

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

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ELIEZER WILLIAMS, a minor,)
by Sweetie Williams, his)
guardian ad litem, et al.,)
Plaintiffs,)

vs.) No. 312 236

STATE OF CALIFORNIA; DELAINE) VOLUME I
EASTIN, State Superintendent)
of Public Education; STATE)
DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION,)
Defendants.)

Deposition of MANUEL ORTIZ, at
275 Battery Street, 26th Floor,
San Francisco, California, on
Sunday, May 27, 2001, commencing
9:35 A.M., before Theresa A. Darnell,
CSR No. 9966.

1 APPEARANCES OF COUNSEL:

2
3 FOR THE PLAINTIFFS:

4
5 MORRISON & FOERSTER LLP
6 BY: LOIS K. PERRIN, ESQ.
7 425 Market Street
8 San Francisco, California 94105-2482
9 (415) 268-7000

10
11 FOR THE DEFENDANT STATE OF CALIFORNIA:

12
13 O'MELVENY & MYERS LLP
14 BY: STEVEN LaCOMBE, ESQ.
15 400 South Hope Street
16 Los Angeles, California 90071-2899
17 (213) 430-6000
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1 MANUEL ORTIZ,

2 the witness, having been administered an oath
3 in accordance with CCP Section 2094, testified
4 as follows:

5
6 (Whereupon, Defendants' Exhibits 1 through 3 and 5
7 were marked for identification; Exhibit 1 was retained
8 by counsel.)
9

10 EXAMINATION

11 BY MR. LaCOMBE:

12 Q Would you please state and spell your full name
13 for the record.

14 A Manuel Ortiz, M-a-n-u-e-l, O-r-t-i-z.

15 Q Do you have a middle name?

16 A Yes, I do.

17 Q What is it?

18 A Vicente, V-i-c-e-n-t-e.

19 Q I can refer to you as Mr. Ortiz or Manuel.

20 Which do you prefer?

21 A It doesn't matter.

22 Q It doesn't matter. Manuel is fine then?

23 A Yes.

24 Q What is your home address?

25 MS. PERRIN: I'm going to object on the ground

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 FOR THE DEFENDANTS PAJARO VALLEY
4 UNIFIED SCHOOL DISTRICT:

5
6 LOZANO SMITH
7 BY: SARAH LEVITAN KAATZ, ESQ.
8 20 Ragsdale Drive
9 Suite 201
10 Monterey, California 93940-5758
11 (831) 646-1501

12
13 ALSO PRESENT:

14
15 JUANA GOMEZ
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1 that's outside the scope of the protective order. He
2 doesn't need to say.

3 BY MR. LaCOMBE:

4 Q Do you have a mailing address?

5 A Yes, I do. I don't know the P.O. box though.

6 Q Okay. Is it reflected on your transcript, do
7 you know?

8 A I'm not sure.

9 Q My name is Steven LaCombe. I represent the
10 State of California in the lawsuit Williams versus State
11 of California. Manuel, you're identified as a plaintiff
12 in this case. I'm here today to take your deposition
13 and ask you questions relating to the lawsuit and
14 conditions at Watsonville High School.

15 Have you ever had your deposition taken before?

16 A Could you rephrase that question, please?

17 Q Have you ever had a deposition taken before?

18 A Like what I'm doing right now?

19 Q What you're doing right now, that's correct.

20 A No.

21 Q Okay. Have you ever been to a law firm before,
22 a law office?

23 A Where my brother-in-law works, yes.

24 Q Okay. Let me explain briefly what we'll be
25 doing here today. I'm going to be asking a series of

1 questions to determine the facts you know of that relate
2 to your lawsuit.

3 Our reporter here will be recording my
4 questions and your answers which will be transcribed
5 into a booklet for your receipt and signature. When
6 you receive the booklet you can make changes that you
7 feel are necessary, however the various lawyers in this
8 case will be free to comment on any changes that you
9 make at trial or any other hearing or proceeding in this
10 case. Do you understand that?

11 A Yes, I do.

12 Q So again, it is very important that you respond
13 to these questions as fully and fairly as you possibly
14 can. Do you understand that?

15 A Yeah.

16 Q When you answer my questions, it's important
17 that you verbalize your answers, like you have been
18 doing, because nods or shakes of your head can't be
19 recorded by the reporter.

20 A Okay, that's fine.

21 Q Also, it's hard for the reporter to get a clear
22 record of all the testimony when more than one person is
23 speaking at once, so please allow me to finish my
24 question before answering, and I will provide you the
25 same courtesy. Do you understand that?

1 A Yes, I do.

2 Q It's important that you listen carefully to the
3 question. If you do not understand a question that I
4 ask, let me know and if appropriate I will make an
5 effort to rephrase it. If you answer a question we will
6 presume you have understood the question that I asked
7 you. Do you understand that?

8 A Yes.

9 Q If at any time you don't understand one of my
10 questions, please let me know by saying that you don't
11 understand. I will attempt to rephrase it so that you
12 do understand it. I already said that.

13 You're required to answer my questions to the
14 best of your ability. If you do not know the answer, we
15 do not want you to guess, however we are entitled to
16 your best estimate where you can provide one. Do you
17 understand that?

18 A Yes, I do.

19 Q Because your testimony will be given under
20 oath, it will have the same force and effect as if you
21 were testifying in a court of law. You are therefore
22 subject to all the penalties of perjury associated with
23 false testimony. So even though we're in an informal
24 setting here today, you are testifying as if you were in
25 formal courtroom setting. Do you understand that?

1 A Yes, I do.

2 Q If you need a break for any reason, let me know
3 and I will instruct the court reporter that we're off
4 the record and we will take a break.

5 If at any point during today's deposition I ask
6 a question or if an answer that you give triggers your
7 memory concerning something we talked about earlier in
8 the deposition, please tell me that information and
9 we'll get it on the record.

10 A Okay.

11 Q If you do not, we will assume that the answers
12 you give today are full and complete.

13 Do you understand these ground rules?

14 A Yes, I do.

15 Q Do you have any questions at this time?

16 A No, I don't.

17 Q Is there any other reason why you may be unable
18 to testify and give your best testimony today?

19 A (Nods negatively.)

20 Q Have you recently consumed any medication,
21 alcohol or any other substance that clouds your mind and
22 would interfere with your ability to understand or
23 answer my questions?

24 A No, I haven't.

25 Q Do you suffer from any disability of any kind?

1 A No.

2 Q What did you do to prepare for this deposition,
3 Manuel?

4 A What did I do?

5 MS. PERRIN: Manuel, you can answer in general
6 terms, but don't disclose anything that your lawyers may
7 have said to you or that you may have said to your
8 lawyers.

9 THE WITNESS: Well, the thing I did some -- tried
10 to talk to some teachers at school to see what was wrong
11 with the school because I don't know what's wrong with
12 the school, the whole school, you know. I only know in
13 my classes what's wrong with the school.

14 MR. LaCOMBE:

15 Q Okay. Which teachers did you talk to?

16 A My second period teacher and last year's
17 teacher, which he moved to Chicago, Illinois. I was my
18 U.S. history teacher.

19 Q What is the name of your second period
20 teacher?

21 A Miss Carr, double r

22 Q C-a-r-r?

23 A Yes.

24 Q And when do you talk to Miss Carr?

25 A I don't exactly remember. It was at various

1 times.

2 Q This was in the preparation for this deposition
3 today that you talked to her?

4 A Well, it wasn't in preparation because, you
5 know, I wanted to get some complaints about the school
6 and I talked to her.

7 MS. PERRIN: Why don't we back up and ask this
8 series of questions again. He's not testifying about
9 preparing for the deposition. He's testifying about
10 gathering information. I don't think he understands the
11 question.

12 MR. LaCOMBE: Okay.

13 Q When you learned that there would be a
14 deposition here today, and since that time, what did you
15 do to prepare for today's deposition?

16 A Just talked the truth as -- that's the way I
17 prepared, you just come up with the truth.

18 Q Who did you talk to?

19 A I talked to my sister about it, I talked to
20 some school teachers. I talked to my lawyer about it.

21 Q And the conversations with your school
22 teachers, this was since you were aware of the
23 deposition today?

24 A Yes.

25 Q And which school teachers did you talk to?

1 California. Where is it generally?

2 A Santa Cruz County.

3 Q Is that outside the Pajaro Valley School
4 District?

5 A Yeah, it is. It's a different district.

6 Q Okay. Did Miss Carr tell you how she knew
7 about conditions at Aptos Junior High?

8 A Yes, she did. I told me that she went there.
9 I forgot for what reason she went there, but she told me
10 she went there, you know, and she saw the conditions of
11 the school and, you know, she was very sad about that.

12 Q She was visiting Aptos or was she working --

13 A No, she was just visiting. She just went there
14 because she's a art teacher now that she -- I'm not sure
15 if she went there for some reason. But she told me she
16 wasn't very happy about the conditions of the school.

17 A Okay. She's your second period class teacher.

18 What class is that?

19 A Art, Draw-paint.

20 Q Okay. When was your conversation with
21 Miss Carr?

22 MS. PERRIN: In preparation for this deposition?

23 BY MR. LaCOMBE:

24 Q Yes.

25 A I don't remember the exact date, but about -- I

1 A Miss Carr.

2 Q Miss Carr, okay. And what about the U.S.
3 history teacher that moved away last year?

4 A I don't got no contact with him.

5 Q What is his name?

6 A Mr. Dudley, D-u-d-l-e-y.

7 Q Did you do anything else to prepare for this
8 deposition?

9 A No, not that I can think of, no.

10 Q What did you talk to Miss Carr about?

11 A Because I told her that I was going to go into
12 a deposition. I told her, you know, that I want to get
13 some other schools and students involved in this, and
14 she just started talking to me about Aptos Junior High
15 where there's -- she told me it's mostly a white school,
16 but she told me that they don't even have phones in
17 their rooms, in the classrooms. They don't -- they
18 barely have computers in their classrooms, a few
19 computers. And that's what I talked to her about. You
20 know, that I did not know that and I'm now trying to get
21 in contact with that school because I want to get 'em
22 involved.

23 Q Where is Aptos Junior High?

24 A Aptos, California.

25 Q Okay. I'm not familiar with the geography of

1 think it was over a week ago.

2 Q Where was it?

3 A I don't remember what room number it was in,
4 but it was next to her regular room, because she changes
5 from -- you know, like one period she goes in one class,
6 another period she goes in another class. So the second
7 period I have her for one class, and then I was going to
8 go help her out during lunch, I had to go to another
9 class, and that's where she was. I don't remember what
10 room number.

11 Q It was at the school?

12 A Yes, it was.

13 Q Watsonville High?

14 A Yes.

15 Q Who else was present?

16 A Just me and her.

17 Q Did you talk about anything other than
18 conditions at Aptos Junior High with Miss Carr?

19 A Yes, I did.

20 Q What did you discuss?

21 A About my graduation, you know, how good it's
22 been throughout the four years.

23 Q How good what has been throughout the four
24 years?

25 A Well, my like friendship with all my teachers,

1 because you know -- I don't know if -- to me, my
2 teachers mean a lot to me, and I talked to 'em, told 'em
3 that they better show up for the graduation ceremony.

4 Q Did you discuss anything else pertaining to the
5 deposition today with Miss Carr?

6 A No, not today, huh-uh.

7 Q Did you review any documents in preparation for
8 this deposition today?

9 A Yes.

10 Q Okay. What documents?

11 MS. PERRIN: I'm going to object on the grounds of
12 attorney/client privilege. You can ask him about
13 specific documents, but I won't let him testify about as
14 to the universe of documents that were reviewed.

15 MR. LaCOMBE: I have pre-marked the first amended
16 complaint.

17 MS. PERRIN: I thought we weren't marking the
18 complaint as an exhibit to save copying costs.

19 MR. LaCOMBE: I wasn't aware of that discussion,
20 but we can stipulate that it not be attached to the
21 transcript.

22 MS. PERRIN: That would be fine. May I see it,
23 please.

24 And we'll stipulate that this is the first
25 amended complaint and that it need not be attached to

1 Q Did you write these paragraphs 144 through 148?

2 A I did not write 'em. I told them, but I not
3 did write 'em, you know, type 'em.

4 Q Who is them?

5 A I'm not sure if it was Catherine Lhamon, the
6 one that printed this. But yeah, this is my
7 information, what I said.

8 Q So you told Catherine Lhamon information and
9 then she prepared those paragraphs, as best you
10 understand?

11 A Yes, but I did not write 'em -- I didn't print
12 'em, type 'em.

13 Q Do you know who, in fact, wrote the complaint
14 on your behalf?

15 MS. PERRIN: Objection, asked and answered. He
16 already stated that he didn't know who wrote the
17 complaint.

18 BY MR. LaCOMBE:

19 Q You can answer.

20 A I think -- I'm not sure but I think it was
21 Catherine Lhamon.

22 Q Okay. We'll look at a second exhibit. This is
23 premarked as Exhibit 2. It's titled the Declaration of
24 Manuel Ortiz.

25 A I can barely read this.

1 the transcript.

2 MR. LaCOMBE: Do you agree, Sarah?

3 MS. KAATZ: Yeah, that's fine.

4 BY MR. LaCOMBE.

5 Q Manuel, have you seen this document before?

6 A I've seen 'em, but I haven't really looked at
7 it. Is it the same one as yesterday? I'm not sure.

8 There's a lot the students right here but I don't know,
9 I don't see my name over here.

10 Q Okay.

11 A Yes, I have.

12 Q What page are you looking at right now, Manuel?

13 A Watsonville High, page --

14 MS. PERRIN: 37.

15 THE WITNESS: 37.

16 BY MR. LaCOMBE:

17 Q Is it Paragraphs 144 through 148 that you're
18 looking at?

19 A Yes.

20 MS. KAATZ: If I can stop you for a minute. My
21 pagination seems to be different, so if I can just
22 switch to one of yours.

23 MR. LaCOMBE: Okay.

24 MS. KAATZ: Thanks.

25 BY MR. LaCOMBE:

1 Q Sorry about that.

2 MS. PERRIN: Here's a better one.

3 BY MR. LaCOMBE:

4 Q Have you seen this document before Manuel?

5 A Yes, I have.

6 Q Okay. On the last page, Page 3, is that your
7 signature?

8 A Yes, it is.

9 Q Okay. And it's dated February 5th 2001; is
10 that correct?

11 A It looks like it.

12 Q Okay. Did you write these paragraphs in this
13 declaration?

14 A No. It's the same as the other one, I did not
15 write 'em but this is my -- you know, this is what I
16 said, yes.

17 Q Who did write the declaration?

18 A I'm not sure if it was Catherine Lhamon or --
19 I'm not sure.

20 Q Did Catherine Lhamon give the declaration to
21 you?

22 A Not personally. She mailed it or faxed it.
23 I'm not sure.

24 Q You received it either by fax or by mail?

25 A Yes, I did.

1 Q Do you know when you received the declaration?
 2 A I'm not sure.
 3 Q It's dated February 5th. Would you have
 4 received it -- how many days before that?
 5 MS. PERRIN: Objection. He already said he doesn't
 6 know.
 7 BY MR. LaCOMBE:
 8 Q You can answer.
 9 A I don't even remember, because I remember
 10 getting the paper. I'm not sure how long I kept it
 11 before signing it because I was concentrating on school.
 12 I don't know if it was a week before, two weeks. I'm
 13 not sure.
 14 Q Would it have been longer than two weeks?
 15 A I don't remember.
 16 Q You don't remember. What role did you play in
 17 the preparation of this declaration?
 18 MS. PERRIN: Objection, vague.
 19 THE WITNESS: Could you rephrase it?
 20 BY MR. LaCOMBE:
 21 Q Okay. For the preparation of this declaration,
 22 how did you provide information to assist in the
 23 preparation of it?
 24 MS. PERRIN: Okay, Manuel, at this time I'm going
 25 to tell you to answer in your own words, but don't

1 disclose any specifics of what you may have said to your
 2 lawyers or what your lawyers said to you, okay?
 3 THE WITNESS: How did I prepare for this? Try to
 4 gather information from school, try to see the
 5 conditions at school. I started by looking at my own
 6 classrooms, how they were. And after that I tried to
 7 get some students involved.
 8 BY MR. LaCOMBE:
 9 Q Did you talk with Catherine Lhamon about the
 10 conditions at your school?
 11 MS. PERRIN: Answer "yes" or "no" but don't
 12 disclose any of the specifics that you may have said to
 13 her or she may have said to you.
 14 THE WITNESS: When?
 15 BY MR. LaCOMBE:
 16 Q So you have spoken with Catherine Lhamon
 17 personally?
 18 A Yes.
 19 MS. PERRIN: Objection, misstates his testimony.
 20 BY MR. LaCOMBE:
 21 Q That was a yes?
 22 A Yes.
 23 Q How many times have you met with Catherine
 24 Lhamon?
 25 MS. PERRIN: Met with or spoken with?

1 BY MR. LaCOMBE:
 2 Q Spoken with?
 3 A Since this trial started? I'm not sure.
 4 Q Was it more than three times?
 5 A Yes.
 6 Q More than five times?
 7 A I think so.
 8 Q Okay.
 9 A Actually, yes.
 10 Q When was the last time that you spoke with
 11 Catherine Lhamon?
 12 MS. PERRIN: You can tell him the date, but don't
 13 talk about what you talked about.
 14 THE WITNESS: A couple weeks ago. I'm not sure.
 15 The past week. I don't know.
 16 BY MR. LaCOMBE:
 17 Q Was it after the time that you found out that
 18 you would be having this deposition today?
 19 A Yes, after.
 20 Q Was that in person or by telephone that you
 21 talked to her?
 22 A Telephone.
 23 Q Have you met with her personally in any of the
 24 more than five times that you've spoken with her?
 25 A Yes. Well, when I met her, you know, when the

1 trial started when I met her, yeah, she was in
 2 Watsonville, she was in town, and one other time in LA.
 3 Q So you met her one time in Watsonville, one
 4 time in LA and no other times personally?
 5 A I believe so.
 6 Q Okay. Did you review the declaration before
 7 you signed it?
 8 A This paper (indicating)?
 9 Q Yes.
 10 A Yes, I did.
 11 Q What did you look at before you signed it?
 12 A Everything, the whole -- everything that was on
 13 it.
 14 Q Okay. Did you have any conversations with
 15 anybody before signing the declaration?
 16 MS. PERRIN: Objection, vague.
 17 BY MR. LaCOMBE:
 18 Q Do you understand the question?
 19 A Just with my sister.
 20 Q Your sister?
 21 A I believe so.
 22 Q What did you talk to your sister about as
 23 pertaining to the declaration?
 24 A I talked to her about the school conditions. I
 25 told her what was in here.

1 Q Your sister is Juana Gomez?
 2 A Yes.
 3 Q Does your sister attend Watsonville High
 4 School?
 5 A No. She attended. She graduated from there.
 6 Q When did she graduate?
 7 A I'm not sure. I don't know the exact year.
 8 Q How long did you talk with her about your
 9 declaration before you signed it?
 10 A I'm not sure if she opened it or I opened this
 11 paper when it arrived, or -- see, I'm not sure if she
 12 faxed it or it arrived by mail, but it was after --
 13 after we got it that I talked to her about it.
 14 Q Uh-huh. How many times did you talk to her
 15 about the declaration?
 16 A I don't remember. I don't remember.
 17 Q Was it more than one time?
 18 A Yes.
 19 Q Did you review any other declarations in
 20 preparation for the deposition today?
 21 A Yes.
 22 Q Which declarations did you review?
 23 A This one and the one we went over earlier.
 24 Q Was this your declaration that you're talking
 25 about?

1 A Yeah.
 2 MS. PERRIN: Let the record reflect that the
 3 witness is referring to the first amended complaint.
 4 BY MR. LaCOMBE:
 5 Q So you reviewed your declaration and the first
 6 amended complaint?
 7 A Yes, and this (indicating).
 8 Q Any other documents that you reviewed?
 9 MS. PERRIN: I'm going to object on the grounds of
 10 attorney/client privilege. You can ask him about
 11 specific documents. I will not let him testify as to
 12 the universe of documents that was reviewed during our
 13 preparation for the deposition.
 14 BY MR. LaCOMBE:
 15 Q Did you review the declaration of Jim Hagen?
 16 A No, I have not.
 17 Q Have you reviewed the declaration of Ann
 18 Padilla?
 19 A No, I have not.
 20 Q Did you review any news articles in preparation
 21 for this deposition?
 22 A No, I have not.
 23 Q Okay.
 24 A I got a news article where it came out in, but
 25 I didn't review it and that's a old article.

1 Q I'm sorry, it was an article that what?
 2 A It's a old article. It's when we had -- it's
 3 pretty old. It's from the first time where I went to LA
 4 where we had the press conference. But I didn't review
 5 it for this. I just keep it as a record for my, you
 6 know --
 7 Q Did you review any academic studies in
 8 preparation for this deposition today?
 9 MS. PERRIN: Objection, vague as to academic
 10 studies.
 11 BY MR. LaCOMBE:
 12 Q Do you understand the question?
 13 A No. Did I review it or did I just look at it,
 14 is that what you're trying to say?
 15 Q Yeah, did you receive any documents that were
 16 academic studies?
 17 MS. PERRIN: Objection, vague as to academic
 18 studies.
 19 BY MR. LaCOMBE:
 20 Q Do you understand the question?
 21 A I don't know.
 22 Q Did you review any documents that were prepared
 23 by academic like professors or teachers, of a scholarly
 24 nature?
 25 MS. PERRIN: Objection, vague as to scholarly

1 nature.
 2 THE WITNESS: I looked at 'em. I didn't
 3 review -- I looked at 'em because I was the one that got
 4 this from school.
 5 MS. PERRIN: Let the record reflect that the
 6 witness is referring to his report card and transcript
 7 and not to scholarly articles.
 8 BY MR. LaCOMBE:
 9 Q Okay. Is that what you're referring to is your
 10 report card and transcripts?
 11 A Yes.
 12 Q Okay. Now, all the documents that you
 13 reviewed, are they here today?
 14 A I believe so.
 15 Q I have premarked Defense Exhibit 3. This is
 16 the defendant's Notice of Deposition of Plaintiff Manuel
 17 Ortiz. Have you seen this document before, Manuel?
 18 A I'm not sure.
 19 Q Have you seen documents that are similar to
 20 it?
 21 MS. PERRIN: Objection, vague as to similar.
 22 BY MR. LaCOMBE:
 23 Q You can answer if you understand the question.
 24 A That's what I'm trying to -- I think I have.
 25 Q You think you have?

1 A (Nods affirmatively.)
 2 Q When did you see it?
 3 A Yesterday.
 4 Q Yesterday?
 5 A Yes.
 6 Q Did you read it?
 7 A Not all of it.
 8 Q What parts did you read?
 9 A I'm not sure, but I think it was part of the
 10 description of documents Request No. 1.
 11 MS. PERRIN: Let the record reflect that the
 12 witness is referring to Page 7 of the deposition notice.
 13 THE WITNESS: Yeah.
 14 BY MR. LaCOMBE:
 15 Q Okay. Did you bring the requested documents
 16 with you?
 17 MS. PERRIN: Objection, vague as to requested
 18 documents.
 19 THE WITNESS: All these that are right here?
 20 BY MR. LaCOMBE:
 21 Q That's correct.
 22 A I brought some school stuff, some school
 23 information.
 24 Q Are these the documents here? I believe it's a
 25 academic transcript and reports.

1 A Transcript.
 2 MR. LaCOMBE: Okay, let's mark these.
 3 (Whereupon, Defendants' Exhibit 6 was
 4 marked for identification by the court reporter.)
 5 MR. LaCOMBE: This will be number 7.
 6 (Whereupon, Defendants' Exhibit 7 was
 7 marked for identification by the court reporter.)
 8 MR. LaCOMBE: We'll mark this as Defense
 9 Exhibit 8.
 10 (Whereupon, Defendants' Exhibit 8 was
 11 marked for identification by the court reporter.)
 12 MR. LaCOMBE: Defense Exhibit 9.
 13 (Whereupon, Defendants' Exhibit 9 was
 14 marked for identification by the court reporter.)
 15 MR. LaCOMBE: Okay, we'll mark the rest of these
 16 at a break later.
 17 MS. PERRIN: Actually why don't we take a break now
 18 and you can do that.
 19 MR. LaCOMBE: Fine.
 20 (Recess.)
 21 (Whereupon, Defendants' Exhibits 10 - 12 were
 22 marked for identification by the court reporter.)
 23 MR. LaCOMBE: During the break we premarked Defense
 24 Exhibits 10, 11 and 12 which were the remaining
 25 documents that were brought by the plaintiff.

1 Q Manuel, do you have in your possession any
 2 notes relating to the conditions at your school or any
 3 other issues related to the lawsuit?
 4 MS. PERRIN: Objection, compound.
 5 THE WITNESS: What do you mean by notes?
 6 BY MR. LaCOMBE:
 7 Q Any notes that you have taken that relate to
 8 the conditions at your school.
 9 A In here?
 10 Q In your possession?
 11 A I don't know if you want to call these notes
 12 that I wrote.
 13 Q I see that you're looking through the exhibits
 14 that we've marked. Other than those documents, do you
 15 have in your possession today any notes relating to the
 16 conditions at your school?
 17 A Not with me.
 18 Q Do you have in your possession any notes
 19 relating to any other issues raised by the lawsuit?
 20 A Yes.
 21 Q You have those today?
 22 A No.
 23 Q They're at home?
 24 A I'm not sure if I threw 'em away. I'm not
 25 sure.

1 Q You may have some further notes?
 2 A Yes, but not with me.
 3 Q Okay. Have you looked for those notes?
 4 A No.
 5 MS. PERRIN: What's the relevance of this line of
 6 questioning?
 7 MR. LaCOMBE: It pertains to Page 7 of the notice.
 8 MS. PERRIN: Well, actually if you read the
 9 protective order that was stipulated by the parties,
 10 that is not fairly requested, nor was it permitted by
 11 the judge, so I'd believe it's best that we move along
 12 from this line of questioning.
 13 BY MR. LaCOMBE:
 14 Q Has anybody asked you to look for such
 15 documents, Manuel?
 16 MS. PERRIN: Objection, vague as to such
 17 documents.
 18 BY MR. LaCOMBE:
 19 Q The documents that we referred to before, notes
 20 pertaining to the lawsuit, conditions at the school?
 21 A No. Those are kind of like my own notes.
 22 Q Are these notes that you prepared for this
 23 lawsuit specifically?
 24 A Yes.
 25 Q Okay. What are the contents of those notes?

1 MS. PERRIN: Objection. I'm going to object on the
2 grounds of attorney/client privilege and I'm going to
3 instruct you not to answer. To the extent that he took
4 notes at the request of his counsel, it's clear that
5 they're protected by the attorney/client privilege and
6 work product doctrine.

7 BY MR. LaCOMBE:

8 Q Did you take those notes at the request of your
9 counsel, Manuel?

10 A I don't understand the question.

11 Q Were you instructed by an attorney to take the
12 notes?

13 MS. PERRIN: Objection, vague as to instructed.
14 To the extent that he prepared notes for this
15 litigation, they are clearly protected by the
16 attorney-client privilege and the work product doctrine,
17 and I instruct you not to answer.

18 MR. LaCOMBE: Well, I'll ask just one more time
19 because he hasn't answered.

20 Q Were you instructed or asked by an attorney to
21 prepare those notes that you're referring to?

22 MS. PERRIN: Same objections.

23 BY MR. LaCOMBE:

24 Q You can answer.

25 MS. PERRIN: Do you understand the question?

1 BY MR. LaCOMBE:

2 Q At home.

3 A So does this mean that if I talked to some
4 teachers and written notes down?

5 Q Uh-huh.

6 A No. I've talked to 'em but I haven't written
7 down the notes.

8 Q Do you have in your possession, either here or
9 at home, any notes relating to discussions with other
10 students at Watsonville High School relating to
11 conditions at the school?

12 MS. PERRIN: Objection, vague as to conditions.

13 THE WITNESS: Conditions like the textbooks and all
14 that stuff conditions?

15 BY MR. LaCOMBE:

16 Q Yes.

17 A I'm not sure because I cleared out my binder
18 and threw some stuff away. I'm not sure.

19 Q What binder are you referring to?

20 A School binder.

21 Q Is this a binder that you use in classes or is
22 it a binder for this lawsuit?

23 A Classes.

24 Q You keep notes pertaining to this lawsuit in
25 your school binder?

1 THE WITNESS: Not really.

2 BY MR. LaCOMBE:

3 Q Did an attorney ask you to prepare those notes?

4 A No.

5 Q Why did you make the notes?

6 A I felt they were going to be important.

7 Q Okay. Have you used those notes?

8 A In what way?

9 Q Have you read them?

10 A Well, I wrote them, so I read them.

11 Q Okay. And on the notes that -- to the extent
12 that they were not prepared as a result of an attorney
13 asking you to do so, what did those notes contain?

14 MS. PERRIN: I'm going to object on the grounds of
15 attorney-client privilege. Just because a lawyer did
16 not specifically request for him to take these notes
17 does not mean that it wasn't done in furtherance of this
18 litigation, and I'm going to instruct you not to answer.

19 MR. LaCOMBE: Okay.

20 Q Do you have in your possession any notes
21 relating to discussions with any employees of
22 Watsonville High School?

23 A No.

24 MS. PERRIN: Possession today or possession at
25 home?

1 MS. PERRIN: Objection, assumes that he keeps notes
2 pertaining to this lawsuit.

3 THE WITNESS: If I see there's a problem with the
4 school, I write it down.

5 BY MR. LaCOMBE:

6 Q You say that you cleared out your binder. When
7 did you clear out your binder?

8 A I cleared it a couple times already. One time
9 it was before the semester ended because I didn't want
10 to have all the -- I didn't want to have all those
11 papers in there, the school work and stuff in there,
12 inside the binder, and so in spring break. And then
13 just barely a couple weeks ago because it's toward the
14 end of the year and we don't need some of the stuff,
15 some of the school work.

16 Q And what did you do with the papers that were
17 in the binder when you cleared it out?

18 A Threw 'em away.

19 Q Did the binder contain notes pertaining to this
20 lawsuit when you threw away papers and cleared out the
21 binder?

22 MS. PERRIN: Objection, vague and ambiguous.
23 Also assumes facts that he did, in fact, throw away
24 documents pertaining to this lawsuit

25 THE WITNESS: Yeah, because I am not sure because I

1 threw away just some papers. I didn't want to look
 2 through every single one of 'em so I just threw a bunch
 3 away.
 4 BY MR. LaCOMBE:
 5 Q Do you have in your possession, either here or
 6 at home, any correspondence between you or any person
 7 other than your attorney relating to conditions at
 8 school?
 9 A Like what kind of stuff do you mean?
 10 Q Any correspondence, a letter or e-mail, things
 11 along those lines.
 12 A No.
 13 Q Okay. Did you look?
 14 A I didn't have one. I know -- I know I didn't.
 15 Q You know you didn't?
 16 A Yeah.
 17 Q Okay. Other than Catherine Lhamon and without
 18 disclosing what was said, have you met with any other
 19 attorney in preparation for the deposition today?
 20 A Yes.
 21 Q Who did you meet with?
 22 A Well, of course with her (indicating).
 23 Q Lois Perrin?
 24 A Yes.
 25 Q Anyone other than Lois Perrin and Catherine

1 Q People you don't know?
 2 A Well, yeah. It's a hotel.
 3 Q Was this in the hotel lobby?
 4 A Yes. I don't know if you want to call it the
 5 lobby. Just right there in the hotel.
 6 Q What was the substance of your conversation?
 7 MS. PERRIN: Objection. I object on the grounds of
 8 attorney-client privilege and I instruct you not to
 9 answer.
 10 There were no privileged communications going
 11 on in the presence of third parties, therefore no
 12 privilege was waived. Don't answer that question.
 13 BY MR. LaCOMBE:
 14 Q Is your sister a party to this lawsuit?
 15 A What do you mean a party?
 16 Q Is she a member of this lawsuit?
 17 A I don't understand.
 18 Q Do you know if your sister is a client of Lois
 19 Perrin's?
 20 A Well, she's my legal guardian, so she had to
 21 sign the paper.
 22 Q She's your legal guardian?
 23 A Yes.
 24 Q Prior to this case, have you ever been involved
 25 in any legal matter?

1 Lhamon?
 2 MS. PERRIN: In preparation for this deposition?
 3 BY MR. LaCOMBE:
 4 Q Yes.
 5 A For this deposition, this one?
 6 MS. PERRIN: He's asking about attorneys only.
 7 Is that correct?
 8 BY MR. LaCOMBE:
 9 Q Attorneys only.
 10 A No, I haven't.
 11 Q When did you meet with Lois Perrin?
 12 A Well, yesterday when I got here.
 13 Q Any other times besides yesterday did you meet
 14 with Lois Perrin in preparation for this deposition?
 15 A You mean in person or just talk?
 16 Q Either.
 17 A No.
 18 Q No? Okay. The first time you met Lois Perrin
 19 was yesterday?
 20 A Yes.
 21 Q Okay. Where did you meet her?
 22 A It was outside the hotel that I'm staying in.
 23 Q Who else was present?
 24 A My sister and some people we don't know that
 25 were there.

1 MS. PERRIN: Objection, vague as to legal matter.
 2 BY MR. LaCOMBE:
 3 Q Do you understand the question?
 4 A No, I don't.
 5 MS. PERRIN: Are you asking if he's ever been
 6 involved in a lawsuit?
 7 BY MR. LaCOMBE:
 8 Q Yes.
 9 A In any lawsuit? No, I haven't.
 10 Q Okay.
 11 A What do you mean by lawsuit? So have I ever
 12 been in court, is that what you're trying to say?
 13 Q Not just whether you've been in court. [REDACTED]
 14 [REDACTED]
 15 A Yes.
 16 Q Were you a party to the lawsuit?
 17 MS. PERRIN: Objection, assumes that there was a
 18 lawsuit.
 19 THE WITNESS: What do you mean by lawsuit?
 20 BY MR. LaCOMBE:
 21 Q Let me rephrase the question.
 22 A Yeah.
 23 Q Why were you in court?
 24 MS. PERRIN: Objection. I'm going to instruct you
 25 not to answer. That is outside the scope of relevant

1 information for this lawsuit.

2 He's already testified that he has not been
3 involved in a civil proceeding. I think that's what you
4 were asking.

5 BY MR. LaCOMBE:

6 Q Who are you suing in this lawsuit?

7 A The State of California and the Board of
8 Education I guess. I'm not -- I don't exactly know who
9 the main guys are from the State of California.

10 Q Anybody else that you're suing?

11 A Well, the top guys are the State of California.

12 Q Why are you suing the State of California?

13 A Because of the conditions of the school.

14 Q Why are you suing the Board of Education of
15 California?

16 A Why am I?

17 Q Uh-huh.

18 A Conditions of the school.

19 Q Okay. When did you first think about suing?

20 A When I heard about the lawsuit.

21 Q Okay. How did you hear about the lawsuit?

22 A Through one of my brother-in-law's friends.

23 Q Your brother-in-law is an attorney?

24 A No. No.

25 Q Does he work in a law office?

1 MS. PERRIN: I believe it's actually August 14th.

2 BY MR. LaCOMBE:

3 Q August 14th, that's what it is, 2000.

4 Would it have been around that time that you
5 met or spoke with Alejandro Chavez?

6 MS. PERRIN: About this lawsuit?

7 BY MR. LaCOMBE:

8 Q About this lawsuit?

9 A It was around the beginning of the school year.
10 I don't remember if it was August 14th, the exact date.

11 Q Was it before school started or after school
12 started?

13 A No, after school started my senior year.

14 Q How did you talk with Alejandro Chavez, was it
15 in person or by telephone?

16 A I don't exactly remember if it was by phone or
17 in person.

18 Q. How many times have you met with Alejandro to
19 date?

20 MS. PERRIN: About this lawsuit?

21 BY MR. LaCOMBE:

22 Q Yes.

23 A I don't remember.

24 Q How long have you known Alejandro Chavez?

25 A Well, since I moved with my sister.

1 A Yes.

2 Q Okay.

3 MS. PERRIN: For the record, his brother-in-law is
4 a board member of the ACLU.

5 BY MR. LaCOMBE:

6 Q I see. What is his name?

7 A Ramon Gomez.

8 Q And who was the friend of the brother-in-law of
9 Ramon?

10 A Alejandro Chavez.

11 Q Did you hear about the lawsuit from your
12 brother-in-law?

13 A I think it was from his friend Alejandro
14 Chavez.

15 Q Did you talk to Alejandro Chavez?

16 A Talk to him about what? About the lawsuit?

17 Q About the lawsuit?

18 A Yes.

19 Q When?

20 A I don't remember. I don't remember. When I
21 got involved with this lawsuit.

22 Q Okay. You see on Exhibit 1, Manuel --

23 A Yes.

24 Q -- it has a note on the first page, it's
25 stamped August 1st.

1 Q When was that?

2 A I think it was my freshman year in high school.

3 Q Did you contact Mr. Chavez or did he contact
4 you? How did you --

5 A He's the one that told me about the lawsuit.

6 Q Did he contact you about it?

7 A Well, yeah. Contact, what do you mean?

8 Contact by phone? By any connection?

9 Q Yes, by any connection?

10 A Yes.

11 Q He called you?

12 A I'm not sure if he called me or --

13 MS. PERRIN: Can we go off the record for a
14 second?

15 MR. LaCOMBE: Sure.

16 BY MR. LaCOMBE:

17 Q Besides from Alejandro Chavez, was there any
18 other way that you learned about this lawsuit?

19 MS. PERRIN: The first time that he heard about the
20 lawsuit?

21 MR. LaCOMBE: Yeah.

22 THE WITNESS: Well, he's the main guy that I heard
23 about the lawsuit from.

24 BY MR. LaCOMBE:

25 Q Do you know if Alejandro Chavez is associated

- 1 with the ACLU?
 2 A I don't know.
 3 Q What did you discuss with Alejandro Chavez on
 4 the first time that you discussed the lawsuit?
 5 A I don't remember the exact words, but he told
 6 me about how there was going to be -- they were going to
 7 try to interview some kids from the high school about
 8 the school conditions, and he told me if I wanted to go
 9 get interviewed, so I said, Yes, why not.
 10 Q You participated in an interview at school?
 11 A No, not at school.
 12 Q There was an interview with the ACLU lawyers?
 13 A Yes.
 14 Q Where was it?
 15 A I don't know the exact location.
 16 Q Were there other children from -- or students
 17 from Watsonville High School there?
 18 A There was a couple others, yes.
 19 Q And besides students at Watsonville High
 20 School, were there any other students at the interview?
 21 A I don't know -- I don't remember.
 22 Q Do you know specifically how many kids from
 23 Watsonville High School were present at the interview?
 24 A No.
 25 Q Do you know their names?

- 1 A No.
 2 Q Do you have an estimate of how many students
 3 were present at that interview?
 4 A Between three and ten I guess, yeah.
 5 Q Between three and ten?
 6 A Yeah.
 7 Q How many attorneys were present?
 8 A I remember talking to Catherine Lhamon.
 9 Q Besides Catherine Lhamon, do you recall any
 10 other attorneys being present at that interview?
 11 A I'm trying to remember. I'm not sure.
 12 Q Besides students and attorneys, were there any
 13 other persons present at that interview?
 14 A Yeah, I don't know if it was a translator.
 15 Q Did the translator speak at all?
 16 A That's why I'm not sure if it was a translator
 17 or not.
 18 Q Anybody else besides a translator, attorneys
 19 and students present?
 20 A Well, I don't know if it was a translator,
 21 that's the thing.
 22 Q Okay, the presumed translator?
 23 A A teacher went.
 24 Q A teacher?
 25 A A teacher went.

- 1 Q Which teacher?
 2 A Ms. Mendez.
 3 Q Is Miss Mendez a teacher at Watsonville High
 4 School?
 5 A Yes, she is.
 6 Q Have you ever had her as a teacher?
 7 A Yes, she was my government teacher.
 8 Q What year of high school did you take the
 9 government class with her?
 10 A Senior year.
 11 Q Did you ever discuss the lawsuit with
 12 Miss Mendez?
 13 A Yes.
 14 Q What did you talk about?
 15 A About the lawsuit, about the school conditions.
 16 Q What conditions did you discuss with
 17 Miss Mendez?
 18 A About the books, about the overcrowding, about
 19 some classroom conditions. And I don't remember -- if
 20 there was anything else, I don't remember.
 21 Q When you say classroom conditions, what do you
 22 mean?
 23 A Not enough classrooms for the teachers, that's
 24 what I mean. Some -- one of my classes, the heater was
 25 broken so if you turned on the heater, it wouldn't turn

- 1 off.
 2 Q If you turned -- okay.
 3 A If you turned it on, it wouldn't turn off.
 4 Q How long was it broken?
 5 A I'm not sure.
 6 Q How do you know it was broken?
 7 A Because I remember the teacher telling us.
 8 Q Miss Mendez?
 9 A No. It was another teacher.
 10 Q Which class was this?
 11 A Geometry. That was last year.
 12 Q Did you ever complain about the heater being
 13 broken?
 14 A I don't know if the teacher did complain or
 15 not, I don't know.
 16 Q Did you ever complain?
 17 A Did me personally to the office?
 18 Q Yeah.
 19 A No.
 20 Q To anybody other than the office, did you
 21 complain?
 22 A I don't remember.
 23 Q What time of the year was this --
 24 A Towards the end of the year of my junior year,
 25 last year.

1 Q And what kind of a classroom were you in?
 2 A A portable. Yeah, we transferred to that
 3 portable because the first semester we were in the
 4 school library. That was our classroom, the library.
 5 Q The conditions at the school that you discussed
 6 with Miss Mendez, were those pertaining to conditions in
 7 her classroom or in other classrooms?
 8 A The conditions of the classroom? In some of my
 9 other classrooms I talked to you about right now like my
 10 geometry classroom.
 11 Q Okay. Besides Ms. Mendez, the person that you
 12 believe was a translator, the attorney and the students,
 13 was there anybody else present?
 14 A In the room?
 15 Q At the interview, yeah.
 16 A Not that I can remember.
 17 Q Was this the only interview that you had with
 18 the ACLU?
 19 A Well, when I got -- when I recently got
 20 involved -- what do you mean the only interview?
 21 Q Were there any other group interviews with more
 22 students than just yourself with the ACLU attorneys?
 23 A Well, I don't know. The one I went to in LA
 24 wasn't actually an interview. It was a press
 25 conference.

1 MS. PERRIN: And just for the record, when he says
 2 the ACLU attorneys, he's also talking about all your
 3 other attorneys.
 4 MR. LaCOMBE: Yeah.
 5 MS. PERRIN: Okay.
 6 BY MR. LaCOMBE:
 7 Q Who was present at the press conference in LA?
 8 A A lot of reporters, some students from LA -- a
 9 LA school, a couple of little kids from a school over
 10 there in LA.
 11 Q Did you talk with those kids?
 12 A Yes.
 13 Q What school were they from?
 14 A I don't remember.
 15 Q Do you remember their names?
 16 A Huh-uh. I remember clearly what one of the
 17 little kids complaining about, because that's what
 18 really gets me upset about school conditions. Because
 19 that little kid he said he wanted to be a math teacher
 20 but he didn't even have a math book. So how can they be
 21 teachers if they don't even get math books for them?
 22 That's what really got me upset.
 23 Q When was the press conference?
 24 A I don't exactly remember.
 25 Q Did you address the press at the press

1 conference?
 2 A What do you mean by address?
 3 Q Did you talk with reporters?
 4 A I talked -- well, yeah, I had to say what I had
 5 to say.
 6 Q Did you talk behind a microphone?
 7 A Yes. Not by one, by several microphones.
 8 Q And what did you say at the press conference?
 9 A I talked to them about the school conditions
 10 and I told them, "Doesn't the State of California care
 11 about us?"
 12 Q Okay. You mentioned before textbooks, the
 13 availability of textbooks, overcrowding and other
 14 classroom conditions such as a heater. Did you discuss
 15 those conditions at the press conference?
 16 A I talked about the textbooks, I believe, the
 17 overcrowding, and again, school conditions in general.
 18 Q Okay. Can you please review Exhibit 2 which is
 19 the Declaration of Manuel Ortiz. Did you discuss at the
 20 press conference any conditions other than those
 21 contained in your declaration?
 22 A Well, I can't even read this.
 23 MR. LaCOMBE: Do you have a cleaner copy?
 24 MS. KAATZ: I think I do.
 25 MR. LaCOMBE: I'm sorry about that.

1 MS. PERRIN: That's okay.
 2 MR. LaCOMBE: It's the February 5th, 2001 --
 3 MS. PERRIN: Do you have his other declaration
 4 marked as an exhibit?
 5 MR. LaCOMBE: No, I don't.
 6 MS. PERRIN: Because the press conference was
 7 actually before this.
 8 MR. LaCOMBE: Right.
 9 MS. PERRIN: And for the record, I think it was
 10 October of last year.
 11 THE WITNESS: So what was the question again?
 12 BY MR. LaCOMBE:
 13 Q The question was, at the press conference in
 14 October in Los Angeles, did you discuss any conditions
 15 other than those that you describe in your declaration?
 16 A I don't remember. School, classrooms,
 17 overcrowded -- I'm not sure.
 18 Q Did you discuss the conditions that you
 19 describe in the declaration?
 20 A Yes. Not the exact, but yes. In general, yes,
 21 I did.
 22 Q Okay. With whom did you discuss -- well,
 23 besides Catherine Lhamon, Ms. Mendez, Mr. Chavez, was
 24 there anyone else that you discussed --
 25 A About the lawsuit?

1 Q -- about the lawsuit before you joined?
 2 A I might have talked to my sister. I don't
 3 remember. Yeah, I don't remember.
 4 Q You don't remember?
 5 A Uh-huh (Nods negatively).
 6 Q When did you join the lawsuit?
 7 A Well, I guess when I signed the paper. I don't
 8 know the exact date when I signed the paper.
 9 Q Which paper are you referring to?
 10 A Well, my testimonies, what -- when did I join
 11 the exact -- the lawsuit?
 12 Q Uh-huh.
 13 A Well, like for me, I joined when I went to the
 14 interview. That's when I decided to get involved.
 15 Q Did you put your name down on a sheet of paper
 16 at the interview?
 17 A At the interview? Yes, I did. I believe so,
 18 yeah.
 19 Q What kind of a sheet of paper was it?
 20 A I don't remember. Just like a piece of paper I
 21 guess.
 22 Q Did you talk to Mr. Dudley about the lawsuit
 23 before you joined?
 24 A No, I did not because he wasn't there.
 25 Q He wasn't where?

1 A At the school. See, that's the other thing
 2 that I got upset at. He was a great teacher but they
 3 weren't paying him enough and he went to Chicago to
 4 teach over there.
 5 Q How do you know he wasn't being paid enough?
 6 A Because he was a good friend of mine besides,
 7 you know, being my teacher, and he talked to me about
 8 it, how he was going to go to Chicago.
 9 Q And he told you that he wasn't being paid
 10 enough?
 11 A Yes, that they were paying more over there.
 12 Q When was this discussion?
 13 A Sometime in my junior year I think. Yeah, it
 14 was my junior year in high school.
 15 Q You had him for U.S. history that year?
 16 A Yes.
 17 Q Where were you when you talked with Mr. Dudley?
 18 A We talked various times about this, but I think
 19 -- I'm not sure. I think when he told me that he was
 20 going to go to Chicago was when we were out playing
 21 golf.
 22 Q Other than at the ACLU interview, was there any
 23 other time that you talked with Ms. Mendez about the
 24 lawsuit?
 25 A Yeah. Well, she was my teacher. I talked to

1 her in class.
 2 Q Okay. Did you talk to her -- you talked to her
 3 about the lawsuit?
 4 A Yes. About the school conditions.
 5 Q Okay. Who initiated those discussions?
 6 A What discussions? The lawsuit discussions?
 7 Q That's right, with Ms. Mendez.
 8 A Who was the one that started it at all? I
 9 don't get that -- I can't understand that question.
 10 Q Did she approach you with concerns about school
 11 conditions --
 12 A No. I think it was me, the one that pushed
 13 her. I'm not sure.
 14 Q Please, Manuel, make sure that you allow me to
 15 finish my question.
 16 A Okay. Sorry about that.
 17 Q To your knowledge, is Ms. Mendez involved in
 18 this lawsuit?
 19 MS. PERRIN: Objection, vague as to involved.
 20 BY MR. LaCOMBE:
 21 Q Do you understand the question?
 22 A Involved in what way?
 23 Q Did she sign the sheet that you did?
 24 MS. PERRIN: Objection, calls for speculation.
 25 THE WITNESS: I'm not sure.

1 That's the other thing I get mad at, that
 2 Miss Mendez, I remember her telling me once that she
 3 can't get involved with the lawsuit because someone gets
 4 mad -- I don't remember who was the one that gets mad,
 5 and they don't allow teachers to get involved. And why
 6 not?
 7 BY MR. LaCOMBE:
 8 Q When did she tell you that?
 9 A I think it was when I barely -- when I first
 10 got into this lawsuit, got involved with this lawsuit.
 11 Q So shortly after the interview with the ACLU
 12 lawyers?
 13 A I believe so.
 14 Q What was your first contact with the lawyers
 15 for this lawsuit?
 16 MS. PERRIN: Objection, asked and answered.
 17 THE WITNESS: Can you rephrase that question?
 18 BY MR. LaCOMBE:
 19 Q Was there any time before the interview with
 20 the ACLU lawyers when you met with the attorneys for
 21 this lawsuit?
 22 MS. PERRIN: Objection, vague to the met.
 23 THE WITNESS: Well, before I got interviewed I
 24 didn't know about this lawsuit. Because -- yeah. I
 25 don't understand that clearly. I don't understand that

1 question.
 2 BY MR. LaCOMBE:
 3 Q Okay. You met with Alejandro Chavez and he
 4 told you about the interview; is that correct?
 5 A Yes.
 6 Q Prior to the interview, did you meet with any
 7 attorneys that are representing you in this case?
 8 A Oh, no.
 9 Q How many other times have you met with your
 10 counsel?
 11 MS. PERRIN: Objection, asked and answered.
 12 THE WITNESS: What do you mean with my counsel?
 13 BY MR. LaCOMBE:
 14 Q We've talked about Catherine Lhamon. We've
 15 talked about Lois Perrin. Are there any other attorneys
 16 that you've met with other than at the interview?
 17 MS. PERRIN: Personally?
 18 BY MR. LaCOMBE:
 19 Q Either by telephone or personally?
 20 A Well, when I went to LA, the ACLU -- I got to
 21 meet some lawyers, but you know, it was just to meet
 22 'em, to be friends with them.
 23 Q These aren't lawyers who are representing you?
 24 A I'm not sure.
 25 Q How do you know these lawyers?

1 A Through the press conference, through
 2 Catherine.
 3 Q And how many lawyers are you referring to?
 4 MS. PERRIN: That he met at the press conference?
 5 BY MR. LaCOMBE:
 6 Q Yes.
 7 A I don't remember. I don't know. I met a lot
 8 of 'em, but I don't remember.
 9 Q Do you know what Public Advocates is?
 10 A Public Advocates, no.
 11 Q Do you know what Center for Law in the Public
 12 Interest is?
 13 A No. Center for Law in Public Interest.
 14 Q Do you know what Lawyers Committee for Civil
 15 Rights is?
 16 A Do I know what it is?
 17 Q Uh-huh.
 18 A No, but I could probably guess, but lawyers.
 19 Q Please don't guess.
 20 A No.
 21 Q You don't know?
 22 A (No audible response.)
 23 Q Do you know what Asian Pacific American Legal
 24 Center is?
 25 MS. PERRIN: When you're asking what it is, are you

1 asking if he knows that they're representing him, or are
 2 you asking if he knows the purpose of the organization?
 3 MR. LaCOMBE: I'm asking if he's heard of the
 4 organization.
 5 MS. PERRIN: If he's heard of the org -- can you
 6 rephrase the question and ask if he's heard of the
 7 organization? It might be better.
 8 MR. LaCOMBE: Okay.
 9 Q Have you heard of Public Advocates?
 10 A No.
 11 Q Have you heard of Center for Law in the Public
 12 Interest?
 13 A Are they abbreviated? Because I might have
 14 heard of the abbreviation of 'em.
 15 Q Not to my knowledge.
 16 MS. PERRIN: They are. They're represented as
 17 CLIPI.
 18 BY MR. LaCOMBE:
 19 Q Have you heard of CLIPI?
 20 A No.
 21 Q Have you heard of Lawyers Committee for Civil
 22 Rights?
 23 A No.
 24 Q Have you heard of Asian Pacific American Legal
 25 Center?

1 A Well, see, I don't know if I heard it because I
 2 can't remember all these things, I can't remember all
 3 these agencies. No.
 4 Q Which agencies are you referring to?
 5 A Well, all of the ones you're going through. I
 6 can't remember all those, if I have, I'm not sure.
 7 Q Okay. Have you heard of Mexican American Legal
 8 Defense & Education Fund?
 9 MS. PERRIN: May I interject? It's also known as
 10 MALDEF.
 11 THE WITNESS: MALDEF, yeah.
 12 BY MR. LaCOMBE:
 13 Q How have you heard of MALDEF?
 14 A Papers.
 15 Q Which papers?
 16 A Newspapers, little articles.
 17 Q Little articles?
 18 A Well, newspaper articles I think. Yeah, I
 19 don't exactly remember, but I think I might have seen
 20 some little handouts like papers, but I heard of that
 21 before.
 22 Q Where did you receive a handout from MALDEF?
 23 A I don't remember.
 24 Q And where did you read the newspaper articles
 25 that refer to MALDEF?

1 A Where?
 2 Q Yeah.
 3 A Where I live, in Watsonville. I'm not sure if
 4 it was the San Jose Mercury or I can't remember what
 5 newspaper it was.
 6 Q Have you contacted anyone from MALDEF?
 7 MS. PERRIN: In connection with this lawsuit?
 8 THE WITNESS: Have I?
 9 BY MR. LaCOMBE:
 10 Q In connection with the lawsuit, yes?
 11 A Have I contacted them?
 12 Q Yes.
 13 A No.
 14 Q Has anyone from MALDEF contacted you?
 15 A I'm not sure because I don't know who their
 16 lawyers -- I don't know.
 17 Q Are you aware if any attorneys from MALDEF
 18 represent you in this lawsuit?
 19 A I don't know.
 20 Q Have you heard of Loyola Law School?
 21 A Loyola Law School, I don't think so.
 22 Q Is that a no, you haven't heard of Loyola Law
 23 School?
 24 MS. PERRIN: That was an "I don't think so."
 25 THE WITNESS: I don't know. I don't think so.

1 BY MR. LaCOMBE:
 2 Q Have you heard of Georgetown University Law
 3 Center?
 4 A Georgetown University Law Center, no.
 5 Q Do you know who Ann Padilla is?
 6 A Yes.
 7 Q How do you know Ann Padilla?
 8 A She is a good friend. I've known her through
 9 her sister.
 10 Q Who is her sister?
 11 A Erica Padilla.
 12 Q Is Erica Padilla a student at Watsonville High
 13 School?
 14 A No, no. I don't know if she graduated from
 15 there or not.
 16 Q Is Erica older than Ann?
 17 A Yes.
 18 Q How do you know Erica?
 19 A Through my brother-in-law.
 20 Q How does your brother-in-law know Erica?
 21 MS. PERRIN: Objection, calls for speculation.
 22 THE WITNESS: I don't know. I don't know how my
 23 brother-in-law knows Erica.
 24 BY MR. LaCOMBE:
 25 Q Are they related in any way?

1 A I don't think so. No.
 2 Q And do you know Ann Padilla personally?
 3 A Yes.
 4 Q Is she a student at Watsonville High School?
 5 A She graduated from there.
 6 Q Okay. How often have you met Ann Padilla?
 7 A How often have I met her?
 8 MS. PERRIN: That's not a particularly good
 9 question. He said that she's a good friend of his.
 10 BY MR. LaCOMBE:
 11 Q Have you met her in connection with this
 12 lawsuit?
 13 MS. PERRIN: Objection, vague as to met.
 14 THE WITNESS: Well, when I -- I think she got --
 15 when I first got involved with this, I think, in the --
 16 in the interview, yeah. During the interview.
 17 BY MR. LaCOMBE:
 18 Q Was she present at the interview?
 19 MS. PERRIN: And by the interview, you're referring
 20 to the interview with the ACLU lawyers?
 21 BY MR. LaCOMBE:
 22 Q That's correct.
 23 A Yeah, she was.
 24 Q Was she a graduate of Watsonville High School
 25 at that time?

1 A Yes.
 2 Q Did she talk at the interview?
 3 A What do you mean did she talk?
 4 Q Did she publicly address the people who were
 5 present at the interview?
 6 A She just talked with Catherine Lhamon about --
 7 MS. PERRIN: Don't talk about what she talked
 8 about.
 9 THE WITNESS: Yeah.
 10 BY MR. LaCOMBE:
 11 Q Okay. Do you know who Jim Hagen is?
 12 A Yeah.
 13 Q How do you know Jim Hagen?
 14 A He's a school teacher.
 15 Q Have you had him for any classes?
 16 A No.
 17 Q What classes does he teach?
 18 A I believe he teaches history, some type of
 19 history.
 20 Q Have you met him before?
 21 A Yes.
 22 Q How many times have you met him?
 23 A I don't know. I don't got a exact number.
 24 Q Do you have any friends who were in his class?
 25 A I don't know.

1 Q Have you ever spoken with him about this
 2 lawsuit?
 3 A I don't remember. Yeah, I don't remember.
 4 Q When was the last time that you spoke with Jim
 5 Hagen?
 6 MS. PERRIN: In general?
 7 BY MR. LaCOMBE:
 8 Q Yeah.
 9 A Talked to him about anything?
 10 Q Yes.
 11 A Early -- like I can't remember the exact date,
 12 but it was -- I don't remember if it was before
 13 Christmas break or before spring break. I'm not sure.
 14 I think it was before Christmas break.
 15 Q Did you discuss the lawsuit at that time with
 16 him?
 17 A No.
 18 MS. PERRIN: Can we go off the record? It's time
 19 for a break.
 20 MR. LaCOMBE: Sure.
 21 (Recess.)
 22 BY MR. LaCOMBE:
 23 Q Manuel, are you aware that this case is a class
 24 action lawsuit?
 25 A What do you mean by class action?

1 Q Do you know what a class action is?
 2 A Not exactly.
 3 Q Has anyone told you if this is a class action
 4 suit?
 5 A I don't remember.
 6 Q Okay. Are you aware that you're a named
 7 plaintiff in this case?
 8 A Yes.
 9 Q How do you know that you're a named plaintiff
 10 in this case?
 11 MS. PERRIN: You can answer the question in your
 12 own words, but again, don't disclose anything that your
 13 lawyers said to you or that you said to your lawyers.
 14 THE WITNESS: Well, I believe I'm a claimed
 15 plaintiff because I signed some papers and they told me
 16 that I was going to be one of the main plaintiffs.
 17 BY MR. LaCOMBE:
 18 Q Who is they?
 19 A The -- my lawyers.
 20 Q Which lawyer was it?
 21 A Catherine Lhamon, I believe, yeah.
 22 Q Are you aware that you're a class
 23 representative in this case?
 24 A Yes.
 25 Q How did you become aware that you're a class

1 representative in this case?
 2 A Catherine Lhamon told me.
 3 Q When did she tell you that?
 4 A I don't remember. I don't know the exact date.
 5 Q Was it around the time that you signed the
 6 declaration?
 7 A No, it was after.
 8 Q It was after you signed the second declaration?
 9 A It was after I got back from the press
 10 conference, so I believe it was probably like early this
 11 year.
 12 Q Did you ask to be a class representative?
 13 A No. No, I didn't ask. I didn't mind.
 14 Q Okay. What is your understanding of what a
 15 class action lawsuit is?
 16 A My understanding of a class action?
 17 MS. PERRIN: And again, answer in your own words,
 18 don't disclose any specifics --
 19 THE WITNESS: Yeah. Class action. Could you
 20 repeat it again, please?
 21 BY MR. LaCOMBE:
 22 Q What is your understanding of what a class
 23 action lawsuit is?
 24 MS. PERRIN: Well, objection, assumes facts. He
 25 already stated he doesn't know what a class action is.

1 THE WITNESS: Yeah, I'm not sure what that is.
 2 BY MR. LaCOMBE:
 3 Q What is your understanding of what the class of
 4 plaintiffs consists of in this lawsuit?
 5 MS. PERRIN: Objection, assumes facts, that
 6 he knows what the class of plaintiffs consists of.
 7 THE WITNESS: Yeah, I don't understand that very
 8 well.
 9 BY MR. LaCOMBE:
 10 Q Okay. Do you understand that there is a class
 11 of plaintiffs in this case?
 12 A What do you mean by that?
 13 Q Has anyone told you that there's a class in
 14 this case? Have they ever used the word "class"?
 15 A I don't remember.
 16 Q Okay. Has anyone referred to a subclass
 17 related to this lawsuit?
 18 A I don't remember.
 19 Q Do you know if you are a member of the class?
 20 A Of what class? The class -- I don't know what
 21 you're saying right there.
 22 Q Okay. What is your understanding of what your
 23 duties are as one of the named plaintiffs?
 24 A What is my duty?
 25 Q Yes.

1 MS. PERRIN: Well, objection. Assumes that he
2 understands that there are duties associated with it.
3 You might want to lay some foundation before you ask
4 that question.

5 BY MR. LaCOMBE:

6 Q Do you understand the question?

7 A Yeah, I do. What do I -- my duty, just try to
8 get better conditions at the school, better all-around
9 conditions. Not particular schools, at every school
10 around California.

11 Q Do you understand that you have any obligations
12 as a named plaintiff?

13 MS. PERRIN: Objection, vague as to obligations.

14 THE WITNESS: What do you mean by obligations?

15 BY MR. LaCOMBE:

16 Q Is there anything that you have to do as a
17 named plaintiff in this case?

18 MS. PERRIN: Objection --

19 THE WITNESS: I don't have to do anything.
20 Everything I'm doing I want to do.

21 BY MR. LaCOMBE:

22 Q Is there anything that you have to do as a
23 class representative in this lawsuit?

24 A Again, I don't have to do anything. I want to
25 do it. Everything I'm doing, you know, on my own time.

1 that what you're saying?

2 Q That's right.

3 A No. I'm just trying to get better school
4 conditions.

5 Q Do you have any agreements to pay your
6 attorneys?

7 A No.

8 Q What is your understanding of who is
9 responsible for the fees or costs of this lawsuit?

10 MS. PERRIN: Objection, assumes that somebody is
11 responsible for fees and costs.

12 THE WITNESS: Do -- if I know who's paying all
13 this?

14 BY MR. LaCOMBE:

15 Q Yeah.

16 A I don't -- I think it would be some law firms
17 connected with the lawsuit.

18 Q If you had to, would you be willing to pay for
19 the attorney's fees or costs for this lawsuit?

20 A Why would I have to pay?

21 Q Do you understand the question? If you --

22 A No, I don't.

23 Q Okay. Fair enough.

24 What are you seeking on behalf of the class and
25 the subclass?

1 I want to do this.

2 Q Are you entitled to any extra benefits for
3 serving as a named plaintiff?

4 MS. PERRIN: Objection, vague as to benefits.

5 THE WITNESS: What do you mean by benefit?

6 BY MR. LaCOMBE:

7 Q Do you receive anything that you would -- any
8 good things as a result?

9 A No. What I'm just trying to get out of this is
10 schools get better conditions, better school conditions.

11 Q Were any benefits promised to you as a result
12 of serving as a plaintiff?

13 MS. PERRIN: Objection, vague as to benefit.

14 THE WITNESS: No. Just the benefit that if we win,
15 the school conditions will be better, will improve.

16 BY MR. LaCOMBE:

17 Q Were any benefits promised to you for serving
18 as a class representative?

19 MS. PERRIN: Objection, vague as to benefits.

20 THE WITNESS: No. Promised by who? That's what I
21 don't understand.

22 BY MR. LaCOMBE:

23 Q By anyone.

24 A If they promised, you know, if I would get
25 involved in this, that they will give me something, is

1 MS. PERRIN: Objection, calls for a legal
2 conclusion and the question calls for expert testimony,
3 but you can go ahead and answer in your own words.

4 THE WITNESS: What do I want to get out of this?

5 BY MR. LaCOMBE:

6 Q Yes.

7 A Better school conditions.

8 Q Specifically what conditions do you want to
9 improve?

10 A There's a lot of 'em. More portables for the
11 teachers, because some teachers in my school don't got
12 any stable classroom. New books. Not 1980 edition
13 books. Better conditions of the restrooms.

14 Those are the major ones. Renovation, because
15 we're in the year 2000 now, and they still got some old
16 computers. We just need to get back on track with the
17 economy.

18 Q When you refer to renovation, are you referring
19 to anything other than the computers?

20 A No -- well, yeah, because I saw some pictures
21 of some schools, how their gym floor -- their ceiling,
22 it was falling off. They really need to fix those
23 problems.

24 Q Who needs to fix those problems?

25 A The State of California. They need to fund the

1 school districts. They give 'em the money but they're
2 not giving them enough.

3 There's a lot of students in our school. We're
4 way overcrowded. Instead of just -- you know, we got --
5 our school is just meant for like a 1,700 students.
6 We're over 3,000 students in our school, at Watsonville
7 High. We need better conditions at our school and we
8 need a new school.

9 Q Of the conditions that you've just listed,
10 which of those would you like to see rectified by this
11 lawsuit?

12 A What do you mean by rectified?

13 Q Which would you like to see cured or fixed?

14 A All of them --

15 MS. PERRIN: Well, objection, assumes that --

16 THE WITNESS: All of them.

17 BY MR. LaCOMBE:

18 Q All of them?

19 A All of them, yes.

20 Q Okay. Let's discuss the first thing you named
21 which was more portables. How many more portables would
22 you like to see built as a result of this lawsuit?

23 MR. PERRIN: Are we asking as to Watsonville High
24 or are we asking throughout the state?

25 THE WITNESS: Throughout the state or Watsonville

1 they're planning on building now?

2 A Well, it would be better if we did, because not
3 just the high school's overcrowded. The middle schools
4 are too, as well.

5 Q Then are you seeking to have more middle
6 schools built as well?

7 A More schools all around. It would be better.

8 Q Who do you believe should provide more schools
9 for the students?

10 MS. PERRIN: Objection, calls for a legal
11 conclusion, and objection, calls for expert testimony.
12 But you can answer.

13 THE WITNESS: Who do I think should be? The State
14 of California. They're the ones that's basically in
15 charge of California.

16 BY MR. LaCOMBE:

17 Q Is there anything else that should be done to
18 relieve overcrowding in Watsonville High School?

19 MS. PERRIN: Objection, calls for a legal
20 conclusion, calls for expert testimony.

21 MR. LaCOMBE: Let me rephrase that.

22 Q What are you seeking to be done to cure
23 overcrowding in Watsonville High School in this lawsuit
24 other than building new schools?

25 MS. PERRIN: Same objection.

1 High?

2 BY MR. LaCOMBE:

3 Q When you said you wanted more portables, were
4 you referring specifically to Watsonville High School?

5 A Well, I know there's a lot of other schools in
6 California that are overcrowded too. But -- everybody
7 should get new portables, not just Watsonville High.

8 Q How many more portables would you --

9 A At Watsonville High?

10 Q Yeah, please make sure that you let me finish
11 my question.

12 A Sorry about that.

13 Q How many more portables would you like to see
14 built at Watsonville High?

15 MS. PERRIN: I want you to give your own opinion
16 here to the best of your ability.

17 THE WITNESS: I would like to see a new high
18 school, a new school.

19 BY MR. LaCOMBE:

20 Q Okay. You're aware that there's a new high
21 school being built in the Pajaro Valley School District?

22 A I am aware -- they haven't started construction
23 yet.

24 Q When you refer to a need for a new school, are
25 you referring to a school in addition to the school that

1 THE WITNESS: Besides the new school, more
2 portables. Because you know, to my knowledge, there's a
3 lot of middle schools -- a lot of new middle school
4 students, and we're going to have the -- to my
5 knowledge, I think the number of high school students is
6 going to rise in the future. They're not just going to
7 put in two, three high schools right there in Santa Cruz
8 County, or you know, near Watsonville. The numbers are
9 going to go up. We get a new high school, soon we're
10 going to need another one.

11 BY MR. LaCOMBE:

12 Q What is your understanding of how many more
13 portables are needed at Watsonville High School now?

14 MS. PERRIN: Objection, to the extent that you're
15 asking him about relief, it calls for a legal conclusion
16 and it calls for expert testimony.

17 You can answer the question in your opinion.

18 THE WITNESS: Okay. I don't know exact numbers how
19 many portables we need. I don't know no exact number.

20 BY MR. LaCOMBE:

21 Q You also mentioned that you would like to see
22 new books.

23 A Yes.

24 Q Which new books do you mean?

25 A In just my classes, U.S. history, we didn't

1 have books. The only one that had books was just the
2 teacher, Mr. Dudley. He's the only one with a book.
3 Where are the books at? In my government class, there
4 were 19- -- I'm not sure, but they were 1980s edition.
5 We're in the year 2000.

6 In my Spanish class, we got books. They're
7 torn up. They're old.

8 Same in economics right now this semester. We
9 got a class set. Some pages are missing, some -- most
10 of the books got graffiti on it, and we only have a
11 class set, thirty -- I don't know exactly how many books
12 but like 30 some books for the whole three -- I don't
13 know how many periods my teacher has. So let's say 30
14 books for 90 students, and then we can't take 'em home.
15 So toward the final -- that's what we had last semester
16 in my government class. There was only about 35 books
17 in the class and there was more than 90 students.
18 So towards the final, the first 35 could come and get
19 the books and the rest of them would miss out. That's
20 not fair.

21 Q Okay. These classes you mentioned, U.S.
22 history, Government, Spanish, Economics, you would like
23 to see new books for those classes?

24 MS. PERRIN: Well, objection. To the extent you're
25 asking about the specific relief sought, it calls for a

1 A Modesto Ortiz and Maria Ortiz.

2 Q You also mentioned that you would like to see
3 better restrooms?

4 A Yes.

5 Q How can the restrooms at Watsonville High
6 School be improved?

7 A First of all, they need to open them. A lot of
8 times when I've been wanting to go to the restroom
9 during fifth and sixth, they're not even open. I have
10 to go to like three or four different restrooms to try
11 to find one open.

12 There's hardly any paper towels, any soap in
13 the restrooms.

14 Q Is one of your objectives in joining this
15 lawsuit to open the bathrooms in Watsonville High School
16 so they're not locked?

17 MS. PERRIN: Well, objection. Again, to the extent
18 that you're asking him to testify about relief, it calls
19 for a legal conclusion and expert testimony.

20 You can answer in your own opinion.

21 THE WITNESS: I don't understand that at all. Can
22 you rephrase it?

23 BY MR. LaCOMBE:

24 Q Is one of your goals in joining in lawsuit to
25 make sure that the bathrooms at Watsonville High School

1 legal conclusion and it calls for expert testimony. If
2 you'd like him to testify about the specific conditions
3 in his school, then he can do that.

4 THE WITNESS: Yeah, I think we need new books in
5 every single class. The books that they got, they're
6 old. And not just in my school, in the whole State of
7 California, they need books. Like that little -- I
8 don't know how old that little kid was. He said he
9 couldn't even have a math book. That's not -- you know,
10 that's not fair.

11 BY MR. LaCOMBE:

12 Q Besides your conversation with the little kid
13 -- and that was at the --

14 A Press conference.

15 Q -- press conference, how else are you aware
16 that students don't have books in other schools in
17 California?

18 A Well, my school -- I got my little brother and
19 sister that are living in Salinas. They talk to me
20 about their conditions at the school too.

21 Q What schools do they attend?

22 A I don't know exactly. Somewhere in Salinas.

23 Q Your little brother and sister?

24 A Yes.

25 Q What are their names?

1 are open during class period?

2 MS. PERRIN: Same objections.

3 THE WITNESS: That's not my goal. My goal is to
4 improve the bathroom conditions, not just open them.
5 Because if they open them, you know, they're still not
6 going to have any soap and supplies.

7 BY MR. LaCOMBE:

8 Q Okay. But is it one of your objectives, to
9 open the bathrooms during fifth and sixth periods?

10 MS. PERRIN: Same objections.

11 THE WITNESS: Yeah, it would be better. But not
12 the best. They should improve the conditions. But
13 yeah, they should open 'em.

14 BY MR. LaCOMBE:

15 Q Is it one of your objectives in joining this
16 lawsuit to insure that there's paper towels and soap?

17 A One of the many.

18 Q Is there any other way that the restrooms at
19 Watsonville High School can be improved in your mind?

20 MS. PERRIN: At this time I'd like to just put on
21 the record that to the extent you're asking for any type
22 of relief, that I think it calls for a legal conclusion
23 and expert testimony.

24 MR. LaCOMBE: Okay.

25 MS. PERRIN: He seems to be losing the thread of

1 question when I'm interposing objections on those
 2 grounds, so if we could just stipulate --
 3 MR. LaCOMBE: We can stipulate.
 4 MS. PERRIN: That would be great.
 5 THE WITNESS: What was the question again?
 6 BY MR. LaCOMBE:
 7 Q I believe it was are there any other ways to
 8 improve the restrooms at Watsonville High School besides
 9 supplying paper towels and soap?
 10 MS. PERRIN: Answer in your opinion.
 11 THE WITNESS: In my opinion, yes. We need mirrors
 12 in the restrooms. Some restrooms, they have got
 13 graffiti on there. You know, sometimes the graffiti is
 14 on there for weeks. They should clean it right away.
 15 BY MR. LaCOMBE:
 16 Q Are there any other ways that the restrooms
 17 could be improved besides those two you mentioned so
 18 far?
 19 MS. PERRIN: Again answer in your own opinion.
 20 THE WITNESS: Yeah, in my opinion, could I just --
 21 you know, an ideal restroom for a high school would be
 22 for, you know, the restrooms to have paper towels,
 23 toilet paper, soap so you can wash your hands
 24 afterwards, for them to be open, for them to have a
 25 mirror, and just -- for them to work as well. There's

1 some that don't even work. Not the whole restroom but
 2 some toilets.
 3 BY MR. LaCOMBE:
 4 Q And so is it one of your objectives in this
 5 lawsuit for Watsonville High School to have the type of
 6 bathrooms that you described as an ideal bathroom?
 7 A It's one of my many goals in the lawsuit.
 8 Q What types of renovations would you like to see
 9 at Watsonville High School?
 10 A In my opinion?
 11 Q Yes.
 12 A They should -- because one of my classes,
 13 someone broke one of the mirrors and it stayed like for
 14 a couple weeks.
 15 Another way they could improve is they should
 16 paint, because there's part of the schools where all the
 17 paint's already all messed up, you know. It's not too
 18 long ago that they painted it, but they didn't paint the
 19 whole school. They painted parts of the school.
 20 Q What parts of the school did they paint?
 21 A Well, they -- they painted like at the most
 22 half of the school, because the school's a pretty big
 23 size.
 24 Q Did they paint the exterior or the interior?
 25 A No, the exterior.

1 Q They painted half of the exterior?
 2 A Not exactly half. I'm not sure.
 3 Q What parts of the school exterior did they
 4 paint?
 5 A What do you mean by part? The top part or the
 6 bottom part or the west side or the east side or --
 7 Q I don't know. I don't know which half you're
 8 referring to. Which half?
 9 A I'm referring to, they painted the east side
 10 part of the school, yeah.
 11 Q Let's show you Exhibit 5. This is premarked
 12 Exhibit 5. This document is identified as Watsonville
 13 High School. It appears to be a map.
 14 MS. PERRIN: Can you represent that this document's
 15 been produced already?
 16 MR. LaCOMBE: I'm not sure. To you?
 17 MS. PERRIN: Uh-huh (nods affirmatively).
 18 MR. LaCOMBE: I'm not sure. We got it from Pajaro
 19 Valley.
 20 MS. KAATZ: It is my understanding -- actually I
 21 wouldn't even say my understanding because I'm the one
 22 who put this stuff together so it went to Specialized
 23 Legal Services so it should have been given to your
 24 office.
 25 MS. PERRIN: Great. Thanks.

1 BY MR. LaCOMBE:
 2 Q Have you seen this map before, Manuel?
 3 A This particular map?
 4 A This particular map, yes, but it's not exactly.
 5 But yes, I seen this map in general.
 6 Q What do you mean it's not exactly?
 7 A Well, yeah, because they've been having a lot
 8 of construction at school.
 9 Q So you mean there's new construction that's not
 10 on the map?
 11 A I seen the old map, but I haven't seen some of
 12 these class. But you know, now they're adding on to
 13 this. I guess that's the new construction.
 14 Q Which classes are you referring to?
 15 MS. PERRIN: Let the record reflect that he seems
 16 to be referring to the B Wing and the C Building; is
 17 that right?
 18 THE WITNESS: Somewhere between there, because
 19 now -- since there's a lot of construction going on
 20 there right now, I've seen one of those maps but before
 21 they started construction.
 22 Yeah, like around the basketball -- around the
 23 B Wing, around there.
 24 MS. PERRIN: Can we go off the record for a second?
 25 MR. LaCOMBE: Yes, sure.

1 (Discussion held off the record.)
 2 MS. PERRIN: So let the record reflect that the
 3 witness believes that there is construction currently?
 4 THE WITNESS: Currently.
 5 MS. PERRIN: Between the B Wing upstairs and the C
 6 Building.
 7 THE WITNESS: Yes.
 8 MS. KAATZ: Oh, and just for clarification as well,
 9 I'm thinking that this is not the exact copy that was
 10 produced, especially since it's not Bates stamped.
 11 MR. LaCOMBE: Okay. I'll check on that.
 12 MS. KAATZ: Okay.
 13 BY MR. LaCOMBE:
 14 Q Other than the new construction between the B
 15 Wing and the C building, does this map fairly reflect
 16 the layout of Watsonville High School as you know it?
 17 MS. PERRIN: At this time?
 18 BY MR. LaCOMBE:
 19 Q Yeah.
 20 A There's too many classrooms. I can't keep
 21 track of all the classrooms. I don't know exactly.
 22 Q Okay. The new painting that you referred to
 23 you, you identified it as applying to the east wing or
 24 the east side?
 25 A Yeah, but it was like around the 600 section,

1 Q How long was the egg yolk on the building?
 2 A I don't know no exact time.
 3 Q Did you observe the egg yolk personally?
 4 A Yes. Yeah, because that was my classroom and
 5 every time we would open the door, you could see it
 6 right there.
 7 Q Which classroom was that?
 8 A I believe 407.
 9 Q What class did you have in 407?
 10 A Spanish.
 11 Q And you mentioned that paint is peeling. Where
 12 is the paint peeling?
 13 A Same place, right there in the 400 section.
 14 Q Any other buildings that have paint peeling?
 15 MS. PERRIN: Objection, calls for speculation.
 16 Answer only if you know.
 17 THE WITNESS: I know that the 400 section, yeah.
 18 And the other ones, I don't know. I don't remember.
 19 BY MR. LaCOMBE:
 20 Q Okay. Have you looked at the paint that's
 21 peeling on the 400 building?
 22 A Not looked at it for a long time, but you just
 23 pass through there and see the condition of the paint,
 24 yeah.
 25 Q Okay. Is the paint broken off of the building?

1 where the 600 classrooms are at by the faculty portion.
 2 Q Any other portions of the high school
 3 repainted?
 4 A I'm not sure, but I did see some in the 600
 5 section.
 6 Q You mentioned that paint was messed up. Are
 7 you referring to the new paint was messed up or --
 8 A No, the paint from various parts of the high
 9 school.
 10 Q So the old paint?
 11 A Yes, the old paint.
 12 Q How is it messed up?
 13 A You can tell that the paint is falling off, and
 14 in the 400 section, there's -- because that's close to,
 15 you know, where people live, across from where people
 16 live, so sometimes kids throw eggs there and everything.
 17 They haven't even cleaned the egg yolks out of there,
 18 out of the doors.
 19 Q When was the 400 building egged?
 20 A I don't know, but I did see the egg yolk and
 21 all the egg things there for a pretty good amount of
 22 time.
 23 Q When did you see the egg yolk?
 24 A It was sometime this year, this school year. I
 25 don't remember exactly.

1 A Little pieces, yeah, little parts.
 2 Q Okay. You mentioned before that there was a
 3 broken mirror in a classroom. Which classroom is that?
 4 A It's actually in two. To my knowledge, there
 5 was two, 408 -- 407 I mean, Spanish class. Actually
 6 there's more. 407, I seen it right there because that's
 7 my class. And then in my old class, 302, that's where I
 8 had physical science last year. The window's broken
 9 right there too this year.
 10 Q What did you say?
 11 A The window was broken this year as well.
 12 Because the portable has like a window on top. Besides
 13 the window, it has like towards the middle, the window
 14 up top, it was broken.
 15 Q How was it broken?
 16 A It was shattered. It looked like it probably
 17 was a rock or something like that. But they left the
 18 shattered piece, like a big old piece, it was still up
 19 there. So what if, you know, there was a earthquake and
 20 it just fell? That could have really hurt someone.
 21 Q Was there any open space in the window?
 22 MS. PERRIN: Objection, vague.
 23 THE WITNESS: What do you mean by open space?
 24 BY MR. LaCOMBE:
 25 Q I understand you to say that the window was

1 cracked; is that right?
 2 A There was a little hole, but there was some
 3 cracks, and one of the thingies, it looked like it was
 4 going to fall off, a piece of the window, and it was
 5 pretty sharp.
 6 Q So you have a window broken in 302 physical
 7 science?
 8 A Yes.
 9 Q Was there any other windows broken?
 10 A In my English class, Room 64.
 11 Q Okay. What year did you have English there?
 12 A This year.
 13 Q And it's a window that's broken?
 14 A Yes.
 15 Q Same --
 16 A It looks like they got it with like a BB gun.
 17 I don't know.
 18 Q So there's a small hole in it?
 19 A (Nods affirmatively.)
 20 Q In Room 407, your Spanish class, you said it
 21 was a broken mirror?
 22 A Window.
 23 Q Window?
 24 A Sorry about that.
 25 Q Other than the window in your Spanish class

1 407, the physical science class in 302 and your English
 2 class in 64, were there any other windows that were
 3 broken?
 4 MS. PERRIN: Objection, calls for speculation.
 5 Answer only if you know.
 6 THE WITNESS: Not to my knowledge. I didn't go
 7 look around in every single class.
 8 BY MR. LaCOMBE:
 9 Q Okay. Is it one of your objectives in joining
 10 this lawsuit to fix these broken windows?
 11 MS. PERRIN: And again the same objection --
 12 MR. LaCOMBE: Yes.
 13 THE WITNESS: For me -- if they would break a
 14 window, I would want 'em to fix it right away. Not stay
 15 like that for a week or two. In the future, if they
 16 break a window, they shouldn't leave it broken for a
 17 couple weeks. They should do it right away.
 18 BY MR. LaCOMBE:
 19 Q Then is one of your goals in joining this
 20 lawsuit to insure that the school fixes broken windows
 21 within a week?
 22 A Yes.
 23 MS. PERRIN: Same objection.
 24 BY MR. LaCOMBE:
 25 Q Earlier you mentioned that you saw a picture of

1 a gym floor that was falling off.
 2 MS. PERRIN: Objection. I think slightly misstates
 3 his testimony. He was referring to the ceiling.
 4 BY MR. LaCOMBE:
 5 Q Ceiling?
 6 A The ceiling tiles, the little square things.
 7 Q I see. Which gymnasium was this?
 8 A Catherine gave me those pictures. They were
 9 from some other high school and some other schools like
 10 around California.
 11 Q Do you know which schools they were?
 12 A No, I don't.
 13 Q When did you view these pictures?
 14 A Actually I carry them within my binder, but I
 15 don't got my binder with me. They're back in my hotel.
 16 Q This is your school binder?
 17 A Yes, school binder.
 18 Q Are the ceiling tiles in the gym at Watsonville
 19 High School falling off?
 20 A I don't think we have ceiling tiles in the gym.
 21 Q Any issues with the gymnasium at Watsonville
 22 High School?
 23 MS. PERRIN: Objection, vague to the issues.
 24 THE WITNESS: Not that I can think of right now.
 25 BY MR. LaCOMBE:

1 Q Okay. You mentioned before that you want the
 2 State to fund school districts to alleviate these
 3 conditions.
 4 MS. PERRIN: Objection, slightly misstates his
 5 testimony, but go ahead.
 6 BY MR. LaCOMBE:
 7 Q Is that correct?
 8 A The State of California. See, because I don't
 9 know how exactly that works, who gets the money first,
 10 who gets the money, all that stuff. But I would like
 11 more funding for education in the State of California.
 12 Q Is it one of your goals in joining this lawsuit
 13 for the State to provide more funds to the school?
 14 MS. PERRIN: Same objection.
 15 BY MR. LaCOMBE:
 16 Q Yes.
 17 A That's like my main goal, to provide for funds
 18 for schools, for education.
 19 Q The ones that we've discussed so far have been
 20 -- or the goals that you would like would be to have
 21 more portables, new books, better restrooms, renovation,
 22 a new school and more funding. Are there any other
 23 objectives that you have in this litigation?
 24 MS. PERRIN: Same objections.
 25 THE WITNESS: Yeah. It would be better -- it would

1 be good, you know, for the schools to be connected to
2 the Internet, to have more computers. Not just our
3 school. Schools in general.

4 BY MR. LaCOMBE:

5 Q Is your school connected to the Internet?

6 A At least one computer, yes.

7 Q One computer?

8 A At least one. There's a lot of computers that
9 are connected to the Internet but not enough because we
10 got over 3,000 students.

11 Q Do you know how many computers there are for
12 student use at Watsonville High School?

13 A No, I don't. I know that they're trying to get
14 one computer in every class now. But in my economics
15 class and my Spanish class, you know, they got new
16 computers and not even a month later something was wrong
17 with the computers. Because I was trying to do a report
18 in my Spanish class and I told the teacher if she could
19 let me get some research done in the computer and she
20 told me, "I would let you but something's wrong with the
21 computer."

22 Q Do you have computer laboratories at
23 Watsonville High School?

24 A Yes, we do.

25 Q How many?

1 and they're all used up. Sometimes, you know, they
2 can't even get into the Internet at a particular time
3 and they have to turn something in or do something with
4 the computer.

5 Q Why can't the students access the computers?

6 MS. PERRIN: Objection, calls for speculation.

7 THE WITNESS: They access the computer. But the
8 thing is that sometimes they're using them already. The
9 computers that are available to the students are in the
10 library, you know, that every student could go in there.
11 Or you could use some computers that are in some classes
12 that you have to be in the particular class to be in
13 there. You can't just go and like let's say I'm in my
14 Spanish class and I go, "Oh, I'm going to go use a
15 computer in my English department." I can't do it.

16 Sometimes they're using them all at the library.

17 BY MR. LaCOMBE:

18 Q The computers that are at the library, do you
19 consider that to be computer lab?

20 A Yes, I do.

21 Q How many computers are there in the library?

22 A I don't know.

23 Q What are the hours of operation of the computer
24 labs?

25 A I'm not sure. I'm not sure.

1 A I don't know exactly. Yeah, I don't know
2 exactly.

3 Q Is it more than one?

4 A Computer labs that are connected to the
5 Internet, or just computer labs?

6 Q Either.

7 A More than one.

8 Q More than one. How many are connected to the
9 Internet?

10 A I'm not sure.

11 Q Do you use those computer labs?

12 A Sometimes when I'm at school, sometimes I do.
13 But sometimes I can't because I have to have -- each
14 student has to have their own code to use the Internet
15 and I don't got the code.

16 Q Have you asked for a code?

17 A No, I haven't.

18 Q Have other students received a code to your
19 knowledge?

20 A Yes, they have. The reason why I haven't asked
21 for the code is because I'm connected to the Internet at
22 my house. But I know that there's a lot of students
23 that, you know, in their house, they don't have
24 computers. And we should get more computers because
25 sometimes there's not enough computers for the students

1 Q You have a computer at home. Do you usually
2 use the computer at home for your homework as opposed to
3 computers at school?

4 A Yes.

5 Q How often do you use the computers at school?

6 A It's pretty rare when I use 'em at school
7 because again I got one at the house.

8 Q When was the last time that you used a computer
9 at school?

10 A Actually it was pretty recently. Probably at
11 most a couple weeks ago.

12 Q What did you use it for?

13 A Because we were doing -- to do some research.

14 Q For what class?

15 A Economics.

16 Q Was there an assignment that you were doing
17 research for?

18 A It was a project.

19 Q As part of the assignment, were you required to
20 use the computer?

21 A We had to -- it was a necessity to use the
22 computer.

23 Q Why is that?

24 A Because we had to see some stock reports. We
25 were doing a stock market project and the newspaper

1 doesn't print 'em out every day. Yeah, we didn't get
2 the newspaper every day.

3 Q Did you need Internet access to do that
4 project?

5 A Yes, we did.

6 Q Did you use your computer at home to complete
7 that project as well?

8 A Yes, I did.

9 Q Besides the conditions that we described before
10 that you would like to alleviate, and the connection to
11 the Internet, is there any other goals that you have in
12 your involvement in this litigation?

13 MS. PERRIN: Same objections.

14 THE WITNESS: That I can think -- right now I can
15 barely think now.

16 BY MR. LaCOMBE:

17 Q Okay. It's almost lunch time.

18 A Yeah. I don't think of none right now.

19 MS. PERRIN: Do you want to take our lunch break
20 now?

21 THE WITNESS: Yeah.

22 (Lunch Recess.)

23 MR. LaCOMBE: We just got back from the lunch
24 break. It's about an hour and 15 minutes or so.

25 Q Manuel, have you recently consumed any alcohol

1 BY MR. LaCOMBE:

2 Q Where is it at? What do you mean?

3 MS. PERRIN: And again, answer in your own words.
4 Don't say anything that your attorneys may have told you
5 or that you may have told us.

6 THE WITNESS: Yeah. I know that the State of
7 California tried to sue the district and that was held
8 until after this was resolved. So I'm pretty aware
9 where we're at right now.

10 BY MR. LaCOMBE:

11 Q How did you find out that the State sued the
12 district?

13 A In the letter through the e-mail.

14 Q And who was letter from?

15 A Catherine Lhamon, I believe.

16 Q Okay. How many e-mails have you received from
17 Catherine Lhamon?

18 MS. PERRIN: Since what time period?

19 BY MR. LaCOMBE:

20 Q Overall.

21 A I don't know. I don't know the exact number.

22 Q Do you receive them regularly?

23 A Well, they first come to my sister and then my
24 sister sends 'em to me.

25 Q Okay.

1 or any other substance that clouds your mind and would
2 interfere with your ability to understand my questions?

3 A No.

4 Q Okay. Is there any other reason why you may be
5 unable to testify or give your best testimony?

6 A No.

7 Q Okay. When we left there was a question
8 pending about the goals in the litigation. What we'll
9 do is we'll address those later on over the course when
10 we talk about specific conditions in your school. Do
11 you understand?

12 A Yes.

13 MR. LaCOMBE: Okay. Of course we already
14 stipulated that your objection you mentioned before will
15 attach to all of those questions.

16 MS. PERRIN: As to relief?

17 MR. LaCOMBE: As to relief.

18 MS. PERRIN: Okay.

19 BY MR. LaCOMBE:

20 Q Manuel, are you tracking the progress of this
21 lawsuit?

22 MS. PERRIN: Objection, vague.

23 THE WITNESS: Yes, I kinda am, but -- well, you can
24 say that I am because I kind of know where it's at right
25 now.

1 A So I don't know, just a estimate, maybe once a
2 month or more.

3 Q Okay. Are these e-mails addressed to you
4 personally?

5 A What do you mean personally?

6 Q Are they sent to you personally or is there a
7 group of recipients?

8 A I don't understand that question very good.

9 Q When you receive the e-mail, is it addressed to
10 a series of different addresses or just yours or your
11 sister's?

12 A Well, first just my sister, and then my sister
13 e-mails it to me.

14 Q But do you know in the original message before
15 it's forwarded by your sister, is it sent to a variety
16 of people or just your sister?

17 A The messages I've gotten has been directly from
18 Catherine Lhamon to my sister and my sister to me.

19 Q So no other parties are addressed -- are in the
20 addressees of the e-mail?

21 A Not that I can recall.

22 Q Other than the e-mail that you received, is
23 there any other way that you've been tracking the
24 progress of this lawsuit?

25 MS. PERRIN: Objection, misstates his testimony

1 slightly. He's received a number of e-mails. And I
 2 object as vague as to tracking the progress.
 3 THE WITNESS: Yeah, it hasn't been just one e-mail.
 4 It's been, you know, a few. Besides when something new
 5 comes up, one of my lawyers -- mostly it's been
 6 Catherine's the ones that's been getting hold of me,
 7 telling me, you know, this has come up.
 8 MR. LaCOMBE: Let the record reflect that he
 9 indicated that it was by telephone by using his hand.
 10 THE WITNESS: Yeah, that once -- some of the time
 11 it's been e-mail, but most of the time when something
 12 comes up, when she needs to get in touch with me, she'll
 13 get in touch by the phone.
 14 BY MR. LaCOMBE:
 15 Q And when was the last time you received a phone
 16 call?
 17 MS. PERRIN: From Catherine?
 18 MR. LaCOMBE: From Catherine Lhamon, yeah.
 19 Actually, strike that. I think you said it was
 20 a couple weeks ago earlier.
 21 MS. PERRIN: Right.
 22 THE WITNESS: Yeah, it was about a month ago.
 23 BY MR. LaCOMBE:
 24 Q Okay. You have before you Exhibits 1 through
 25 3. That's the First Amended Complaint, your declaration

1 dated February 5th, 2001, and the Notice of Deposition.
 2 Other than those documents, have you seen any
 3 other documents filed in this case?
 4 MS. PERRIN: Objection, vague as to "filed."
 5 THE WITNESS: That's what I was wondering, what
 6 other documents do you mean?
 7 BY MR. LaCOMBE:
 8 Q Documents that were filed with the court.
 9 A So you mean like these?
 10 Q You're pointing to the transcript?
 11 A Yeah, the transcripts.
 12 Q No, those were not filed with the court.
 13 MS. PERRIN: Can I interject something here?
 14 MR. LaCOMBE: Okay.
 15 MS. PERRIN: He wants to know if you've seen -- we
 16 call these court documents, so things that have
 17 pleadings, whether they be from us or from the other
 18 side. So he's asking if you've seen other documents
 19 like that.
 20 Is that correct?
 21 MR. LaCOMBE: That's correct.
 22 MS. PERRIN: Okay. And do you mean filed or
 23 served?
 24 MR. LaCOMBE: Yes, I do.
 25 MS. PERRIN: Okay.

1 THE WITNESS: Besides these? I don't believe so.
 2 I'm not sure.
 3 BY MR. LaCOMBE:
 4 Q Okay. Do you know in what court the lawsuit is
 5 taking place?
 6 MS. PERRIN: Objection as to "taking place."
 7 THE WITNESS: What city or --
 8 BY MR. LaCOMBE:
 9 Q That's fine, yeah.
 10 A No, I don't.
 11 Q Okay. Manuel, what is your date of birth?
 12 A March 11th, 1983.
 13 Q Okay. And you're a senior at Watsonville High
 14 School?
 15 A Yes.
 16 Q How far away from the school do you live?
 17 A About -- about like seven, eight blocks away.
 18 Q Okay. How do you get to school?
 19 A My sister drives me to school.
 20 Q Are you a licensed driver?
 21 A No.
 22 Q How long have you lived at your current home
 23 address?
 24 A Since my freshman year of high school.
 25 Q Does anybody live with you besides your sister?

1 A Yes.
 2 Q Who does?
 3 A My brother, brother-in-law and nephew.
 4 Q The nephew is the son of which brother?
 5 A It's the son of my sister.
 6 Q Oh, son of your sister.
 7 A Yeah.
 8 Q Okay. Is the brother-in-law married to your
 9 sister?
 10 A Yes.
 11 Q Okay. And that's Ramon Gomez?
 12 A Yes.
 13 Q And what's the name of your brother?
 14 A The name of my brother?
 15 Q Yeah.
 16 A Justino Ortiz.
 17 Q I believe you mentioned earlier that you have
 18 other siblings who don't live with you.
 19 A Yes.
 20 Q They live in Salinas?
 21 A Salinas.
 22 Q Salinas. Do you have any other siblings
 23 besides Modesto Ortiz, Maria Ortiz, Justino Ortiz and
 24 your brother-in-law?
 25 A Other siblings?

1 Q And your sister, yeah, Juana?
 2 A Direct siblings like brother, sister?
 3 Q Brothers and sisters.
 4 A No.
 5 Q When you say that you moved to Watsonville your
 6 freshman year, was that before your freshman year or
 7 during?
 8 A Before I still used to -- no, I lived in
 9 Watsonville, but not in this current address.
 10 Q Okay. The move was in the middle of the school
 11 year?
 12 A I think it was -- I'm not sure. I think it was
 13 toward the beginning of the school year.
 14 Q Okay. How long were you at the previous
 15 location in Watsonville before you moved in your
 16 freshman year?
 17 A I'm not sure. It was less than a year though.
 18 Q Where were you born?
 19 A Mexico.
 20 Q Did you grow up in Mexico?
 21 MS. PERRIN: Objection. I'm going to instruct you
 22 not to answer this. This is all outside the scope of
 23 the order.
 24 MR. LaCOMBE: Fair enough.
 25 Q Does anyone know how to speak Spanish at home?

1 MS. PERRIN: Objection. I'm going to instruct you
 2 not to answer that as outside the scope of the
 3 protective order.
 4 The personal circumstances of the family and
 5 the family circumstances are not relevant to any issue
 6 in this litigation.
 7 BY MR. LaCOMBE:
 8 Q Do you know how to speak Spanish?
 9 MS. PERRIN: Objection. What's the purpose of the
 10 question?
 11 MR. LaCOMBE: Well, he does take Spanish class.
 12 I'm asking what's directly related to his academics.
 13 MS. PERRIN: Conversational Spanish and academic
 14 Spanish are not one and the same.
 15 MR. LaCOMBE: I know that. I'm just asking if he
 16 speaks Spanish.
 17 THE WITNESS: Yes, I do.
 18 BY MR. LaCOMBE:
 19 Q Do your friends know how to speak Spanish?
 20 MS. PERRIN: Objection. This is completely
 21 irrelevant to any issue in the litigation. I would
 22 suggest that you move on.
 23 MR. LaCOMBE: I think it relates to his Spanish
 24 class.
 25 MS. PERRIN: I don't believe that whether his

1 friends know how to speak Spanish has any direct
 2 relevance to his Spanish class whatsoever. And
 3 frankly it calls for speculation. He doesn't know
 4 whether his friends speak Spanish, to what extent they
 5 speak Spanish or where they learned Spanish. I'm going
 6 to instruct the witness not to answer because it's
 7 completely outside the scope of permissible testimony.
 8 Don't answer the question.
 9 BY MR. LaCOMBE:
 10 Q Since kindergarten, what schools have you
 11 attended?
 12 A Kindergarten through -- I don't remember.
 13 Through fifth or sixth grade, I attended Aromas
 14 Elementary, I think it was.
 15 Q What was the name of it?
 16 A Aromas. I'm not sure if it's Elementary or
 17 Unified, I don't remember.
 18 And then sixth grade, it was Rolling Hills
 19 Middle School.
 20 Q Rolling Hills?
 21 A Yes. Seventh grade it was E.A. Hall. And then
 22 I spent part of seventh grade I think it was in E.A.
 23 Hall, and then part in Gambetta Middle School. Then in
 24 eighth grade I moved -- I went to Midvale Middle School
 25 and West Valley Middle School.

1 Q Are these all public schools?
 2 A Yes, they are.
 3 Q Are those all the schools that you've gone to
 4 so far?
 5 A And Watsonville High.
 6 Q Are any of these schools in the Pajaro Valley
 7 School District?
 8 A Yes.
 9 Q Which ones?
 10 A E.A. Hall and Rolling Hills.
 11 Q Do you have any paid employment right now?
 12 A Excuse me.
 13 Q Do you have any -- are you employed?
 14 A No.
 15 Q Have you had any paying employment?
 16 A In the past?
 17 Q Yeah.
 18 A Yes.
 19 Q Who did you work for?
 20 MS. PERRIN: What's the relevance of this line of
 21 questioning?
 22 MR. LaCOMBE: It just relates to the activities
 23 that he does outside of class.
 24 MS. PERRIN: In Paragraph 5 of the protective order,
 25 it says that documents shall not be produced, and it

1 lists a bunch of them. One of them is work permits and
2 permits to employ. So I believe that any employment
3 history is outside the scope of what's permitted by this
4 order, and I'm going to instruct you not to answer.

5 BY MR. LaCOMBE:

6 Q Any regular nonpaying volunteer work that you
7 have done?

8 A Yes.

9 Q What is that?

10 A Volunteer with the community, with various
11 community programs.

12 Q Which are those?

13 A I volunteer for the YMCA, for the Youth Center.
14 I don't know the name of one. Could I ask my sister?

15 Q Yeah.

16 THE WITNESS: What's the one -- the one that
17 Raymond --

18 MS. GOMEZ: Community Involvement Committee.

19 THE WITNESS: Community Involvement Committee? Is
20 that the same with the Neighborhood --

21 MS. GOMEZ: Yeah. It's the Neighborhood Services
22 Community.

23 BY MR. LaCOMBE:

24 Q Is that everything?

25 A I volunteered with the Hoop-it-up.

1 BY MR. LaCOMBE:

2 Q About how many hours a week do you volunteer?

3 A Various. Sometimes a lot, sometimes not at
4 all.

5 Q Do you have a best estimate for the number of
6 hours?

7 MS. PERRIN: He just said that it varies week to
8 week.

9 BY MR. LaCOMBE:

10 Q I understand, but an average?

11 A It depends. I don't know.

12 Q Okay. Are you involved in any school clubs?

13 A I used to be.

14 Q Which clubs?

15 A Sierra Catz, with a "z" at the end. And that's
16 it.

17 Q That's it? Okay. What is Sierra Catz?

18 A It's a outdoor -- it's like a outdoor -- we do
19 outdoor events, go hiking. Just that's basically it.
20 We just do outdoor events.

21 MS. PERRIN: Can I take a quick break for a second?

22 MR. LaCOMBE: Sure.

23 (Witness and counsel confer.)

24 BY MR. LaCOMBE:

25 Q Sierra Catz, was that at Watsonville High

1 Q What is Hoop-it-up?

2 A Basketball tournament. And various others that
3 I cannot remember right now.

4 Q Are you currently volunteering with any of
5 those organizations?

6 A Well, yes. Yes, I am.

7 Q All of them or some of them?

8 A Some.

9 Q What work have you done with the YMCA?

10 MS. PERRIN: I'll ask again what the purpose of
11 this line of questioning is.

12 MR. LaCOMBE: Just trying to see what his
13 activities are outside of school.

14 MS. PERRIN: Judge Bush specifically said that
15 you're allowed to take testimony as to academic
16 performance and whether or not a particular pupil is
17 taking advantage or not of resources that are available
18 at the school. His activities outside the school are
19 not relevant.

20 MR. LaCOMBE: Okay. We can get back to this later.

21 MS. PERRIN: I don't think it's a particularly
22 effective use of his time to go over every volunteer job
23 that he has had. He's already stated that he's
24 volunteered quite a bit with the community. But I still
25 don't see how it has anything to do with this lawsuit.

1 School?

2 A Yes.

3 Q And when did you cease to belong to Sierra
4 Catz?

5 A When did I start?

6 Q When did you stop?

7 A When the program ended.

8 Q When was that?

9 A Earlier this year. Towards the end of the
10 first semester.

11 Q Okay. And how long were you a member of Sierra
12 Catz?

13 A I started last year, my junior year of high
14 school, until my senior year.

15 Q Do you know about what time in your junior
16 year?

17 A If I can recall -- I don't know exactly.

18 Q Did you play any sports?

19 A Yes.

20 Q Are they through the high school?

21 A I did, yes.

22 Q What sports?

23 A Soccer, cross country and track and field.

24 Q Okay. Did you do those all four years?

25 A No.

1 Q Which years did you play soccer?
 2 A My freshman year of high school, and that's it.
 3 Q Okay. What about cross country, what years?
 4 A My senior year in high school.
 5 Q What about track and field?
 6 A My junior year in high school.
 7 Q Any other after-school activities?
 8 A Yes.
 9 Q What are they?
 10 A I played basketball through various different
 11 leagues. Played -- whenever there's any type of leagues
 12 for any sports, I'll play.
 13 Q Okay.
 14 A For all the sports.
 15 Q This is outside --
 16 A Outside of the school, yes.
 17 Q Okay. Let's look at Defense Exhibit 6. This
 18 is -- is this your transcript --
 19 A Yes.
 20 Q -- from Watsonville High School?
 21 A Yes.
 22 Q Have you seen it before?
 23 A Yes.
 24 Q Does this reflect all of the classes that
 25 you've taken at Watsonville High School?

1 A So is what you're trying to say is these are
 2 all the classes that I've got?
 3 Q Yes.
 4 A Yes.
 5 Q Are there any classes that you've taken at
 6 Watsonville High School that aren't on this transcript?
 7 A No.
 8 Q What about your current semester -- okay. Is
 9 the current -- is the only class you're taking right now
 10 Themes and Literature, is that what it is? What classes
 11 are you taking?
 12 A Where it says Work in Progress --
 13 Q Oh, okay. The classes that are work in
 14 progress, is that the classes that you're taking now?
 15 A Yes.
 16 Q I see. What is -- let's see, under your
 17 freshman year it says Safe Net slash B.S. What is that
 18 class?
 19 MS. PERRIN: Objection, calls for speculation.
 20 Answer only if you know.
 21 THE WITNESS: We did various things. I remember
 22 doing some science in that class.
 23 BY MR. LaCOMBE:
 24 Q One second. My first question is, what is the
 25 exact title of that class?

1 A I don't know.
 2 Q You don't know, okay.
 3 A No.
 4 Q You did various things in the class. What did
 5 you do?
 6 A Yes. Some science, and we did some English, I
 7 believe, and I don't remember the rest.
 8 Q Was this summer school?
 9 A Yes.
 10 Q This was before you started as -- your freshman
 11 year?
 12 A Yes.
 13 Q Okay. Do you know how many weeks that class
 14 was?
 15 A No.
 16 Q Okay. It also indicates here a class called
 17 Ing slash Intech. Do you know what the complete title
 18 of that class is?
 19 A Yes.
 20 Q What is it?
 21 A Never mind.
 22 Q Yeah, under your freshman year.
 23 A Yeah, I know where you're at. I don't know the
 24 complete title of that.
 25 Q What kind of a class was it?

1 A I'm not very, very positive, but I think that
 2 was where one semester we did mechanics and the other
 3 semester we did computer -- like computer engineering
 4 type of stuff.
 5 Q You covered different topics in the two
 6 different semesters, is that what you're saying?
 7 A Yes.
 8 Q Okay.
 9 A And we did some woodworking there too, I
 10 remember that.
 11 Q Anything else that you did in that class?
 12 A Not that I can recall right now.
 13 Q Okay. Your sophomore year there's a class
 14 called Independent Study Elective. What subject matter
 15 was that course?
 16 MS. PERRIN: I'm sorry, where are we looking here?
 17 MR. LaCOMBE: The bottom of the left-hand column.
 18 THE WITNESS: Can you repeat that question, please?
 19 BY MR. LaCOMBE:
 20 Q Yeah. What was the subject matter of the
 21 course entitled Independent Study Elective?
 22 A The one where I got six credits?
 23 Q Yes.
 24 A I got a -- I'm not sure. I'm not sure what did
 25 I write there. I can't recall.

1 Q Okay. Do you know if Watsonville High School
2 has honors classes?

3 A Yes.

4 MS. PERRIN: Objection, vague as to honors.

5 THE WITNESS: Advanced classes?

6 BY MR. LaCOMBE:

7 Q Yes.

8 A Yes.

9 Q Have you taken any honors classes?

10 A No, I don't think so.

11 Q Okay. What are your favorite subjects this
12 year?

13 A Math and P.E. and Draw and Paint.

14 Q Why are those your favorite subjects?

15 A I love math. I like to draw and paint, and I
16 love to play sports.

17 Q Okay. What are your least favorite classes
18 that you're taking?

19 MS. PERRIN: This semester?

20 THE WITNESS: This semester?

21 BY MR. LaCOMBE:

22 Q Yeah.

23 A It would probably have to be economics.

24 Q Anything else?

25 A I like the other ones. No.

1 A No, I didn't, huh-uh.

2 Q Okay. Which of the classes that you've taken
3 do you consider to be your core subjects?

4 MS. PERRIN: Objection, vague as to core subjects.

5 THE WITNESS: Could you rephrase that, please?

6 BY MR. LaCOMBE:

7 Q Which of those classes that you've taken do you
8 consider to be most essential to having a complete high
9 school education?

10 MS. PERRIN: Objection, calls for a legal
11 conclusion; objection, calls for speculation.

12 You can answer the question if you know and in
13 your opinion.

14 THE WITNESS: In my opinion, throughout the four
15 years?

16 BY MR. LaCOMBE:

17 Q Uh-huh.

18 A In my opinion it's been English, math and
19 history.

20 Q Okay. Why did you consider those to be the
21 core classes?

22 MS. PERRIN: Well, objection. Slightly misstates
23 his testimony. You rephrased the question and said,

24 "What subjects do you consider to be essential?"

25 BY MR. LaCOMBE:

1 Q Why is economics your least favorite class?

2 A Because that class is like a review for me
3 because most of the things that they're teaching I know
4 already, so it's pretty boring.

5 Q When did you learn the things that you're being
6 taught in economics?

7 A Last year.

8 Q At school?

9 A Yes.

10 Q What classes?

11 A Mostly U.S. history and a little bit of World
12 Civ.

13 Q What things are you being taught in economics?

14 A In general or --

15 Q Yeah.

16 A Things that have to do with the economy. We're
17 being taught how the stock market works and how the
18 economy works.

19 Q Okay. Who have been your favorite teachers at
20 Watsonville High School?

21 MS. PERRIN: In what time period?

22 MR. LaCOMBE: Since he's attended.

23 THE WITNESS: All of 'em. I like all of 'em.

24 BY MR. LaCOMBE:

25 Q Did you have a least favorite teacher at all?

1 Q Okay. Why do you consider those subjects to be
2 essential to a high school education?

3 A Well, my opinion, after you get out of high
4 school you're going to need -- for any job you get
5 you're going to have to know how to do some math. You
6 need to know English and history as just -- in my
7 opinion history's important.

8 Q Do you consider yourself to be a good student,
9 Manuel?

10 A Yes, I do.

11 Q Why is that?

12 A Because I like school. It's fun. But it's
13 just one of the teen-age things, you know, sometimes you
14 run -- you just don't do that good. But I still love
15 learning new stuff.

16 Q Do you do all your homework before it's due?

17 A Not at all.

18 Q Is there any particular classes where you don't
19 do your homework before it's due?

20 MS. PERRIN: I object to that question. Are you
21 asking if there are questions -- classes where he
22 regularly does not do his homework before it's due?

23 MR. LaCOMBE: That's fair, yeah.

24 THE WITNESS: Yeah, there is.

25 BY MR. LaCOMBE:

1 Q Which class or classes?
 2 A This year?
 3 Q Yeah.
 4 A Math. I think it would be mostly math and
 5 economics.
 6 Q Why is it that you don't always do your math
 7 homework before it's due?
 8 A Because again, some of the stuff I already know
 9 and it just doesn't seem interesting. And that's the
 10 main reason. It just doesn't seem interesting, doesn't
 11 get my attention.
 12 Q Why doesn't it seem interesting?
 13 A Because I know it already.
 14 Q Okay. But math is your favorite subject?
 15 A Yes.
 16 Q Why do you not complete all your homework in
 17 economics before it's due?
 18 A Besides that it's hard for me to do my homework
 19 because of my sports that -- I like to play like every
 20 sport and it just interferes with my homework, which
 21 shouldn't happen but it does. It just gets hard.
 22 Q Are there any other classes where you've turned
 23 in homework after it was due?
 24 MS. PERRIN: During what time period?
 25 THE WITNESS: Yeah, that's what I was going to say.

1 BY MR. LaCOMBE:
 2 Q While you were at Watsonville High School?
 3 A Yes, there was.
 4 Q What classes?
 5 MS. PERRIN: Do you want him to go through every
 6 time he turned in a homework assignment late, or are you
 7 asking if there are particular classes in which he
 8 routinely turned in his homework late?
 9 MR. LaCOMBE: Well, I'm asking every time, but if
 10 there's many times, then I guess --
 11 THE WITNESS: No, I'm not going to be able to
 12 remember through the four years.
 13 BY MR. LaCOMBE:
 14 Q Is there any classes where you have never
 15 turned in an assignment late?
 16 A Well, P.E. because there's no homework in P.E.,
 17 and Draw and Paint because there's no homework in Draw
 18 and Paint. Actually there was but I did it. This year
 19 in my English class. And I can't recall the others.
 20 Q Okay. When you turn in homework after it's
 21 due, do you -- it may depend upon the class, but do you
 22 lose credit? Does your grade go down as a result?
 23 MS. PERRIN: Objection, vague. What class are you
 24 talking about?
 25 THE WITNESS: Particular classes?

1 BY MR. LaCOMBE.
 2 Q Do you understand the question?
 3 A I kind of do, but you want to know throughout
 4 this year?
 5 Q Yes.
 6 A Every single class? I can't say it direct --
 7 it kind of directly affects my grade, but it just
 8 affects that homework assignment.
 9 Q Okay. Fair enough. Has -- does anybody help
 10 you with your school work?
 11 A Yes.
 12 Q Who does?
 13 A My family members and my -- some teachers help
 14 me out as well when I don't understand something.
 15 Q Which family members?
 16 A Basically the ones that live at my house, at my
 17 sister's place.
 18 Q Which teachers help you with your homework or
 19 your school work?
 20 A It varies.
 21 Q Is this the -- is it the teacher of the class
 22 that assigns the homework that helps you with the
 23 homework, or is there a teacher that helps you
 24 regardless of which class assigned the homework?
 25 MS. PERRIN: Objection, compound.

1 THE WITNESS: It varies. Sometimes another teacher
 2 helps me. Sometimes the same teacher.
 3 BY MR. LaCOMBE:
 4 Q Okay. Do you have any tutors?
 5 A What do you mean by tutors?
 6 Q Somebody who regularly assists you with your
 7 homework who's not a teacher or student or family
 8 member?
 9 A No.
 10 Q Where do you normally do your school work
 11 assignments?
 12 A This year?
 13 Q Sure, this year?
 14 A That varies. Mostly at home.
 15 Q Is there any place other than home where you
 16 would do school work assignments regularly?
 17 A Regularly? Well, regularly I do it at home, so
 18 it can't be regularly. Sometimes I do it at the
 19 library, but not regularly.
 20 Q Okay. How would you describe the environment
 21 that you study in?
 22 A Can you rephrase that, please?
 23 Q Yeah. When you work at home, what's your study
 24 environment like?
 25 A My surrounding -- like my surrounding place?

1 Q Yes.
 2 MS. PERRIN: What's the purpose of this line of
 3 questioning?
 4 MR. LaCOMBE: I just want to know whether he has a
 5 quiet place to study or not.
 6 MS. PERRIN: What does that have to do with
 7 whether the State has given him textbooks?
 8 MR. LaCOMBE: Well, we want to see if the grades
 9 he's gotten reflect the --
 10 MS. PERRIN: Family circumstances are not permitted
 11 to be testified about. Anything about his home
 12 environment is improper under Judge Bush's order, and I
 13 instruct you not to answer.
 14 BY MR. LaCOMBE:
 15 Q How much do you study a night in hours?
 16 A It varies. It depends how much homework I
 17 have.
 18 Q Uh-huh. What's your best estimate of an
 19 average night's worth of homework?
 20 A It varies.
 21 MS. PERRIN: Why don't you give him a range if you
 22 have one.
 23 THE WITNESS: Daily, like every night. About half
 24 an hour to an hour.
 25 BY MR. LaCOMBE:

1 Q Okay. Do you get homework and -- do you get
 2 nightly homework in any of your classes?
 3 MS. PERRIN: This semester?
 4 BY MR. LaCOMBE:
 5 Q This semester?
 6 A Yes.
 7 Q Which classes?
 8 A Algebra 2.
 9 Q Are there any other classes where you get
 10 nightly homework or daily homework?
 11 A No.
 12 Q Okay. Do you believe that your grades reflect
 13 your true academic abilities, Manuel?
 14 MS. PERRIN: Objection, vague as to true academic
 15 abilities.
 16 THE WITNESS: Can you rephrase that, please?
 17 BY MR. LaCOMBE:
 18 Q Do you think that the grades you're receiving
 19 reflect the grades that you could get with the potential
 20 that you have for getting good grades?
 21 MS. PERRIN: Same objection. You can answer if you
 22 understand.
 23 THE WITNESS: So what you're trying to say is that
 24 these grades that I got, does it -- is it the best I
 25 could do?

1 BY MR. LaCOMBE:
 2 Q Yeah.
 3 A It's not the best I could do.
 4 Q Okay. Why not?
 5 A Because I'm involved in sports and it's just --
 6 I could do better than this.
 7 Q Okay.
 8 A I could do -- especially in my finals. I could
 9 have done better in my finals if I'd had the proper
 10 materials in school.
 11 Q Okay. Have you taken any tests at school other
 12 than classroom tests?
 13 MS. PERRIN: Objection, vague as to tests. Are you
 14 asking about standardized tests?
 15 MR. LaCOMBE: Yes.
 16 MS. PERRIN: State sponsored standardized tests?
 17 MR. LaCOMBE: Yes.
 18 THE WITNESS: Can you repeat that, please?
 19 BY MR. LaCOMBE:
 20 Q Have you ever taken any State sponsored
 21 standardized test?
 22 A At the high school?
 23 Q Yes.
 24 PERRIN: MS. Can I interject?
 25 He's asking about the STAR 9 test.

1 THE WITNESS: Yes, I have.
 2 BY MR. LaCOMBE:
 3 Q What was your score?
 4 A In which one?
 5 Q The most recent one that you've taken.
 6 A Well, the most recent one we've taken, the
 7 scores are not out yet.
 8 Q Okay. The previous -- the one previous to
 9 that, that you have a score on?
 10 A If I -- if I can remember correctly, I got a
 11 [REDACTED]
 12 Q SAT?
 13 A Yes.
 14 Q Okay. I'm not talking about the SAT's. I'm
 15 talking about the --
 16 A Like the SAT 9's?
 17 MS. PERRIN: Yeah.
 18 THE WITNESS: I cannot recall. I can't remember.
 19 BY MR. LaCOMBE:
 20 Q Okay. When was the last time that you took a
 21 STAR 9?
 22 A I'm not sure if we're taking the STAR 9 right
 23 now, but we are taking one of them tests right now.
 24 Q Okay. You don't know what the title is of it
 25 is what your saying?

- 1 A I don't remember.
 2 Q How many of these standardized tests have you
 3 taken in high school total?
 4 MS. PERRIN: Not including the SAT.
 5 THE WITNESS: I don't remember. I don't know the
 6 exact number.
 7 BY MR. LaCOMBE:
 8 Q Any proficiency exams that you've taken?
 9 A What do you mean proficiency?
 10 Q Any sort of examination that measures your
 11 skills in subjects.
 12 A Like the SAT.
 13 Q Let me refer specifically to the document,
 14 Exhibit 6. In the lower right-hand corner it says
 15 Proficiency Tests. Do you see that, above your SAT
 16 scores?
 17 A Oh, the Reading --
 18 Q Reading, Writing, Mathematics, yeah. What are
 19 those tests, do you know?
 20 A Reading, writing and math.
 21 Q These are tests that the school gives?
 22 A Yes. Some -- actually, I'm not sure if it's
 23 just the school or the district or if it's mandated by
 24 the State of -- I don't know.
 25 Q When did you take these tests?

- 1 A It varies throughout high school.
 2 Q You've taken several times?
 3 A Well, once you pass you don't have to take it
 4 again.
 5 Q Okay. When did you take your reading
 6 proficiency test?
 7 A I'm not sure about that.
 8 Q Okay. And your writing proficiency test, when?
 9 A My senior year.
 10 Q Okay. And your mathematics proficiency test?
 11 A I don't recall, no. I don't remember.
 12 Q How did you prepare for those tests?
 13 MS. PERRIN: Objection, assumes that he did
 14 prepare.
 15 BY MR. LaCOMBE:
 16 Q If at all?
 17 A I didn't prepare because I already knew it.
 18 Q Okay.
 19 (Recess.)
 20 BY MR. LaCOMBE:
 21 Q For the STAR 9, how did you prepare for the
 22 STAR 9 if at all?
 23 A It's not on here, uh?
 24 Q The STAR 9 test was the standardized test that
 25 the State gives.

- 1 A How did I prepare?
 2 Q Yeah.
 3 A Well, they prepare you throughout the year
 4 because they teach you what you need to know in the
 5 classes.
 6 Q By they, you mean the teachers?
 7 A The teachers, yes.
 8 Q Okay. Do they do anything other than the
 9 regular course assignment to prepare you for the STAR 9
 10 exams?
 11 MS. PERRIN: Objection calls for speculation.
 12 Answer only if you know.
 13 THE WITNESS: I don't know.
 14 BY MR. LaCOMBE:
 15 Q Did you do anything on your own to prepare for
 16 the STAR 9 exams?
 17 MS. PERRIN: Objection, asked and answered.
 18 THE WITNESS: Did I do anything to prepare for the
 19 STAR 9? No. Just study at school, throughout the year.
 20 But besides that, on my own, no.
 21 BY MR. LaCOMBE:
 22 Q Manuel, do you have enough credits to graduate
 23 this year?
 24 A Once the year's over, yes.
 25 Q When the year is over?

- 1 A Yes.
 2 Q In the upper right-hand corner of the
 3 transcript, Exhibit 6, I see three columns at the top.
 4 It says -- three columns of numbers. Do you see what
 5 I'm saying?
 6 A Uh-huh.
 7 Q Along side English it gives a 40, a 30 and a
 8 10. Do you understand what those numbers refer to?
 9 A Yes, I do.
 10 Q What do they refer to?
 11 A The first one on top it says R-e-q and that's
 12 Required. Those are the credits you're required to
 13 have. The ones C-m-p, those are Complete, how many you
 14 have completed throughout the four years of high school.
 15 And D-e-f, the Deficiency, how many more you need before
 16 you graduate from high school.
 17 Q And under the Def, the Deficiency, it indicates
 18 10; is that correct?
 19 A Yes.
 20 Q How many English credits are you taking this
 21 semester?
 22 A Ten.
 23 Q Which classes are those?
 24 A English 4 and I'm in a pass program.
 25 Q Is that pass theme-lit?

1 A Yes.
 2 Q Have you ever received a grade for that class?
 3 A For the first semester, yes.
 4 Q So there is an additional class besides those
 5 listed under work in progress that you're presently
 6 taking; is that right?
 7 A Yes.
 8 Q Are there any other classes besides theme-lit
 9 that you're taking that aren't listed under work in
 10 progress right now?
 11 A No.
 12 Q What are your plans after you graduate?
 13 A I plan to take the summer off and then in the
 14 fall go to college.
 15 Q Okay. Have you applied to any colleges?
 16 A No.
 17 Q When did you plan -- do you plan on applying
 18 for college?
 19 A I'm going to go to community college.
 20 Q Okay. Do you know which community college
 21 you'd like to go to?
 22 A Yes, but it's not a hundred percent.
 23 Q Have you received any awards based on your
 24 academics?
 25 A Yes.

1 Q What are those?
 2 A I got this award just barely -- I remember it
 3 was this year though, for improving my GPA, my grade
 4 point average, and they just gave me a paper saying, you
 5 know, Improved, and it says that I range [REDACTED]
 6 [REDACTED]
 7 Q The GPA that ranges [REDACTED] is
 8 that referring to your last semester's grades?
 9 A I don't -- I don't remember what quarter I got
 10 that award.
 11 Q And was that from the principal that you
 12 received it?
 13 A I'm not sure from where it directly came from.
 14 Q Any other awards based on your academics that
 15 you've received?
 16 A Well, it just says right here GSC First Year
 17 Algebra Recognition, but I didn't get nothing for that.
 18 Q What was that recognition, do you know?
 19 A No, I don't.
 20 Q Do you remember hearing about that anywhere
 21 other than on this transcript?
 22 A Yes, I remember my name being posted up in the
 23 school library saying -- you know, my name for the first
 24 year algebra recognition. It was right there in the
 25 library.

1 Q Okay. Have you received any awards based on
 2 your behavior in school?
 3 MS. PERRIN: Objection, vague as to behavior.
 4 THE WITNESS: Behavior like -- what kind of
 5 behavior?
 6 BY MR. LaCOMBE:
 7 Q Being a good kid, obeying the rules.
 8 A I don't think they give an award for being a
 9 good kid at school.
 10 Q You've never received anything like that?
 11 A No, I haven't.
 12 Q Okay. To your knowledge, how does Watsonville
 13 High School respond to student misbehavior?
 14 MS. PERRIN: Objection, vague as to misbehavior.
 15 Answer only if you know.
 16 THE WITNESS: I don't know exactly how -- you know,
 17 how it exactly works. But they're doing a good job in
 18 my opinion.
 19 BY MR. LaCOMBE:
 20 Q Okay. Have you ever been disciplined at the
 21 school for misbehavior?
 22 MS. PERRIN: Objection, I'm going to instruct the
 23 witness not to answer. The reasons that he was
 24 disciplined are not within the scope of permissible
 25 testimony under the protective order.

1 MR. LaCOMBE: Okay. I'll check.
 2 MS. PERRIN: In other words, he has not been
 3 disciplined for absences, tardiness, truancy or
 4 disruption during class.
 5 MR. LaCOMBE: Okay. Thank you.
 6 Q Have you ever been disciplined at Watsonville
 7 High School then for truancy, absence or absences?
 8 MS. PERRIN: I'm going to instruct the witness not
 9 to answer because it's outside the scope of permissible
 10 testimony.
 11 MR. LaCOMBE: Well, it's outside the protective
 12 order.
 13 MS. PERRIN: Yes. My understanding is that the
 14 protective order outlines the appropriate documents and
 15 the scope of permissible testimony.
 16 MR. LaCOMBE: Right. Well, this time I'm asking
 17 about discipline based on truancy or --
 18 MS. PERRIN: Oh, I'm sorry. I misunderstood you.
 19 THE WITNESS: Can you repeat the question, please?
 20 BY MR. LaCOMBE:
 21 Q Have you ever been disciplined at Watsonville
 22 High for truancy or absences?
 23 A Can you rephrase it? You mean like getting
 24 suspended --
 25 Q Yeah.

1 A -- for truancy?
 2 Q Yeah.
 3 MS. PERRIN: For missing school or being late.
 4 THE WITNESS: I haven't gotten suspended, no.
 5 BY MR. LaCOMBE:
 6 Q Have you ever been sent to the office for being
 7 late to class or being absent from class?
 8 A Through all my four years or --
 9 Q Yes.
 10 A Yes, I have.
 11 Q Okay. When was that?
 12 A My freshman year of high school. I don't
 13 remember if my junior year, and in senior I believe,
 14 yeah.
 15 Q More than one time each -- your freshman year,
 16 was it one time or more?
 17 A I don't exactly remember.
 18 MS. PERRIN: Can we go off the record?
 19 MR. LaCOMBE: Yes, let's go off.
 20 (Discussion held off the record.)
 21 BY MR. LaCOMBE:
 22 Q Okay. There were three times that you -- you
 23 said your freshman year, junior year and this year.
 24 A My junior year I said I didn't remember.
 25 Q Okay. When were you sent to the principal's

1 A In general.
 2 Q In general?
 3 A Well, if you don't have your 220, you can't
 4 graduate from high school in general.
 5 Q What did they tell you to do in order to make
 6 sure you have enough credits to walk?
 7 A They gave me some options to, you know, take
 8 more classes, start doing your work, so I did.
 9 Q Okay. When you've been sent to the principal's
 10 office this year for truancy, were you punished?
 11 A I didn't -- I said I got sent to the office but
 12 not to the principal's office.
 13 Q Oh, I see.
 14 A I got sent to the office.
 15 Q Who did you talk to at the office?
 16 A The vice principal. She's like in charge of
 17 truancy.
 18 Q What's her name?
 19 A I don't remember. I think it's -- I'm not
 20 sure. It's Miss Fernandez, I believe.
 21 Q And were you punished by Miss Fernandez for --
 22 A No, I haven't gotten punished. They just told
 23 me if you keep on doing it you can't walk. But I
 24 haven't been punished.
 25 Q Okay. Let's refer back to Defense Exhibit 6

1 office this year?
 2 A I don't --
 3 MS. PERRIN: Only answer for missing class or for
 4 being late to class or for making trouble in class.
 5 THE WITNESS: I don't remember exactly when.
 6 BY MR. LaCOMBE:
 7 Q Could it have been this semester?
 8 A I went to the office this semester, but it
 9 wasn't because I got in trouble. They just needed to
 10 tell me that I couldn't do it no more or I wouldn't
 11 walk. I don't know if that's -- but getting in trouble
 12 where they suspended me or doing anything serious like
 13 that, I haven't.
 14 Q I'm sorry, I didn't understand. You said you
 15 couldn't walk unless what?
 16 A Yeah. I've been sent to the office, but not,
 17 you know, saying, "You're in trouble for this." They've
 18 just been telling me, "If you keep on doing this, you're
 19 not going to be able to walk in your ceremony." But in
 20 trouble in trouble, no, I haven't.
 21 Q What sort of things have jeopardized your
 22 ability to walk potentially for graduation?
 23 A Truancy, and of course lack of credits.
 24 Q Which lack of credits were they talking about?
 25 Lack of credits in English?

1 which is your academic transcript. Which of these
 2 classes that you've taken are history or social studies
 3 classes to your knowledge?
 4 MS. PERRIN: Do you want him to go year by year?
 5 MR. LaCOMBE: Yeah, in order would be fine.
 6 MS. PERRIN: Okay.
 7 THE WITNESS: History?
 8 BY MR. LaCOMBE:
 9 Q History or social studies.
 10 A Or social studies?
 11 Q Yes.
 12 A I'm not sure if I did some in independent
 13 study, I can't remember. But I know that in Grade 11 of
 14 12, 1999, I took world civ and U.S. history at the same
 15 time. And then the second semester again I took world
 16 civ and U.S. history. And then my senior year, my first
 17 semester, I took federal government, and this semester
 18 I'm taking economics.
 19 Q Those are all the social studies classes you've
 20 taken at Watsonville High then?
 21 MS. PERRIN: Slightly misstates his testimony. He
 22 said he may have taken some in independent study.
 23 THE WITNESS: Yeah, I may have, but that's it I
 24 believe.
 25 BY MR. LaCOMBE:

1 Q When you say you may have studied some social
2 studies in independent studies, you're referring to 10th
3 grade independent study?
4 A Yes, 10th grade independent study.
5 Q What about the Safe Net slash B.S. in summer
6 school before your freshman year?
7 A I can't recall that.
8 Q Okay. Do you know how many -- are you required
9 to take world civilizations in order to graduate?
10 A Yes, that's what it says.
11 Q Okay. Let's talk about world civilizations for
12 a little while. How many students were in your world
13 civilizations class?
14 A First semester, second semester?
15 Q If it changed, let's do the first semester
16 first if you remember.
17 A I don't remember an exact number.
18 Q Do you have a best estimate?
19 A I could give you an in between number.
20 Q Okay.
21 A I would say between 25 and 35. I'm not sure.
22 Q Okay. Let me see. Without going through each
23 and every single class grade that you received on the
24 transcript, you understand that these accurately reflect
25 the grade that you received, to your knowledge?

1 A Excuse me.
2 MS. PERRIN: Look at your transcript and tell Steve
3 if there are any grades on here that you think aren't
4 right, they should be something else.
5 THE WITNESS: Well, those are the grades that I
6 got.
7 BY MR. LaCOMBE:
8 Q Okay. In world civilization it indicates that
9 you received a [REDACTED] in that class both semesters.
10 A Yes.
11 Q Why did you receive that grade?
12 A Lack of doing homework and in-class work.
13 Q What do you -- what about in-class work?
14 A Like doing homework in class, like school work.
15 He gave us an assignment in that class, I was lacking
16 off.
17 Q Does that mean you didn't turn in the homework?
18 A Yes.
19 Q Okay. Are there any other reasons why you
20 received that grade for that class?
21 MS. PERRIN: Answer only if you know.
22 THE WITNESS: If I can remember correctly, in this
23 class I would have done -- I think I would have done
24 better if I would have been able to take a book home.
25 But I wasn't allowed to take a book home, I believe --

1 yeah, I wasn't.
2 BY MR. LaCOMBE:
3 Q In world civilizations, did you have a text
4 book to use by yourself without sharing in the class?
5 A Yes, I did, yes.
6 Q Why were you not allowed to take that textbook
7 home?
8 MS. PERRIN: Answer only if you know.
9 THE WITNESS: I wasn't allowed because there was
10 too many students and not enough books.
11 BY MR. LaCOMBE:
12 Q Do you know how many books there were?
13 A I don't know an exact number.
14 Q Who was the teacher in that class?
15 A [REDACTED]
16 Q Let me step back and ask for all of your
17 classes. Was there any class that you took where
18 there's been an instructional aid besides the teacher?
19 MS. PERRIN: Objection, vague as to instructional
20 aid.
21 THE WITNESS: Helper?
22 BY MR. LaCOMBE:
23 Q Something like that. A teacher's assistant --
24 A That would help us or just help the teacher?
25 Q Either.

1 A From my freshman year --
2 Q In high school.
3 A Wow. Lots.
4 MS. PERRIN: And you're not asking about students
5 that are helping --
6 BY MR. LaCOMBE:
7 Q Not students. We're talking about somebody
8 who's paid.
9 A Oh, no -- I'm not a hundred percent sure, but I
10 don't remember my freshman year and stuff, but I know
11 that junior/senior they got just student aids. They
12 don't get aids who are getting paid to do it.
13 Q Who are the student aids? Are they seniors,
14 for instance?
15 A I don't exactly know, but -- yeah, I don't
16 exactly know.
17 Q Are they students who are taking the class or
18 are they --
19 A They are students who are done. They're
20 required -- who are up ahead in the classes and they
21 would get to be student aids.
22 Q Are there any classes where there are parents
23 who are helping out in the classroom?
24 A Throughout high school?
25 Q Yeah, throughout high school.

1 MS. PERRIN: Answer only if you know.
 2 THE WITNESS: I don't know.
 3 BY MR. LaCOMBE:
 4 Q [REDACTED] is that right, world civilizations?
 5 A Yes.
 6 Q How was [REDACTED] as a teacher in your
 7 opinion?
 8 A In my opinion, like if I would grade him as a
 9 teacher?
 10 Q Yeah.
 11 MS. PERRIN: It's not often you're allowed to
 12 grade your teacher.
 13 THE WITNESS: Yeah, it's pretty rare. I would say
 14 between a B and a C. But he could have done better
 15 because he didn't have his own classroom. He had to
 16 move from classroom to classroom, and he is the teacher
 17 that I saw him a couple times carrying his books inside
 18 a shopping cart to carry them to another class. So I
 19 think he could have done better.
 20 BY MR. LaCOMBE:
 21 Q He could have been done better if he didn't
 22 have to go class to class?
 23 A Yeah, if he didn't have to concentrate too much
 24 on -- I think he would have done better -- in my
 25 opinion, he would have been done better if instead of

1 just concentrating on, Oh, I'm going to teach this
 2 today, he has to think about, Oh, I have to move this to
 3 the other classroom. He would have done better if he
 4 didn't have that in his mind, if he would have his own
 5 classroom, his materials.
 6 Q Are there any other reasons why you would give
 7 him a grade between a C and a D besides --
 8 A A C and a B.
 9 Q A C and a B?
 10 A Yes.
 11 Q Besides the shopping cart, moving class to
 12 class?
 13 A No. Overall he did a good job. It was just I
 14 didn't pay attention sometimes. But he did a good job.
 15 Q How could he have been better?
 16 MS. PERRIN: Other than the shopping cart --
 17 BY MR. LaCOMBE:
 18 Q Yes, other than the shopping cart?
 19 A Well, this is a tough one. How could he have
 20 been better. In my opinion?
 21 Q Yes.
 22 A He could have been better if he would have used
 23 the chalkboards, you know, because sometimes we didn't
 24 understand something. I think if he would have made a
 25 illustration or something like that on the board, he

1 would have been better. In my opinion.
 2 Q Anything else that he could have done to
 3 improve?
 4 A Not that I can remember right now. Not that I
 5 recall.
 6 Q Does [REDACTED] still work at the high school
 7 to your knowledge?
 8 A Yes, he does.
 9 Q Are you taking any classes from him this year?
 10 A No, I'm not. I'm done with the requirements of
 11 world civ.
 12 Q Now, you mentioned that [REDACTED] used a
 13 textbook in that class. There was a textbook that the
 14 students had?
 15 A So only one textbook for the whole -- could you
 16 repeat that again?
 17 Q Okay. What are all of the instructional -- the
 18 textbooks and any other instructional materials that you
 19 received in the world civilizations class?
 20 A What did we receive?
 21 Q Yeah.
 22 A Well, in the class we received the books to
 23 study. But besides that, sometimes he would give us
 24 handouts. Oh, now that I can recall, sometimes we
 25 didn't have the book because they were sharing with

1 another history class, with another world civ class, so
 2 sometimes he would do photocopies and we would use the
 3 photocopies. Sometimes -- I remember one time he told
 4 me, Oh, we're not going to use the books today. I
 5 forgot them in the other class. And you know, there was
 6 a couple occasions where -- one time he let me take --
 7 because he had his -- I don't remember if it was during
 8 fourth period, but I think it was, that I had him. He
 9 was all like, "Manuel," and he picked another person,
 10 "Could you guys take the books to this other class," and
 11 we went and took the books to the other class.
 12 Q Are you talking about books that you would be
 13 using in class?
 14 A The world civ books, yes.
 15 Q Back up one second, okay. He would give you
 16 handouts and you had one textbook that you were using,
 17 or were there --
 18 A Sometimes we didn't have the textbook in class.
 19 Q Okay.
 20 MS. PERRIN: I think --
 21 BY MR. LaCOMBE:
 22 Q Were there any other books that you used in
 23 that class besides the textbook that you sometimes had
 24 and sometimes didn't?
 25 A Not that I can recall. I don't remember.

1 MS. PERRIN: I think what he was trying to clarify
2 is before you asked if he always had his own textbook in
3 world civ and he said yes, and then he came back and
4 said no, I didn't always have my own book.

5 MR. LaCOMBE: Right.

6 THE WITNESS: Yeah. In the beginning I thought we
7 just had the book throughout the year, but then I
8 remember that no, sometimes we didn't have the class set
9 because the class set was in another class so we weren't
10 able to use the book.

11 BY MR. LaCOMBE:

12 Q When you say another class, you mean another
13 world civilizations class at the same period?

14 A Yes, exactly.

15 Q Okay, at the same time?

16 A I don't exactly know if it was at the same time
17 but in another class.

18 Q Another teacher would be using the same class
19 set for a different world civilizations class?

20 A I'm not sure about that.

21 Q How many occasions did you not have a textbook
22 in class?

23 A I don't remember throughout the year, I don't
24 remember.

25 Q Would it be more than a day at a time?

1 graffiti on it. Some of 'em, the cover was like kind of
2 messed up already, torn up a little bit. Some of them,
3 they had gum stuck to the pages.

4 Q Now, if you had a class set, did you use the
5 same particular copy every day or did you just grab a
6 different copy every day?

7 A You mean a different book?

8 Q A different book.

9 MS. PERRIN: Well, objection, assumes facts.
10 Assumes that he had access to the textbook every day.

11 So every day that you would use the textbook.

12 BY MR. LaCOMBE:

13 Q Okay.

14 A Yeah, when we had one. We would have used the
15 books when they were there. We didn't always get the
16 same book. It was just, you know, he had it in the
17 cart, we'd just get it right there.

18 Q Okay. Did students in the world civilization
19 class ever share textbooks during class?

20 A I don't remember. Yeah, I don't remember.

21 Q Were you able -- ever able to take a world
22 civilizations textbook home to study?

23 A Throughout the year?

24 Q Yeah.

25 A I think in some special occasions, yeah. But

1 A I don't remember.

2 Q You don't remember?

3 A Huh-uh.

4 Q Do you have a best estimate for the amount of
5 times?

6 A It's because it's throughout the year. I can't
7 recall.

8 Q Can you describe the book that you used in
9 world civilizations?

10 A What do you mean describe?

11 Q The materials that were in it, the lessons.

12 A Well, it was a world civ book. There was -- it
13 would talk about the world, like world history, the
14 history in some other countries, had some maps and that
15 kind of stuff.

16 Q In your opinion, was it an informative
17 textbook?

18 MS. PERRIN: Objection, vague as to informative.

19 THE WITNESS: Did I learn?

20 BY MR. LaCOMBE:

21 Q Yeah.

22 A Yeah, it was pretty informative, but there were
23 -- they were not in that good of a shape.

24 Q What do you mean by not in good shape?

25 A They had graffiti on it, some of 'em had

1 he didn't want 'em for you to take 'em home because the
2 other students had to use 'em. But for me I don't think
3 -- I'm not sure. I don't think I took the world civ
4 book home. I don't remember exactly.

5 Q Were there other copies of the book at the
6 library that you knew of?

7 A I don't know. I don't know.

8 Q Did you ever ask?

9 A At the school library or public library?

10 Q At the school library?

11 A I never asked. No, I never asked. But I would
12 assume that there wouldn't be. They would be using them
13 in the class. I'm not sure.

14 Q What about in the textbook storage room, do you
15 know if there's extra copies in the textbook storage
16 room?

17 A I'm not sure. But again, if there would be,
18 they would be handing 'em out. But since there's just
19 not one teacher who's teaching world civ in the school
20 they have to, you know, divide the books into however
21 many classes they're teaching of world civ.

22 Q At the beginning of the school year, were the
23 world civilizations textbooks in usable condition?

24 MS. PERRIN: Objection, vague as to usable, and
25 just for the record, we're referring to his junior year

1 in high school?

2 MR. LaCOMBE: Yeah.

3 THE WITNESS: So were they ever -- I don't
4 understand that very well.

5 BY MR. LaCOMBE:

6 Q What condition were the textbooks in at the
7 beginning of the school year?

8 A They weren't new. They still -- you know, they
9 were still in bad condition. Gum was stuck in the
10 pages, graffiti on it, because they weren't new books.

11 Q Did you ever have a textbook personally that
12 had gum between the pages?

13 A I didn't have a book with me to take home, but
14 if I had a book in class, you know if they had a book
15 that day to use in class, most of the time I got some
16 with graffiti on it, you know, a couple occasions I got
17 some with gum on it.

18 Q Okay. How many occasions was there gum in
19 between the pages?

20 A I'm not sure. I can't recall. It's throughout
21 the year. I don't know how many times.

22 Q Did all the books have graffiti on them?

23 A I can't say all of 'em because, you know, I
24 didn't use all of 'em. I'm not sure how many.

25 Q Where was the graffiti generally?

1 A Not every day. When they were there.

2 Q When they were there?

3 A Uh-huh.

4 Q Okay. When you did -- after everybody took the
5 textbooks, would there be extra textbooks left over in
6 the shopping cart?

7 A I believe so, yeah.

8 Q Okay. Did you ever -- when you found graffiti
9 that was over the text, did you ever go to get another
10 textbook from the shopping cart to use instead?

11 A No, I didn't, because most of -- if I would get
12 a book and I would get another one, the graffiti would
13 not be exactly in that page, but the other book will
14 have graffiti as well.

15 Q What about when there's gum in between the
16 pages, did you remove the gum that was in between the
17 pages?

18 A No.

19 Q Why not?

20 A Because you -- in my opinion, you cannot remove
21 gum from a textbook, you know, and then still be able to
22 read it and everything because it's just too much of a
23 mess.

24 Q So the gum was in between pages that had text
25 on them, is that what you're saying?

1 A Well, various places towards the beginning of
2 the book, towards the end of the book and sometimes in
3 between, you know, some pages.

4 Q Could you read the text despite the graffiti?

5 A In most of the books, yeah.

6 Q How many books could you not read the text
7 because of the graffiti?

8 A I don't know because I didn't use every single
9 book.

10 Q Do you recall an instance where you could not
11 read the text because of graffiti?

12 A I can't remember. I did remember one time when
13 I opened the book, there was just a big old -- you know
14 they had graffiti on it, but just -- it was -- they used
15 like a marker. It was pretty skinny, you could still
16 read through it. But we shouldn't have books like that.

17 Q If you were issued a book that had graffiti
18 marks on it, were there extra copies that you could get
19 from the shopping cart instead?

20 MS. PERRIN: Objection, vague as to issued.

21 THE WITNESS: Could you repeat that again, please?

22 BY MR. LaCOMBE:

23 Q Okay. I understand from what you said before
24 that you received some textbooks every day from the
25 shopping cart; is that correct?

1 A Yes, on some occasions, yes.

2 Q What was the copyright date on the textbook in
3 that class?

4 MS. PERRIN: Objection, calls for speculation.

5 Answer only if you know.

6 THE WITNESS: I don't know.

7 BY MR. LaCOMBE:

8 Q Okay. What type of handouts did you receive in
9 world civilization?

10 MS. PERRIN: Objection, vague.

11 You can answer if you understand.

12 THE WITNESS: What type of handouts?

13 BY MR. LaCOMBE:

14 Q Yeah.

15 A Sometimes we'd just get handouts of maps, of
16 parts of the world, and sometimes we'd get literature.

17 Q What kind of literature?

18 A World civ literature.

19 Q Are they pages from the textbook that you used
20 in class?

21 A I don't -- oh, from the books that we used?

22 Q Yeah.

23 A Yes, they were.

24 Q Sometimes?

25 A Sometimes.

1 Q Okay. Did you receive handouts of pages
2 photocopied from another textbook that was not used in
3 class?

4 A I don't know.

5 Q Did you use any literature in the world
6 civilizations class?

7 MS. PERRIN: Objection, vague as to literature.

8 THE WITNESS: Yeah, what do you mean by
9 "literature"?

10 BY MR. LaCOMBE:

11 Q Like novels, poems.

12 A Oh, if we read any poems or novels?

13 Q Yeah.

14 A I don't think so. I'm not sure. I can't
15 remember.

16 Q Did you use news articles at all in that class?

17 A I'm not sure. I don't remember.

18 Q Okay. Did you use the Internet as -- in world
19 civilizations class for instructional purposes?

20 A If I remember correctly, we didn't even have a
21 computer in the class.

22 Q Was there a projector in the class?

23 MS. PERRIN: Overhead projector?

24 BY MR. LaCOMBE:

25 Q Yes.

1 BY MR. LaCOMBE:

2 Q -- 5. Where was your world civilizations class
3 if you recall?

4 A If I can recall correctly, it's one of the A's
5 towards the B Wing.

6 MS. PERRIN: In the upper left-hand corner?

7 THE WITNESS: Yes. Or what is it A1, A2, A3? I
8 don't remember the exact number.

9 BY MR. LaCOMBE:

10 Q Okay. Those are all portable classrooms there?

11 A Yeah.

12 Q How was the classroom that you had world
13 civilizations in?

14 MS. PERRIN: Objection, vague.

15 THE WITNESS: How was it --

16 BY MR. LaCOMBE:

17 Q The condition of it.

18 A The material -- what do you mean, like the
19 heater and all that stuff?

20 Q Yeah, sure. Anything about the facilities in
21 the classroom.

22 MS. PERRIN: Objection, vague as to the facilities.

23 Why don't you tell him what the classroom looked like
24 and what, if anything, was wrong with it.

25 THE WITNESS: Well, that's pretty hard because it

1 A I don't remember.

2 Q How often were you assigned homework in world
3 civilizations?

4 A I can't remember.

5 Q Were you assigned projects that required use of
6 unassigned materials other than -- that is materials
7 other than the textbook you used in class and the
8 handouts you received in class?

9 A I can't remember. I'm trying to think, but --

10 Q For instance, if this helps, any research
11 papers that you were assigned for world civilization
12 class.

13 A I can't recall.

14 Q What kind of instructional space was world
15 civilizations in?

16 MS. PERRIN: Objection, vague as to instructional
17 space.

18 THE WITNESS: Yeah, can you rephrase that, please?

19 BY MR. LaCOMBE:

20 Q Was it taught in a classroom?

21 A The world civ is in a portable.

22 Q In a portable?

23 A Yes.

24 Q We have a map and was it Exhibit --

25 MS. PERRIN: Five.

1 was like the size of this room.

2 MS. PERRIN: Let the record reflect that the
3 witness has indicated that the portable was about the
4 size of this conference room, and I have no idea what
5 that is.

6 MR. LaCOMBE: Yeah. I guess it's eight door widths
7 wide. One whole wall is a series of doors.

8 THE WITNESS: Yeah, that's about the size.

9 MR. LaCOMBE: That's the length of it actually.

10 THE WITNESS: Yeah, it's about this size. Yeah.
11 What else?

12 BY MR. LaCOMBE:

13 Q You mentioned the heater before. Was there a
14 problem with the heater?

15 A Oh, but not in this class.

16 Q Was there anything about the classroom that
17 affected your ability to learn in the world
18 civilizations class?

19 MS. PERRIN: Objection calls for a legal
20 conclusion, also calls for expert testimony.

21 You can answer in your opinion.

22 THE WITNESS: I can't exactly remember. But yeah,
23 you know, in -- no, I can't remember.

24 BY MR. LaCOMBE:

25 Q You also took U.S. history that year?

- 1 A Yes, I did.
 2 Q And that was Mr. Dudley?
 3 A Yes.
 4 Q How was Mr. Dudley as a teacher? Feel free to
 5 grade him like you did Mr. Linney.
 6 A Okay. Boy, that's twice I get to grade a
 7 teacher.
 8 Q It won't be the last time.
 9 A I would give him between a B and a A.
 10 Q Why would you give him that grade?
 11 A He would illustrate more -- you know, if you
 12 had a problem and didn't understand something, he would
 13 go on the board and draw something that would help you
 14 understand it, like cartoon drawings or something that
 15 would be similar to the thing that he would be teaching
 16 us, so we could understand. Like my other teachers,
 17 they knew how to explain the stuff we would be trying to
 18 learn. But I wouldn't give him -- if I would give him a
 19 A, I wouldn't give him a high A because the same problem
 20 with him, he would concentrate on -- well, in my
 21 opinion, he would have to concentrate on moving as well
 22 because he didn't have a stable classroom.
 23 Q Okay. Was there any way he could have improved
 24 other than having a stable classroom?
 25 MS. PERRIN: Give your opinion.

- 1 THE WITNESS: Yeah. Well, my opinion, he was a
 2 good teacher overall. Yeah, he was a good teacher
 3 overall.
 4 BY MR. LaCOMBE:
 5 Q You said he was also your friend earlier.
 6 A Yes, he was.
 7 Q Was he your friend before you had that class?
 8 A No. I got to meet him -- well, that was the
 9 first time I saw him, when I got that class.
 10 Q Is this the only class you had with Mr. Dudley?
 11 A Yes, because like I said earlier, he moved to
 12 Chicago.
 13 Q I have to ask again. You received a [REDACTED] in the
 14 first semester and [REDACTED] again in the second. Why did you
 15 receive [REDACTED] in the first semester? Why do you think?
 16 A Well, in my opinion I think I got [REDACTED] because I
 17 was doing my work in class and I was just putting my
 18 effort into it, although I could have done better.
 19 That's what he told me.
 20 Q How did he tell you you could have done
 21 better? Did he suggest ways you could have improved?
 22 A Well, just -- he told me -- I don't remember
 23 the exact words, but he was just saying, you know, just
 24 concentrate in class. Yeah, that's basically what he
 25 was trying to tell me, just concentrate.

- 1 Q Do you not concentrate in U.S. history?
 2 A Well, no, I do. It's just, you know, sometimes
 3 when -- because like I said again -- like I said before,
 4 I play sports and, you know, that's not that well
 5 organized between sports and school and everything. I
 6 concentrated good in class. The thing is that, you
 7 know, sometimes he wanted me to because sometimes I
 8 wouldn't focus -- I wouldn't focus in class because
 9 sometimes I feel like -- well, I don't know how to
 10 explain this. It's just sometimes you don't even have
 11 the -- well, for me it's just sometimes I can't -- I
 12 don't even -- I don't know. This is crazy. This is
 13 weird.
 14 Q What do you do when you're not focusing in
 15 class?
 16 A I'm daydreaming usually.
 17 Q How often do you daydream in class?
 18 A Now?
 19 Q Yeah.
 20 A Not a lot because I'm concentrating on
 21 graduating.
 22 Q Okay. But you were daydreaming in the U.S.
 23 history class?
 24 A Sometimes, yes.
 25 Q Both semesters?

- 1 A Yes, both semesters.
 2 Q How often would you daydream in class?
 3 A I can't recall.
 4 Q You got a [REDACTED] in the second semester. Why'd you
 5 get that grade?
 6 MS. PERRIN: Answer only if you know.
 7 THE WITNESS: Could I give an opinion?
 8 BY MR. LaCOMBE:
 9 Q Yes.
 10 A My opinion, I was just slacking off in class,
 11 wasn't doing my work in anymore.
 12 Q Why were you slacking off?
 13 A Because I thought I had that class wrapped up
 14 so I was slacking off a little bit.
 15 Q Any other reasons why you slacked off?
 16 A See I believe I would have done better because
 17 -- yeah, I would have done better in the classes,
 18 although, you know, a [REDACTED] pretty good. But I think I
 19 could have done better in both of the semesters.
 20 Because the teacher had a book and nobody else had a
 21 book. Just the teachers, no students. That's it. And
 22 towards finals it became a mess.
 23 Q We'll talk about the book in a second.
 24 A Okay.
 25 Q How many students were in that class, do you

1 recall?

2 A I don't know the exact number, but --

3 Q Was it in the same range as the world

4 civilizations class?

5 A I think it was a little less. I'm not sure.

6 Q What -- you didn't have a textbook in that

7 class. What sort of instructional materials were you

8 given?

9 MS. PERRIN: Objection, assumes that he was given

10 instructional materials.

11 BY MR. LaCOMBE:

12 Q If any?

13 A Well, since we didn't have a textbook, the

14 teacher would have to go make some photocopies from the

15 particular pages that we were studying.

16 Q Okay. Anything else besides the photocopies

17 from the textbook that he had?

18 A Sometimes, you know, because there's not enough

19 copy machines at school -- well, I don't know if there

20 is right now, but at that time there wasn't. He would

21 put on the board whatever chapter we're doing, or

22 whatever. He would write everything down on the board.

23 We could put it in some notes because he couldn't make a

24 copy for everyone.

25 Q Any other materials that were distributed in

1 varied.

2 Q Okay. Did you like the textbook -- when you

3 received the photocopies of the textbook, did you like

4 it?

5 MS. PERRIN: Objection, vague as to like.

6 THE WITNESS: Was I -- what do you mean by "like"?

7 Was I comfortable with the copy?

8 BY MR. LaCOMBE:

9 Q I'm talking about the -- I'm talking about the

10 text itself, the materials, did you find it to be useful

11 in learning about U.S. history?

12 A Sometimes. But you know, we shouldn't have to

13 be getting photocopies. We should have our own books

14 because sometimes, you know, the print -- it doesn't

15 print right. Like this -- the copy that I saw earlier

16 where I couldn't read it, sometimes we got it -- but it

17 wasn't that small. We got like that or we couldn't read

18 it. And we shouldn't be going through that. We should

19 just have our own textbooks.

20 Q Were there any other materials that you

21 received in that class besides the photocopies that he

22 had?

23 MS. PERRIN: Objection, asked and answered.

24 THE WITNESS: Any other materials that I received?

25 Well, like I said, he would sometimes write it down on

1 the class?

2 A Not that I can recall.

3 Q How do you know that there weren't enough

4 photocopy machines at that time at the school?

5 A Because I remember him telling us a couple of

6 times that sometimes he would -- you know, he would go

7 to make some copies and some other teachers would be

8 there making some copies. But I don't remember -- I

9 don't remember exactly how many copy machines he told me

10 that there were in that department, the social studies

11 department.

12 Q Did you ever see the photocopy machines that he

13 was talking about?

14 A I don't think so, huh-uh. No. Yeah, because I

15 remember him telling us, Well, I'm not going to be able

16 to give homework because I couldn't get photocopies, so

17 he would just cancel the homework because he couldn't

18 make some copies.

19 Q How often did he cancel homework because he

20 couldn't make photocopies?

21 A I don't remember.

22 Q Do you have an estimate of the number of times?

23 A Per week or --

24 Q Was it more than once a week or --

25 A Sometimes -- it's just -- it varied. Yeah, it

1 the board and we had to copy it. But besides that I

2 can't recall.

3 BY MR. LaCOMBE:

4 Q Do you have a computer in that classroom?

5 A At that time we didn't. No, we didn't at that

6 time.

7 Q There's a computer in that classroom now?

8 A I'm not sure. I'm not sure. I haven't been

9 back to that class.

10 Q Okay. Which classroom was it? You can refer

11 back to the exhibit if you'd like, Exhibit 5.

12 A Where it says Main Building, Social Studies

13 Room 1 through 12 Upstairs, by Lincoln Street and Beach.

14 It was in the upstairs. I don't remember what room

15 number it was.

16 Q That's a permanent building?

17 A Yeah. Well, that's the main building. That's

18 where the office was at as well. Yeah, it was the main

19 building.

20 (Recess.)

21 BY MR. LaCOMBE:

22 Q On your declaration, this the Exhibit 2,

23 Paragraph 3 -- in Paragraph 3 you make some allegations

24 regarding your U.S. history class; is that correct?

25 MS. PERRIN: Objection, vague as to allegations.

1 BY MR. LaCOMBE:
 2 Q Some of the sentences in that paragraph refer
 3 to your U.S. history class; isn't that right? I'm
 4 referring specifically, if it helps, to Lines 14 through
 5 17.
 6 A Yes.
 7 Q Okay. Is it your present belief that those
 8 sentences from Lines 14 through 17 are entirely
 9 accurate?
 10 MS. PERRIN: As of the date that the declaration
 11 was signed?
 12 BY MR. LaCOMBE:
 13 Q As of the date of the declaration?
 14 A Yes, they are.
 15 Q Okay. Did your teacher Mr. Dudley ever offer
 16 textbooks to the students?
 17 A There was no textbooks to offer.
 18 Q Was there any time during the year at all when
 19 you did have a book in U.S. history?
 20 A Only the teacher had the book. That's it.
 21 Q Okay. Did you use library materials from the
 22 school library?
 23 MS. PERRIN: Objection, vague as to library
 24 materials.
 25 THE WITNESS: Like library book -- a U.S. history

1 library -- no, we didn't, huh-uh.
 2 BY MR. LaCOMBE:
 3 Q Any other books that you would have used at the
 4 school library for U.S. history assignments?
 5 A Not that I can remember, huh-uh.
 6 Q Did you use any materials on the computer for
 7 your U.S. history class?
 8 A I can't remember.
 9 Q What kind of homework did Mr. Dudley assign?
 10 MS. PERRIN: Objection, assumes that he assigned
 11 homework.
 12 THE WITNESS: Well, when we did have homework, it
 13 basically was -- U.S. history homework is typical
 14 history homework. I don't know how else to put it.
 15 BY MR. LaCOMBE:
 16 Q Did you answer questions, a set of questions
 17 that he assigned?
 18 A The book -- well, the book has questions to
 19 answer from, you know, when we got photocopies, because
 20 he made chapter photocopies. At the end of the chapter,
 21 we have a section review and all that stuff. So yes, we
 22 did answer questions from the photocopies.
 23 Q And the questions then asked about the text
 24 that you read in the preceding section; is that correct?
 25 A From the photocopies that were made, yes.

1 Q Did he assign research projects?
 2 A Yes, he did. I can't exactly remember how
 3 many, but I do remember one of 'em.
 4 Q Did you write essays in that class?
 5 MS. PERRIN: For homework or in class?
 6 BY MR. LaCOMBE:
 7 Q For either?
 8 A I don't remember. I don't exactly remember.
 9 Q Did you ever complain to anyone at the school
 10 about the lack of textbooks in U.S. history?
 11 MS. PERRIN: Objection, vague as to complain.
 12 THE WITNESS: Did I tell 'em about the problem?
 13 BY MR. LaCOMBE:
 14 Q Yes.
 15 A I can't remember if I told anybody at the
 16 office. I can't remember.
 17 Q What about people outside of the office, do you
 18 have any specific recollection of telling any of them,
 19 anybody who works at the school about the textbooks in
 20 U.S. history?
 21 A I can't at this particular time, but I remember
 22 the following year how I was telling the teachers --
 23 well, yeah, my history class -- especially telling
 24 Mendez we didn't even have textbooks for the class. But
 25 at that particular time I believe not.

1 Q You said before that having a textbook would
 2 make it easier to learn than having a photocopy of the
 3 textbook; is that correct?
 4 A Yes, I did.
 5 Q How so?
 6 A First of all the -- you know, the -- what is it
 7 called? The content of the text would be easier to read
 8 of the book, because if it's photocopies it's not that
 9 clear. Sometimes it would come out kind of blurry. And
 10 the book, well, you can't -- it's original, the book.
 11 It's easier to read.
 12 Sometimes for tests we could look back at -- if
 13 we want to study, we could just go ahead and look back
 14 at the section we did if we had a book.
 15 Q Was there any time that you could not read the
 16 photocopy of the textbook because it was too blurry?
 17 A A couple of occasions, yeah, there was I
 18 remember. One occasion where they gave us a handout and
 19 sometimes toward the middle it would be just kind of
 20 like blank. Yeah.
 21 Q What do you mean by blank?
 22 A Yeah, it would be like -- like there was no ink
 23 in the middle. It would be just be empty spaces. I
 24 don't know if it was due to the printer or -- to the
 25 copy machine I mean.

- 1 Q That was on one occasion that that occurred?
 2 A No, I said a couple occasions.
 3 Q More than two?
 4 A Yes, it was more than two. Yeah.
 5 Q How often would you receive photocopies that
 6 had blanks in the middle?
 7 A I don't remember. It wasn't just in the
 8 middle. Sometimes it would be more to the right and
 9 more to the left. But blanks in general. I don't
 10 remember.
 11 Q Do you have an estimate, once a month, once a
 12 week, anything?
 13 MS. PERRIN: You can tell him how many times per
 14 year if that's easier.
 15 THE WITNESS: I don't know the exact, but I could
 16 estimate like once a week I would say.
 17 BY MR. LaCOMBE:
 18 Q And how many times was the text too blurry for
 19 you to read? This is other than when there's a blank
 20 spot in the middle.
 21 A How many times throughout the year?
 22 Q Yeah.
 23 A I can't recall.
 24 Q Can you recall any instance at all?
 25 A Well, the once a week it was either -- it was

- 1 either blank or blurry once a week, but you know, once a
 2 week it would have a problem with the copied page, there
 3 would be a problem with it. Either a blank space or a
 4 blurry space.
 5 Q Okay. So approximately once -- your estimate
 6 is that about once a week there was some problem with
 7 the readability of the photocopy?
 8 A Yes.
 9 Q What would you do when the photocopy had a
 10 readability problem?
 11 A The teacher would have to go make some more
 12 copies if he didn't make enough. Because sometimes they
 13 just barely make enough for the class, and it was like,
 14 oh, Mr. Dudley, it didn't come out right. So he would
 15 go -- either go himself or send a student to go.
 16 Q When the photocopies were not readable, was
 17 this for all of the copies or just a few?
 18 A Some of 'em. Some of 'em.
 19 Q When you provided the estimate of once a week
 20 you had this problem, are you referring to your own
 21 personal photocopy?
 22 A Yes, I am.
 23 Q Okay. You mentioned two reasons why having a
 24 photo -- why having the actual textbook was better than
 25 the photocopy. One was the photocopy would sometimes be

- 1 unreadable, and I believe the second time was that
 2 sometimes you would like to go look at the book at the
 3 previous section, correct?
 4 A Uh-huh.
 5 Q Are there any other reasons why you would like
 6 to have a book instead of a photocopy?
 7 MS. PERRIN: Objection. And again to the extent
 8 you're asking about relief, I object on the grounds of
 9 calling for a legal opinion and expert testimony.
 10 THE WITNESS: So my opinion? In my opinion, it
 11 would be better to have a book because it's always
 12 better to have a book instead of always photocopies
 13 because for the final exam, you know, most of the
 14 students are not going to keep all the photocopies and
 15 all their notes that they did throughout the semester in
 16 the binder. And with the book you don't have to do
 17 that. You know, the book is already all there. It
 18 would be easier.
 19 I don't think we should be -- we should be
 20 doing -- we should be -- I don't think we should be --
 21 we shouldn't be doing that. We should be able to have
 22 the book and we could look back at Chapter 1, Chapter
 23 2, not just have photocopies and Let me look, where is
 24 Chapter 1? It's just a scramble.
 25 BY MR. LaCOMBE:

- 1 Q Where did you keep the photocopies that you
 2 received?
 3 A Sometimes in my -- actually most of the time in
 4 my binder. In my binder, school binder.
 5 Q Do you have one school binder, or do you have a
 6 binder for each class?
 7 A It varies. No, not per class. I don't got a
 8 binder per class. Sometimes I have two binders for the
 9 school, for all my periods.
 10 Q Did Mr. Dudley lecture in the class?
 11 MS. PERRIN: Objection, vague as to lecture.
 12 MR. LaCOMBE: What do you mean by "lecture"?
 13 BY MR. LaCOMBE:
 14 Q Did he talk about -- did he give lessons -- how
 15 did he teach the lessons?
 16 A Yeah, well, like I said before, sometimes he
 17 would write it down on the board instead of, you know --
 18 because he couldn't make photocopies, he would just do
 19 it on the board. So if you want to call that a lecture,
 20 that's a lecture.
 21 Q Did you take notes every day?
 22 A No. Like I said again, sometimes we had
 23 photocopies, sometimes we took notes.
 24 Q Okay. But when he -- when Mr. Dudley wrote
 25 something on the board for you to write down, did you

1 take notes on what he wrote on the board?
 2 A Not at all the time.
 3 Q Based on the notes that you did take down, did
 4 you use those to study?
 5 A For tests?
 6 Q Yes, for tests.
 7 A Sometimes. Yeah, I did.
 8 Q Do you know any students who are taking U.S.
 9 history this year at Watsonville High School?
 10 A No, I don't. Actually I got a couple of
 11 friends that are, but I can't remember their names. But
 12 I know a couple people in school that are taking U.S.
 13 history.
 14 Q You know a couple people who are?
 15 A Yes, I do.
 16 Q Based on what they've told you, if anything, do
 17 they have textbooks currently in U.S. history?
 18 MS. PERRIN: Answer only if you know.
 19 THE WITNESS: Yes, that's what I was going to say,
 20 I don't talk to them about the history class. They
 21 haven't even talked to me about that this year, so I
 22 don't know. I don't got no answer.
 23 BY MR. LaCOMBE:
 24 Q Okay. How often were you assigned projects in
 25 U.S. history that required materials other than the

1 MS. PERRIN: Again, calls for speculation.
 2 Answer only if you know.
 3 THE WITNESS: I still don't get the question. What
 4 do you mean?
 5 BY MR. LaCOMBE:
 6 Q Did you have graded tests in U.S. history?
 7 A Well, of course. That's why we took the tests,
 8 they were graded.
 9 Q Okay. How many tests did you have?
 10 A I don't remember. I don't remember.
 11 Q Did you have tests on a regular basis?
 12 A I don't know the exact number. I think it was
 13 like -- see I'm not a hundred percent sure.
 14 Q Okay. What did the classroom look like in U.S.
 15 history?
 16 A Again I'm looking around this room. Man. I
 17 think it was a little smaller than my world civ class,
 18 or a little smaller, if not the same size, as the world
 19 civ class. Two teachers were sharing that class. I
 20 don't know how many desks there were. What else? I
 21 remember there being a lot of National Geographic books
 22 that the other teacher collected throughout the years.
 23 Q Okay, I'm asking about the fixtures, the things
 24 that were attached to the walls or the floors. Was
 25 there a chalkboard?

1 photocopied sections of the textbook, if any?
 2 MS. PERRIN: Do you understand the question?
 3 THE WITNESS: Yes, I do.
 4 MS. PERRIN: Okay.
 5 THE WITNESS: I don't remember exactly how many
 6 times, but it wasn't that often that we got, like,
 7 projects to do.
 8 BY MR. LaCOMBE:
 9 Q Do you have an estimate for the number of
 10 times?
 11 A I don't got no exact estimate. No, I don't
 12 know, because I do remember doing the stock market
 13 project with him. Besides that we probably did some
 14 little projects. I don't remember.
 15 Q Do you remember what all of the components of
 16 your final grade was for that class?
 17 MS. PERRIN: Objection, vague as to the components
 18 and calls for speculation.
 19 Answer only if you know and understand.
 20 THE WITNESS: Yeah, could you break that down?
 21 Could you repeat the question?
 22 BY MR. LaCOMBE:
 23 Q Was there a test that your grade -- was there a
 24 graded test in the U.S. history class that factored into
 25 your final grade?

1 A It wasn't a chalkboard. It was a board, but
 2 you used -- what are them thingies called?
 3 Q Was it a white board?
 4 A Yeah, a white board.
 5 Q Okay. Was there a projector -- an overhead
 6 projector?
 7 A I can't remember. I don't think the class had
 8 a projector. I believe sometimes we did bring the
 9 projector in. I'm not sure.
 10 Q Was there anything wrong with the classroom in
 11 terms of the -- in terms of the structure itself?
 12 A If I could remember correctly, we didn't have a
 13 cooler, you know, so sometimes if it got too hot we'd
 14 just open the windows and that's it. Yeah.
 15 Q How often did it get too hot?
 16 A When there was a hot, sunny day. It varied.
 17 Q Okay. Was this in the spring time; do you
 18 recall?
 19 A Yeah, it was mostly -- well, every -- you know,
 20 most of the time when it was sunny it got pretty hot in
 21 there.
 22 Q Did the heat ever interfere with your ability
 23 to learn in that class?
 24 A Yes, a couple of times where instead of
 25 concentrating on doing my work, I had to concentrate on

- 1 just keeping cool.
- 2 Q Uh-huh. Can you be more specific than a couple
- 3 times? Do you have any specific recollection of how
- 4 many times?
- 5 A No, I don't. I don't.
- 6 Q And what would you do when it's too hot?
- 7 A Like I said before, I would try to stay cool.
- 8 Sometimes if I had a sweater on I would take off the
- 9 sweater, or sometimes I would just use the photocopies
- 10 that they gave us and just try to create some, you know,
- 11 cool wind.
- 12 Q Besides not having a textbook and besides the
- 13 heat some days, was there any other factors that
- 14 affected your ability to learn in U.S. history?
- 15 A Well, the other one was sports. But no, the
- 16 main one was the textbooks. That was the main one.
- 17 Q Okay. Now, this year you're taking federal
- 18 government with Ms. Mendez?
- 19 A I did take. That was first semester in my
- 20 senior year.
- 21 Q Oh. Is that a required course --
- 22 A Yes, it is.
- 23 Q -- in order to graduate?
- 24 A Yes.
- 25 Q Okay. How many students were in that class, do

- 1 had to stand up and the other time I had to use one of
- 2 the teacher's seats to stand in the back, you know, just
- 3 like sit down in the back without a desk, a couple
- 4 times.
- 5 Q A couple times out of those first two weeks or
- 6 so you had to stand?
- 7 A Yes.
- 8 Q Okay. You received -- it says here you
- 9 received a [REDACTED] in federal government; is that
- 10 correct?
- 11 A There it is. Yeah. Yeah, I did.
- 12 Q To the best of your knowledge, why did you
- 13 receive that grade?
- 14 A That's a hard -- she's a really good teacher.
- 15 I received that grade because -- she's one of them hard,
- 16 strict teachers where, you know, she wants you to study
- 17 really good in order to get a good grade. Really strict
- 18 teacher. Yeah, the best -- yeah.
- 19 Q How would you grade her as a teacher?
- 20 A It would be between a -- you know, a B plus and
- 21 a A. I would grade her really good.
- 22 Q You like the fact that she was strict?
- 23 A Yeah, because, you know, if they teach you in
- 24 high school, then if you got strict teachers then
- 25 college is not going to be that hard. Because if you

- 1 you remember?
- 2 A I don't remember.
- 3 Q Was it about the same size as world
- 4 civilizations?
- 5 MS. PERRIN: Are we asking class size or student
- 6 population?
- 7 BY MR. LaCOMBE:
- 8 Q Number of students.
- 9 A Oh, if I could recall, yeah, towards the
- 10 beginning of the year, we had too many students in that
- 11 class and not enough seats. So sometimes I remember we
- 12 had to stay standing up for the period toward the
- 13 beginning of the year.
- 14 Q How long was there too many students in the
- 15 class?
- 16 A I think it was the first couple weeks of the
- 17 school year.
- 18 Q Do you have any specific recollection of there
- 19 being too many students for the classroom after the
- 20 first couple weeks?
- 21 A No, I think they transferred. Some of 'em went
- 22 to another government class. I'm not sure.
- 23 Q Did you ever have to stand up in class because
- 24 there was too many students?
- 25 A Yes, on a couple occasions, yes, I did. Once I

- 1 got simple teachers, then all of a sudden college is
- 2 going to be real hard. It's hard. I could have changed
- 3 classes, but I decided to stay in that class because,
- 4 you know, I wanted to challenge myself in that class.
- 5 Q When you say she was strict, did she assign
- 6 more homework as compared to other teachers?
- 7 A Yeah, she assigned more homework, and she would
- 8 make the tests longer and harder. And I think that was
- 9 good, although I didn't do too well. It was perfect.
- 10 Q Did you work harder in that class as a result?
- 11 A Yes, I did as a result. Yes.
- 12 Q When I say work harder, I mean harder than in
- 13 your other classes?
- 14 A Yes, I did. Yeah, I had to or else I wouldn't
- 15 pass it.
- 16 Q Did Ms. Mendez use a textbook in that class?
- 17 A Yes, she did. We did have a class set but not
- 18 a set to take home.
- 19 Q Can you describe the book for me?
- 20 MS. PERRIN: Physical condition or content?
- 21 BY MR. LaCOMBE:
- 22 Q Content.
- 23 A What do you mean by -- you want -- what was in
- 24 it?
- 25 Q Yeah.

1 MS. PERRIN: Just generally.
 2 THE WITNESS: Generally it talks about the
 3 government, the branches of the government. Well,
 4 that's basically -- it talks about branches of the
 5 government, different branches, how the elector thing
 6 goes when you're going to vote. That's basically it.
 7 BY MR. LaCOMBE:
 8 Q Does it break down the lessons into specific
 9 units that you're to cover?
 10 A Yes.
 11 MS. PERRIN: Objection, vague as to units.
 12 THE WITNESS: Yeah, like let's say -- I don't
 13 understand that very good. Would you repeat it again,
 14 please?
 15 BY MR. LaCOMBE:
 16 Q Are there chapters to the book?
 17 A Yeah, there is.
 18 Q Do you have questions at the end of the
 19 chapters?
 20 A Like in every book, yes.
 21 Q Does the book itself assign homework? Is there
 22 assigned homework out of the book?
 23 MS. PERRIN: Does the book assign homework?
 24 MR. LaCOMBE: Sorry. It's late.
 25 Q Does the book itself contain the homework that

1 would leave homework, it would be like an hour's worth
 2 of homework.
 3 BY MR. LaCOMBE:
 4 Q Okay. Did you spend an hour on the homework
 5 yourself?
 6 A Sometimes I did.
 7 Q Did students have to share textbooks in that
 8 class?
 9 MS. PERRIN: Are you asking about in class?
 10 BY MR. LaCOMBE:
 11 Q Yes, in class?
 12 A In class that particular period?
 13 Q Uh-huh.
 14 A No, there was enough books for that particular
 15 period.
 16 Q Okay. What was the physical condition of the
 17 textbooks in federal government class?
 18 A Well, again some of 'em had graffiti on it,
 19 their covers were all banged up already, you know. They
 20 were pretty banged up, the covers and interior.
 21 Q Were you able to read the text in the
 22 textbooks?
 23 A Yes, I was. Yeah, I believe I was able to.
 24 Q Do you recall the publication date of that
 25 textbook?

1 you're assigned by the teacher?
 2 A Well, yeah, that's what basically every book
 3 that in the school, that's what we do is out of the book
 4 -- that's the assignment out of the books, yeah.
 5 Q And do you get photocopies of that assignment
 6 -- when you did receive the homework out of the book,
 7 did you get photocopies of the homework?
 8 A Sometimes we did when she left us a whole
 9 chapter in one night. Yeah, we did because we couldn't
 10 take the book home, so she doesn't want to be unfair and
 11 let some students take the books home.
 12 Q How often does she make photocopies for the
 13 class?
 14 A I would say like once a week, yeah.
 15 Q How often did she assign homework?
 16 A Not every day. Almost every day, yeah.
 17 Q How long did the homework take in that class?
 18 A What do you mean how long did the homework
 19 take?
 20 Q When she gave you an assignment every day,
 21 about how long did it take to complete?
 22 MS. PERRIN: Misstates his testimony. He said she
 23 gave homework almost every day.
 24 And you can give a range.
 25 THE WITNESS: Yeah. She would always -- when she

1 A That was the one I think I put in the thing.
 2 If I am correct it was 1988 edition. In the '80s.
 3 Q Did you look yourself at the --
 4 A Yes, I did because I remember telling
 5 Miss Mendez a couple of times too when we had a test
 6 because, you know, last year Bill Clinton was still
 7 president and it was democrat -- the whole government
 8 was all like democratic. And I remember telling
 9 Miss Mendez, "Hey, isn't this what the Republican" -- we
 10 talked about Republican stuff. So I knew it was in the
 11 '80s, so I looked in the book in the publishing thingie.
 12 And you know, I don't get the point of why we
 13 should be learning about the old stuff, about the '80s,
 14 if we're already in '99, 2000. Why are they teaching us
 15 how the government worked in the '80s? Why do we have
 16 to learn how, you know -- they're trying to teach us the
 17 Republican, like how they worked in the '80s if we have
 18 a totally different government in the late 1990s.
 19 Q Did the textbook discuss various governmental
 20 administrations before the Republican administration? I
 21 guess it would be the Bush administration. Do you
 22 understand the question?
 23 A Kind of. Could you rephrase it a little bit?
 24 Q Okay. You say that in the textbook it
 25 discussed the Republican administration.

1 A Yes.
 2 Q So it was probably when President Bush was in
 3 office.
 4 MS. PERRIN: It could have been President Reagan.
 5 BY MR. LaCOMBE:
 6 Q Did it discuss also previous administrations
 7 like President Carter, President Ford, do you recall?
 8 A Yeah, because I remember having a test on the
 9 presidents from the '50s to the '80s to the present.
 10 But right there, you know, what they wanted us to learn
 11 -- oh, that's what I remember. That I told some of the
 12 students, right here in the book it says -- I don't
 13 remember if it was Bush or -- I don't remember. I told
 14 them, "Hey, look, it says right now that the president
 15 is a Republican but Bill Clinton's a Democrat. Bill
 16 Clinton's not a Republican. So it doesn't make any
 17 sense why are they teaching a Republican president right
 18 now if the president is a Democrat?"
 19 Q Did Miss Mendez teach you about the Clinton
 20 administration?
 21 A Well, she told us a couple times that we needed
 22 new books because those were outdated. I don't remember
 23 if she taught us about the Clinton administration.
 24 Although we did do our own little elections in there, in
 25 that class, where one side of the class was Republican,

1 the other side was Democrats.
 2 Q Did the teacher use any instructional materials
 3 other than that textbook?
 4 A I don't know.
 5 Q Did you ever receive any handouts?
 6 A Handouts in particular, yeah. But I don't know
 7 if it was from another book or that same book. The
 8 handouts I remember is from that book because due to --
 9 you know, like I stated earlier, from a chapter that we
 10 had to do that night.
 11 Q To the best of your knowledge, did you ever
 12 receive any handouts from a text that was more current
 13 than the main textbook that you had that was from the
 14 1980s?
 15 A I don't remember. I don't know exactly, yeah.
 16 Q Did you receive any handouts that discussed the
 17 Clinton administration?
 18 A I can't remember.
 19 Q Okay. Did you use any news articles in that
 20 class?
 21 A Well, yeah, when we were doing our own little
 22 elections in the class, yeah, we did. We had to use
 23 articles.
 24 Q Did the teacher hand out those articles?
 25 A I can't remember. Well, yeah, we did -- I

1 can't remember.
 2 Q How many times did you have elections, once or
 3 more?
 4 A Well, we had it once, because, you know, at
 5 that time when I had the government class with
 6 Ms. Mendez there was also the presidential elections, so
 7 she kind of wanted to do the presidential elections with
 8 the classes. So once.
 9 Q Did you do anything after the elections? Did
 10 you have a mock government?
 11 A Well, yeah, because -- well, we did it almost
 12 exactly how they did it in the real world. We had to
 13 pick who wanted to be president from each side and then
 14 we -- you know, like president to president went to
 15 argument. Well, before they were president, they argued
 16 back and forth why they should be president, why the
 17 other one should be president.
 18 Q Besides news articles, did you use any other
 19 materials associated with the election in class?
 20 A Yeah, TV. We had to watch the -- I forgot what
 21 it's called when the two guys that are running for
 22 president face each other.
 23 Q Was it the debate?
 24 A Yeah, the debates, there we go. Yeah, we had
 25 to watch the debates. I remember that was the homework

1 for a couple of occasions, we had to watch the debates.
 2 Q Did you watch those at home or where?
 3 A Yeah, at home and sometimes at school when it
 4 got closer to election day.
 5 Q Okay. Did you use any materials on a computer
 6 for that class?
 7 A Yes.
 8 Q What sort of materials?
 9 A Election materials, because I was -- I wanted
 10 to run as Gore, so I had to get a lot of information
 11 about Al Gore.
 12 Q Okay. Was it off the Internet then or --
 13 A Yes, off the Internet. Not just off the
 14 Internet, but, yeah, it was.
 15 Q Did you use the computer at school to do that
 16 research?
 17 A Sometimes yes, I did.
 18 Q Let's refer back to your declaration,
 19 Exhibit 2, Paragraph 3, specifically Lines 8 through
 20 13, it refers -- there's several sentences about the
 21 government class. If you'd review those, please.
 22 A Yeah. Yeah.
 23 Q Is it your present belief that those sentences
 24 were entirely accurate at the time you signed the
 25 declaration?

1 A Well, there's this part that -- you know, that
 2 kind of doesn't -- because we did share a couple times.
 3 But then towards later on in the year, Ms. Mendez got
 4 some more books, so we didn't have to share.
 5 Q About what time in the course of this semester
 6 did you get more books?
 7 A I can't remember. I can't remember.
 8 Q Was it after you signed this declaration?
 9 A Didn't I sign that --
 10 Q February 5th, 2001.
 11 A No, because it was before. Yeah, I remember --
 12 yeah, now I can remember her -- she had to borrow some
 13 government books from another government class.
 14 Q Okay. Toward the end of semester you said that
 15 every kid had a book. Is that a book to use in class or
 16 a book to take home?
 17 A No, a book to use in class. Not a book to take
 18 home. We never had a book to take home.
 19 Q Over the course of the semester she got more
 20 books, but did the number of students ever drop from 40?
 21 A Yes, it did.
 22 Q By the end of the semester, how many students
 23 were in the class?
 24 A I don't know. We had a big class though. I
 25 don't know exactly.

1 Q Do you know how many students left the class?
 2 A Like -- I don't know exact number. Like two to
 3 six, two to five. Between there -- yeah, some students
 4 did leave, because they also knew Ms. Mendez' reputation
 5 as a hard teacher, so they didn't want to stick around
 6 for the semester.
 7 Q You think the reason why some of the students
 8 left is because the class was hard?
 9 A Yeah, they did.
 10 Q Did the students who left, did they tell you
 11 they were leaving because the class was hard?
 12 A They didn't directly tell me, but I heard --
 13 you know, the word was going around that some students
 14 were going to get out of the class because of
 15 Miss Mendez' reputation.
 16 Q You mentioned in the declaration that she has
 17 other government classes. How many -- do you know how
 18 many other classes -- how many other government classes
 19 Miss Mendez taught?
 20 A At that time?
 21 Q Yes.
 22 A Two other periods. Two other classes.
 23 Q So in total three classes of government?
 24 A Yes.
 25 Q And it's your belief that there was one class

1 set of textbooks for all three classes?
 2 A Yes, exactly.
 3 Q Were there any other government classes that
 4 were being taught by any other teachers in that
 5 semester?
 6 MS. PERRIN: Answer only if you know.
 7 THE WITNESS: Yes, there was.
 8 BY MR. LaCOMBE:
 9 Q Did they use the same textbook set?
 10 A I don't know exactly. Yeah, because my
 11 economic teacher, he used to be a government teacher, or
 12 he is a government teacher as well.
 13 Q Are you saying your current economics -- okay.
 14 A He is also a government teacher.
 15 Q Okay. How do you know that the other two
 16 classes that Miss Mendez taught used the same textbook
 17 as you?
 18 A How do I know? Because I remember she told us,
 19 "You can't check out a book until after school because I
 20 have to use them for my other periods."
 21 Q Other than her telling you that, is there any
 22 other way that you know that her other classes used the
 23 same textbooks?
 24 A Yeah, because I remember one time I checked out
 25 a book and then when I brought it back, other students

1 from the other classes were bringing back the books as
 2 well, the government books as well.
 3 Q And you checked that textbook out from the
 4 classroom?
 5 A Yes.
 6 Q From Miss Mendez?
 7 A That is correct.
 8 Q Okay. To your knowledge, were there copies of
 9 the textbook at the library, at the school library?
 10 A I don't know. I don't know. But you know --
 11 yeah, I don't know.
 12 Q Let me ask a general question. Are you aware
 13 that the school library has copies of textbooks for any
 14 of your classes? Any of the classes you've taken?
 15 A I don't know. The school library has some
 16 copies of the books, yeah, I don't know. But you know,
 17 if they do, they don't have a lot of 'em or else they
 18 would use 'em for the class. They would give them to
 19 the teacher so they can use them for the class.
 20 Q Okay. Other than reasoning that if they had
 21 extra copies they would bring them to the class, do you
 22 have any other basis for knowing that the library does
 23 not have copies of the textbooks?
 24 A I don't know.
 25 Q Have you ever looked in the library for copies

1 of textbooks to use in the class?
 2 A No, I haven't. But I can find that out.
 3 Q Okay. In Paragraph 3 of your declaration, you
 4 state that there are 35 textbooks in that class, or
 5 there were.
 6 A Yeah.
 7 Q How did you know there were 35 books?
 8 A Because until -- towards the beginning of the
 9 year I remember how when we was -- like one of our first
 10 assignments that we did, she was passing out the books
 11 and she was checking them, she had a list so you could
 12 check 'em out because she didn't want 'em after the
 13 first day so you could take them, you know, you could
 14 sneak out with it. So she made a list of that -- of how
 15 many books, she counted them at the beginning of the
 16 year. But then after that she kept getting more books
 17 and then students kept on leaving.
 18 Q How many times did she get more books? Was it
 19 more than one instance?
 20 A I believe so. I'm not sure. I'm not sure.
 21 Q Do you know how many more books she got over
 22 the course of the semester?
 23 A I'm not sure. No more than ten, I know that.
 24 Q Okay. Okay. By what point in the semester did
 25 every student have a textbook to use in class without

1 sharing?
 2 A Well, it was after some students were leaving
 3 and she got more books, that's when it equaled out.
 4 Q Was it closer to the beginning of the semester
 5 or closer to the end?
 6 A It was more like towards the beginning, yeah.
 7 Yeah, toward the beginning.
 8 Q Do you have an estimate of how close to the
 9 beginning?
 10 A About a month into it I guess. A couple weeks
 11 to a month, I don't know.
 12 Q Could it have been earlier than a couple weeks
 13 after the beginning of the semester?
 14 A I can't remember.
 15 Q Okay.
 16 A Yeah, I can't remember.
 17 Q You stated in your declaration that there was
 18 about 40 students in the class.
 19 A That is correct.
 20 Q How do you know about how many students there
 21 were in the class? Did you count?
 22 A Because I remember how we had a lot of seats
 23 and, you know, like I stated earlier, there wasn't
 24 enough seats for the students. We had way too many
 25 students in that class. So it was about 40 students.

1 Q So when you say there was about 40 student, you
 2 were talking about the time when there was not enough
 3 seats for the class, for everybody?
 4 A Yes.
 5 Q By the time there was enough seats for
 6 everybody, was there fewer than 40 students?
 7 A Yeah. They brought -- I remember them bringing
 8 a couple of desks as well. So yeah, there was.
 9 Q Do you know when they brought the desks that
 10 you refer to?
 11 A Towards the beginning of the year.
 12 Q Was it within the first two weeks?
 13 A Yeah, because that's when it was -- you know,
 14 after it was really crowded and everything. They
 15 started bringing desks, kids started leaving the class,
 16 changing class, and they tried to bring books, but where
 17 would they get 'em? There was no books. There was a
 18 couple of 'em laying around but --
 19 Q Did they bring new desks in the first week of
 20 class?
 21 MS. PERRIN: Objection, assumes that they were new.
 22 THE WITNESS: Well, I say new desks because they
 23 brought 'em in, but they weren't new new desks.
 24 BY MR. LaCOMBE:
 25 Q I understand that, but did they bring in extra

1 desks within the first week?
 2 A No. I stated that within the first couple
 3 weeks. The first week, no. Yeah, some students were
 4 standing up for the whole first week.
 5 Q So you believe that it was in the second week
 6 that the desks were brought?
 7 A Yeah --
 8 MS. PERRIN: Objection, misstates his testimony.
 9 He stated that he thinks it was within the first couple
 10 of weeks.
 11 THE WITNESS: Uh-huh. Yeah, I don't exactly
 12 remember.
 13 BY MR. LaCOMBE:
 14 Q Do you know any student who took government
 15 class last year when you were a junior?
 16 MS. PERRIN: With Miss Mendez?
 17 BY MR. LaCOMBE:
 18 Q Yeah, with Miss Mendez?
 19 A No, because I had U.S. history then. I don't
 20 know.
 21 Q You state in your declaration that students had
 22 to share textbooks in Miss Mendez' class.
 23 A Yeah.
 24 Q Was there ever a time where you had to share a
 25 textbook with somebody else?

1 A Yeah, there was toward the beginning of the
 2 year as well.
 3 Q How many times?
 4 A A couple times.
 5 Q When you say a couple, do you mean two times?
 6 A Not exactly two times. I don't know exactly
 7 but it was around there.
 8 Q Does sharing a textbook affect your ability to
 9 learn?
 10 MS. PERRIN: Same objections to the extent this is
 11 about relief or about legal conclusions.
 12 Go ahead.
 13 THE WITNESS: Well, my opinion, it does, it affects
 14 it. Because I think if you have your own book then it
 15 would be better, you would be able to concentrate more.
 16 And if you're sharing a book, you wouldn't be able to --
 17 because if you're sharing a book, you would start a
 18 conversation. If you're just by yourself, just reading
 19 the book concentrating on the book, you concentrate
 20 better if you had your own book.
 21 BY MR. LaCOMBE:
 22 Q Okay. When you were sharing a textbook for the
 23 couple times in her class, did you ever engage in a
 24 conversation with the student that you were sharing
 25 with?

1 A Yes, I did. Yes, I did.
 2 Q Did Miss Mendez ever talk to you about that?
 3 A I can't recall.
 4 Q Besides talking to another student while you're
 5 sharing the textbook, are there any other ways that your
 6 concentration was broken by sharing a textbook?
 7 A Can you repeat that again, please?
 8 Q Was there any other way that your concentration
 9 -- you said it was difficult to concentrate when you
 10 share. How else besides talking with your fellow
 11 classmate is it difficult to -- do you lose your
 12 concentration?
 13 MS. PERRIN: I think that slightly misstates his
 14 testimony, but you can go ahead and answer.
 15 THE WITNESS: I don't know the answer to that. It
 16 was hard -- it is harder when you're sharing books
 17 because you have to kind of put your desks together to
 18 share the book. I remember I did and, you know, I had
 19 to share a book, we were close together right there and
 20 to the right -- I'm a lefty. It's pretty hard because I
 21 was sitting on this side and the girl was sitting on
 22 this side (indicating), so it's less space to maneuver,
 23 you know, move, whatever.
 24 BY MR. LaCOMBE:
 25 Q Okay. How many tests did Ms. Mendez give over

1 the semester?
 2 A I don't know no exact number. She gave us
 3 quite a few.
 4 Q Did she give weekly tests or was it more
 5 regular or less regular?
 6 A Well, I know she gave us tests every chapter we
 7 did in the book, but I don't know exactly -- if it was
 8 weekly. But we did do a test every chapter that we
 9 finished.
 10 Q What were you tested on?
 11 A The contents of the chapter.
 12 Q Did Ms. Mendez lecture during the class?
 13 MS. PERRIN: Objection, vague as to lecture.
 14 THE WITNESS: What do you mean, did she do kind of
 15 like what Mr. Dudley did, like use the board and stuff?
 16 BY MR. LaCOMBE:
 17 Q Yeah.
 18 A Yeah, she did, to try to explain things better.
 19 Q Okay. Did you take notes based on what she
 20 said?
 21 A Yeah, we had to take notes.
 22 Q Every day?
 23 A Not every day. No, because she didn't lecture
 24 every day.
 25 Q But every time that she gave a lecture you took

1 notes?
 2 A Yeah. Me particularly, I didn't take all the
 3 notes, but I did take notes every time.
 4 Q Did you keep a notebook for that class?
 5 A A separate one from my other classes?
 6 Q Either -- did you maintain your notes in one
 7 location?
 8 A I can never maintain all my notes in one
 9 location. So no, I did not maintain 'em in one
 10 location.
 11 Q Where did you keep your notes?
 12 A Throughout my binder, throughout my backpack.
 13 They were all inside my backpack. Some of them, you
 14 know, I'd throw 'em away.
 15 Q Did you study for tests from your notes?
 16 A We had to, because like I said earlier, she was
 17 a strict teacher.
 18 Q You say that when Ms. Mendez would have a test,
 19 all the other government classes would be competing for
 20 the same set of books --
 21 A Yes, especially -- oh, sorry.
 22 Q Go ahead.
 23 A Especially during the finals, toward the
 24 finals, because there's only 35 books, there was 90
 25 students throughout the three classes so, you know,

1 first come, first served.

2 Q Did Ms. Mendez schedule tests for all of her
3 classes on the same day?

4 MS. PERRIN: Answer only if you know.

5 THE WITNESS: The test, I don't know. The finals,
6 it was at the same time on the same days. They have to
7 be on the same days for the finals.

8 BY MR. LaCOMBE:

9 Q Okay. You state in there that when there's a
10 test and people want to take the book home, it's first
11 come, first served. What exactly do you mean by that?

12 A Yeah, she would tell us, you know, "Be here
13 after school. If you're here a little late, after 3:00,
14 you're not guaranteed a book," because you know, some
15 other student would come first, they would take the
16 book, the class would run out of books and then what
17 would happen to the student that didn't get a book?

18 Q Okay. So in order to check a book out for the
19 night you had to come after school, is that what you're
20 saying?

21 A That is correct.

22 Q Could you reserve a book at any time before
23 school ended?

24 MS. PERRIN: Objection, vague as to reserve.

25 THE WITNESS: So could we check out a book, is that

1 looking for books. The State of California should
2 provide the books for us.

3 Q Fair enough. My question though was, did she
4 ever tell you that there was another place where you
5 could go to check out copies of the textbook?

6 MS. PERRIN: Same objections.

7 THE WITNESS: Well, I don't remember -- she didn't
8 tell us about another place, so I'm not sure if there
9 was books in some other places.

10 BY MR. LaCOMBE:

11 Q Okay. Manuel, what do you do to prepare for a
12 test if you're unable to take a book home?

13 MS. PERRIN: Are we asking specifically about
14 Miss Mendez' class?

15 MR. LaCOMBE: Yes, we are. All these questions
16 pertain to her class.

17 THE WITNESS: Whoa. I have to use what I have,
18 what notes I took. You know, sometimes we just have to
19 go with it, whatever notes we took, that's what we have
20 to study. It was hard.

21 BY MR. LaCOMBE:

22 Q So you use your notes. Anything other than
23 your notes that you rely upon?

24 A Photocopies when she made 'em.

25 Q Have you ever told anybody who works for the

1 what you're trying to say, before school ended?

2 BY MR. LaCOMBE:

3 Q From Miss Mendez, yes?

4 A She didn't allow that, no, because then the
5 other classes would be short on the books too.

6 Q Okay. Did she ever tell you to go to the
7 school library to check out a copy of the textbook?

8 MS. PERRIN: Well, objection, assumes that there is
9 a copy in the school library to be checked out.

10 THE WITNESS: Yeah, I don't know. If there would
11 be, she would tell us there's copies at the library, go
12 check 'em out. She did not tell us that.

13 BY MR. LaCOMBE:

14 Q Did she ever tell you of any other place that
15 you could get a copy of the textbook that you could
16 check out at the school?

17 MS. PERRIN: Objection, assumes that there was
18 someplace else to check out the book.

19 THE WITNESS: Could I kind of make a comment on
20 that?

21 BY MR. LaCOMBE:

22 Q Sure.

23 A I don't think we have to be worrying about
24 checking out books somewhere else. We should have our
25 own books. We shouldn't have been running around

1 school other than Miss Mendez about not having enough
2 textbooks for students in Miss Mendez' government
3 class?

4 MS. PERRIN: To take home for homework?

5 MR. LaCOMBE: That's right.

6 THE WITNESS: I remember telling Mr. D before he
7 took off. I told Mr. Manildi, the science teacher,
8 about that too, you know, we don't have enough books in
9 our class.

10 Q So you said Mr. D?

11 A Mr. Dudley, what I called Mr. D.

12 Q Okay. And who was the second person?

13 A Mr. Manildi, my old physical science teacher.

14 Q Anybody else besides Mr. Dudley and Mr. Manildi
15 that you told about Ms. Mendez' textbooks?

16 A I don't recollect telling -- I'm not sure.

17 Q What was the response of Mr. Dudley when you
18 told him?

19 A That -- you know, he told me that him and I
20 forgot what other teacher, they told me that they were
21 going to get new books, but you know, they made a deal
22 with the -- I think it was the English department, that
23 they would let 'em borrow the money for the textbooks so
24 the English department could buy their own books, and
25 they could get the books next year, which is this year,

1 but they didn't get 'em this year, until next year.
 2 That's what they're saying. So it's a big mess.
 3 Q Anything else that he told you?
 4 A No. That's basically it. They let their
 5 department borrow the money for the books.
 6 Q What about Mr. Manildi, when you talked to him,
 7 what was his response?
 8 A He actually told me -- because I didn't tell
 9 him straight how, you know, we don't have enough books
 10 in Miss Mendez' class. I told him about the law in
 11 general and I told him, What should I do? Should I get
 12 involved in the lawsuit? And he told me, you know, You
 13 should because the school conditions are poor. They
 14 shouldn't be like that.
 15 Q What conditions did he tell you were poor, if
 16 any?
 17 A The school books.
 18 Q The books in his class or in general?
 19 A In general, throughout the school. He told me
 20 about the overcrowding too, about the overcrowding
 21 problem.
 22 Q I'm going to refer back to Exhibit 5 which is
 23 the map of the school. Oh, we already -- never mind, we
 24 already looked at the U.S. history, where it was.
 25 A Yeah.

1 purposes as if signed and corrected?
 2 MS. PERRIN: We do so stipulate.
 3 MS. KAATZ: That's fine.
 4 MR. LaCOMBE: And finally, may we stipulate that
 5 the first amended complaint be an exhibit but that a
 6 copy need not be attached to the transcript?
 7 MS. PERRIN: Yes.
 8 MS. KAATZ: Yes.
 9 MR. LaCOMBE: Okay. Fine.
 10 (TIME NOTED: 4:28 P.M.)
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1 Q Okay. I'd like to talk about economics and
 2 that will be the end of today.
 3 MS. PERRIN: Well, how many questions?
 4 (Discussion held off the record.)
 5 MR. LaCOMBE: Okay, we're going to break for today.
 6 It's 4:30.
 7 May we stipulate that copies of the documents
 8 attached to the deposition may be used as originals?
 9 MS. PERRIN: Yes, provided that we redact the
 10 information off of Exhibit 6.
 11 MR. LaCOMBE: Okay, agreed.
 12 MS. PERRIN: Yes.
 13 MS. KAATZ: That's fine.
 14 MR. LaCOMBE: May we stipulate that the original of
 15 this deposition be signed under penalty of perjury; that
 16 the original be delivered to the Office of Lois Perrin
 17 at Morrison and Foerster; that the reporter is relieved
 18 of liability for the original of the deposition; that
 19 the witness will have 15 days from the date of the court
 20 reporter's transmittal letter to Lois Perrin to sign and
 21 correct the deposition; Lois Perrin shall notify all
 22 parties in writing of any changes in the deposition, and
 23 what they are, if there are any; if there are no such
 24 changes communicated or signature within that time, that
 25 any unsigned or uncorrected copy may be used for all

1 I declare under penalty of perjury
 2 under the laws of the State of California
 3 that the foregoing is true and correct.
 4 Executed on _____, 20____,
 5 at _____, _____.
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SIGNATURE OF THE WITNESS

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF ALAMEDA)
3
4 I, THERESA A. DARNELL, CSR No. 9966, do hereby
5 certify:

6
7 That the foregoing deposition testimony of
8 MANUEL ORTIZ was taken before me at the time and
9 place therein set forth, at which time the witness
10 was placed under oath and was sworn by me to tell
11 the truth, the whole truth, and nothing but the
12 truth;

13 That the testimony of the witness and all
14 objections made by counsel at the time of the
15 examination were recorded stenographically by me,
16 and were thereafter transcribed under my direction
17 and supervision, and that the foregoing pages
18 contain a full, true and accurate record of all
19 proceedings and testimony to the best of my skill
20 and ability.

21 I further certify that I am neither counsel for
22 any party to said action, nor am I related to any
23 party to said action, nor am I in any way interested
24 in the outcome thereof.
25

1 IN WITNESS WHEREOF, I have subscribed my name
2 this 8th day of June, 2001.
3
4
5
6

7 _____
8 THERESA A. DARNELL, CSR No. 9966
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MANUEL ORTIZ

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