

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF SAN FRANCISCO
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5 ELIEZER WILLIAMS, a minor, by)
6 Sweetie Williams, his guardian)
7 ad litem, et al.,)
8 Plaintiffs,)
9 vs.) No. 312236
10 STATE OF CALIFORNIA; DELAINE EASTIN,) VOLUME II
11 State Superintendent of Public)
12 Education; STATE DEPARTMENT OF)
13 EDUCATION; STATE BOARD OF EDUCATION,)
14 Defendants.)
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16
17 Continued deposition of MANUEL ORTIZ, at
18 275 Battery Street, 26th Floor, San Francisco,
19 California, commencing at 10:18 A.M., Sunday,
20 June 10, 2001, before Suzanne I. Andrade,
21 CSR No. 10682.
22
23
24

1 APPEARANCES OF COUNSEL:

2
3 FOR THE PLAINTIFFS:

4
5 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
6 BY: CATHERINE E. LHAMON, ESQ.
7 1616 Beverly Boulevard
8 Los Angeles, California 90026-5752
9 (213) 977-9500
10

11
12 FOR THE DEFENDANT STATE OF CALIFORNIA:

13
14 O'MELVENY & MYERS LLP
15 BY: STEVEN LaCOMBE, ESQ.
16 400 South Hope Street
17 Los Angeles, California 90071-2899
18 (213) 430-6000
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21
22
23
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25

1 MANUEL ORTIZ,

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

5
6 EXAMINATION (CONTINUING)

7 BY MR. LaCOMBE:

8 Q. Good morning. This is the second day of the
9 deposition of Manuel Ortiz, a class representative
10 in the case Williams v. State of California. My 10:18
11 name is Steven LaCombe, and I represent the State of
12 California in this matter.

13 Now, Manuel, we had the first day of this
14 deposition two Sundays ago?

15 A. Mm-hmm. 10:19

16 Q. That was May 27th; do you recall?

17 A. I don't remember what day it was, but, yeah.

18 Q. You understand what the ground rules that we
19 covered for that deposition also apply to today's
20 deposition as well? 10:19

21 A. Yes.

22 Q. And you understand that you're under oath
23 today just as you were two Sundays ago?

24 A. Yes.

25 Q. Do you understand what that means? 10:19

1 APPEARANCES OF COUNSEL (CONTINUED):

2
3 FOR DEFENDANT PAJARO VALLEY UNIFIED
4 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

14 ALSO PRESENT:

15
16 JUANA GOMEZ
17 LAURA FAER
18
19
20
21
22
23
24
25

1 A. Yes, I do. 10:19

2 Q. Have you recently consumed any medication,
3 alcohol, or any other substance that clouds your
4 mind and would interfere with your ability to
5 understand or answer my questions? 10:19

6 A. No.

7 Q. Is there any other reason why you may be
8 unable to testify and give your best testimony
9 today?

10 A. No.

11 Q. I'm going to ask some questions that relate
12 to your preparation for today's deposition, and I'm
13 going to be referencing only the period of time
14 since the last deposition, so only things that
15 you've done since May 27th, two Sundays ago. 10:20

16 Now, Manuel, did you do anything to prepare
17 for today's deposition since May 27th?

18 A. Well, I went to one of my classes and I
19 checked the conditions, you know, when I check the
20 conditions of the classroom, yes, I did. So I went 10:20
21 to one of my classes and checked the conditions
22 there.

23 Q. Which class was that?

24 A. My English class.

25 Q. Why did you go to your English class to 10:20

1 check the conditions? 10:20
 2 A. Well, I had to go to every period, and I
 3 just happened to find stuff that I found right
 4 there.
 5 Q. What conditions did you examine at the 10:20
 6 English class?
 7 A. There was these little windows like on top
 8 of the classroom. There was like I don't know how
 9 many rows of windows, and they had little BB gun
 10 shatters. And I was counting, you know. I wanted 10:21
 11 to count how many there were. There were eight
 12 shatters, visible shatters that I could see
 13 throughout the windows. I don't know if there was
 14 more, because there was stuff -- there was like a
 15 little plaque behind, but there was eight visible 10:21
 16 shatters.
 17 Q. Is that the only condition in your English
 18 class that you examined in preparation for your
 19 deposition today?
 20 MS. LHAMON: Mischaracterizes his testimony. 10:21
 21 THE WITNESS: Well, that was the most
 22 visible one, yeah. I have to concentrate for my
 23 final, so...
 24 BY MR. LaCOMBE:
 25 Q. Did you review any documents in the past two 10:21

1 sister, have you discussed your anticipated 10:23
 2 deposition testimony with anyone?
 3 A. Yes, I have.
 4 Q. And who is that?
 5 A. With Ms. Mendez. 10:23
 6 Q. This was in the past two weeks?
 7 A. Yes.
 8 Q. Anyone else besides Ms. Mendez?
 9 A. None that I can recall.
 10 Q. When was your discussion with Ms. Mendez? 10:23
 11 A. I believe it was last week. Yeah, just this
 12 past week, sometime during the week.
 13 Q. Where was it?
 14 A. In her classroom.
 15 Q. Was anyone else present besides the two of 10:23
 16 you?
 17 A. Yeah, some students.
 18 Q. What was the substance of your conversation
 19 with Ms. Mendez?
 20 A. What was it about? 10:24
 21 Q. Yeah.
 22 A. Well, I talked to her about the deposition,
 23 how it went.
 24 Q. About the previous deposition?
 25 A. Yes, about the previous deposition. 10:24

1 weeks in preparation for this deposition? 10:21
 2 A. Any documents for the lawsuit?
 3 Q. Yes.
 4 A. I don't think so.
 5 Q. Without disclosing what may have been said, 10:22
 6 have you met with any of your attorneys in
 7 preparation for today's deposition in the past two
 8 weeks?
 9 A. I met with them this morning, but since
 10 that, no. 10:22
 11 Q. When you say "them," you mean who?
 12 A. Catherine Lhamon and -- I forgot her name.
 13 Q. Laura?
 14 A. Laura, yeah.
 15 Q. That was just this morning? 10:22
 16 A. Yes.
 17 Q. How long was the meeting?
 18 A. Well, we came -- I don't know. It wasn't
 19 actually a meeting meeting, it was just they came
 20 over and we went over to go get coffee. 10:22
 21 Q. Who was present?
 22 MS. LHAMON: Asked and answered.
 23 THE WITNESS: Them two and my sister.
 24 BY MR. LaCOMBE:
 25 Q. Other than with your attorneys and your 10:23

1 Q. What did you tell her? 10:24
 2 A. I don't know the exact words. I told her
 3 what happened, what questions that were asked,
 4 talked to her generally about it.
 5 Q. Do you have any specific recollection of 10:24
 6 anything that was said?
 7 A. Yeah, I do, yeah, I do.
 8 Q. And what was that?
 9 A. Well, I told her that there was -- there was
 10 some questions that just didn't make any sense. 10:24
 11 Q. Sorry. I'll try and do better. Anything
 12 else?
 13 A. Yeah. I don't know if I should say it,
 14 though.
 15 MS. LHAMON: It's okay to say it. If I 10:25
 16 don't object, if I don't instruct you not to answer
 17 something, you can say it.
 18 THE WITNESS: Well, I told her that, you
 19 know, that you were trying to put words in my mouth,
 20 that I said something I didn't say, and I told her 10:25
 21 how it went just in general.
 22 BY MR. LaCOMBE:
 23 Q. What words did you say that I was putting in
 24 your mouth?
 25 MS. LHAMON: You're mischaracterizing his 10:25

1 testimony. He didn't say he told her specifically 10:25
 2 what words. He said that he told her that you were
 3 trying to put some words in his mouth.
 4 THE WITNESS: I don't remember exactly what
 5 words, but I remember a couple of times where you 10:25
 6 told me -- you were telling me -- well, this is an
 7 example. It's not correct, the exact words.
 8 MS. LHAMON: Is this an example of what you
 9 said to Ms. Mendez, or is this an example of what
 10 you said now? Because the question is an example to 10:26
 11 what you said to Ms. Mendez.
 12 THE WITNESS: Oh, no.
 13 MS. LHAMON: Thanks, Manuel.
 14 BY MR. LaCOMBE:
 15 Q. I'll ask what you think right now is an 10:26
 16 example of me putting words in your mouth.
 17 A. Yeah, well, I don't remember exactly, but
 18 this is like an example. I remember I answered
 19 something, and then you were -- I answered, "Maybe."
 20 "So is this how many?" 10:26
 21 And I was like, "I did not say that." I
 22 remember saying that a couple of times, "I did not
 23 say that."
 24 Q. Do you know generally what we were talking
 25 about, what that example relates to? 10:26

1 MS. LHAMON: I think the record will speak 10:26
 2 for itself. He's talking about what the testimony
 3 said. You can read it in the transcript.
 4 BY MR. LaCOMBE:
 5 Q. Do you remember, Manuel? 10:27
 6 A. Not exactly. There's a lot of stuff we went
 7 through.
 8 Q. I understand. Was there anything that
 9 Ms. Mendez told you in response during your
 10 conversation? 10:27
 11 A. Yeah, she did.
 12 Q. What did she tell you?
 13 A. She told me that she talked to Catherine. I
 14 don't know when she talked to her. That's what she
 15 told me. 10:27
 16 Q. Did she tell you what she said she was
 17 talking to Catherine -- Catherine Lhamon; is that
 18 right?
 19 A. Yes.
 20 Q. Did she tell you what she discussed with 10:27
 21 Catherine Lhamon?
 22 A. I don't recall.
 23 Q. In the two weeks since our first deposition,
 24 have you received any e-mails from any of your
 25 attorneys? 10:27

1 A. Unless I got one yesterday or two days ago, 10:28
 2 no.
 3 MS. LHAMON: But you haven't received that
 4 if you did get one, right?
 5 THE WITNESS: Well, if I received one, I 10:28
 6 don't know, because I haven't checked my e-mail in
 7 two, three days, but when I checked it, there wasn't
 8 none.
 9 BY MR. LaCOMBE:
 10 Q. Two weeks ago we left off talking about your 10:28
 11 Federal Government class.
 12 A. I think so.
 13 Q. You've testified that the textbook in the
 14 Federal Government class indicates that a republican
 15 was in the White House; is that correct? 10:28
 16 A. That is correct.
 17 Q. To the best of your knowledge, were there
 18 any other inaccuracies in that textbook that you
 19 know about, besides the reference to the republican
 20 administration? 10:28
 21 MS. LHAMON: Extremely broad question, I
 22 object.
 23 THE WITNESS: Well, in general, everything,
 24 you know -- probably -- this is my opinion -- that
 25 everything is old because it was from the '80s, so I 10:29

1 assume that it was some other stuff that was pretty 10:29
 2 old.
 3 BY MR. LaCOMBE:
 4 Q. Do you have any specific recollection of any
 5 other inaccuracy in the text, that you know of? 10:29
 6 MS. LHAMON: Anywhere in a textbook that he
 7 used for the entire year? I think you should ask a
 8 more specific question.
 9 BY MR. LaCOMBE:
 10 Q. I'm asking for a specific example. 10:29
 11 MS. LHAMON: You're asking for an example
 12 from anywhere in the textbook. If you could ask him
 13 a more specific question, that might help him.
 14 THE WITNESS: I can't remember. Like I
 15 said, the whole book was like from the '80s, so 10:29
 16 there must have been some stuff.
 17 BY MR. LaCOMBE:
 18 Q. Do you have any specific recollection of any
 19 theories that were contained in the Federal
 20 Government textbook that are no longer accepted as 10:30
 21 true, to the best of your knowledge?
 22 A. I don't remember, I don't remember. There's
 23 six other classes I have to concentrate on, too, and
 24 I'm not going to remember the text.
 25 Q. You are taking Economics this year; is that 10:30

1 correct?
 2 A. Yeah, I took Economics.
 3 Q. Are you done with school now?
 4 A. Yes, I am. I graduate already.
 5 Q. Congratulations. 10:30
 6 A. Thanks.
 7 Q. Were you required to take Economics?
 8 A. Yes, I was. That was one of the
 9 requirements.
 10 Q. How many students were in the Economics 10:30
 11 class, if you remember?
 12 A. I don't know no exact number.
 13 Q. Do you have an estimate of the number of
 14 students?
 15 A. I'm trying to think because there's like 10:31
 16 three rows. It's between like 25 and 35, maybe
 17 more. I'm not sure.
 18 Q. Did the number of students in the classroom
 19 change over the course of the year, to your
 20 knowledge? 10:31
 21 A. Yes, it did.
 22 Q. How did it change?
 23 A. I don't know how many students. I don't
 24 know if it was just one or more that dropped the
 25 class, but I know there's one student that didn't 10:31

1 come back from the class, didn't show up to school 10:31
 2 no more.
 3 Q. When did that student leave, if you know?
 4 A. I don't remember. I don't know the exact
 5 date. 10:32
 6 Q. Would it have been in the first semester?
 7 A. Well, Economics is only one semester.
 8 Q. Would it have been closer to the beginning
 9 of the semester or toward the end, if you know?
 10 A. More towards the end. 10:32
 11 Q. What grade did you get in Economics?
 12 A. Actually, I do remember. I finished getting
 13 [REDACTED] for the semester.
 14 Q. Why did you receive a [REDACTED] if you know?
 15 A. Why did I receive a [REDACTED] if I know? 10:32
 16 Q. Yeah.
 17 A. That is the grade I deserve.
 18 Q. Why did you deserve a [REDACTED]?
 19 A. Because I didn't do all my homework.
 20 Q. Why didn't you do all your homework? 10:33
 21 MS. LHAMON: You're asking each time he
 22 didn't do his homework why he didn't do it?
 23 THE WITNESS: There's just not one exact
 24 answer for that. Sometimes I just -- I just kind of
 25 lacked off at school, like I said, I stated in the 10:33

1 last deposition. 10:33
 2 BY MR. LaCOMBE:
 3 Q. When we were in the previous deposition two
 4 Sundays ago you, mentioned that your involvement in
 5 sports sometimes got in the way of homework. 10:33
 6 Was that also the case in Economics?
 7 A. Yes, it is.
 8 Q. And you also mentioned that sometimes you
 9 would lose your concentration in class -- in other
 10 classes. 10:34
 11 Was that the case in Economics as well?
 12 A. Well, like I said, there was various
 13 reasons, yeah. Sometimes that was it. There's a
 14 number of answers for that one.
 15 Q. Did you enjoy Economics? 10:34
 16 A. If it was, you know, towards the end, yes.
 17 Q. Why was it fun towards the end?
 18 A. Because of the project we did.
 19 Q. Is that the stock market project you talked
 20 about before? 10:34
 21 A. Yes, it is.
 22 Q. Why did you enjoy the stock market project?
 23 A. It's fun, stock market is fun.
 24 Q. When you say you didn't do all your
 25 homework, did you complete your stock market 10:34

1 project? Is that part of the homework that you 10:35
 2 didn't complete?
 3 A. I had to complete the stock market report,
 4 otherwise I wouldn't have passed the class.
 5 Q. So you completed the stock market report? 10:35
 6 A. Yes, I did.
 7 Q. Who's your teacher for Economics, or who
 8 was?
 9 A. [REDACTED]
 10 Q. How was he as a teacher? 10:35
 11 A. Towards the beginning of the semester, you
 12 know, sometimes he would start talking about
 13 something and then suddenly change the topic, so it
 14 was kind of hard -- it was pretty hard to learn in
 15 the beginning of the semester. But then after, we 10:35
 16 got used to it.
 17 Q. When you say "change the topic," when would
 18 he change the topic?
 19 A. During class, when he was just talking about
 20 one topic, just started talking about another topic, 10:35
 21 about economics.
 22 Q. Is this when he would -- was this in the
 23 context of a lecture about the course material?
 24 A. Yes.
 25 Q. Did [REDACTED] lecture every day in 10:36

1 economics? 10:36
 2 A. I don't know if I answered that the last
 3 time, but not every day. Some days.
 4 Q. Do you have an estimate for how many days
 5 out of a week he would lecture? 10:36
 6 A. I have to think about that one again. I
 7 don't remember. I'm sure sometimes twice, sometimes
 8 more, sometimes less. Depends on what we did in the
 9 week.
 10 Q. Did [REDACTED] test you on the materials, on 10:36
 11 what he discussed in his lectures?
 12 A. Yeah, he had to test us.
 13 Q. Did you take notes from the lectures?
 14 A. Sometimes, yes.
 15 Q. Why did you take notes only sometimes when 10:37
 16 he gave lectures?
 17 A. Like I stated earlier, I lacked off
 18 sometimes.
 19 Q. How often is "sometimes"?
 20 A. Just sometimes. Sometimes once a week. It 10:37
 21 varies, it varies.
 22 Q. Are there any other techniques that
 23 [REDACTED] used in class to instruct, other than
 24 lecturing?
 25 A. Could you rephrase that? 10:37

1 Q. Besides lecturing, were there any other 10:37
 2 approaches that he used in the classroom to teach
 3 you about economics?
 4 A. Yeah, the textbook, the economics book.
 5 Q. Anything else? 10:38
 6 A. Not that I could recall.
 7 Q. How did he use the textbook in class?
 8 A. We had to read the chapter and just answer
 9 the questions at the end of the chapter.
 10 Q. Did you read the textbook in class? 10:38
 11 A. Not the whole textbook, but the chapters,
 12 yeah. We couldn't take the book home.
 13 Q. Can you describe the content of the
 14 economics textbook in general terms?
 15 MS. LHAMON: What are you asking? That's an 10:38
 16 unbelievably broad question, can you describe the
 17 textbook. It's an economics textbook, it's going to
 18 have economics in it.
 19 BY MR. LaCOMBE:
 20 Q. Do you understand the question, Manuel? 10:38
 21 A. Yeah, I do, and that's what I was wondering.
 22 It's an economics book, it just contains how the
 23 economy works.
 24 Q. Was there anything included in the textbook
 25 other than text? 10:39

1 A. Graphs, pictures, stuff like that. 10:39
 2 Q. Do you think that it was an informative
 3 textbook?
 4 MS. LHAMON: Manuel has no basis to compare
 5 it to. He hasn't used any other textbooks. He has 10:39
 6 no way of knowing.
 7 MS. KAATZ: Objection; vague as to
 8 "informative." Just wanted to put the actual
 9 objection on the record.
 10 BY MR. LaCOMBE:
 11 Q. Do you understand the question?
 12 A. Could you rephrase that question?
 13 Q. Did you learn a lot from the textbook?
 14 MS. LHAMON: Vague as to "a lot."
 15 THE WITNESS: Well, I stated last time, I 10:39
 16 think, that I knew some of the stuff from my US
 17 History class, so this was kind of like this class
 18 was kind of like a review.
 19 BY MR. LaCOMBE:
 20 Q. Other than the information that you already 10:40
 21 knew, did you learn a lot from the textbook about
 22 economics?
 23 MS. LHAMON: Same objection.
 24 THE WITNESS: I can't remember what I knew
 25 in US History, you know. I don't remember. 10:40

1 BY MR. LaCOMBE:
 2 Q. Did you have your own copy of the textbook
 3 to use in class in Economics?
 4 A. Yes, I did. Just the class did.
 5 Q. Did you pick up that copy at the beginning 10:40
 6 of every class, is that the case?
 7 A. Not every day.
 8 Q. Why not every day?
 9 A. We didn't use it every day.
 10 Q. Did you ever have to share a textbook with 10:41
 11 any classmates in the Economics class?
 12 A. Not that I could recall.
 13 Q. Were you ever able to take the economics
 14 textbook home with you at night?
 15 A. We had to ask for permission. 10:41
 16 Q. Did you ever ask for permission to take an
 17 economics textbook home for the night?
 18 A. No, I didn't. Although it would have been
 19 better if I had a book at my house.
 20 Q. At the beginning of the semester in 10:41
 21 Economics, as far as you know, were there any
 22 textbooks that were not in usable condition?
 23 A. You mean if we were able to read the books?
 24 Q. Yes.
 25 A. I stated this last time that some of the 10:42

1 books pages -- I don't remember if it was seven or 10:42
 2 eight or eight or nine -- were missing. They were
 3 just gone. Some had them loose already. So they
 4 were in poor condition.

5 Q. This is at the beginning of the semester? 10:42

6 A. Yes, it is. But those books were also out
 7 of -- you know, assuming that last year they were
 8 like that as well. Just my opinion.

9 Q. Did you ever use a textbook in Economics
 10 that had missing pages in it? 10:42

11 A. If I could recall, I answered that last time
 12 as well, last deposition. I think there was a
 13 couple of times, yes.

14 Q. I don't think we discussed Economics at all
 15 in the previous one. We discussed some other 10:43
 16 classes.

17 A. I think we did towards the beginning of the
 18 deposition, we did discuss, because I remember we
 19 went -- we kind of went through all the topics and
 20 then through every single one of them, but I 10:43
 21 remember talking about that last time.

22 Q. When you say that some of the pages were
 23 loose, what do you mean by that?

24 A. Well, like if you open the book, and then,
 25 you know, sometimes the books are sewn or something 10:43

1 like that, if you open a book and then just the 10:43
 2 sewing part has come off and you can take the page
 3 out.

4 Q. Did you ever take a page out when the sewing
 5 was coming off? 10:43

6 A. When we had to turn the page, yeah.

7 Q. How often, if you know, did you receive a
 8 textbook in Economics that had missing pages in it?

9 A. I can't recall because we had assigned
 10 books. 10:44

11 Q. So you used the same textbook all year?

12 A. Not the same one, not the same one the whole
 13 year.

14 Q. When you say --

15 A. The whole year -- actually, the semester, 10:44
 16 not the year.

17 Q. Right. When you say you have an assigned
 18 textbook for the semester, what do you mean?

19 A. Yeah, they're numbered one, two, up to -- I
 20 don't know what number. And that's how we get them, 10:44
 21 you know, we got like where we sit, it's one, two,
 22 three as well. So if I was in seat number nine,
 23 then I would get textbook number nine.

24 Q. On what occasions would you, if any, would
 25 you not use a textbook that was assigned for you in 10:45

1 class? 10:45

2 A. Sometimes when there was a book already in
 3 my desk, I would be too lazy to get up, so I'll just
 4 use that one.

5 Q. Now, the textbook that was assigned to you, 10:45
 6 did it have missing pages in it?

7 A. I can't recall, because I think in my seat I
 8 had -- there was two numbers -- I don't know -- I
 9 don't remember if I was number nine or number eight,
 10 but there was two number nines, two number eights. 10:45
 11 I remember, in my seat, one of the books had a loose
 12 page.

13 Q. Did the loose page ever come off during the
 14 course of the semester?

15 A. Well, that's what I'm saying. You know, 10:46
 16 like one of the books -- I used one of the books,
 17 and then the other time I used the other one. I
 18 just kept on using the other one because we only
 19 went through page 8 or 9 once. And then after that,
 20 we just kept on going through the book, so we didn't 10:46
 21 have to turn to that page. I can't recall. I can't
 22 answer that.

23 Q. When you used the textbook, was the loose
 24 page connected to the textbook?

25 A. Well, that's the thing, I don't know because 10:46

1 we had to go through other chapters. I just didn't 10:46
 2 specifically go to that page, is this page here or
 3 not. I had to go to the other chapters and
 4 concentrate on the other chapters.

5 Q. But when the class was using that page, was 10:46
 6 the page connected to the textbook?

7 A. I said this earlier. It was loose. We only
 8 use it towards the beginning of the semester because
 9 this is the beginning of the book, beginning of the
 10 semester. 10:47

11 Q. Let me be clear, then. At the beginning of
 12 the semester when you covered the page that was
 13 loose, it was intact with the textbook, it was
 14 connected with the textbook; is that correct?

15 MS. LHAMON: Objection; asked and answered. 10:47
 16 He's testified that the page was loose, and that
 17 means that it was not connected to the textbook.

18 THE WITNESS: Yeah, I was going to say it
 19 wasn't connected because it was loose already, but
 20 the page was still there. 10:47

21 BY MR. LaCOMBE:

22 Q. You said you had two textbooks. One had a
 23 loose page. Did the other textbook have any loose
 24 pages?

25 MS. LHAMON: Objection; you're 10:47

1 mischaracterizing his testimony. He's not saying 10:47
 2 there were two textbooks. He said there were two
 3 textbooks, number nine and two textbooks, number
 4 eight, so sometimes he would use a different
 5 textbook. 10:48

6 THE WITNESS: What I can recall is that I
 7 know some book's page 8 or 9, I don't remember what
 8 page, it was loose. But later on after we went --
 9 moved onto some other chapters, I don't recall
 10 seeing some other loose pages. 10:48

11 BY MR. LaCOMBE:

12 Q. Did the condition of either textbook, the
 13 physical condition of either textbook change over
 14 the course of the semester, to your knowledge?

15 A. I can't recall. 10:48

16 Q. Did you do anything to protect the condition
 17 of your textbook in Economics?

18 MS. LHAMON: Vague as to "protect." Are you
 19 asking if he put a book cover on, or are you asking
 20 if he shielded it with his body when he walked 10:49
 21 around the room? What are you asking?

22 BY MR. LaCOMBE:

23 Q. Can you answer that question?

24 A. Can you rephrase?

25 Q. Let's go with the book cover. Did you put a 10:49

1 but I remember him distributing pages for the 10:50
 2 chapter for the tests, when we were going to take
 3 the test.

4 Q. When he distributed pages for the chapter
 5 for the test, was this before the test? 10:50

6 A. Yes, it was. Sometimes he would give us a
 7 review sheet so we could review and study for the
 8 test.

9 Q. Did you use those review sheets in order to
 10 prepare for the test? 10:51

11 A. Yes, sometimes, yes, I did.

12 Q. Why only sometimes?

13 A. We didn't have a test every single time,
 14 every day. Most -- there was a lot of tests that
 15 were just -- well, we had to know the meaning of the 10:51
 16 words. Some words were familiar to me.

17 Q. Did he distribute a review sheet when he was
 18 giving a test on the meaning of words?

19 A. Yes, like I said earlier, yes. Sometimes
 20 yes, he did. 10:51

21 Q. Did you use any news articles in Economics?

22 A. Yes, I did.

23 Q. Were those distributed by [REDACTED]

24 A. Sometimes, because we would get newspapers
 25 at the class. Sometimes. 10:52

1 book cover on the textbook? 10:49

2 A. Well, no, because it's a class set. Only
 3 used it one period, so no, I didn't.

4 Q. Did the teacher ever ask you to put a book
 5 cover on the book that was assigned to you? 10:49

6 A. For Economics?

7 Q. Yeah.

8 A. No, he didn't.

9 Q. If you know, what year was the economics
 10 textbook published? 10:49

11 A. I don't remember, I don't know. That was a
 12 pretty old book too. Pretty worn out.

13 Q. Besides the fact that it was worn out, is
 14 there any other reason why you say it's old?

15 A. I can't recall. 10:50

16 Q. Did [REDACTED] use any other assigned
 17 instructional materials besides textbooks in
 18 Economics?

19 A. Well, yeah, when we did the stock market
 20 report, the project. 10:50

21 Q. What materials were those?

22 A. We had to use the Internet.

23 Q. Besides the Internet -- did he ever
 24 distribute any photocopied materials in Economics?

25 A. He distributed -- I can't recall exactly, 10:50

1 Q. The newspapers that you got, were those the 10:52
 2 current editions of the newspapers, if you know?

3 A. What do you mean by "current edition"?

4 Q. Were those like today's newspaper?

5 A. Yeah, sometimes there were, you know, 10:52
 6 because I don't remember what days he would receive
 7 the newspaper. He would receive a stack of
 8 newspapers. I don't remember what days he would
 9 receive them. When we had the chance, we just used
 10 them for newspaper articles we had to do. 10:52

11 Q. Do you know what newspapers he received?

12 A. I don't remember. I remember going over
 13 that in the last deposition, the newspaper articles.

14 Q. And how did you use the newspaper articles
 15 in Economics? 10:53

16 A. Well, I'd read them and just summarize what
 17 it was about and kind of put it into like
 18 economic -- you know, just -- I don't know how to
 19 answer this. Relating to the economy, relating to
 20 economics. 10:53

21 Q. Was this part of a homework assignment?

22 A. I don't know exactly if I'd call it a
 23 homework assignment, because it was kind of like
 24 little projects we had to do, like Wednesday every
 25 two weeks, something like that. 10:53

1 Q. When [REDACTED] brought newspapers, did he 10:53
 2 bring enough for every student in the class?
 3 A. Well, we couldn't take them home. He would
 4 just bring them, and he would leave them so the
 5 class could use them. 10:53
 6 Q. Was there ever a time in your Economics
 7 class when you had a textbook to take home?
 8 MS. LHAMON: Asked and answered.
 9 THE WITNESS: Well, I said that earlier,
 10 that we didn't have no sets to take home in 10:54
 11 Economics. There was only a class set.
 12 BY MR. LaCOMBE:
 13 Q. Did [REDACTED] ever tell you that you can't
 14 take the textbooks home in Economics?
 15 A. You had to ask for permission. I stated 10:54
 16 that earlier. I didn't ask him to take it home. I
 17 didn't ask him if I could.
 18 Q. Did you study for Economics at home, even
 19 though you couldn't take the textbook home?
 20 A. I don't remember. I can't recall. Study? 10:55
 21 What do you mean? Like study for a test?
 22 Q. Any studying for Economics.
 23 A. Well, we had to -- I don't know if you want
 24 to call it studying, but we had to do some research
 25 for the project, so I guess. I don't know if you 10:55

1 I don't know what the other students -- how the 10:57
 2 other students did there. I don't know what they
 3 used. We all had different ways of doing it, doing
 4 the report.
 5 Q. Did you ever receive homework in Economics 10:57
 6 that required the use of your textbook?
 7 A. No, I'm not sure. But if we did, we
 8 couldn't take the books home. I'm not sure. There
 9 wasn't enough books for every student, though.
 10 There was more than one Economics class. I know 10:57
 11 there wasn't 60 books in the class.
 12 (Deposition Exhibit 13 was marked for
 13 identification and is annexed hereto.)
 14 BY MR. LaCOMBE:
 15 Q. Let's look at Exhibit 13, which is the map, 10:58
 16 Watsonville High School map.
 17 Where was your Economics classroom?
 18 A. It's by the B wing, the basketball courts.
 19 Well, right here it says one -- I don't remember the
 20 classroom number. But it's in the B wing upstairs, 10:58
 21 I guess, it's one. I'm not sure, but that's where I
 22 went. It was a corner room.
 23 Q. Is that a permanent building?
 24 A. That was a portable. It wasn't there last
 25 year. Yeah, last year I think -- when was it? 10:59

1 want to call that studying. 10:55
 2 Q. Did you do any homework for Economics?
 3 A. Yeah. We had the newspaper articles. I had
 4 to do them at home.
 5 Q. Is there any other homework besides the 10:55
 6 newspaper articles that you would do at home?
 7 A. I can't recall.
 8 Q. When you did research for the project, was
 9 there any -- was that the Internet that you used for
 10 that project? 10:56
 11 A. For the stock market?
 12 Q. Uh-huh.
 13 A. Sometimes I used the Internet.
 14 Q. Any other resources that you used besides
 15 the Internet for the stock market? 10:56
 16 A. Well, I used Microsoft Word, Microsoft
 17 Excel, yeah. I used some other stuff.
 18 Q. Any other materials besides the Internet for
 19 your research?
 20 A. Yeah, used the newspaper as well to look up 10:56
 21 the stock. You see how the stock did, the New York
 22 Stock Exchange.
 23 Q. Anything besides the Internet and the
 24 newspapers?
 25 A. Can't remember. I'm not sure. It's because 10:57

1 Towards the end of last year they were building 10:59
 2 this, the portables -- sometime last year building
 3 the portables.
 4 Q. When you say "toward the end of last year,"
 5 you mean what time? 10:59
 6 A. Towards the end of the school year, last --
 7 sometime when I was a junior they were doing this.
 8 Q. So it would be spring of 2000?
 9 A. I don't remember the exact month. I don't
 10 know the month, just sometime last year, my junior 10:59
 11 year.
 12 I'm going to get more water.
 13 Q. Of course.
 14 MS. LHAMON: While we're doing that, Steven,
 15 there's no guarantee that were going to produce 10:59
 16 Manuel for a third day. I'm going to ask you to
 17 speed up your questioning because this is going
 18 painfully slow, and I think you can do this in a
 19 more summary fashion.
 20 MR. LaCOMBE: I'll do my best. 11:00
 21 MS. LHAMON: If you don't complete it today,
 22 there's no guarantee you'll get a third day, so you
 23 should ask the questions that you know you want to
 24 ask.
 25 BY MR. LaCOMBE:

1 Q. Let's talk about Spanish. You took Spanish 11:00
 2 last year and this year; is that right?
 3 A. Last school year and this school year, yes.
 4 Q. Why did you take Spanish?
 5 A. We had to take a foreign language, and I 11:00
 6 decided to take Spanish. I wanted to improve my
 7 Spanish.
 8 Q. Taking some foreign language is a
 9 requirement for graduation?
 10 A. Foreign language or fine arts. 11:00
 11 Q. Are you repeating the same Spanish class
 12 this year?
 13 A. Yes.
 14 Q. Why is that?
 15 A. I did not pass both semesters. 11:01
 16 Q. Did you have the same teacher this year as
 17 you did last year?
 18 A. Yes.
 19 Q. What grade did you get in Spanish this year?
 20 A. First semester, second semester, first 11:01
 21 quarter?
 22 Q. Let's go first semester.
 23 A. Could we look at the transcript? I can't
 24 remember. I think it says it right there.
 25 Q. You're right, it does. 11:01

1 A. I guess so. 11:01
 2 Q. Is that right, [redacted]
 3 A. That's what it says.
 4 Q. What did you get this semester?
 5 A. The second semester? 11:01
 6 Q. Yeah.
 7 A. What did I get?
 8 MS. LHAMON: Do you have your grades yet?
 9 THE WITNESS: I didn't get the transcript.
 10 Because the seniors, you know, we didn't just -- it 11:02
 11 was either pass -- I remember them telling us pass
 12 or fail. They didn't tell us our grades. We're
 13 going to get them in the mail, I assume, later on.
 14 I know I passed the class.
 15 BY MR. LaCOMBE:
 16 Q. This is Exhibit 11. This is pre-marked.
 17 This was a progress report that Ms. Perrin brought
 18 two Sundays ago.
 19 Do you recognize this document, Manuel?
 20 A. Yes, I do. 11:02
 21 Q. What is it?
 22 A. It's my progress report.
 23 Q. What's it from?
 24 A. It says there Monday, May 14th, quarter
 25 number three, third quarter. 11:03

1 Q. What grade does it indicate that you have 11:03
 2 for Spanish?
 3 A. [redacted]
 4 Q. Do you know if you -- that's the grade that
 5 you will be receiving in Spanish? 11:03
 6 A. For the semester.
 7 Q. For the semester?
 8 A. No, uh-uh, not at all. [redacted]
 9 [redacted]
 10 Q. Why does it indicate, if you know, that you 11:03
 11 have [redacted] on your progress report for Spanish?
 12 A. Because that's only quarter number three. [redacted]
 13 [redacted]
 14 [redacted]
 15 Q. Why did you get [redacted] for the progress report 11:03
 16 in quarter three?
 17 A. I was waiting for you to ask that question.
 18 I had a A before. Because we had to do a report, a
 19 big report -- throughout the year we had to do
 20 some -- what was it? -- some essays. And then 11:03
 21 towards the end of the year we had to -- out of
 22 those essays, we had to create a book, do a book
 23 that had all the four essays and everything. And I
 24 did the book, and I received a good grade on the
 25 book, but I remember I was absent for the day when I 11:04

1 was supposed to present it. 11:04
 2 And after that I had to go up there the next
 3 day, and I said, "Could I present it today?"
 4 And she said, [redacted]
 5 [redacted] 04
 6 [redacted]
 7 [redacted]
 8 [redacted]
 9 [redacted]
 10 [redacted] :04
 11 Q. Is there any other reason that you got
 12 for quarter three?
 13 A. That was the main reason. That was it
 14 because of the -- because of the project.
 15 Q. In your junior year you got [redacted] in the first 11:05
 16 semester; is that right?
 17 A. I don't have the transcript.
 18 Q. This is copy of Exhibit 4. This is the
 19 transcript as of the middle of senior year.
 20 It says here you got a [redacted] your first semester 11:05
 21 and an F the second semester?
 22 A. Let me locate it. A [redacted] and an [redacted] " yes.
 23 Q. Do you know why you got a [redacted] your first
 24 semester?
 25 A. I can't exactly recall. That's the time I 11:06

1 was lacking off on that class. I didn't like that 11:06
 2 teacher at that time.
 3 Q. Who was the teacher?
 4 A. [REDACTED]
 5 MS. LHAMON: Spell that for the record. 11:06
 6 THE WITNESS: [REDACTED]
 7 BY MR. LaCOMBE:
 8 Q. Why didn't you like [REDACTED]
 9 A. Well, in particular, it's not just because I
 10 didn't like her, I didn't like the class. 11:06
 11 Q. Why didn't you like the class?
 12 A. She made us do a lot of work. It was really
 13 challenging because -- that's why I decided to stay,
 14 because I was up to a challenge.
 15 Q. Has your opinion changed of [REDACTED] 11:06
 16 A. Yeah.
 17 Q. How so?
 18 A. She's become one of my best teachers. Like,
 19 I like every single teacher, but she just expects a
 20 lot from me and gives me challenges. 11:06
 21 Q. Why did you get [REDACTED] your second semester of
 22 Spanish 1 in your junior year, if you know?
 23 A. I can't remember. I lacked off.
 24 Q. Did you use a textbook in Spanish?
 25 A. Class set? 11:07

1 Q. Yes. 11:07
 2 A. When? Last year?
 3 Q. Let's talk about last year first.
 4 A. Yes, I did.
 5 Q. What about this year? 11:07
 6 A. Yes, I did.
 7 Q. Was it the same textbook?
 8 A. Same one? I believe they were the same
 9 class sets. We just didn't use one textbook, we
 10 used a couple of textbooks. 11:07
 11 Q. What was the difference between the
 12 textbooks?
 13 A. One of them, one of the textbooks just
 14 contained information about some Latin countries,
 15 and the other book was kind of like a -- more of 11:08
 16 like a -- what kind of book? It had more stuff to
 17 do with writing, you know, like the meaning of
 18 letters and everything, and just exercises. And the
 19 other book was for, like I said, the Latin
 20 countries, all that stuff. 11:08
 21 Q. How many different books are you talking
 22 about now?
 23 A. We had three in total.
 24 Q. The first one was a main textbook?
 25 A. Well, we used the first two kind of one 11:08

1 day -- one day one book, the other day the other 11:09
 2 book.
 3 Q. Let me get this clear. You said one
 4 contained information on the Latin countries?
 5 A. Yes, that was the "Dime" book. 11:09
 6 Q. That's what it was called? You said the
 7 second one was how to do -- discuss the meaning of
 8 letters and writing?
 9 A. The words, meaning of words, meaning of
 10 writing, yeah, it had to do with writing. 11:09
 11 Q. What textbook was that? Do you know the
 12 name?
 13 A. I can't remember that name.
 14 Q. What was the third textbook?
 15 A. It was a little green book. It was kind of 11:09
 16 like similar to the second book. But in that book I
 17 remember it had little stories, and then at the end
 18 we had to answer questions about the little short
 19 stories.
 20 Could we take a break? 11:10
 21 MS. LHAMON: Mm-hmm.
 22 MR. LaCOMBE: Yeah, that's fair.
 23 (Recess taken.)
 24 BY MR. LaCOMBE:
 25 Q. Were there any other assigned instructional 11:19

1 materials in Spanish 1 that was used last year other 11:19
 2 than the three textbooks that you've already
 3 mentioned?
 4 A. Yes, there were.
 5 Q. What were those? 11:20
 6 A. Photocopies of stories, of short stories,
 7 and other photocopies. I don't remember what the
 8 text was.
 9 Q. Besides the three textbooks and the
 10 photocopies, were there any other instructional 11:20
 11 materials used in Spanish 1 last year?
 12 A. Not that I could recall.
 13 Q. Is there any difference between the
 14 textbooks that were used your junior year and the
 15 textbooks that were used your senior year? 11:20
 16 A. Any difference in the content?
 17 Q. The content, yes.
 18 MS. LHAMON: I object. I think the question
 19 is unclear in if you're asking did he use the same
 20 titled textbook both years. 11:20
 21 MR. LaCOMBE: That's what I'm asking.
 22 THE WITNESS: If I used the same title
 23 books?
 24 MR. LaCOMBE: Yes.
 25 THE WITNESS: Yes, I did. 11:21

1 BY MR. LaCOMBE:
 2 Q. Of the three textbooks that you described,
 3 did you refer any one of them to the others?
 4 A. Could you rephrase that?
 5 Q. Was there any one of those three textbooks 11:21
 6 that you liked better than the others?
 7 A. Yeah.
 8 Q. Which one or ones?
 9 A. Some of the short stories were cool.
 10 Q. You're referring -- 11:21
 11 A. Short story, book one of the short stories.
 12 And, oh --
 13 Q. That's the little green book?
 14 A. I believe so, yeah, yeah.
 15 Q. Why did you like that one the best? 11:21
 16 MS. LHAMON: Asked and answered.
 17 He told you the stories were cool.
 18 THE WITNESS: I didn't finish answering.
 19 MS. LHAMON: Oh, excuse me.
 20 THE WITNESS: That's all right. That one 11:22
 21 and the "Dime" book, I liked a lot.
 22 BY MR. LaCOMBE:
 23 Q. And why did you like the "Dime" book?
 24 A. Because I learned a lot about Latin America.
 25 I learned the cultures. 11:22

1 Q. Was the "Dime" book in English? 11:22
 2 A. No, it was a Spanish class, in Spanish.
 3 Q. Was it all in Spanish?
 4 A. Yeah, Spanish class, they were in Spanish,
 5 everything is Spanish. 11:22
 6 Q. Let's refer to your declaration. This is
 7 Exhibit 2. In paragraph 3, the second sentence that
 8 runs from line 7 to 8 --
 9 A. Mm-hmm.
 10 Q. -- states -- 11:23
 11 MS. LHAMON: I'm sorry -- oh. I'm sorry. I
 12 just didn't see paragraph 3. Okay.
 13 BY MR. LaCOMBE:
 14 Q. It states that your -- in your Spanish
 15 class, "We only have a class set of books"; is that 11:23
 16 correct?
 17 A. That's correct.
 18 MS. LHAMON: It says, "in my Economics and
 19 Spanish classes." That's why he's referring to two
 20 classes in the declaration. 11:23
 21 MR. LaCOMBE: That's what I'm seeking to
 22 clarify.
 23 Q. Does that refer to more than one Spanish
 24 class?
 25 A. Could you rephrase that? 11:23

1 Q. When you state that in your Spanish class 11:23
 2 you only have a class set of books, does that refer
 3 to last year's Spanish class?
 4 A. Last year's and this year's.
 5 Q. Refers to both? 11:24
 6 A. When I wrote this, when was it? February,
 7 of this year. Yeah, it does, both.
 8 Q. Since February 5th, 2001, when you signed
 9 the declaration, has anything changed about the
 10 availability of textbooks in your Spanish class? 11:24
 11 A. In general has anything changed?
 12 Q. Mm-hmm.
 13 A. No. We're still short of books, we're still
 14 out of books, torn up books.
 15 Q. In Spanish class when you have a class set, 11:24
 16 is it the same as Economics where there is a book
 17 assigned to each desk?
 18 A. No.
 19 Q. How were the books distributed in Spanish?
 20 A. Once we got in there we had to go get a 11:25
 21 particular book, whatever book we used. It was the
 22 "Dime" or the other books, just got up there and got
 23 them.
 24 Q. Did you use the same copy of your textbooks
 25 every day? 11:25

1 A. I can't remember. I didn't see what book 11:25
 2 number it was.
 3 Q. Were you assigned a particular copy of each
 4 textbook by the teacher?
 5 A. I responded to that. No, because there was 11:25
 6 just -- we had to go up and get them.
 7 Q. Do you know how many students were in the
 8 Spanish I class last year?
 9 A. Last year? I can't remember. Last year.
 10 That was a long time ago. I don't know. More than 11:26
 11 20. I'm not sure. I don't got an exact number.
 12 Q. Do you know how many copies of "Dime" was
 13 available in the class last year?
 14 A. I don't exactly -- I don't know exactly, an
 15 exact number. 11:26
 16 Q. Was there a copy available for each student?
 17 A. For that particular class?
 18 Q. For that year.
 19 A. Yeah.
 20 MS. LHAMON: Are you asking for that year or 11:26
 21 that class?
 22 MR. LaCOMBE: For that year in that class.
 23 THE WITNESS: Yeah, there was. We should
 24 have had a set to take home as well because that was
 25 a hard class. She expected a lot from us. 11:27

1 BY MR. LaCOMBE:
 2 Q. Was there any of the course materials that
 3 you could take home?
 4 A. Course materials?
 5 Q. You mentioned the three textbooks and the 11:27
 6 photocopies.
 7 A. That each student could take home, or what
 8 are you --
 9 Q. Yes, each student can take home every night.
 10 A. The textbooks we couldn't take home every 11:27
 11 night, no, because she had more than one class.
 12 There wasn't enough books.
 13 Q. How much did you study at home at night, in
 14 hours, for Spanish last year, if at all?
 15 MS. LHAMON: Per day? Are you asking him 11:27
 16 about an average?
 17 MR. LaCOMBE: Yeah.
 18 THE WITNESS: I can't remember. I can't
 19 recall.
 20 BY MR. LaCOMBE:
 21 Q. Do you have an estimate?
 22 MS. LHAMON: Remember, I don't want you to
 23 guess. If you have an estimate, you can give an
 24 estimate.
 25 THE WITNESS: It varied. 11:28

1 BY MR. LaCOMBE:
 2 Q. When did you study at home for Spanish, what
 3 did you use to study with?
 4 A. The homework we did in class.
 5 Q. What kind of homework were you assigned? 11:28
 6 A. Work from the books.
 7 Q. If you didn't have the books with you, how
 8 did you do your homework at night?
 9 MS. LHAMON: Well, it mischaracterizes his
 10 testimony. He said he did his homework in class, so 11:28
 11 he may not be defining homework as work he did at
 12 home.
 13 THE WITNESS: Instead of saying "homework,"
 14 I should say "class work."
 15 BY MR. LaCOMBE:
 16 Q. What sort of class work is this?
 17 A. Work from other classes -- from other
 18 classes -- from the books. Can you try to rephrase
 19 that?
 20 Q. When you received homework from the books, 11:29
 21 what kind of assignments were they?
 22 MS. LHAMON: Well, I think that
 23 mischaracterizes his testimony. I don't think he
 24 ever said he received homework from the books.
 25 MR. LaCOMBE: Or class work, excuse me, from 11:29

1 the books. 11:29
 2 THE WITNESS: Could you repeat the question?
 3 I'm not understanding you.
 4 BY MR. LaCOMBE:
 5 Q. What kind of class work did you do in 11:30
 6 Spanish?
 7 A. Well, when we did the "Dime" book, we did
 8 about the countries in South America. When we did
 9 the other books, we did homework about that
 10 particular book that we did. 11:30
 11 Q. Did you ever complain to anybody who works
 12 at the school that you only had a class set of books
 13 in your Spanish class? This is either year.
 14 A. Either my what?
 15 Q. Either your junior year or your senior year, 11:30
 16 did you ever complain to anybody who works at the
 17 school?
 18 A. Last year, last year. I'm not sure. I
 19 can't recall. I'm not sure if I told my sister
 20 about it. 11:31
 21 Q. I'm talking about people who work at the
 22 school.
 23 A. Oh. Yeah, I complained with the teacher,
 24 with the Spanish teacher.
 25 Q. How did you complain? 11:31

1 A. First I told her, "Could I take a book 11:31
 2 home?" And sometimes she said, "Yeah, but I have to
 3 bring it back the next day." And sometimes, you
 4 know, she wouldn't because other students needed the
 5 books. I wasn't the only student that she had. 11:32
 6 There wasn't enough books.
 7 Q. Did she ever tell you why you couldn't take
 8 a textbook home?
 9 A. Yeah, because other students needed them.
 10 That's why we should get more books. We shouldn't 11:32
 11 be sharing. I know sharing is good, but we
 12 shouldn't be sharing books. We should have a book
 13 of our own.
 14 Q. Let's refer to paragraph 4 of your
 15 declaration. If you could review that, please. 11:32
 16 A. (Witness examines document.)
 17 Mm-hmm.
 18 Q. In paragraph 4 you're referring to the
 19 Spanish books of last year. That's your junior
 20 year; is that right? 11:33
 21 A. Yeah, it is, yeah.
 22 Q. Is there any difference in the physical
 23 condition of the textbooks between your junior year
 24 and your senior year?
 25 A. Physical? 11:33

1 Q. Yeah. 11:33
 2 A. They're older. After one year. Last year
 3 they were already worn out, torn up. This year
 4 there was -- there were the same condition. We
 5 didn't get new books. 11:33
 6 Q. How many books were torn up, if you know?
 7 A. I don't know. Out of the whole -- every
 8 single book that there were in class -- I'm just
 9 estimating here, it's not an exact answer -- most of
 10 them were in pretty bad shape. 11:34
 11 Q. When you say "in bad shape," do you mean
 12 anything other than being torn up and having pages
 13 missing?
 14 A. What do you mean?
 15 Q. What do you mean by "in bad shape"? 11:34
 16 A. Well, pages missing, the physical condition
 17 of the book.
 18 MS. LHAMON: He's asking you to describe the
 19 physical condition for somebody who doesn't see the
 20 book, what it would look like. 11:34
 21 THE WITNESS: Well, the cover was -- you
 22 know, some of it was kind of peeled off.
 23 BY MR. LaCOMBE:
 24 Q. Hold on. At the outset, are you referring
 25 to all the textbooks, all three of them? Are you 11:35

1 referring to any one in particular? 11:35
 2 A. Oh, yeah, yeah, I didn't get that clear.
 3 The little green books, we didn't use that often.
 4 So they weren't that bad.
 5 Q. Did -- let me step back. Let's talk about 11:35
 6 each one individually.
 7 The little green book, did any of the little
 8 green books have pages missing, if you know?
 9 MS. LHAMON: How about instead of the
 10 question saying little green books he used, did any 11:35
 11 one of the books he used have pages missing.
 12 MR. LaCOMBE: Okay, fair enough.
 13 THE WITNESS: I can't recall. I'm not sure.
 14 BY MR. LaCOMBE:
 15 Q. And of the little green books that you used, 11:36
 16 were any of them torn up?
 17 A. Torn up? The cover was pretty banged up.
 18 And I can't recall the content of the book because
 19 we didn't use that book that often.
 20 Q. When you say "torn up" in paragraph 4 of 11:36
 21 your declaration, what do you mean by that?
 22 A. In bad shape, generally in bad shape. Like
 23 if you would see a book, you would know the
 24 difference between if it was in good shape, you
 25 know, like a new book, that new book there's 11:36

1 almost -- there's nothing wrong with it, you know, 11:36
 2 the cover is perfect. You would know the difference
 3 between in bad shape and in good shape if you would
 4 see a book. If I would show you a book of a bad
 5 shape and a new book, there's a big difference. 11:37
 6 Q. When a book is in bad shape,
 7 according to your testimony, is it usable?
 8 MS. LHAMON: For instructional purposes?
 9 Vague as to "usable."
 10 BY MR. LaCOMBE:
 11 Q. Can you use it in class for instruction and
 12 to learn from?
 13 A. Depends what section we're doing. Depends
 14 on what page we're doing.
 15 Q. Were you able to read the text of all the 11:37
 16 little green books that you used?
 17 A. Yeah, I was. I can't say "all" because we
 18 didn't do -- we didn't study the whole book.
 19 Q. But the parts that you used?
 20 A. Yes.
 21 Q. Let's talk about the "Dime" book, then.
 22 A. Okay.
 23 Q. Did you ever use a "Dime" book that had
 24 pages missing?
 25 A. I can't recall. 11:38

1 Q. Did you ever use a "Dime" book that was torn 11:38
 2 up?
 3 A. Yes.
 4 Q. How was it torn up?
 5 A. The page was, some pages were kind of 11:38
 6 ripped. The front cover -- if someone had little
 7 bits of gum, you know, you can't remove the whole
 8 gum out of the books, so you could see traces of gum
 9 there. Some had gum in there and stuck in the
 10 pages. 11:38
 11 Q. Was there ever a time when you couldn't read
 12 the text of the "Dime" book because of its
 13 condition?
 14 A. Well, we didn't go -- I think we went
 15 most -- did most of the book. I was able to read 11:39
 16 it.
 17 Q. And as far as the third textbook, the one so
 18 far we've described as telling the meaning of
 19 letters and words, did you ever use one of those
 20 textbooks that had pages missing? 11:39
 21 A. Yes. That was the book that was really
 22 horrible.
 23 Q. How many pages were missing, if you recall?
 24 A. From each book or --
 25 Q. There was more than one book that had pages 11:39

1 missing? 11:39
 2 A. Yes.
 3 Q. Do you have an estimate for how many books
 4 had pages missing?
 5 A. No, because I didn't -- I didn't see every 11:39
 6 book.
 7 Q. Of the times when you used that textbook,
 8 about how often, if you have a fair estimate, would
 9 there be pages missing?
 10 A. About how many times? 11:40
 11 Q. Right.
 12 A. In that particular -- that book?
 13 Q. Yeah.
 14 A. Could you rephrase that -- yeah, could you
 15 rephrase that? 11:40
 16 Q. Of the times when you used that book, how
 17 often would there be pages missing?
 18 A. It's because I don't get, you know, when
 19 you're saying is it that particular -- I'm saying,
 20 you know, like that particular book or that series 11:40
 21 of books.
 22 Q. That series of books.
 23 MS. LHAMON: I think your question is still
 24 vague. Are you asking about -- Manuel has now
 25 testified that he used the same of that series of 11:40

1 book each time. Are you asking of all the days of 11:40
 2 his two years of Spanish class how many days did
 3 Manuel used a book in that third book series --
 4 MR. LaCOMBE: That's the question.
 5 MS. LHAMON: -- that's missing pages? 11:40
 6 MR. LaCOMBE: That's right.
 7 MS. LHAMON: And you can give an estimate if
 8 you don't know for sure.
 9 THE WITNESS: Yeah, I'm going to give an
 10 estimate. More than half the time I used a book 11:41
 11 there was a page missing.
 12 BY MR. LaCOMBE:
 13 Q. What did you do when there was a page
 14 missing?
 15 A. I would tell the teacher the page is not 11:41
 16 here, someone took the page, and I would go get
 17 another one.
 18 Q. When you say "more the half the time there
 19 would be a page missing," do you mean that more than
 20 half the time the page that would be being used in 11:41
 21 class would be missing?
 22 A. No. More than half the time that I used
 23 that particular -- that book, the book we're talking
 24 about, whenever I got a book, most -- more than half
 25 of the time the page was missing. 11:41

1 Q. But this was any page in the textbook, not 11:41
 2 necessarily a page that you were using in class that
 3 day; is that right?
 4 A. Yeah, it is correct. There's no particular
 5 page. 11:42
 6 Q. How often would you use that textbook in
 7 class and a page that you were using in class would
 8 be missing from the textbook, if you recall?
 9 A. I don't exactly know, but I could give an
 10 estimate. 11:42
 11 Q. Okay.
 12 A. It couldn't be that often because we didn't
 13 redo that same page over and over. I don't know. I
 14 can't --
 15 MS. LHAMON: It sounds from that answer as 11:42
 16 if the question was still vague, so maybe you can
 17 rephrase it.
 18 BY MR. LaCOMBE:
 19 Q. Do you have any specific recollection of a
 20 point when the teacher asked you to turn to a page 11:42
 21 in that textbook and that page was missing?
 22 A. Yes. That's when I went up to the teacher,
 23 "Hey, this page is missing," and she told me to grab
 24 another one.
 25 Q. Was it any more than one time? 11:42

1 A. It was a couple of times. 11:42
 2 Q. And were you able to get another textbook
 3 when you told the teacher about it?
 4 A. Yes.
 5 MS. LHAMON: Are you asking if he was able 11:43
 6 to get another textbook that had the page?
 7 MR. LaCOMBE: Yes, I am.
 8 THE WITNESS: Yes.
 9 BY MR. LaCOMBE:
 10 Q. Have you seen other students tear the books 11:43
 11 in your Spanish class?
 12 A. Tear?
 13 Q. Tear.
 14 A. If I seen them just rip out a page?
 15 Q. Or rip a page, part of a page? 11:43
 16 A. Mm-mm. I can't recall.
 17 Q. Have you ever done that?
 18 A. No.
 19 Q. Have you seen other students write in their
 20 books, the Spanish books? 11:43
 21 A. I can't recall. Yeah, I wouldn't do that
 22 because we were already limited to the number of
 23 books there are, and if I did that I knew that's
 24 going to affect someone else. We should get more
 25 books -- we should get new books, more books. 11:44

- 1 Q. Other than when you told your teacher about 11:44
 2 the text- -- other than your teacher, have you ever
 3 complained to anybody else in the school about the
 4 use of class sets in your Spanish class?
 5 A. Can't remember. I can't remember. 11:44
 6 Q. How often were you assigned homework in your
 7 Spanish class?
 8 A. Last year or --
 9 Q. Yeah, sure. Last year, if it's different.
 10 A. Well, when we had to write the essays, we 11:45
 11 were assigned homework. It wasn't very often.
 12 Rarely.
 13 Q. Did you do most of your work in class?
 14 A. Most -- could you rephrase that?
 15 Q. Did you do work in class in Spanish? 11:45
 16 A. That's when we did most of the work, yes.
 17 Q. Were you ever assigned projects that
 18 required the use of materials other than the
 19 textbooks and photocopies that you were given in
 20 your class? 11:45
 21 A. Yes.
 22 Q. And what were those projects?
 23 A. Other books from the library.
 24 Q. What would be the assignments that you would
 25 use books from the library? 11:46

- 1 A. When we had to do a project on the 11:46
 2 particular person, particular well-known person in
 3 the past from Latin America, we had to go get
 4 information about that person from the library,
 5 Internet, whatever. 11:46
 6 Q. How many assignments did you have that used
 7 books from the library as resources?
 8 A. Throughout my junior year, senior year?
 9 Q. Both, I guess.
 10 A. How many times did I use them? 11:46
 11 Q. Yeah. How many different projects did you
 12 have?
 13 A. Junior year, junior year. More than twice.
 14 Q. More than twice each year?
 15 A. More than twice in both years together, 11:47
 16 together in total, more than twice.
 17 Q. Was it close to two times total?
 18 A. It was more than twice.
 19 Q. You can refer to the map, if you like.
 20 Where was your Spanish 1 class last year? 11:47
 21 A. By Maple Street, 407.
 22 MS. LHAMON: And this is for your junior
 23 year?
 24 THE WITNESS: Junior and senior.
 25 BY MR. LaCOMBE:

- 1 Q. Same place? 11:47
 2 A. Yes. See, that's -- can I make a comment?
 3 Q. Yeah.
 4 A. That's what I kind of don't like about how
 5 the school is getting run, because the teachers that 11:47
 6 have been there a long time, most of them have their
 7 own classes, but the new teachers don't. And I
 8 don't think that's fair. Everybody should have a
 9 class, that teachers should have their own classes,
 10 not just some because they've been there longer. 11:48
 11 Q. Does Ms. Collazo have her own classroom?
 12 A. Yes, she does, but last year -- I don't know
 13 last year, but this year another teacher was using
 14 her classroom, and I think every teacher should have
 15 their own class. 11:48
 16 Q. Is 407 a permanent classroom or a portable?
 17 A. Permanent.
 18 Q. Permanent?
 19 A. Yes.
 20 Q. Besides the textbooks issued that we've 11:48
 21 discussed in Spanish, were there any other
 22 factors that affected your ability to learn in
 23 that class?
 24 MS. LHAMON: Objection; calls for expert
 25 testimony as to his knowledge about what would 11:48

- 1 affect his ability. 11:48
 2 You can give your own opinion.
 3 THE WITNESS: Yeah. When I had to go to the
 4 restroom, the restroom was closed, so I had to go
 5 somewhere else, and that would take off-time class 11:49
 6 time, so that would give me less time to do my class
 7 work. I had to go to some other restroom.
 8 BY MR. LaCOMBE:
 9 Q. Are there any other factors that you can
 10 think of that affect your ability to learn in 11:49
 11 Spanish 1 besides the restroom being closed?
 12 MS. LHAMON: And I have the same objection.
 13 THE WITNESS: In my opinion, yes. Sometimes
 14 because I had -- during fifth period sometimes it
 15 was pretty hot in there. We didn't have cooler or 11:49
 16 whatever it's called, and the room was too hot. And
 17 my hands would get sweaty, and I couldn't write.
 18 That affected me.
 19 BY MR. LaCOMBE:
 20 Q. When would it get too hot? 11:49
 21 A. When it was hot outside and -- when there
 22 was good weather outside. So when there was good
 23 weather outside, it would get hot.
 24 Q. How often would it get too hot?
 25 A. Depends on the weather. 11:50

1 MS. LHAMON: Can you give an estimate of the 11:50
2 number of days or weeks of the year?

3 THE WITNESS: Oh, wow. I can't, because if
4 it was sunny, then, you know -- more than twice a
5 week. 11:50

6 BY MR. LaCOMBE:

7 Q. You've taken Physical Education four years,
8 is that right, all four years?

9 A. Freshman year I took it, sophomore, yeah --
10 sophomore? No, three years, I believe, yeah. 11:51

11 Q. I see on your transcript a reference to
12 Independent Study PE?

13 A. Oh, yeah.

14 Q. What is that?

15 A. Yeah, that is, actually, but I didn't take 11:51
16 it all year.

17 Q. How long did you take it?

18 A. This was based on how many hours I did in
19 sports outside of the school. I had to keep track
20 of how many hours I did. Somebody had to sign 11:51
21 saying that I did that many hours of sports.

22 Q. You didn't have a teacher for that at all?

23 A. No, I didn't.

24 Q. Are you required to take three years of
25 Physical Education? 11:51

1 Q. How many students were in your freshman year 11:53
2 PE class, if you know?

3 A. I think I stated in my -- in the number two,
4 this thing, I'm not sure if I stated that here.

5 MS. LHAMON: When you say "this thing, 11:53
6 number two," are you referring to your declaration,
7 Exhibit 2?

8 THE WITNESS: Yeah, Exhibit 2.

9 MS. LHAMON: Thank you.

10 BY MR. LaCOMBE:

11 Q. Let's go to that. I see paragraph 8. It
12 mentions something.

13 A. Yeah.

14 Q. Runs from line 25 to 26. I'll read it
15 aloud: "During my freshman year we had 40 or 45 11:54
16 students in my PE class almost the whole year"; is
17 that correct?

18 A. That is correct.

19 Q. When you say, "almost the entire year," what
20 portions of the year did you not have 40 or 45 11:54
21 students?

22 MS. LHAMON: He said almost the whole year,
23 not almost the entire year.

24 THE WITNESS: Well, part of the year?

25 BY MR. LaCOMBE:

1 A. No. It says right here, two. Required, 20 11:51
2 credits, so that's 10 credits a year. So 20.

3 Q. Why did you do that, take Physical Education
4 this year?

5 A. I use it as an elective, and I love playing 11:52
6 sports.

7 Q. When the Physical Education class was held
8 indoors, I take it it was in the gymnasium; is that
9 right?

10 A. Not all the time. 11:52

11 Q. Where else would the PE class be?

12 A. Sometimes it would be outside, sometimes we
13 would be in the swimming pool, depending on the
14 weather and the time of the month.

15 Q. Is there anything wrong with the condition 11:52
16 of the gymnasium?

17 A. The physical condition?

18 Q. Mm-hmm.

19 A. Not its physical condition, not that I -- to
20 my vision, you know. But sometimes it would get too 11:53
21 crowded in there when we would have like two -- two
22 classes in there. Half of that class would be -- I
23 mean, one class would be playing soccer in half of
24 the gym, and the other half of the gym we would be
25 playing basketball. Overcrowding right there. 11:53

1 Q. Yeah. 11:55

2 A. Towards the end of the year there was less
3 people because they were moving them to some other
4 PE classes or they were changing PE periods.

5 Q. When you say "towards the end of the year," 11:55
6 do you have an estimate for how close it was to the
7 end of the year?

8 A. No, I don't got none.

9 Q. Did the number of students in the PE
10 class decrease throughout the year or only at 11:55
11 the end?

12 A. Well, it did throughout the year, but
13 towards the end of the year is when it decreased the
14 most, but throughout the year.

15 Q. Do you know about how long it was that you 11:55
16 had fewer than 40 students in your PE class?

17 A. I can't recall.

18 Q. Did having 40 or 45 students in your PE
19 class get in the way of learning physical education?

20 A. Well, Physical -- to me, in my opinion, what 11:56
21 can we learn in Physical Education? Well, some
22 other students that don't play sports, they can
23 learn how to play sports. But for me, I knew the
24 sports. What was there to learn for PE?

25 Q. Did having 40 students limit your ability to 11:56

1 do exercises in Physical Education? 11:57
 2 A. My freshman year?
 3 Q. Mm-hmm.
 4 A. Depending where we were, if we were outside
 5 or inside. 11:57
 6 Q. How about inside?
 7 A. Yeah, it did.
 8 Q. How is that?
 9 A. Too many people to play basketball. It's
 10 too overcrowded in there to play. Because we were 11:57
 11 divided by half, sometimes the soccer ball would go
 12 onto our side and would intervene in our game,
 13 basketball game.
 14 Q. Let me be clear. Are you saying that the
 15 class would divide in half and play two separate 11:57
 16 activities inside the gymnasium?
 17 A. Depending on the weather, sometimes we would
 18 get the class -- only that class would be in there.
 19 Sometimes another class would come in there. Some
 20 would go -- some of the students from the other 11:58
 21 class would go to the basketball gym. Some of
 22 them -- a lot of them will go to the weight room,
 23 which is, you know, that's the whole gym. The
 24 gym -- the weight room is in the gym.
 25 Q. The weight room is a separate -- is it 11:58

1 A. Did I have zero period in PE? 11:59
 2 Q. It wasn't zero period. You took Advanced PE
 3 your junior year, and you've taken it this year as
 4 well, zero period as well, right?
 5 A. There's a difference? Is that the question? 12:00
 6 Q. You say when you took zero period you could
 7 choose the activities that you want to do. Can you
 8 choose the activities in your Advanced PE classes
 9 your junior year?
 10 A. No, because you were assigned a PE teacher 12:00
 11 most of the year. You had to do what the teacher
 12 had planned for you. And this year we would get to
 13 choose what we wanted to do in our PE class.
 14 Q. When you say there's not that many teachers,
 15 is your zero period class crowded? 12:00
 16 A. No, because there's not that many students,
 17 no.
 18 Q. What space is the -- is zero period also in
 19 the weight room, the basketball court and the
 20 swimming pool? 12:00
 21 MS. KAATZ: Objection; compound.
 22 BY MR. LaCOMBE:
 23 Q. Do you understand my question?
 24 A. No, I don't.
 25 Q. Where is zero period PE held? 12:01

1 separate from the basketball court? 11:58
 2 A. Yes, it is.
 3 Q. How many different rooms are there in the
 4 gymnasium, if you know?
 5 A. I don't know. 11:58
 6 Q. How many students are in your zero period PE
 7 classes this year, if you know?
 8 A. Throughout the year or --
 9 Q. Yeah.
 10 A. There wasn't a lot. Not a lot of people 11:58
 11 would want to go to zero period, wake up an hour
 12 earlier and be in there.
 13 Q. Do you know about how many?
 14 A. I could estimate. I don't got no exact
 15 number. Well, it kept on decreasing throughout the 11:59
 16 year.
 17 Q. Do you have an estimate for about how many
 18 students there were at the beginning of the year?
 19 A. Well, we had like three -- two or three
 20 teachers, so there was more than one class. And we 11:59
 21 got to -- that was the thing about zero period, we
 22 got to choose our teachers, what activities we
 23 wanted to do.
 24 Q. Is that different from the Advanced PE class
 25 that you took your junior year? 11:59

1 A. Various places. Depends on what teacher you 12:01
 2 use.
 3 Q. What places would those be?
 4 A. Sometimes a class would be outside if we're
 5 doing football, soccer, softball. Towards the end 12:01
 6 of the year when it was warmer in the morning, it
 7 would be in the swimming pool, sometimes in the
 8 weight room, sometimes in the basketball gym.
 9 MR. LaCOMBE: It's noon. I think we should
 10 probably break for lunch. 12:01
 11 MS. LHAMON: I'm thinking we should go till
 12 12:30, unless you're hungry.
 13 THE WITNESS: No, that's cool.
 14 MS. LHAMON: Of course, unless you're
 15 hungry. 12:01
 16 MR. LaCOMBE: Yes, if you're hungry.
 17 THE WITNESS: No, I'm not that hungry. It's
 18 cool.
 19 BY MR. LaCOMBE:
 20 Q. Your freshman year you got a B your first 12:02
 21 semester?
 22 A. Yes.
 23 MS. LHAMON: Manuel, when you say "yes," are
 24 you saying that because you're looking at the
 25 transcript, or are you saying that because you 12:02

1 remember it? 12:02
 2 THE WITNESS: I'll look at the transcript.
 3 MS. LHAMON: We should use the transcript.
 4 MR. LaCOMBE: Fair enough. We already
 5 established that the transcript reflected his grades 12:02
 6 to the best of his knowledge.
 7 MS. LHAMON: Terrific.
 8 BY MR. LaCOMBE:
 9 Q. Why did you receive [redacted] in PE your freshman
 10 year, if you know? 12:02
 11 A. Well [redacted] is a good grade. I received [redacted]
 12 because I deserved it. Of course I wouldn't stand
 13 around and look at people play. I wanted to play.
 14 I would hustle, put some energy into it.
 15 Q. And you got [redacted] in your second semester? 12:02
 16 A. Yeah.
 17 Q. Do you know why you got [redacted] your second
 18 semester?
 19 A. Yes.
 20 Q. Why is that? 12:03
 21 A. Sometimes I didn't dress, and that affected
 22 me. But every single day I would be in PE, I would
 23 be hustling out there. Just because of me not
 24 dressing it affected my grade.
 25 Q. Why didn't you dress every day? 12:03

1 A. There's various answers to that. I don't 12:03
 2 even remember what period I had PE. I think it
 3 was after -- I think it was during fifth period.
 4 I'm not sure, but it's just -- I would get there
 5 late to class, and I wouldn't get a chance to go 12:03
 6 in there and dress. Sometimes I would forget the
 7 clothes at home. I would be taking them home to
 8 wash them.
 9 Q. Was there any PE class that you've taken
 10 that you've used a textbook in there? 12:04
 11 A. Freshman year. A textbook?
 12 Q. Yes.
 13 A. No, not in my PE classes.
 14 Q. Any assigned instructional materials other
 15 than textbooks in any of your PE classes? 12:04
 16 MS. KAATZ: Objection; vague as to
 17 "instructional materials" for PE.
 18 BY MR. LaCOMBE:
 19 Q. Do you understand the question?
 20 A. I don't understand it very clear. Could you 12:04
 21 rephrase it?
 22 Q. Did you ever receive any photocopied
 23 materials?
 24 A. I can't remember. But if I did, it was very
 25 rarely. 12:05

1 MS. LHAMON: Manuel, you're doing great 12:05
 2 about this, but Steven is just asking you questions
 3 to the best of your memory. So if you can't answer
 4 something, he doesn't want you to answer if it's not
 5 what you remember. 12:05
 6 THE WITNESS: Okay.
 7 BY MR. LaCOMBE:
 8 Q. Let's talk about math. Your first year you
 9 took Algebra 1A, according to your transcript. Do
 10 you know what "1A" refers to? 12:05
 11 A. No, I don't know exactly what it means. I
 12 don't know what the "A" is for, but Algebra 1, I
 13 know, is the first thing of Algebra. And then it
 14 goes to Biology -- Biology, what am I thinking --
 15 Geometry and then Algebra II. I don't know what 12:05
 16 that "A" is for.
 17 Q. Are you required to take Algebra?
 18 A. Required to take Algebra? No. You're
 19 required to do two years of math.
 20 Q. But you can take any math classes; is that 12:06
 21 correct?
 22 A. That is correct.
 23 Q. How many students were in your -- let's talk
 24 about Algebra 1. Your first semester you got [redacted] in
 25 Algebra 1A. 12:06

1 Why did you get that grade, if you know? 12:06
 2 MS. LHAMON: You know, I'm going to object.
 3 The record reflects that he has said that he
 4 deserved every grade that he got in school. And to
 5 go through and ask him why he got the grades when he 12:06
 6 said he thinks he deserved it, it seems like a waste
 7 of his time.
 8 MR. LaCOMBE: Manuel, you can still answer
 9 the question.
 10 THE WITNESS: Because that's what I deserve. 12:07
 11 BY MR. LaCOMBE:
 12 Q. Why did you deserve [redacted]?
 13 A. I was doing my work, doing my homework.
 14 Q. The second semester you got an [redacted] Why is
 15 that? 12:07
 16 A. Problems outside of school.
 17 Q. Was there anything in school that caused you
 18 to get an [redacted]?
 19 MS. LHAMON: Well, it calls for expert
 20 testimony as to the cause of his grades. 12:07
 21 But you can answer as to your opinion.
 22 THE WITNESS: Well, around school and out of
 23 school, yes. But I think this is out of the -- out
 24 of the league.
 25 MS. LHAMON: Manuel, his question was do you 12:08

1 think there were problems in school that contributed 12:08
 2 to the [redacted] not external to the problem, not including
 3 any problems outside of school. So if you think
 4 there were problems in school that contribute to the
 5 [redacted], you can answer Steven. If you don't think there 12:08
 6 are any, then you can just say "no."

7 THE WITNESS: I don't understand clearly.
 8 In class or just around school.

9 MS. LHAMON: I'm sorry.

10 BY MR. LaCOMBE:

11 Q. You mentioned before in other classes that
 12 you sometimes don't concentrate in class. Did you
 13 sometimes not concentrate in Algebra 1A?

14 A. Yes.

15 Q. Did that contribute to getting a [redacted], in your 12:08
 16 opinion?

17 A. Yes.

18 Q. You've also mentioned sports and activities
 19 outside of school. Did that also interfere with
 20 your learning in 1A, Algebra 1A? 12:08

21 A. No.

22 Q. You say in your first semester you got a [redacted]
 23 because you were doing your homework. Did you do
 24 your homework in the second semester?

25 A. No, due to a problem. 12:09

1 A. I can't remember, I can't remember. It was 12:10
 2 my freshman year.

3 Q. Do you have an estimate?

4 MS. LHAMON: If you don't have an estimate,
 5 that's fine too. 12:10

6 THE WITNESS: No, I don't, no.

7 BY MR. LaCOMBE:

8 Q. And then you took Algebra 1A again in summer
 9 school; is that correct?

10 A. Yes, I did. 12:11

11 Q. [redacted]

12 [redacted]

13 A. [redacted]

14 Q. Why did you get an A in summer school in
 15 Algebra 1A, do you think? 12:11

16 A. That problem was solved, the problem that I
 17 had.

18 Q. You completed your homework in summer
 19 school?

20 A. I was able to concentrate. 12:11

21 Q. Did you receive the same textbook edition in
 22 summer school as you did in Algebra 1A during the
 23 school year?

24 A. I believe so.

25 Q. Was it Mr. Young who taught summer school? 12:11

1 Q. How often would you do your homework your 12:09
 2 second semester?

3 A. I wouldn't show up to class.

4 Q. How often did you show up for class, if at
 5 all? 12:09

6 A. Second semester?

7 Q. Yeah.

8 A. I missed a lot, most of the second semester.

9 Q. Who is the teacher for that class?

10 A. Mr. Young. 12:09

11 Q. How do you spell that?

12 A. Y-o-u-n-g.

13 Q. How was Mr. Young as a teacher, in your
 14 opinion?

15 A. He was a really good teacher. 12:09

16 Q. What made him a good teacher?

17 A. He knew how to -- I don't know. He just
 18 knew how to teach really good.

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

20 A. Yes. 12:10

21 Q. Did you have a copy of your own to take
 22 home?

23 A. Algebra I, I believe I did.

24 Q. How often were you assigned homework in
 25 Algebra 1A? 12:10

1 A. No, it wasn't. 12:11

2 Q. Who was it?

3 A. I can't remember his name.

4 Could we go for lunch?

5 MS. LHAMON: Yeah. 12:11

6 MR. LaCOMBE: Fair enough. Let's do that.

7 (The luncheon recess was taken
 8 at 12:11 P.M.)

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1 APPEARANCES OF COUNSEL:

2
3 (P.M. SESSION)4
5 STEVEN LaCOMBE, ESQ.6
7 SARAH LEVITAN KAATZ, ESQ.8
9 CATHERINE E. LHAMON, ESQ.10
11 ALSO PRESENT:12
13 JUANA GOMEZ14
15 LAURA FAER16
17
18
19
20
21
22
23 REPORTED BY:24 SUZANNE I. ANDRADE, C.S.R. 10682
25

1 declaration that you could take home? 13:29

2 A. The "Dime" book. Right here I want to make
3 it clear that I was -- I got like special privilege
4 on taking the book home. I talked to the teacher
5 and told her -- and just told her my situation, and 13:29
6 she gave me the opportunity to take that book home.
7 Not everybody could take that book home.8 Q. Do you know how many students in the class
9 were given special permission?

10 A. I don't know. 13:29

11 Q. Did she explain to you why she was giving
12 you special permission to take that textbook home?

13 A. Yeah, she did.

14 Q. What is that?

15 A. She told me -- actually, I told her the 13:29
16 class was a little hard, and I needed to study more
17 outside of school. So she told me, "I understand.
18 I'll let you take the book home," and she let me
19 take it home.20 Q. Is this last year, your junior year, that 13:30
21 you were able to take it home?

22 A. Yes, last year.

23 Q. What about this year?

24 A. She also allowed me to take it home, but I
25 didn't take one home. 13:301 (The deposition of MANUEL ORTIZ
2 was reconvened at 1:28 P.M.)3
4 MANUEL ORTIZ,5 the witness, having been previously administered an
6 oath in accordance with CCP Section 2094, testified
7 further as follows:8
9 EXAMINATION (CONTINUING)

10 BY MR. LaCOMBE: 13:28

11 Q. Manuel, have you recently consumed any
12 medication, alcohol or any other substance that
13 would cloud your mind or interfere with your ability
14 to understand or answer my questions?

15 A. No.

16 Q. Is there any other reason why you would be
17 unable to testify and give your best testimony this
18 afternoon?

19 A. No.

20 Q. I want to turn briefly to Spanish, and 13:28
21 specifically to the declaration, paragraph 4.22 On line 21 it states, "We could take home
23 one of the Spanish books for homework."24 Manuel, which of the three textbooks that
25 you mentioned before are you referring to in the 13:291 Q. She would have allowed you to take one home, 13:30
2 but you declined to?3 A. Yeah, she didn't allow everyone to take one
4 home, though.5 Q. Was there any other students besides 13:30
6 yourself who were allowed to take textbooks home?

7 A. Last year or this year?

8 Q. Either.

9 A. Last year, I don't know. This year, to my
10 knowledge, I don't -- I don't know. 13:3011 Q. In your declaration just after that
12 statement, "but we didn't have enough of the second
13 book we used in class for us to be able to take that
14 book home too."15 When you say "second book," what book are 13:31
16 you referring to?

17 A. Talking about the -- about the writing book.

18 Q. The little green book?

19 A. No, not the little green, the other one.

20 The little green one was the story one. The other 13:31
21 one, the one where it defines letters and all that
22 stuff.23 Q. This is the book that you said was in really
24 horrible condition?

25 A. Yeah, that one. 13:31

1 Q. Were you able to get special permission to 13:31
 2 take any other textbook besides "Dime" home?
 3 A. If I would have asked her, she probably
 4 could have, but -- how could I say this? -- not
 5 everybody could have taken it home because there 13:31
 6 wasn't enough. She just gave me a chance to take it
 7 home.
 8 Q. To your knowledge, did she offer any other
 9 students the opportunity to take one of these
 10 textbooks home? 13:32
 11 A. My opinion, to my knowledge?
 12 Q. To your knowledge, not your opinion.
 13 A. Not that I can remember. But in my opinion,
 14 she was one that if you didn't tell her that, you
 15 had problems. 13:32
 16 MS. LHAMON: Manuel, he hasn't asked you a
 17 question about your opinion.
 18 THE WITNESS: Oh, not to my knowledge.
 19 BY MR. LaCOMBE:
 20 Q. Did she ever tell you that there were 13:32
 21 additional copies of any of these textbooks
 22 available at the library for checkout?
 23 A. No, she didn't.
 24 Q. Are you aware that she told any other
 25 students in your class that there were additional 13:32

1 copies in the library for checkout? 13:32
 2 A. No, I'm not aware. Like I talked to some --
 3 Ms. Mendez, and she told me that they don't have
 4 books at the library, school books to check out.
 5 Q. When did you talk to Ms. Mendez? 13:33
 6 A. Well, when I talked to her about how the
 7 deposition went, that's when I talked to her. And
 8 she told me that there was no books in the library
 9 for you to check out, school books for someone to
 10 check out. 13:33
 11 Q. This was last week the conversation
 12 occurred?
 13 A. Yeah, when it occurred.
 14 Q. And was she talking about all textbooks
 15 or -- 13:33
 16 A. Textbooks in general, yes.
 17 Q. Did she tell you how she knew that there
 18 were no textbooks available in the library to check
 19 out?
 20 A. No, she didn't. 13:33
 21 Q. Advanced Physical Education from your junior
 22 year, how many students were in that class the first
 23 semester, if you remember?
 24 A. Well, I had zero period last year.
 25 Q. I'm sorry, your junior year. 13:34

1 A. Yeah, that's why. Because I didn't 13:34
 2 remember -- I thought I had it at the end of the
 3 day, but I remember I was going to get zero period
 4 English, but it was too early for English for me to
 5 concentrate, so I got PE instead. I had zero period 13:34
 6 PE as well, so there wasn't that many students.
 7 Q. You had zero period both junior year --
 8 A. And senior year, yes.
 9 Q. That class was not crowded then?
 10 A. No. 13:34
 11 Q. In paragraph 8 of your declaration, when you
 12 discussed PE, lines 26 and 27, you state, "I know
 13 the PE classes are still too crowded."
 14 When you say that you knew the PE classes
 15 are still crowded, what do you mean? 13:34
 16 A. Well, I passed through there throughout the
 17 day. Zero period, they're not crowded. There's not
 18 a lot of people that go. I pass through there, you
 19 know, after lunch, when I'm going to the restroom,
 20 because I have something close to the field outside, 13:35
 21 and there was a lot of students. It was still
 22 overcrowded. Not zero period, though.
 23 Q. Do you have an estimate for how many
 24 students there were?
 25 A. It was close to almost the same as my 13:35

1 freshman year. Those numbers haven't changed at 13:35
 2 all.
 3 Q. So 40 to 45 students?
 4 A. Between -- somewhere around there. I got no
 5 positive number. 13:35
 6 Q. When you saw 40 or 45 students, you're not
 7 positive, the lot of students, are you sure that
 8 that was one class?
 9 A. Yes, because usually before they go out and
 10 play, they line up, they line up outside, so yes, 13:36
 11 that was.
 12 Q. Your sophomore year you took Independent
 13 Study Basic Skills Math; is that correct?
 14 A. Mm-hmm.
 15 Q. Why did you take that class? 13:36
 16 A. For credits, credits and -- because I was --
 17 I needed to do any class I could at that time, and I
 18 like math.
 19 Q. Were you the only student? It wasn't a
 20 class, was it? 13:36
 21 A. This is -- Independent Study has more than
 22 one student, but every student has like different
 23 classes. They're there for books, but they
 24 wouldn't -- there was -- there wasn't no one teacher
 25 and 20 students. It was like an individual thing. 13:36

- 1 Q. Did you meet in a classroom? 13:37
 2 A. It wasn't exactly a classroom.
 3 Q. What was it?
 4 A. It was -- it was by the library in one of
 5 the -- because like the library has two little 13:37
 6 rooms, it doesn't show on there. It's L1 and L2.
 7 MS. LHAMON: When you're referring to "on
 8 there," you're referring to Exhibit 13, the map; is
 9 that right? That's Exhibit 13.
 10 THE WITNESS: Yes, I am. 13:37
 11 MS. LHAMON: Thank you.
 12 THE WITNESS: And it was one of the little
 13 rooms.
 14 BY MR. LaCOMBE:
 15 Q. How many students were in the room, if you 13:37
 16 remember?
 17 A. It varied because they went at different
 18 times, different days of the week.
 19 Q. Did you use a textbook in that class?
 20 A. Yes, I did. 13:37
 21 Q. Could you take it home?
 22 A. Right there, yes, you can. And some
 23 materials, yes, you can.
 24 Q. What materials are you referring to?
 25 A. The reading. I don't know what I did in the 13:38

- 1 elective. In math and -- like we'll say we're able 13:38
 2 to take them home, we just went there to correct our
 3 work.
 4 Q. Sorry. You went where to correct your work?
 5 A. We went to the L1, one of the two little 13:38
 6 rooms, to correct our work. That's the only time we
 7 showed up, when we had Independent Study to correct
 8 our work.
 9 Q. So how often would you show up at L1 or L2?
 10 A. I was assigned once a week to show up. 13:38
 11 Q. How often were you assigned homework in that
 12 class?
 13 A. Once a week they would tell us to do half
 14 the book -- not exactly half of the book. They
 15 would tell us to do a big chunk of the book. 13:38
 16 Q. Who is "they"?
 17 A. It wasn't exactly the teacher. Well, you
 18 could say it was kind of like the teacher.
 19 MS. LHAMON: Manuel, when you're answering
 20 these questions, are you answering them just about 13:39
 21 Independent Study Basic Skills Math, or are you
 22 answering about all the Independent Study classes
 23 that appear on your transcript for 10th grade, first
 24 semester?
 25 THE WITNESS: I'm not sure about all of 13:39

- 1 them, but there's not one teacher per -- per like 13:39
 2 math, science. There's not like one per.
 3 BY MR. LaCOMBE:
 4 Q. Let's talk about Geometry. About how many
 5 students did you have in your Geometry class? 13:39
 6 A. I can't remember. I don't know the exact
 7 number. But I remember that's where, the first
 8 semester, we were in the library.
 9 Q. When you were in the library, was there a
 10 seat available for every student? 13:40
 11 A. Yeah, there was, there was, because it's the
 12 library, they had to have a lot of seats.
 13 Q. When you moved to the portable, was there a
 14 seat for every student?
 15 A. Yes, there were. But again, I couldn't 13:40
 16 concentrate on the class due to the construction
 17 that was going on outside. That's when they were
 18 building, in Exhibit 13 --
 19 Q. Yes.
 20 A. -- that's where they were building the B 13:40
 21 wing is, all those, 1 through 18. That's when they
 22 were building all those.
 23 Q. Where was the portable that your Geometry
 24 class was in?
 25 A. In the C -- I'm not sure if it was C22 or 13:40

- 1 C21. One of those. 13:40
 2 Q. And you say the construction was on B wing?
 3 A. Where the B wing was they were starting to
 4 do a lot of construction right there. So at that
 5 time the portables wasn't there. 13:41
 6 Q. Where exactly was the construction? Was it
 7 on the side of the B wing that the C building is?
 8 A. It's where you see 1 through 18, all that
 9 wasn't there. They were building all those.
 10 Q. So none of 1 through 18, none of the B 13:41
 11 structure existed last year?
 12 A. Are the B -- yeah, that's what they call it.
 13 Yeah, none of them existed. They were just barely
 14 building them at the time of second semester
 15 Geometry. 13:41
 16 Q. Was there any other new construction going
 17 on at that time of the year?
 18 A. I'm not sure.
 19 MS. LHAMON: Assuming you're meaning limited
 20 to the school construction limited to nearby. 13:41
 21 MR. LaCOMBE: That's what I mean.
 22 Q. Who was your Geometry teacher?
 23 A. Mr. Sanchez.
 24 Q. How was Mr. Sanchez as a teacher?
 25 A. He was a good teacher. He was a good 13:42

1 teacher, but he just -- he made the class a little 13:42
 2 boring, but overall he was a good teacher.
 3 Q. How do you think he could have made the
 4 class more interesting?
 5 A. If he would put different tones of voice. 13:42
 6 He just used the one tone and made it boring.
 7 Q. And when you say he was a good teacher, what
 8 do you mean by that? How was he good?
 9 A. He was able to explain and teach his math,
 10 you know. When we didn't understand something, we 13:42
 11 would tell him, and he would go up on to the board,
 12 and he made sure we would understand it.
 13 Q. Did you use a textbook in that class?
 14 A. Yes.
 15 Q. Did you have your own copy to take home? 13:43
 16 A. Yeah, we did.
 17 Q. What was the physical condition of your
 18 geometry textbook like?
 19 A. That was one -- those are like one of the
 20 rarest books. They were good. That's one of the 13:43
 21 rare ones, the math books. Some of the math books
 22 are good. That geometry book was pretty good.
 23 Q. And how does it compare -- how does the
 24 geometry textbook compare in physical condition to
 25 the other math textbooks? 13:43

1 A. The book that I had for Algebra II, or this 13:43
 2 year, it was like pretty old. It was kind of like
 3 the "Dime" book, that kind of physical shape as the
 4 "Dime" book. But in the hard geometry book we
 5 didn't have a book to take -- we had a book to take 13:44
 6 home, but we didn't have a class set, so we had to
 7 carry it every day to class. We didn't have a class
 8 set, but we had a set to take home.
 9 Q. Did you bring your book to class every day?
 10 A. I can't remember if I brought it every day. 13:44
 11 I'm not sure.
 12 Q. Did your geometry textbooks have any missing
 13 pages?
 14 A. No.
 15 Q. Did it have any loose pages? 13:44
 16 A. No, it didn't.
 17 Q. Any tears at all?
 18 A. No.
 19 Q. Did you use any assigned instructional
 20 materials other than your geometry textbook in 13:44
 21 Geometry?
 22 A. Yeah, we did.
 23 Q. What were they?
 24 A. Well, towards the end of the year when they
 25 were doing all that construction there, as soon as 13:45

1 it was like too noisy, we just kind of had to bear 13:45
 2 with that. And we made -- we had to figure out how
 3 many pounds of concrete they were going to use to
 4 mix the -- to put the floor on the thing. So
 5 Mr. Sanchez was giving us the layouts of where the 13:45
 6 concrete was going to go. He borrowed them from the
 7 construction workers.
 8 Q. Anything other than the layouts that you
 9 used?
 10 A. I can't remember. 13:45
 11 Q. How often were you assigned homework in
 12 Geometry?
 13 A. I don't know an exact number, but it was
 14 pretty often.
 15 Q. Was it almost every day? 13:46
 16 A. I can't remember.
 17 Q. Refer to paragraph 6 of your declaration, if
 18 you could.
 19 Do you know when Christmas vacation began
 20 last year? 13:47
 21 A. No. It was around Christmas. I don't know
 22 what date.
 23 Q. When you say that your Geometry class didn't
 24 have a classroom until close to Christmas vacation,
 25 how close, if you recall? 13:47

1 A. It's pretty close because -- yeah, it was 13:47
 2 pretty close. Before we moved to the C22, because
 3 when we're in the library, they were barely fixing
 4 all the C ones right there, C18 to -23. I don't
 5 know the rest of the C's, but I know C22 wasn't 13:47
 6 ready, so that C building is pretty new.
 7 Q. When you say they were fixing it, do you
 8 mean it was -- it was already -- excuse me -- it was
 9 already in existence that year when you were meeting
 10 in the library? 13:48
 11 A. I'm not sure. I remember a teacher telling
 12 us that we weren't going -- we weren't able to move
 13 because there was some problems -- because they were
 14 new. There was some problems with the class. I
 15 don't know what the problems were, but we weren't 13:48
 16 able to move to that class, so we were -- we were
 17 supposed to -- I don't remember where they were
 18 supposed to go. Because of the problems in the
 19 class, we had to wait a couple of more weeks until
 20 they fixed those problems. 13:48
 21 Q. Do you know when the C building was
 22 installed or built?
 23 A. I had no other classrooms in there. I
 24 didn't go over there. I don't know.
 25 Q. To the best of your knowledge, what time of 13:48

1 day is library traffic the heaviest at Watsonville 13:48
 2 High School?
 3 MS. LHAMON: Vague as to "traffic," calls
 4 for speculation. He hasn't testified he's in the
 5 library every day, all day long. 13:48
 6 BY MR. LaCOMBE:
 7 Q. Right. To the best of your knowledge.
 8 MS. LHAMON: Do you know what he means by
 9 "library traffic"?
 10 THE WITNESS: Yeah, a lot of people -- yeah, 13:49
 11 I'm not sure what time. I don't know what time.
 12 BY MR. LaCOMBE:
 13 Q. What time of the day was your Geometry class
 14 in the library?
 15 A. First period. 13:49
 16 Q. What times does first period run?
 17 A. Starts around 8 o'clock till close to 9:00
 18 I believe, somewhere between 8:00 and 9:00.
 19 Q. How often would students come into the
 20 library during the class? 13:49
 21 A. Almost every day.
 22 Q. How many students would come in at a time,
 23 if you have an estimate?
 24 A. I don't. I don't want to be guessing. I
 25 don't know. 13:50

1 Q. What is the most number of students that you 13:50
 2 remember being at the library, other than your
 3 classmates, at any given time?
 4 MS. LHAMON: And you don't want to be
 5 guessing, so only if you know. 13:50
 6 THE WITNESS: Yeah, I'm not sure, because I
 7 try not to concentrate on that. I try to
 8 concentrate on just the teacher and not on the
 9 students, so I'm not sure.
 10 BY MR. LaCOMBE:
 11 Q. If you know, are there students who don't
 12 have class during first period typically or during
 13 that time when you have Geometry in the library?
 14 A. (Witness shakes head.)
 15 MS. LHAMON: You have to say something 13:50
 16 audible for the court reporter to write it down.
 17 THE WITNESS: I don't know.
 18 BY MR. LaCOMBE:
 19 Q. You mentioned in there that the other
 20 students using the library would talk to the 13:51
 21 librarian.
 22 How far was the librarian from where the
 23 class met?
 24 MS. LHAMON: You mean how far was the
 25 librarian in his seat or how far was the librarian 13:51

1 ever? 13:51
 2 MR. LaCOMBE: I'm looking for clarification.
 3 MS. KAATZ: I'll object as to ambiguity as
 4 to how close.
 5 MS. LHAMON: I join that objection. 13:51
 6 BY MR. LaCOMBE:
 7 Q. Do you understand the question, Manuel?
 8 A. It's not very clear. Could you rephrase it?
 9 Q. When the students would talk to the
 10 librarian, how close was to librarian to where the 13:51
 11 class was meeting?
 12 MS. LHAMON: Again, it's ambiguous and
 13 vague. Are you talking about any day, any time the
 14 librarian was ever anyplace outside of the
 15 librarian's desk in the library? 13:51
 16 THE WITNESS: When she was at her desk, I
 17 could estimate how far away it was.
 18 BY MR. LaCOMBE:
 19 Q. Okay.
 20 A. How far away is that phone? 13:52
 21 MS. LHAMON: Well, you have to be the person
 22 testifying, so you have to make a guess.
 23 THE WITNESS: I don't know in feet, but it's
 24 around where the phone is, because I was sitting
 25 towards the back -- towards the back of the class. 13:52

1 MS. KAATZ: May the record reflect that 13:52
 2 that's approximately -- what would that be? -- one,
 3 two, three, four, five, six -- seven office-chair
 4 lengths to the phone.
 5 MS. LHAMON: That works, and these are 13:52
 6 average office chairs.
 7 MR. LaCOMBE: I would say it's about 25
 8 feet.
 9 THE WITNESS: Between 20 and 30 feet,
 10 somewhere in between there, that's when she was at 13:52
 11 her desk.
 12 BY MR. LaCOMBE:
 13 Q. And are there times when the students would
 14 talk to the librarian when she was away from her
 15 desk? 13:53
 16 A. I don't want to be assuming that. Again, I
 17 try not to concentrate on that because I was trying
 18 to concentrate with the teacher.
 19 Q. If you know, to the best of your knowledge,
 20 how often would students come in and talk to the 13:53
 21 librarian when you were in class?
 22 A. Almost every day. It's pretty hard to
 23 concentrate when the teacher's up front. He doesn't
 24 use different tones, and suddenly you just hear
 25 something in the background. It's hard to 13:53

1 concentrate. 13:53
 2 Q. To your knowledge, was there any indication
 3 that the library was off limits to other students
 4 during your class period?
 5 A. Not to my knowledge. But I'm assuming not 13:53
 6 because people would go in there.
 7 Q. Did you ever see any signs in or outside the
 8 library indicating that the library was off limits?
 9 A. No, the door was open, sometimes unlocked --
 10 always unlocked, but sometimes the door would be 13:54
 11 open, sometimes it would be closed, but unlocked so
 12 students could go in there.
 13 Q. Did Mr. Sanchez talk quieter than usual when
 14 he was teaching in the library?
 15 A. Quieter than when we moved to the classroom, 13:54
 16 yes.
 17 Q. Was there any time when you could not hear
 18 the teacher?
 19 A. Couple occasions when a student was talking
 20 to the librarian, yes. 13:54
 21 Q. What did you do when you couldn't hear the
 22 teacher?
 23 A. I would really try to concentrate, just, you
 24 know, because I would want to turn around. I would
 25 turn around, but then I would have to look up in the 13:55

1 overhead because I didn't want to miss it. I didn't 13:55
 2 want to miss the thing we were going over.
 3 Q. How far were you seated from the teacher in
 4 that classroom?
 5 MS. LHAMON: Vague as to distance. 13:55
 6 It's not clear the teacher stayed in the
 7 same place every day in the classroom. You mean
 8 from the teacher's desk?
 9 THE WITNESS: Well, we didn't have an
 10 assigned seat, but most of the time I sat in the 13:55
 11 back.
 12 BY MR. LaCOMBE:
 13 Q. Why did you sit in the back?
 14 A. Because sometimes I would be there late and
 15 that's the only seats. 13:55
 16 Q. How often would you be late?
 17 A. I don't know. I could be late, but not late
 18 for class. You know, some students get there like
 19 five, ten minutes early before the bell rings, but
 20 later than other students. So not all the time I 13:56
 21 was late as in tardy.
 22 Q. Did you ever complain to the teacher about
 23 not being able to hear what he was saying?
 24 A. I don't remember, but there wasn't that much
 25 he could do about it. 13:56

1 Q. You state in the declaration -- this is also 13:56
 2 paragraph 6 -- that "When the other students use the
 3 library, it would mess with our concentration."
 4 What do you mean by that?
 5 A. Well --
 6 MS. LHAMON: I think the document speaks for
 7 itself, so I'm going to object. If you had read the
 8 entire sentence, it would clarify what he meant by
 9 that.
 10 BY MR. LaCOMBE:
 11 Q. Manuel?
 12 A. Could I make an example?
 13 Q. Sure.
 14 A. If I'm talking to you and then someone else
 15 is talking to you, it's hard for you to capture 13:57
 16 both -- what is it called? Man, it's just hard to
 17 concentrate when someone's behind you. They're just
 18 talking, talking, and you just can't listen to both
 19 voices or three voices. It would be better if it
 20 would be just, you know, the teacher and students, 13:57
 21 not the teacher, students and then the librarian and
 22 other students over there that are not even in our
 23 class. So that would like mess with our
 24 construction. Instead of concentrating, listening
 25 to the conversation that the teacher is holding 13:57

1 about geometry, we're listening about some book or 13:57
 2 some fines or whatever.
 3 Q. I understand when you say that it's
 4 difficult to concentrate, but were you able to
 5 concentrate on what the teacher was saying when 13:58
 6 other people were talking?
 7 A. Sometimes I wouldn't.
 8 Q. What would you do when you were unable to
 9 concentrate on what the teacher was saying?
 10 A. I would just space out. 13:58
 11 Q. Would you stop taking notes if you were
 12 taking notes at the time?
 13 A. Yeah.
 14 Q. Would you talk to your classmates if you
 15 can't concentrate? 13:58
 16 A. I talked to them sometimes, but not all the
 17 time.
 18 Q. And when you were unable to concentrate on
 19 what the teacher was saying, would you be thinking
 20 about something else besides geometry? 13:58
 21 A. I can't remember. Spacing out, I don't
 22 know.
 23 Q. Did the library have a chalkboard?
 24 A. Wow. I can't remember. Yeah, I can't
 25 remember. 13:59

1 Q. Did it have an overhead projector? 13:59
 2 A. Yes. I don't know if it was from that
 3 library, but Mr. Sanchez had an overhead projector
 4 like this.
 5 Q. Did he use the overhead projector? 13:59
 6 A. Yes.
 7 Q. Let's look at paragraph 7. At the beginning
 8 of paragraph 7 it says, "At the end of the school
 9 year" -- I want to be clear on this, that doesn't
 10 mean -- your Geometry class had moved to the 14:00
 11 portable by Christmas break; isn't that correct?
 12 A. Yeah.
 13 Q. When you say "at the end of the school
 14 year," what happened at the end of the school year?
 15 A. That's when the site of construction started 14:00
 16 happening.
 17 MS. LHAMON: I'm going to object again.
 18 Just remind you that the document speaks for itself.
 19 MR. LaCOMBE: Okay.
 20 BY MR. LaCOMBE:
 21 Q. To the best of your knowledge, when did the
 22 construction begin?
 23 A. I'm not sure. They had already started
 24 before we moved there, though, because when we got
 25 there, they were continuing, fixing the -- leveling 14:01

1 off the ground so they could put the portables in 14:01
 2 there.
 3 Q. So there was construction going on outside
 4 of the portable even before Christmas break?
 5 A. I can't say that because I wasn't there, but 14:01
 6 I'm assuming there was, because they had started
 7 already planning the thing. They looked -- it
 8 looked like there was construction going on, but I
 9 wasn't there.
 10 Q. Manuel, based on your experience, was it 14:01
 11 easier to concentrate on geometry when you were in
 12 the library with the student disruption or when you
 13 were in the portable classroom with the construction
 14 noise issue that you talked about?
 15 A. In the library it was easier, although we 14:02
 16 shouldn't be in the library.
 17 Q. Why was it easier to concentrate in the
 18 library?
 19 A. Like it says in my paragraph 7, there was a
 20 lot of hammering going around, a lot of heavy 14:02
 21 equipment being there. For anybody it would be hard
 22 to concentrate with all that noise outside.
 23 Q. To the best of your knowledge, what time of
 24 day was the construction the heaviest?
 25 MS. LHAMON: Objection. There assumes there 14:02

1 was a time of day when the construction was 14:02
 2 heaviest, so you're assuming facts not in evidence.
 3 MS. KAATZ: Join.
 4 THE WITNESS: I'm not sure. I wasn't there
 5 the whole day. I was in there for first period. 14:02
 6 BY MR. LaCOMBE:
 7 Q. Was there any time of the week when
 8 construction was heavier?
 9 A. It varied.
 10 Q. Do you know if they did any construction on 14:03
 11 the weekends?
 12 A. I'm not sure.
 13 Q. Do you know if they did any construction
 14 after school?
 15 A. I'm not sure. What I do know is that they 14:03
 16 were almost working and -- like, you know, when we
 17 would be going to school from 8:00 to like 3:00,
 18 they would almost have the same, like almost the
 19 same hours as us. They would get lunch around noon
 20 as well, so it was really hard to concentrate 14:03
 21 because -- why couldn't they do it after school or
 22 wait till there's no school? Why did they have to
 23 do it during school? And it was getting really
 24 heavy during finals, like before finals. Why do
 25 they have to do it then? Why not after school or 14:03

1 weekends? 14:04
 2 Q. Was construction going on while you were
 3 taking tests?
 4 A. If we had tests, yeah, because it was going
 5 on basically almost every day since we moved to a 14:04
 6 new classroom. When there was no construction, it
 7 was because of the rain. I remember the rain a
 8 couple of times, so they didn't even go.
 9 Q. How many times was it raining, if you
 10 remember? 14:04
 11 A. I can't remember.
 12 Q. More than two times?
 13 A. Not sure.
 14 Q. If you know, is the school done with the new
 15 construction that you refer to in the declaration? 14:04
 16 A. To the B wing?
 17 Q. Yes.
 18 A. The building is there. Yeah, they're done.
 19 Q. Do you know when that construction was
 20 completed? 14:05
 21 A. I'm not sure. I don't know.
 22 Q. Did you ever complain to anybody who works
 23 for the school about the construction?
 24 A. Just my teacher, Mr. Sanchez.
 25 Q. What did Mr. Sanchez say? 14:05

1 A. That's when he started, you know, since he 14:05
 2 knew that the noise was going to continue, that's
 3 when we just got involved with that and borrowed
 4 some of their layouts.
 5 Q. Did you have any classes this year in the 14:05
 6 B wing? I think you discussed one.
 7 A. Mm-hmm, I did.
 8 Q. Which one?
 9 A. I did discuss it. My Economics.
 10 Q. Anything other than Economics? 14:05
 11 A. No, not in the B wing, mm-mm.
 12 Q. Besides the noise of other students in the
 13 library when you were in the library and the noise
 14 of the construction when you were in the new
 15 portable, were there any other factors that you can 14:06
 16 think of that affected your ability to learn in the
 17 Geometry class?
 18 MS. LHAMON: Calls for expert testimony as
 19 to what affects his ability to learn.
 20 But you can answer as to your opinion. 14:06
 21 THE WITNESS: My opinion, yes.
 22 BY MR. LaCOMBE:
 23 Q. What is that?
 24 A. The cooling. Sometimes it got too hot.
 25 When it got too hot, we had to open the windows. 14:06

1 And sometimes the cooling thing, it wouldn't even 14:06
 2 work, and it was a new portable.
 3 Q. Did they have the cooler installed there?
 4 A. Yeah, that's what I'm saying, it didn't
 5 work. Sometimes it didn't work. Sometimes if you 14:06
 6 turn it on you couldn't turn it off, so we had to --
 7 we had to -- sometimes we had to open the windows.
 8 Sometimes we had to -- when the cooler worked and it
 9 wouldn't turn off, sometimes it was cold, sometimes
 10 it was too hot. 14:07
 11 Q. Besides the heat and besides the noise, were
 12 there any other factors that affected your ability
 13 to learn?
 14 MS. LHAMON: Same objection.
 15 THE WITNESS: Those are the major ones. 14:07
 16 It's just -- could I make a question?
 17 MR. LaCOMBE: Sure.
 18 THE WITNESS: Would you be able to
 19 concentrate if you were there with that construction
 20 noise? Same with us. Why do we have to go through 14:07
 21 this? If you guys think that -- if it doesn't seem
 22 right to the State of California, you know, oh, I
 23 couldn't concentrate, then they shouldn't make us go
 24 through this.
 25 BY MR. LaCOMBE:

1 Q. Okay. Let's talk about your science 14:08
 2 classes. It appears to me that the science classes
 3 you took were Life Science, Physical Science and
 4 Biology; is that correct?
 5 A. Yes.
 6 Q. Are there any other science classes you've
 7 taken?
 8 A. Freshman year I didn't take no science.
 9 Sophomore -- I think those are it.
 10 Q. Was Life Science a one-semester class? 14:08
 11 A. Yes, and the summer.
 12 Q. Summer school?
 13 A. Yeah.
 14 Q. What was the subject matter of Life Science?
 15 Was it biology? 14:08
 16 A. It was kind of like biology, but the first
 17 steps of biology, you know, like easy biology.
 18 Q. And Physical Science, is that physics?
 19 A. No.
 20 Q. What were you studying in Physical Science? 14:09
 21 A. We studied that some of -- the atoms, the
 22 earth, you know, what causes wind, all that stuff.
 23 Q. Is Life Science a requirement?
 24 A. I don't know. Let me check. I don't know
 25 if Life Science, Biological Science or Physical 14:09

1 Science. 14:09
 2 Q. Why did you take Life Science?
 3 A. I was required to do some science, so I took
 4 Life Science.
 5 Q. How many students did you have in your Life 14:10
 6 Science class?
 7 A. I can't remember.
 8 Q. Was it crowded?
 9 MS. KAATZ: Objection; vague as to
 10 "crowded." 14:10
 11 THE WITNESS: The class was pretty full.
 12 BY MR. LaCOMBE:
 13 Q. Was there a seat for every student?
 14 A. After some kids transferred, I think there
 15 was. I think there was no problem with the seats. 14:10
 16 Q. Where was your Life Science class?
 17 A. I'm not sure if it's -- I think it might be
 18 303. I'm not sure. But we don't spend most of the
 19 time in the class.
 20 Q. Where were you? 14:11
 21 A. In the levy doing some experiments. Now I
 22 remember. That's one of the reasons why I picked
 23 Life Science, because we were going to do stuff
 24 with -- with life and all that stuff, it seemed
 25 pretty interesting to me. 14:11

- 1 Q. Who was your teacher in that class? 14:11
 2 A. I can't remember. He was only there for --
 3 that was his last year. I don't know. I don't
 4 remember his name.
 5 Q. Did the teacher use a textbook in that 14:11
 6 class?
 7 A. That one is hard to remember. I can't
 8 remember. We spent most of the time outside.
 9 Q. Are there any instructional materials that
 10 you recall using in that class? 14:12
 11 A. Yeah.
 12 Q. What were they?
 13 A. I don't know what the supplies were called,
 14 but we were using some stuff to go to the levy and
 15 get some water samples and various different 14:12
 16 materials for water samples, for some experiments.
 17 Q. Did you have a laboratory for that class?
 18 A. What do you mean by "laboratory"?
 19 Q. Like a science lab.
 20 A. Well, our lab was the levy. 14:12
 21 Q. How often were you assigned homework in that
 22 class, if at all?
 23 A. Not that often, no, not that often. We
 24 would -- yeah, not that often.
 25 Q. Other than your experiments at the levy, did 14:13

- 1 Q. What made him good? 14:14
 2 A. He knew how to teach. You know, if we
 3 didn't know something, he would put it on the board,
 4 explain it to us. He used very different tones of
 5 voice and didn't make it boring. When he knew his 14:15
 6 class was getting out of control, he would kind of
 7 scream at us to get our attention. He was fun.
 8 Q. You got a [REDACTED] in Physical Science your first
 9 semester; you had [REDACTED] your second semester?
 10 A. Yes.
 11 Q. Why do you think you did so well in Physical
 12 Science?
 13 A. Why did I do so well? I did my homework, I
 14 did good on tests, and I paid attention in that
 15 class. 14:15
 16 Q. Did you pay attention in that class more
 17 than in your other classes, in your opinion?
 18 A. Well, yeah, because I tried to -- around
 19 that time I tried to not make no friends in that
 20 class so I would be able to concentrate. Because 14:16
 21 when you make friends, when it is -- when you make
 22 friends in class, it's hard to concentrate. I try
 23 to leave the friends out of the way so I was able to
 24 concentrate on the class.
 25 MS. LHAMON: I want to interrupt you now a 14:16

- 1 you do any other course work? 14:13
 2 A. Yes.
 3 Q. What was that?
 4 A. We had to gather up -- we went outside of
 5 the classroom and gathered up some leaves, because 14:13
 6 there's these little animals on those leaves, and we
 7 had to examine those and, you know, name them, and
 8 like that was our pet for a couple of weeks. We
 9 examined them, we did tests on them.
 10 Q. How did you examine them? 14:13
 11 A. How do we examine them?
 12 Q. Yeah.
 13 A. I don't know what that thing is called, but
 14 with the microscope thingy. I don't know if it's a
 15 light microscope. But with the microscope we had to 14:14
 16 feed them, just -- that's what we had to do with a
 17 light microscope, we examine them.
 18 Q. Who was your teacher in Physical Science?
 19 A. Mr. Manildi.
 20 MS. LHAMON: Can you spell that for the 14:14
 21 court reporter?
 22 THE WITNESS: M-a-n-i-l-d-i.
 23 BY MR. LaCOMBE:
 24 Q. How was he as a teacher?
 25 A. He was a good teacher. 14:14

- 1 second. I'm confused. Was the teacher, 14:16
 2 Mr. Manildi, was he the teacher to the Life Science
 3 or Physical Science?
 4 THE WITNESS: Physical Science.
 5 MR. LaCOMBE: He couldn't remember the one 14:16
 6 for Life Science.
 7 MS. LHAMON: Okay.
 8 THE WITNESS: Life Science I don't remember,
 9 yeah.
 10 BY MR. LaCOMBE:
 11 Q. Do you know how many students were in the
 12 Physical Science class?
 13 A. Mm-mm, no, I can't -- I'm trying to count in
 14 my mind, but I don't know.
 15 Q. In paragraph 8 of your declaration, you 14:16
 16 state at lines 23, 24, "Last year my science class
 17 was really crowded too."
 18 What science class were you referring to?
 19 A. Physical Science.
 20 Q. When you say it was crowded, what do you 14:17
 21 mean?
 22 A. There was a lot of students. Other
 23 things -- I don't know the exact number. It was
 24 crowded, though.
 25 Q. Was there a seat for every student? 14:17

1 A. Yeah, because we had like big desks. We 14:17
 2 didn't have just little seats, we had desks, like
 3 this, like an example of this.
 4 MS. KAATZ: For the record, is this like a
 5 table instead of a desk? 14:17
 6 THE WITNESS: Yeah, a table. And it was
 7 crowded because we would have some people sitting
 8 this side of the table and people sitting that side
 9 of the table as well.
 10 MS. LHAMON: When you say "this" and "that," 14:18
 11 it's going to be unclear on the record. So when
 12 you -- try to think of the north side, south side,
 13 one side, the other side, that would be helpful.
 14 THE WITNESS: Okay.
 15 MS. LHAMON: Thanks, because we won't get to 14:18
 16 see you indicating when we read the transcript.
 17 THE WITNESS: Well, the teacher is facing
 18 the north side, facing north side. The students
 19 would be sitting on the west side and the east side
 20 of the tables, and then there would be another table 14:18
 21 more to the east, and there would be west side and
 22 east side as well.
 23 BY MR. LaCOMBE:
 24 Q. How many tables were there?
 25 A. More than six, I believe. 14:18

1 to use in class? 14:20
 2 A. That's what I'm trying to remember. I
 3 remember using a book. I don't remember if we would
 4 take it home or -- Physical Science, I can't exactly
 5 remember, but I know we took the book home. I don't 14:21
 6 remember if we had a class set. I'm not sure. I
 7 can't remember about that.
 8 Q. How many occasions do you remember taking
 9 the book home?
 10 A. I'm not sure. That's the thing I'm not sure 14:21
 11 if we -- I can't remember if we had a class set or a
 12 set to take home. I can't remember.
 13 Q. Did you ever have to share your textbook in
 14 class?
 15 A. Now I remember. There we go. Now it came 14:21
 16 to me. There was a class set, yes, because I'm
 17 imagining the classroom in my mind right now. There
 18 was a class set. I'm not sure if -- I'm not sure if
 19 we had a set to take home. I'm not sure about that.
 20 Q. What was the physical condition of the 14:22
 21 Physical Science textbook like?
 22 A. Those were pretty poor too, graffiti in
 23 them, gum stuck in them sometimes. Some books I
 24 should say.
 25 Q. Did your books have any graffiti in them? 14:22

1 Q. How many students were sitting at each 14:18
 2 table, if you remember?
 3 A. Two to three in each side.
 4 Q. How many sides of the table would the
 5 students be sitting around? 14:19
 6 A. West side and on the east side. But then
 7 most of the time there was a student on the south
 8 side -- the end of the table, south side of the
 9 table, on the two tables, south side. So two
 10 students at the end of the tables. 14:19
 11 Q. Two students at each end or two students
 12 total were on ends?
 13 A. One student per table at the ends.
 14 Q. Did everybody have a space at the table?
 15 A. Yeah, as I stated earlier, yeah. 14:19
 16 Q. How close together were the students
 17 sitting?
 18 A. I don't know. I didn't look that much
 19 around the class, but I remember I was like -- how
 20 far away? I was like about a foot, foot and a half 14:20
 21 away from another student.
 22 Q. Was there space for your -- let me ask
 23 first: Did you have a textbook in that class?
 24 A. Yeah, we did.
 25 Q. Did you have your own copy of the textbook 14:20

1 A. Most of the books did, yeah. Mine did. 14:22
 2 Q. Did your book have any gum in it?
 3 A. Well, the thing is we weren't assigned, you
 4 know, a book. It was just like in Spanish class we
 5 had to go and get the books, so I had different 14:22
 6 books. I didn't just get one book throughout the
 7 year.
 8 Q. Was there any occasion where you got a book
 9 that had gum in it?
 10 A. Yes.
 11 Q. Was there any time when you could not read
 12 the text of the book because of its condition?
 13 A. I can't remember. Yeah, I can't remember.
 14 Q. Were there extra copies of the textbook
 15 available in the class that you could use in case 14:23
 16 there was one that you could not read?
 17 A. Yes.
 18 Q. Did you ever use a different textbook
 19 because you were -- because for whatever reason?
 20 MS. LHAMON: Well, that's vague as to "a 14:23
 21 different textbook" and "for whatever reason."
 22 BY MR. LaCOMBE:
 23 Q. Did you understand, Manuel?
 24 A. Yeah, I do. Oh, man. It's hard to
 25 remember. I'm not sure. I can't remember. 14:23

1 Q. And in that class, did you use any 14:24
 2 instructional materials other than textbooks?
 3 A. Yeah, we also did labs.
 4 Q. What sort of materials would you use in
 5 labs? 14:24
 6 A. Internet, although it was too slow. This
 7 computer was slow, real old. What other material?
 8 Internet, and sometimes we did newspaper articles.
 9 I can't remember.
 10 Q. When you used newspaper articles, would 14:24
 11 these be newspaper articles that the teacher would
 12 distribute?
 13 A. No, we would have to get our own newspaper.
 14 Q. And what were the newspaper articles on, if
 15 you recall? 14:24
 16 A. What are the topics?
 17 Q. Yeah.
 18 A. He told us anything that had to do with
 19 science.
 20 Q. Did you ever do extra credit in Physical 14:25
 21 Science?
 22 A. Yes.
 23 Q. How often were you assigned homework, if at
 24 all?
 25 A. I can't remember. Sometimes we were 14:25

1 we would be doing. 14:27
 2 Q. Under what circumstances would you not have
 3 enough space for your materials on the table?
 4 A. When we would be using one of the meter,
 5 yardsticks, or we would be using, like -- what is 14:27
 6 that big paper? I don't know, just like big paper,
 7 so it's to draw or something like that.
 8 Q. When you're doing projects along those lines
 9 and you did not have enough space on the table for
 10 those materials, what would you do? 14:28
 11 A. We would get into groups.
 12 Q. What kind of group projects did you do?
 13 A. Oh, yeah, I remember now. Well, we had to
 14 create a watch using string and some other stuff, so
 15 a watch project, making the watch project. What 14:28
 16 else? Oh, yeah, galaxy, talking about the galaxy
 17 projects, talking about the planets. It's hard to
 18 remember.
 19 Q. About what proportion of the class work was
 20 group projects? 14:29
 21 A. What do you -- could you rephrase it?
 22 Q. About how much of the course work in
 23 Physical Science was done on a group level?
 24 A. What percentage?
 25 Q. Yeah. 14:29

1 assigned homework, though. 14:25
 2 Q. Do you have an estimate for how often
 3 "sometimes" is?
 4 A. No, I can't remember. No, I can't remember.
 5 Q. And Physical Science, was that in room 302? 14:26
 6 I think we talked briefly about that two seconds
 7 ago.
 8 MS. LHAMON: I think we talked about Life
 9 Science.
 10 THE WITNESS: No, but last time -- yeah, 14:26
 11 yeah, it was 302.
 12 BY MR. LaCOMBE:
 13 Q. Are all science classes in that building, to
 14 your knowledge?
 15 A. I don't know if all the science, but I know 14:26
 16 that 301 to 5A science.
 17 Q. In Physical Science, do you have space on
 18 the table for your textbook?
 19 A. Yeah. Textbooks don't take up that much
 20 space, though. 14:27
 21 Q. Was there any space for any other materials
 22 that you would be using in class?
 23 A. Depends on what it was. Yeah, sometimes.
 24 Q. Sometimes you would have space?
 25 A. Yeah, because it depends on the size of what 14:27

1 A. I can't remember. He gave us a handout 14:29
 2 saying what percentage it was, but I don't know, I
 3 don't remember.
 4 Q. Do you have an estimate for how often you
 5 would be doing a group project in Physical Science? 14:29
 6 A. Yeah. Once a week.
 7 Q. In paragraph 8, line 24, your declaration
 8 states, "We mostly worked in groups because we
 9 didn't have enough room in the class for each of us
 10 to do our own projects." 14:30
 11 What do you mean by "mostly"?
 12 MS. LHAMON: Well, I'm going to object
 13 because that paragraph -- that sentence is -- oh,
 14 I'm sorry, I'm misreading it. I'm going to withdraw
 15 my objection. 14:30
 16 THE WITNESS: Well, when we did projects --
 17 see, because the teacher, he told us he would prefer
 18 us to do our individual projects. But since there
 19 wasn't enough tools and enough space, we had to work
 20 with the group. But he would have preferred for us 14:31
 21 to do our own projects, but we couldn't.
 22 BY MR. LaCOMBE:
 23 Q. Let me be clear, then. Are you testifying
 24 that you worked in groups more often than you would
 25 otherwise, according to what your teacher told you, 14:31

1 because there wasn't enough space? Is that what you 14:31
 2 mean by "mostly"?

3 MS. LHAMON: I think your question is
 4 unclear. Are you asking about what he meant about
 5 "mostly" in his declaration, or are you asking him 14:31
 6 to clarify his answer just now?

7 MR. LaCOMBE: I'm asking what the meaning of
 8 "mostly" is.

9 MS. LHAMON: So you should read the
 10 declaration again. 14:31

11 THE WITNESS: What it basically said, he
 12 wanted us to do our own projects, as it says here,
 13 but we couldn't do our own projects. We had to get
 14 in groups.

15 BY MR. LaCOMBE:

16 Q. Earlier you stated that you would do group
 17 projects once a week?

18 A. I did not say once a week.

19 MS. LHAMON: He estimated.

20 THE WITNESS: I estimated about, I didn't 14:32
 21 say once a week.

22 BY MR. LaCOMBE:

23 Q. What would you be doing in class if you
 24 didn't work on a group project?

25 A. Book work. 14:32

1 Q. Is that individual book work? 14:32
 2 A. Yeah, it was individual book work.

3 Q. Did your teacher ever lecture in that class?
 4 A. All teachers do. Yeah, he did.

5 Q. About how often did he lecture in that 14:32
 6 class?

7 A. I'm not sure. It was a couple of times a
 8 week. Maybe more. I'm not sure.

9 Q. Did doing group projects in any way affect
 10 your ability to learn, in your opinion? 14:32

11 MS. LHAMON: Objection; calls for expert
 12 testimony.
 13 But you can answer as to your opinion.

14 THE WITNESS: In some ways it did, but in
 15 some ways it helped me out as well. 14:33

16 BY MR. LaCOMBE:

17 Q. How did it affect your ability to learn?

18 MS. LHAMON: Objection; calls for expert
 19 testimony.

20 THE WITNESS: My opinion, if we would be 14:33
 21 doing our own projects, I would be able to -- I
 22 would be able to do the project my own way. You
 23 know, if I wanted something to be done differently,
 24 I could have done it. But in group work, we
 25 weren't -- we couldn't just do -- just count what 14:33

1 one person said. We had to help each other out. 14:33
 2 And sometimes I got these ideas, but since we're
 3 doing group work, I couldn't use the ideas. I
 4 wouldn't be able to do exactly a hundred percent how
 5 I wanted with my ideas, and that's very -- I 14:33
 6 couldn't do them.

7 BY MR. LaCOMBE:

8 Q. You stated in other ways it helped?

9 A. (Witness nods head.)

10 Q. How is that? 14:34

11 A. It helped because it united the class
 12 together. Well, it helped us because instead of --
 13 you know, if it would just be working separately, we
 14 wouldn't get to know each other that good, and by
 15 working in groups you get to know your classmate. 14:34
 16 You get to be friends with them.

17 Q. Did that help you learn Physical Science?

18 MS. LHAMON: Objection; calls for
 19 speculation and for expert testimony.

20 THE WITNESS: Well, sometimes it did, 14:34
 21 because if I didn't understand something, my
 22 classmate, my partner would help me out. Like I
 23 stated earlier, if I wanted to do something on my
 24 own, I couldn't because group work.

25 BY MR. LaCOMBE:

1 Q. Did you ever complain to anybody who works 14:34
 2 at the school about the number of students that were
 3 in your Physical Science class?

4 A. No. I can't recall. I don't concentrate
 5 too much on that. I try to concentrate in class. 14:35

6 Q. Biology. Biology is a required course,
 7 right?

8 A. Yes, it is. Actually, it says "Biological
 9 Science," so I guess, yeah, that's biology.

10 MS. LHAMON: When you say it said 14:35
 11 "Biological Science," you're referring to --

12 THE WITNESS: 13.

13 MS. LHAMON: I don't think that's 13.

14 MR. LaCOMBE: That is Exhibit 6.

15 THE WITNESS: I was a little off. 14:35

16 MR. LaCOMBE: Yeah, I think it's a good time
 17 to break. Let's do that.

18 (Recess taken.)

19 BY MR. LaCOMBE:

20 Q. About how many students were in your Biology 14:40
 21 class?

22 A. How many? More than 30. I don't know the
 23 exact number, no.

24 Q. Is there a seat for every student in
 25 biology, or was there -- 14:41

1 MS. LHAMON: Vague as to time. 14:41
 2 You mean the entire time the class was in
 3 session, or do you mean at a particular time during
 4 the semester?
 5 THE WITNESS: Particular time or -- 14:41
 6 BY MR. LaCOMBE:
 7 Q. Was there ever a time when there was not
 8 enough seats for every student in Biology?
 9 A. I'm not sure. Yeah, no, I don't know. I'm
 10 not sure. 14:42
 11 Q. You're not sure?
 12 A. Can't remember.
 13 Q. Well, you can refer to your declaration if
 14 you like, paragraph 8.
 15 A. Mm-hmm. 14:42
 16 Q. Lines 21 to 23 discuss your Biology class.
 17 Manuel, is it now your belief that the
 18 second and third sentences were true as of the time
 19 you wrote your declaration?
 20 A. They were crowded. I can't remember when 14:43
 21 the class started. Yeah, there wasn't, because in
 22 the beginning like in the first couple of weeks of
 23 school, it's just pretty hectic at school, kids are
 24 still changing classes. We had way too many
 25 students until later, when kids started changing 14:43

1 classes. 14:43
 2 Q. When you say "later," what do you mean?
 3 A. As the class -- as the year went on, as the
 4 first semester went on.
 5 Q. Do you know about at what point in the first 14:44
 6 semester there weren't enough desks and chairs for
 7 students?
 8 A. Around a couple of weeks after school
 9 started, somewhere around there.
 10 Q. When you say "around a couple of weeks after 14:44
 11 school started," could it have been after the second
 12 week that there was not enough desks and chairs for
 13 the students?
 14 A. It could have. I can't remember.
 15 Q. When did you receive additional desks and 14:44
 16 chairs for your Biology class?
 17 MS. LHAMON: Objection; asked and answered.
 18 He just told you he can't remember.
 19 THE WITNESS: Yeah.
 20 MR. LaCOMBE: Well, I understand before we 14:45
 21 were talking about the students left the class. I'm
 22 asking about when desks and chairs were brought in.
 23 THE WITNESS: Well, that's why, it was the
 24 beginning of the year. I don't know exactly, but
 25 towards the beginning of the school year. 14:45

1 BY MR. LaCOMBE:
 2 Q. Was it about the same time as when students
 3 left class, around the first couple of weeks?
 4 A. Around there.
 5 Q. Do you know how many additional desks and 14:45
 6 chairs were brought into the Biology class?
 7 A. I'm not sure. It was pretty cramped up in
 8 there. It was pretty cramped up.
 9 Q. Do you have an estimate for the number of
 10 desks or chairs that they brought in? 14:45
 11 A. No, I'm not sure.
 12 Q. Do you know how many students left the class
 13 after the first two weeks?
 14 A. I don't know no exact number. Quite a few,
 15 though. 14:46
 16 Q. When you say "quite a few," what do you
 17 mean?
 18 MS. LHAMON: Objection. He just told you he
 19 doesn't know an exact number.
 20 THE WITNESS: Yeah, I don't know no exact 14:46
 21 number.
 22 BY MR. LaCOMBE:
 23 Q. Did you personally ever not have a desk or
 24 chair?
 25 A. Not in that class. 14:46

1 Q. From your observation, what did the students 14:46
 2 who did not have a desk or chair in the first couple
 3 of weeks or so do?
 4 A. They had to bring chairs in, we had to cramp
 5 them in, in the desks, where the desks were. The 14:46
 6 desks weren't that big. They were the size of the
 7 other -- around the size of the other science class
 8 from last year.
 9 Q. Which science class are you referring to?
 10 A. My Physical Science class, Manildi, that 14:47
 11 class. We had to cramp them in. Like in that class
 12 we had to put them in towards the end of the desks
 13 at the end.
 14 Q. Let me be clear. Did you have desks in the
 15 Biology class or did you use tables? 14:47
 16 A. Tables. Yeah, tables.
 17 Q. And the tables were similar to the ones in
 18 Mr. Manildi's class?
 19 A. Yes.
 20 Q. Are they the same size as the tables that 14:47
 21 are in Mr. Manildi's class?
 22 A. In the beginning they were, but then they
 23 got new ones.
 24 Q. When did they get new ones?
 25 A. I don't remember, but the teacher switched 14:47

- 1 the class around. I don't remember when it was. 14:48
 2 Q. Were the new tables bigger than the other
 3 ones or smaller or the same size?
 4 A. Smaller. They wanted everything smaller,
 5 but more in. 14:48
 6 Q. How close together were the students sitting
 7 around the tables when the class was most crowded?
 8 A. That's when the tables were bigger. Like
 9 about a foot, two feet apart, between there.
 10 Q. Was it just about the same amount of space 14:48
 11 as in your Physical Science class, though?
 12 A. Yeah, around there.
 13 Q. Did you have a textbook in Biology?
 14 A. Yes.
 15 Q. What was the name of your teacher? 14:49
 16 A. Mr. Aratin, A-r-a-t-i-n.
 17 Q. How was Mr. Aratin as a teacher?
 18 A. He was funny. He's a good teacher. If we
 19 didn't understand something, he would explain it.
 20 He kind of related it to the world, you know, kind 14:49
 21 of like -- how do I explain this? I don't know how
 22 to say this. If we didn't understand something, he
 23 would kind of relate it to the world.
 24 Q. Did you have your own copy of the Biology
 25 textbook to use in class? 14:50

- 1 A. Yeah.
 2 Q. Did you say it was a class set?
 3 A. Class set, and we had a set for the house.
 4 Q. Does that mean that you had a different
 5 textbook at home than the one you would be using in 14:50
 6 class?
 7 A. Yeah, because we had a set -- we had --
 8 I'm -- I don't understand that question very good.
 9 Q. Could you explain what you mean when you
 10 said you have a class set and you had a set to take 14:50
 11 home?
 12 A. Well, yeah. In the beginning of the year we
 13 got books to take home. So, you know, if we want to
 14 study, we got the books at home, and we had a class
 15 set as well. 14:50
 16 Q. Does that mean you did not have to bring the
 17 textbook that you had at home to class?
 18 A. No, we didn't.
 19 Q. Did you ever have to share textbooks in
 20 Biology class? 14:50
 21 A. I did it a couple of times.
 22 Q. You did what?
 23 A. I did a couple of times.
 24 Q. Why is that?
 25 A. Because I was lazy to get up. 14:51

- 1 Q. You mean you were too lazy to get a textbook 14:51
 2 off the shelf?
 3 A. Yeah, so I just shared with my friend.
 4 Q. Did sharing your textbook on those occasions
 5 in Biology affect your ability to learn biology? 14:51
 6 MS. LHAMON: Objection; calls for expert
 7 testimony.
 8 MR. LaCOMBE: Right.
 9 THE WITNESS: My opinion, I don't think it
 10 did. 14:51
 11 BY MR. LaCOMBE:
 12 Q. What was the physical condition of the
 13 biology textbook like?
 14 A. Those were pretty new.
 15 Q. Did they have graffiti in them? 14:52
 16 A. I'm not sure. They were pretty new. I
 17 didn't go check around.
 18 Q. Did your textbook have any graffiti in it,
 19 the one you had at home?
 20 A. No.
 21 Q. Did you ever have one in class that had
 22 graffiti in them?
 23 A. Can't remember.
 24 Q. What about gum; did you ever have a book in
 25 class or at home that had gum in it? 14:52

- 1 A. My Biology book? 14:52
 2 Q. Yeah.
 3 A. No.
 4 Q. What about missing pages?
 5 A. No.
 6 Q. Torn pages?
 7 A. No.
 8 Q. Did your teacher use any instructional
 9 materials other than textbooks in Biology?
 10 A. Yeah.
 11 Q. Like what?
 12 A. Movies, chalkboard sometimes, handouts
 13 sometimes. He used various amounts of stuff.
 14 Q. What kind of movies would you watch?
 15 A. Science movies. 14:53
 16 Q. In class?
 17 A. Yes. Yeah, in class.
 18 Q. Do you know how often you watched science
 19 movies?
 20 A. I don't know. No, I don't know. 14:53
 21 Q. No estimate?
 22 A. Around -- let's see. Once every two weeks,
 23 maybe more.
 24 Q. Did you enjoy watching movies in class?
 25 A. Yeah.

- 1 Q. Did the movies help you learn biology? 14:54
 2 A. Yeah.
 3 Q. How so?
 4 A. Well, have you seen, like, what is it
 5 called, Discovery Channel, and all those channels? 14:54
 6 They know how to explain things, and that's how the
 7 movies were. They're little short movies. They
 8 explained them really good so someone could
 9 understand them.
 10 Q. Were you ever tested on the content of the 14:54
 11 movies?
 12 A. Yeah.
 13 Q. How did your teacher use the chalkboard?
 14 A. To write down the agenda sometimes, journal,
 15 to write down notes. If we didn't understand 14:54
 16 something, he would try to explain it on the board,
 17 chalkboard.
 18 Q. What do you mean by "journal"?
 19 A. Sometimes we had like a -- we would get
 20 notes from the book, from the biology book, and put 14:55
 21 it into a journal, and that could be our notes for
 22 the test.
 23 Q. Now, you got a [redacted] in Biology your first
 24 semester. Do you know what you're getting this
 25 semester in Biology? 14:55

- 1 A. I'm not sure, a [redacted]. I'm not sure. 14:55
 2 Q. Do you know when you find out what your
 3 grades are for the semester?
 4 A. Sometime in the summer.
 5 Q. Why did you get [redacted] in Biology? 14:55
 6 A. Like I stated earlier, I deserved a [redacted]
 7 Q. Why is that? Why did you deserve it?
 8 A. There's oftentimes when I didn't concentrate
 9 or just lacked off.
 10 Q. Did you slack off more in Biology than in 14:55
 11 your other classes?
 12 A. Sometimes, yes.
 13 Q. And --
 14 A. Sometimes, oh --
 15 Q. Go ahead. 14:56
 16 A. Sometimes I would concentrate more on my
 17 Economics class and lack off in Biology, because
 18 Economics is a requirement, so sometimes it -- so
 19 sometimes I would -- how could I explain this?
 20 Sometimes I would put one class in front of the 14:56
 21 other as a priority, and that's why I lacked off in
 22 the other class.
 23 Q. Other than Economics, were there any other
 24 classes that you made a priority over other classes?
 25 A. (Witness nods head.) 14:56

- 1 Q. Which were those? 14:56
 2 A. Well, throughout the year if I know I was
 3 doing good in one class, I would lack off a little
 4 bit to try to do better in another class, get my
 5 grade up, and I would just be going through the 14:57
 6 classes being like that.
 7 Q. You mentioned that your Biology teacher
 8 distributed handouts?
 9 A. Yes.
 10 Q. What kind of handouts did Mr. Aratin hand 14:57
 11 out?
 12 A. Reviews for tests. And when we would watch
 13 a movie, he would give handouts for the questions.
 14 I can't remember the rest.
 15 Q. Besides your textbooks, the movies, the 14:57
 16 chalkboard and the handouts, were there any other
 17 instructional materials that were used in Biology?
 18 A. Yes.
 19 Q. What were those?
 20 A. Overhead projector, I don't know, like the 14:58
 21 slide thingy. I don't know what they're called,
 22 though. I don't know what they're called.
 23 Q. Can you describe them?
 24 A. Yeah. Like slide show, slide thingy. I
 25 don't know the name of it. Sometimes when we do 14:58

- 1 experiments, he would have -- we used a microscope 14:58
 2 as well. Lot of stuff.
 3 Q. How often were you assigned homework in
 4 Biology?
 5 A. Not that often. 14:58
 6 Q. What sort of homework did you do?
 7 A. Work from the book, answer some questions at
 8 the end of the chapters.
 9 Q. And did you also do work in class?
 10 A. Yes.
 11 Q. Was the work that did you in class different
 12 from your homework?
 13 A. Well, they were similar, they were biology,
 14 you know, related to biology.
 15 Q. Did you do any group projects in class? 14:59
 16 A. Yes.
 17 Q. How often would you do group projects in
 18 Biology?
 19 A. He tried to get them in there like once
 20 every two weeks, maybe more, like around there. 14:59
 21 Q. Was there a science lab in the biology room?
 22 A. What do you mean by "science lab"?
 23 Q. I guess usually you have science sinks,
 24 stuff like that. Were there sinks built into the
 25 tables? Anything like that? 15:00

1 A. Not built into our tables, but there were 15:00
 2 some sinks in there. It was kind of like a lab.
 3 Q. In your Biology class, was there space for
 4 your textbook on the table?
 5 A. Yeah, there was. 15:00
 6 Q. And was there space for your other materials
 7 that you would be using for your in-class projects?
 8 A. Yeah, but we have to put it towards the end
 9 of the table.
 10 Q. Did you ever complain to anybody at the 15:00
 11 school about the number of students in your Biology
 12 class?
 13 A. I can't recall.
 14 Q. In your opinion, did the number of students
 15 in the class ever affect your ability to learn? 15:01
 16 MS. LHAMON: Calls for expert testimony.
 17 THE WITNESS: My opinion, sometimes it did.
 18 BY MR. LaCOMBE:
 19 Q. How?
 20 A. When I wanted to write, I'm left-handed and 15:01
 21 there's sometimes a girl sits right beside me, she's
 22 right-handed. We sometimes bump elbows.
 23 Q. Besides bumping elbows, was there any other
 24 ways in which the students in the class affected
 25 your ability to learn? 15:01

1 A. Not that I could recall. 15:03
 2 Q. You go from English I to General
 3 English III. Did Basic Skills Reading count as
 4 English too; do you know?
 5 MS. LHAMON: Object that he said he doesn't 15:03
 6 know if Basic Skills counted as an English class or
 7 not.
 8 THE WITNESS: I don't know.
 9 BY MR. LaCOMBE:
 10 Q. Were you required to take four years of 15:03
 11 English?
 12 A. Yes, that's what it says. I am required.
 13 Q. Are you required to take these specific
 14 courses, or are there other English classes you
 15 are -- you could take instead? 15:03
 16 A. Any English class, yeah.
 17 Q. Do you know what other English classes are
 18 offered?
 19 A. English I, English II, English III,
 20 English IV, College Prep English. I don't know what 15:04
 21 other ones, if there is any other ones.
 22 Q. In your English classes, was -- did every
 23 student have a desk and chair of their own in all
 24 four of the classes, or three?
 25 MR. LaCOMBE: All four, yeah. 15:04

1 MS. LHAMON: Same objection. 15:01
 2 THE WITNESS: Well, it's kind of the same as
 3 my Physical Science class, sometimes I wanted to do
 4 stuff on my own, like a project on my own. I had
 5 to -- I had my own ideas, but I was working in a 15:02
 6 group, kind of same as Physical Science.
 7 BY MR. LaCOMBE:
 8 Q. Did it sometimes help you like it did in
 9 Physical Science as well?
 10 A. Yes, it did. 15:02
 11 Q. Let's talk briefly about your English
 12 classes. I see freshman year you had English I,
 13 then you had an Independent Study Basic Skills
 14 Reading your sophomore year.
 15 Is that an English class? 15:02
 16 A. Which one?
 17 Q. Is Basic Skills Reading --
 18 A. I don't know if that was counted as an
 19 English class. I'm not sure.
 20 Q. And then General English III your junior 15:03
 21 year?
 22 A. Yeah.
 23 Q. Then English IV your senior year?
 24 A. Yeah.
 25 Q. Were this any other English classes? 15:03

1 THE WITNESS: Well, freshman year English. 15:04
 2 Oh, okay. Yeah, I can't remember. I can't
 3 remember.
 4 BY MR. LaCOMBE:
 5 Q. Can you remember any instance where there 15:04
 6 was not enough chairs or desks in any of those
 7 English classes?
 8 A. In all four?
 9 Q. Yeah.
 10 A. Mm-mm. 15:05
 11 MS. LHAMON: Is "mm-mm" "no," for the court
 12 reporter?
 13 THE WITNESS: Oh, yeah. "No."
 14 MS. LHAMON: Thank you.
 15 THE WITNESS: I can't remember. 15:05
 16 BY MR. LaCOMBE:
 17 Q. Did you have -- did you use a textbook in
 18 English I?
 19 A. We used various textbooks.
 20 Q. How many textbooks did you use; do you know? 15:05
 21 A. I think we got a literature book. I'm not
 22 sure. And throughout the year, I'm not sure, but we
 23 had more than one.
 24 Q. Did you use novels in that class?
 25 A. Yes.

1 Q. Did you use poems? 15:06
 2 A. I can't remember my freshman year if we used
 3 poems.
 4 Q. When you say you had other textbooks besides
 5 the literature book, are you referring to novels? 15:06
 6 A. Yes, I am.
 7 Q. Were there any other -- other than novels,
 8 were there any textbooks also besides the literature
 9 book?
 10 A. I can't remember. It's a long time ago. 15:06
 11 Q. In any other instructional materials in that
 12 class other than the literature book and the novels
 13 and the poems?
 14 A. The chalkboard. I can't remember.
 15 Q. As far as the literature book goes, do you 15:07
 16 have your own copy to take home of that book?
 17 A. See, I don't remember if we had a literature
 18 book.
 19 Q. Oh.
 20 A. I said earlier that I wasn't sure. I can't 15:07
 21 remember.
 22 Q. Do you remember any book in that class that
 23 you were not able to take home?
 24 A. I can't remember.
 25 Q. Did you ever have to share a book in class 15:07

1 in English I? 15:07
 2 A. I can't remember. I can't even remember
 3 where the class was.
 4 Q. Both semesters in that class you got a [REDACTED]
 5 Do you know why you got a [REDACTED] 15:08
 6 A. I guess I didn't do my work.
 7 MS. LHAMON: You don't want to be guessing,
 8 so if you can't remember why you got something, you
 9 can just tell him "I don't know."
 10 THE WITNESS: I don't know. I guess I 15:08
 11 deserved it.
 12 BY MR. LaCOMBE:
 13 Q. Do you remember any reasons why you might
 14 have gotten a [REDACTED]
 15 MS. LHAMON: Separate from guessing, if you 15:08
 16 can remember.
 17 THE WITNESS: Yeah, I don't want to guess.
 18 BY MR. LaCOMBE:
 19 Q. Independent Skills, Basic Skills --
 20 Independent Study Basic Skills Reading, did you use 15:08
 21 a textbook in that class?
 22 A. Well, there was a lot of books.
 23 MS. LHAMON: Steven, just to speed this
 24 along, he has already testified that for Independent
 25 Study classes not everybody had the same class. It 15:08

1 was in this room. They didn't all have the same 15:09
 2 textbooks. You're entitled to ask your questions,
 3 but just to remind you.
 4 MR. LaCOMBE: Just asking his own
 5 experience. 15:09
 6 THE WITNESS: Yeah, you did have to because
 7 otherwise you wouldn't be able to do your work.
 8 That's what Independent Study was about. You finish
 9 one book, you would get credit.
 10 BY MR. LaCOMBE:
 11 Q. What sorts of books were you using?
 12 MS. GOMEZ: Can I say something?
 13 MR. LaCOMBE: Yeah.
 14 MS. GOMEZ: When he says "books," he's
 15 meaning like a book, it's like a workbook, bunch of 15:09
 16 staples put together.
 17 THE WITNESS: No, that was a Past program.
 18 MS. GOMEZ: Oh, sorry.
 19 THE WITNESS: This is like -- yeah, they are
 20 books. They're kind of like if I can call them 15:09
 21 "cheat books," because they weren't hard cover
 22 books, they were kind of like --
 23 MS. KAATZ: Paperbacks.
 24 THE WITNESS: Some of them were.
 25 MS. KAATZ: When you say it was in the 15:10

1 "Past" class, are you talking about the Past Themes 15:10
 2 Literature class that you had a workbook in?
 3 THE WITNESS: Yes.
 4 MS. KAATZ: Thank you.
 5 BY MR. LaCOMBE:
 6 Q. Is Past Themes, is that an English class
 7 too?
 8 A. Yeah, that was another English class.
 9 Q. English I, Basic Skills Reading, General
 10 English III, English IV and Past Themes Literature, 15:10
 11 is that everything that's English?
 12 A. I don't know if Basic Skills is.
 13 Q. Fair enough.
 14 A. You said it too fast. I don't know.
 15 English I is, English III -- English I, English III, 15:10
 16 English IV and Past -- yeah, those are the four.
 17 MS. LHAMON: And from my application, can
 18 you tell me where on Exhibit 6 Past Themes is?
 19 MR. LaCOMBE: What you're looking at is --
 20 you're actually -- you have copy of the transcript 15:10
 21 that was -- that we received from the district.
 22 Lois Perrin two weeks ago brought an updated
 23 transcript, and it was not redacted, and we have not
 24 received copies of that.
 25 MS. LHAMON: My understanding from Lois 15:11

1 is -- I spoke to her at the break -- was she gave a 15:11
 2 copy of it, of the redacted one to the court
 3 reporter from last week. So we should have all
 4 received it by now.
 5 MR. LaCOMBE: I didn't receive that copy. 15:11
 6 MS. LHAMON: I didn't either, but we also
 7 didn't receive a copy of the transcript. So we're
 8 behind in a number of ways.
 9 THE WITNESS: I was going to say this just
 10 gets up to my junior year, doesn't show -- what is 15:11
 11 that, work in progress? Is that twelfth grade?
 12 Yeah, because -- no, I don't know. I didn't bring
 13 this one in.
 14 MR. LaCOMBE: Do you have an extra copy of
 15 the one Lois brought? 15:11
 16 MS. KAATZ: Yeah. Would that assist --
 17 MR. LaCOMBE: Let's go off.
 18 (Discussion off the record.)
 19 BY MR. LaCOMBE:
 20 Q. I believe you were saying before that the 15:12
 21 materials that you used in Independent Study were
 22 "cheat books"?
 23 A. In quotes, yeah.
 24 Q. What do you mean by that?
 25 A. They're kind of like low quality books, 15:13

1 like -- how can I say this? Is there the kind 15:13
 2 that -- I don't know how to say this? Yeah, they're
 3 just -- it's like if when you're getting -- if
 4 you're going to buy a book and it's like \$30, and
 5 then they sell them at another store for \$10, but it 15:13
 6 is just like a little copy of it, you know, it's
 7 kind of -- it's a little blurry, you know, all that
 8 stuff, low quality.
 9 Q. Were these photocopies?
 10 A. No, they weren't photocopies, not to my 15:14
 11 knowledge.
 12 Q. Were you able to read the text?
 13 A. Yes.
 14 Q. Did the cheat books, as you've described
 15 them, did they help you learn to read? 15:14
 16 A. I know how to read already.
 17 Q. Okay. But what were you learning in Basic
 18 Skills Reading?
 19 A. I can't remember. I can't remember what I
 20 learned in that Basic Skills Reading. I can't 15:14
 21 recall.
 22 Q. Did you use anything other than the cheat
 23 books in that class?
 24 A. Well, when I was doing PE, I had to get a
 25 sheet, and when I would do three hours of PE, 15:14

1 someone would have to sign it saying that I had did 15:14
 2 some.
 3 Q. I'm just talking about the Basic Skills
 4 Reading portion.
 5 A. Not that I could recall. 15:15
 6 Q. And what was the physical condition of the
 7 cheat books?
 8 A. They were wasted books. The cover was
 9 wasted, like in worn out, like they looked like a
 10 worn-out book, some pages were folding, you know, 15:15
 11 they kind of folded a page and then closed the book,
 12 something like that. They just looked old.
 13 Q. Did you have copies of the cheat books to
 14 take home with you at night?
 15 A. We had to, we had to. 15:15
 16 Q. And when you say the pages were folded and
 17 they were in -- when you described the condition,
 18 are you describing the conditions of the cheat books
 19 that you took home?
 20 A. What do you mean? 15:15
 21 Q. Are you describing the cheat books that you
 22 used or that other students may have had?
 23 A. The ones I used.
 24 MS. LHAMON: Again, Steven, I think the
 25 confusion we're having here is this is an 15:16

1 Independent Study class, so there aren't other 15:16
 2 students in the Independent Study class.
 3 BY MR. LaCOMBE:
 4 Q. Let's talk about General English III.
 5 A. Uh-huh. 15:16
 6 Q. Was there a chair and desk for every student
 7 in General English III?
 8 A. Yeah, there was.
 9 Q. The entire year?
 10 A. I believe so. 15:16
 11 Q. And you got [REDACTED] the first semester and [REDACTED]
 12 the second?
 13 A. Mm-hmm.
 14 Q. Do you know why you got those grades?
 15 A. Same as always, I deserved those grades. 15:16
 16 Q. Why did you deserve [REDACTED] your first semester,
 17 if you know?
 18 A. I did some of the work, but not all.
 19 Q. Why didn't you do all the work?
 20 A. I lacked off. 15:17
 21 Q. Why did you deserve [REDACTED] your second
 22 semester?
 23 A. Lacking off more.
 24 Q. Why were you lacking off more the second
 25 semester than the first? 15:17

1 A. Because I made the mistake, I made some 15:17
 2 friends in class and it was distracting.
 3 Q. Were you talking to friends in class?
 4 A. Yes, I did talk to them, but not all the
 5 time, but yeah. 15:17
 6 Q. And the second semester, did you also not
 7 turn in all your work?
 8 A. Yeah, I got a [redacted] yeah.
 9 Q. Who was your teacher in General English III?
 10 A. Mr. Watson. 15:18
 11 Q. How was Mr. Watson as a teacher?
 12 A. He was a good teacher. He also expected a
 13 lot from you. He said, you know, if you want --
 14 because he hardly gave A's in the class -- if you
 15 want an A you have to work extremely hard to get an 15:18
 16 A in that class. But he was nice as well. That's
 17 what I like about my teachers is besides being my
 18 teachers they were my friends. They cared. You
 19 know, those are the teachers that cared.
 20 Q. Did the teacher use a textbook in General 15:18
 21 English III?
 22 MS. LHAMON: I think the question is vague
 23 as to what the teacher used. Do you mean --
 24 THE WITNESS: Oh, yeah.
 25 MS. LHAMON: Did Manuel see the teacher use 15:19

1 textbooks, or are you asking if the class had 15:19
 2 textbooks to use?
 3 MR. LaCOMBE: If the class had textbooks to
 4 use.
 5 THE WITNESS: Yeah, I can't recall. I 15:19
 6 remember doing some work from textbooks. Yeah, I'm
 7 not sure.
 8 BY MR. LaCOMBE:
 9 Q. What materials do you remember using that
 10 class, if any? 15:19
 11 A. Poems, we read a couple of books, stories.
 12 I don't remember if we used a literature book. I'm
 13 not sure.
 14 Q. When you say you read books, do you mean
 15 novels? 15:20
 16 A. Yes, novels.
 17 Q. To your knowledge, was there ever a book in
 18 that class that you did not have a personal copy of
 19 to take home?
 20 A. Well, the books that we used, the novel 15:20
 21 books, we had to go get them from the book room.
 22 There was no class saying you had to check them out.
 23 Once we were done, we returned them to the book
 24 room.
 25 Q. When you checked them out from book room, 15:20

1 did you have a copy of your own to take home? 15:20
 2 A. Yes.
 3 Q. Did you return all the books that you
 4 checked out in that class?
 5 A. I had to or else I couldn't graduate this 15:20
 6 year.
 7 Q. How do you know that you would not have been
 8 able to graduate if you did not return the books?
 9 A. They told us if we didn't return the books
 10 we had to pay the fine, or else they wouldn't give 15:21
 11 us our diploma until we returned all the books.
 12 Q. Were you ever fined?
 13 A. Yeah. I couldn't find one.
 14 Q. Which one was that?
 15 A. My biology book. I misplaced it, and I just 15:21
 16 had to pay it. I had to pay it.
 17 Q. When did you misplace your biology book?
 18 A. This year.
 19 Q. Do you know what -- when in the year you
 20 misplaced it? 15:21
 21 A. Sometime second semester.
 22 Q. Were you able to get a replacement book
 23 after you replaced it?
 24 A. It was towards the end, because the book
 25 that we had at home, we rarely used it at home. So 15:21

1 I would leave it laying around there, and when we 15:21
 2 cleared the house it got misplaced.
 3 Q. Did you ever ask for a replacement for that
 4 textbook?
 5 A. We didn't use it at the house. We would 15:22
 6 just do it at school. No, no, I didn't ask.
 7 Q. When did you receive the fine for that book?
 8 A. When I want -- when it was time to return
 9 the books and I didn't have my book, I just told him
 10 I lost it, so they charged me for it. 15:22
 11 Q. So that was recently?
 12 A. Yes.
 13 Q. About when?
 14 A. Towards the end of the year.
 15 Q. When did you pay the fine? 15:22
 16 A. Last week of school.
 17 Q. Let's talk about English IV. Now, who was
 18 the teacher in English IV?
 19 A. Who was the teacher?
 20 Q. Yeah. 15:23
 21 A. Mr. Leikem, L-e-i-k-e-m.
 22 Q. And how was Mr. Leikem as a teacher?
 23 A. A little strict. Well, yeah, a little
 24 strict, but he was a good teacher.
 25 Q. What made him good? 15:23

1 A. Sometimes if we didn't understand the novel 15:23
 2 or part of the novel, he would kind of interpret it
 3 in his own words so we could understand it better.
 4 Q. Other than novels, was there any other
 5 instructional materials that you used in that class? 15:24
 6 A. Literature book, but we -- actually, towards
 7 the end we did use it.
 8 Q. Towards the end you what?
 9 A. Towards the end of the year we started using
 10 the literature book more. We didn't use the 15:24
 11 literature book that much. Literature book, what
 12 else? Poems. I can't recall the others.
 13 Q. Were there any assigned books or materials
 14 in that class that you did not have a personal copy
 15 to take home with you? 15:25
 16 A. No, there wasn't.
 17 Q. Did you ever have to share any of these
 18 materials in the class?
 19 A. Yeah.
 20 Q. When? 15:25
 21 A. We had a set to take home for literature,
 22 literature books, we had a set to take home. We
 23 wouldn't have a class set, so sometimes some
 24 students would forget their books. But I would
 25 forget my book, because they were pretty heavy, and 15:25

1 we would just share books. 15:25
 2 Q. Did sharing of the English books affect your
 3 ability to learn in that class, in your opinion?
 4 MS. LHAMON: Calls for expert testimony.
 5 THE WITNESS: In my opinion? Well, it 15:25
 6 sometimes did.
 7 BY MR. LaCOMBE:
 8 Q. How is that?
 9 A. When another person didn't have their book,
 10 I sacrificed more, I can say, my grade a little bit. 15:26
 11 And instead of me doing the work, I would let them
 12 borrow the book so they could do their work.
 13 Q. Did the teacher ever ask you to share
 14 textbooks in class?
 15 A. No. He said, "If you don't bring it, you 15:26
 16 miss out." And I would rather some other students
 17 to use it as well.
 18 Q. And what are the physical conditions of
 19 the -- let's look at the literature book that you
 20 had in General English IV. 15:26
 21 What was its physical condition?
 22 A. I was already -- it was a pretty good
 23 condition.
 24 Q. You were able to read everything okay?
 25 A. I didn't read everything, but I was -- the 15:26

1 part that I read I was able to read. 15:26
 2 Q. What about the novels that you read; what
 3 were the physical conditions of that?
 4 A. They were all right as well.
 5 Q. The poems? 15:27
 6 A. Some -- most of the poems we did were
 7 photocopy.
 8 Q. Did you receive any other photocopy
 9 materials in that class besides poems?
 10 A. Yeah, I remember receiving something else, 15:27
 11 but I don't remember what it was -- what its
 12 contents were.
 13 Q. Were you ever assigned any projects in
 14 General English IV that required you to use
 15 materials other than the textbooks and novels and 15:27
 16 poems in class?
 17 A. Yes.
 18 Q. What were those?
 19 A. When we did our -- it was kind of like our
 20 final project. We had to go research a topic of 15:27
 21 whatever we wanted. We get to choose our topic and
 22 just write a pretty good size of an essay about it.
 23 We have to go research the Internet, get books.
 24 Q. Where did you get the books from?
 25 A. Well, I particularly -- I didn't use a book. 15:28

1 I used the Internet. 15:28
 2 Q. Other students used books, to your
 3 knowledge?
 4 A. Yes.
 5 Q. Do you know where they got books from? 15:28
 6 A. I don't know.
 7 Q. What did you do your topic on?
 8 A. Alcatraz.
 9 Q. Alcatraz?
 10 A. Yeah, history of Alcatraz. 15:28
 11 MS. LHAMON: The history or the paper?
 12 MR. LaCOMBE: The paper.
 13 THE WITNESS: The paper. I think it was --
 14 I can't remember, like five pages, six pages,
 15 something like that. 15:29
 16 BY MR. LaCOMBE:
 17 Q. Past Themes Literature --
 18 A. Yeah.
 19 Q. -- do you know how many students were in
 20 that class? 15:29
 21 A. It wasn't actual -- well, it kind of was
 22 like a class. Some met Mondays, some met Tuesdays,
 23 Wednesdays, Thursdays, Fridays. I don't know how
 24 many. Sometimes it was too loud in the room, so I
 25 had to go to the library, study there. 15:29

1 Q. Where did you meet? 15:29
 2 A. L1 and L2, by the library.
 3 Q. Is it an Independent Study course?
 4 A. No. They just use the same room little
 5 room. 15:29
 6 Q. Did you have the same group of students with
 7 you in that class every day where you met?
 8 A. No, because you could walk in whenever you
 9 want to and do your books. You were -- it was
 10 mandatory to come when you were assigned, once a 15:30
 11 week, but if you wanted, you could go there every
 12 day.
 13 Q. Is Past Themes Literature a required course?
 14 A. It counts as an English course, as an
 15 English class, but you're not required to take Past. 15:30
 16 Q. Why did you take Past Themes Literature?
 17 A. Because I was behind in English credits.
 18 Q. And "pass" means that it's a pass/fail
 19 class?
 20 A. No, that's what the program is called. It's 15:30
 21 a program.
 22 Q. Do you have an estimate at all for the
 23 number of students in that class?
 24 A. Well, they met different days, that's why.
 25 Q. Did you have a teacher for that class? 15:30

1 A. Wasn't a teacher. Kind of more like a tutor 15:30
 2 went around and helped us out.
 3 Q. Was it the same tutor every time?
 4 A. Same. Two, sometimes three, yes.
 5 Q. And how often did you meet? 15:31
 6 MS. LHAMON: Asked and answered.
 7 THE WITNESS: We're supposed to go once a
 8 week. Mine was on Wednesdays.
 9 BY MR. LaCOMBE:
 10 Q. Did you always go to that class on 15:31
 11 Wednesdays?
 12 A. No, not every time.
 13 Q. And the course materials that you used in
 14 that book, were those the materials that Juana
 15 described before that were stapled? 15:31
 16 A. Yes, those were. Some were stapled, some
 17 just -- they were kind of -- what is it? They're
 18 not real, real books, they're just copies that some
 19 high school from down south provides. That's where
 20 the main thing is at. I don't remember where it is. 15:31
 21 Q. The ones that weren't stapled, were they
 22 bound?
 23 A. Yeah, they were bound -- what do you mean,
 24 "bound"? I was answering not even --
 25 Q. Yeah. Were they attached? Did they have a 15:32

1 spine? 15:32
 2 A. Excuse me.
 3 Catherine, what is this? We were -- they
 4 were like this.
 5 MS. LHAMON: You're indicating my yellow pad 15:32
 6 that has white tape binding at the top?
 7 THE WITNESS: Yeah, it had kind of like a
 8 tape binding right there.
 9 Sorry about that, Catherine.
 10 MS. LHAMON: That's all right. 15:32
 11 BY MR. LaCOMBE:
 12 Q. And what was the content of these materials?
 13 A. Every book varied.
 14 I'm going to need some water.
 15 Q. What sort of things would be in these? 15:32
 16 A. Hold on. Sorry about that. Excuse me.
 17 Can you repeat the question?
 18 Q. What sort of materials would be in these
 19 books?
 20 A. Some of them have little short stories, 15:33
 21 other required interviews, various amount. Some
 22 required you to read a book, another book, like a
 23 novel.
 24 Q. Are you saying that besides these
 25 photocopied bound materials, you also used novels in 15:33

1 that class? 15:33
 2 A. The last -- if I could recall correctly, the
 3 last two books, I had to read novels, yeah.
 4 Q. Any other materials besides the photocopied
 5 tape bound texts and the novels in that class? 15:33
 6 A. Oh, yeah, the Internet.
 7 MS. LHAMON: Excuse me. I think that
 8 mischaracterizes his testimony. He hasn't said he
 9 got the novels in the class. He said the bound
 10 materials required him to read another book, like a 15:34
 11 novel.
 12 THE WITNESS: Yeah.
 13 MR. LaCOMBE: Okay.
 14 THE WITNESS: Excuse me.
 15 BY MR. LaCOMBE:
 16 Q. So were there any other materials that you
 17 used?
 18 A. Yeah, the Internet. Sometimes they would
 19 require us to do a little research, and then after
 20 that write a little essay. 15:34
 21 Q. How often were you assigned homework in Past
 22 Themes Literature?
 23 A. That was basically the same thing as
 24 Independent Study, you finish one book, you get one
 25 credit. So it was up to you to decide the pace that 15:34

1 you wanted to work on. And then after we finished 15:34
 2 the books we had to take tests on them.
 3 Q. There are just a few other courses that I
 4 see on your transcript. And I want to ask if you --
 5 I want to ask about the textbooks and other 15:34
 6 materials, if you used any in those classes. The
 7 first is your freshman year, Eng/Ind Tech -- well,
 8 you previously described as involving computers and
 9 engineering and mechanics?
 10 A. Yes. 15:35
 11 MS. LHAMON: Is there a question pending?
 12 BY MR. LaCOMBE:
 13 Q. Did you use any textbooks in that class?
 14 A. I think we used one for the woodworking
 15 part, and maybe the one for the -- I'm not sure 15:35
 16 about the Ind Tech where we had to use -- what is it
 17 called? I forgot. In the woodworking, we did. The
 18 other one, I'm not sure.
 19 Q. Are those separate semesters, the
 20 woodworking versus the Ind Tech? 15:36
 21 A. I don't remember exactly. I don't remember.
 22 I remember doing like mechanics, woodworking. What
 23 other? Using the CAD thingy. I don't know. It's
 24 some program in the computer. And kind of like
 25 architectural stuff where I had to do designs and 15:36

1 computer. So I don't know if I remember if it was 15:36
 2 every quarter we changed or --
 3 Q. And in the woodworking portion, did you have
 4 a textbook of your own to take home?
 5 A. No.
 6 Q. Was it a class set?
 7 A. Mm-hmm.
 8 Q. Did you ever have to share textbooks in
 9 woodworking?
 10 A. I can't recall. 15:37
 11 MS. LHAMON: Steven, I think we should take
 12 a break so we can turn the lights back on.
 13 (Recess taken.)
 14 (Record read.)
 15 BY MR. LaCOMBE:
 16 Q. And you said you also got a textbook in
 17 Ind Tech; is that correct?
 18 A. I said I wasn't sure. I don't remember what
 19 we did in Ind Tech. I can't remember. We did four
 20 different things. I don't know which one falls in 15:39
 21 the Industrial Technology category.
 22 Q. Do you know if you had any textbooks in the
 23 class at all that you could take home?
 24 A. No, we didn't.
 25 Q. You did not? 15:39

1 A. No, we did not. 15:39
 2 Q. Was ever any homework assigned based on the
 3 textbooks?
 4 A. Well, no, because we couldn't take them
 5 home. 15:40
 6 Q. Were you assigned any homework in that
 7 class?
 8 A. Woodworking. Woodworking, I think we were.
 9 Yeah, I think we were in woodworking. Mechanics,
 10 I'm not sure mechanics. If it was, it was just 15:40
 11 probably studying the tools. Woodworking is the
 12 same. In the architectural one, the -- I think we
 13 were. I'm not sure.
 14 Q. When you were assigned homework, do you know
 15 what it consisted of? 15:41
 16 A. What --
 17 Q. What it was?
 18 A. Yeah.
 19 Q. What was it?
 20 A. For which one? 15:41
 21 Q. I guess for all the topics.
 22 A. Woodworking, like I mentioned, I think,
 23 learn the tools, the hammer, the saw, all the names
 24 of the tools, what they're used for, and bring money
 25 for the wood, to buy the wood. My mechanics class, 15:41

1 learn the tools as well, the name of the tools, what 15:41
 2 they're used for.
 3 Q. Were you ever tested on that knowledge?
 4 A. Yes, we were in the beginning, yeah. In the
 5 computer one, we were -- I believe we were assigned 15:41
 6 homework on doing 3-D drawings of various different
 7 things and just drawings, basically drawings, yeah.
 8 Q. And you'd use the CAD program for that?
 9 A. No, we would first draw it on a piece of
 10 paper. Then we would take it and do it in the 15:42
 11 computer.
 12 Q. Which computer would you use? At school?
 13 A. Yeah, at school. So we would do it at home,
 14 we would do the paper at home, and then we would
 15 transfer it into the computer at school. 15:42
 16 Q. Are these computers in a classroom, or
 17 where?
 18 A. Yeah, they were in a classroom.
 19 Q. Which classroom?
 20 A. That one, I don't remember. It was way out 15:42
 21 there by the -- by the parking lot, which is Maple
 22 Avenue extension.
 23 MS. LHAMON: Maple Avenue extension, you're
 24 referring to Exhibit 13?
 25 THE WITNESS: Oh, yeah, Exhibit 13. I don't 15:43

1 know what room number it was, though. I can't 15:43
 2 recall.
 3 BY MR. LaCOMBE:
 4 Q. Was it in these 900s?
 5 A. I'm not sure. 15:43
 6 MS. LHAMON: Manuel, can you remember if it
 7 was on the side where the 900 buildings are or on
 8 the side where the C and B buildings are?
 9 THE WITNESS: They were on the side where
 10 the 900s are, where the numbers are somewhere in 15:43
 11 there.
 12 MS. LHAMON: Thank you.
 13 BY MR. LaCOMBE:
 14 Q. And the computers that you used, was that in
 15 the classroom that the class was in? 15:43
 16 A. Yes.
 17 Q. Home Economics, is Home Economics a required
 18 course?
 19 A. I think it counts as Health, yeah, I believe
 20 that was my Health thingy. My Health credits on the 15:44
 21 number 13 -- oh, I mean number 13.
 22 MS. LHAMON: I think that's Exhibit 6.
 23 BY MR. LaCOMBE:
 24 Q. Exhibit 6?
 25 A. Yeah, I'm getting these two things mixed up. 15:44

1 Exhibit 6. I should write down Exhibit 6. Yeah, on 15:44
 2 Exhibit 6.
 3 Q. Do you know how many students there were in
 4 Home Economics?
 5 A. Freshman year, no, I don't. 15:44
 6 Q. Let me ask: Was there a seat and desk for
 7 every student in that class?
 8 A. We had tables.
 9 Q. Did every student have a seat and a space at
 10 the table? 15:45
 11 A. Yeah, I believe so.
 12 Q. Who was the teacher for Home Ec?
 13 A. Oh, yeah, I remember, Ms. Johnson, but I
 14 don't know if he put the "h" -- I don't know how to
 15 spell her name. I don't know where the "h" goes. 15:45
 16 It was before or after the end.
 17 Q. How was Ms. Johnson as a teacher?
 18 A. She was a good teacher, a friendly teacher.
 19 She loved doing her job.
 20 Q. Now, you had [redacted] in that class both times? 15:45
 21 A. Mm-hmm.
 22 Q. What were the reasons why you got the [redacted]
 23 A. I guess -- I don't know. I don't know the
 24 exact reasons.
 25 Q. Were they the same as the reasons in other 15:46

1 classes? 15:46
 2 A. Because I deserved them? Yeah.
 3 Q. Did you always do your homework in Home Ec?
 4 A. I can't remember if we had homework. We
 5 rarely had homework, because it usually -- that 15:46
 6 class was kind of like cooking class and a sewing
 7 class, that type of stuff. I can't remember.
 8 Q. Did you always complete your assigned
 9 projects?
 10 A. If we had time, yeah. It was mostly -- like 15:46
 11 cooking class, it was group work. Sometimes we
 12 didn't finish our meal so we didn't get a full
 13 grade.
 14 Q. Was there a textbook in that class?
 15 A. I can't remember. 15:46
 16 Q. Were there any materials that you remember
 17 in that Home Ec class, instructional materials?
 18 A. Yeah. When we made a teddy bear, we got the
 19 illustrations on how to do it step-by-step; recipes,
 20 I believe we got handouts for our -- when we were 15:47
 21 doing the part about the -- what is it? When we
 22 were talking about like -- what's it called? About
 23 like education, about sex, protection, awareness
 24 stuff.
 25 Q. These were all handouts you're describing? 15:47

1 A. Well, the recipes, I don't know if you want 15:47
 2 to call them handouts. I guess so, yeah.
 3 Q. Did you ever have to share any of these
 4 materials with other students in the class?
 5 A. The recipe? Well, we worked in a group, 15:48
 6 so...
 7 Q. Did you work in a group to make the teddy
 8 bear?
 9 A. No, that was individual.
 10 Q. In Keyboarding, did every student have a 15:48
 11 seat and desk for themselves in Keyboarding?
 12 A. Yeah.
 13 Q. Were -- did you use typewriters in that
 14 class?
 15 A. Computers. 15:48
 16 Q. Did every student have a computer of their
 17 own in the class?
 18 A. Yeah. Like I mentioned earlier, yes, yeah,
 19 they did.
 20 Q. Where was Keyboarding held? 15:48
 21 A. I don't remember. This Exhibit 13, I don't
 22 remember if it was 127 or room 128. By the library,
 23 where the library is at.
 24 Q. Okay.
 25 A. I don't know if it's 127 or 128. 15:49

1 Q. Are those computer rooms? 15:49
 2 A. I don't know if all of them are, but --
 3 yeah, I don't know if all of them are.
 4 Q. Do you know how many computers are in that
 5 room? 15:49
 6 A. In the particular room I was in?
 7 Q. Yes.
 8 A. No, no, I don't know how many.
 9 Q. Were there more computers than students in
 10 the class? 15:49
 11 A. Yeah, there were, there were.
 12 Q. Do you know about how many more computers
 13 there were than students in the class?
 14 A. Mm-mm, no, I don't know.
 15 Q. Did you use a textbook in that class? 15:50
 16 A. I don't believe so.
 17 Q. Any other materials besides a textbook?
 18 A. I don't think so. All we do is we just work
 19 on our typing.
 20 Q. Let's talk about Health. This will be the 15:50
 21 last of your classes.
 22 Who was your teacher in Health?
 23 A. Oh, whoa. Hold on. Isn't that what we said
 24 Ms. Johnson -- yeah, I think Ms. Johnson was Home
 25 Ec. 15:50

1 MS. LHAMON: Were you confused when you were 15:50
 2 answering those questions? Were you talking about
 3 Health by mistake? Career Home Ec, on Exhibit 6,
 4 your freshman year?
 5 THE WITNESS: Whoa, whoa. 15:51
 6 MS. LHAMON: It's okay if you were confused.
 7 We can go back and change it.
 8 THE WITNESS: Yeah. I don't know which one
 9 is which one. I don't know which one is which one.
 10 BY MR. LaCOMBE:
 11 Q. Did you have different teachers for those
 12 two classes?
 13 A. I can't remember that one. Whoa. I
 14 confused those ones totally.
 15 MS. LHAMON: How about this, Manuel, if you 15:51
 16 look at the transcript it shows you had Career Home
 17 Ec for two semesters and you had Health just for
 18 one. Does that help you distinguish the classes?
 19 THE WITNESS: Yeah, it does. Then
 20 Ms. Johnson was Career Home Ec. What did we do in 15:51
 21 Health, then? I can't remember that.
 22 MS. LHAMON: Highlight of your educational
 23 career?
 24 THE WITNESS: Health, that's when we went
 25 over the sexual awareness. But I don't know -- 15:51

1 whoa -- 15:52
 2 MS. LHAMON: I was going to be a little
 3 disturbed if you were going over sexual awareness in
 4 Careers Home Ec, so I'm happy to hear that.
 5 THE WITNESS: I just got those a little 15:52
 6 confused.
 7 BY MR. LaCOMBE:
 8 Q. Do you remember if you had a textbook in
 9 Health class?
 10 A. I can't remember what I did in that class. 15:52
 11 Whoa. I can't believe it. I can't remember.
 12 MS. LHAMON: Do you want to take a minute to
 13 think about it? If you can or if you can't, that's
 14 that.
 15 THE WITNESS: It doesn't show I had Health 15:52
 16 second semester here. English, Algebra, Keyboard,
 17 PE, both of them were one semester. Careers Home Ec
 18 is one year, yeah. Oh, my God. I'm getting
 19 confused.
 20 BY MR. LaCOMBE:
 21 Q. Why don't we move on and we can come back to
 22 Health.
 23 A. That would be perfect. Whoa.
 24 Q. I want to look at your declaration real
 25 quick. Paragraph 3, your first sentence, "There 15:53

1 aren't enough textbooks at my school." 15:53
 2 When you say that, are you referring to any
 3 classes other than Economics, Spanish and US
 4 History?
 5 A. Well, right there what I tried to say, you 15:53
 6 know -- when was that?
 7 MS. LHAMON: I'm going to -- before you
 8 continue, just to remind you that the document
 9 speaks for itself and the document refers to four
 10 classes: First Economics, Spanish class, Government 15:53
 11 class, and US History.
 12 It may well be that you intend the
 13 Government class to be the same as US History,
 14 but...
 15 MR. LaCOMBE: Okay. 15:54
 16 THE WITNESS: I don't know for every single
 17 subject we don't have enough books. What I was
 18 trying to say right there in my Economics and those
 19 classes that I mentioned, that we didn't have enough
 20 textbooks. My math book, we had a shortage of 15:54
 21 textbooks because we didn't have a class set and a
 22 set to take home. But that's what I meant right
 23 here by these classes, in the Economics, Spanish and
 24 all those. But now that I think about it, math
 25 book, we have shortages, too, because we didn't have 15:54

1 a class set. 15:54
 2 BY MR. LaCOMBE:
 3 Q. You think that there should be a class set
 4 plus a set to take home?
 5 A. Oh, yeah. We shouldn't have to be carrying 15:54
 6 that much weight in our backpacks, you know, every
 7 single day for the whole year. We should have to
 8 be -- shouldn't have to be worrying about bringing
 9 books to school and take them home. Leave them
 10 home, that could be for homework. There's some at 15:55
 11 school in every class. It should be a class set and
 12 a set for the house for you to take home.
 13 Q. When we talked about some classes, like
 14 Physical Education, which doesn't have a textbook,
 15 are you -- is that part of your statement, that 15:55
 16 there's not enough textbooks? Are you also
 17 referring to the fact that there's no textbooks in
 18 Physical Education?
 19 A. Well, if there were textbooks in Physical
 20 Education, right there you don't need a textbook. 15:55
 21 Q. So you don't need a textbook?
 22 A. No, I don't believe so -- yeah, I don't
 23 believe you need a textbook there.
 24 Q. Are there any other classes you did not have
 25 a textbook for that you believe you did not need 15:55

1 one, besides Physical Education? 15:55
 2 MS. LHAMON: That's a broad question. It
 3 might be helpful if you phrase it the other way:
 4 Are there any classes that you didn't have a
 5 textbook for that you thought you needed one, rather 15:56
 6 than the double negative, are there classes that you
 7 had a textbook for that you didn't need one.
 8 MR. LaCOMBE: Okay. Fair enough.
 9 THE WITNESS: Well, it's kind of like my
 10 opinion, because I don't know if the other students 15:56
 11 needed -- for the PE, I don't know if the other
 12 students needed textbooks for PE. So that was kind
 13 of like towards my opinion, because I know sports,
 14 and some other girls or guys don't know the rules of
 15 sports, so I don't know. So that kind of could go 15:56
 16 into my opinion. This could also go in my opinion
 17 because I can't be talking for the other students,
 18 you know, about the PE textbooks. But it would help
 19 out if we would have in every single material,
 20 textbooks, a class set and a set to take home. 15:56
 21 BY MR. LaCOMBE:
 22 Q. So you think it would be helpful to have a
 23 textbook in Physical Education?
 24 A. In my opinion, it would, because they would
 25 learn how to -- they would learn the rules of the 15:57

1 sports, but -- this sounds crazy. Yeah, I don't 15:57
 2 know about that one. But it would help out if we
 3 had textbooks in the other -- in the other classes
 4 so we didn't have to be running around trying to get
 5 information here, information there. The State 15:57
 6 should provide that for us.
 7 Q. Paragraph 9 of your declaration reads, "The
 8 school doesn't have enough computers. The school
 9 doesn't even have one in every classroom, the ones
 10 we do have are super old." 15:58
 11 Since February 5th, 2001, when you signed
 12 this declaration, are you aware that any more
 13 computers have been purchased by the school?
 14 A. Yes, there has been more computers
 15 purchased. 15:58
 16 Q. Do you know how many?
 17 A. I don't know no number.
 18 Q. How do you know --
 19 A. Oh.
 20 Q. How do you know that more computers have 15:58
 21 been purchased?
 22 A. Because more classrooms have been getting
 23 computers. But the thing that I've been seeing is
 24 when computers arrive, there has -- there's always a
 25 little problem to them. 15:58

1 In my Economics class we got a computer, 15:58
 2 because recently towards the end of the year
 3 sometimes it didn't work, and it's a new computer.
 4 In my Spanish class, the same thing. We had
 5 the computer for a while. Towards the end of the 15:58
 6 year when I told my Spanish teacher if I could do
 7 some research on the computer, she told me she would
 8 let me, but the computer doesn't work.
 9 Q. When you say it "doesn't work," do you mean
 10 it doesn't turn on? 15:59
 11 A. She told me it didn't work. I don't know if
 12 it did turn on or something was wrong with it. It
 13 had a problem.
 14 Q. That's the same with the Economics computer?
 15 A. The Economics computer, I saw a couple times 15:59
 16 it turned on, but there was this little screen. You
 17 couldn't get into the files, it just kept on
 18 going. I wouldn't get -- like it froze and you
 19 couldn't do nothing for a while.
 20 Q. Have either the Economics computers or the 15:59
 21 Spanish computers been fixed?
 22 A. To my knowledge, I don't know. The
 23 Economics -- that's the thing. Economics sometimes
 24 work, sometimes they don't work. That's why
 25 Mr. Wells -- that computer is crazy. 15:59

1 Q. Do you know of any computers that have been 15:59
 2 purchased by the school that have not been installed
 3 yet?
 4 A. Yeah, I seen them. I seen boxes. I don't
 5 know if they're empty or they have computers in 16:00
 6 them.
 7 Q. Where do you see the boxes?
 8 A. In the warehouse where the book room was
 9 moved to.
 10 Q. Where is that on the map on Exhibit 13? 16:00
 11 A. I think where it says "Warehouse," by
 12 Blackburn Street in Exhibit 13. I think it might be
 13 there, "Annex." I don't know.
 14 Q. Where were you at the warehouse last?
 15 A. Towards the end of the school year. 16:00
 16 Could we take a break to go to the restroom?
 17 Q. Yes.
 18 (Recess taken.)
 19 (Discussion off the record.)
 20 BY MR. LaCOMBE:
 21 Q. When you went to the warehouse, how many
 22 boxes -- about how many boxes of computers did you
 23 see?
 24 A. I don't know. Quite a few.
 25 Q. Do you have an estimate at all? 16:06

1 A. No. The thing -- my question about that is 16:06
 2 if they're bringing in the computers -- well, just,
 3 you know, a lot of classes got new computers
 4 already, but they're already getting -- they're
 5 already getting messed up, software is getting 16:06
 6 messed up already. Then how is that helping out? A
 7 lot of them are getting messed up. They're bringing
 8 new in, and they're new. Where are they getting
 9 them from?
 10 Q. Are computers being installed in the school 16:07
 11 anywhere other than in the classrooms? I'm talking
 12 about the new computers that have arrived since
 13 February.
 14 MS. LHAMON: Calls for speculation.
 15 Presumably he hasn't been into every facility in 16:07
 16 school.
 17 MR. LaCOMBE: That you know of.
 18 MS. LHAMON: Thanks.
 19 THE WITNESS: The new computers, I'm not
 20 sure. 16:07
 21 BY MR. LaCOMBE:
 22 Q. Do you know how many computers the school
 23 has for instructional purposes?
 24 A. I don't know. There's over 3,000 students.
 25 The thing that I been seeing is that towards the end 16:07

1 of the year they're remodeling the school and 16:07
 2 they're shutting down classes. They're doing a lot
 3 of work.
 4 Q. Does that affect the ability to access
 5 computers? 16:08
 6 A. It affects the teachers.
 7 Q. Do you have any computer labs at Watsonville
 8 High School?
 9 A. Yeah, we do.
 10 Q. How many? 16:08
 11 A. That it could access the Internet or --
 12 Q. Yeah.
 13 A. The library, and I don't know how many other
 14 classrooms I haven't been in. I know the library
 15 does. 16:08
 16 Q. Besides the library, are there other
 17 computer laboratories that you know of?
 18 A. Mm-mm.
 19 Q. Do you know how many computers there are at
 20 the library? 16:08
 21 A. I think I responded to this last time. I'm
 22 not sure.
 23 Q. Are there any classes that you took your
 24 senior year that did not have computers in them?
 25 A. Of course, PE doesn't need them. 16:09

1 MS. LHAMON: While he's thinking, would you 16:09
 2 read back the question?
 3 (Record read.)
 4 THE WITNESS: They do have computers, the
 5 teacher uses a computer to get down the roll call 16:10
 6 and everything.
 7 BY MR. LaCOMBE:
 8 Q. In every class?
 9 A. I don't know if in every class.
 10 Q. That you took this year? 16:10
 11 A. Yeah.
 12 MS. LHAMON: Other than PE?
 13 THE WITNESS: Other than PE.
 14 BY MR. LaCOMBE:
 15 Q. And are the students allowed to use those 16:10
 16 computers in those classes?
 17 A. In my Economics we used them. Second
 18 period -- I don't know second period. I don't know
 19 if we -- we didn't use them. The teacher used them.
 20 I don't know if we're allowed to use them. We're 16:10
 21 not allowed to use that one in math.
 22 Q. Make sure you speak up for the court
 23 reporter.
 24 A. Fourth period, like we were able to use that
 25 one. Fifth period, Collazo, when they worked she 16:11

1 let us use that one. Fifth period and sixth -- 16:11
 2 yeah, we did, sixth.
 3 Q. How many computers did you have in your
 4 first period class?
 5 A. Two. 16:11
 6 Q. How many in your fourth period class?
 7 A. One.
 8 Q. How about your fifth?
 9 A. One -- oh, no, two. Yeah, two, yeah.
 10 Q. And what about your sixth period class? 16:11
 11 A. I don't remember. That was more than --
 12 whoa, I'm confusing that one and my Physical Science
 13 class because they're right next to each other, so
 14 I'm not sure -- that one does have one, but I don't
 15 know if it was more than one. Yeah. 16:12
 16 Q. In your declaration when you say, "The
 17 school doesn't have enough computers."
 18 How many computers would be enough, in your
 19 opinion?
 20 MS. LHAMON: Calls for expert testimony for 16:12
 21 what would be enough for the entire school.
 22 THE WITNESS: Well, I kind of -- I kind of
 23 read for when Bush and Gore were going to go for
 24 president that Bush want to put the ratio to be
 25 three students to one computer. So I don't know if 16:12

1 it would be three students to one computer, that 16:12
 2 would be over a thousand computers in the school.
 3 That would be a pretty good ratio.
 4 BY MR. LaCOMBE:
 5 Q. And you say, "The ones we do have are super 16:12
 6 old." What do you mean by that?
 7 A. They are really slow. And my Physical
 8 Science class last year when we had to use the
 9 Internet, we get into the Internet, click on the Web
 10 site, and it would take a long time to download to 16:13
 11 the thing, to the Web site slow up. They're slow.
 12 Q. Other than the Internet connection, is there
 13 anything that makes you say that the computers are
 14 super old?
 15 A. Yeah. They look like the old computers, the 16:13
 16 old Macintosh, the old computers.
 17 Q. When you say "old," what is old?
 18 A. Oh, like the ones that were done in the
 19 '80s, those type of computers.
 20 Q. Are the computers the '80s, or they like 16:13
 21 computers of the '80s?
 22 A. I'm not sure. They are like computers from
 23 the '80s.
 24 Q. Do you know how old any of the computers
 25 are? 16:14

1 A. Well, the new ones, presuming they're pretty 16:14
 2 new. The old ones, I don't know.
 3 Q. Do you know what kind of Internet connection
 4 you have at the school?
 5 A. Starts with an "E." I don't know what it's 16:14
 6 called, no.
 7 Q. Do you have e-mail accounts at school?
 8 A. I don't.
 9 Q. Do you know of any plans at the school to
 10 purchase or install more computers? 16:14
 11 A. I heard about something like that.
 12 Q. Where did you hear?
 13 A. I don't remember if it was from a teacher
 14 that I heard.
 15 Q. What did you hear? 16:15
 16 A. That they wanted to get the three-to-one
 17 ratio of computers. But they're getting computers,
 18 but where are the textbooks?
 19 Q. Did the person who told you that they wanted
 20 a three-to-one ratio tell you that there were plans 16:15
 21 to have a three-to-one ratio?
 22 A. I said that those were the plans. I didn't
 23 say she wanted -- she told me those were the plans.
 24 She didn't say she wanted or not. I didn't know
 25 what she wanted. 16:15

1 Q. Were you ever told what the time line would 16:15
 2 be for achieving the three-to-one ratio?
 3 A. No, I don't.
 4 Q. Have you ever complained to anyone who works
 5 at the school about the number of computers? 16:15
 6 A. Unfortunately, no.
 7 Q. Have you ever complained to anyone at the
 8 school about the age of the computers?
 9 A. Unfortunately -- oh, actually, yeah, my
 10 science teacher. Mr. Manildi, my Physical Science 16:16
 11 teacher.
 12 Q. What did he say when you complained?
 13 A. He just told me to bear with them. I told
 14 him, "Hey, Mr. Manildi, these computers are super
 15 old. They're too slow." He told me, "Hey, man, 16:16
 16 what can I do?"
 17 Q. Besides Mr. Manildi, is there anybody at
 18 school that you complained to about the age of
 19 computers?
 20 A. Not that I can recall. Although I want to 16:16
 21 get something in there about materials. My teacher
 22 is -- my draw/paint teacher, she had to put some
 23 money from her pocket to purchase some materials for
 24 the class, and I don't think that should be
 25 happening. And to my knowledge, she didn't get 16:16

1 reimbursed. So she's putting money from her pocket. 16:17
 2 Q. Do you know what materials she purchased?
 3 A. Oh, man, she told me, but I forgot. She
 4 told me, but I forgot.
 5 And then same thing when we were asked to 16:17
 6 pay for the wood. What if some people didn't have
 7 money to pay for the wood? You know, it's either if
 8 you didn't pay you didn't get wood and you couldn't
 9 do your project. So then you would get a bad grade,
 10 you would flunk the class because you needed the 16:17
 11 wood, you needed to pay the money. What if some
 12 kids couldn't pay the money?
 13 And the same with my other class where I had
 14 to pay like, I don't know how much money to buy --
 15 to get a teddy bear. I had to pay it or else I 16:17
 16 couldn't do a teddy bear.
 17 Q. Were there any other classes where you had
 18 to pay out of the pocket to purchase materials?
 19 A. Well, not that I could recall. Those are
 20 the ones that came up to mind anyway. 16:18
 21 Q. Do you know how much you had to pay for your
 22 wood?
 23 A. Between -- oh, man, more than ten bucks.
 24 Q. Do you know if there was a fee waiver
 25 available for the \$10 for the wood? 16:18

1 they had to sacrifice their lunch to get the money. 16:19
 2 I'm not sure. I'm just guessing.
 3 BY MR. LaCOMBE:
 4 Q. Did you ever complain about either of those
 5 to any school official or school employee? 16:19
 6 A. Unfortunately, no, I didn't. I didn't know.
 7 Q. Let's talk about paragraph 10 of your
 8 declaration.
 9 A. Whoa, mm-hmm.
 10 Q. Please read that over. 16:20
 11 A. (Witness examines document.)
 12 Yeah.
 13 Q. Since the date that you signed this
 14 declaration, do you know of any other photocopy
 15 machines that have been purchased by Watsonville 16:20
 16 High School?
 17 A. No, I haven't. The teacher told me there
 18 was two, like he said, but I went into some other
 19 room and I found another two.
 20 Q. You found what? 16:20
 21 A. I went into some other English department,
 22 there was two copy machines right there as well.
 23 But that's still not enough.
 24 Q. How many photocopy machines have you seen
 25 personally at the school? 16:21

1 A. I remember the teacher telling us that we 16:18
 2 had to pay within the semester.
 3 Q. Did he ever tell you there was a fee waiver
 4 available for the wood?
 5 A. No, but I do remember telling -- him telling 16:18
 6 us we did have to pay before the semester ended.
 7 Q. And you paid the \$10?
 8 A. I didn't say exactly \$10. I said it was
 9 around ten bucks, maybe more. I had to pay.
 10 Q. And how much did you have to pay for the 16:19
 11 materials for the teddy bear?
 12 A. More than ten bucks as well, more than \$10.
 13 Q. Do you know if it was a fee waiver available
 14 for those?
 15 A. I do not recall that. I don't remember 16:19
 16 about that.
 17 Q. Did anybody ever complain about having to
 18 pay money for wood, to your knowledge?
 19 A. I can't remember.
 20 Q. What about the teddy bear? 16:19
 21 MS. LHAMON: You were just asking about the
 22 teddy bear.
 23 MR. LaCOMBE: I said the wood.
 24 MS. LHAMON: Oh, I'm sorry.
 25 THE WITNESS: I can't remember. I guess 16:19

1 A. Two, four, six. How many classes do we 16:21
 2 have? A lot.
 3 Q. You've seen six?
 4 A. Yeah, yeah, six.
 5 Q. When did you see those photocopy machines, 16:21
 6 if you know?
 7 A. Last year I saw two. Actually, last year I
 8 saw two and the three that they have in the library.
 9 Yeah, last year I knew about -- I found out about
 10 two, and then three others in the library. Well, 16:21
 11 that makes seven, then. Oops. And then two in the
 12 English department. Seven. Two, three, five, yeah,
 13 seven.
 14 Q. The first two in the Social Studies
 15 department? 16:22
 16 A. History department, yeah.
 17 Q. You talk in this paragraph about your US
 18 History and World Civilization classes.
 19 Did you ever have any such time in your
 20 Federal Government class this year where the teacher 16:22
 21 was planning to give homework to you but didn't give
 22 any because the teacher couldn't get copies made?
 23 A. No, because we had a class set of books.
 24 And she kind of helped us out and gave us time in
 25 class to do our homework so we could finish, because 16:22

1 there wasn't enough books for every single student. 16:23
 2 MS. LHAMON: I'm going to object because the
 3 question calls for speculation to the extent the
 4 teacher didn't tell them why she was or was not
 5 giving homework. 16:23
 6 THE WITNESS: So, yeah.
 7 BY MR. LaCOMBE:
 8 Q. And were there any non- -- were there any
 9 classes other than US History and World Civilization
 10 class where a teacher told you they were planning to 16:23
 11 give homework but did not because they couldn't get
 12 photocopies?
 13 A. Not that I could recall.
 14 Q. Are there photocopy machines in the high
 15 school office? 16:23
 16 A. I can't say I'm certain, but I believe so.
 17 I'm not sure.
 18 Q. What makes you unsure?
 19 A. Well, the office is in the main office. I
 20 believe the people that work in that office, the 16:23
 21 principal and people that need -- they need a copy
 22 machine.
 23 MS. LHAMON: Manuel, that sounds to me like
 24 a guess.
 25 THE WITNESS: Yeah, yeah. 16:24

1 MS. LHAMON: So that's the kind of thing you 16:24
 2 don't want to be doing today.
 3 THE WITNESS: Oops.
 4 MS. LHAMON: But thank you.
 5 THE WITNESS: Yeah. 16:24
 6 BY MR. LaCOMBE:
 7 Q. On the days when your US History and World
 8 Civilization teachers told you they planned on
 9 giving you homework and couldn't, did the teachers
 10 give any homework at all on those days? 16:24
 11 A. No, because they totally couldn't.
 12 Q. Did you do anything instead of homework on
 13 those days, for the class?
 14 A. We got to relax, no.
 15 MS. LHAMON: You look pretty sad about that 16:24
 16 right now.
 17 THE WITNESS: Yeah.
 18 BY MR. LaCOMBE:
 19 Q. To the best of your knowledge, does the
 20 school put a limit on the number of copies a teacher 16:24
 21 may make?
 22 A. No, I don't know.
 23 Q. You don't know?
 24 A. I don't know.
 25 Q. Did you ever complain that you were unable 16:25

1 to get homework in your US History and World 16:25
 2 Civilization classes because the teachers couldn't
 3 get photocopies made?
 4 A. No, I didn't.
 5 Q. Are there any lockers at your school? 16:25
 6 A. PE lockers.
 7 Q. Other than PE lockers, do you have any
 8 lockers at Watsonville High?
 9 A. No.
 10 Q. Let's look at paragraph 5 -- 16:25
 11 A. Okay.
 12 Q. -- of the declaration. I'm looking
 13 specifically at line 27 through the end of the
 14 paragraph, where you talk about the teachers that
 15 moved from classroom to classroom. 16:25
 16 A. Mm-hmm.
 17 Q. To your knowledge, do these teachers now
 18 have classrooms of their own?
 19 A. Mr. Linney went in the wing. You should
 20 call him. He's the one who took off. I don't know 16:26
 21 if he's sharing that classroom or not. I'm not
 22 sure.
 23 Q. Have you seen any teachers in your senior
 24 year using carts to move the materials around from
 25 classroom to classroom? 16:26

1 A. No, I haven't. 16:26
 2 MS. LHAMON: Steven, I think you interrupted
 3 him before he finished answering your last question,
 4 because the paragraph that you referred to in the
 5 declaration refers to three teachers who were moving 16:26
 6 around, and he answered just to two.
 7 BY MR. LaCOMBE:
 8 Q. What about the third teacher, Manuel?
 9 A. I'm thinking first period last year.
 10 Manildi, I think he does have his own classroom 16:27
 11 right now, although every time I go in there I see
 12 another teacher after school.
 13 Q. Do you know if Mr. Manildi's classroom is in
 14 the new portable buildings that were built last
 15 year? 16:27
 16 A. No. He's still in 30 -- 302.
 17 Q. You say that your World Civilization had a
 18 shopping cart, and the Life Science teacher had a
 19 regular cart.
 20 What do you mean by "regular cart"? 16:28
 21 A. Could you repeat that again? I kind of --
 22 Q. Yeah. You said World Civilization had a
 23 shopping cart and the Life Science teacher had a
 24 regular cart.
 25 What does "regular cart" mean? 16:28

1 A. Oh, regular cart, shopping cart -- regular 16:28
 2 cart is one of those -- kind of like -- what is it?
 3 Let's see. It's like in a hotel, you know, when you
 4 get breakfast they come in those little carts,
 5 pushing those little carts. He would carry his 16:28
 6 stuff in one of those carts, similar cart like that.
 7 Q. And what about the History teacher, did the
 8 History teacher use a cart?
 9 A. Shopping cart? History?
 10 Q. History. 16:28
 11 A. Didn't we say World Civ --
 12 MS. LHAMON: Well, there's three in the
 13 declaration. Why don't you look at the paragraph.
 14 THE WITNESS: History, he just used it.
 15 Yeah, I know which one you're talking about. 16:29
 16 Mr. Dudley, he used -- all he used was his little
 17 briefcase to move around.
 18 BY MR. LaCOMBE:
 19 Q. Did Mr. Dudley move any materials along with
 20 him when he moved from classroom to classroom? 16:29
 21 A. Well, his grade book, his -- I don't know
 22 what else. He was sharing materials with other
 23 teachers.
 24 Q. What materials would the World Civilizations
 25 teacher carry from class to class? 16:29

1 A. World Civ -- oh, books, World Civ books. 16:29
 2 Q. Anything other than the books?
 3 A. Not that I could recall, not that I see.
 4 Q. What about the Life Science teacher; what
 5 was he moving around? 16:30
 6 A. Some grading stuff, like a grading book.
 7 There was just a lot of stuff. I don't know
 8 everything. I don't know exactly what he carried.
 9 Q. And the -- okay.
 10 A. But that's pretty sad to see a teacher 16:30
 11 moving books with a shopping cart.
 12 Q. Do you know if these teachers moved from
 13 classroom to classroom on a daily basis?
 14 MS. LHAMON: Vague as to "daily basis." Do
 15 you mean that they are in one classroom one day and 16:30
 16 another class from another day, or you mean they
 17 every day move for different periods in that day?
 18 BY MR. LaCOMBE:
 19 Q. I mean they move from period to period, is
 20 what I should say. 16:30
 21 A. I don't know if they move from period to
 22 period, but they moved every day, yes, they moved
 23 every day.
 24 Q. The first part of paragraph 5 you say, "My
 25 school is really overcrowded." 16:31

1 A. Mm-hmm. 16:31
 2 Q. What do you mean by "overcrowded"?
 3 A. I forgot where I saw the thingy, but the
 4 school is only built for like around 1,700 students.
 5 We're well over 3,000 students in that school. 16:31
 6 That's a little overcrowded.
 7 Q. When you say it's built for 1,700 students,
 8 does that include the new construction of the B
 9 building?
 10 A. I'm not sure. I said around 1,700. I 16:31
 11 didn't say 1,700.
 12 Q. The 1,700 student capacity, did you read
 13 that somewhere?
 14 MS. LHAMON: Again, he said approximately
 15 1,700, so you're mischaracterizing. 16:31
 16 BY MR. LaCOMBE:
 17 Q. 1,700 approximation, did you read that
 18 somewhere?
 19 A. I heard it from various places. I can't
 20 recall exactly where. That's what some teacher told 16:32
 21 me as well. If I'm right, I think it was
 22 Ms. Mendez. I'm not sure.
 23 Q. Do you know when Ms. Mendez -- when that
 24 conversation would have been?
 25 A. I don't know if it was Ms. Mendez, though. 16:32

1 Earlier this year when -- yeah, earlier this year. 16:32
 2 Q. Is there any time of the school year when
 3 overcrowding is worse?
 4 A. It's going to be next year.
 5 Q. What makes you say that? 16:32
 6 A. Because I heard that there's going to be --
 7 I don't know about the other grades, but there's
 8 going to be -- there's some guy that works at the
 9 office, told me there's going to be 400 juniors
 10 coming in there from some other school. And there's 16:32
 11 a lot of juniors this year already. So there's
 12 going to be close to a thousand seniors next year.
 13 It's going to keep on getting overcrowded because
 14 the middle school guys are going to go to high
 15 school. No more schools getting built. 16:33
 16 Q. Is there any time in your senior year when
 17 overcrowding was worse?
 18 MS. LHAMON: Vague as to "worse." Worse in
 19 comparison to what?
 20 MR. LaCOMBE: The other times. 16:33
 21 MS. LHAMON: All of them? That's pretty
 22 broad.
 23 MS. KAATZ: All during the same year?
 24 MS. LHAMON: Is that what you mean?
 25 BY MR. LaCOMBE:

1 Q. Over the course of your senior year, was 16:33
 2 there a time of that year where the overcrowding was
 3 worse?
 4 A. Well, I'm not sure. I don't know, but I
 5 know throughout the year they only been 3,000 16:33
 6 students. I don't know when it's been worse. And I
 7 heard that they wanted to -- they wanted -- they
 8 kind of wanted to make us prisoners in that school,
 9 because next year I heard they want to put name tags
 10 on us, right here on our chest, so, you know, they 16:33
 11 could identify us. They're treating us like
 12 prisoners now. It's either that or they're going to
 13 make it a closed campus school. How are you able
 14 to, during lunch, feed over 3,000 students? We're
 15 not prisoners. 16:34
 16 Q. Are you aware of any classes in your senior
 17 year that were held in nonclassroom facilities, such
 18 as the library or auditorium, if there is an
 19 auditorium?
 20 A. I'm not sure. 16:34
 21 Q. Is there any way in which school
 22 overcrowding has affected your education?
 23 MS. LHAMON: Calls for expert testimony.
 24 You can answer as to your opinion.
 25 THE WITNESS: Well, in my opinion, it has 16:35

1 BY MR. LaCOMBE:
 2 Q. Yeah.
 3 A. Too many students, not enough books. I hope
 4 that sometime in the future we'll get more -- there
 5 should be too many books, not enough students. It 16:36
 6 should be like that.
 7 Q. Any way else?
 8 A. No, I can't recall.
 9 Q. During your senior year, was there any
 10 construction that you know of on the campus? 16:37
 11 A. Yeah.
 12 Q. Where was that?
 13 A. Looking at, whatever, 13 thingy.
 14 MS. LHAMON: Exhibit 13.
 15 THE WITNESS: I forgot that one. 16:37
 16 MS. LHAMON: You're very funny, Manuel.
 17 THE WITNESS: Towards the end of the year
 18 they were remodeling 125 through 129. They fenced
 19 that out. I don't know if it was through 129, but I
 20 know 125, 126 and maybe 127 were fenced out. And 16:38
 21 they were fixing the restrooms. They were fixing
 22 the restrooms as well.
 23 BY MR. LaCOMBE:
 24 Q. Sorry. You said what about the restrooms?
 25 A. They were fixing them too. They fenced 16:38

1 affected the way teachers teach. There's just too 16:35
 2 much students. You know, they don't have their own
 3 classrooms, they're not able to teach to their
 4 potential. They have to be thinking of other stuff,
 5 which is not thinking a hundred percent on teaching 16:35
 6 students. During break I always had to -- I'm
 7 walking, and then I turn around and I bang with
 8 someone else, with a lot of students.
 9 BY MR. LaCOMBE:
 10 Q. How that is that affected your education? 16:36
 11 MS. LHAMON: Again, that calls for expert
 12 testimony.
 13 THE WITNESS: I guess now it doesn't affect
 14 my education.
 15 BY MR. LaCOMBE:
 16 Q. Besides the teachers not having classrooms,
 17 which makes it so they can't teach up to that
 18 potential, are there any other ways that the
 19 overcrowding affects your ability to learn?
 20 MS. LHAMON: That mischaracterizes his 16:36
 21 testimony. He didn't say the only reasons that
 22 teachers couldn't teach to their potential was
 23 because they didn't have classrooms.
 24 THE WITNESS: Yeah, it affects me. What
 25 ways? 16:36

1 them. 16:38
 2 Q. Do you know which restrooms?
 3 A. The ones where 124 and 134 are. There's
 4 restrooms there that are shown on the map.
 5 Q. How long was that remodeling going on, if 16:38
 6 you know?
 7 A. Well, in the last day of school it was -- it
 8 wasn't the last day of school. Last couple days of
 9 school they're still -- this -- they're still
 10 remodeling. And of course room 63, that was the 16:38
 11 book room, and they tore that down and make it into
 12 a classroom.
 13 Q. 63?
 14 A. Yeah, by the library.
 15 Q. Have they started new construction? 16:39
 16 A. There?
 17 Q. Yeah.
 18 A. Yes, they have.
 19 Q. When did they tear down 63?
 20 A. I remember that. Exactly what day -- I 16:39
 21 remember we were doing our presentations for our --
 22 the thingy about Alcatraz, we were doing our
 23 presentation for that. We heard a lot of hammering
 24 going across the room, because we were in that room,
 25 64. 306 and 307, they got remodeling done as well. 16:39

1 And then 308 to 311, they fenced that down. And 16:39
 2 towards the end of the year it was still fenced
 3 down. And it's just a lot of construction going on.
 4 Q. Are 306, 307, 308, are those all classrooms?
 5 A. 306 through -- yeah, they are. They almost 16:40
 6 remodeled everything from, like Lincoln Street to
 7 Maple Street, like the bottom thingy.
 8 Q. The bottom right-hand --
 9 A. Yeah, they remodeled a lot from there.
 10 Q. All in the last year? 16:40
 11 A. Towards the end of the year I still saw some
 12 construction going on in some of the classes.
 13 Q. When you say "remodeling," do you know what
 14 is involved in the remodels?
 15 A. Well, in some of them, I saw some toilets 16:40
 16 outside by -- because they fenced that down, and
 17 they took down some sinks and the toilets. I don't
 18 know what they are redoing. They changed -- I don't
 19 know.
 20 Q. When you say that the classroom is fenced 16:41
 21 down, what do you mean?
 22 A. Yeah, you can't get to it because they fence
 23 it around. They kind of like barricade it so you
 24 don't walk in there because of the construction
 25 going on there, or remodeling. 16:41

1 A. Economics. 16:43
 2 MS. LHAMON: So is that "yes"?
 3 THE WITNESS: Yeah. Yes.
 4 MS. LHAMON: Thank you.
 5 THE WITNESS: Oops. 16:43
 6 BY MR. LaCOMBE:
 7 Q. Any other classes in those new portables?
 8 A. I don't know if you want to call that
 9 Biology -- Biology, oh -- Geometry where the cooler
 10 didn't work. I don't know if that relates to the 16:43
 11 electricity problems.
 12 Q. Was that in the same portable building?
 13 A. No, no, it wasn't.
 14 Q. What were the problems with the electricity
 15 that you refer to in the declaration? 16:43
 16 A. When my Economics class light sometimes
 17 wouldn't turn on. That's the major thing.
 18 Q. When you say "sometimes," how many times do
 19 you estimate the lights would not turn on?
 20 A. I'm not sure. 16:44
 21 MS. LHAMON: I think the question is vague.
 22 You mean it would be hard for him to know
 23 how many times people tried to turn the lights on?
 24 You can ask him how many days there were no lights,
 25 how many hours, how many class periods the lights 16:44

1 Q. To your knowledge, is any of the remodeling 16:41
 2 being done during school hours?
 3 A. Yeah, it is.
 4 Q. Does that make noise?
 5 A. Like I mentioned, it did when I was in 64, 16:41
 6 and they were hammering away in 63, taking down the
 7 wall.
 8 Q. Other than when they were taking -- other
 9 than when they were destroying 63 -- I'm talking
 10 about the remodeling that occurs in rooms 126 16:41
 11 through 129 and the remodels in 306 through 311.
 12 A. I'm not sure if it was through 129. I said
 13 it might have been. Well, I wasn't close to there,
 14 so I don't know.
 15 Q. Are you aware of any steps that are taken to 16:42
 16 minimize the noise of the construction?
 17 A. No, I'm not aware, no.
 18 Q. Paragraph 5 of your declaration,
 19 specifically the second paragraph -- excuse me, the
 20 second sentence that goes from lines 26 to 27, 16:42
 21 refers to some problems with the electricity in new
 22 portable classrooms.
 23 A. Mm-hmm.
 24 Q. Have you been in the new portable classrooms
 25 that you refer to in that sentence? 16:43

1 weren't on. 16:44
 2 BY MR. LaCOMBE:
 3 Q. Was there any time when you had an Economics
 4 class where there were no lights?
 5 A. Yeah, couple of times. Yeah, some few 16:44
 6 times.
 7 Q. Did that interfere with your ability to
 8 learn --
 9 MS. LHAMON: Calls --
 10 MR. LaCOMBE: -- in those days? 16:44
 11 MS. LHAMON: Excuse me. Calls for expert
 12 testimony.
 13 THE WITNESS: Well, I could work when there
 14 is no lights, but I don't know if the other students
 15 can. In my opinion, I don't know. 16:45
 16 BY MR. LaCOMBE:
 17 Q. When the lights wouldn't work, were there
 18 any lights at all in the classroom that did work?
 19 A. The light we get from the sun because of the
 20 windows. 16:45
 21 Q. You also state that some outlets did not
 22 work?
 23 A. Where did I state that? Outlets?
 24 Q. Yeah, it says --
 25 MS. LHAMON: "Outlets don't work." 16:45

1 THE WITNESS: (Witness examines document.) 16:45
 2 BY MR. LaCOMBE:
 3 Q. Please speak up, Manuel.
 4 A. Yeah, I'm trying to think.
 5 MS. LHAMON: We want all your pearls of 16:46
 6 wisdom on the record.
 7 THE WITNESS: Okay. I can't recall about
 8 the outlets.
 9 BY MR. LaCOMBE:
 10 Q. To your knowledge, were there any outlets in 16:46
 11 the portable classroom in the Economics class that
 12 did not work?
 13 A. I don't know. I didn't try them.
 14 Q. Did anybody ever tell you that one of more
 15 outlets in the Economics classroom didn't work? 16:46
 16 A. I didn't ask, so...
 17 Q. Do you know if the electricity problems in
 18 the Economics classroom had been repaired?
 19 A. Well, I had Economics second semester, so if
 20 they had been repaired, they'd been repaired just 16:47
 21 lately, so I don't know if they have.
 22 Q. When was the last time that the lights did
 23 not work in Economics class?
 24 A. Toward like the middle of the semester,
 25 second semester. 16:47

1 Q. Did you ever complain to anybody who works 16:47
 2 at the school about the lights not working in
 3 Economics?
 4 A. Unfortunately, I didn't.
 5 Q. Are you aware of any classrooms other than 16:47
 6 the Economics class where the lights did not work?
 7 A. Yeah, Sanchez, my Geometry class, but
 8 luckily we had windows.
 9 Q. How many times did the lights not work in
 10 Mr. Sanchez's class? 16:48
 11 MS. LHAMON: It's the same vagueness problem
 12 as to time. Do you mean how many days?
 13 MR. LaCOMBE: Yeah, how many days.
 14 THE WITNESS: Well, no, I can't recall.
 15 BY MR. LaCOMBE: 16:48
 16 Q. Was it more than once?
 17 A. Yeah.
 18 Q. Was it fewer than five times?
 19 A. I can't remember.
 20 Q. When the lights -- 16:49
 21 MS. LHAMON: I'm sorry, I don't think the
 22 record is going to reflect -- you didn't give an
 23 answer that was audible.
 24 THE WITNESS: I can't remember. I don't
 25 remember if it was less than five. It was more than 16:49

1 one, though. 16:49
 2 BY MR. LaCOMBE:
 3 Q. When the lights didn't work in the Economics
 4 class, were you able to read?
 5 A. Yes, thanks to the windows. 16:49
 6 Q. What about in your Geometry class; could you
 7 read when the lights were off in there?
 8 A. Yes, next to the windows.
 9 Q. Were you sitting next to the windows in your
 10 Economics class? 16:49
 11 A. Yes, I was.
 12 Q. What about in your Geometry class?
 13 A. Oh, where did I sit in my Geometry? I
 14 didn't sit far away from the windows, so I was
 15 pretty close. 16:49
 16 Q. Do you know if the other students in the
 17 classroom were able to read by the window light when
 18 the lights were not working in your Economics class?
 19 A. I don't know.
 20 Q. What about in your Geometry class? 16:50
 21 A. I don't know.
 22 Q. Do you know how many restrooms there are at
 23 your school?
 24 A. No. I don't.
 25 Q. Does it help if you look at Exhibit 13? 16:50

1 A. It will take a long time just trying to -- 16:50
 2 there's a lot. There's a lot that are not listed
 3 here.
 4 MS. LHAMON: When you say they're not listed
 5 here, you mean they're not listed in Exhibit 13? 16:50
 6 THE WITNESS: Yeah, Exhibit 13, it does not
 7 say "RR."
 8 BY MR. LaCOMBE:
 9 Q. Are you trying to recall how many?
 10 A. Mm-hmm. 16:51
 11 Q. Are you trying to recall how many restrooms
 12 there are, Manuel?
 13 A. There is a lot. There is a lot on there
 14 that is not listed.
 15 MS. LHAMON: You didn't have a question 16:51
 16 pending.
 17 MR. LaCOMBE: Oh, okay.
 18 Q. Do you know how many different bathrooms
 19 you've been in in Watsonville High School?
 20 A. Throughout my four years or -- 16:51
 21 Q. Yeah.
 22 A. I don't know no exact number, but I know --
 23 I got an idea.
 24 Q. What is that?
 25 A. Oh, man, there's a lot of them not listed 16:52

1 here. Seven -- well, nine, ten -- ten, eleven, more 16:52
 2 than eleven, if not eleven.
 3 Q. Are there any buildings on the campus that
 4 don't have restrooms on there, that you know of?
 5 MS. LHAMON: Are you including the 16:52
 6 maintenance buildings and the old school building,
 7 the field house, tennis courts? Are you including
 8 just the buildings with classrooms in your question?
 9 MR. LaCOMBE: I think just buildings with
 10 classrooms, but also I guess the cafeteria and 16:53
 11 library.
 12 MS. LHAMON: The gym in this case,
 13 presumably?
 14 MR. LaCOMBE: Gym in this case.
 15 THE WITNESS: I know that the 600s don't 16:53
 16 have a restroom. You have to go to -- you have to
 17 go to where the field house is by Lincoln Street, in
 18 that restroom. I see one. That's where you have to
 19 go.
 20 BY MR. LaCOMBE:
 21 Q. Are there any student restrooms in the block
 22 that is in the lower left-hand corner?
 23 A. Lower left?
 24 MS. LHAMON: What's the lower left-hand
 25 corner? What's the top and bottom of this map? 16:53

1 MR. LaCOMBE: Sorry. On the block that has 16:53
 2 the 600 buildings.
 3 THE WITNESS: No, there isn't no restroom
 4 right there. You have to go by where the C
 5 buildings are at to go to the restrooms there. 16:54
 6 BY MR. LaCOMBE:
 7 Q. Do you know which are the biggest restrooms
 8 at Watsonville High School?
 9 MS. LHAMON: By "biggest," I think it's
 10 vague to "biggest." You mean the restroom with the 16:54
 11 most toilets and urinal?
 12 MR. LaCOMBE: Yeah.
 13 THE WITNESS: I can't recall, but the
 14 cleanest ones are the ones that are by the office.
 15 BY MR. LaCOMBE:
 16 Q. Those are the cleanest ones?
 17 A. Yeah, the ones closest to the offices, yeah.
 18 Q. Where's the office?
 19 A. By Lincoln Street and B Street, main
 20 building, where it says "Social Studies." 16:54
 21 Q. Are the restrooms in that building?
 22 A. In the bottom -- there's two stories to that
 23 building.
 24 Q. Okay.
 25 A. It's in the first story. 16:55

1 Q. Is there more than one set of restrooms in 16:55
 2 that building?
 3 A. Well, inside the office there's more
 4 restrooms, but I don't think you could use those.
 5 Yeah, I'm not sure if you could use those. 16:55
 6 Q. The restrooms that are within the office
 7 that are the cleanest in the school, are those ones
 8 open to the students?
 9 A. Yes.
 10 Q. And let me return to the question: Which 16:55
 11 restrooms have the most toilets and urinals?
 12 A. I said I can't recall.
 13 Q. Are there any unisex restrooms?
 14 A. What do you mean by that?
 15 Q. Ones that both boys and girls share. 16:56
 16 A. In the office. But like I said, the nurse's
 17 office, there's one, but you have to be in the
 18 nurse's office to go into that one. You just can't
 19 walk in there and say, "I want to use your
 20 restroom." 16:56
 21 Q. The one that's in the office and the one
 22 that's in the nurse's office, you include that
 23 amongst the eleven that you mentioned before?
 24 MS. LHAMON: I think you're
 25 mischaracterizing his testimony. As I understood,

1 the nurse's office one is the one that's in the 16:56
 2 office.
 3 THE WITNESS: I didn't say exactly eleven; I
 4 said eleven or more.
 5 BY MR. LaCOMBE:
 6 Q. Any other unisex bathrooms that you know of?
 7 A. Not that I could recall.
 8 Q. Perhaps this is a strange question, but have
 9 you ever been, at any time, for any reason, in any
 10 of the girl's bathrooms at Watsonville High School? 16:56
 11 A. That is a crazy question. No, I haven't.
 12 MS. LHAMON: Thank you.
 13 THE WITNESS: Although sometimes I kind of
 14 wanted to because the men's -- for some reason the
 15 men's restrooms are closed and the women's are open 16:57
 16 in some of them.
 17 BY MR. LaCOMBE:
 18 Q. Let's look at paragraph 11. If you could
 19 review that, please.
 20 A. (Witness examines document.) 16:57
 21 Q. When was the last time you've been in a
 22 restroom at Watsonville High School?
 23 A. The last day of school. Actually, after
 24 graduating, June 8th, the day I graduated.
 25 Q. About how often do you go into the bathrooms 16:58

1 at Watsonville High School? 16:58
 2 A. In a day or --
 3 Q. In a day.
 4 A. Sometimes one, sometimes more than once.
 5 Sometimes I don't go at all. 16:58
 6 Q. Is there any particular restroom that's used
 7 more often than the others?
 8 MS. LHAMON: By Manuel or by anybody?
 9 MR. LaCOMBE: By Manuel.
 10 THE WITNESS: Yeah, with one that's by Maple 16:58
 11 Street, by 306 and number 13.
 12 BY MR. LaCOMBE:
 13 Q. Is that the same restroom that you used on
 14 June 8?
 15 A. No, because it was locked. That's the one 16:59
 16 that's always locked.
 17 Q. The one at --
 18 A. 306, the one in 306, by 306.
 19 Q. Okay.
 20 MS. LHAMON: Manuel, did you understand? 16:59
 21 Actually, could you read back the question?
 22 Not this one, but the most recent one before this
 23 one.
 24 (Record read.)
 25 MS. LHAMON: And you answered that was the 16:59

1 one by room 306? 16:59
 2 THE WITNESS: Yes.
 3 BY MR. LaCOMBE:
 4 Q. That's right. That's the one you used more
 5 often than others? 17:00
 6 A. I try to, yes. That's the first one you go
 7 to, yeah.
 8 Q. Why do you use that restroom more than the
 9 others?
 10 A. Because it's after lunch. That's when I 17:00
 11 have to go to the restroom.
 12 Q. Do you have a class nearby there after
 13 lunch?
 14 A. Yes.
 15 Q. Which restroom did you use on June 8th last 17:00
 16 time you used it?
 17 A. The one by 304 and 305 or 303, 304,
 18 somewhere in between there, 300 building, towards
 19 the end of the 300, 305, somewhere in there.
 20 Q. When you entered the restroom on June 8th, 17:00
 21 was it dirty?
 22 A. There was tagging right there on the wall.
 23 Q. Besides tagging, was the bathroom dirty in
 24 any other way?
 25 A. There's a couple of paper towels on the 17:01

1 floor. I can't recall. 17:01
 2 Q. When you say that the bathrooms are "dirty,"
 3 what do you mean specifically?
 4 A. Tagging, that's what makes it dirty. No
 5 paper towels. 17:01
 6 Q. No paper towels?
 7 A. Yeah. Most of the time when I try to use a
 8 restroom there hasn't been no paper towels.
 9 Q. When you went into the bathroom on June 8th,
 10 was there paper towels? 17:01
 11 A. I believe there was.
 12 Q. Do you know if there was toilet paper?
 13 A. I didn't check. No, I don't know.
 14 Q. The restrooms that are next to 306 and 307,
 15 when was the last time you went into those 17:02
 16 restrooms?
 17 A. I can't remember because I tried to go into
 18 those restrooms and they've been locked. So I can't
 19 remember a specific date.
 20 Q. The last time that you tried to get to that 17:02
 21 restroom, was the restroom locked?
 22 A. Well, yeah, I tried, yes, it was locked.
 23 Q. Where do you go if that restroom is locked?
 24 A. Sometimes I don't want to lose class time, I
 25 just go back to class and just wait. 17:02

1 Q. To the best of your knowledge, which 17:02
 2 restrooms have the most graffiti?
 3 MS. LHAMON: And we're talking here just
 4 about the boys' bathrooms?
 5 MR. LaCOMBE: Yeah. 17:03
 6 THE WITNESS: The one by 306, 307 and the
 7 ones by 304, 305.
 8 BY MR. LaCOMBE:
 9 Q. Are there any bathrooms, to your knowledge,
 10 boys' bathrooms that don't have any graffiti? 17:03
 11 A. Not to my knowledge.
 12 Q. Do you know why the bathrooms in the 304,
 13 305 next to 306, 307 have the most graffiti?
 14 A. Yeah.
 15 Q. Why is that? 17:03
 16 A. I don't think this is relevant to the case.
 17 I don't know if I should answer.
 18 MS. LHAMON: I appreciate that concern, but
 19 actually you should answer. It's okay. But you
 20 know -- well, let's say if your concern is it's 17:03
 21 irrelevant, you should answer. If your concern is
 22 that there's some discipline issue that you don't
 23 want to discuss, you and I could talk about that
 24 outside.
 25 THE WITNESS: Well, I'll answer. 17:04

1 MS. LHAMON: Okay. You're an easy client to defend. 17:04
 2 defend.
 3 THE WITNESS: Yeah, those ones, because
 4 that's where some gang members hang around.
 5 BY MR. LaCOMBE:
 6 Q. How do you know they're gang members?
 7 A. Because I know some of them.
 8 Q. Had you ever seen a bathroom that didn't
 9 have any toilet paper?
 10 MS. KAATZ: Objection as to vague. 17:04
 11 I'm assuming -- actually, it's ambiguous as
 12 to time, and I'm assuming as to Watsonville High
 13 School.
 14 MS. LHAMON: And the boys' bathrooms.
 15 MS. KAATZ: Okay. 17:05
 16 BY MR. LaCOMBE:
 17 Q. Watsonville High School, four years.
 18 A. Throughout the four -- oh. I have to think
 19 about that one. Whoa. Actually, yeah, when was
 20 that? 17:05
 21 Q. When was that?
 22 A. This year.
 23 Q. How many times?
 24 A. I only checked once.
 25 Q. I'm sorry, you were checking? 17:05

1 A. Yeah, luckily I didn't have to go. I just 17:05
 2 had to use it, but I didn't have to --
 3 Q. Why were you checking for toilet paper?
 4 A. Because I wanted to check the school
 5 conditions. That's when I knew about the lawsuit. 17:06
 6 Q. Which bathroom didn't have toilet paper?
 7 A. The one -- the one in the corner of Beach
 8 Street and Marchant Street in the corner of the
 9 paper, by 51.
 10 Q. Besides that time when you were checking 17:06
 11 this year in that restroom, was there any other time
 12 when you've been in a bathroom that didn't have
 13 toilet paper, to your knowledge?
 14 A. Not to my knowledge. Can't recall.
 15 Q. Do you know how long of a period of time the 17:06
 16 bathroom next to 51 didn't have toilet paper?
 17 A. No, I don't know. I don't know how long.
 18 Q. Did that bathroom have paper towels when you
 19 were in it, checking?
 20 A. No, it didn't. That bathroom rarely has 17:06
 21 paper towels.
 22 Q. When the bathroom doesn't have paper towels,
 23 what do you do?
 24 A. Well, I try to just shake it off, try to
 25 shake it off. That's it. Just move my hands around 17:07

1 so I could get dry. That's what I do. 17:07
 2 MS. KAATZ: I don't know if you're at a
 3 breaking point. I'd like to go off and take a break
 4 and talk about how much longer we're going to go.
 5 MR. LaCOMBE: Let's break. 17:07
 6 (Discussion off the record.)
 7 (Recess taken.)
 8 BY MR. LaCOMBE:
 9 Q. Let's go back on.
 10 Do you know how often the restrooms are 17:15
 11 cleaned?
 12 A. Every single restroom or a particular
 13 restroom?
 14 Q. Does it vary?
 15 A. I don't know when they're cleaned. 17:15
 16 Q. Have you ever seen the restrooms cleaned?
 17 A. Yeah.
 18 MS. LHAMON: That question is vague. Did
 19 you mean have you ever seen a clean restroom, or has
 20 he seen them in the act of being cleaned? 17:15
 21 MR. LaCOMBE: In the act of being cleaned.
 22 THE WITNESS: Yes, I have.
 23 BY MR. LaCOMBE:
 24 Q. When have you seen them being cleaned?
 25 A. Towards the end of the school day. 17:15

1 Q. Who cleans the restrooms? 17:15
 2 A. Janitors.
 3 Q. Do the janitors also stock the restrooms, if
 4 you know, with supplies?
 5 A. Yeah, they do. 17:16
 6 Q. Also toward the end of the day?
 7 A. I don't know if toward the end of the day.
 8 I'm not sure.
 9 Q. What kind of toilet paper is used in the
 10 restrooms? 17:16
 11 A. I don't know. I don't know what kind. What
 12 do you mean? What brand or --
 13 Q. Is it small rolls?
 14 MS. LHAMON: Are you asking if it's the
 15 institutional roll or like a roll like you use at 17:16
 16 home, toilet paper roll?
 17 THE WITNESS: It's a bigger roll.
 18 BY MR. LaCOMBE:
 19 Q. Are they set behind a plastic case?
 20 A. I'm not for sure if it's plastic or 17:16
 21 aluminum, metal, whatever. I'm not sure.
 22 Q. Do you know what kind of paper towels are
 23 used in the restrooms?
 24 A. No. The ones by the office, that one
 25 doesn't use paper towels. That one is like the 17:17

1 heater one. What are they called? 17:17
 2 MS. LHAMON: When you do hand things, the
 3 reporter can't write that down.
 4 THE WITNESS: That's why I was wondering if
 5 you guys could help me out with that one. 17:17
 6 BY MR. LaCOMBE:
 7 Q. A hand dryer?
 8 A. Yeah, that one, a hand dryer.
 9 Q. Are there any restrooms besides the one by
 10 the office that have a hand dryer? 17:17
 11 A. Not to my knowledge.
 12 Q. For the restrooms that use paper towels, are
 13 they on a roll?
 14 A. Yeah, they are. Yeah, they are, just -- we
 15 just turn them, turn them, turn them, then cut them 17:17
 16 off.
 17 Q. Is any soap provided for your hands in the
 18 restrooms?
 19 A. Well, this year, when I've been there, there
 20 hasn't been any soap. I don't know when was the 17:18
 21 last time they filled them with soap.
 22 Q. Are there soap containers?
 23 A. Some of them are missing. Some of them are
 24 there, they're just empty.
 25 Q. Do you know if those containers are for 17:18

1 liquid soap? 17:18
 2 A. Yeah, they're for liquid soap.
 3 Q. Is there any way to inform anybody who works
 4 at the school if there is no toilet paper in a
 5 restroom, that you know of? 17:18
 6 A. I don't know.
 7 Q. Have you ever complained to a person who
 8 works at the school that there's no toilet paper in
 9 a bathroom?
 10 A. I don't know because I haven't needed toilet 17:19
 11 paper, so...
 12 Q. Have you ever seen a toilet that doesn't
 13 work in a restroom at Watsonville High School?
 14 A. Yeah.
 15 Q. How many times? 17:19
 16 A. Couple of times.
 17 Q. Which restrooms were there toilets that did
 18 not work?
 19 A. In -- where is it at? By 306, 307.
 20 Q. Any other restrooms? 17:19
 21 A. By 304, 305.
 22 Q. Any other restrooms?
 23 A. Not that I could recall right now.
 24 Q. The restrooms by 306, 307, was there more
 25 than one toilet that did not work? 17:20

1 A. I don't know if it was more than one. I 17:20
 2 didn't try them both. I was just in there checking
 3 then, and that one didn't work, 306, 307, 304, 305.
 4 Q. When you say it doesn't work, what do you
 5 mean? 17:20
 6 A. You try to flush it, it wouldn't flush. It
 7 didn't work.
 8 Q. Have you ever seen a toilet overflowing in
 9 the restrooms at Watsonville High School?
 10 A. In all my four years, this year? 17:20
 11 Q. Throughout the four.
 12 A. Not that I could recall, no.
 13 Q. And the toilet that did not work in the
 14 building next to 304, 305, was it the same condition
 15 that you tried to flush it and it wouldn't flush? 17:20
 16 A. Yeah, yes.
 17 Q. Did you tell anybody who works at the school
 18 that the toilet next to 306, 307 did not work?
 19 A. No, I didn't.
 20 Q. What about the toilet next to 304, 305? 17:21
 21 A. No, I didn't. 30- -- oh, yeah.
 22 Q. Have you ever reported to a school official
 23 any problem relating to the restrooms?
 24 A. Yeah.
 25 Q. What was that? 17:21

1 A. To my teacher. 17:21
 2 Q. Which teacher?
 3 A. My Spanish teacher and my English teacher,
 4 and that's all I could recall right now.
 5 Q. What kind of a problem did you report to the 17:21
 6 Spanish teacher?
 7 A. The restroom wasn't even open.
 8 Q. And what about the English teacher?
 9 A. That there was no paper towels.
 10 Q. What was the reaction of the English teacher 17:21
 11 when you -- which English teacher was this?
 12 A. Yeah, from this year, Mr. Leikem.
 13 Q. What was Mr. Leikem's reaction when you told
 14 him there was no paper towels in the restrooms?
 15 A. He didn't have no reaction. 17:22
 16 Q. Were new paper towels put in the restroom
 17 after you told Mr. Leikem about the lack of paper
 18 towels?
 19 A. I didn't go back and check. I don't know.
 20 Q. Let's look at the second part of paragraph 17:22
 21 11, where you say that the bathrooms are locked.
 22 MS. LHAMON: Paragraph 11 of his
 23 declaration?
 24 MR. LaCOMBE: Yes.
 25 Q. You say there aren't enough bathrooms for 17:22

1 the students to use because many bathrooms are 17:22
 2 locked.
 3 Is there any other reason why there are not
 4 enough bathrooms for students other than the fact
 5 that the bathrooms are locked? 17:22
 6 MS. LHAMON: Calls for speculation because
 7 the fact that the bathrooms are locked may have
 8 impeded his ability to know.
 9 THE WITNESS: My opinion, I don't know. I
 10 don't think so. 17:23
 11 BY MR. LaCOMBE:
 12 Q. Since February 5th, 2001, the date you
 13 signed the declaration, have you ever tried to use a
 14 bathroom during class and it was locked?
 15 A. Yes. 17:23
 16 MS. LHAMON: Asked and answered.
 17 BY MR. LaCOMBE:
 18 Q. Was that the 306, 307 restroom?
 19 A. Yes.
 20 Q. Do you know of the bathroom being locked at 17:23
 21 any time during class time?
 22 A. I don't know, I don't know.
 23 Q. Have you ever seen a bathroom locked any
 24 time other than during class time?
 25 MS. LHAMON: Vague as to "seen." Are you 17:24

1 asking if he looked at a door and noticed if it's 17:24
 2 locked or actually tried a door and found it that
 3 way?
 4 THE WITNESS: You mean in the morning or
 5 after school? I don't understand that question very 17:24
 6 well. Could you rephrase it?
 7 BY MR. LaCOMBE:
 8 Q. Let me address what Catherine was talking
 9 about.
 10 When you say that the bathroom was locked, 17:24
 11 do you mean that the door is shut and you can't open
 12 the knob?
 13 A. That one doesn't have a knob, that one
 14 doesn't have a knob. You just usually, when the
 15 door is open, it's open; if it's closed, it's 17:24
 16 locked.
 17 MS. LHAMON: When you say that, which one
 18 are you referring to?
 19 THE WITNESS: 306, 307 and 30- -- I believe
 20 304 and 305 as well. 17:24
 21 BY MR. LaCOMBE:
 22 Q. Do you know why the bathrooms are locked?
 23 A. I'm not sure. I'm not sure if they're
 24 cleaning. I don't know.
 25 Q. Have you ever seen a bathroom locked during 17:24

1 lunchtime? 17:24
 2 A. I don't recall, I don't recall. I'm usually
 3 not there during lunchtime.
 4 Q. Where are you during lunchtime?
 5 A. Eating somewhere else, out of campus. 17:25
 6 Q. Have you ever seen a bathroom locked in
 7 between classes?
 8 A. Yes, same, 306, 307.
 9 Q. Any restrooms other than 306, 307 that
 10 you've seen locked in between class times? 17:25
 11 A. Yeah, the one by 124 and 134, there is some
 12 restrooms right there. Those have been locked as
 13 well, yeah, and number 13 in Exhibit 13.
 14 Q. Has there ever been a time, to your
 15 knowledge, when the restrooms for 306, 307 have been 17:25
 16 locked at the same time as the restrooms at 304,
 17 305?
 18 A. Yes.
 19 Q. How many times?
 20 A. A couple of times. More than twice. 17:26
 21 Q. Was that this year?
 22 A. Yes.
 23 Q. Both times?
 24 A. Yes.
 25 Q. Did the restrooms have any signs on them 17:26

1 when they're locked? 17:26
 2 A. No. Signs as to --
 3 Q. To indicate that they are locked.
 4 A. No.
 5 Q. Do you know how long the restrooms stay 17:26
 6 locked when they are locked?
 7 A. I don't know. I go check, they're locked, I
 8 don't come back, then we change periods. I don't
 9 know.
 10 Q. How has your education been affected by the 17:26
 11 dirty bathrooms, if at all?
 12 MS. LHAMON: Calls for expert testimony.
 13 THE WITNESS: By dirty bathrooms? In my
 14 opinion, when I've been wanting to go to the
 15 restroom by 51 and 53, in Exhibit 13, after I go, I 17:27
 16 can't dry my hands, I have to wait until my hands to
 17 dry to start doing my work, and that takes time off
 18 from the period. That makes it shorter time to
 19 finish the whole class work.
 20 BY MR. LaCOMBE: 17:27
 21 Q. Is there any way in which the graffiti in
 22 the bathrooms has affected your ability to learn?
 23 MS. LHAMON: Calls for expert testimony.
 24 THE WITNESS: My opinion, it hasn't, but the
 25 restroom shouldn't be like that. 17:27

1 BY MR. LaCOMBE:
 2 Q. Besides the time it takes to dry your hands,
 3 because presumably there are those paper towels, is
 4 there any other way in which your education has been
 5 affected because of the restroom conditions? 17:28
 6 MS. LHAMON: Calls for expert testimony.
 7 THE WITNESS: Well, when they're locked, it
 8 makes me go run around to look for open restroom and
 9 that also takes time as well for my class. I guess
 10 shorter time to finish my work. 17:28
 11 BY MR. LaCOMBE:
 12 Q. Any other ways?
 13 A. Not that I could recall.
 14 Q. In your opinion, what are the good qualities
 15 about Watsonville High School? 17:29
 16 A. My opinion?
 17 Q. Mm-hmm.
 18 A. There's a lot of good friends right there.
 19 All the teachers that I have, they been wonderful
 20 teachers. They just don't teach, you know, they 17:29
 21 want to be your friends. They care about you. They
 22 care about your education, as well as the staff. I
 23 don't know. They're just a lot of -- I just feel
 24 like when I go there, if -- you know, if I'm having
 25 trouble with something, I could rely on one of my 17:29

1 friends or on one of my teachers to help me out, 17:29
 2 solve my problem or whatever.
 3 And it just makes me mad to see my teacher
 4 move from classroom to classroom when they're -- you
 5 know, even though they're not getting paid a lot, 17:30
 6 they're still there trying to teach us, and we can't
 7 even -- the State can't even provide them their own
 8 room. See, because they're giving me the knowledge
 9 of learning different stuff, and the State of
 10 California is doing very little to give them 17:30
 11 something to work with us.
 12 Q. When you say that you have good friends at
 13 Watsonville High School, are you referring to your
 14 teachers?
 15 A. Teachers as well as class friends at school, 17:30
 16 students, staff. Mostly everybody at school.
 17 Q. Are there any other good qualities to
 18 Watsonville High School besides those that you
 19 listed?
 20 A. Yeah. I could say that even though the 17:31
 21 teachers don't have their equipment and all their
 22 stuff, they should have. We've got some of the best
 23 teachers around. If I could pick out a best teacher
 24 throughout my high school, four years of high
 25 school, they're all great. 17:31

1 Q. Do you know if any of your teachers are not 17:31
 2 fully accredited?
 3 A. I'm not -- I don't know. I don't know.
 4 Q. Do you know any of your teachers at all if
 5 they have -- if they're not fully accredited? 17:32
 6 MS. LHAMON: Asked and answered.
 7 THE WITNESS: I don't know. Yeah, I don't
 8 know.
 9 BY MR. LaCOMBE:
 10 Q. What do you think are the qualities that 17:32
 11 make a good teacher?
 12 A. Well, first, just besides being a teacher,
 13 being your friend. If you have a teacher that could
 14 be your friend, you can count on him. He could --
 15 if you're having trouble with something, he could 17:32
 16 help you out, he could teach you. You could stay
 17 after class, and he could teach you something if you
 18 don't understand it. What else could be good
 19 quality of a teacher?
 20 Well, yeah, even though they don't -- like I 17:32
 21 said, they don't have their proper materials,
 22 they're trying their best to teach us, they're
 23 trying their best. My teacher, Ms. Carr, she even
 24 put some of her money to buy stuff for us because
 25 she wants us to learn how to draw. She really cares 17:33

1 about us. 17:33
 2 Q. Are there any other qualities that make a
 3 good teacher?
 4 A. Yeah. They should be strict once in a
 5 while. 17:33
 6 Q. What do you mean by "strict"?
 7 A. Yeah, she should expect a lot from us,
 8 because that's how it's going to be in college.
 9 It's just not going to be a stroll in the park when
 10 we go to college. 17:33
 11 Q. Anything else?
 12 A. Not that I could think of right now.
 13 Q. You said that all of your teachers are your
 14 friends?
 15 A. Yes.
 16 Q. So is it fair to say that all of your
 17 teachers have that first quality of being a friend
 18 which makes a good teacher?
 19 A. Yes.
 20 Q. Do you believe that all of your teachers are 17:34
 21 strict enough?
 22 A. They're not all that strict enough. Some of
 23 them are.
 24 Q. Are there any in particular that are not
 25 strict enough? 17:34

1 A. There's a couple of them that jump out. 17:34
 2 Q. Which ones are those?
 3 A. Ms. Collazo, my Spanish teacher, and
 4 Ms. Mendez, my Government teacher, and also
 5 Mr. Manildi, my Physical Science teacher. 17:34
 6 Q. And the second quality that you described
 7 was that they try their best to teach.
 8 Are there any teachers that you think lack
 9 that quality at Watsonville?
 10 A. In my opinion, no, because -- or else they 17:34
 11 wouldn't be there. Some of my teachers told me, "If
 12 it would be for the money, I wouldn't be here. I'm
 13 here because I want to teach you guys." They're
 14 trying their best to teach us.
 15 Q. To your knowledge, does every classroom have 17:35
 16 an air conditioning unit?
 17 A. I don't know, I don't know.
 18 Q. Besides the classrooms that we discussed
 19 earlier, are there any other classes that -- where
 20 the air conditioning unit has not been functioning? 17:35
 21 MS. LHAMON: Objection; it's overbroad.
 22 Manuel hasn't been in every class in the school.
 23 BY MR. LaCOMBE:
 24 Q. Yeah.
 25 The classes that you've taken. 17:35

1 MS. LHAMON: Thank you. 17:35
 2 THE WITNESS: Well, like I said earlier, my
 3 Geometry class, sometimes it works, sometimes it
 4 didn't. Yeah, I can't recall from the whole four
 5 years. Oh, yeah, I don't think we have one in the 17:36
 6 Spanish class. Yeah, I don't think we do.
 7 BY MR. LaCOMBE:
 8 Q. There's no unit at all, there's no air
 9 conditioning at all?
 10 A. That's what I'm trying to imagine, the four 17:36
 11 walls. Yeah, there isn't.
 12 Q. What happens, if anything, when an air
 13 conditioning unit is broken?
 14 MS. LHAMON: Vague as to "happens."
 15 THE WITNESS: I don't know. I haven't been 17:36
 16 there. I don't know. I guess they fix it. I'm not
 17 sure. I can't guess.
 18 BY MR. LaCOMBE:
 19 Q. Have you ever seen an air conditioning unit
 20 being repaired at Watsonville High School? 17:36
 21 A. Throughout my four years or this year?
 22 Q. Yeah. Four years.
 23 A. Air conditioner, I don't think so. Yeah, I
 24 don't think so.
 25 MS. KAATZ: Are you done? 17:37

1 MR. LaCOMBE: Why don't you take over. I'm 17:37
 2 going to look over my outline if I have anything
 3 else. I think we're pretty close.
 4 MS. LHAMON: Thank you.
 5
 6 EXAMINATION
 7 BY MS. KAATZ:
 8 Q. Were you ever, in your four years at
 9 Watsonville High School, unable to check out a
 10 textbook for the night because there were no more 17:37
 11 textbooks available?
 12 MS. LHAMON: Asked and answered.
 13 THE WITNESS: In any class?
 14 BY MS. KAATZ:
 15 Q. Yes. 17:38
 16 A. In my -- what class is that -- Government
 17 class, like I stated earlier, there's only like 30,
 18 35 books, where we're way more than that, so...
 19 Q. My question, though, is whether or not -- I
 20 understand your testimony is that every kid in the 17:38
 21 school couldn't take one home at night.
 22 What I'm asking is if you personally ever
 23 tried to check out a book, a textbook to take home
 24 for the night and were told that there were no more
 25 books available? 17:38

1 MS. LHAMON: And I have the same objection, 17:39
 2 because he's testified to at least one class in
 3 which he was unable to take the book home after
 4 asking the teacher if he could, one, because the
 5 teacher told him there were no books. 17:39
 6 MS. KAATZ: I think that misstates the
 7 testimony, so I'd like for you to answer.
 8 THE WITNESS: Throughout the four years,
 9 this year, there was vacation, but my teacher did
 10 let me take it, special occasions she did let me 17:39
 11 take it, Spanish class.
 12 BY MR. KAATZ:
 13 Q. So there was a book available for you to
 14 take home on that -- on that occasion?
 15 A. Yeah, but the deal was that I had to bring 17:40
 16 it back the next day.
 17 Q. Besides the occasion where a teacher made a
 18 special -- gave you special permission to take a
 19 book home for the night, was there ever a time when
 20 you went to try to check out a book only for the 17:40
 21 night but were told that there were just no more
 22 textbooks available?
 23 A. Not that I could recall.
 24 Q. In the classes -- I'm going to ask a
 25 question about the classes where you use class sets 17:40

1 only, but you didn't have any book of your own to 17:40
 2 take home at night. Okay?
 3 Did any of your teachers in the four years
 4 that you were at Watsonville High School ever tell
 5 you that there were books available in the library 17:41
 6 to check out for the night?
 7 A. No, they didn't tell me.
 8 Q. And again, in classes where you use class
 9 sets, in the four years that you were at Watsonville
 10 High School, did any of your teachers ever tell you 17:41
 11 that you could check out textbooks from the book
 12 room to take home overnight?
 13 A. No, not to my knowledge, yeah, not to my
 14 knowledge, but I talked to Ms. Mendez about that
 15 when she told me they don't have books in the 17:41
 16 library to where they keep the books in the book
 17 room. And -- yeah.
 18 Q. If Ms. Mendez was specific enough, she did
 19 say there were no books in the library for the
 20 course that she teaches or that there weren't any 17:42
 21 for any of the classes?
 22 A. Any, for any of the classes.
 23 And again, can I make a comment?
 24 Q. Of course.
 25 A. Like, I don't know if I stated this today or 17:42

1 last time. We shouldn't have to be running around. 17:42
 2 We should -- they should provide it for us. It just
 3 makes me mad that they expect us to be going running
 4 around looking at this place, looking at that place.
 5 It shouldn't have to be that way. If they care 17:42
 6 about our education, give us what we need, right.
 7 Q. Exhibit 1 was the first amended complaint.
 8 Actually I think my page beginning is off, but in
 9 the first amended complaint which you've testified
 10 that you've seen, it says, quote, Students have to 17:43
 11 stand or sit on tables for weeks, unquote. That's
 12 in paragraph 145.
 13 In what classes --
 14 A. Yeah, I remember that.
 15 Q. You remember that? 17:43
 16 A. Yeah.
 17 Q. In what classes, if any, did students during
 18 those weeks that you talked about not ever have a
 19 desk or a chair to sit in?
 20 A. In what class? 17:43
 21 MS. LHAMON: Objection; asked and answered,
 22 at least as to some classes.
 23 THE WITNESS: I stated that last time. In
 24 my Government class, I personally had to stand up as
 25 well. I gave my seat to another girl. 17:43

1 MR. KAATZ: That's all I have. 17:43
 2
 3 FURTHER EXAMINATION
 4 BY MR. LaCOMBE:
 5 Q. We left Health class aside. 17:43
 6 A. Oh, yeah.
 7 Q. And that's it. It shouldn't take very long.
 8 A. Yeah. Uh-oh. Help, help.
 9 Q. Have you remembered Health class yet?
 10 A. No. I wish I could at least get the 17:44
 11 teacher's name. Yeah, I don't want to get them
 12 confused.
 13 Q. More important than the teacher's name is to
 14 know about the instructional materials, if any, that
 15 you used in that class. 17:44
 16 Were there any instructional materials used
 17 in that class?
 18 A. Well, that's why I'm confusing that one and
 19 Career Home Economics, because I remember that
 20 Health was the one where we studied about the -- oh, 17:44
 21 yeah, that's where we studied about the sex thingy
 22 and the -- I don't remember if we had a book in
 23 there or not. I don't remember.
 24 Q. Other than books, any other materials that
 25 you recall for Health? 17:45

1 A. Photocopies, yeah, yeah. 17:45
 2 Q. Do you have any recollection of how many
 3 students there were in that class?
 4 A. More than 20, I can state that.
 5 Q. Was there a chair and desk for every student 17:45
 6 in that class?
 7 A. Yeah, I can't remember.
 8 Q. And you got a [REDACTED] in that class. Do you know
 9 why you got a [REDACTED]
 10 A. That's the grade I deserved. 17:46
 11 Q. Again, why did you deserve that grade, if
 12 you know?
 13 A. Because I didn't do perfect on my tests.
 14 Yeah, we had a lot of tests.
 15 MS. LHAMON: Manuel, remember that you only 17:46
 16 want to say what you can actually remember. You
 17 don't want to be guessing.
 18 THE WITNESS: No, I remember that, we had
 19 tests, and I didn't do too well on them.
 20 BY MR. LaCOMBE:
 21 Q. Did you complete all your homework for
 22 health?
 23 A. Not all of it.
 24 Q. Why didn't you complete all your homework?
 25 A. I can't remember. Probably because it's 17:46

1 sports. I don't know. 17:46
 2 Q. Do you remember what classroom it was in?
 3 A. Yeah, I got an idea, but I don't know
 4 exactly. It's somewhere -- I think it might have
 5 been 311, somewhere between 312 and 310, somewhere 17:46
 6 in between there. I'm sorry. There we go. I
 7 remember more things now.
 8 Q. Okay. What do you remember now?
 9 A. I remember a guest speaker coming into the
 10 class telling us why we shouldn't smoke. 17:47
 11 Q. Do you remember anything about the materials
 12 that were used in the class now?
 13 A. Well, that day when that lady came to talk
 14 about smoking, the teacher gave us a little
 15 thingy -- a little presentation of what smoke can do 17:47
 16 to your lungs. That's what -- she used that. She
 17 used the overhead, or was it a -- they used an
 18 overhead. I can't remember the rest, I can't
 19 remember the rest.
 20 Q. You'll be getting the deposition transcript, 17:48
 21 and if you do something -- if you do recall whether
 22 or not you had a textbook --
 23 A. Yeah.
 24 Q. -- that you could take home in that class, I
 25 would appreciate that you would comment on that. 17:48

1 education, all we could do is go work in the fields, 17:49
 2 get some of them low paying jobs. And we don't want
 3 the U.S. to be like this. We want to move along, move
 4 forward. And hopefully they will win this case, and
 5 they'll give us what we need to go along. 17:49
 6 I really want that kid to go and be a
 7 teacher if that's his dream. If there's kids that
 8 want to be astronauts, why should the State of
 9 California, them guys, shatter their dreams? They
 10 should help them out with their dreams. 17:50
 11 That's it. I don't want to cry.
 12 MR. LaCOMBE: Okay.
 13 Make the same stipulations as last time, the
 14 15 days.
 15 MS. LHAMON: I didn't hear the stipulation 17:50
 16 last time, but I'm prepared to make a stipulation.
 17 MR. LaCOMBE: We're going to do 15 days.
 18 (Discussion off the record.)
 19 MR. LaCOMBE: Let's enter the same
 20 stipulation as we had last time, where the witness 17:51
 21 will have 15 days from the date of the court
 22 reporter's transmittal letter to Catherine Lhamon,
 23 this time, to sign and correct the deposition,
 24 otherwise the stipulation should read as it was in
 25 the first day of the deposition. 17:51

1 A. Okay. 17:48
 2 Q. I think that's it.
 3 MS. LHAMON: Timely, since our lights just
 4 went off.
 5 THE WITNESS: Yeah. Could I make one last 17:48
 6 comment?
 7 BY MR. LaCOMBE:
 8 Q. Yes, you may.
 9 A. Because I want the State of California guys
 10 to hear this. 17:48
 11 Q. Okay.
 12 A. This is pretty hard. Well, if they really
 13 care about us, it won't hurt them to give us what we
 14 need. That little kid that -- from the press
 15 conference in LA, he needed a book. There's a lot 17:48
 16 of kids that need books. How does that hurt
 17 California to provide that for us? I think there's
 18 enough money out there to give us what we need.
 19 Isn't education the number one priority? It should
 20 be the number one priority on the list. They should 17:49
 21 give us what we need, because without education, we
 22 don't got a future. That's basically it.
 23 All I'm asking is just give us the books we
 24 need, proper facilities, and we'll try our best to,
 25 you know, come out on top. Because without 17:49

1 MS. LHAMON: Okay. I stipulate. 17:51
 2 MS. KAATZ: So stipulated.
 3 (TIME NOTED: 5:51 P.M.)
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I declare under penalty of perjury
under the laws of the State of California
that the foregoing is true and correct.
Executed on _____, 20____,
at _____.

SIGNATURE OF THE WITNESS

IN WITNESS WHEREOF, I have subscribed my name
this 27th day of June, 2000.

SUZANNE I. ANDRADE, CSR No. 10682

STATE OF CALIFORNIA)ss.
CITY OF COUNTY OF SAN FRANCISCO)

I, SUZANNE I. ANDRADE, C.S.R. No. 10682, do hereby
certify:

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

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

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

I N D E X
VOLUME II

SUNDAY, JUNE 10, 2001

WITNESS EXAMINATION
MANUEL ORTIZ

(By Mr. LaCombe)	218, 293
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DEPOSITION EXHIBIT
MANUEL ORTIZ

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NUMBER	DESCRIPTION	IDENTIFIED
13	Watsonville High School map, Bates No. DT-PV 00824	246