

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

ELIEZER WILLIAMS, et al., )

Plaintiffs, )

vs. )

No. 312 236

STATE OF CALIFORNIA, DELAINE )

EASTIN, State Superintendent )

Of Public Instruction, STATE )

DEPARTMENT OF EDUCATION, )

STATE BOARD OF EDUCATION, )

Defendants. )

----- )  
STATE OF CALIFORNIA, )

Cross-Complainant, )

vs. )

SAN FRANCISCO UNIFIED SCHOOL )

DISTRICT, et al., )

Cross-Defendants. )

----- )  
DEPOSITION OF RICHARD RAMIREZ

San Francisco, California

Monday, May 28, 2001

Volume I

Reported by:

PATRICIA C. STEPHENS

CSR No. 10058

JOB No. 848158

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2 CITY AND COUNTY OF SAN FRANCISCO

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14 DEPARTMENT OF EDUCATION, )  
15 STATE BOARD OF EDUCATION, )  
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17 Defendants. )

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25 SAN FRANCISCO UNIFIED SCHOOL )  
DISTRICT, et al., )  
Cross-Defendants. )

Deposition of RICHARD RAMIREZ,  
Volume 1, taken on behalf of  
Defendant/Cross-Complainant State of  
California, at 275 Battery Street, 26th  
Floor, San Francisco, California, beginning  
at 10:01 a.m. and ending at 2:44 p.m.,  
before PATRICIA C. STEPHENS, Certified  
Shorthand Reporter No. 10058.

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23 Also Present:  
24 ANA ARAYA  
25

1 San Francisco, California, Monday, May 28, 2001  
2 10:01 a.m. - 2:44 p.m.  
3  
4 RICHARD RAMIREZ,  
5 having been first duly sworn, was examined and testified  
6 as follows:

7 EXAMINATION  
8 BY MR. SIMMONS:  
9 Q Good morning, Mr. Ramirez. My name is Shaun  
10 Simmons, and I'm an attorney representing the State of  
11 California in this litigation.  
12 Would you please state and spell your full name  
13 for the record.  
14 A Richard Ramirez, R-a-m-i-r-e-z. Richard,  
15 R-i-c-h-a-r-d. Ramirez, R-a-m-i-r-e-z.  
16 MS. LHAMON: That's great.  
17 MR. SIMMONS: How would you like me to address  
18 you today; do you want to go by Mr. Ramirez, Richard or  
19 something else?  
20 A I would prefer Richie better.  
21 Q Have you ever had your deposition taken before?  
22 A No.  
23 Q Do you know what a deposition is?  
24 A No.  
25

1 Q That's fine. I'll try and take a few minutes to  
 2 explain what it will be.  
 3 Next to us here is a court reporter, and what  
 4 she does is she transcribes what you and I say today.  
 5 MS. LHAMON: And that means that she writes it  
 6 down.  
 7 BY MR. SIMMONS:  
 8 Sorry.  
 9 Q Do you understand that you're under oath today?  
 10 A No.  
 11 Q That means that when the court reporter asked  
 12 you to raise your right hand and to tell the truth,  
 13 that's an oath; do you understand that?  
 14 A Um-hum, yes.  
 15 Q And you understand that the oath requires you to  
 16 tell the truth the same as the oath that you have taken  
 17 here today is the same way if you would -- if you took  
 18 the oath in a court of law?  
 19 A Yes.  
 20 Q And that means you're under a thing called the  
 21 penalty of perjury, which means if you lie, you could get  
 22 in trouble.  
 23 A Yes.  
 24 MS. LHAMON: Do you understand that?  
 25 THE WITNESS: Yes.

1 BY MR. SIMMONS:  
 2 Q We don't have to worry about that though, right?  
 3 A No.  
 4 Q And you are doing a good job of this, but we  
 5 have to remember throughout the course of the deposition  
 6 today that we have to say everything that we want the  
 7 court reporter to be able to put down in writing. So if  
 8 I ask you a question, you can't shake your head or nod.  
 9 You have to say yes or no; do you understand that?  
 10 A Yes.  
 11 Q And also it's hard for the court reporter to  
 12 write down what we say if we talk at the same time, so if  
 13 you will let me finish my question before you answer,  
 14 I'll always let you finish your answer before I make  
 15 another question; do you understand that?  
 16 A Yes.  
 17 Q And it's important that you listen carefully to  
 18 the question and do your best to understand it, okay?  
 19 A Okay.  
 20 Q And if you don't understand my question, just  
 21 let me know and I'll try and rephrase it in a way that  
 22 will help you understand it better, okay?  
 23 A Okay.  
 24 Q If you don't understand my question, it's  
 25 important that you let me know you don't understand the

1 question because if you answer the question, then we'll  
 2 just assume that you understood what I was asking, okay?  
 3 A Okay.  
 4 Q And we ask that you basically give your answers  
 5 to the best of your ability. We don't want you to guess,  
 6 but if you can estimate an answer, we would like you to  
 7 do that.  
 8 Do you know what the difference between a guess  
 9 and an estimate is?  
 10 A Umm, no.  
 11 Q Okay. A guess is something that you don't  
 12 really have any basis for why you give the answer you  
 13 gave. An estimate is kind of an approximation. It's  
 14 an --  
 15 MS. LHAMON: Richie, it's like you're guessing  
 16 if you have no idea and you pick something out of the  
 17 air. And if you estimate, you have an idea but you're  
 18 not really sure. So you don't know if something is  
 19 exactly what you say or close to what you say.  
 20 THE WITNESS: Okay.  
 21 BY MR. SIMMONS:  
 22 Q So if we asked you say how many things were in a  
 23 room, and you thought it was about five but you weren't  
 24 sure exactly whether it was three or seven, you can  
 25 estimate it to be five. But if you just don't know and

1 don't have any idea, then you can just say I don't know.  
 2 A Okay.  
 3 Q Now, after the reporter writes down everything  
 4 that we say here today, you will receive a booklet, and  
 5 it will show what you and I said today.  
 6 A Okay.  
 7 Q And you're entitled to make changes to what you  
 8 said today so that it will reflect what you believe the  
 9 answer that you gave should be. But we just want you to  
 10 know that if you do make changes, the attorneys in this  
 11 case will be able to talk about the changes that you made  
 12 to the court, okay?  
 13 A Okay.  
 14 Q And if you need a break for any reason today,  
 15 just let us know, okay?  
 16 A Okay.  
 17 Q We don't have to go until you're just too tired  
 18 that you don't want to be here anymore, okay?  
 19 A Okay.  
 20 Q And also you saw that we have the sodas and the  
 21 waters over there.  
 22 A Yes.  
 23 Q And if you feel like you need one of those, just  
 24 let us know and we can get you one or you can good over  
 25 and get one for yourself.

1 A Okay.

2 Q The only thing with respect to the breaks is  
3 that if I ask you a question and you feel like you need a  
4 break, we would like for you to answer the question first  
5 and then we'll take a break, okay?

6 A Okay.

7 Q And if at any point during today you remember  
8 something else about a question that I asked you, and you  
9 want to change or add to your answer, just let me know at  
10 any point and we'll go right back to it, okay?

11 A Okay.

12 Q And that's important, too, because if you don't  
13 let me know that you want to add something or change  
14 something, then we'll just assume at the end of the day  
15 that you gave the full answer to the question; do you  
16 understand that?

17 A Yes.

18 Q Do you understand the rules that we've talked  
19 about so far?

20 A Yes.

21 Q Do you have any questions?

22 A No.

23 Q Is there any reason why you might not be able to  
24 give your best testimony today?

25 MS. LHAMON: Do you know what testimony is?

1 A No.

2 Q Did you talk to them on the phone at all?

3 A Oh, yeah.

4 Q When did you do that?

5 A Like -- I don't know. I forgot.

6 Q Do you know whether it was -- was it yesterday?

7 A No.

8 Q Could it have been -- was it within the last  
9 week, do you think?

10 A No.

11 Q Was it longer than a week ago?

12 A Yes.

13 Q And longer than two weeks ago?

14 A Yes.

15 Q Was it within this month?

16 A Umm, no.

17 Q So you haven't talked to your lawyers at all  
18 this month except for the meeting downstairs?

19 A Oh, yes.

20 Q And how long did your meeting downstairs last?

21 A Ten minutes.

22 Q And who was at that meeting?

23 A Catherine and Lois.

24 Q And then I assume that -- was your aunt, Ms.

25 Araya there -- was that right?

1 THE WITNESS: I don't understand your question.

2 BY MR. SIMMONS:

3 Q Okay. Is there any reason today that when I ask  
4 you questions, you wouldn't be able to give your best  
5 answer to those questions today?

6 A No.

7 Q And have you recently consumed any medication or  
8 other substance that might affect your ability to answer  
9 the questions today?

10 A Umm, no.

11 Q Do you suffer from any disability of any kind  
12 that might affect your ability to answer questions today?

13 A I don't understand the question.

14 Q Okay. Do you have anything that makes it hard  
15 for you to understand me and then give an answer back to  
16 me?

17 A No.

18 Q What did you do to prepare for the deposition  
19 today?

20 A Nothing.

21 Q Did you meet with your attorneys at all before  
22 you came today?

23 A Downstairs.

24 Q Did you meet with them at any other time about  
25 the deposition today?

1 MS. ARAYA: Yes.

2 THE WITNESS: Yes.

3 BY MR. SIMMONS:

4 Q Was your brother there?

5 A Yes.

6 Q What's your brother's name?

7 A Carlos.

8 Q Was there anybody else at the meeting?

9 A My cousin Angelica.

10 Q Can you spell your cousin's name?

11 A No.

12 Q Did you look at any documents before you came in  
13 preparation for the deposition?

14 A No.

15 MR. SIMMONS: I'm just going to show you one  
16 document here. Do you want to stipulate that that's the  
17 First Amended Complaint.

18 MS. LHAMON: I will but it's a red-lined version  
19 which none of the kids would have seen.

20 BY MR. SIMMONS:

21 Right.

22 Q Do you know whether you ever saw that document?

23 MS. LHAMON: Or something that looks like it?

24 THE WITNESS: Yeah, something that looks like  
25 it.

1 BY MR. SIMMONS:  
 2 Q Do you know when you saw the thing that looked  
 3 like this document?  
 4 A No.  
 5 Q Would it have been within a week, do you think?  
 6 A I don't know.  
 7 MS. LHAMON: Shaun, if we can take a quick  
 8 break, if that's okay?  
 9 MR. SIMMONS: Okay.  
 10 (Brief break.)  
 11 BY MR. SIMMONS:  
 12 Q Welcome back, Richie. Do you remember anything  
 13 about meetings with your lawyers now?  
 14 A Umm, I remember like two weeks ago they came to  
 15 our house and we were talking and --  
 16 MS. LHAMON: And that you remember that you  
 17 shouldn't talk about what we said to you. You can talk  
 18 about when we came and how many people were there. You  
 19 can say those things, but you shouldn't say what we said  
 20 to you because that's private between you and me.  
 21 THE WITNESS: And my aunt, my cousin and my  
 22 brother was there. And Catherine and Lois.  
 23 BY MR. SIMMONS:  
 24 Q And do you know about how long the meeting  
 25 lasted?

1 A Umm, I would say about 45 minutes.  
 2 Q Is that the only meeting that you can remember  
 3 having with your lawyers to prepare for the deposition  
 4 today?  
 5 A Umm, yes.  
 6 Q Other than talking with your lawyers about what  
 7 you -- about the deposition today, did you have any  
 8 conversations with anybody else?  
 9 A Umm, no.  
 10 Q Did you talk about it with your brother at all?  
 11 A Umm, I talked about it with my auntie.  
 12 Q So with your aunt, who is Ms. Araya?  
 13 A Yes.  
 14 Q And so you can remember talking with your aunt.  
 15 You can't remember whether you ever spoke with your  
 16 brother, Carlos?  
 17 A Yes, I spoke with him before. He just kept on  
 18 saying -- I spoke with my brother, Carlos.  
 19 Q So you spoke with your aunt, you spoke with your  
 20 brother; did you speak with any other kids at your school  
 21 about the deposition?  
 22 A No.  
 23 Q Did you speak with any teachers at your school  
 24 about the deposition?  
 25 A Umm, my brother's teacher. Her name was Ms.

1 Malabed.  
 2 Q So it looks like you had conversations about the  
 3 deposition with your aunt, your brother, Carlos and Ms.  
 4 Malabed?  
 5 A Yes.  
 6 Q Can you remember any other conversations?  
 7 A No.  
 8 Q When did you have your conversation with your  
 9 aunt?  
 10 A Last week.  
 11 Q How long did the conversation last for?  
 12 A A half an hour.  
 13 Q Where were you when you had the conversation?  
 14 A I forgot.  
 15 Q Do you remember whether there was anyone else  
 16 there with you?  
 17 A No.  
 18 Q It was just you and your aunt?  
 19 A I forgot.  
 20 Q Do you remember what you talked about with your  
 21 aunt?  
 22 A No.  
 23 Q But it was about the deposition?  
 24 A Yes.  
 25 Q You talked with your brother, Carlos?

1 A Yes.  
 2 Q When did you do that?  
 3 A I forgot.  
 4 Q What -- do you know whether it was -- was it  
 5 within the last week?  
 6 A Yeah.  
 7 Q And how long did you talk with Carlos for?  
 8 A Five minutes.  
 9 Q And do you remember what you guys talked about?  
 10 A No.  
 11 Q But it was about the deposition?  
 12 A Yes.  
 13 Q When did you have your conversation with Ms.  
 14 Malabed?  
 15 A It was last week.  
 16 Q Was there anyone else there other than you and  
 17 Ms. Malabed?  
 18 A And my brother, Carlos was there.  
 19 Q How long did you guys talk for?  
 20 A Umm, 30 minutes.  
 21 Q Where did you guys have your conversation?  
 22 A Inside my brother's classroom.  
 23 Q Is Ms. Malabed the teacher for your brother?  
 24 A Yes.  
 25 Q Do you remember what you guys talked about?

1 A No.

2 Q So we have the conversations with your aunt,  
3 Carlos, Ms. Malabed and your brother at the same time,  
4 and then your two meetings with your lawyers, one that  
5 occurred this morning, and then one that occurred about  
6 two weeks ago?

7 A Yeah.

8 Q And can you think of any other conversations you  
9 might have had with anyone about the deposition?

10 A No.

11 MR. SIMMONS: I have a document here titled,  
12 "Defendant's Notice of Deposition of Plaintiff Richard  
13 Ramirez and Request for Production of Documents."

14 Can we mark this as Exhibit 1.

15 (Defendant's Exhibit Number 1

16 was marked for identification

17 by the court reporter.)

18 BY MR. SIMMONS:

19 Q Will you take a look at the document that I just  
20 handed you. Have you ever seen that document?

21 A No.

22 Q Did Catherine or Lois or any other attorney ever  
23 ask you to look for documents to bring today?

24 A No.

25 Q Did they ever ask you to collect documents at

1 THE WITNESS: No.

2 BY MR. SIMMONS:

3 Q Do you get any letters from the school?

4 A Yes.

5 Q How often would you say you get a letter from  
6 the school?

7 MS. LHAMON: Then again, are you referring to  
8 Richie or his family?

9 BY MR. SIMMONS:

10 Q How often does a letter come from the school to  
11 either you or your family, how often?

12 A Mostly like every Wednesday.

13 Q So the school -- do they send that in the mail,  
14 or do they send it home with you from school?

15 A Sometimes they would send it in the mail, and  
16 sometimes they would give it to me to give to my family.

17 Q Can you describe the letter a little bit?

18 A No.

19 Q Does it say things that are happening at school  
20 for the week?

21 MS. LHAMON: Objection, it's not the same letter  
22 every time.

23 BY MR. SIMMONS:

24 Q When was the last time you received a letter?

25 A I really don't know.

1 all?

2 A No.

3 Q Did they ever ask you to look for your report  
4 card, maybe?

5 A No.

6 Q Do you know what kind of documents the school  
7 sends to you?

8 A No.

9 Q I assume they give you report cards; is that  
10 right?

11 A Yes.

12 Q Do they give you anything else?

13 A No.

14 MS. LHAMON: Shaun, are you asking whether the  
15 school gives things to Richard or to his family?

16 BY MR. SIMMONS:

17 I guess I should clarify that.

18 Q Do they ever give things to your family?

19 A Yeah.

20 Q What kind of things do they give to your family?

21 A My report card.

22 Q Do any other documents come from the school to  
23 your family?

24 MS. LHAMON: That's a pretty broad question as  
25 to documents.

1 Q Do you know whether you got one last Wednesday?

2 A Yes.

3 Q Can you tell me a little bit about that letter?

4 A I forgot.

5 Q Do you know whether the letters that you get on  
6 Wednesdays, are they similar to each other?

7 A No.

8 Q How are they different?

9 MS. LHAMON: It's vague as to different. It's  
10 going to be hard for anybody to answer that.

11 THE WITNESS: I don't know.

12 BY MR. SIMMONS:

13 Q Do you understand what I say when I say how are  
14 the letters different?

15 A No.

16 Q Do the letters talk about -- can you remember  
17 anything that the letters have ever said?

18 MS. LHAMON: Shaun, I think you need to lay a  
19 little foundation to see if he even reads the letters.

20 THE WITNESS: No.

21 BY MR. SIMMONS:

22 Q Do you ever read the letters?

23 A Yeah.

24 Q And I'll just try a couple specifics. Do they  
25 ever say like what the lunch menu for the week of the

1 school will be?  
 2 A Yeah.  
 3 Q Do they ever say that there will be meetings  
 4 with parents and teachers?  
 5 A Yes.  
 6 Q Now, you said that you remember getting a letter  
 7 last Wednesday; does everybody get the same letter?  
 8 A Yes, because we have like a newsletter that  
 9 everybody gets home on Wednesday for the Wednesday  
 10 envelopes, and it just tells everybody what is going to  
 11 happen in school and what activity that we're doing and  
 12 stuff.  
 13 Q And do you know whether your family keeps the  
 14 letters?  
 15 A Umm, no.  
 16 Q So sometimes you get letters, and those  
 17 generally go home on Wednesdays?  
 18 A Yes, with our Wednesday envelopes.  
 19 Q Does the school provide an envelope that you're  
 20 supposed to use?  
 21 A Yes.  
 22 Q And do you bring that to school on Wednesday  
 23 with you?  
 24 A Umm, no because sometimes people like -- they --  
 25 because sometimes they run out of the envelopes because

1 A Yes.  
 2 Q Can you think of any other things that the  
 3 school sends home with you on Wednesdays?  
 4 A No.  
 5 Q Do they ever send anything home with you on  
 6 other days of the week?  
 7 A Yes.  
 8 Q Can you remember what kind of things they send  
 9 home?  
 10 A They would send home permission slips and stuff.  
 11 Q Can you tell me what a permission slip is?  
 12 A It's something that one of your family has to  
 13 sign so like it gives me permission to go on a field trip  
 14 with my class.  
 15 Q So you can remember letters that go home in an  
 16 envelope, and you can remember sometimes permission slips  
 17 going home?  
 18 A Yes.  
 19 Q Do you remember any other things that get sent  
 20 home?  
 21 A No.  
 22 Q Do you have any notes or papers or anything on  
 23 your possession -- that you have right now?  
 24 A No.  
 25 Q Anything that discusses this lawsuit?

1 it's like a very big envelope and everybody has them, but  
 2 some people don't because there's no more, not enough for  
 3 everybody.  
 4 Q Do students forget their envelopes?  
 5 A Yes.  
 6 Q Is that why there's not enough for everybody?  
 7 A No.  
 8 Q What's the other reason that there's not enough  
 9 envelopes for everybody?  
 10 MS. LHAMON: That mischaracterizes his  
 11 testimony. He didn't even say it was a first reason why  
 12 there's not enough for everybody.  
 13 BY MR. SIMMONS:  
 14 Q How come everybody doesn't always have an  
 15 envelope?  
 16 A Because sometimes there would be a short amount  
 17 of stuff, and everybody might not get something like  
 18 their envelope. Sometimes there's not that much -- many  
 19 of the Wednesday envelopes, and sometimes people don't  
 20 get any.  
 21 Q Do you know whether students ever lose their  
 22 envelopes?  
 23 A No.  
 24 Q So sometimes you get letters, and those will  
 25 come home on Wednesdays in the envelope?

1 A No.  
 2 Q Did you bring any kinds of documents with you  
 3 today?  
 4 A No.  
 5 Q Do you know what I mean when I say a document?  
 6 A Yes.  
 7 Q What do you think I mean?  
 8 A Umm, like sort of like a file or something that  
 9 you put your stuff in.  
 10 Q Yes, that's right. And we'll say it's like a  
 11 paper with writing on it. Does that make sense?  
 12 A Yeah.  
 13 Q And you didn't -- there were no documents that  
 14 were brought or no papers with writing that you brought  
 15 today?  
 16 A No.  
 17 MR. SIMMONS: We have a copy of his report card,  
 18 and do you know whether that kind of search was made?  
 19 MS. LHAMON: Why don't we go off the record for  
 20 a second.  
 21 MR. SIMMONS: Okay.  
 22 (Discussion off the record.)  
 23 MS. LHAMON: Off the record we had a  
 24 conversation about the search for documents responsive to  
 25 the business records subpoena for Richard Ramirez, and

1 I'm making a representation now for the record that Ms.  
2 Perrin and I asked Ms. Araya, who is Richard and Carlos'  
3 guardian, for documents responsive to the business  
4 records subpoena that fall within the scope of the  
5 protective order from the judge. And we have produced  
6 these documents to O'Melveny & Myers at the deposition of  
7 Carlos Ramirez last week.

8 MR. SIMMONS: Just so we're clear, the report  
9 card is the documents that you have?

10 MS. LHAMON: We have searched and we have  
11 produced all the responsive documents within the  
12 possession of the family.

13 MR. SIMMONS: And that was the report card?

14 MS. LHAMON: Right.

15 BY MR. SIMMONS:

16 Thank you.

17 Q Richie, how old are you?

18 A Umm, nine years old.

19 Q When is your birthday?

20 A June 29th.

21 Q Do you know what year you were born?

22 A 1991.

23 Q And what grade are you in at school?

24 A 4th grade.

25 Q And you go to Bryant Elementary School; is that

1 Q Did you like Buena Vista?

2 A Yes.

3 Q What did you like about it?

4 A It was very big.

5 Q It was big?

6 A Yes.

7 Q Did you like the other students there?

8 A Yes.

9 Q Do any students that you went to Buena Vista  
10 with, do they go to school with you now?

11 A Umm, no.

12 Q If you can't remember, it's okay.

13 MS. LHAMON: He answered.

14 MR. SIMMONS: I'm sorry.

15 MS. LHAMON: He said no.

16 THE WITNESS: No.

17 BY MR. SIMMONS:

18 I'm sorry.

19 Q Anything else that you remember liking about  
20 Buena Vista?

21 A No.

22 Q And do you live in San Francisco now?

23 A Yes.

24 Q How long have you lived in San Francisco?

25 A All my life.

1 right?

2 A Yes.

3 Q And do you just call it Bryant for short?

4 A Yes.

5 Q How long have you been at Bryant?

6 A Since kindergarten.

7 Q So you went to Bryant for kindergarten, 1st  
8 grade, 2nd grade, 3rd grade and 4th grade?

9 A Yes.

10 Q And Bryant is the only school you have ever  
11 attended?

12 A No.

13 Q What other school did you go to?

14 A Buena Vista.

15 MS. LHAMON: Do you know how to spell that? Can  
16 you spell it for the reporter?

17 THE WITNESS: I don't know how to spell it.

18 BY MR. SIMMONS:

19 Q And where is Buena Vista?

20 A It is right next to the freeway.

21 Q Do you know how far it is from Bryant?

22 A About ten -- no -- ten blocks away.

23 Q And is Buena Vista, is that a preschool?

24 A It's a school that goes up to 5th grade, but I  
25 only went there for preschool.

1 Q How far do you live from school?

2 A [REDACTED]

3 Q Is there a particular -- is there a name for the  
4 particular area of San Francisco that you live in, they  
5 call it a certain district?

6 A Mission.

7 Q How do you get to school?

8 A I -- sometimes my -- sometimes I sleep over my  
9 aunt's house and then she drives me there.

10 Q How do you get home from school?

11 A My aunt takes me back.

12 Q Do you have a paper route or anything like  
13 that?

14 A I don't understand your question.

15 Q Do you have a job?

16 A No.

17 Q Do you play sports?

18 A No.

19 Q You like to skateboard though, don't you?

20 A Yes.

21 Q How often do you ride your skateboard?

22 A Umm, mostly on Fridays.

23 Q Where do you ride your skateboard at?

24 A Sometimes I go to the skate park at Crocker and  
25 Amazon, or I just skateboard in front of my aunt's house.



1 Q Do you have a favorite skateboarder?  
 2 A Huh?  
 3 Q Do you have a favorite skateboarder?  
 4 A Tony Hawk.  
 5 Q Nice. What about Andy McDonald. What do you  
 6 think about Andy McDonald?  
 7 A I never seen him before.  
 8 Q What kind of stuff do you do when you get home  
 9 from school?  
 10 A I do my homework and then I go skateboarding and  
 11 then I play with my cousin's Play Station.  
 12 Q Do you try and skateboard -- you said that you  
 13 skateboard most of the time you do it on Fridays, but do  
 14 you do it on other days of the week?  
 15 A Yes.  
 16 Q How many other days of the week do you think you  
 17 try and ride your skateboard?  
 18 A Usually I ride it after school. I do my  
 19 homework and then sometimes my aunt, she takes us to the  
 20 skate park and like -- sometimes like on very busy days,  
 21 then we would just ride outside.  
 22 Q So would you say that you ride your skateboard  
 23 most days after school?  
 24 A Yes, but first I have to do my homework.  
 25 Q And you do Play Station with your cousin?

1 A Yes.  
 2 Q What's your favorite Play Station game?  
 3 A I don't know.  
 4 Q Do you belong to any clubs?  
 5 A No.  
 6 Q Do you belong to any youth groups?  
 7 A No.  
 8 Q Is there a boy's and girl's club or anything  
 9 like that?  
 10 A No.  
 11 Q Cub Scouts?  
 12 How long do you think it takes you to finish  
 13 your homework on the average day?  
 14 A I don't know.  
 15 Q Does it take you more than 30 minutes?  
 16 A I don't know. I forget.  
 17 MS. LHAMON: Hey, Richie, are you ready to take  
 18 a break, or do you want to keep going for a little  
 19 longer?  
 20 THE WITNESS: Keep going for a little while  
 21 longer.  
 22 MS. LHAMON: You just let me know when you want  
 23 to take a break, okay?  
 24 THE WITNESS: Okay.  
 25 BY MR. SIMMONS:

1 Q And how long do you think you skateboard for  
 2 after school?  
 3 A I would say about an hour.  
 4 Q How far is the skate park from your house?  
 5 A Umm, from my aunt's house, it's like eight, nine  
 6 blocks.  
 7 Q Have you ever received any awards from school?  
 8 A Umm, I don't understand your question.  
 9 Q Does the school ever tell you you're doing a  
 10 good job?  
 11 A Yeah.  
 12 Q How do they do that?  
 13 A Sometimes I get -- sometimes they send a letter  
 14 for me to -- no, saying that I been good in school.  
 15 And --  
 16 Q How often do they send those letters?  
 17 A Umm, I don't know.  
 18 Q Does the school let you know that you are doing  
 19 a good job in any other way?  
 20 A They would send home -- no, they would -- that's  
 21 it. I can't think of anything else.  
 22 MS. LHAMON: Richie, do you ever bring home  
 23 like a drawing you have done at school with a star on it  
 24 or anything like that, or an essay that you wrote at  
 25 school with a smiley face or good job written on it, or

1 anything like that?  
 2 THE WITNESS: Yes.  
 3 MS. LHAMON: Does your teacher have like student  
 4 of the week or student of the month in your class?  
 5 THE WITNESS: Umm, she used to.  
 6 MS. LHAMON: She used to but she doesn't  
 7 anymore?  
 8 THE WITNESS: No.  
 9 MS. LHAMON: Were you ever student of the month  
 10 or student of the week?  
 11 THE WITNESS: Yes.  
 12 MS. LHAMON: Yeah, and then do you have -- does  
 13 she say, you know, there's an award for perfect  
 14 attendance, or for, you know, so like if you get to go to  
 15 a park -- if you all are really good on a week, you get  
 16 to go on a field trip or to the park?  
 17 THE WITNESS: Umm, sometimes my teacher will --  
 18 some people at the school, they would send home a note to  
 19 our family saying that I got -- I did real good in  
 20 school, and that I was going to go to the Latino honor  
 21 rolls.  
 22 MS. LHAMON: Really?  
 23 THE WITNESS: Yes.  
 24 BY MR. SIMMONS:  
 25 Thank you.

1 Q Richie, do you know what a lawsuit is?  
 2 A No.  
 3 Q If we say that a lawsuit is a way to make a  
 4 formal complaint, would that make sense to you?  
 5 A No.  
 6 Q Do you know that you're here today because  
 7 there's a lawsuit?  
 8 A Yes.  
 9 Q What do you understand the purpose of the  
 10 lawsuit to be?  
 11 MS. LHAMON: That's a little hard because he's  
 12 told you he doesn't know what a lawsuit means.  
 13 BY MR. SIMMONS:  
 14 Right.  
 15 Q Do you know what it means to make a complaint?  
 16 A Yes.  
 17 Q What's that mean?  
 18 A Like if you -- like if something is not -- I  
 19 really can't explain it. It's hard to explain.  
 20 Q You make a complaint if you want something to  
 21 change; is that right?  
 22 A Yes.  
 23 MS. LHAMON: How about if you ask the questions  
 24 in terms of what you're doing -- if you ask him about  
 25 what he knows or what the purpose of the work he's doing

1 with his lawyers is.  
 2 BY MR. SIMMONS:  
 3 Q Okay. Do you know the purpose of the work  
 4 you're doing with your lawyers?  
 5 A I don't understand that question.  
 6 MS. LHAMON: The lawyer is not helping you.  
 7 BY MR. SIMMONS:  
 8 Q Do you know why you meet with your lawyers?  
 9 A Yes.  
 10 Q And don't tell me what you guys say to each  
 11 other, but why do you think you meet with your lawyers?  
 12 A About my school, I think.  
 13 Q What about your school do you meet about?  
 14 A I don't understand.  
 15 Q We'll come back to this, but.  
 16 MS. LHAMON: Can I try a couple things.  
 17 MR. SIMMONS: Sure.  
 18 MS. LHAMON: You're trying to make things better  
 19 at your school?  
 20 THE WITNESS: Yes.  
 21 MS. LHAMON: And do you talk about those things  
 22 with your lawyers?  
 23 THE WITNESS: Yes.  
 24 MS. LHAMON: And there are -- is there anything  
 25 else about your school that you talk about with your

1 lawyers?  
 2 THE WITNESS: No.  
 3 MS. LHAMON: Okay, thank you.  
 4 BY MR. SIMMONS:  
 5 Q Now, we know that -- or you know that there is a  
 6 lawsuit, right, now about your school?  
 7 A Yes.  
 8 Q Do you remember how you first learned about the  
 9 lawsuit?  
 10 A No.  
 11 Q Do you remember the -- was there ever a time  
 12 when someone came to you and wanted to talk about the  
 13 conditions at your school with you?  
 14 A No.  
 15 Q Did you ever talk about the conditions at school  
 16 with the teacher?  
 17 MS. LHAMON: Conditions might be vague.  
 18 THE WITNESS: Yes.  
 19 BY MR. SIMMONS:  
 20 Q Do you know what I mean when I say conditions?  
 21 A Yes.  
 22 Q What do you think I mean?  
 23 A Like -- like how is the school doing and stuff.  
 24 Q So did you say you ever had conversations about  
 25 the conditions of your school with the teacher?

1 A Yes.  
 2 Q Which teacher was that?  
 3 A Carlos' teacher, Ms. Malabed.  
 4 Q Was that just the -- did you have more  
 5 conversations with Ms. Malabed than the one you had about  
 6 the deposition?  
 7 A Yes.  
 8 Q What other conversations did you have with her  
 9 about the conditions at your school?  
 10 A I don't know. I forgot.  
 11 Q Do you know how many times you talked to Ms.  
 12 Malabed about the conditions at your school?  
 13 A I think two times.  
 14 Q When were those?  
 15 A About two weeks ago.  
 16 Q Were both conversations two weeks ago, or just  
 17 one of them?  
 18 A One of them. And the other one was one week  
 19 ago.  
 20 Q Now, the one that was one week ago, was that the  
 21 same conversation about the deposition?  
 22 A Yes.  
 23 Q How about the one that was two weeks ago, what  
 24 did you guys talk about?  
 25 A Mostly the same thing.

1 Q When you say the same thing, what do you mean by  
2 that?

3 A I don't understand the question.

4 MS. LHAMON: I think we should take a break.  
5 It looks to me like we should, but if you want to finish  
6 this.

7 MR. SIMMONS: No, that's all right. We can take  
8 a break.

9 MS. LHAMON: Thanks.

10 (Brief break.)

11 BY MR. SIMMONS:

12 Q So you had your conversation with Ms. Malabed  
13 two weeks ago or about two weeks ago, and you said you  
14 talked about the same thing; do you know what kinds of  
15 things you talked about?

16 A No.

17 Q Did you talk about -- did you talk about what  
18 you thought was wrong with the school?

19 A Yes.

20 Q What kind of things did you talk about that were  
21 wrong with the school?

22 A I don't know. I forgot.

23 Q Do you remember the first times that you started  
24 to talk about what was wrong with your school?

25 A No.

1 Q Do you remember the first time that you met with  
2 Ms. Lhamon?

3 MS. LHAMON: I'm Ms. Lhamon, Catherine.

4 THE WITNESS: Yes.

5 BY MR. SIMMONS:

6 Q Do you remember when that was?

7 A Two weeks ago, I think.

8 Q And how about with Lois, Ms. Perrin, do you  
9 remember when the first time you met with her was?

10 A Yes.

11 Q When was that?

12 A Two weeks ago.

13 MS. LHAMON: Richie, are you answering about the  
14 first time you met with Lois to prepare for today, or is  
15 that your memory of the first time you ever met with  
16 Lois?

17 THE WITNESS: First time.

18 MS. LHAMON: Okay.

19 BY MR. SIMMONS:

20 Q Do you remember when the first time was that you  
21 met with any lawyer about the conditions at your school?

22 A No.

23 Q Do you think it might have been -- can you think  
24 of any times before the two weeks that you -- two weeks  
25 ago that you met with Catherine and Lois, can you think

1 of any other time that you met with a lawyer?

2 A No.

3 Q So when you spoke with Ms. Malabed two weeks  
4 ago, was your brother, Carlos there?

5 A Yes.

6 Q Do you remember what Carlos said during that  
7 meeting?

8 A Umm, no.

9 Q Do you remember anything Ms. Malabed said during  
10 that meeting?

11 MS. LHAMON: You have asked him and he's  
12 answered.

13 THE WITNESS: No.

14 BY MR. SIMMONS:

15 Q And do you remember anything that you said  
16 during that meeting?

17 A No.

18 Q And other than the conversations that you had  
19 with Ms. Malabed and your brother, Carlos and with Lois  
20 and Catherine, do you remember having any conversations  
21 about your school and what you thought was wrong with it  
22 with anybody else?

23 A No.

24 Q Do you have a lawyer that represents you in this  
25 lawsuit?

1 A Umm, I don't understand the question.

2 Q Is Catherine your lawyer?

3 A Yeah.

4 Q Have you ever spoken with people who said they  
5 were from ACLU?

6 A No.

7 Q Do you know what a plaintiff is?

8 A No.

9 Q Do you know if you're a plaintiff in this  
10 lawsuit?

11 MS. LHAMON: He said he doesn't know what a  
12 plaintiff is.

13 THE WITNESS: I don't know what it is.

14 BY MR. SIMMONS:

15 Q Do you know what your job is in this lawsuit?

16 A No.

17 Q Do you know who you're complaining about in this  
18 lawsuit?

19 A I forgot.

20 Q Are you complaining about the school?

21 A Umm, I think so.

22 Q Are you complaining about anyone specifically at  
23 the school?

24 MS. LHAMON: You have to say yes or no.

25 THE WITNESS: No.

1 MS. LHAMON: Okay, thanks.  
 2 BY MR. SIMMONS:  
 3 Q Do you know of anybody specifically that you're  
 4 complaining about?  
 5 A No.  
 6 Q Do you know what a class action is?  
 7 A No.  
 8 Q Do you know what the definition of the proposed  
 9 class in this case is?  
 10 A No.  
 11 Q Do you know what the definition of the proposed  
 12 subclass in this case is?  
 13 A No.  
 14 Q Do you know what a class representative is?  
 15 A Yes.  
 16 Q What's that?  
 17 A It's when somebody speaks for your class.  
 18 Q And when you say "class," what do you mean by  
 19 that?  
 20 A I don't know what you mean.  
 21 Q Do you mean when you say that it's a class  
 22 representative is someone that speaks for a class, do you  
 23 mean for your classroom or do you mean something else by  
 24 that?  
 25 A Like class representative means person that

1 speaks for your class, your class, what they want and  
 2 stuff like that.  
 3 Q And when you say speaks for your class, do you  
 4 mean your classroom or something else?  
 5 A I don't know what you mean.  
 6 MS. LHAMON: Richie, you just told us what the  
 7 class representative means. Can you tell us what you  
 8 think a class means?  
 9 THE WITNESS: A room full of people.  
 10 MS. LHAMON: Thanks.  
 11 BY MR. SIMMONS:  
 12 Q And is the room full of people, is that your  
 13 class at school?  
 14 A Yes.  
 15 Q Do you know what your responsibilities are as a  
 16 class representative?  
 17 A No.  
 18 MS. LHAMON: He's already defined class  
 19 representative for you.  
 20 BY MR. SIMMONS:  
 21 Q Do you know if the education that you receive is  
 22 typical of the education that other students receive in  
 23 the proposed class?  
 24 A I don't understand that question.  
 25 Q Do you know whether you'll receive any benefits

1 by serving as a class representative?  
 2 A I don't know.  
 3 Q Do you know who's responsible for paying the  
 4 costs that it will take to run the class litigation here?  
 5 A No.  
 6 Q Do you keep up with the lawsuit in this case?  
 7 A I don't understand.  
 8 Q Do you know what I mean by keep up?  
 9 A No.  
 10 Q Do you ever get any documents, any papers with  
 11 writing on them that relate to this lawsuit?  
 12 A No, I don't think so.  
 13 Q And how often do you speak to your attorneys  
 14 about this lawsuit?  
 15 A I forget.  
 16 Q When I say attorneys, do you know that that's  
 17 the same word as lawyers?  
 18 MS. LHAMON: And that that's Lois or Catherine.  
 19 THE WITNESS: Yes.  
 20 BY MR. SIMMONS:  
 21 Q Do you ever write any papers that relate to this  
 22 lawsuit?  
 23 A No.  
 24 Q Do you ever read any papers that relate to this  
 25 lawsuit?

1 A No.  
 2 Q Have you ever had to sign anything that related  
 3 to this lawsuit?  
 4 A Umm, yes.  
 5 Q Do you remember what those papers were?  
 6 A No.  
 7 MS. LHAMON: It might help if you showed him  
 8 something because he probably doesn't know the word.  
 9 MR. SIMMONS: Right.  
 10 MS. LHAMON: Because you're not a lawyer.  
 11 There's no reason you would know it.  
 12 MR. SIMMONS: Exactly. Can I run and grab a  
 13 copy.  
 14 (Brief break.)  
 15 MR. SIMMONS: I have here a declaration of  
 16 Richard Ramirez dated January 29th, 2001 and also a  
 17 declaration of Richard Ramirez dated May 3rd, 2000. Ms.  
 18 Lhamon has been kind enough to stipulate that these are  
 19 the declarations; is that correct?  
 20 MS. LHAMON: That's correct.  
 21 MR. SIMMONS: Thank you. So I'm just going to  
 22 show them to Richard.  
 23 MS. LHAMON: Richie, the one on the left is the  
 24 one that is May 3rd, and the one on the right is January  
 25 29th.

1 BY MR. SIMMONS:  
 2 Q Do you see the dates down there?  
 3 A Yes.  
 4 Q And is that your -- do you recognize the  
 5 document?  
 6 A Yes.  
 7 MS. LHAMON: Which document are you referring to  
 8 or both of them?  
 9 BY MR. SIMMONS:  
 10 Sorry.  
 11 Q Do you recognize both of the documents?  
 12 A Yes.  
 13 Q And is that your signature at the bottom of the  
 14 declaration of Richard Ramirez dated May 3rd, 2000?  
 15 A Yes.  
 16 Q And is that your signature at the bottom of the  
 17 document declaration of Richard Ramirez dated January  
 18 29th, 2001?  
 19 A Yes.  
 20 Q Do you remember signing -- we'll call this one  
 21 here -- we'll call this one the May declaration; is that  
 22 okay?  
 23 A Okay.  
 24 Q And we'll call this one the January declaration;  
 25 is that okay?

1 A Yes.  
 2 Q Do you remember signing the May declaration?  
 3 A Yes.  
 4 Q And do you remember where you were when you  
 5 signed it?  
 6 A At home.  
 7 Q Were there any lawyers there?  
 8 A No.  
 9 Q Who asked you to sign it, the May 3rd  
 10 declaration?  
 11 THE WITNESS: You guys, right?  
 12 MS. LHAMON: I think that's right but you have  
 13 to be the one who testifies.  
 14 BY MR. SIMMONS:  
 15 Q Who was there with you when you signed the  
 16 declaration?  
 17 MS. LHAMON: If you don't remember the person's  
 18 name, you can describe the person, too.  
 19 Like she's beautiful, would be really great, but  
 20 seriously, you can describe the person.  
 21 THE WITNESS: The person who was there with me  
 22 was a delivery guy.  
 23 MS. LHAMON: Who is not so beautiful.  
 24 BY MR. SIMMONS:  
 25 Q And what about the January declaration, do you

1 remember where you were when you signed this one?  
 2 A No, I forgot.  
 3 Q Do you remember who was with you when you signed  
 4 it?  
 5 A No, I forgot.  
 6 Q Do you remember who asked you to sign it?  
 7 A Umm, Catherine and Lois, I think.  
 8 Q Did they call you on the telephone and ask you  
 9 to sign it?  
 10 A Yes.  
 11 Q And that's the January declaration, right?  
 12 MS. LHAMON: This one.  
 13 THE WITNESS: I think so.  
 14 BY MR. SIMMONS:  
 15 Q Now, going back to the May declaration, do you  
 16 remember having a phone call maybe with Catherine and  
 17 Lois where they asked you to sign that one?  
 18 A Yeah -- yes.  
 19 Q And do you remember signing any other documents  
 20 than the January and May declarations that were related  
 21 to this lawsuit?  
 22 A No.  
 23 Q What classroom are you in this year?  
 24 A Room six.  
 25 Q And can you tell me a little bit how Bryant is

1 set up, how the building looks?  
 2 A It -- in the front in the back they both have  
 3 murals on it, and the school is yellow. It has a big --  
 4 it has a big yard and where the pre -- where the  
 5 kindergarten is they play in a little structure. And  
 6 inside it's nice. Usually it's very dirty and sometimes  
 7 the -- and upstairs there's -- downstairs there's no sun  
 8 because downstairs people -- because a long time ago I  
 9 used to go to room D downstairs where the lunchroom is  
 10 at, and there's no windows there, so then we moved. So  
 11 then they don't let anybody go down to room D anymore,  
 12 but upstairs is very sunny. We have a library, a  
 13 computer lab and that's about it.  
 14 Q That's pretty good.  
 15 So let's start with, is there more than one  
 16 building at your school?  
 17 A No, there's only one.  
 18 Q And how many floors are on that building?  
 19 A Two.  
 20 Q Is there a basement or anything?  
 21 A No.  
 22 Q And on the first floor, what's on the first  
 23 floor?  
 24 A The cafeteria, kindergarten, K-A, K-B and  
 25 storage room, janitor's room, bathrooms, that's it.

1 Q Did you say a janitor room was one of the  
2 things?  
3 A Yes.  
4 Q When you say K-A, K-B, are those two  
5 kindergarten classes?  
6 A Yes.  
7 Q So that K-A stands for kindergarten A?  
8 A I don't know what K-A stands for, but I know  
9 what K-B stands for kindergarten bilingual.  
10 Q Okay. And how about on the second floor, what's  
11 on the second floor?  
12 A On the second floor is the library, two  
13 bathrooms, computer lab, room one, room two, room six,  
14 room five, room four, room three, room 11, room ten, room  
15 12, room seven.  
16 Q So that was room six, room five, room four, room  
17 three, room 11, room ten, room 12 and room seven?  
18 MS. LHAMON: He also testified to rooms one and  
19 two.  
20 BY MR. SIMMONS:  
21 Thank you.  
22 Q So the second floor has the library, two  
23 bathrooms, a computer lab and also the classrooms that  
24 you mentioned?  
25 A Yes.

1 Q Is there anything else on the second floor?  
2 A No.  
3 Q Who's your teacher this year?  
4 A Ms. Gilbert.  
5 MS. LHAMON: Do you know how to spell Ms.  
6 Gilbert's name?  
7 THE WITNESS: Her name is G-i-l-b-e-r-t. And  
8 her first name is Danielle, D-a-n -- I don't know how to  
9 spell her first name.  
10 MS. LHAMON: That was great with the last name,  
11 thanks.  
12 BY MR. SIMMONS:  
13 Q And last year you were in the 3rd grade, right?  
14 A Yes.  
15 Q Do you remember what class number you were in?  
16 A Room seven.  
17 Q Do you remember who your teacher was?  
18 A Mr. Sullivan.  
19 MS. LHAMON: Do you know how to spell his name?  
20 THE WITNESS: S-u -- no, his name is spelled  
21 K-e-r-r-y, S-u-l-i-v-a-n.  
22 MS. LHAMON: Thank you.  
23 BY MR. SIMMONS:  
24 Q And how about for 2nd grade, can you remember  
25 what class you were in in 2nd grade?

1 A Room D.  
2 Q And who was your 2nd grade teacher?  
3 A Ms. Gilbert.  
4 Q And how about for 1st grade. What classroom  
5 were you in then?  
6 A I was in room one.  
7 Q Who was your teacher?  
8 A Ms. Gilbert and Ms. Wong.  
9 Q And now we're to kindergarten. Do you remember  
10 which classroom you were in for kindergarten?  
11 A K-A.  
12 Q Who was your teacher?  
13 A Mr. Alonzo.  
14 MS. LHAMON: Do you know how to spell his name?  
15 THE WITNESS: No.  
16 BY MR. SIMMONS:  
17 You're good though. I can't believe you  
18 remembered all that. I'm impressed.  
19 Q So your teacher this year is Ms. Gilbert. Can  
20 you tell me, do you like her as a teacher?  
21 A Yes.  
22 Q What do you like about Ms. Gilbert?  
23 A She's a nice person.  
24 Q Anything else?  
25 A Umm, no.

1 Q Is she smart?  
2 A Yes.  
3 Q Does she show students that she is -- does she  
4 show you that she is concerned about your learning?  
5 A Yes.  
6 Q Does she show that same concern for other  
7 students?  
8 A Yes.  
9 Q Is there anything about Ms. Gilbert that you  
10 don't like?  
11 A No.  
12 Q Is there anything that you wish Ms. Gilbert  
13 would do differently?  
14 A No.  
15 Q Have you ever complained about Ms. Gilbert?  
16 A No.  
17 Q What do you think makes a good teacher?  
18 A I don't know, intelligence, that's it.  
19 Q Do you think a good teacher should also be nice?  
20 A Yes.  
21 Q Do you think a good teacher would also show  
22 concern for their students?  
23 A Yes.  
24 Q What kind of nice things does Ms. Gilbert do?  
25 A Sometimes we -- when our class would be good,

1 she would take us to the park or something.  
 2 Q Does she do anything else that's nice?  
 3 A Umm, I can't think of anything right now.  
 4 Q And how often would you say she takes you to the  
 5 park?  
 6 A I don't know, sometimes barely.  
 7 Q Not enough?  
 8 A Yes.  
 9 Q Do you think -- did you go to the park last  
 10 week?  
 11 A No.  
 12 Q Have you been to the park at all this month?  
 13 A No.  
 14 Q Where is the park that she takes you to?  
 15 A Precita Park.  
 16 Q Can you spell that one?  
 17 A No.  
 18 MS. ARAYA: P-r-e-c-i-t-a.  
 19 BY MR. SIMMONS:  
 20 Q Do you also think Ms. Gilbert is nice just  
 21 because the way she acts on a day-to-day basis in class?  
 22 A No.  
 23 Q Is she friendly in class?  
 24 A Yes.  
 25 Q How does she show that she's friendly?

1 A I can't describe. It's very hard to describe.  
 2 Q Does the tone in her voice show that she's  
 3 friendly?  
 4 A Yes.  
 5 Q Do you know what I mean by the tone of her  
 6 voice?  
 7 A Yes.  
 8 Q Is Ms. Gilbert a smart teacher?  
 9 MS. LHAMON: You've asked and answered and he's  
 10 already testified to that.  
 11 BY MR. SIMMONS:  
 12 Q I'll withdraw that and ask you: You said  
 13 earlier that Ms. Gilbert is a smart teacher; is that  
 14 right?  
 15 A Yes.  
 16 Q What makes you think that she's smart?  
 17 A Intelligence and that's all I can think of.  
 18 Q How does she show you that she's intelligent?  
 19 A I don't know.  
 20 Q Does she know how to explain things that you're  
 21 working on in class to you?  
 22 A Yes.  
 23 Q Can you give me an example of how she does that?  
 24 A No, I can't think of anything right now.  
 25 Q And you testified earlier that she shows concern

1 for the students in the class; is that right?  
 2 A Yes.  
 3 Q How does she do that?  
 4 A She -- I forget.  
 5 Q Does she ever bring anything special from  
 6 outside of class for you?  
 7 A No.  
 8 Q What's your favorite -- I'm sorry?  
 9 A Could we go back to the question that -- the one  
 10 that you said about how she's nice?  
 11 Q Yes.  
 12 A Sometimes when, you know, like all the time when  
 13 people do all their homework, for the rest of the week  
 14 she gives people prizes.  
 15 Q What kind of prizes does she give?  
 16 A Stickers, gel pens, markers, Sharpies, erasers,  
 17 highlighters, calendars, books. That's it.  
 18 Q What kind of books does she give?  
 19 A She gives Stewart Little, Toy Story, Chicken  
 20 Run, Curious George, and that's about it.  
 21 Q And do you ever win any prizes?  
 22 A Yes.  
 23 Q Which prizes do you get?  
 24 A I get gel roll pens.  
 25 Q Can you explain what that is? Everybody else in

1 this room seems to get it but I don't.  
 2 MS. LHAMON: I don't either.  
 3 THE WITNESS: It's like a pen -- it's just like  
 4 a pen, but it's just a different name for it. It's like  
 5 called gel roll pen.  
 6 BY MR. SIMMONS:  
 7 Q Is there something specific about the pen? Is  
 8 it different from other types of pens?  
 9 A They have a whole bunch of different colors.  
 10 Q Anything else about them that's different?  
 11 A That's about it.  
 12 Q Do you get to chose which prize you want?  
 13 A Yes, she has a box full of them.  
 14 Q Why did you chose the gel roll pen?  
 15 A Because there's -- because that was cool.  
 16 Q Why did you think it was cool?  
 17 A Because I like pens and I thought those pens  
 18 wrote cool because I wrote with them before, and I think  
 19 that they were very cool.  
 20 MS. LHAMON: Richie, you're doing great, but if  
 21 you keep your hand in front of your mouth, it's a little  
 22 hard for Trish to hear you. So if you can keep it away  
 23 from your mouth, that would be great.  
 24 THE WITNESS: Okay.  
 25 BY MR. SIMMONS:

1 Q Do you have a favorite subject this year?  
 2 A Math.  
 3 Q And do you have a best subject this year?  
 4 A Math.  
 5 Q Can you tell me all of the subjects that you  
 6 study in this class?  
 7 A I study math, science, social studies, reading.  
 8 That's about it.  
 9 Q Do you ever do any art work?  
 10 A Not that much, not that often.  
 11 Q And how about music?  
 12 A Not that often.  
 13 Q Do you know, do you study the subjects at the  
 14 same time each day?  
 15 A Yes.  
 16 Q Can you tell me what times of day you study the  
 17 subjects?  
 18 A After recess at 10:50.  
 19 Q Recess is at 10:50?  
 20 A No, recess is at 10:30. It ends at 10:50, and  
 21 after recess, that's when we start math. And then after  
 22 lunch, 12:15 -- it ends I think at 12:30. Then I -- then  
 23 we read.  
 24 Q So you read after lunch, and you get back from  
 25 lunch at 12:30?

1 A Uh-huh.  
 2 Q When do you study science?  
 3 A I study science in the morning.  
 4 Q Is that the first subject that you study?  
 5 A The first subject that we study -- no, the first  
 6 thing we do in the morning is we write in our journals.  
 7 Like if it's on a Monday, then we write about -- no,  
 8 first we sit in a circle and we tell about our weekend.  
 9 And then we write about it, and then after that we do  
 10 science.  
 11 Q And then what do you do after science?  
 12 A After science we go to recess.  
 13 Q And then you come back from recess and you go to  
 14 math?  
 15 A Yes.  
 16 Q And when do you do social studies?  
 17 A After lunch.  
 18 Q And then after social studies, do you do  
 19 reading?  
 20 A Yes.  
 21 Q And then sometimes you guys do art or music; is  
 22 that right?  
 23 A Yes.  
 24 Q And what -- when you do art, what time of the  
 25 day would you do your art?

1 A Sometimes if it's a rainy day schedule, then we  
 2 stay inside and do it for recess.  
 3 Q Do you do it any other time?  
 4 A Umm, no. That's it. But when I used to be --  
 5 when I used to be in room D, my teacher would pick a  
 6 student for the week, student of the week, and I would be  
 7 one of them, and I would draw something or paint  
 8 something like art work. And the other kids have to like  
 9 draw the thing that I drew or paint the thing like I did.  
 10 Q So you would get to chose the topic that you  
 11 were going to draw or paint on?  
 12 A Yes.  
 13 Q And how about music, when do you do music?  
 14 A Sometimes on Mondays we do our homework, our  
 15 definitions. And then after that, people like -- before  
 16 that people go to music and they take music class,  
 17 violin, recorder and singing.  
 18 Q So music class is something that you go to a  
 19 separate classroom for?  
 20 A Um-hum.  
 21 Q And --  
 22 A The first class for violin is 9:30. The  
 23 recorder class is at 8:45, the -- and then the second  
 24 class of the violin is at 10:45, no, 10:45. Yeah, for  
 25 when we're at recess. And then the singing group is at

1 one o'clock.  
 2 Q And what's the recorder class?  
 3 A It's people, they play recorders. They're just  
 4 like flutes, but they're kind of different.  
 5 Q Okay. Do you go to any of the music classes?  
 6 A Sometimes I would sit and watch some of the  
 7 violin class because I don't have a violin.  
 8 Q Do you go to any of the other music classes?  
 9 A No, that's it.  
 10 Q Can you chose whether to go to the music  
 11 classes?  
 12 A Yeah -- yes.  
 13 Q And how come you don't want to go to the music  
 14 classes?  
 15 MS. LHAMON: Objection, that mischaracterizes  
 16 his testimony.  
 17 BY MR. SIMMONS:  
 18 Q Do you chose not to go to the music classes?  
 19 A Yes.  
 20 Q And why do you make that choice?  
 21 A Teacher is mean.  
 22 Q What's that teacher's name?  
 23 A I forgot.  
 24 Q Does that teacher do violin?  
 25 A She does everything.



1 Q She does violin, recorder and the singing class,  
2 too?  
3 A Yes. And sometimes in the room, in our  
4 Wednesday envelopes they send home a paper that asks if  
5 you want to go to piano class.  
6 Q Does the same teacher teach piano class?  
7 A No -- yes, yes.  
8 Q And is that teacher a man or a woman?  
9 A Woman.  
10 Q Do you know where they have piano class?  
11 A In room -- right next to the computer lab. The  
12 class that they had it in used to be room nine, but they  
13 don't have it anymore.  
14 Q When did they stop having the piano class in  
15 room nine?  
16 A They still have it there. It's just that they  
17 used to be a class there.  
18 Q You mean like a regular class for an all-day  
19 class?  
20 A Um-hum, but then there used to be like a teacher  
21 and everything there, not for music or anything, just a  
22 regular classroom, but then the teacher got fired and  
23 then they -- they closed that room down. Now it's a  
24 music room.  
25 Q Do you know who the teacher who was fired; do

1 May 3rd, 2000. And this is the declaration that we  
2 discussed earlier.  
3 Feel free to stipulate to that, Counsel, if you  
4 would.  
5 MS. LHAMON: Yes, I stipulate to that.  
6 MR. SIMMONS: And we're going to have that  
7 marked as Exhibit 2.  
8 (Defendant's Exhibit Number 2  
9 was marked for identification  
10 by the court reporter.)  
11 MR. SIMMONS: And I have here the declaration of  
12 Richard Ramirez dated January 29th, 2001. And if Counsel  
13 will stipulate that this is the same declaration that we  
14 looked at earlier.  
15 MS. LHAMON: So stipulated.  
16 MR. SIMMONS: We'll have this marked as Exhibit  
17 3.  
18 (Defendant's Exhibit Number 3  
19 was marked for identification  
20 by the court reporter.)  
21 MR. SIMMONS: Thank you.  
22 BY MR. SIMMONS:  
23 Q So when you first come into your classroom this  
24 year, which is with Ms. Gilbert --  
25 A Yes.

1 you know that teacher's name?  
2 A No.  
3 Q Do you know why that teacher got fired?  
4 A No.  
5 Q Was the teacher in room nine, was that a teacher  
6 you ever had contact with?  
7 A No.  
8 Q Do you know what I mean when I say contact with?  
9 A Yes.  
10 MS. LHAMON: It's getting pretty close to noon.  
11 If you want to keep going for a while, we just had agreed  
12 that we would take lunch at noon with Carlos.  
13 MR. SIMMONS: That's fine.  
14 (Discussion off the record.)  
15 (Whereupon, the lunch break was taken.)  
16 BY MR. SIMMONS:  
17 Q We're back from lunch, Richie. I'll just remind  
18 you that you're still under oath so you still have to  
19 tell the truth here; do you understand that?  
20 A Yes.  
21 Q And did you take any medication or any other  
22 substance while you were at lunch that might affect your  
23 ability to answer completely here?  
24 A No.  
25 Q I have the declaration of Richard Ramirez dated

1 Q -- the first thing that you say you do is write  
2 in your journals?  
3 A Yes.  
4 Q Do you do that each day of the week?  
5 A Yes.  
6 Q And what does your journal look like?  
7 MS. LHAMON: I'm going to object to the question  
8 earlier. It mischaracterizes his testimony slightly.  
9 MR. SIMMONS: Okay.  
10 THE WITNESS: It's black with white spots on it.  
11 BY MR. SIMMONS:  
12 Q Does it have a hard cover?  
13 A Yes.  
14 Q Where did you get the journal?  
15 A From my teacher.  
16 Q Do other students have a similar journal?  
17 A Yes.  
18 Q What time do you start school in the morning?  
19 A 8:00.  
20 Q 8:00 a.m.  
21 A Um-hum, yes.  
22 Q And how long do you write in your journals for  
23 when you come in?  
24 A About 45 minutes.  
25 Q What do you write in your journals?

- 1 A About our weekend.  
 2 MS. LHAMON: We need to take a break.  
 3 MR. SIMMONS: All right.  
 4 (Brief break.)  
 5 BY MR. SIMMONS:  
 6 Q So when you come in and you write about your  
 7 weekend, do you just do that on Monday?  
 8 A Yes.  
 9 Q And then what kind of things would you write  
 10 about on Tuesday?  
 11 A We only do our journals like on Monday. That's  
 12 it.  
 13 Q That's it?  
 14 A Yes.  
 15 Q Is it always Mondays; is it always the same  
 16 assignment, to write about the weekend?  
 17 A Yes.  
 18 Q Do you like that in-class work?  
 19 A Yes.  
 20 Q And do you ever share what you write in your  
 21 journals with anyone?  
 22 A No.  
 23 Q Does your teacher look at what you write?  
 24 A Yes.  
 25 Q Does she review it in some way?

- 1 A No.  
 2 Q Does she ever make any comments about what you  
 3 write?  
 4 A Yes.  
 5 Q What kind of comments does she make; does she  
 6 correct anything; does she correct any grammatical or  
 7 spelling errors?  
 8 A She corrects spelling.  
 9 Q Does she make any other kind of comments about  
 10 your journal?  
 11 A No.  
 12 Q After you write in your journal -- or actually,  
 13 do you do something after you write in your journal on  
 14 Mondays? Then you do science; is that right?  
 15 A Yes.  
 16 Q What about like on Tuesdays that you don't write  
 17 in your journal when you come in on Tuesday, do you just  
 18 jump right into science when you come in, or do you do  
 19 something else?  
 20 A We -- I don't know. I forget.  
 21 Q How about for the other days of the week, can  
 22 you remember doing things the other days of the week  
 23 before you do science?  
 24 A I don't know, sometimes we might have art.  
 25 Q Sometimes you might have art in the mornings?

- 1 A Yeah.  
 2 Q And does Ms. Gilbert teach the art session?  
 3 A Umm, no.  
 4 Q Who teaches the art session?  
 5 A The art teacher. His name --  
 6 Q Is the art teacher a he or a she?  
 7 A It's a he.  
 8 Q And can you remember his name?  
 9 A Matty.  
 10 Q Is that his first name or his last name?  
 11 A I think that's his first name.  
 12 Q Can you remember his last name?  
 13 A No.  
 14 Q And how often, how many times a week -- or well,  
 15 does Matty come in and do art at least one time a week?  
 16 A Yeah, at least one time.  
 17 Q Does he come in on the same day of the week or  
 18 different days?  
 19 A Different days.  
 20 Q Does he come any more often than one time a  
 21 week?  
 22 A Yes.  
 23 Q About how many days a week would you say?  
 24 A Three days.  
 25 Q What kind of projects do you do when he comes

- 1 in?  
 2 A Drawing projects.  
 3 Q Do you do any other kind of projects?  
 4 A No.  
 5 Q Do you ever do any painting?  
 6 A Umm, no.  
 7 Q Do you ever work with any clay?  
 8 A No.  
 9 Q What kind of things will you draw?  
 10 A Super heroes.  
 11 Q You draw super heroes. Do you draw anything  
 12 else?  
 13 A No.  
 14 Q And does Matty show you how to draw the super  
 15 heroes?  
 16 A No.  
 17 Q Does he do anything to teach the class art?  
 18 A Yes.  
 19 Q What kind of things does he do?  
 20 A I can't explain. It's hard. I don't really  
 21 know.  
 22 Q Is there a chalkboard in your classroom?  
 23 A Yes.  
 24 Q Does he ever write or draw anything on that?  
 25 A Yes.

- 1 Q What kind of stuff does he write or draw on  
2 there?  
3 A He draws sharks and butterflies and stuff like  
4 that.  
5 Q And then do students try and draw the sharks and  
6 butterflies?  
7 A Yes.  
8 Q Can you think of anything else that he does in  
9 class to try and teach you art?  
10 A No.  
11 Q And how -- about how long -- when he comes in to  
12 teach art, about how long does he stay for?  
13 A Umm, 45 minutes.  
14 Q And so sometimes you do art during the week  
15 before you go on to science and sometimes you write in  
16 your journals before you go on to science; is that right?  
17 A Yes.  
18 Q And do you do anything else before you move on  
19 to science on any other day of the week?  
20 A No.  
21 Q Do you have a textbook for your science class?  
22 A No.  
23 Q What kind of things do you do to study science?  
24 A I don't know.  
25 Q Does your teacher ever hand out any worksheets

- 1 A Yes.  
2 Q And you said one of the things you learn is how  
3 the body works. Can you think of some other things that  
4 you would learn in science class?  
5 A The earth, planets, that's it.  
6 Q And I think you may have testified earlier that  
7 you didn't think that you learned about planets this  
8 year?  
9 A Yeah.  
10 Q So planets was something you did in another  
11 class, not this class?  
12 A Yes.  
13 Q How about --  
14 A Earth, I did in my class.  
15 Q And how do you learn about how the body works?  
16 A It's hard to explain.  
17 Q Does your teacher have pictures that she puts up  
18 to show you?  
19 A Yes, she has pictures.  
20 Q Are there a lot of pictures?  
21 A No.  
22 Q How many pictures would you say there are?  
23 A Three, four.  
24 Q And what's on the pictures?  
25 A Like the bones of the body and stuff, the organs

- 1 to you?  
2 A No.  
3 Q What kind of things do you learn in science?  
4 A How the body works.  
5 Q What other kinds of things do you learn?  
6 A I forgot.  
7 Q Do you ever learn about the planets?  
8 A Yes.  
9 Q And is that -- does that happen this year?  
10 A No.  
11 Q Okay. So we'll just try and -- I'll ask you  
12 some things and see if you learn about those, but we'll  
13 just limit it to this year in Ms. Gilbert's class, okay?  
14 (Discussion off the record.)  
15 (Brief break.)  
16 BY MR. SIMMONS:  
17 Q We're back on record now. Richie had to take a  
18 quick break. Does your stomach not feel so good?  
19 A It feels all right now.  
20 Q It's okay right now though?  
21 A Yes.  
22 Q You will be okay to go forward today?  
23 A Yeah.  
24 Q Now, we were talking about the kind of things  
25 that you learn in science class.

- 1 and stuff.  
2 Q Other than the pictures, can you think of other  
3 things that you do in class to learn about the body?  
4 A No.  
5 Q Does your teacher write things on the board for  
6 you?  
7 A No.  
8 Q Do you get any homework that you need to do to  
9 study about the body?  
10 A No.  
11 Q How do you learn about the earth?  
12 A My teacher, she would write something down or  
13 she would -- or she would put pictures up.  
14 Q Does she use any models?  
15 A No.  
16 Q And when she writes she'll write stuff on the  
17 chalkboard; is that right?  
18 A Yes.  
19 Q And can you remember the kinds of things that  
20 she writes on the chalkboard?  
21 A No.  
22 Q And how about the pictures, does she use a lot  
23 of pictures?  
24 A Yes.  
25 Q And what's on the pictures?

- 1 A The earth and that's mostly it.  
 2 Q Does it show the -- does it break the earth down  
 3 into layers?  
 4 A Yes.  
 5 Q So does it show like the crust?  
 6 A Yes.  
 7 Q And the core?  
 8 A Yes.  
 9 Q That's all I remember from grade school about  
 10 the earth.  
 11 What other kinds of things do you do in your  
 12 science class?  
 13 A That's it.  
 14 Q Do you do any experiments?  
 15 A No.  
 16 Q Do you ever build any models?  
 17 A No.  
 18 Q Does your teacher use any worksheets in your  
 19 science class?  
 20 A No.  
 21 Q Do you ever get homework in your science class?  
 22 A No.  
 23 Q Do you take any science tests?  
 24 A No.  
 25 MS. LHAMON: Can we go off the record for a

- 1 MS. LHAMON: Can we have a break.  
 2 (Discussion off the record.)  
 3 (Brief break.)  
 4 BY MR. SIMMONS:  
 5 Q This probably -- we'll try and make this one of  
 6 the last few questions about science for little while.  
 7 Do you remember getting a grade for your science subject  
 8 this year?  
 9 A No.  
 10 Q Do you ever get -- does the teacher ever grade  
 11 you or make comments about your performance in science?  
 12 A No.  
 13 Q What's your favorite subject; is it math?  
 14 A Yes.  
 15 Q What do you like about your math class?  
 16 A I don't know.  
 17 Q How come you say that math is your favorite  
 18 class?  
 19 A Because I like figuring out the problems.  
 20 Q What's your favorite kind of problem to figure  
 21 out?  
 22 A Division.  
 23 Q What other kind of problems do you figure out in  
 24 your math class?  
 25 A Multiplication.

- 1 second.  
 2 (Discussion off the record.)  
 3 BY MR. SIMMONS:  
 4 Q Back on the record. Do you have to do any  
 5 projects at home that get assigned from your science  
 6 class?  
 7 A Umm, no.  
 8 Q Do you -- are there certain things about the  
 9 science subject that you enjoy?  
 10 A No.  
 11 Q Are there things about it that you dislike?  
 12 A No.  
 13 Q Is there ever a time where you would need  
 14 certain supplies to learn about science that you don't  
 15 have?  
 16 A No.  
 17 Q Do you know what I mean by supplies?  
 18 A Yes.  
 19 Q What do you think I mean by that word?  
 20 A (Indicating)  
 21 Q Was that an I don't know?  
 22 A I don't know.  
 23 Q Well, I mean like do you ever need paper to do  
 24 work in science?  
 25 A Umm, no.

- 1 Q Are you done with your times tables yet?  
 2 A Yes.  
 3 Q How high up do you go up on the times tables  
 4 right now?  
 5 A To 15.  
 6 Q To 15, that's pretty good. And do you know what  
 7 the term long division means?  
 8 A Yes.  
 9 Q Do you do long division right now?  
 10 A No.  
 11 Q What does the term long division mean to you?  
 12 A I don't understand.  
 13 Q Do you do -- when you do your division homework,  
 14 what kind of numbers will you work with; how big are the  
 15 numbers? Are they in the hundreds?  
 16 A Some are in the hundreds.  
 17 Q Some of them are in the hundreds?  
 18 A Um-hum.  
 19 Q And so you do division and multiplication; do  
 20 you do any other kind of problems in math?  
 21 A No, that's it.  
 22 Q Do you learn about fractions at all?  
 23 A Yes.  
 24 Q How do you learn about fractions?  
 25 A My teacher she will see what -- read us out a

- 1 problem for fractions or she would draw it up on the  
2 board.
- 3 Q Does your teacher do the same thing with  
4 division and multiplication?
- 5 A Yes.
- 6 Q So sometimes you learn math by your teacher  
7 reading out a problem?
- 8 A Yes.
- 9 Q And do you copy that; do you write the problem  
10 down when she says it?
- 11 A Yes.
- 12 Q And sometimes she writes problems on the board;  
13 is that where she draws them?
- 14 A Yes.
- 15 Q Does she give you worksheets with problems on  
16 them?
- 17 A No.
- 18 Q Do you have a math textbook that you use?
- 19 A Umm, no -- yes, yes.
- 20 Q And can you tell me a little bit about the book;  
21 what color is it?
- 22 A Red.
- 23 Q Is there anything on the cover?
- 24 A I don't know, no -- it just says mathematics.
- 25 Q Is there a picture of a problem on it or

- 1 anything like that?
- 2 A No.
- 3 Q And do you have your own textbook to use in the  
4 class?
- 5 A Umm, yes.
- 6 Q And can you take your textbook home?
- 7 A No.
- 8 Q What about other students, do they have their  
9 own copy to use in class?
- 10 A Yes.
- 11 Q Can they take their textbooks home?
- 12 A No.
- 13 Q Have you ever asked to take your textbook home?
- 14 A Yes.
- 15 Q When did you ask?
- 16 A I forget how long ago it was.
- 17 Q How many times have you asked, just once or more  
18 than that?
- 19 A Once.
- 20 MS. LHAMON: Richie, it's really hard to  
21 understand you with that napkin. Can you try to put it  
22 down for a while and see how it goes.
- 23 BY MR. SIMMONS:
- 24 Q Who did you ask to take it home?
- 25 A My teacher.

- 1 Q What did she say?
- 2 A No.
- 3 Q Did she say why?
- 4 A No.
- 5 Q Did you ask her why?
- 6 A Yes.
- 7 Q What did you ask her?
- 8 A I just said why.
- 9 Q And what did she say?
- 10 A She just said because she doesn't want to get it  
11 lost.
- 12 Q Did she say anything else?
- 13 A No.
- 14 Q Is your textbook in good condition?
- 15 A Yes.
- 16 Q Is there anything that you would like to change  
17 about your textbook?
- 18 A No.
- 19 Q Is there writing in the textbooks?
- 20 A Yes.
- 21 Q What -- can you tell me a little bit about the  
22 writing?
- 23 A I don't remember now.
- 24 Q Where -- do you use the same book everyday?
- 25 A Yes.

- 1 Q And is there writing in that book?
- 2 MS. LHAMON: Vague as to writing.
- 3 BY MR. SIMMONS:
- 4 Okay.
- 5 Q Is there other than -- is there writing that  
6 students put in the book?
- 7 A Yes.
- 8 Q So there's the writing that's supposed to be in  
9 the book that's like the problems and stuff?
- 10 A Yes.
- 11 Q And then there's also other kinds of writing  
12 that someone else put in the book?
- 13 A Yes.
- 14 Q Can you say how much, how many pages do you  
15 think have writing on them?
- 16 MS. LHAMON: Again, that's vague as to writing.
- 17 BY MR. SIMMONS:
- 18 Q How many pages do you think have writing on them  
19 that's not supposed to be in the book?
- 20 A I don't know.
- 21 Q When you say it's a couple or?
- 22 A A couple.
- 23 Q Are there any pages missing from your book?
- 24 A Yes.
- 25 Q Which pages are missing?

- 1 MS. LHAMON: The precise pages?  
 2 BY MR. SIMMONS:  
 3 I guess it's not a good question.  
 4 Q How many -- how do you know that there's pages  
 5 missing?  
 6 A Because they're not there and there's a rip out.  
 7 Q And they're ripped out?  
 8 A Yes.  
 9 Q Do you know how many pages have been ripped out?  
 10 A No.  
 11 Q Is it a couple or?  
 12 A I don't know.  
 13 Q Have you ever needed to look at a page in your  
 14 book and it wasn't there because it was ripped out?  
 15 A Yes.  
 16 Q And about how many times have you had to do that  
 17 or has that happened?  
 18 A A couple times.  
 19 Q And when you say a couple, do you mean two  
 20 times?  
 21 A Yes.  
 22 Q Do you ever get homework in your math class?  
 23 A Yes.  
 24 Q How often do you get homework in that class?  
 25 A All the time.

- 1 Q Do you get homework in that class on Monday?  
 2 A Yes.  
 3 Q Do you get math homework in there pretty much  
 4 every Monday?  
 5 A Yes.  
 6 Q And how about on Tuesday, do you get math  
 7 homework on Tuesdays?  
 8 A Yes.  
 9 Q And how about on Wednesdays, do you get math  
 10 homework on Wednesdays?  
 11 A Yes.  
 12 Q And how about on Thursdays, do you get math  
 13 homework on Thursdays?  
 14 A Yes.  
 15 Q And how about on Fridays, do you get math  
 16 homework on Fridays?  
 17 A Yes, sometimes.  
 18 Q Sometimes but not as often for the weekend?  
 19 A Yes.  
 20 Q And what kind of homework does your teacher give  
 21 you for your math subject?  
 22 A I don't know.  
 23 Q Does she send problems home to do?  
 24 A Yes.  
 25 Q And what, are those problems on a worksheet?

- 1 A Yes.  
 2 Q And about how many problems are there on the  
 3 worksheet?  
 4 A Eighteen.  
 5 Q And is it always 18?  
 6 A Yes.  
 7 Q So the one thing she does is give you worksheets  
 8 with about 18 problems on them. Is there any other kind  
 9 of homework that she gives you in your math class?  
 10 A No.  
 11 Q And the homework that she gives you, the  
 12 worksheets that she gives you, are the problems division?  
 13 A No.  
 14 Q What kind of problems are they?  
 15 A Multiplication.  
 16 Q Do they ever have fractions on them?  
 17 A Yes.  
 18 Q Will you get the same amount of problems if you  
 19 have fractions as when you have multiplication?  
 20 A Yes.  
 21 Q And how long does it take you to do your math  
 22 homework when you receive it?  
 23 A I don't know.  
 24 Q Where do you do your homework?  
 25 A At my aunt's house.

- 1 Q Do you have a desk that you sit at?  
 2 A Table.  
 3 Q And is it quiet there?  
 4 A Yes.  
 5 Q And can you concentrate okay there?  
 6 A Yes.  
 7 Q Does anybody help you with your math homework?  
 8 A Yes.  
 9 Q Who helps you?  
 10 A My aunt.  
 11 Q How often do you think she helps you?  
 12 A I don't know.  
 13 Q Does she have to help you everyday?  
 14 A I don't know.  
 15 Q Did she help you at all with your math homework  
 16 last week?  
 17 A Yes.  
 18 Q Do you remember how many times she helped you  
 19 last week?  
 20 A No.  
 21 Q Was it just once or do you think it was more  
 22 than once?  
 23 A I think it was more than once.  
 24 Q Do you ever have to do math tests in class?  
 25 A Yes.

- 1 Q How often do you do those tests?  
 2 A Every Friday.  
 3 Q How long do the tests take you?  
 4 A My teacher times us.  
 5 Q How much time does she give you to take?  
 6 A Three minutes.  
 7 Q And how many problems do you have to do in three  
 8 minutes?  
 9 A Ten.  
 10 Q Do you always finish your ten problems in three  
 11 minutes?  
 12 A Yes.  
 13 Q Do you study for the tests that you take on  
 14 Fridays?  
 15 A Yes.  
 16 Q How do you study for those tests?  
 17 A I write them down on a piece of paper and I tell  
 18 them to myself.  
 19 Q Is that how you study for your multiplication  
 20 tables?  
 21 A Yes.  
 22 Q Do you study the same way for division?  
 23 A Yes.  
 24 Q And how about for fractions?  
 25 A Yes.

- 1 A No.  
 2 Q Does your teacher check the problems to make  
 3 sure you get them right?  
 4 A Yes.  
 5 Q When does she do that; does she do it right  
 6 after you take the test?  
 7 A Right after we take the test.  
 8 Q And does -- do you normally get about the same  
 9 amount right on each test?  
 10 A Yes.  
 11 Q How many math questions do you think you get  
 12 right?  
 13 A All of them.  
 14 Q All of them?  
 15 A Yes.  
 16 Q Do you ever miss any questions?  
 17 A No.  
 18 Q And do you know whether you get a grade for the  
 19 quarter in your math class?  
 20 A No.  
 21 Q We talked about earlier today that sometimes  
 22 report cards get sent home; do you remember that?  
 23 A Yes.  
 24 Q And do you see your report cards when they come  
 25 home?

- 1 Q Do you use pencil or a pen in your math class?  
 2 A Pencil.  
 3 Q And is there ever a time where you don't have a  
 4 pencil and you can't get one?  
 5 A Yes.  
 6 Q About how often does that happen?  
 7 A I don't know.  
 8 Q Can you remember the last time that you didn't  
 9 have a pencil?  
 10 A No.  
 11 Q Did you not have a pencil last week?  
 12 A No.  
 13 Q So you had a pencil last week?  
 14 A Yes.  
 15 Q How about the week before that?  
 16 A Yes.  
 17 Q Can you remember any time during this month, the  
 18 month of May, that you didn't have a pencil?  
 19 A No.  
 20 Q So do you think you had a pencil when you needed  
 21 it for math in this month of May?  
 22 A Yes.  
 23 Q How do you do on your tests when you get them?  
 24 A Good.  
 25 Q And do you get grades on your tests?

- 1 A No.  
 2 Q Is there anything you would like to change about  
 3 your math class?  
 4 A No.  
 5 Q What things -- is there anything that you like  
 6 about your math class?  
 7 A No.  
 8 Q Do you like the way your teacher teaches the  
 9 class?  
 10 A Yes.  
 11 Q And do you like doing the problems that you get  
 12 in math?  
 13 A Yes.  
 14 Q Do you think your teacher gives you good  
 15 homework in that class?  
 16 A Yes.  
 17 Q So in between math and science you have a  
 18 recess; is that right?  
 19 A Yes.  
 20 Q And what do you do on recess?  
 21 A Play in the yard.  
 22 Q What kind of stuff do you play?  
 23 A I don't know.  
 24 Q Do you get to play -- do you play soccer out  
 25 there at all?

1 A No.  
 2 Q Does anybody play soccer?  
 3 A Yes.  
 4 Q What other -- do you play any sports on recess?  
 5 A No.  
 6 Q Do you hang out with your friends?  
 7 A No.  
 8 Q Now after your math class you have lunch; is  
 9 that right?  
 10 A Yes.  
 11 Q And then you come back to class and you have  
 12 social studies; is that right?  
 13 A Yes.  
 14 Q Do you like social studies?  
 15 A Yes.  
 16 Q How come you like it?  
 17 A Because it's fun.  
 18 Q What are some of the fun things that you do in  
 19 your social studies?  
 20 A I don't know.  
 21 Q Do you have a book that you use for social  
 22 studies?  
 23 A No.  
 24 Q How does your teacher teach you the materials  
 25 that she wants you to learn in social studies?

1 A I don't understand your question.  
 2 Q What are you guys learning in social studies  
 3 right now?  
 4 A About the Gold Rush.  
 5 Q What have you been learning about the Gold Rush?  
 6 A I don't know. I forget.  
 7 MS. LHAMON: I think we should take a break. Is  
 8 that okay?  
 9 MR. SIMMONS: Yes. Thank you.  
 10 (Brief break.)  
 11 MS. LHAMON: We had an off the record  
 12 conversation and we think we're going to stop for the  
 13 day. We have agreed, I think, well, I'll say what I  
 14 think we've agreed to which is that we will resume on  
 15 Saturday, June 9th at 8:30 in the morning. And we've,  
 16 Richie and I will hold Sunday June 10th open also, in  
 17 case we need to come back on that day.  
 18 And I talked to Richie during the break, and he  
 19 said that sometimes, Shaun, you use some big words that  
 20 are hard for him to understand. So if you can think  
 21 about that over the next couple of weeks and see if maybe  
 22 you can shorten the words.  
 23 MR. SIMMONS: Actually, I'll do my best. Can  
 24 you tell me which ones are worse than the others?  
 25 MS. LHAMON: Can you remember?

1 THE WITNESS: No.  
 2 MR. SIMMONS: From now on just tell me at the  
 3 time, too because I'll be more than happy when we're  
 4 doing the specific question, just say, Shaun, you make no  
 5 sense or whatever, and --  
 6 MS. LHAMON: Would you say that?  
 7 THE WITNESS: No.  
 8 BY MR. SIMMONS:  
 9 Q Well, feel free. So and then I'll be able to  
 10 make the questions better for you.  
 11 And June 9th at 8:30 and Sunday if we need it  
 12 sounds great to me.  
 13 MS. LHAMON: Great thanks.  
 14 MR. SIMMONS: So I guess I will commence with  
 15 the stipulation. We ask that Ms. Lhamon stipulate that  
 16 the original of this deposition will be signed under  
 17 penalty of perjury, that the original be delivered to  
 18 your office in L.A.  
 19 MS. LHAMON: Either my office in L.A. or to Ms.  
 20 Perrin in San Francisco, it works for me. Whatever is  
 21 more convenient for the court reporter.  
 22 MR. SIMMONS: We will ask if Ms. Lhamon will  
 23 stipulate that the original of the deposition will be  
 24 signed under penalty of perjury, that the original would  
 25 be delivered to the office of Morrison and Foerster at

1 their --  
 2 MS. LHAMON: In San Francisco.  
 3 MR. SIMMONS: In San Francisco, a copy of the  
 4 address we will provide, and that the reporter is  
 5 relieved of the liability for the original of the  
 6 deposition, that the witness will have 15 days from the  
 7 date of the court reporter's transmittal letter to  
 8 Morrison and Foerster to sign and correct the transcript,  
 9 that Ms. Perrin will notify the parties in writing of any  
 10 changes in the deposition, and if there are no such  
 11 changes communicated or signature within that time, that  
 12 any unsigned and uncorrected copy may be used for all  
 13 purposes as if signed and corrected.  
 14 Can we stipulate to that?  
 15 MS. LHAMON: So stipulated.  
 16 MR. SIMMONS: Thank you.  
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I, RICHARD RAMIREZ, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2001, at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

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RICHARD RAMIREZ  
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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify: That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

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

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA C. STEPHENS  
CSR No. 10058