS: Well, I wouldn't say -- let
 25 me think.

1 Q. And if you know, was your grade based on
 2 your performance in the event?
 3 A. Your grade was based on your attendance in
 4 the event, not on your performance.
 5 But it was based in, among other things,
 6 such as ... let's see. Like participating in class,
 7 or how often you practiced your event.
 8 And, also, a part of your grade was how
 9 often you volunteered. And the debate team sold
 10 snacks in the industrial technology section of our
 11 school during lunch, and so how often you
 12 volunteered for that was part of the grade.
 13 Q. What grade did you receive in your debate
 14 class, or have you received it?
 15 A. I received an [redacted] and a [redacted].
 16 Q. What semester did you receive the [redacted] in?
 17 A. The first.
 18 [redacted]
 19 [redacted]
 20 [redacted]
 21 [redacted]
 22 [redacted]
 23 [redacted]
 24 [redacted]
 25 Q. Who was your ninth grade English honors

1 Could you repeat the areas that we talked
 2 about?
 3 BY MR. SIMMONS:
 4 Q. I think the first one was ability to
 5 control the classroom.
 6 A. Right.
 7 Q. And I think you -- initially you identified
 8 two, which was the one -- or three. And the second
 9 was direction and the third was responsive.
 10 A. Right.
 11 Q. But those last two seemed to have melded
 12 into each other in that the ability to have
 13 direction and know where to take a class, but at the
 14 same time be responsive and concerned about whether
 15 students are keeping up with where the teacher wants
 16 to go.
 17 A. Actually I thought he was very -- he was
 18 actually quite excellent in direction and response.
 19 [redacted]
 20 [redacted]
 21 [redacted]
 22 [redacted]
 23 [redacted]
 24 [redacted]
 25 [redacted]

- 1 [REDACTED]
- 2 Q. Did you have a textbook for your English
- 3 honors course?
- 4 A. I don't recall.
- 5 Q. Do you recall what kind of assignments you
- 6 received in that class?
- 7 A. We received a varying amount of
- 8 assignments. I mean types of assignments.
- 9 Sometimes he would give us worksheets, like English
- 10 exercises, or -- or sometimes he would assign us
- 11 like small projects.
- 12 Q. The worksheets, when you said "English
- 13 exercises," do you mean grammar exercises?
- 14 A. Yes, grammar.
- 15 Q. And then you mentioned small projects. Can
- 16 you tell me what you mean by "small projects"?
- 17 A. Like sometimes we'd have to give an oral
- 18 presentation on something we had learned, things
- 19 like that.
- 20 Q. Did you write essays for your ninth grade
- 21 English class?
- 22 A. Yes.
- 23 Q. Did you read any novels as part of the
- 24 course of study in your ninth grade English class?
- 25 A. Yes.

- 1 Q. Do you recall any of those novels?
- 2 A. Yes.
- 3 Q. Can you tell me what they are?
- 4 A. Oh, let's see. We read The Odyssey, Animal
- 5 Farm, and Romeo and Juliet.
- 6 Q. And did you have your own copy of
- 7 The Odyssey?
- 8 A. But actually, Mr. Doering was kind of an
- 9 unusual teacher. He was new. And he was kind of
- 10 liberal, he thought that -- he thought that the
- 11 class would benefit more from a copy -- from a
- 12 certain edition of The Odyssey, so he asked us to
- 13 buy our own. And students that he couldn't -- that
- 14 he didn't -- he was fair about it. Because he said
- 15 students who needed help or who didn't -- couldn't
- 16 afford it, he bought it for them, or he helped them
- 17 financially.
- 18 But we -- yeah, so at the end -- by the
- 19 end, we all had our own copies.
- 20 Q. Do you know whether there were copies
- 21 available that were -- would be provided by the
- 22 school?
- 23 A. I don't know.
- 24 Q. How about with respect to Animal Farm, did
- 25 you have your own copy of that novel?

- 1 A. Yes, we did.
- 2 Q. And was that provided by the school?
- 3 A. Yes, it was.
- 4 Q. And could you take that home?
- 5 A. Yes, we could.
- 6 Q. And with respect to Romeo and Juliet, did
- 7 you have your own copy of that play?
- 8 A. We had our own copy but it was in pretty
- 9 poor condition. My book, for example, the cover and
- 10 binding -- it was soft cover, it was coming off, the
- 11 pages, and it was held together by tape.
- 12 Q. Were there -- were there any pages missing?
- 13 A. No. But some pages were pretty badly
- 14 ripped and were repaired by tape.
- 15 Q. Were there any pages that you can recall
- 16 not being able to read as a result of a rip or a
- 17 tear?
- 18 A. Yes, I believe there was.
- 19 Q. Do you recall how many?
- 20 A. It would only be about, maybe once or
- 21 twice.
- 22 Q. How often were you assigned homework in
- 23 your English class?
- 24 A. Maybe -- maybe only twice -- two times or
- 25 three times a week. But we were always supposed to

- 1 be reading either the assigned reading that we were
- 2 doing -- or just to the assigned reading which he
- 3 kept a record of -- which we were supposed to keep a
- 4 record of and return as a grade -- for a grade.
- 5 Q. Were you tested in your ninth grade English
- 6 class?
- 7 A. Yes.
- 8 Q. About how often?
- 9 A. Not that often because we would only be
- 10 tested after we finished, like a section. Like we
- 11 would have a test on The Odyssey or a test on Romeo
- 12 and Juliet, or a grammar test, and that might be
- 13 every, maybe two or three -- two to three weeks.
- 14 Once every two to three weeks, about.
- 15 Q. Did you take your English class in the same
- 16 classroom, physical classroom every day?
- 17 A. Yes.
- 18 Q. Do you recall the -- the number?
- 19 A. I believe it was 225.
- 20 Q. Was that -- was that room 225, or the
- 21 classroom that your English course was in, was it
- 22 maintained in a clean fashion?
- 23 A. It was maintained in a clean fashion, yes.
- 24 Q. Were there any problems with the physical
- 25 condition of the classroom?

1 A. It was extremely cold. Extremely cold.
 2 And especially since I had it -- the class in the
 3 morning, in second period, it was like especially
 4 cold because it was still morning. And so it would
 5 get pretty cold in the morning over there in
 6 Monterey -- Alhambra. And so -- especially during
 7 the winter.

8 Mr. Doering had called, I don't know who
 9 you call -- he had called, maybe the principal or
 10 someone about the problem. And they said that -- I
 11 don't remember what they said exactly, but something
 12 to the extent -- something so that, just sort of
 13 deal with it. I mean, it couldn't be fixed, and it
 14 wasn't fixed the entire year.

15 Q. Were there -- was there -- notwithstanding
 16 whether it was functioning or not, was there a
 17 heating mechanism in the classroom?

18 A. Yes, but for some reason it wasn't
 19 functioning in our room.

20 Q. Were there controls in your room, or were
 21 the controls somewhere else?

22 A. I don't recall. But if there were
 23 controls, then they didn't work, because our
 24 teacher, Mr. Doering, tried everything in his power
 25 to make it warm in that room, but ...

1 Q. Were you provided with your own copy?

2 A. Yes.

3 Q. And were you assigned a specific text?

4 A. Yes.

5 Q. And could you take the textbook home?

6 A. Yes.

7 Q. And were there any problems with the
 8 physical condition of that textbook?

9 A. Yes.

10 Well, for example, it didn't affect me very
 11 much because it was at the beginning, but the
 12 first -- the entire -- the index -- not the index,
 13 I'm sorry, the table of contents section and the
 14 first few pages of the book, for some reason had
 15 been -- it seemed as if they were pushed in and they
 16 were totally wrinkled. And it was just ... looked
 17 terrible. And they were -- I don't know how to
 18 describe it. It looked like an accordion and --
 19 because it was so folded -- it was just totally
 20 folded.

21 Q. Were there any pages missing from the
 22 textbook?

23 A. Yes, I believe there were pages at the end
 24 missing.

25 Q. Do you recall about how many?

1 Q. And were there particular months where the
 2 classroom became uncomfortably cold?

3 A. Probably from the beginning of the year
 4 until ... maybe March or April, when it started to
 5 warm up. We would be wearing jackets in the room,
 6 and it would still be cold.

7 Q. So we've identified a temperature problem
 8 to this point. Were there any other problems with
 9 the physical condition of that classroom? And "that
 10 classroom" being your English honors course during
 11 the ninth grade.

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

13 Q. Who was your biology honors teacher during
 14 the ninth grade?

15 A. Mrs. Hake, H A K E.

16 Q. And how did Mrs. Hake fare with respect to
 17 the qualities that we've identified?

18 A. I thought she was a very good teacher.

19 Q. Do you recall what grade you received in
 20 your ninth grade English class?

21 A. Oh, my ninth grade -- I believe I received
 22 an [redacted] for both semesters.

23 Q. Did you have a textbook to -- to use in
 24 your biology class?

25 A. Yes.

1 A. Maybe two or three. It wasn't very many.

2 Q. Were there any pages that were ripped or
 3 torn?

4 A. Yes.

5 Q. Do you recall about how many?

6 A. About four.

7 Q. And do you recall whether the rips and
 8 tears prevented you from doing the work that you
 9 were trying to do on the particular pages?

10 A. No.

11 Q. And did you do any dissections in this
 12 biology class?

13 A. Yes.

14 Q. Can you tell me which ones you did?

15 A. We dissected a frog and ... let's see. And
 16 an earthworm.

17 Q. And did you ever make use of worksheets or
 18 a workbook in your science class?

19 A. I believe we received a few worksheets, but
 20 not that many.

21 Q. Were you assigned homework in your biology
 22 honors class?

23 A. Yes.

24 Q. About how often?

25 A. Probably four times a week. Four to five

1 times a week. Almost every day.
 2 Q. And were you tested in that class?
 3 A. Yes.
 4 Q. About how often, if you recall?
 5 A. Two to three weeks. Once every two to
 6 three weeks.
 7 Q. And were there any problems with the
 8 physical condition of this classroom?
 9 A. (Witness pauses.)
 10 Well, this classroom was kind of unique
 11 because instead of having desks, we had -- each
 12 individual tables, which were sort of like half
 13 tables, half work areas. And we all sat around the
 14 table with these metal seats with no back. Which --
 15 yeah.
 16 But anyway, on the table, there was a --
 17 these four -- four valves. And I believe the valves
 18 were gas valves, which didn't -- which we never used
 19 because, first off, they didn't work. And second
 20 off, we never -- I don't know if this is a result of
 21 the first reason, but we never did any labs that
 22 involved gas, like a Bunsen burner, we never needed
 23 them.
 24 So the -- these valves were covered by a
 25 black box, which we -- was just in the middle of the

1 at a seat -- at one of the seats at one of the
 2 tables, and there would be a little lab, like maybe
 3 an open frog, and there would be a pinpointing to
 4 one of the organs in the frog and it would say
 5 "what -- what -- what organ is this." Or "what is
 6 the function of this organ," or something like that.
 7 The question -- just a lot of questions like that.
 8 And there would be -- there were about
 9 30 -- 30 of them, 30 of these stations, I guess you
 10 would call them. And you would move around the
 11 room, and Ms. Hake would give us about 30 seconds
 12 for each station.
 13 And I thought it was unfair because 30
 14 seconds doesn't seem enough time to get to your
 15 seat, look at what's going -- look at what the thing
 16 is and then think of the answer.
 17 Q. Who was your physical education teacher
 18 during the ninth grade?
 19 A. His name was Mr. Baldwin, B A L D W I N.
 20 Q. And did -- were you required to dress down
 21 for PE?
 22 A. Yes.
 23 Q. Is there a locker room where you do so?
 24 A. Yes.
 25 Q. What's the physical condition of the locker

1 table.
 2 These are the only things that come to mind
 3 right now.
 4 Q. You mentioned metal seats with no back.
 5 Were they just stools --
 6 A. Yes.
 7 Q. -- was that what was provided?
 8 Do you recall what grade you received in
 9 your biology course?
 10 A. I received an [REDACTED] for the first semester and
 11 a [REDACTED] for the second.
 12 Q. Do you -- do you know why you received a [REDACTED]
 13 in the second semester instead of an [REDACTED]
 14 A. Yes.
 15 Q. Can you tell me why.
 16 A. Well, a large part -- well, it was just an
 17 accumulation of -- of just doing sort of [REDACTED] work
 18 on tests and homework.
 19 Q. Okay.
 20 A. And plus, actually there was -- one of our
 21 final -- final exam tests was an extremely hard,
 22 kind of like an almost unfair test, toward the -- it
 23 was for the end of the second semester called a lab
 24 final.
 25 And what we did was we would be at a -- be

1 room like?
 2 A. Well, it's pretty -- it's pretty poorly
 3 ventilated. There's no -- I think there are some
 4 windows in the bathroom area of the locker room, but
 5 other than that, the other ventilation are the two
 6 doors which you can enter on either side.
 7 And as a result, you know -- you know how a
 8 locker room smells like, and so that smell kind of
 9 sticks around.
 10 And the bathrooms were -- because so many
 11 people would use them -- they were kind of -- and
 12 sometimes people would put toilet paper as a joke
 13 and they would become clogged and ... it wasn't
 14 pleasant, to say the least.
 15 Q. Do you know whether -- whether anyone
 16 cleaned the bathrooms in the locker room?
 17 A. I don't know -- I don't know.
 18 Q. Was it -- was it typical -- you mentioned
 19 that sometimes there would be a problem with someone
 20 putting toilet paper and leaving it in the toilet
 21 and clogging it up?
 22 A. Yes.
 23 Q. Do you recall any occasion specifically
 24 where that happened?
 25 A. Yes.

1 Q. Do you know about how long it took before
2 the toilet was fixed?

3 A. Well, for all I know, someone could have
4 clogged it one day, I went home, a janitor cleaned
5 it up, and before I came someone clogged it again,
6 and I came back, you know, clogged it again, so --

7 Q. Okay.

8 A. -- I couldn't say, I don't know.

9 Q. Did -- were you provided with your own
10 locker?

11 A. Yes.

12 Q. Who was your French teacher during the
13 ninth grade?

14 A. For the first semester, her name was
15 Mrs. MacCartney, M A C C A R T N E Y; and for the
16 second semester we had -- well, she retired in the
17 middle of the semester or something, I guess,
18 because I think her retirement plan -- or I don't
19 know, but she retired at the end of the first
20 semester. And so after that we had a series of
21 substitutes who didn't teach well at all. And as a
22 result, I didn't learn much the second year --
23 second semester, first year French.

24 Q. Did you ever receive any -- any permanent
25 teacher during the second semester?

1 hinder my ability to read them.

2 Q. And do you know about how old the French
3 book that you had was?

4 A. I -- I don't know.

5 Q. When Ms. MacCartney was teaching the class,
6 did you receive homework assignments?

7 A. Yes.

8 Q. About how often?

9 A. Maybe two or three days out of the week.

10 Q. Did you receive tests during the time
11 Ms. MacCartney was the teacher?

12 A. Yes.

13 Q. About how often?

14 A. Maybe once every two weeks.

15 Q. Do you recall the first substitute of the
16 second semester -- do you recall his name?

17 A. Yes, I believe it's Mr. Ynez. I believe
18 it's spelled Y N E Z.

19 Q. And you think that roughly Mr. Ynez taught
20 for about a month?

21 A. Yes, roughly. Maybe two months. I don't
22 remember.

23 Q. Okay. Did you receive homework assignments
24 when Mr. Ynez was the teacher?

25 A. I don't recall, but I don't think so.

1 A. No.

2 Q. If you recall, how many substitutes did you
3 have during the course of the second semester of
4 your ninth grade French class?

5 A. Actually, I believe we only had two. The
6 first one for about a month. Maybe more, I'm not
7 sure. And then the second one for the remainder of
8 the semester.

9 Q. And did you have a book to use in your
10 French class?

11 A. Yes.

12 Q. And did you have your own copy?

13 A. Yes.

14 Q. And was a specific copy assigned to you?

15 A. Yes.

16 Q. And could you take the textbook home?

17 A. Yes.

18 Q. Were there any pages missing from the
19 textbook?

20 A. No.

21 Q. Were any of the pages ripped or torn?

22 A. For some reason on my -- my French book the
23 first page -- again, had the -- was folded and --
24 and it was really messed up. I believe there were
25 one or two pages that were ripped, but it didn't

1 Q. Did you receive any tests while Mr. Ynez
2 was the teacher of your French course?

3 A. I don't recall ever taking any tests from
4 him.

5 Q. Who was the second substitute?

6 A. Let's see. Her name was Mrs. Apracu, I
7 think you spell that A P R A C U, I believe, but I'm
8 not sure.

9 Q. And did you receive homework assignments
10 while Ms. Apracu was your teacher?

11 A. If we did, we did very rarely. Maybe once
12 every two or three weeks. I believe she's the night
13 school teacher who teaches in that room, the French
14 room.

15 Q. Did you receive any tests from Mrs. Apracu?

16 A. If we did, we did very rarely. Maybe the
17 final and maybe two other tests.

18 Q. Do you know whether Mrs. MacCartney's
19 retirement was expected by the administration?

20 MR. PRESS: Have we --

21 MR. SIMMONS: And that's, of course, if you
22 know.

23 MR. PRESS: Have we switched to

24 Mrs. MacCartney?

25 MR. SIMMONS: She was the first teacher.

1 MR. PRESS: You're right. I'm sorry.
 2 THE WITNESS: I believe it was.
 3 BY MR. SIMMONS:
 4 Q. And do you know?
 5 A. In fact -- I'm sorry.
 6 I think she wanted to -- she wanted to
 7 continue teaching for us for the rest of the year
 8 but because of her -- for some reason -- I'm not
 9 sure, but I think, from what I heard, she wanted to
 10 teach for the rest of the year but because of her,
 11 whatever, for her retirement, she needed to stop in
 12 the semester, I'm not sure why.
 13 Q. We'll let you go on that one. If you know,
 14 that's fine. And if you don't, that's more than
 15 understandable, so ...
 16 What grade did you receive during the first
 17 semester of your French course?
 18 A. An [REDACTED]
 19 Q. And how about the second?
 20 A. An [REDACTED]
 21 Q. Who was your Algebra 2 teacher during the
 22 ninth grade?
 23 A. Again, I had two. First -- my first
 24 semester -- actually, I'm sorry. I had probably --
 25 I had three, actually. Probably halfway through the

1 first semester I had a teacher named [REDACTED]
 2 It's spelled [REDACTED]
 3 Then she became sick and she was -- her --
 4 I had a long-term sub for the rest of the semester
 5 named Mr. Loung, spelled L O U N G.
 6 And then for the second semester I was --
 7 the -- all of [REDACTED] classes, she had about
 8 two periods, I believe were -- were transferred to
 9 other Algebra 2 teachers. I was transferred to a
 10 teacher named Ms. Ling, L I N G.
 11 Q. And so Ms. Ling was a permanent teacher?
 12 A. Yes.
 13 Q. And was it about halfway through the first
 14 semester that [REDACTED] had to leave due to an
 15 illness?
 16 A. I don't really recall, but that would be my
 17 estimate.
 18 Q. Did you have a textbook to use in your
 19 Algebra 2 class?
 20 A. Yes.
 21 Q. Were you assigned your own copy?
 22 A. Yes. And I could take it home.
 23 Q. Were there any pages missing?
 24 A. No, not that I can recall. But there were
 25 tears.

1 Q. Any pages that you needed to use but
 2 couldn't as a result of a rip or a tear?
 3 A. No.
 4 But also I remember there was a lot of
 5 writing in the book. Most of it was in pencil, so I
 6 could erase it if I wanted to, but ... it was kind
 7 of bothering.
 8 Q. Was the writing --
 9 A. Answers.
 10 Q. So it was another student's notes with
 11 respect to the problem.
 12 Was there graffiti in there as well?
 13 A. No.
 14 And it was kind of hard to do the homework
 15 when you have the answer in front of you. You know,
 16 if you're doing a problem and it says "43" and
 17 that's the answer.
 18 Q. Do you know about how old that textbook
 19 was?
 20 A. It seemed fairly old. The pages were
 21 pretty worn.
 22 Q. In terms of years, do you know how old?
 23 A. No, I don't know.
 24 Q. And how did [REDACTED] fare with respect
 25 to the qualities of a -- of a good teacher that

1 we've identified here today?
 2 A. She was -- she was -- she -- she filled
 3 those -- those qualities, but then, it wasn't her
 4 fault, but she had kind of a thick accent, which I
 5 couldn't really understand sometimes when she was
 6 talking. I couldn't understand the lecture
 7 sometimes.
 8 Q. How about Mr. Loung?
 9 A. Well, he didn't know Algebra 2, which made
 10 it kind of hard to learn Algebra 2 from him. But he
 11 would just give us assignments from the book and he
 12 tried to understand it as well as he could. So it
 13 would -- you know, at no fault of his own, he
 14 didn't -- he -- you know, it was hard for him to
 15 teach.
 16 Q. When you say he didn't know Algebra 2, how
 17 were you aware of that?
 18 A. Because ... let's see.
 19 He couldn't do the problems that were in
 20 the book and we had to help him.
 21 Q. Did he ever come out and say, "I don't know
 22 this subject matter"?
 23 A. Yeah, he said, "I'm not very good at this,
 24 and so I'm" -- like he kept offering for Ms. --
 25 Ms. Ling or some -- one other teacher, if we needed

- 1 help just to go to them and they could help you,
2 but ...
- 3 Q. Did you receive homework from Mr. Loung?
4 A. Yes.
- 5 Q. About how often?
6 A. About every day.
- 7 Q. And what about tests, did you receive --
8 were you required to take any tests?
9 A. Yes.
- 10 Q. While Mr. Loung was the teacher?
11 A. Yes.
- 12 Q. About how often?
13 A. About two to three weeks. Once every two
14 to three weeks.
- 15 Q. And you transferred into Ms. Ling's -- Ms.
16 Ling's class; is that correct?
17 A. Yes.
- 18 Q. And how does Ms. Ling fare with respect to
19 the qualities of a good teacher we've identified?
20 A. Oh, she was very good.
- 21 Q. And you received homework in her course, as
22 well?
23 A. Yes.
- 24 Q. About how often?
25 A. Every day.

- 1 A. Yes.
- 2 Q. How does -- how did [REDACTED]
3 classroom compare to Ms. Ling's?
4 A. Well, it was in the same -- the same -- the
5 room was styled the same way as Ms. Wawer's and
6 [REDACTED] and so the same conditions existed. There
7 was only one window that was never opened. There
8 was -- the only ventilation was through the door.
9 And -- and scratches on the desk.
- 10 And for some reason it seemed -- it seemed
11 not as bad as Ms. Wawer's class, the chalkboard
12 seemed like it was not cleaned very often.
- 13 Q. Was the classroom generally maintained in a
14 clean fashion?
15 A. Besides the chalkboards and under the
16 desks, yes.
- 17 Q. What grade did you receive during the first
18 semester of Algebra 2?
19 A. [REDACTED]
- 20 Q. How about the second semester?
21 A. [REDACTED]
- 22 Q. Who was your health and safety teacher?
23 A. His name was Mr. DiPietra. Capital D,
24 lower case I, capital P and then lower case
25 I E T R A.

- 1 Q. And how about tests, did you receive tests
2 from Ms. Ling?
3 A. Yes.
- 4 Q. About how often?
5 A. Every two weeks, whenever we finished a
6 chapter.
- 7 Q. Do you remember which classroom you took
8 Algebra 2 in for the first semester?
9 A. I don't recall the number.
- 10 Q. Were there any problems with the physical
11 condition of that classroom?
12 A. Besides there being scratches on the desk,
13 none that I can recall. And gum under the desk.
- 14 Q. And was that classroom maintained in a
15 clean fashion?
16 A. Yes.
- 17 Q. When you transferred over to Ms. Ling's
18 class, how did the physical condition of that
19 classroom compare?
20 A. Oh, I'm sorry. I thought we were talking
21 about Ms. Ling's class for the first --
- 22 Q. For the first set of answers?
23 A. Yeah.
- 24 Q. Okay. So the first set of answers applies
25 to Ms. Ling's course?

- 1 Q. Did you have a textbook to use in your
2 health and safety course?
3 A. Yes.
- 4 Q. Did you have your own copy?
5 A. Yes.
- 6 Q. And could you take the copy home?
7 A. Yes.
- 8 Q. And how did Mr. DiPietra fare with respect
9 to the qualities of a good teacher that we've
10 identified here today?
11 A. He was okay.
- 12 Q. "Okay," meaning average?
13 A. Yeah.
- 14 Q. And did you receive homework in health and
15 safety?
16 A. Homework ... very rarely. Maybe once a
17 week.
- 18 Q. Were you tested in your health and safety
19 course?
20 A. Yes. Maybe, let's see, once every three to
21 four weeks.
- 22 Q. And do you recall the room number in which
23 you had your health and safety course?
24 A. No, but I remember it was in a bungalow.
25 Q. And what was the physical condition of

1 the -- of the classroom?

2 A. I don't know.

3 One thing that stands out in my mind is
4 that even though there were lights in the room, it
5 seemed -- it seemed kind of dark. Because it was
6 really closed in, and the window was sort of tinted.
7 I remember -- again, I remember the gum spots on the
8 floor, and gum under the desks with scratches on the
9 desk, too.

10 Those are the things I can remember.

11 Q. And what grade did you receive in your
12 health and safety class?

13 A. An [REDACTED]

14 Q. And that was for the first semester --

15 A. Yes.

16 Q. And the second semester, then you took
17 advanced choir; is that correct?

18 A. Yes.

19 Q. Was that held in a classroom at Mark
20 Keppel?

21 A. It was held in a bungalow.

22 Q. Was it the same bungalow as your health and
23 safety course was?

24 A. No.

25 Q. Who was the teacher of advanced choir?

1 A. Mr. Azeltine, A Z E L T I N E.

2 Q. Now, you took computer keyboarding at
3 San Gabriel High School?

4 A. Yes.

5 Q. What was the physical condition of the
6 classroom that you took -- well, strike that.

7 Was there a particular classroom that you
8 took --

9 A. Yes.

10 Q. -- your computer keyboarding in?

11 A. Yes.

12 Q. Do you recall the room number?

13 A. I don't.

14 Q. Do you recall the physical condition of
15 that classroom?

16 A. It was a lot cleaner than Keppel. The
17 floor -- there were no gum spots on the floor. It
18 was -- the desks had no scratches on them. The
19 desks -- the desks -- the teacher's desk was clean.
20 It was bright. It was painted white so it was a lot
21 more -- it wasn't dreary. Yeah.

22 Q. Who -- who was the teacher for that course?

23 A. What was her name?

24 I think her name was [REDACTED]

25 [REDACTED] I'm sorry, [REDACTED]

1 [REDACTED]
2 Q. And how did [REDACTED] fare with respect
3 to the qualities of a good teacher that we
4 identified?

5 A. It seemed as if she didn't know anything
6 about computer keyboarding. She would teach lessons
7 from the book. And her version -- her method or her
8 technique of teaching a lesson would consist of
9 students just reading out loud from the book and
10 then she would just say, "Now do the assignment that
11 you're supposed to do in the book."

12 And normally when she would try to help
13 people, she wouldn't know how to help them. And
14 when she would help me, I would know more about what
15 I was doing than she did.

16 And when she would try to help other
17 students, she wouldn't know how to do something
18 else -- I mean, she wouldn't know how to do
19 something and I would help the student and she
20 wouldn't know how to.

21 Q. This semester you have a world history
22 class; correct?

23 A. This semester --

24 MR. PRESS: Before we move on to this
25 grade, can we take a quick bathroom break?

1 MR. SIMMONS: Yeah. Certainly.

2 MR. PRESS: Thanks.

3 (Recess taken from 2:30 to 2:35.)

4 BY MR. SIMMONS:

5 Q. Who is your world history teacher
6 currently?

7 A. Her name is [REDACTED]

8 Q. And has [REDACTED] been your teacher for
9 the entire semester?

10 A. Actually, no. She had hurt her back over
11 the summer, or something like that, so we had a
12 long-term sub for about a month and a half named
13 Mr. Harris, H A R R I S.

14 Q. How did Mr. Harris fare with respect to the
15 qualities of a good teacher?

16 A. Well, he -- he wasn't familiar with our
17 book, which is understandable, since he was a --
18 just a long-term sub. But he tried to ... let's
19 see. He had us read the book and he made us do
20 assignments from it, but he couldn't really give
21 sufficient lecture all the time because he wasn't
22 familiar with it.

23 Q. Did he assign homework?

24 A. Very rarely. Like, I think I received
25 maybe three homework assignments from him.

1 Q. And he was there for approximately a month?
2 A. Month-and-a-half, or somewhere around
3 there. I'm not sure, though.

4 Q. Did you have any tests while Mr. Harris was
5 the teacher?

6 A. I believe I had one or two tests.

7 I'm sorry. Actually -- now that I think
8 about it, I think he was -- it was more like he was
9 there for half the semester. He was there longer, I
10 believe.

11 Q. And how did [REDACTED] fare with respect
12 to the -- or how does she fare with respect to the
13 good qualities of a teacher that we've identified
14 here today?

15 A. Not very well. It's kind of like -- well,
16 she doesn't have good control of the class at all.
17 Like hardly -- she doesn't -- and she doesn't really
18 lecture at all about the material. In fact, we
19 worked very little out of the book. The only time
20 we do any form of work is when she gives us
21 potential test questions.

22 And she gives us -- and she reads the
23 question out and we're -- and our assignment is to
24 study and answer the questions from it. And a lot
25 of times we just watched a lot of videos, most of

1 A. No, it's new. But it doesn't help much
2 since we hardly ever use it.

3 Q. Are there any pages with tears or rips?

4 A. No.

5 Q. Do you -- do you recall the room number in
6 which you take world history?

7 A. It's a bungalow. It's -- actually,
8 [REDACTED] bungalow gets very, very, very cold in
9 the morning. I'm not sure why. I think it's
10 partially because she likes -- she actually turns
11 the air conditioner on even though it's freezing in
12 the morning, so I guess that's not really the fault
13 of the school.

14 But normally when we're outside, it's
15 colder inside the room than outside, and that's
16 pretty funny since it's really cold in the morning.
17 It definitely makes it harder to concentrate.

18 Q. Is there -- you say that this classroom is
19 in a bungalow?

20 A. Yes.

21 Q. Is there any way to identify that bungalow
22 by name? Is it's B, or D, or --

23 A. Oh, yeah. I believe it's B-24.

24 Q. And we've talked -- we've talked about
25 temperature, and your teacher's preference for the

1 the time.

2 Q. What kind of videos?

3 A. History videos.

4 Q. Does [REDACTED] assign homework?

5 A. No. Just to study the questions.

6 Q. How often -- do you have tests now that
7 she's the teacher?

8 A. No.

9 Q. She has yet to give a test since she took
10 over the class?

11 A. Oh, let me think. Actually she's given one
12 geography test. And I believe that's the only one.

13 She was actually a -- a health and safety
14 teacher for -- for the -- for the majority of the
15 time she taught at Keppel, and this is her first
16 time teaching world history.

17 Q. Do you have your -- do you have a textbook
18 in the world history class?

19 A. Yes.

20 Q. And do you have your own copy?

21 A. Yes.

22 Q. And can you take a copy home?

23 A. Yes.

24 Q. Are there any pages missing from your copy
25 of the textbook?

1 air conditioner?

2 A. Yes.

3 Q. Are there any aspects of the physical
4 condition of bungalow B-24 that are unsatisfactory?

5 A. Other than the fact that it is a bungalow,
6 and that actually -- the PE -- all the bungalows are
7 next to -- are in the field, I guess you would say,
8 next to the field and next to the, it's like a
9 blacktop area and that's where the PE classes take
10 place.

11 So when we're in class, then, the PE
12 classes are also outside. And sometimes when
13 they're running, they run by your classroom and it's
14 kind of distracting. Or sometimes they're just --
15 yeah, it's distracting to see them.

16 Q. Who is your French teacher this year?

17 A. Her name is Ms. Verner, V E R N E R.

18 Q. How does Ms. Verner fare with respect to
19 the qualities of a good teacher that you've
20 identified here today?

21 A. She's fine. She's good.

22 Q. Do you have a textbook to use in your
23 French class?

24 A. Yes.

25 Q. And do you have your own copy of that book?

- 1 A. Yes, I do.
 2 Q. And can you take it home?
 3 A. Yes, I can.
 4 Q. Are there any pages missing from the text?
 5 A. There aren't any pages missing, but there
 6 are some torn pages, maybe three or four.
 7 Q. And have you been prohibited from doing any
 8 work or assignments in the textbook because of the
 9 torn or ripped pages that you've testified to?
 10 A. No.
 11 Q. Do you have any idea how old the textbook
 12 that you use in your French class is?
 13 A. No, I don't.
 14 Q. And do you receive homework assignments in
 15 your French class this year?
 16 A. Yes.
 17 Q. About how often?
 18 A. Twice a week, three times a week.
 19 Q. Are you tested in your French class?
 20 A. Yes.
 21 Q. About how often?
 22 A. About every two weeks.
 23 Q. Do you know how you're performing on those
 24 tests so far?
 25 A. Yes.

- 1 Q. Can you tell me?
 2 A. Very well.
 3 Q. And I assume that means that you are
 4 receiving [REDACTED]--
 5 A. Yes.
 6 Q. -- grades on these tests?
 7 A. Yes.
 8 Actually can I make some comments on Ms. --
 9 on Ms. Verner?
 10 Q. Sure.
 11 A. I think she's a new teacher and so she
 12 often has a lot of trouble controlling the class,
 13 but she means well. But some -- it's hard because a
 14 lot of the students don't care and they just don't
 15 study.
 16 And as a result, I feel like I'm not
 17 getting my -- you know, I'm not learning as much as
 18 I could because she has a hard time controlling the
 19 class and because the students don't really pay
 20 attention. And so we're forced to review over and
 21 over again, you know, even though I've like, learned
 22 it the first time we did it.
 23 Q. And is the French class in a bungalow?
 24 A. No. It's in the main building. It's room,
 25 I believe, 135.

- 1 Q. Is the classroom maintained in a clean
 2 fashion?
 3 A. Yes, but -- I don't -- it seems as if it
 4 hasn't been painted in a long time. And there are a
 5 lot of -- there are a lot of old, I don't know,
 6 like, posters and decorations and things that
 7 haven't been taken down. They have been there since
 8 my brother John, who is in college now, since he was
 9 a freshman.
 10 Q. So the two problems with the physical
 11 condition of the classroom are the paint seems a
 12 little old, and the decorations also seem a little
 13 old as well?
 14 A. Yes.
 15 Q. Are there any other problems with the
 16 physical condition that you can identify?
 17 A. Gum under the desks. That's about it.
 18 Q. Who is your advanced choir teacher?
 19 A. Mr. Azeltine.
 20 Q. Does advanced choir serve as your elective
 21 course?
 22 A. Yeah, I guess you could say.
 23 Q. Are there courses that you can take instead
 24 of advanced choir?
 25 A. Yeah. But then, there are a lot of courses

- 1 that I don't have to take. I could not -- like, for
 2 example, I don't have to take chemistry -- I don't
 3 have to take chemistry, I could take another science
 4 class or --
 5 I think the only actual mandatory -- one --
 6 let's see. For math I'm done, actually, because I
 7 only need to take two years of it, which I took care
 8 of in my seventh and eighth grade, but ... I believe
 9 the only -- the only class that's mandatory to take
 10 are health and safety or the world history this
 11 year, and English.
 12 Q. And did you -- did you mention that you
 13 thought that health and safety was a required class
 14 this year?
 15 A. Not this year, last year.
 16 Actually not even last year. You can
 17 actually take it later, but you have to take it
 18 sometime during your high school career.
 19 Q. What classroom is your advanced choir held
 20 in?
 21 A. It's a bungalow. It's called -- the
 22 bungalow is M-1.
 23 Q. Was advanced choir held in that same
 24 bungalow last year?
 25 A. Yes.

1 Q. Can you describe the physical condition of
2 the M-1 bungalow?

3 A. The physical condition of the bungalow
4 itself is good, because we take care of it.
5 Actually with the choir's money that we've -- that
6 we've built up by fund-raising, we've bought mirrors
7 and put them in the room so we can dance and watch
8 ourselves and look at our technique.

9 But the room itself, the bungalow is very
10 bad acoustically for choir. It's totally not ideal.
11 We have to stand -- we have a raised rectangular
12 platform, which we have to stand on and it serves as
13 our -- we stand there when we sing and we face
14 our -- Mr. Azeltine.

15 But when -- oftentimes we go to other high
16 schools to perform in competitions, and normally
17 whenever we go to other high schools there -- there
18 we practice -- we warm up in their choir rooms, they
19 have much larger areas which are actually circular
20 which have different levels on them and tall
21 ceilings which help acoustically.

22 It is just kind of discouraging. I feel --
23 I feel like these are the people we are competing
24 to -- for -- competing against, these are our
25 competitors, and yet they are sort of already at an

1 A. Yes.

2 But actually at the beginning of the year I
3 was assigned -- my original trigonometry teacher was
4 a woman named Ms. Rapp, spelled R A P P. And I felt
5 she was a very bad teacher, which is why I actually
6 transferred out of her class and into Ms. Wawer's
7 class.

8 Q. How long were you in Ms. Rapp's class for?

9 A. For two weeks. Because after a certain
10 amount of time, you can't transfer anymore and so
11 you have to --

12 Q. Do you know what that certain amount of
13 time is?

14 A. I believe it's two weeks. So actually I
15 probably transferred out in a week-and-a-half or
16 something.

17 Q. And do you have a textbook to use in your
18 trigonometry course?

19 A. Yes.

20 Q. Do you have your own copy?

21 A. Yes.

22 Q. Are you able to take it home?

23 A. Yes.

24 Q. Are there any problems with the physical
25 condition of the trigonometry textbook?

1 advantage because they have a practice room that's
2 more -- that will enable them to hear themselves and
3 hear their voices and hear the voice of the choir
4 and be able to blend better.

5 And it's just better -- and they have
6 better conditions, so I feel like I'm at a
7 disadvantage.

8 Q. Any other aspect of the physical condition
9 of the M-1 bungalow that are dissatisfactory?

10 A. No.

11 It sometimes -- I'm sorry. It sometimes
12 gets hot and we have to turn on the air conditioner.
13 But it sometimes doesn't work, so Mr. Azeltine has
14 brought fans from his house and put them in the room
15 and opened the doors to provide some sort of
16 ventilation, but it gets pretty hot anyway, and
17 there's not much he can do.

18 Q. Who is your trigonometry teacher?

19 A. My trigonometry teacher, let's see. Oh,
20 Mrs. Wawer.

21 Q. And you thought she was a competent
22 teacher --

23 A. Yes.

24 Q. -- when she -- when you took her math class
25 earlier, is that correct?

1 A. No.

2 Q. Is your trigonometry class held in the main
3 building, or is it in a bungalow?

4 A. It's held in the main building, and it's
5 room 250.

6 Q. Is room 250 maintained in a clean fashion?

7 A. It hasn't been painted since I went there
8 in the seventh grade, so it's still the same dreary
9 color. It has one window, still, which is never
10 opened. I'm not even sure it can open, which
11 results in poor ventilation but, you know, that's
12 it. The same things pretty much.

13 Q. Is it -- is the classroom picked up on a
14 daily basis?

15 A. I don't know. But I know that the wash --
16 that the chalkboard isn't washed on a daily basis at
17 least because there is still the chalkiness on it, a
18 lot of chalk dust on it and the erasers and
19 everything. And on the place where the erasers are
20 put.

21 Q. Are you assigned homework in your
22 trigonometry course?

23 A. Yes.

24 Q. How often?

25 A. Every day.

- 1 Q. Are you tested in your trigonometry course?
 2 A. Yes.
 3 Q. About how often?
 4 A. About every two to three weeks about.
 5 Q. And do you know how you've been performing
 6 on the tests thus far?
 7 A. Yes.
 8 Q. And how have you been performing?
 9 A. Well.
 10 Q. And can you tell me what you mean by
 11 "well"?
 12 A. An [REDACTED]
 13 Q. Who is your English honors teacher this
 14 year?
 15 A. Ms. Brown.
 16 Q. And has Ms. Brown been your English honors
 17 teacher for -- since the beginning of the year this
 18 year?
 19 A. Yes.
 20 Q. And how does Ms. Brown fare with respect to
 21 the qualities of a good teacher that you identified
 22 earlier?
 23 A. She's -- she's good. But she sometimes has
 24 a problem controlling the class. But she conducts
 25 her class in a very slow manner. Like she tends to

- 1 Q. Could you take that copy home?
 2 A. Yes, I could.
 3 Q. Were there any pages missing?
 4 A. No.
 5 Q. And were there any pages that were torn in
 6 your copy of Lord of the Flies?
 7 A. No.
 8 Q. Did you have your own copy of the novel
 9 Night?
 10 A. Yes.
 11 Q. Could you take it home?
 12 A. Yes.
 13 Q. And were there any pages missing from your
 14 copy?
 15 A. No.
 16 Q. And were there any pages that were ripped
 17 or torn?
 18 A. No.
 19 Q. Did you have your own copy of Julius
 20 Caesar?
 21 A. Yes.
 22 Q. And could you take that copy home with you?
 23 A. Yes, but -- the condition of the Julius
 24 Caesar was also very bad. It was similar to the
 25 other book I described earlier in the first year.

- 1 overexplain things and it kind of makes the class
 2 boring and a lot of people stop paying attention.
 3 But other than that, she's a good teacher.
 4 Q. Do you have a textbook to use in your
 5 English honors course?
 6 A. Yes.
 7 Wait. Yes.
 8 Q. Is it a hard-cover textbook?
 9 A. Yes, it is.
 10 Q. Do you have your own copy of the text?
 11 A. Yes, I do.
 12 Q. Can you take that copy home?
 13 A. Yes.
 14 Q. Have you read any novels as part of your
 15 course of study in your English class this year?
 16 A. Yes.
 17 Q. Which novels?
 18 A. We've read ... Lord of the Flies, Night,
 19 spelled N I E -- N I G H T. Oh, what else have we
 20 read.
 21 I don't recall. Oh, let's see. Oh, we
 22 read Julius Caesar, the play by William Shakespeare.
 23 Q. And did you have your own copy of Lord of
 24 the Flies?
 25 A. Yes, I did.

- 1 It had -- the cover was coming off and many pages --
 2 like sometimes even entire corners were ripped off.
 3 Some pages were falling out at the end and
 4 I just sort of had to struggle to keep them from
 5 falling out of the book, which made it harder to
 6 read.
 7 Q. And were there any pages missing?
 8 A. No. But they could have easily been
 9 misplaced if I hadn't taken better care of it.
 10 Q. And were there any pages that you couldn't
 11 read as a result of a rip or a tear?
 12 A. No.
 13 Q. Are you assigned homework in your English
 14 class?
 15 A. Yes.
 16 Q. How often do you receive homework?
 17 A. About twice to four times a week.
 18 Q. Are you tested in your English class?
 19 A. Yes.
 20 Q. How often, would you say?
 21 A. Maybe about every three weeks.
 22 Q. Do you know how you performed on those
 23 tests?
 24 A. Yes.
 25 Q. Can you tell me?

1 A. [REDACTED]
 2 Q. Who is your honors chemistry teacher this
 3 year?

4 A. [REDACTED] spelled [REDACTED]

5 Q. This was [REDACTED]

6 A. Yeah.

7 Q. And how does Ms. Mangerino fare with
 8 respect to the qualities of a good teacher that you
 9 identified?

10 A. She's very -- she's been teaching for a
 11 very long time and as a result she -- she often
 12 doesn't understand why students don't understand
 13 chemistry, or she'll -- she'll just -- let's see.

14 She'll think it's so natural. And she gets
 15 frustrated with students when they ask her
 16 questions, or when they don't -- or when they
 17 don't -- when -- when they don't understand.

18 Like, I've tried to ask her questions and
 19 she gets sort of frustrated. But, see, this -- she
 20 wants you to learn and she likes it when -- she
 21 likes questions, but then at the same time she gets
 22 angry. It's kind of hard to explain.

23 And she's the department head for science
 24 at our school and she's been there for a very long
 25 time. She -- she doesn't lecture very often and she

1 A. Yes.

2 Q. And can you take it home?

3 A. Yes.

4 Q. Are there any pages missing from your copy
 5 of the textbook?

6 A. No.

7 Q. Are there any pages that are torn or
 8 ripped?

9 A. No.

10 Q. In what classroom do you -- well, do you
 11 have your honors chemistry class in a classroom or a
 12 bungalow?

13 A. No, classroom. But I don't recall the room
 14 number.

15 Q. Is there a lab component to your chemistry
 16 class?

17 A. Yeah.

18 Actually, the thing about our chemistry
 19 class is that it's like an oversized classroom.
 20 It's very large, but half of it is -- consists of
 21 lab tables, lab benches, I guess you would call
 22 them, and we have drawers under them where we keep
 23 our different -- our lab equipment.

24 So the problem is that the other half of
 25 the room is used as a classroom which consists of

1 just sort of assumes we read -- we read the book and
 2 understand it.

3 And there -- I know of a lot of students --
 4 I'm not one of them, but I know of a lot of students
 5 who are really behind. And they -- really at this
 6 point they have little chance of catching up and
 7 they're probably going to drop the class at the end
 8 of the semester, and I don't blame them. I can
 9 understand how it is easy to fall behind, because
 10 she doesn't tell you to, you know, to study this or
 11 that, or she doesn't tell you what's important to
 12 study for the test, she just assumes that you
 13 understand everything that's been covered without
 14 her actually going over it very well.

15 And the only reason why I'm doing well in
 16 her class is because I try really, really, really
 17 hard.

18 Q. And do you know if any of the students who
 19 have fallen behind that you are aware of have
 20 mentioned this to [REDACTED]

21 A. I don't know.

22 Q. And do you have a textbook to use in your
 23 honors chemistry class?

24 A. Yes.

25 Q. Do you have your own copy?

1 just a desk, and a main desk where our teacher,
 2 Ms. Mangerino, teaches. But it's very, very
 3 crowded. We have so many students in the room that
 4 we're -- I believe right now we're at over 30.

5 And as a result, some students have had to
 6 sit in the aisles or in front of -- or put their
 7 desks in front of existing rows. Which if you ask
 8 me, it's kind of -- I think it's a fire hazard
 9 because they're blocking the aisles and the doorway.

10 And it's really unpleasant when you're
 11 working back in the lab area because there are so
 12 many students and only one teacher that it's very
 13 disorderly and it's hard to concentrate when you
 14 have to, you know, measure so many, like, 20
 15 milliliters of a poisonous liquid. So it's very
 16 stressful to have so much chaotic noise and so
 17 much ... it's just very stressing and unpleasant.

18 Q. Does each student in your chemistry have
 19 their own desk?

20 A. Yes.

21 But there are at least three who -- who
 22 don't -- who don't have -- who can't have a desk in
 23 the row, so they have to put their desk in an aisle,
 24 or they have to put it in front of the room, or
 25 sometimes they've sat at [REDACTED] desk

1 because they have no where else to sit.
 2 Q. And did you -- did you testify earlier that
 3 sometimes a desk will be placed in front of the
 4 door?
 5 A. Yes, I did.
 6 Q. How often does that happen?
 7 A. Well, first off, let me say that it's not
 8 in front of a door. It's slightly in front of a
 9 door. So it's not -- it doesn't -- it doesn't
 10 totally obstruct the door, but it would certainly
 11 make it harder if something were to happen to leave.
 12 How often does it happen? I don't know.
 13 Q. How far away is the desk from the -- from
 14 the actual doorway?
 15 A. It's less than a foot.
 16 Q. And do you receive homework in your
 17 chemistry class?
 18 A. Yes.
 19 Q. About how often?
 20 A. Almost every day.
 21 Q. Are you tested in your chemistry class?
 22 A. Yes.
 23 Q. About how often?
 24 A. About every two weeks.
 25 Q. Do you know how you're performing on the

1 my understanding.
 2 MR. PRESS: Okay. Good. Thank you.
 3 Please proceed.
 4 MR. SIMMONS: All right.
 5 Q. Do you know how many boys' bathrooms there
 6 were at Brightwood during your sixth grade year?
 7 A. I believe there were three.
 8 Q. And did that number change at all during
 9 your seventh or eighth grade year?
 10 A. No.
 11 Q. Is there a way to identify those -- those
 12 three bathrooms in any way?
 13 A. I guess one you could identify by that it's
 14 near the playground; one you could identify, it's
 15 near the sixth grade area; and one is near the first
 16 grade area.
 17 Q. Do you know how -- well, are there urinals
 18 in the near playground bathroom?
 19 A. I believe there -- actually, I believe this
 20 is true for all -- I believe there are three
 21 urinals -- three urinals and two stalls.
 22 Q. Did you -- when you attended Brightwood,
 23 did you -- did you tend to use one bathroom more
 24 than any other?
 25 A. I tended not to use any bathrooms, if I

1 tests?
 2 A. Yeah. I'm doing -- I'm getting an [REDACTED]
 3 [REDACTED]
 4 Q. Now, you --
 5 MR. SIMMONS: Let's go off the record.
 6 (Telephonic interruption.)
 7 (Recess taken from 3:00 to 3:05.)
 8 MR. PRESS: Yeah, during the break we
 9 discussed the question of whether the witness has
 10 any documents requested in the document request, and
 11 established, as we had previously, that the witness
 12 himself doesn't have any of these records. He gives
 13 them to his parents.
 14 Mrs. Nobori doesn't believe she has any
 15 either, but she said she's willing to look some more
 16 for them. And I've represented to counsel that we
 17 will do that.
 18 Counsel has particularly indicated that
 19 he's looking for standardized tests, tests results
 20 and transcripts.
 21 And I've advised counsel that I've asked
 22 Mrs. Nobori to look at home to see if we can find
 23 any, and we will produce them to counsel.
 24 Is that covered?
 25 MR. SIMMONS: Yeah, that's consistent with

1 could at all avoid it.
 2 Q. Do you recall ever using the near
 3 playground bathroom and finding that it was in a
 4 dirty condition?
 5 A. Yes. Almost every time I went there.
 6 Q. How often would you -- how often would you
 7 use the near playground bathroom?
 8 A. Maybe once every two weeks. But then I
 9 would -- once every two weeks for all of my career,
 10 first -- well, from probably first grade to eighth
 11 grade.
 12 Q. And how about the -- the bathroom near the
 13 sixth grade area, can you estimate how often you
 14 would use that bathroom in the way you've done with
 15 the near playground bathroom?
 16 A. Actually, I think I've probably used all of
 17 the bathrooms the same amount, which would be once
 18 every, about two weeks.
 19 Q. And it's your testimony that just about
 20 every time you went into the near playground
 21 bathroom, you found it dirty?
 22 A. Yes.
 23 MR. PRESS: Objection. Mischaracterizes
 24 the testimony. I think he said every time.
 25 ///

1 BY MR. SIMMONS:

2 Q. Was it every time, or was it about every
3 time?

4 A. I said almost every time.

5 MR. SIMMONS: Okay.

6 MR. PRESS: Oh, okay.

7 BY MR. SIMMONS:

8 Q. And can you describe in what way the near
9 playground bathroom would be dirty?

10 A. Well, first off, it was dimly lit. The
11 only -- the time it would be most light is when you
12 open the door and light streams in from the outside
13 and that would -- the light would only be on a small
14 portion of the bathroom, which is near the door.

15 Oftentimes people would throw toilet paper
16 inside the toilets and cause them to overflow. So
17 there would be water on the floor mixed with urine
18 and other things so it would be really disgusting.
19 It would smell really bad of urine.

20 And it would be -- the sinks looked like
21 they were not taken care of properly. A lot of
22 times people would throw toilet paper in the sinks,
23 too. And there would be wet toilet paper clogged up
24 in the sinks. The floor was very dirty, there was
25 toilet paper on that. Sometimes people would, like,

1 teachers themselves would know that the bathrooms
2 are really dirty.

3 Q. Did any of the toilets in the bathroom
4 ever -- or do you recall any of the toilets at the
5 bathrooms at Brightwood --

6 A. Yes.

7 Q. -- overflowing while you attended the
8 school?

9 A. Yes.

10 Q. Did any bathrooms -- do you recall any
11 bathrooms overflowing during your -- or toilets in
12 the bathrooms overflowing during your sixth grade
13 year?

14 A. Actually -- actually I think -- I only
15 recall overflowing probably two or three times my
16 eighth grade year.

17 Q. Which bathroom did --

18 A. Near the playground.

19 Q. And do you recall whether the problem was
20 fixed?

21 A. It was fixed eventually.

22 Q. Do you know how long it took to -- to fix
23 the toilet --

24 A. I don't remember.

25 Q. -- on any of these occasions?

1 throw pencils on the -- the ceiling.

2 A lot of times the floor, especially near
3 the urinals, was wet with urine or ... yeah.

4 Q. When you say it was dimly lit, were you
5 able to see what you needed to see when you used the
6 bathroom, or was it -- was it very dark?

7 A. I was able to see what I was able to see,
8 but it felt like I was in some sort of nightclub
9 where people smoke and do drugs. It was really
10 unpleasant.

11 Q. Do you know whether anyone was charged with
12 cleaning the bathrooms during the time you attended
13 Brightwood?

14 MR. PRESS: Objection. Calls for
15 speculation.

16 THE WITNESS: I don't know.

17 BY MR. SIMMONS:

18 Q. Did you ever see anyone cleaning the
19 bathrooms?

20 A. No.

21 Q. Did you ever complain to anyone at the
22 school about the condition of the bathrooms?

23 A. No.

24 But I know that teachers were aware of it
25 because other students would tell them. And the

1 A. I don't recall.

2 Q. Did you ever use any of the bathrooms at
3 Brightwood and find that they lacked paper towels?

4 A. Yes.

5 In fact, a more appropriate question would
6 be, if I ever used the bathrooms at Brightwood and
7 find that there were paper towels because there were
8 so few.

9 Q. Do you recall ever using the bathrooms and
10 finding paper towels?

11 A. Maybe only once or twice.

12 Q. Do you recall ever using the bathrooms and
13 finding that they lacked toilet paper?

14 A. I really had no need for toilet paper
15 because I never used the bathroom for that purpose
16 because of the condition of the toilets.

17 Q. And what was the condition of the toilets?

18 A. Well, oftentimes the people who would use
19 them wouldn't flush. And sometimes when they did,
20 it became overflowed. But then, I don't know, I
21 spent very -- it was -- oftentimes the seats were
22 wet, like the -- the seat cover, and it just smelled
23 really bad.

24 Q. You -- you mentioned that you thought
25 sometimes people would use the toilets and they

1 would overflow. Is that -- are those times in
2 addition to the two or three that you identified in
3 your eighth grade year?

4 A. Well, the two or three that I've seen were
5 the -- those were the times, the -- let's see.

6 Could you read the question?

7 MR. SIMMONS: Yeah. Actually, would you
8 read it back.

9 (The record was read as follows:

10 Question: You -- you mentioned that you
11 thought sometimes people would use the
12 toilets and they would overflow. Is
13 that -- are those times in addition to
14 the two or three that you identified
15 in your eighth grade year?)

16 THE WITNESS: No.

17 BY MR. SIMMONS:

18 Q. Do you recall ever using any of the
19 bathrooms at Brightwood and finding that they lacked
20 soap?

21 A. Yes.

22 Q. About how often?

23 A. Probably half the time I used them, 50
24 percent.

25 Q. Did you ever complain about the -- the

1 seems ridiculous to have -- to have a bathroom with
2 no soap or paper towels.

3 Q. We've -- today you've testified to some
4 unsatisfactory physical aspects of your classrooms,
5 the facilities in which you're taught. Are there
6 other aspects of the facilities at Brightwood that
7 you felt were unsatisfactory --

8 A. The --

9 Q. -- during the time that you -- during
10 either your sixth, seventh or eighth grade years?

11 MR. PRESS: Is this besides the bathroom
12 and the classrooms -- what we've heard about the
13 classrooms, the lab, the choir room? I mean, other
14 than what he's testified to so far?

15 MR. SIMMONS: Exactly. And I've tried to
16 limit it so we looked at what things were in the
17 classrooms and then now -- and now we've covered
18 bathrooms --

19 THE WITNESS: Okay, so ...

20 BY MR. SIMMONS:

21 Q. So things outside of classrooms and
22 bathrooms that you haven't had the opportunity to
23 testify to today.

24 A. Well, the water fountains, there were about
25 three -- there are about -- I would say -- there are

1 absence of paper towels in the bathrooms?

2 A. Did I complain? To ... to any
3 administrators?

4 Q. Sure. Or a teacher.

5 A. No.

6 To a teacher, yes.

7 Q. Do you recall which teacher?

8 A. No, I don't.

9 Q. Do you recall complaining to more than one
10 teacher?

11 A. Yes.

12 Q. How many more?

13 A. Maybe three.

14 Q. And do you recall ever complaining to an
15 administrator or teacher at your school about the
16 absence of soap in the bathrooms?

17 A. No, but there's -- there's sometimes when,
18 I don't know why, but we -- I can't recall which
19 class but we would just be talking about it and the
20 teacher would say, "What? There's no soap in the
21 bathroom?"

22 And we would say, "Yeah."

23 "There's no paper towels?"

24 And we would say, "Yeah."

25 And they couldn't believe it, because it

1 water fountains almost everywhere there's a
2 bathroom, so there's one near the sixth grade area,
3 one near the first grade area, and one near the
4 playground area.

5 Now, the playground area -- the playground
6 Area K was actually farther away from the bathroom,
7 the water fountains there, they are the most
8 important one because that's when students are
9 running around in the heat and we want a drink of
10 water because we get thirsty when we get hot.

11 And I remember that, probably in my -- from
12 when I started going to the playground until about
13 sixth grade, the water fountains worked fairly well.
14 But for some reason, the ones on the right worked a
15 little -- a fair amount of water came out -- I mean,
16 just like a little trickle of water came out, and
17 the ones on the left, they worked properly. One of
18 them, for some reason, it worked too well. It
19 overflowed and the water shot past the basin, and so
20 it hit the floor next to them on the floor, and I
21 don't know why it did that.

22 But toward the end of my -- like in seventh
23 and eighth grade years at Brightwood, none of the
24 fountains worked. Every time you would turn -- turn
25 the faucet, then just a trickle of water would come

1 out and it was undrinkable because it wouldn't even
2 leave the metal part of the faucet.

3 Q. Now, let's just make sure which water
4 fountains we're referring to. When you were
5 mentioning the problem with some of the water
6 fountains on the right not having enough water
7 pressure and some on the left having either
8 appropriate water pressure or too much, were those
9 the water fountains near the playground area?

10 A. Yes, that's correct.

11 Q. How many water fountains total are there in
12 that area?

13 A. In the -- how many faucets total are there
14 on the --

15 Q. The near playground area.

16 A. I believe five or six, but I -- I don't
17 really remember.

18 Q. And you said up until your sixth grade year
19 there were some on the right that didn't have
20 sufficient water pressure?

21 A. Right.

22 Q. Do you know the number on the right that
23 you're recalling that didn't have --

24 A. Two or three.

25 Q. And on the left-hand side, how many of

1 the basin or it would become -- or it would become
2 clogged with leaves that would fall from the trees
3 and it would cause the water fountain to overflow
4 and the entire basin would be filled with water and
5 trash. And it would sometimes leak over the water
6 fountain and all the way down into playground into
7 the street.

8 Q. Do you know if anybody was responsible for
9 cleaning out the water fountains?

10 A. I don't know. Sometimes it would be
11 clogged up for several days, though, until it was
12 fixed.

13 Q. Did you ever see anybody working on the
14 water fountains?

15 A. No, I did not.

16 Q. Are there -- now, you mentioned water
17 foundations near the playground area?

18 A. Yes, and in the eighth grade area.

19 Q. Are there water fountains anywhere else?

20 A. Yes, by the first grade classrooms and the
21 sixth grade classrooms.

22 Q. How many water fountains are there or were
23 there by the eighth grade classrooms during your
24 eighth grade year?

25 A. About four or five.

1 those had an appropriate level of water pressure?

2 A. Again, two or three. It was about half and
3 half.

4 Q. Then you testified that in your seventh and
5 eighth grade years that the water fountains no
6 longer worked. Were you referring to the --

7 A. Near playground.

8 Q. -- the near playground?

9 And each of the five or six there no longer
10 have sufficient water pressure?

11 A. Yes.

12 Q. And that was the case during your entire --
13 the entirety of your seventh and eighth grade years?

14 A. Yes.

15 Oh, let me also mention that there were --
16 there was a water fountain near the eighth grade
17 classrooms but we weren't allowed to go there before
18 we were eighth graders, so it didn't affect us much.
19 And it didn't really matter since those didn't work,
20 either, even in our eighth grade year.

21 Q. So during your eighth grade year the water
22 fountains near the eighth grade area --

23 A. Yes, they didn't have enough pressure,
24 so ...

25 Also, sometimes people would throw trash in

1 Q. But during your eighth grade year, it's
2 your testimony that none of those had sufficient
3 water pressure to work?

4 A. Yes.

5 Q. How many drinking foundation were by the
6 first grade area?

7 A. I think about three or four.

8 Q. Did that number change at all during any of
9 the time that you were attending Brightwood?

10 A. I don't believe so.

11 Q. Did those drinking fountains work?

12 A. Yes, they did.

13 Q. About how many fountains were there in the
14 sixth grade area?

15 A. About three or four.

16 Q. And did that number change during the time
17 that you were attending Brightwood?

18 A. I don't believe so. But then I could be
19 wrong about the number. But I believe it was about
20 three or four.

21 Q. And do you recall whether those fountains
22 worked or not?

23 A. Yes, but they, too, would become clogged
24 with trash or leaves and it would take several days
25 for them to be repaired.

1 They worked, but again, the ones on the
2 right had low water pressure, sometimes the pressure
3 would be increased, sometimes it would go back down,
4 it was kind of chancy. Usually the one on the left
5 worked all the time. The furthestmost one on the
6 left worked all the time.

7 However, we could -- during recess when --
8 during recess and lunch when we usually needed water
9 the most because we were running around in the heat,
10 we weren't allowed to go downstairs, so we couldn't
11 drink out of the functioning water fountains, and so
12 the only way to become hydrated was to either
13 drink -- drink out of your own bottle.

14 MR. SIMMONS: Could you read that last
15 answer back.

16 (The record was read as follows:
17 Answer: Yes, but they, too, would become
18 clogged with trash or leaves and it
19 would take several days for them to be
20 repaired.

21 They worked, but again, the
22 ones on the right had low water
23 pressure, sometimes the pressure would
24 be increased, sometimes it would go
25 back down, it was kind of chancy.

1 it's -- it's a -- it's a portable restroom.

2 Q. The one -- is it actually inside a
3 bungalow, the restroom?

4 A. Yes.

5 Q. And when you characterize it as a portable
6 restroom, were you meaning that it -- it's not like
7 a restroom you would see at a construction site,
8 though; correct?

9 A. It's not a single stand where you go in and
10 there's a toilet in front of you. It's a -- it's a
11 bungalow and it's raised off the ground and you have
12 to walk up a step -- a few steps and you go inside
13 and you're in a restroom.

14 Q. Is there running water?

15 A. Yes.

16 Q. How many urinals are in this bathroom?

17 A. Three.

18 Q. And how many stalls?

19 A. I believe there are two. But then my
20 number -- I'm not exactly sure. I don't use this
21 restroom very often because it's pretty dirty.

22 Q. How often -- how often did you use that --
23 did you use that restroom at all during your ninth
24 grade year?

25 A. I probably -- if I did at all, I probably

1 Usually the one on the left worked all
2 the time. The furthestmost one on the
3 left worked all the time.

4 However, we could -- during
5 recess when -- during recess and lunch
6 when we usually needed water the most
7 because we were running around in the
8 heat, we weren't allowed to go
9 downstairs, so we couldn't drink out
10 of the functioning water fountains,
11 and so the only way to become hydrated
12 was to either drink -- drink out of
13 your own bottle.)

14 BY MR. SIMMONS:

15 Q. Could you ask a -- if you know, could you
16 ask a yard duty to escort you to a water fountain,
17 if you didn't have a bottle of water?

18 A. I'm not sure.

19 Q. Did you ever make such a request?

20 A. No.

21 Q. Do you know how many boys' rooms there are
22 at Mark Keppel?

23 A. There's one restroom, and there's -- inside
24 the main building and one restroom that's in the
25 lunch court, that's a bungalow restroom. You know,

1 used it only three times -- three times at the most
2 throughout the entire year.

3 Q. And the one restroom that's inside the main
4 building, how many urinals does that restroom have?

5 A. A lot. Very many. Too many for me to
6 count.

7 Q. More than five?

8 A. Yes.

9 Q. Is it possible to say more than ten?

10 A. It's possible, but I --

11 Q. You don't know for sure?

12 Okay. Do you recall how many stalls are in
13 that restroom in the main building?

14 A. Probably about the -- two more than there
15 are urinals.

16 Q. There's more stalls than urinals?

17 A. Yeah.

18 Q. How often do you use that restroom?

19 Or strike that.

20 Did you use that restroom at all during the
21 ninth grade?

22 A. Yes.

23 Q. About how often?

24 A. Three to four times a week.

25 Q. And did you use that restroom at all this

1 year?

2 A. Yes. Probably the same amount.

3 Sorry.

4 Q. And have you ever used that bathroom and
5 found it in an unsanitary -- unsanitary condition?

6 A. Which bathroom?

7 Q. This is the one inside the main building
8 now.

9 A. Sometimes there's -- there's, like, water
10 puddles on the floor. I'm not sure if they're
11 actually -- those puddles are indeed water.
12 Sometimes the -- actually we had -- there used to be
13 a mirror in the bathroom. This is the only mirror
14 in the entire bathroom, and it was full of graffiti
15 and scratchings all over it. So eventually we just
16 took it out so there's no mirror there.

17 During lunch the -- the bathroom has a
18 smell like -- like -- what I've been -- what I've
19 been told is what pot smells like. It's really --
20 it's really an unpleasant, pungent smell.

21 There's sometimes toilet paper, just on the
22 floor, and it's -- it's pretty -- it's kind of dark,
23 too.

24 Q. About how often have you used this restroom
25 and found that it was in an unsanitary condition?

1 A. How often have I used this restroom and
2 found it was in an unsanitary condition ... probably
3 about 75 percent of every time I've used it. And
4 even in the 25 percent when I haven't found, like,
5 pieces of trash, or whatever on the floor that are
6 water puddles, then I found -- the restroom itself
7 is just -- it looks -- it's dirty.

8 It's -- the -- it's not painted.
9 There's -- there's a big -- a -- where a mirror is
10 supposed to be, there's a big brown spot. It's --
11 it's just not -- it's not right, you know. If you
12 were to see it, you would know what I'm talking
13 about.

14 Q. Are there any problems with the water
15 fountains at Mark Keppel?

16 A. The few water fountains that I have used --
17 like, we have water fountains in the hall and on the
18 rare occasions I have used them, there's -- there's
19 not enough water pressure. Sometimes there are, but
20 for the majority of the times that I've used them,
21 there's not enough.

22 Outside we have water fountains that are
23 sometimes -- there's like a lot of leaves in the
24 basin and trash and things, but then the water
25 pressure is okay there.

1 Q. How many -- how many water fountains are
2 there at Mark Keppel, total?

3 A. I don't know. Because we have them
4 scattered in the hall and different areas.

5 Q. Can you identify each of the areas where
6 there are water fountains?

7 A. I know there's one by the library. I
8 believe there's one in the art wing by the
9 auditorium door. I don't know the rest.

10 Q. One by the library and one in the art wing.
11 And that's all that you can recall as you sit here
12 today?

13 A. There might be -- I believe there's one in
14 the math hall, too. But then I'm not sure.

15 Q. And when you say "there's one," do you mean
16 there's just one water foundation, or is there --

17 A. There's one -- what it is, is there's the
18 wall (indicating), and there's a sort of an alcove
19 in the wall and it has the water foundation in it.
20 A single faucet. There's also another -- those are
21 the water fountains inside the main building.

22 Outside in the lunch court there's a whole
23 basin of water fountains, which has about three or
24 four faucets, and they're pretty functional, as I've
25 said, for most of the time.

1 Q. And the one by the library, does that
2 function?

3 A. I don't know.

4 Q. How about --

5 A. As I said -- I think I've actually used the
6 one by the library and most of the time it doesn't
7 have enough water pressure.

8 Q. How many times can you recall using the
9 water foundation by the library?

10 A. Probably only five or six.

11 Q. And on each of those times, you felt that
12 the water pressure was insufficient?

13 A. Maybe once that I felt it was sufficient
14 because for some reason it changes. I don't know
15 why.

16 Q. So on one of the five or six occasions, you
17 felt the water pressure was sufficient?

18 A. Yes.

19 Q. And have you used the water foundation
20 that's by the art wing?

21 A. No.

22 MR. SIMMONS: Could you mark this as
23 Exhibit 2.

24 /// ///

25 /// ///

1 (The document referred to was marked by the
 2 Reporter as Deposition Exhibit 2 for identification
 3 and is attached hereto.)
 4 BY MR. SIMMONS:
 5 Q. Take a moment to review what's been marked
 6 as Exhibit 2, if you would.
 7 A. (Examining document.)
 8 Okay.
 9 Q. Have you had a chance to review Exhibit 2?
 10 A. Yes.
 11 Q. And do you recognize Exhibit 2?
 12 A. Yes.
 13 Q. Can you tell me what it is?
 14 A. It's my declaration.
 15 Q. Is this the only declaration that you've
 16 submitted in connection with this case?
 17 A. Yes.
 18 Q. If you'll look at paragraph three on page 1
 19 of Exhibit 2. You identify what you view as a
 20 problem with the steps leading up to the main
 21 office; is that correct?
 22 A. I identified this problem two years ago,
 23 yes. That is correct.
 24 Q. What were the -- if you know, what material
 25 were the steps made out of at the time you signed

1 to the main office?
 2 A. Yes.
 3 Q. So one of the sets of steps had a hole?
 4 A. Yes.
 5 Eventually they had put tape around that
 6 step -- that stairway so that it -- people couldn't
 7 walk up it.
 8 Q. How large was the hole?
 9 A. It's probably about a foot.
 10 Q. And was it a round hole?
 11 A. It was -- there was -- if this is a step
 12 (indicating), the hole was on this -- on this part
 13 of the step, and it was sort of like a semicircle
 14 (indicating).
 15 Q. So if I understand you correctly, you were
 16 trying to demonstrate the portion of the step that
 17 rises vertically?
 18 A. Right.
 19 Q. And that was the area where there was a
 20 hole?
 21 A. Correct.
 22 Q. And you believe that that hole was a
 23 semicircle about a foot wide?
 24 A. About -- well, not a perfect semicircle, of
 25 course, but --

1 your declaration?
 2 A. I -- I wouldn't know how to describe them
 3 in any other way but wood and on the sides were
 4 metal to support the wood.
 5 Q. And was there any problem with the wood or
 6 the metal that was used to construct these stairs?
 7 A. I don't know if there was a problem with
 8 the wood. But if there is a gaping hole in the
 9 stair, in the stairway, then it could be that the
 10 wood was fine, it's just that they haven't been --
 11 that the wood hasn't been replaced, you know, in ten
 12 or 15 years. It is just that wear and tear, you
 13 know.
 14 And -- so that's why -- the fact was that
 15 there was a big hole -- there was a big hole. And
 16 plus, everywhere where there wasn't the hole, the
 17 wood was -- was cracking.
 18 Q. Where was the hole located?
 19 A. It was located -- let's see, how do you say
 20 it.
 21 This is the -- okay. You're looking at the
 22 office right now (indicating). There's a middle,
 23 one on the side, one on the side (indicating). The
 24 hole was located on the side (indicating).
 25 Q. There were three sets of steps leading up

1 Q. Roughly?
 2 A. Roughly.
 3 Q. And did anybody ever injure themselves?
 4 A. Not to my knowledge.
 5 Q. Did anybody ever injure themselves as a
 6 result of that hole that was on the steps that
 7 you've identified?
 8 A. Not to my knowledge.
 9 Q. Did anybody -- did anybody ever fall
 10 through any of the steps that led up to the main
 11 office?
 12 A. I'm sorry. Two -- two questions ago, what
 13 did you ask? You asked me did anybody ever injure
 14 themselves?
 15 Q. The -- as a result of that hole that you
 16 identified in the steps.
 17 A. And that's the only question you asked me
 18 about injuries relating --
 19 MR. PRESS: Well, let me just object that
 20 it calls for speculation. Lacks foundation.
 21 BY MR. SIMMONS:
 22 Q. The -- the -- I think the question pending
 23 is: Are you aware of anyone falling through any of
 24 the steps leading up to the main office?
 25 A. I don't know if anyone ever hurt themselves

1 on the steps.

2 Q. In paragraph four of Exhibit 2, you
3 identify a chain on a swing that broke; is that
4 correct?

5 A. I identify a swing, yes.

6 Q. Was there any problem with that swing?

7 A. Well, I'm not a swing expert, but if
8 someone is sitting on a swing and it falls -- and
9 the chain breaks and the swing falls from underneath
10 them, then I would probably say that there's a
11 problem with the swing.

12 Q. Where did the chain break at?

13 A. I'm not exactly sure what -- what loop it
14 broke at, at what link, but I know that one of the
15 links on one of the sides of the chain broke and it
16 caused the student to fall and injure himself.

17 Q. Do you recall when this happened?

18 A. I don't recall.

19 Q. Do you recall whether the swing was ever
20 fixed during the time you attended Brightwood?

21 A. When I -- even when I had graduated, at
22 that time, the only thing that the swing -- the only
23 thing that was done was that the swing was tied up
24 so that nobody would use it.

25 Q. Do you know the extent of the injury of the

1 A. Three to four minutes.

2 Q. Now, is the specific -- does the school
3 refer to this specific position as a runner?

4 A. No.

5 MR. PRESS: Object to the use of the word
6 "position" as vague and ambiguous.

7 THE WITNESS: Actually, I don't know. I
8 don't recall. I don't recall if -- if my
9 teachers -- I mean, I wouldn't -- it wasn't -- my
10 teachers might have said, "you'll be the runner" or
11 they might have said that "you're the person that's
12 going to tell whatever," blah, blah, blah, blah,
13 blah. I don't know ... I'm not sure.

14 Because they were the ones who decided that
15 I would be doing that job.

16 BY MR. SIMMONS:

17 Q. And did they -- and did the teachers ever
18 tell you that your job was to run to those students
19 to give -- to make them aware of a cue?

20 A. They told me to -- that I had to -- well,
21 here's the thing. They would tell me when to go,
22 and they needed -- and the seventh graders needed to
23 be on right away. So in order to -- in order to get
24 the message there as quickly as possible, because I
25 didn't want them to be late for their cue, I did

1 child who you saw fall?

2 A. The only thing I know about the injury was
3 after the child had fallen, he couldn't walk and had
4 to be wheeled out in a wheelchair. And he was
5 screaming in pain.

6 Q. In paragraph five you mention another
7 episode with some stairs at the school. And you
8 identify that -- or you state that you were acting
9 as a runner --

10 A. Yes.

11 Q. -- for the winter play?

12 Can you tell me what a runner is?

13 A. His job is to be in the -- in the
14 auditorium where the play is taking place and find
15 out what -- when -- when a cue happens, or when --
16 when the seventh graders need to come down. And so
17 he goes to the seventh grade classrooms, tells --
18 gives the message and goes back down.

19 Q. How far are these seventh grade classrooms
20 from the auditorium?

21 A. All the way across campus.

22 Q. Do you know about how far that is in yards?

23 A. No, I don't.

24 Q. Do you know about how long it takes to walk
25 that distance?

1 what it took.

2 Q. Were you instructed to run?

3 A. Not specifically, that I can remember.

4 Q. Were you instructed to walk?

5 A. No, not specifically that I can remember.

6 Q. Now, the episode that you're identifying in
7 paragraph five with respect to the stairs, you --
8 you ran up to tell the seventh graders that it was
9 their time; is that correct?

10 A. That's correct.

11 Q. And then you informed them, but then you
12 fell on the way back down; is that right?

13 A. That's correct.

14 Q. Were you running on the way back down?

15 A. Yes, I was.

16 Q. Was there a need for you to run at that
17 time?

18 A. Yes.

19 Q. And why was that?

20 A. Because I needed to get back in order to
21 get my next cue. Well, of course, there wasn't --
22 you know, you can't really say that there was a need
23 for me to run, like maybe I could have walked
24 quickly, but it seemed to me at that point that I
25 needed to be in the auditorium as soon as I could.

1 Q. Do you recall how long it was between the
2 time that you gave the cue that -- how many cues?
3 Were you responsible for giving more than one cue?
4 A. Yes.
5 Q. How many cues did you have to give during
6 the course of this play?
7 A. I don't recall.
8 Q. Was it -- was it more than two?
9 A. It wouldn't be -- it would be less than
10 five. Actually, I think it was actually only two to
11 three.
12 Q. And do you recall the time that passed
13 between -- the amount of time that passed between
14 these two to three cues?
15 A. No.
16 MR. PRESS: Counsel, we're not -- we're not
17 bringing a personal injury claim on this particular
18 incident. I think you should move on. You should
19 ask about the rest of what's in here, but ...
20 BY MR. SIMMONS:
21 Q. Now, you said that the stairs aren't lit.
22 A. Yes.
23 Q. Are there any lights around the stairs?
24 A. Okay. There are three stairwells. There
25 are two which move up, up around, and then connect

1 in the middle, which lead to the playground.
2 There's a third stairwell that's near these two.
3 And it goes upstairs, turns into another -- into
4 another stairway, and they also lead into the
5 playground, not the eighth grade classrooms.
6 This third stairwell -- okay. These two
7 stairwells lead up into this ramp (indicating);
8 right? There's a light on the ramp that is
9 connected by the stairwells. However, there wasn't
10 a light in the area where I was running, which was
11 the third stairwell.
12 Q. Could you see the stairs?
13 A. I could see them dimly.
14 Q. Do you attribute -- now, you fell on the
15 way back down from this run; is that right?
16 A. Yes.
17 Q. And do you attribute that to the lighting?
18 A. Well, of course, I fell because I was
19 running. You know, if you're running down the
20 stairs and you're excited, of course you're going to
21 fall. But I also believe that -- that if the
22 lights -- if it was more dim -- if there was more
23 light and I could actually see the stairs more
24 clearly, there would have been a better chance that
25 I wouldn't have fallen.

1 Q. In paragraph six you refer to your eighth
2 grade classroom that's in the main building rather
3 than in a bungalow.
4 A. Yes.
5 Q. Do you recall which classroom you're
6 referring to there?
7 A. I believe I was generally talking about all
8 three classrooms, but specifically probably
9 Mr. Soule's rooms because it got the hottest.
10 Q. And was there a thermometer in that room
11 that you're aware of?
12 A. Yes, there was a thermometer but I never
13 looked at it. But the reason why the teachers --
14 and they told us this -- the reason why they
15 purchased the thermometer is because it got so hot
16 in that room that they were just satisfying their
17 own curiosity.
18 Q. Which teachers told you that?
19 A. Mr. Soule and Ms. Ito.
20 Q. Anyone else?
21 A. Nope.
22 Q. And in paragraph seven you -- at the
23 bottom, you say:
24 "If the teacher shows a video,
25 we turn the lights off, which cuts the

1 electricity to the fan."
2 Now, which teacher are you referring to?
3 A. Mr. Soule.
4 Q. How often would you watch a video in
5 Mr. Soule's class?
6 A. Maybe once a month. But at the end, we
7 were watching -- Mr. Soule showed a long series of
8 videos which we saw for about a week, every day, at
9 the end of the year.
10 Q. Which you saw for about a week every day?
11 A. Yes, every day for five days -- five
12 consecutive days.
13 MR. PRESS: Every day for about a week.
14 MR. SIMMONS: Thank you.
15 Q. In paragraph eight you refer to a water
16 fountain outside your class that's broken?
17 A. Yes.
18 Q. What water fountain is that in terms of
19 the -- you know, the ones -- we identified the
20 fountains earlier. Where does that fountain fit
21 into that category?
22 A. I believe I'm talking about the eighth
23 grade fountain, since it is the fountain outside our
24 classroom when we were eighth graders.
25 Q. Did you ever forget your water bottle

1 during your eighth grade year?
 2 A. Yes.
 3 Q. And did you ever ask if you could go and
 4 use a water fountain other than the eighth grade
 5 area water fountain?
 6 A. Yes.
 7 Q. And were you allowed to?
 8 A. Sometimes. But sometimes if we were in the
 9 middle of a lesson, then I wasn't able to.
 10 Q. How long was it before you would -- how
 11 long were your classes during the eighth grade year,
 12 or your periods?
 13 A. Like I said, two hours.
 14 Q. Now, we've discussed a variety of physical
 15 conditions today --
 16 A. Yes.
 17 Q. -- that you felt were unsatisfactory. Some
 18 of those with your classrooms; we've mentioned
 19 bathrooms, water fountains, also lighting by the --
 20 the stairs and the condition of the steps that led
 21 up to the main office.
 22 Were there any other aspects of the
 23 facilities at Brightwood that you found
 24 unsatisfactory?
 25 MR. PRESS: Object to the extent that

1 And it was appropriate because one would
 2 drive by Brightwood school and look out onto the
 3 street and see the office and see the school itself
 4 and see the field. It wasn't a big field, but it
 5 was grassy and pleasant.
 6 I don't know exactly when, but sometime
 7 toward the end of my Brightwood career, they had
 8 placed -- they had built three bungalows on that
 9 field. And it -- and it caused -- it seemed -- it
 10 seemed that like the grass near the bungalows had
 11 died and it just become dirt.
 12 And, I don't know, it seemed ... it was
 13 like the grassy field was something that I had
 14 enjoyed ever since I had started at Brightwood in
 15 kindergarten. And when they built bungalows on it,
 16 it was kind of like, they sort of just like took it
 17 away.
 18 I -- I don't know if you would find that
 19 unsatisfactory, but ...
 20 Q. You're the one that has to answer.
 21 Can you identify any other additional
 22 conditions that you feel were unsatisfactory?
 23 A. Sometimes the --
 24 MR. PRESS: Well, I think -- let me just
 25 object that when he said, "I don't know if you'd

1 counsel's narrative before the question was
 2 incomplete in terms of attempting to describe what
 3 we've covered in this deposition.
 4 THE WITNESS: Could you repeat that?
 5 MR. SIMMONS: Let's see, I'll try it a
 6 different way.
 7 Q. Just to say other than -- we've identified
 8 some physical conditions here that you felt were
 9 unsatisfactory at Brightwood; is that correct?
 10 A. Yes.
 11 Q. Other than those conditions that we've
 12 identified here today, are there any other
 13 conditions at Brightwood, physical conditions with
 14 the facilities of Brightwood, that you feel are
 15 unsatisfactory or were unsatisfactory?
 16 A. What do you mean by "unsatisfactory?" I
 17 mean, that I didn't like?
 18 Q. Sure.
 19 A. Well, one thing that seems not right to me
 20 is that whenever -- let's see.
 21 For most of my Brightwood career, we had a
 22 field in front of our office that was grass. And it
 23 was nice because we could actually -- actually we
 24 weren't allowed to walk on it, but it was just kind
 25 of pretty. And eventually --

1 find it unsatisfactory," I don't think he was trying
 2 to get you to answer the question. I think the
 3 witness was commenting on the vagueness of the
 4 question, of the use of the word "unsatisfactory."
 5 And I think it's a fair comment. You might want to
 6 clarify more what you're asking about.
 7 BY MR. SIMMONS:
 8 Q. I just want to know if there are aspects --
 9 you've identified -- you've set forth things in your
 10 testimony and your deposition today that you felt
 11 were -- are not satisfactory at Brightwood; is that
 12 correct?
 13 A. Yes.
 14 Q. Now, I just want to make sure that there
 15 aren't additional conditions that existed at
 16 Brightwood that you're aware of that are also not
 17 satisfactory to you.
 18 MR. PRESS: That are not covered in his
 19 declaration, or --
 20 MR. SIMMONS: Or his testimony today.
 21 MR. PRESS: -- his testimony so far?
 22 And by "conditions" you're referring to
 23 anything --
 24 MR. SIMMONS: Physical conditions --
 25 MR. PRESS: -- on the school property?

1 MR. SIMMONS: -- facilities, related
2 conditions.

3 THE WITNESS: Well, one thing that seemed
4 unsatisfactory was where our school dumpster, where
5 the dump truck would take -- the big dumpster and
6 load it into its -- into its storage, I guess, the
7 dump truck, the dump truck storage, that -- the
8 dumpster was right next to our lunch area.

9 And it was really unpleasant because
10 usually when you're eating lunch, when there was a
11 wind, or even when there wasn't a wind, you could
12 smell like spoiled milk and spoiled meat and just --
13 you could smell garbage. It was right next to the
14 lunch eating area and it wasn't -- it wasn't very
15 appetizing, I guess you could say.

16 BY MR. SIMMONS:

17 Q. Any other aspects of the facilities at
18 Brightwood that you felt weren't satisfactory?

19 A. None that I can remember right now.

20 Q. Now, with respect to Mark Keppel, you've
21 identified aspects of the facilities that you feel
22 are unsatisfactory at Mark Keppel. I just want to
23 know if there's any other aspects of those
24 facilities other than what we've identified here
25 today that you also believe are not satisfactory?

1 THE WITNESS: Not at this time.

2 MR. SIMMONS: Okay. I don't have any
3 further questions for today. Although I'd like
4 to -- although I won't close the deposition until we
5 have an answer with respect to the documents. I'll
6 just -- I'll leave that open.

7 And if the documents reveal something that
8 we have to ask additional questions about, then --
9 then we'd like to bring Alex back for questions
10 related to those documents, if there are any.

11 MR. PRESS: Okay.

12 I probably will have some questions that I
13 want to ask.

14 MR. SIMMONS: Okay.

15 MR. PRESS: I would like to take a quick
16 bathroom break and then we'll do that.

17 MR. SIMMONS: Yeah, that's fair.

18 (Recess taken from 4:00 to 4:05.)

19 /// ///

20 /// ///

21 /// ///

22

23

24

25

1 A. I can't give any specific examples, but
2 sometimes when I'm looking for a book in our library
3 for research, I can't find it. This has happened to
4 me at least twice, but I can't remember any specific
5 times.

6 Q. You can recall that there were at least two
7 occasions, though?

8 A. Yes.

9 Q. And I know you said you can't recall
10 specifics, but do you recall for which class it was
11 that you were doing a project?

12 A. I recall at least one of them was for an
13 English -- an English class in my freshman year.

14 Q. And do you recall what that project was in
15 your English class?

16 A. No, I don't recall.

17 Q. Can you recall anything else about these
18 two occasions?

19 A. No, I can't.

20 Q. And I'll ask again: In addition to what --
21 what's been identified already, are there any other
22 aspects of just the physical condition at Mark
23 Keppel that you feel are unsatisfactory?

24 MR. PRESS: Same objection regarding the
25 use of "satisfactory" and "unsatisfactory."

1 EXAMINATION

2

3 BY MR. PRESS:

4 Q. Mr. Nobori, during the examination by
5 counsel for the state, you gave some answers about
6 the bungalows at Brightwood during the seventh
7 grade.

8 A. Correct.

9 Q. I would like to follow up.

10 I believe you used the word "bothersome" at
11 some point, and you said you found the bungalows
12 bothersome?

13 A. Yes.

14 Q. Can you explain what about the bungalows
15 you found bothersome?

16 A. Well, first off, just being in a
17 bungalow -- well, because I know that there are
18 class -- class -- schools that have only main
19 buildings and they don't have to -- to use
20 bungalows. And so when I have to learn in a school
21 that has these bungalows all over, it takes away
22 from their playground area, then it makes me feel
23 sort of like -- like -- like it's not -- like I'm
24 somehow second rate for some reason.

25 And also, even -- even besides the --

1 sometimes like -- like it was kind of distracting
2 sometimes being in a bungalow on a playground
3 because -- because we're on the playground; right?

4 And so a lot of times the kids -- the kids
5 have -- the lower-grade kids have a different recess
6 period than us because they can't have all the kids
7 on the playground at the same time. So oftentimes
8 when we were in class, then they would be on the
9 playground.

10 And -- and so sometimes they would -- like
11 when I was in Mrs. Lyle's class, which was near
12 the -- near the playground, they would be like
13 playing handball against the wall of Mrs. Lyle's
14 class. And it would cause loud bumping noises to be
15 heard while we're doing our work, and Mrs. Lyle
16 would have to go and yell at them and it would
17 disrupt our class.

18 And sometimes they would go back and do it
19 and she would have to do it again. And sometimes
20 even when I was in Mr. Glick's and [REDACTED]
21 class, we would hear a lot of kids running around
22 through the areas near the bungalows and it was
23 distracting for us, so ...

24 Q. And what else about the bungalows was
25 bothersome in terms of the -- well, did you -- did

1 which was nice since we could actually wash our
2 hands. They seemed cleaner and the stalls had
3 doors.

4 And it was kind of a joke among my friends
5 whenever we go to a place that has doors -- doors on
6 the stalls, we say, "Hey, look there's doors on the
7 stalls, how about that."

8 Q. Well, I don't believe this was covered on
9 your previous examination, but are there no doors on
10 the stalls at Keppel?

11 A. Yes.

12 Q. "Yes," meaning there are --

13 A. There are -- there are no doors on the
14 stalls in the main bathroom at Mark Keppel High
15 School.

16 Q. And did you ever use those stalls with no
17 doors on them?

18 A. No.

19 Q. Why not?

20 A. Because it's humiliating to use -- to use
21 the stall for that purpose when you don't have a
22 door in front of you.

23 Q. Comparing the bathrooms and the classrooms
24 at San Gabriel versus Mark Keppel, how did you feel
25 about the difference between the two?

1 you find the temperature bothersome in them? Did
2 you find the ventilation or light situation
3 problematic?

4 A. Well, Mr. Glick's and [REDACTED] class
5 didn't have any windows.

6 Q. None at all?

7 A. No. The only ventilation was the doors.
8 And sometimes when it would get hot or get too cold,
9 when we wanted some sort of ventilation, we would
10 have to open the door. And he would just say, "Just
11 leave the door open so it will let some air in."

12 Q. You testified earlier about having the
13 opportunity to go to San Gabriel High School for a
14 computer course over the summer; is that right?

15 A. That's right.

16 Q. And you compared the classroom at
17 San Gabriel to the one that you had had at Mark
18 Keppel.

19 Did you observe the bathrooms at
20 San Gabriel?

21 A. Yes, I did.

22 Q. And how did they compare to the bathrooms
23 at Mark Keppel?

24 A. Well, they were more lit. Instead of
25 having paper towels, they had a hand blow dryer,

1 A. Well, especially in the classrooms, because
2 the classroom was much -- it was much -- it
3 looked -- it felt and looked a lot newer. There was
4 like no, sort of, I guess, slight odor of just
5 oldness. There was -- the -- everything -- like I
6 said before, it was painted white. It was -- it
7 looked a lot cleaner. The desks had no writing on
8 them.

9 Everything just seemed newer. And like I
10 said before, just the fact that -- that -- that
11 another high school in our own district that's also
12 a public school that has the same -- that has better
13 conditions than ours, it sort of -- that people sort
14 of joke that Keppel is a ghetto high school and, you
15 know, it just sort of affects you.

16 Q. How does it affect you?

17 A. It makes you feel sort of second rate.

18 Q. You testified earlier that you used the
19 bathrooms at Brightwood, maybe once every two -- two
20 weeks; is that right?

21 A. I --

22 Q. Approximately about once every two weeks?

23 MR. SIMMONS: I can't recall whether that
24 was -- let me look at my notes, I can go back, or if
25 he recalls.

1 THE WITNESS: I don't recall what I said,
2 but that sounds accurate.
3 BY MR. PRESS:
4 Q. It sounds about right?
5 A. Yeah.
6 Q. But obviously you had to go to the bathroom
7 many more times during those -- the two-week
8 periods. How -- what did you do about going to the
9 bathroom when you were at Brightwood?
10 A. Well, I didn't really have to go to the
11 bathroom during -- during class during Brightwood
12 because, I don't know, it's kind of like -- usually
13 if you only -- you can sort of -- if you go to the
14 bathroom a certain time every day, then you can sort
15 of -- you sort of only have to go during that time
16 of the day from then on. So I guess I just sort of
17 trained my body to have to only go at night so I
18 wouldn't have to use the bathrooms at Brightwood.
19 Q. And the times you were forced to use the
20 bathroom, you couldn't wait until you got home; is
21 that right?
22 A. Well, if it was an emergency, then I just
23 went.
24 Q. And did you testify that you never used the
25 stalls at Brightwood; is that right?

1 A. In my entire nine years of going to
2 Brightwood, I probably only used them like maybe
3 five or six times. Especially -- well, at least in
4 the last three years, I don't think -- I don't think
5 I used them at all.
6 Q. And why was that?
7 A. Because they were so dirty.
8 Q. How did it make you to feel to go to a
9 school where the bathrooms were dirty and -- and, I
10 believe you testified smelly and disgusting? How
11 did that make you feel?
12 A. Well, like I said before, because, I guess
13 we've had such bad conditions at Brightwood and at
14 Keppel, we just sort of joke around that, you know,
15 our school is really bad.
16 Q. But is it -- is it a joke, or is it
17 something that you feel seriously about?
18 A. I feel seriously about it, but then, you
19 know, the reason why I call it a joke -- why I say
20 that is because, you know, you just have to deal
21 with it, because otherwise you'll become crazy. But
22 it's just like a problem that I feel really needs to
23 be fixed, because ...
24 Q. Is it actually upsetting to you?
25 A. Yes.

1 Q. Do you want to take a break for a few
2 minutes?
3 A. Yeah.
4 MR. PRESS: Okay. We'll take a break.
5 I'll just have one or two more questions.
6 (Recess taken from 4:15 to 4:20.)
7 MR. PRESS: Let's go back on the record.
8 The witness is obviously upset and has gone
9 to the bathroom. I'm going to end the deposition at
10 this point.
11 MR. SIMMONS: We'll read in the
12 stipulation, Counsel?
13 MR. PRESS: Sure.
14 MR. SIMMONS: May we stipulate that copies
15 of documents attached to the deposition may be used
16 as originals.
17 May we stipulate that the original of this
18 deposition be signed under penalty of perjury;
19 That the original will be delivered to
20 Mr. Press at the office of Morrison & Foerster in
21 Century City;
22 That the reporter is relieved of liability
23 for the original of the deposition;
24 That the witness will have 30 days from the
25 date of the court reporter's transmittal letter to

1 Mr. Press to sign and correct the deposition;
2 That Mr. Press shall notify all parties in
3 writing of any changes to the deposition;
4 And that if there are no such changes
5 communicated or signature within that time, that any
6 unsigned and uncorrected copy may be used for all
7 purposes as if signed and corrected?
8 MR. PRESS: Let me just ask you, Counsel,
9 is that the stipulation that's been agreed to for
10 this case with the other depositions?
11 MR. SIMMONS: Yes. That's the stipulation
12 that I've read in each deposition.
13 MR. PRESS: Well, then based on that, I
14 will so stipulate.
15 MR. SIMMONS: Thank you.
16
17 (Whereupon, at 4:20 p.m.,
18 the deposition of ALEXANDER NOBORI
19 was concluded.)
20 -oOo-
21
22
23
24
25

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

3
4
5 I, ALEXANDER NOBORI, hereby certify
6 declare under penalty of perjury under the laws of
7 the State of California that the foregoing is true
8 and correct.

9
10 Executed this day of
11 , 2002, at ,
12 California.

13
14
15
16 _____
17 ALEXANDER NOBORI
18
19
20
21
22
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24
25

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

3
4 I, c. jane harman, C.S.R. No. 5266, in
5 and for the State of California, do hereby certify:
6 That, prior to being examined, the
7 witness named in the foregoing deposition, to wit,
8 ALEXANDER NOBORI, was by me duly sworn to testify to
9 the truth, the whole truth and nothing but the
10 truth;

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

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

18 WITNESS MY HAND this 21ST day of JANUARY,
19 2002.

20
21
22 _____
23 Certified Shorthand
24 Reporter for the
25 State of California