

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

3
4 ELIEZER WILLIAMS, et al.,)
5 Plaintiffs,)
6 vs.) No. 312 236
7 STATE OF CALIFORNIA, DELAINE) Pages 1 to 135
8 EASTIN, State Superintendent) Volume I
9 of Public Instruction, STATE)
10 DEPARTMENT OF EDUCATION,)
11 STATE BOARD OF EDUCATION,)
12 Defendants.)
13)
14 AND RELATED CROSS-ACTION)
15)

16
17
18 DEPOSITION OF NICOLAS RODRIGUEZ
19 TAKEN ON
20 FRIDAY, DECEMBER 21, 2001
21

22
23
24 Reported by: PHILIP D. NORRIS
25 CSR NO. 4980

1 Deposition of Nicolas Rodriguez, taken on
 2 behalf of Defendant State of California, at 400 South
 3 Hope Street, Los Angeles, California, on Friday,
 4 December 21, 2001, at 9:50 a.m., before Philip D.
 5 Norris, CSR No. 4980, pursuant to Notice.

6
 7 APPEARANCES:

8
 9 FOR THE PLAINTIFFS:

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15
 16 FOR THE DEFENDANT STATE OF CALIFORNIA:

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22
 23
 24
 25

1 LOS ANGELES, CALIFORNIA; FRIDAY, DECEMBER 21, 2001
 2 9:30 A.M.

3
 4
 5 NICOLAS RODRIGUEZ,
 6 having been first duly sworn, was
 7 examined and testified as follows:

8
 9 EXAMINATION

10
 11 BY MR. SIMMONS:

12 Q. Good morning, Mr. Rodriguez.

13 A. Good morning.

14 Q. My name is Shaun Simmons. I'm an attorney
 15 representing the State of California in this litigation.

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

18 A. My name is Nicolas Rodriguez, and you spell
 19 that N I C O L A S, R O D R I G U E Z.

20 Q. And would you state the city that you live in
 21 for the record?

22 A. [REDACTED]

23 Q. And that's in [REDACTED]; is that correct?

24 A. That's correct.

25 Q. Have you ever had your deposition taken before?

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1 A. No.

2 Q. Do you have an understanding as to what a
 3 deposition is at all?

4 A. Yes.

5 Q. Could you just tell me that understanding?

6 A. It's a declaration under oath as if I were in
 7 court.

8 Q. Exactly. Basically, we'll just be here asking
 9 you questions about the facts that you know that relate
 10 to this lawsuit. Mr. Norris, our court reporter, will
 11 be transcribing my questions and your answers, and after
 12 the deposition today, those will be placed into a
 13 booklet, which you can review. You'll be allowed to
 14 make changes to your answers, but you should know that
 15 if you make any changes, the various lawyers in this
 16 case will be allowed to comment on those changes.

17 Do you understand that?

18 A. Yes. Right. Yes.

19 Q. And you understand that you're under oath and
 20 the testimony you give has the same force and effect as
 21 if you were testifying in a court of law?

22 A. Yes.

23 Q. Even though we're in an informal setting here
 24 today, it's just like we were in the courtroom. So you
 25 would be subject to all the penalties for perjury for

1 giving false testimony.
 2 Do you understand that?
 3 A. Yes, I do.
 4 Q. Also, throughout the day it's hard to always
 5 remember, but it's important to give verbal answers to
 6 the questions and not nods or shakes of the head,
 7 because the court reporter can't transcribe those.
 8 Do you understand that?
 9 A. Yes.
 10 Q. Also, it's hard for the reporter to get a clear
 11 record of the testimony if we speak at the same time.
 12 So if you'll let me finish a question before answering,
 13 I'll make sure not to jump in on your answer and ask a
 14 question before you're finished.
 15 Do you understand?
 16 A. Yes.
 17 Q. It's also important that you listen carefully
 18 to the question. If you don't understand it, just let
 19 me know and I'll do my best to rephrase it. If you do
 20 go ahead and answer a question, we'll just assume that
 21 you understood it.
 22 Do you understand that?
 23 A. Yes.
 24 Q. Also, we don't want you to guess here today,
 25 but we would like you to answer all the questions to the

1 best of your ability. If I ask a certain question and
 2 you don't know the answer to the question, it's fine
 3 just to say you don't know. But if there are times
 4 where you can give an estimate rather than just a
 5 flagrant guess, we would appreciate that.
 6 Are you comfortable with the difference between
 7 a guess and an estimate?
 8 A. Yes.
 9 Q. Also, if you need to take a break for any
 10 reason today, just let me know and we'll go ahead and
 11 take a break. The only thing that I would ask is that
 12 if there is a question pending, that you answer the
 13 question first and then we'll take a break.
 14 Do you understand that?
 15 A. Yes.
 16 Q. Also, if at any point during today's deposition
 17 you remember something or your memory is triggered with
 18 respect to an earlier question, just let me know and
 19 we'll go back to that question, and you can supplement
 20 or change your answer, how ever you'd like. We just
 21 want to get a full record of your testimony here today.
 22 Do you understand that?
 23 A. Yes.
 24 Q. Are you comfortable with the ground rules so
 25 far?

1 A. Yes.
 2 Q. Is there any reason why you would be unable to
 3 give your best testimony here today?
 4 A. No.
 5 Q. And have you recently consumed any medication
 6 or any other substance that might interfere with your
 7 ability to understand or answer my questions today?
 8 A. No.
 9 Q. Lastly, do you suffer from a disability of any
 10 kind that would affect your ability to testify here
 11 today?
 12 A. No.
 13 Q. Are you represented by counsel at this
 14 deposition?
 15 A. Yes.
 16 Q. And that's Mr. Hahn; is that correct?
 17 A. That's correct.
 18 Q. And do you know about when Mr. Hahn became your
 19 lawyer?
 20 MR. HAHN: Objection. Vague and ambiguous.
 21 There's a joint defense agreement here.
 22 THE WITNESS: I don't know.
 23 BY MR. SIMMONS:
 24 Q. Do you know about when the first time you met
 25 with Mr. Hahn was?

1 A. Yes.
 2 Q. And when was that?
 3 A. Last Saturday.
 4 Q. And was that your only in-person meeting with
 5 Mr. Hahn prior to today?
 6 A. Yes.
 7 Q. Can you tell me what you did to prepare for
 8 your deposition here today?
 9 MR. HAHN: Objection. Vague and ambiguous.
 10 THE WITNESS: Can you clarify the question?
 11 MR. SIMMONS: Sure.
 12 Q. Did you review any documents in preparation for
 13 the deposition today?
 14 A. Only my declaration, and I believe I glanced at
 15 the package of papers. I forget the name of it.
 16 Q. Was that a complaint, the first amended
 17 complaint? Does that name ring a bell?
 18 A. Right.
 19 Q. Did you have any conversations with your lawyer
 20 in preparation for the deposition today?
 21 A. Last Saturday.
 22 Q. And about how long did that conversation last?
 23 A. Two hours.
 24 Q. Was it just Mr. Hahn and you that were present
 25 during that conversation?

1 A. No.
 2 Q. Who else was present?
 3 A. My girlfriend and Sumako, co-worker of
 4 Mr. Hahn.
 5 Q. And other than that meeting that occurred last
 6 Saturday, did you have any discussions about your
 7 deposition that was going to occur today?
 8 A. Yes.
 9 Q. And who did you have conversations with?
 10 A. Sorry, can you ask that question again?
 11 Q. Sure. I just wanted to know if other than the
 12 meeting that you had last Saturday, if you discussed
 13 your deposition that you were going to have today with
 14 anybody else.
 15 A. No.
 16 Q. And you said your girlfriend was present at the
 17 meeting on Saturday.
 18 A. Yes.
 19 Q. Is she an educator as well?
 20 A. No. She's studying to be a teacher.
 21 Q. And what did you discuss last Saturday during
 22 your meeting?
 23 MR. HAHN: Objection. Attorney/client
 24 privilege. I'll instruct the witness not to answer.
 25 MR. SIMMONS: Just for the record, I'll just

1 state that I think the presence of the girlfriend would
 2 basically obviate the attorney/client privilege, but if
 3 it's your position that you'll instruct not to answer on
 4 that, I understand.
 5 MR. HAHN: Our position is that her presence,
 6 subject to Evidence Code Section 952, was present to
 7 further the interest of the client representation.
 8 BY MR. SIMMONS:
 9 Q. Now, have you heard the case that you're here
 10 to testify in connection with referred to as the
 11 Williams litigation?
 12 A. I am familiar.
 13 Q. And will it be okay if when referring to the
 14 litigation that you're here testifying about that I
 15 refer to it as the Williams litigation?
 16 A. Yes.
 17 Q. Will you understand what I mean by that?
 18 A. Yes.
 19 Q. Do you have an understanding as to the
 20 substance of the Williams litigation?
 21 A. Yes.
 22 Q. Can you tell me what your understanding is?
 23 A. My understanding is that there is a case
 24 pending against the state on behalf of the schools of
 25 California that would help the underprivileged, I guess,

1 or less -- schools, I guess, the schools that have --
 2 need more resources, and it would be to -- I guess in
 3 the -- I don't guess, I know in the constitution of
 4 California, California constitution, there is a --
 5 something that says that all students shall receive an
 6 equal education, and I believe that's what the case is
 7 about.
 8 Q. Do you know what relief the plaintiffs in this
 9 case seek?
 10 A. No.
 11 Q. Can you tell me when you first learned about
 12 the Williams lawsuit?
 13 A. Late June, early July.
 14 Q. And that would be of 2001?
 15 A. Yes.
 16 Q. How did you become aware of the lawsuit?
 17 A. Gladys Limon contacted me.
 18 Q. Could you spell -- was it Limon?
 19 A. Limon, L I M O N.
 20 Q. And Ms. Limon contacted you sometime in late
 21 June or early July of 2001. Do you recall what she said
 22 to you?
 23 A. She described the case and she told me that she
 24 was working with the ACLU, and if I wanted to meet to
 25 discuss whether or not I could make a declaration or I

1 would be willing to.
 2 Q. And do you recall how Ms. Limon described the
 3 case to you?
 4 A. She described it pretty much as I described to
 5 you what my understanding was of the case.
 6 Q. Did Ms. Limon contact you by telephone?
 7 A. Yeah. Yes.
 8 Q. And is Ms. Limon a teacher as well?
 9 A. No. She's a law student, I think, at Stanford.
 10 Q. Did you know Ms. Limon prior to that
 11 conversation?
 12 A. No.
 13 Q. Do you know how Ms. Limon came across your
 14 name?
 15 A. She is a friend of a friend of mine who is also
 16 a teacher.
 17 Q. Let me get this right, but a friend of a friend
 18 who is -- who is your friend and who is the friend of
 19 that friend, I guess?
 20 A. Yes.
 21 Q. Could you tell me their names?
 22 A. Clara Magana is my friend, who's a teacher.
 23 MR. HAHN: You might want to spell that.
 24 THE WITNESS: C L A R A, and last name is M A G
 25 A N A.

1 BY MR. SIMMONS:

2 Q. I assume there's a tilda, but I don't know
3 whether we have that access.

4 A. Yes, there is.

5 Q. And then who was the friend of Ms. Magana?

6 A. Gladys Limon.

7 Q. Did you have another conversation about this
8 lawsuit after you spoke with Ms. Limon?

9 A. Only to schedule a declaration, and then after
10 I gave the declaration, to schedule the deposition or to
11 schedule a meeting with Mr. Hahn.

12 Q. So after your conversation with Ms. Limon, did
13 you call someone about scheduling a declaration?

14 A. No, I was contacted.

15 Q. And who contacted you?

16 A. I forget her name.

17 Q. Would it be Catherine Lhamon? Does that ring a
18 bell?

19 A. Yes, that sounds familiar, although I'm not
20 sure a hundred percent.

21 Q. Okay. And I'll just try one more to see if
22 this will -- was it possibly Lois Perrin?

23 A. No.

24 Q. And can you tell me about when this phone
25 conversation occurred?

1 A. Late November.

2 MR. HAHN: I'm a little unclear. Are we
3 talking about the declaration conversation or the depo
4 prep conversation?

5 MR. SIMMONS: Yes, I think I'll go back. I
6 think I might have confused him.

7 Q. I think you said that after you had spoke with
8 Ms. Limon the next person that you talked to was a phone
9 call from an individual that could have been Catherine
10 Lhamon potentially.

11 A. Yes.

12 Q. And do you know about when that conversation
13 took place?

14 A. That conversation took place approximately --
15 it would be early November or about mid-November.

16 MR. SIMMONS: Could we mark this as Exhibit 1?

17 (The document referred to was marked by the
18 reporter as Exhibit 1 for identification and is attached
19 hereto.)

20 BY MR. SIMMONS:

21 Q. I'm showing Mr. Rodriguez what's been marked as
22 Exhibit 1. Feel free to take some time to review the
23 document. I just want to see if you recognize it.

24 MR. HAHN: Do you have an extra copy?

25 ///

1 BY MR. SIMMONS:

2 Q. Do you recognize the document?

3 A. Yes.

4 Q. And can you tell me what Exhibit 1 is?

5 A. Is a declaration that I made to Gladys.

6 Q. And if you look at page 4 of Exhibit 1, do you
7 see that it's dated on the 23rd of July in 2001?

8 A. Yes.

9 Q. Does that seem about the time that you signed
10 this declaration?

11 A. Yes.

12 Q. Okay. With that in mind, does that change your
13 recollection of the meeting with -- the time the meeting
14 with Ms. Lhamon occurred? Strike that.

15 We've mentioned a phone conversation that
16 occurred after your first conversation with Gladys Limon
17 and that could have potentially been with Catherine
18 Lhamon of the ACLU. You testified that you thought that
19 occurred maybe in early November, and I want to see if
20 looking at the date of this declaration that you think
21 that that conversation might have occurred on a
22 different date.

23 A. No.

24 Q. When Ms. Limon first contacted you, she asked
25 if you would be interested in preparing a declaration;

1 is that correct?

2 A. Yes.

3 Q. Did you give her an answer on that one way or
4 the other?

5 A. No.

6 Q. When did you decide to provide a declaration in
7 this case?

8 A. After we met.

9 Q. And when you say "after we met," who makes up
10 the "we" there?

11 A. Gladys and I.

12 Q. And about when did you meet with Gladys?

13 A. About a week after she called.

14 Q. And where did you meet with Ms. Limon?

15 A. At a doughnut shop.

16 Q. And was that in Santa Paula?

17 A. Yes.

18 Q. And do you recall about how long the meeting
19 lasted?

20 A. About an hour and a half.

21 Q. Do you recall what was discussed during the
22 meeting?

23 A. She described the case to me, and we had small
24 talk about education and my experience in the classroom.
25 Then she asked if I would be interested in making a

1 declaration.
 2 Q. Okay. And did you give Ms. Limon an answer at
 3 that time?
 4 A. Yes.
 5 Q. And after you informed her that you would be
 6 willing to provide a declaration, did you discuss the
 7 substance of the declaration with her?
 8 A. No.
 9 Q. Did you discuss the substance of the
 10 declaration with anyone else?
 11 A. No.
 12 Q. So I think you can recall in your second
 13 meeting, the in-person meeting that took place at the
 14 doughnut shop with Ms. Limon, you recall her describing
 15 the case to you, some small talk about education
 16 generally, and then also she asked if you wanted to
 17 provide a declaration. Was there anything else that you
 18 discussed during that meeting?
 19 A. I don't remember.
 20 Q. Now, when you say you discussed education
 21 generally in terms of maybe some small talk, did you
 22 discuss with Ms. Limon the types of things that are
 23 identified in your declaration here?
 24 A. Yes.
 25 Q. Did you draft Exhibit 1?

1 A. Can you clarify that?
 2 Q. Sure. Is this something that you personally
 3 wrote or that someone --
 4 A. She took notes.
 5 Q. And when you say "she took notes," you're
 6 referring to Ms. Limon?
 7 A. Yes.
 8 Q. And are those notes ones that she took during
 9 your meeting at the doughnut shop?
 10 A. No.
 11 Q. When did she take those notes?
 12 A. At the next meeting.
 13 Q. And what meeting was that?
 14 A. This was a meeting at my house.
 15 Q. Do you know about when that occurred?
 16 A. That was a few days before I signed the
 17 declaration.
 18 Q. About how long did that meeting last?
 19 A. About two hours.
 20 Q. And have you had any other conversations with
 21 Ms. Limon after that meeting that you've just
 22 identified?
 23 A. No.
 24 Q. After the meeting that you've just identified
 25 with Ms. Limon, did she send you a copy of this

1 declaration in the mail?
 2 A. She had two copies. I signed one and then she
 3 kept another one. Or she kept the one that I signed and
 4 I kept a copy.
 5 Q. Was this at the -- did you sign this
 6 declaration during the meeting that you've just
 7 identified?
 8 A. Yes.
 9 Q. So at the end of the meeting you signed this
 10 declaration here?
 11 A. Right.
 12 Q. And did she --
 13 A. Wait. Can I go back?
 14 Q. Yeah, sure.
 15 A. What happened, I think, if I remember
 16 correctly, she came and she took notes, she wrote it up
 17 and she got back to me.
 18 Q. Okay.
 19 A. And then she gave me a chance to make
 20 corrections, and I believe she came back the next day
 21 and picked up the same copy.
 22 Q. Now, I think you mentioned that you felt that
 23 that meeting lasted for maybe -- the meeting at your
 24 home --
 25 A. Right.

1 Q. -- lasted for approximately a couple of hours.
 2 A. Uh-huh.
 3 Q. Did she then leave your home and provide you
 4 with a copy of the declaration at a later time during
 5 that day?
 6 A. It was that other day.
 7 Q. And did she drop by your house to provide you
 8 with the copy of the declaration?
 9 A. She dropped it off. I wasn't home that day.
 10 Q. Did she leave a note with the declaration that
 11 she dropped off?
 12 A. No.
 13 Q. Did she drop it off with someone who was in
 14 your house at the time?
 15 A. With my family.
 16 Q. And then you signed a copy of that, of the
 17 declaration that she provided you? Or did you make
 18 changes to it?
 19 A. I don't remember. I don't remember if I -- I
 20 remember I read some things that I, well, I felt uneasy
 21 about, but I don't remember if I made those changes or
 22 not after.
 23 Q. Could you look through Exhibit 1, which is your
 24 declaration, and see if any of those things that you
 25 feel uneasy about are still in there?

1 A. There's only one word that stands out.
 2 Q. And could you tell me which word that is?
 3 A. Line 18 on the first page, word "most."
 4 Q. Okay. Is there a different word that you think
 5 more accurately -- strike that.
 6 What word would you feel comfortable using in
 7 place of "most"?
 8 A. I'd say "some" or "a lot of."
 9 Q. And I know that was just kind of tough to read
 10 through now, try and recall, but that was the only
 11 portion of the declaration here that's marked as Exhibit
 12 1 that you felt uncomfortable with?
 13 A. Right.
 14 Q. As far as any other things -- can you recall
 15 any other things that when you first saw the declaration
 16 you felt uncomfortable with?
 17 MR. HAHN: Objection. I'll instruct the
 18 witness not to answer on the basis of attorney/client
 19 privilege.
 20 BY MR. SIMMONS:
 21 Q. Up to the point we've been speaking about,
 22 you've just been dealing with Ms. Limon; is that
 23 correct?
 24 A. Yes.
 25 Q. With respect to your declaration?

1 A. Yes.
 2 Q. Did you ever ask Ms. Limon to serve as your
 3 counsel?
 4 MR. HAHN: Objection. I'll instruct the
 5 witness not to answer. You can ask it in a different
 6 way.
 7 BY MR. SIMMONS:
 8 Q. Did you ever try and retain Ms. Limon as your
 9 counsel?
 10 A. No.
 11 Q. To your knowledge, did Ms. Limon become your
 12 lawyer at any point?
 13 MR. HAHN: I'll object as vague and ambiguous
 14 as to Ms. Limon. I think she's a representative of the
 15 ACLU.
 16 THE WITNESS: Can you clarify that, please? I
 17 don't understand the question.
 18 BY MR. SIMMONS:
 19 Q. Okay. Let's try it another way. Has there
 20 ever been a time where you sought the advice of a lawyer
 21 with respect to the Williams litigation?
 22 A. Apart from Miss Limon or the other person I had
 23 conversations with or Mr. Hahn?
 24 Q. Okay. When was the first time that you sought
 25 advice from a lawyer with respect to the Williams

1 litigation?
 2 A. Personally, when I went, if I ever went out to
 3 get advice from someone?
 4 Q. Right.
 5 A. I don't know if you can consider it as advice,
 6 but I wanted clarification as to what the case was about
 7 more than anything.
 8 MR. HAHN: I think the witness may be confused
 9 about seeking counsel and when representation began.
 10 BY MR. SIMMONS:
 11 Q. Do you understand it better to say when
 12 representation began?
 13 A. Yeah.
 14 Q. That's fine, if that helps you to understand
 15 it.
 16 When do you feel that representation began with
 17 a lawyer?
 18 A. When I felt that I was involved in the case is
 19 when Gladys first contacted me and she mentioned the
 20 ACLU in late June.
 21 Q. Did she offer to serve as your lawyer at that
 22 time?
 23 A. She didn't say she would be my lawyer, but she,
 24 you know...
 25 Q. Okay. Has anyone from either the ACLU or

1 Morrison & Foerster offered to serve as your lawyer with
 2 respect to the Williams litigation?
 3 A. I believe the only -- I believe last week I
 4 signed the paper that said there's some sort of
 5 limitation on --
 6 MR. HAHN: I'm going to instruct the witness
 7 not to answer because we're getting into the contents of
 8 our conversations. I don't object to you getting into
 9 this line of questioning. I know you have to establish
 10 the basis. We're dancing on the edge of privileged
 11 communications.
 12 BY MR. SIMMONS:
 13 Q. I'm not sure what other way to ask it other
 14 than to say -- I mean, is it correct that you don't
 15 recall ever asking anyone to serve as your lawyer in
 16 this case? I believe you testified earlier that that
 17 was correct.
 18 A. Right.
 19 Q. I'm just trying to find out if anyone at any
 20 time has offered to serve as your lawyer.
 21 A. Offered to be my lawyer?
 22 Q. Yeah. Just with respect to this litigation.
 23 A. To this litigation?
 24 Q. Williams case, yes.
 25 A. Most directly was last week when I signed the

1 paper, but I feel that when I became involved with the
2 case was when Gladys first contacted me. I felt -- I
3 didn't know Gladys was my lawyer, but I felt that
4 somebody -- that I was involved -- somebody on behalf
5 of -- my understanding of the ACLU, that it's not one
6 lawyer, but it's some sort of legal advice entity, and I
7 believe at that time they were, in a sense,
8 representing, you know, me.

9 Q. And you feel that what you just described, you
10 feel that that commenced with the first time that she
11 called you on the telephone?

12 A. When she described the case and whether I
13 would -- whether or not I would be involved. Then I
14 believe I became involved.

15 Q. Is it fair to characterize the scope of the
16 representation as limited to the facts you know about
17 this lawsuit?

18 A. Sorry, can you ask that again?

19 MR. SIMMONS: Can you read it back?

20 (Record read.)

21 THE WITNESS: Yes.

22 MR. SIMMONS: Counsel, with respect to the
23 question regarding any other aspects of the deposition
24 he felt uncomfortable with are -- excuse me -- would you
25 still instruct not to answer with respect to any other

1 questioning.

2 MR. HAHN: Yes.

3 MR. SIMMONS: First, I'll just:

4 Q. I'll assume you will follow the advice of
5 Mr. Hahn and his instruction?

6 A. Yes.

7 Q. So now going through this, turning back to
8 Exhibit 1, which is your declaration. Today, as you
9 look at the declaration, the only aspect of it that you
10 saw that you felt somewhat uncomfortable with is the
11 word "most" at line 18 on the first page; is that
12 correct?

13 A. Yes.

14 Q. And if you would like to take some more time to
15 read through the declaration again, I just want to make
16 sure that, you know, are there any other aspects of the
17 declaration that you might feel uncomfortable with the
18 choice of words?

19 MR. HAHN: I'll object as vague and ambiguous
20 as to time. He signed this on the 23rd of July, and I
21 think the question should be limited to was this his
22 understanding at the time he signed it.

23 MR. SIMMONS: Okay. Or I'll try to limit it
24 this way.

25 Q. Just today, as you sit here and look at the

1 aspects of the first draft of the declaration that he
2 saw that he may have felt uncomfortable with?

3 MR. HAHN: His testimony is that he felt the
4 representation began at the point where he agreed to
5 become involved in the case. That was prior to a draft
6 of the declaration being put together. I don't have an
7 objection as to you asking about the contents of the
8 declaration and what he will affirm about this today,
9 but I have an objection as to you asking about what was
10 presented to him, what his changes were, etcetera.

11 MR. SIMMONS: Okay. Just for the record, I
12 would say that we do feel that this is just a
13 third-party witness who has just knowledge of the facts
14 surrounding this case, and that we feel that we're
15 entitled to that knowledge and an attorney/client
16 privilege doesn't arise just because attorneys go out
17 and seek out and find witnesses who they feel have an
18 understanding of the facts of the case.

19 MR. HAHN: And you are absolutely entitled to
20 inquire into his understanding of the facts, but not
21 into the process or the communications that happened
22 between him and representatives of the ACLU or of
23 Morrison & Foerster after he felt representation began.

24 MR. SIMMONS: And if your instruction will
25 stand, I will just move on from this line of

1 words used in your declaration, are you uncomfortable
2 with the choice of any other words, as you sit here
3 today, as reflecting accurately what you feel about the
4 conditions at your school?

5 MR. HAHN: At the time he signed it?

6 MR. SIMMONS: Just as he -- I mean, as he sits
7 here today and just looking at it and what his view of
8 the conditions are and whether he thinks this
9 declaration accurately reflects that.

10 MR. HAHN: I'm a little confused. Are you
11 asking him has anything in this declaration changed
12 since he signed it?

13 MR. SIMMONS: No. I mean, I think it would be
14 hard to ask him exactly what he was thinking on July
15 23rd and asking him to remember that specific time and
16 what he was thinking when he looked at this, so I
17 thought it might be easier to just say: If you're
18 looking at this declaration, do you feel that any of the
19 words, other words in here, don't -- do you not feel as
20 comfortable with any of the other words in the same way
21 that you felt about "most"?

22 MR. HAHN: If you understand, you can answer.

23 THE WITNESS: Do you want me to read it through
24 now?

25 MR. SIMMONS: Yeah, I think that would be fair.

1 I mean, I just want you to take the opportunity and look
2 through and make sure you're still comfortable with the
3 language that's used in this declaration. And I think I
4 might be able to help out with your point. Your concern
5 is not whether -- if something's changed, whether he's
6 concerned about the language now because of that, but
7 something concerns him about the language back on July
8 23rd as the school existed on July 23rd.

9 MR. HAHN: This is your deposition to conduct
10 and ask questions, but I would advise that it might be
11 more helpful if you went through specific conditions and
12 asked him if -- instead of a general question about just
13 the entire declaration.

14 MR. SIMMONS: Right. And I think we'll get to
15 that. Just when he mentioned the "most," I wanted to
16 see if there was anything else like that.

17 THE WITNESS: Okay. Then no.

18 MR. SIMMONS: I'm sorry, I wasn't try to make
19 that as difficult as it was.

20 Q. After the last meeting that we were mentioning
21 about Ms. Limon that occurred at your home, you
22 mentioned that she dropped your declaration off and then
23 you signed a copy of it and sent it back to her; is that
24 correct?

25 A. Yes.

1 respect to scheduling a time to meet with Mr. Hahn; is
2 that correct?

3 A. Yes.

4 Q. And are those all the communications that you
5 can recall at this time?

6 A. Yes.

7 MR. SIMMONS: Could we go off record?
8 (Discussion held off the record.)

9 MR. SIMMONS: In order to preserve the privacy
10 of Mr. Rodriguez' home address, counsel has agreed to
11 accept service on his behalf, and Mr. Rodriguez has
12 agreed to allow counsel to accept service on his behalf.

13 Is that consistent with both of your
14 understandings?

15 MR. HAHN: Yes.

16 THE WITNESS: Yes.

17 BY MR. SIMMONS:

18 Q. Mr. Rodriguez, would you describe your
19 educational background, starting with the college you
20 attended after high school?

21 A. I went to Ventura College. After I graduated
22 from high school in 1993, I started Ventura College and
23 completed the general educational requirements for the
24 UC. In 1996 I transferred to UCSB, and I got my degree
25 from UCSB in 1998, a Bachelor of Science. And I got my

1 Q. And then did you have any other meetings that
2 related to this litigation?

3 A. No.

4 Q. I believe there was one with Ms. Lhamon in
5 early November.

6 MR. HAHN: Misstates the testimony.

7 BY MR. SIMMONS:

8 Q. Was there a meeting -- oh, yes, sorry. Was
9 there another meeting with a lawyer that you had in
10 early November? Is that correct?

11 A. I just have a question about meetings.

12 Q. Sure.

13 A. Meetings are also -- include telephone calls,
14 telephone conversations?

15 Q. I should say conversations. I'm sorry. Did
16 you have a conversation with anyone else about this,
17 this litigation?

18 A. Other than the ones I've mentioned before?

19 Q. Yes.

20 A. No.

21 Q. And the ones that you mentioned before include
22 a conversation that occurred in early November, which
23 might have been with Ms. Lhamon; is that correct?

24 A. Yes.

25 Q. And then there was one other conversation with

1 credential at UCSB also in '99.

2 Q. Could you tell me the subject area that your
3 Bachelor of Science is in?

4 A. Mathematical sciences.

5 Q. What credential did you receive from UCSB in
6 1999?

7 A. Single subject teaching, clear credential.

8 Q. What single subject is your credential for?

9 A. Math.

10 Q. Do you hold any other credentials?

11 A. No.

12 Q. I guess I should have limited that to help you
13 out. Education-related credentials.

14 A. No.

15 Q. Could you tell me what teaching positions you
16 have held during your career as an educator?

17 A. I've taught at Santa Paula High School. This
18 is my third year.

19 Q. So your job as a teacher at Santa Paula is your
20 first job as a teacher; is that correct? Or did you
21 have a job prior to that?

22 A. Related to teaching?

23 Q. Yes.

24 A. No.

25 Q. Do you recall your hire date at Santa Paula?

1 A. Summer of '99.
 2 Q. Was that "somewhere" or "summer of '99"?
 3 A. Summer.
 4 Q. Sorry.
 5 A. It's okay.
 6 Q. What position were you hired for at that time?
 7 A. Math teacher.
 8 Q. Were you hired to teach a specific grade?
 9 A. No.
 10 Q. Has your job position changed since you've been
 11 at Santa Paula?
 12 A. No.
 13 Q. Do you teach specific math classes for Santa
 14 Paula?
 15 A. Yes.
 16 Q. Could you tell me which classes you teach? I'm
 17 not sure whether this is -- I think I can probably
 18 narrow this. I'm trying to figure out if you -- I know
 19 you said you didn't teach a particular grade, but do you
 20 teach a particular subject?
 21 A. Can you clarify that for me?
 22 Q. I mean, are you an algebra teacher or a
 23 geometry teacher? Is that the way that they distinguish
 24 the position?
 25 MR. HAHN: Vague and ambiguous as to time

1 Q. And how many periods of algebra did you teach?
 2 A. Two.
 3 Q. And did you teach geometry that year?
 4 A. Yes.
 5 Q. And how many periods of geometry?
 6 A. Four. We're on block schedule, so I don't know
 7 how --
 8 Q. Could you describe for me what the block
 9 schedule is?
 10 A. There's two terms. Each term is an entire
 11 course, so they're 95-minute periods. We call them
 12 blocks. And so we'll teach the entire course in
 13 one-half of the year, and then we start fresh with new
 14 students at the term and we teach another course.
 15 Q. So when you said, for example, during the
 16 1999/2000 school year that you taught one period of
 17 geometry, did you teach one period for both of the terms
 18 or for just one of the terms?
 19 A. One term.
 20 Q. And then the five --
 21 A. Those are five blocks, the entire year of
 22 algebra.
 23 Q. And that would be the same with respect to the
 24 two periods of algebra during the 2000/2001 school year?
 25 A. Yeah. But there's overlap because there's a --

1 period.
 2 THE WITNESS: So when do you want me to know or
 3 when do you want to know? I've taught different -- up
 4 to now I've taught algebra and geometry.
 5 BY MR. SIMMONS:
 6 Q. And you teach those to students of varying
 7 grade levels; is that correct?
 8 A. Yes.
 9 Q. And this is your third year at Santa Paula; is
 10 that correct?
 11 A. Yes.
 12 Q. During the 1990/2000 school year were you
 13 teaching just algebra?
 14 A. No.
 15 Q. Did you also teach geometry at that time?
 16 A. Yes.
 17 Q. How many periods of algebra did you teach
 18 during the 1999/2000 year?
 19 A. Five.
 20 Q. And how many periods of geometry?
 21 A. One.
 22 Q. How about with respect to the 2000/2001 school
 23 year, how many periods -- did you teach algebra that
 24 year?
 25 A. Yes.

1 we have a two-year algebra program, which normally would
 2 take two years in a traditional schedule school, but in
 3 our school it's two-term. It's one year.
 4 Q. So for the 2000/2001 year you taught the first
 5 portion of that, of algebra, during the first block?
 6 A. Right, first term.
 7 Q. And then the second term you taught the -- what
 8 would be the second year of algebra?
 9 A. Right.
 10 MR. HAHN: It might be more accurate to split
 11 your questions into the specific semesters because it's
 12 confusing that he's teaching six periods. He's actually
 13 teaching three periods per semester; is that correct?
 14 THE WITNESS: Right.
 15 MR. HAHN: And I think the courses that he has
 16 taught has changed over the semesters, not over the
 17 years.
 18 MR. SIMMONS: Okay. Thank you.
 19 Q. Let's see. How about the first term of
 20 2000/2001 school year, what classes were you teaching at
 21 that time?
 22 A. I was teaching -- the first term of 2000/2001?
 23 Q. Yes.
 24 A. First block geometry, second block algebra 1-A,
 25 and then third block was geometry.

1 Q. And then how about for the second term of the
2 2000/2001?
3 A. Geometry, then algebra 1-B and then geometry.
4 Q. And how about with respect to this year? Are
5 we still in the first term of the school year?
6 A. Yes.
7 Q. And what classes do you teach right now?
8 A. Geometry and then second block I have geometry
9 SDAIE. It's a SDAIE class, which stands for Specially
10 Designed Academic Instruction in English.
11 MR. HAHN: Is that S D A I E?
12 THE WITNESS: Yeah.
13 MR. SIMMONS: Thank you, counsel. That looked
14 like there were two blocks there.
15 Q. Is this a third block?
16 A. And third block is geometry.
17 Q. Could you explain to us what SDAIE is a little
18 more?
19 A. SDAIE is like a teaching method used at our
20 high school to teach kids that are limited in their
21 English skills.
22 Q. Could you give us a couple of examples of how a
23 teaching strategy under SDAIE differs from, I guess, a
24 traditional teaching format?
25 A. We use more visuals, more manipulatives or, you

1 know, activities that relate to the subject.
2 Q. Could you give me an example of what you mean
3 by "a visual"?
4 A. Overhead transparencies that show -- overhead
5 transparencies.
6 Q. And how about a manipulative?
7 A. Algebra titles.
8 Q. I'm not familiar with that. Could you describe
9 what an algebra title is or algebra titles are?
10 A. They're little squares and rectangles that
11 represent areas.
12 Q. You teach classes with students that are
13 English language learners; is that correct?
14 A. Yes.
15 Q. Do you also teach classes that don't have
16 English language learners in them?
17 A. Yes.
18 Q. And the English -- the classes with English
19 language learners, are all students in those classes
20 English language learners or only a part of them English
21 language learners?
22 A. The SDAIE class?
23 Q. Yes.
24 A. All of them are.
25 Q. How about your other two geometry classes for

1 this year, are there English language learners in either
2 of those classes?
3 A. There's a few sprinkled in.
4 Q. Both classes have a few English language
5 learners?
6 A. Yes.
7 Q. Did you teach English language -- am I using
8 the right phrase, English language learner? Is that
9 correct?
10 A. Yes.
11 Q. Did you teach English language learners during
12 the 2000/2001 school year?
13 A. Yes.
14 Q. And did you have a SDAIE class during that
15 school year?
16 A. Yes.
17 Q. And how many -- I guess would it be a block of
18 a SDAIE class?
19 A. That was an algebra class, the algebra 1-A/B
20 class the entire year.
21 Q. So algebra 1-A and 1-B for the 2000/2001 school
22 year was a SDAIE class?
23 A. Yes.
24 Q. For 2001/2002, this year, you mentioned that
25 you have English language learners in your non-SDAIE

1 class.
2 A. Yes.
3 Q. Is there any reason why those students aren't
4 in your SDAIE class or another SDAIE class, if it
5 exists?
6 MR. HAHN: Objection. Calls for speculation.
7 BY MR. SIMMONS:
8 Q. If you know.
9 A. I don't know.
10 Q. Is there a spectrum of English language
11 learners where students who are basically more or less
12 proficient in their English, are they -- is there an
13 attempt made to put students who are less proficient in
14 the SDAIE class where students who are more proficient
15 will go into a class that maybe has a few English
16 language learners in it?
17 MR. HAHN: Objection. Calls for speculation,
18 incomplete hypothetical.
19 THE WITNESS: I don't know.
20 BY MR. SIMMONS:
21 Q. And were there any SDAIE courses that you
22 taught during the 1999/2000 school year?
23 A. Yes.
24 Q. Could you tell me what those courses were?
25 A. Also algebra 1-A/1-B.

1 Q. Did you receive training in SDAIE?
 2 A. Yes.
 3 Q. Can you tell me a little bit about what that
 4 training consists of?
 5 A. Courses at UCSB in the credential program.
 6 Q. To your knowledge, is there a separate
 7 credential that teachers who teach English language
 8 learners can obtain?
 9 A. Yes.
 10 Q. Could you tell me what that credential is?
 11 A. It's a BCLAD.
 12 Q. And could you describe what the BCLAD is?
 13 A. The B stands for bilingual, which is -- and
 14 then I think CLAD stands for cross-cultural language
 15 something development.
 16 Q. In your SDAIE class this year, what are the
 17 primary languages of the students who are in that
 18 course?
 19 A. Spanish.
 20 Q. Any others?
 21 A. No.
 22 Q. Do you consider yourself fluent in Spanish?
 23 A. Yes.
 24 Q. Has there ever been a time while you've taught
 25 at Santa Paula High School that you felt there was not

1 A. The algebra 1-B.
 2 Q. And the second term for 2000/2001, would that
 3 also be algebra 1-B?
 4 A. Yes.
 5 Q. What textbooks do you feel there's an
 6 inadequate supply for the first term in this year?
 7 A. Geometry.
 8 Q. Now, you teach three blocks of geometry this
 9 year; is that correct?
 10 A. Yes.
 11 Q. Is there an inadequate supply of textbooks in
 12 each of those three blocks?
 13 A. No.
 14 Q. Is there a way to identify the particular block
 15 or blocks that have an inadequate supply?
 16 A. No.
 17 Q. I mean, would it be fair to say --
 18 A. Well, can you clarify that question?
 19 Q. Sure. Sure. I'm just trying to figure out for
 20 this year whether it's your first period, second period,
 21 or third period that you feel is inadequate.
 22 A. It was at the beginning the year.
 23 Q. The beginning of the year for a particular
 24 period?
 25 MR. HAHN: I think he's asking about which

1 an adequate supply of textbooks?
 2 A. Yes.
 3 Q. Was there more than one occasion where you felt
 4 that there was not an adequate supply of textbooks?
 5 A. Yes.
 6 Q. I guess by "occasion" I should mean for a
 7 particular class; would that be consistent with what --
 8 what's your understanding of "occasion" been thus far as
 9 you've been answering the questions?
 10 A. Terms.
 11 Q. When you say "terms," do you mean terms for a
 12 specific -- one of the specific blocks?
 13 A. Yes.
 14 Q. And do you know about how many, I guess,
 15 specific blocks you've felt there was an inadequate
 16 supply of textbooks?
 17 A. Three times.
 18 Q. And could you identify the block and the term
 19 for each of those three times?
 20 A. Second term, first year, which is '99/2000, and
 21 then also second term 2000/2001, and first term this
 22 year.
 23 Q. And, I guess, for what class in the second term
 24 for the 1999/2000 year did you believe there was an
 25 inadequate supply of textbooks?

1 class.
 2 MR. SIMMONS: Yes. Sorry.
 3 THE WITNESS: Because first and third I teach
 4 the same class, and I -- it's the same book.
 5 MR. SIMMONS: Okay.
 6 THE WITNESS: So I didn't, you know, I didn't
 7 know whether to just leave with one class, you know, and
 8 one without or to give as many books evenly to both
 9 classes.
 10 BY MR. SIMMONS:
 11 Q. So first and third -- is first and third a
 12 geometry class? Is that correct?
 13 A. Right.
 14 Q. Second is a geometry class?
 15 A. Geometry.
 16 Q. But you use a different text because that's the
 17 SDAIE course?
 18 A. Right.
 19 Q. Do you know about -- and you say that the
 20 problem with the textbooks in the first and third
 21 occurred at the beginning of the year?
 22 A. Yes.
 23 Q. Has that problem been remedied at this point?
 24 A. Yes.
 25 Q. About how long did it take to remedy the

1 inadequate amount of textbooks for the first and third
 2 geometry classes this year?
 3 A. Few weeks.
 4 Q. Do you know about how many additional textbooks
 5 you needed for the first and third geometry periods?
 6 A. It's hard to say because at that point we were
 7 adding and dropping students, so I wasn't sure how many
 8 were going to stay. Estimate would be about 15, 15 to
 9 20, at that point, would be a good estimate.
 10 Q. And how many students, as we sit here today,
 11 are in your first period geometry class?
 12 A. 38.
 13 Q. And how about your third?
 14 A. 39.
 15 Q. And do each of those students now have a
 16 textbook --
 17 A. Yes.
 18 Q. -- to use for themselves?
 19 A. Yes.
 20 Q. And can they take that textbook home?
 21 A. Yes.
 22 Q. So earlier, when we were saying the problem --
 23 how had the problem been remedied or whether it had been
 24 remedied, the remedy in this situation was obtaining
 25 more textbooks; is that correct?

1 A. Yes.
 2 Q. Did you personally go about getting the
 3 additional textbooks?
 4 A. I was helped.
 5 Q. I was going to say, can you just tell me a
 6 little bit about the process? I assume at some point
 7 you identified a lack of textbooks and from there you
 8 had to work to get the textbook. I just want to know
 9 how that happened.
 10 A. Another teacher went around. She needed to
 11 order some more books and she had more experience in how
 12 to go about that so I worked with her.
 13 Q. Did she ask you if you were missing any
 14 textbooks or did you mention it to her?
 15 A. Yeah. She asked me. We kind of -- I don't
 16 remember exactly how it happened, but we -- she went
 17 about helping me get more books that I needed.
 18 Q. And what was this teacher's name?
 19 A. Jody Whaley.
 20 Q. Could you spell the last name for us?
 21 A. W H A L E Y.
 22 Q. And Jody, is that with a Y or an I E?
 23 A. Jody, J O D Y.
 24 Q. You think it took about a few weeks into the
 25 school year to get a sufficient number of textbooks for

1 students in your first and third period classes?
 2 A. Yes.
 3 Q. And when you say "a few," does that mean
 4 approximately three?
 5 A. Three to four weeks. It takes a while to get
 6 them in once you place the order.
 7 Q. Did you try and cope with the insufficient
 8 number of textbooks in some way?
 9 A. Yes.
 10 Q. Can you tell me how you went about doing that?
 11 A. The secretary helped, got one of her teacher
 12 assistants to make a copy of the book.
 13 Q. I think earlier we were talking about how you
 14 dealt with this situation, and you mentioned you weren't
 15 sure what to do, whether to have both first and third
 16 period lack in the same number of books or, you know, to
 17 have one class be without and the other class to have a
 18 full set. How did you ultimately resolve that, if you
 19 did?
 20 A. I passed out all the books to first block, and
 21 whatever I had left over I gave to -- and as students
 22 added or dropped, I would take the book and just
 23 redistribute.
 24 Q. So you provided copies to students in the third
 25 block during the time that they didn't have a textbook?

1 A. Yes.
 2 Q. Were there any times when you weren't able to
 3 provide copies?
 4 A. For a couple of days.
 5 Q. And just for clarification, "a couple," does
 6 that mean approximately one or two?
 7 A. One or two days.
 8 Q. And was that, on those one or two days, was
 9 that a situation where you couldn't provide copies to
 10 all the students who lacked a book or just to a couple
 11 of students that lacked a book?
 12 A. A couple of students.
 13 Q. Again, I've used it this time, it's my fault,
 14 but "a couple" means how many students?
 15 A. One or two. And once again, that was when they
 16 were dropping and adding. You know, maybe they might
 17 have added first period also. So even though all of the
 18 students in first period had a book, if another student
 19 would add, another student added after the books were
 20 passed out, then I would have to give him or her a copy.
 21 Q. In your SDAIE geometry class this year, did you
 22 have a sufficient number of textbooks for that class?
 23 A. No. At the beginning of the year, no.
 24 Q. About how many textbooks were you missing at
 25 the beginning of the year for your SDAIE class of

1 2001/2002?
 2 A. We didn't have any books.
 3 Q. And did you obtain textbooks at some point for
 4 your SDAIE class?
 5 A. Yes.
 6 Q. About how long did it take to get the
 7 textbooks?
 8 A. About a week.
 9 Q. And at that point did you have a textbook for
 10 everyone in your class?
 11 A. Yes.
 12 Q. Do you have any understanding as to why there
 13 was a shortage when the school year started?
 14 MR. HAHN: Objection. Calls for speculation.
 15 THE WITNESS: No, I don't.
 16 BY MR. SIMMONS:
 17 Q. Would that be the same with respect to the
 18 other shortage you've identified here that related to
 19 your first and third period geometry classes?
 20 MR. HAHN: Same objection. Calls for
 21 speculation.
 22 THE WITNESS: Yes.
 23 BY MR. SIMMONS:
 24 Q. Did you ask anyone why there was a shortage, by
 25 any chance?

1 A. No.
 2 Q. One of the other shortages for textbooks you
 3 identified was the second term of the 2000/2001 school
 4 year for your algebra 1-B course; is that correct?
 5 A. Yes.
 6 Q. And was that a situation where you lacked
 7 textbooks at the beginning of the year or did you lack
 8 textbooks for the entire year?
 9 MR. HAHN: Objection. Vague and ambiguous as
 10 to time period.
 11 MR. SIMMONS: Strike that.
 12 Q. Can you describe for me the shortage of
 13 textbooks that you experienced in your algebra 1-B
 14 course for the 2000/2001 school year?
 15 A. Second term.
 16 Q. And what was the particular shortage?
 17 A. What do you mean? In terms of numbers or in
 18 terms of why?
 19 Q. I'm trying to find out, you know, how many
 20 textbooks did you lack at the beginning of the school
 21 year, for example?
 22 MR. HAHN: It's the beginning of the term, not
 23 the year.
 24 MR. SIMMONS: Beginning of the term. Thank
 25 you.

1 THE WITNESS: We didn't have any books for that
 2 class.
 3 BY MR. SIMMONS:
 4 Q. So no books at the beginning of the algebra 1-B
 5 course for the second term of 2000/2001?
 6 A. Right.
 7 Q. Did you get any books throughout the course of
 8 the term?
 9 A. No.
 10 Q. So you were without textbooks for the entire
 11 term for the 1-B course?
 12 A. Yes.
 13 Q. Did you try and obtain textbooks for your
 14 class?
 15 A. No.
 16 Q. Was there a particular reason why you didn't
 17 try and obtain them?
 18 A. At that point I asked around, if there was some
 19 books, and there wasn't. I decided it would be easier
 20 to go without, at that point, to go without textbooks.
 21 Because I didn't know. At that term I was a new
 22 teacher, you know, without tenure.
 23 Q. So you weren't sure about how to go about
 24 getting additional textbooks? Am I understanding you?
 25 Is that correct?

1 A. Right.
 2 Q. And then you mentioned something about tenure.
 3 Were you concerned about rocking the boat if you were to
 4 ask about textbooks?
 5 A. No.
 6 Q. I assume at that time did you know Ms. Whaley?
 7 A. Yes.
 8 Q. But at that time there was no conversation
 9 between you and her about obtaining additional
 10 textbooks?
 11 A. Right.
 12 Q. Who was the principal of Santa Paula High
 13 School at this time?
 14 A. Antonio Gaitan.
 15 Q. Could you spell Mr. Gaitan's last name for us?
 16 A. G A I T A N.
 17 Q. Did you ever mention the shortage of textbooks
 18 to Mr. Gaitan?
 19 A. I don't remember.
 20 Q. To your knowledge, is there someone at Santa
 21 Paula High School that has responsibility for obtaining
 22 textbooks?
 23 A. Well, there's a person who you -- the librarian
 24 is in charge of ordering books, but I'm not sure if
 25 somebody is responsible for --

1 Q. -- anything that she orders before she orders
2 it?
3 A. Right.
4 Q. Did you speak with the librarian at all during
5 the second term?
6 A. No.
7 Q. Did you use instructional materials in lieu of
8 textbooks for that algebra 1-B course?
9 A. Yes.
10 Q. And what did you use?
11 A. Copies, xerox copies of the text.
12 Q. And the text that you're referring to, what was
13 the title of that text?
14 A. I don't remember it.
15 Q. Is this, the algebra 1-B class we were
16 referring to, is this a SDAIE course?
17 A. This is a SDAIE course.
18 Q. Would you generally use photocopies on a daily
19 basis for your students in the algebra 1-B course?
20 A. Yes.
21 Q. Were there times when you were unable to make
22 copies of instructional materials for your students to
23 use?
24 A. No. There might have been a couple of times
25 where it took a long time due to the machine being

1 broken. More than anything, it was time consuming.
2 Q. Do you have an understanding as to the term
3 "adoption cycle" as it relates to textbooks?
4 A. Yes.
5 Q. Could you tell me what your understanding is?
6 A. My understanding of adoption cycle is certain
7 departments get certain years to order their textbooks
8 or preference in that year.
9 Q. My understanding of the adoption cycle is that
10 it's typically a seven-year process; is that consistent
11 with your understanding?
12 A. No.
13 Q. Do you have a particular year that you
14 understand that the textbooks to work on the cycle?
15 A. I don't know the specific number of years.
16 Q. Do you know where the math department currently
17 stands in that adoption cycle?
18 A. No.
19 Q. Now, you also identified a textbook shortage
20 with respect to your second term algebra 1-B class for
21 the 1999/2000 school year.
22 A. Right.
23 Q. Can you describe that shortage for me?
24 A. Very similar to the other one.
25 Q. And when you say "very similar to the other

1 one," do you mean you lacked textbooks at the beginning
2 of the year and that problem remained pretty much
3 through the course of the year or through the course of
4 the term?
5 A. Second term.
6 Q. And did you try and obtain any algebra 1-B
7 textbooks during that term?
8 A. I believe I asked the department chair if we
9 could that first year or how we went about that. That
10 was the first year I was working there.
11 Q. Is the department chair that was there during
12 your first year, is that the same person now in this
13 school year?
14 A. Yeah.
15 Q. What's that person's name?
16 A. Suzanne Bowerman.
17 MR. HAHN: Sorry?
18 THE WITNESS: Suzanne Bowerman.
19 BY MR. SIMMONS:
20 Q. Could you spell that last name for us, too?
21 A. B O W E R M A N.
22 Q. So can you recall with any specificity speaking
23 with Ms. Bowerman during that first school year?
24 A. No.
25 Q. Do you recall telling anybody at school about

1 your shortage of textbooks during the 1999/2000 school
2 year?
3 A. No.
4 Q. And did you attempt to use other instructional
5 materials in lieu of a traditional textbook?
6 A. Copies again.
7 Q. Were there any times where you were unable to
8 obtain copies for your students?
9 A. Only if the machine was broken or, you know,
10 something like that.
11 Q. Do you have an understanding as to the number
12 of times or recollection as to the number of times you
13 might have been unable to obtain copies for your
14 students?
15 A. Once or twice.
16 Q. Do you recall the name of the textbook that you
17 were using to obtain copies?
18 A. No. We just call them like the red book. I
19 don't remember the name now.
20 Q. What's the, I guess, colloquial name for this
21 textbook? If you recall.
22 A. I think it's --
23 Q. And by "colloquial" I just mean the --
24 A. What we call it would be the red algebra book.
25 I think it's Houghton/Mifflin.

1 Q. And was it also the red algebra book that you
 2 were missing copies for in the second term of the
 3 2000/2001 school year?
 4 A. Yes.
 5 Q. Do you know whether any teachers had a full set
 6 of that, that textbook?
 7 A. No, I don't know.
 8 Q. If you'll turn to your declaration that's
 9 marked As Exhibit 1, you'll see: "For my last year" --
 10 I'm sorry. On the first line of paragraph 3 it says:
 11 "For my last year, first period algebra class,
 12 during the 2000/2001 school year, my students
 13 went with textbooks for half of the year."
 14 When you say "half of the year," I need to
 15 understand that sentence in terms of the block
 16 scheduling that we've been referring to; is that
 17 correct?
 18 A. Yes.
 19 Q. So "half of the year" means for -- does that
 20 mean the second term algebra 1-B course that we were
 21 discussing for the 2000/2001 school year?
 22 A. Yes.
 23 Q. And then in the next sentence you mention that
 24 for the first term the students had books but the books
 25 were below their learning level. Does that sentence

1 refer to your algebra 1-A course during the 2000/2001
 2 school year?
 3 A. Yes.
 4 Q. And do you recall the specific name or the
 5 colloquial name that you're referring to in that
 6 sentence?
 7 A. "Algebra 1 Interactions" is the title of the
 8 book.
 9 Q. And did each student have a copy of that
 10 textbook during the first term of the 2000/2001 school
 11 year?
 12 A. Yes.
 13 Q. Your problem with that textbook, though, is you
 14 thought it was below their learning level?
 15 A. Yes.
 16 Q. Can you describe for me what you mean by that?
 17 A. Too easy for them.
 18 Q. Could you tell me, I guess, in what respects
 19 the -- I assume the -- in what respects the subject
 20 matter was too easy for them?
 21 A. I think the pace of the book was slower than, I
 22 think, than what, in my opinion, they could achieve.
 23 Q. Do you know how old this textbook was?
 24 A. No.
 25 Q. Do you know whether the textbook was designed

1 for a high school level algebra course?
 2 A. I'm not sure.
 3 Q. Was there anything about it that led you to
 4 believe that it might not have been designed for --
 5 A. No, I believe it is for high school, but I'm
 6 not a hundred percent sure. I believe it is.
 7 Q. That next sentence, still in paragraph 3, at
 8 line 11, where it says: "For the second term I found a
 9 better book for them, but there was not a class set
 10 available for their use." This is the algebra 1-B class
 11 for the 2000/2001 school year?
 12 A. Right.
 13 Q. And this is the textbook that we discussed that
 14 you used to make the copies for them; is that correct?
 15 A. Yes. Yes.
 16 Q. Was there another textbook available that they
 17 could have used?
 18 A. Yes.
 19 Q. And what was that textbook?
 20 A. The Algebra 1 Interactions.
 21 Q. Now, the Algebra 1 Interactions, was that
 22 textbook designed to teach in the setting that you do?
 23 Meaning, the term in block system where two terms
 24 basically equals two years.
 25 MR. HAHN: Objection. Calls for speculation.

1 THE WITNESS: I don't know.
 2 BY MR. SIMMONS:
 3 Q. Was your concern -- I take it that you didn't
 4 want to use the Algebra 1 Interactions textbook for your
 5 students in the second term; is that correct?
 6 A. Yes.
 7 Q. And you felt -- you didn't want to use it
 8 because you felt it was below their learning level?
 9 A. Yes.
 10 Q. Is that correct too?
 11 A. Yes.
 12 Q. Was it the sense that -- I mean, was your
 13 concern that just the substance of the book was
 14 insufficient or -- I mean, would you have gone through
 15 the entire book, the Algebra 1 Interactions book, during
 16 the first term, essentially have nothing left to learn
 17 out of that book? Or was it just a general sense that
 18 the book was below their learning level?
 19 A. It was a general sense. I didn't try -- I
 20 didn't know which one would happen.
 21 Q. Another way to ask it, too, might be: How far
 22 did you get through the Algebra 1 Interactions textbook
 23 during the first term?
 24 A. I finished the Book 1.
 25 Q. When you say "finished," you mean you had taken

1 the students through all the material that was covered
2 in Book 1?

3 A. In Book 1, yes.

4 Q. This may be difficult to recall, but can you
5 recall the number of pages that Book 1 might have been?
6 A rough estimate is fine.

7 A. I don't know.

8 Q. That's fine. Some of them have really thick
9 pages.

10 If you'll turn down to line 17, still in
11 paragraph 3, it says: "The books that my students used
12 in my algebra class were not in good condition." And
13 that sentence refers to the Algebra 1 Interactions
14 textbook?

15 A. No.

16 Q. Which textbook does that refer to?

17 A. The one that I used to make copies.

18 Q. So did some students have copies of that
19 textbook?

20 A. Yes.

21 Q. Now, I recognize that the number of students in
22 your algebra 1-B course probably changed throughout the
23 semester, but is there a number, give or take, that
24 would fairly accurately reflect the number of students
25 you taught in algebra 1-B during the 2000/2001 school

1 them.

2 For 2000/2001 I didn't teach algebra first term
3 or first semester -- I mean first block or third block,
4 so somebody else took the algebra books. I started the
5 algebra 1-A/1-B class with Interactions book, and then I
6 switched to again making copies for them when the book
7 was no longer.

8 Q. I'm sorry, I'm probably looking really dense
9 right now, but which books, which textbooks, do the
10 words "the books" in line 17 in paragraph 3 refer to?

11 A. Which books?

12 Q. You see in line 17 where it says: "The books
13 that my students used in my algebra class were not in
14 good condition"?

15 A. Those were the books that were in my first and
16 third block algebra class, not the SDAIE.

17 Q. So when we mention the algebra -- the two
18 algebra 1-B courses and then the geometry course for
19 this year, those were all SDAIE courses, right?

20 A. Sorry, can you say that again?

21 Q. The algebra 1-B course during your '99/2000
22 second term, that was a SDAIE course?

23 A. Yes.

24 Q. And then the second term of 2000/2001 algebra
25 1-B class was also SDAIE; is that right?

1 year? Like, for example, anywhere between 32 and 38 or
2 something of that nature.

3 A. 2000/2001?

4 Q. Oh, yes, 2000/2001. I'm sorry. Thank you.

5 A. More than -- about 30.

6 Q. About 30, give or take a couple?

7 A. 30 to 35.

8 Q. So the book that that's referring to is the red
9 algebra book, that sentence; is that correct?

10 A. Yes.

11 Q. And do you know about how many copies of the
12 red algebra book you had for that 1-B class?

13 A. I had none, zero.

14 Q. Earlier you had testified that some of your
15 students had copies of the book.

16 A. Yes.

17 Q. Could you help me understand the difference
18 between that answer?

19 A. That's the book that I use in my other algebra
20 classes. Okay. The 2000/2001 was when I taught the
21 geometry. Somebody else -- okay. Can I go back to
22 describing? In '99/2000, when I taught the two algebra
23 classes, we had enough red books for the two college
24 prep regular algebra classes, but we didn't have enough
25 for the English language learners, so I made copies for

1 A. Yes.

2 Q. And the geometry course for the first term of
3 this school year, 2001/2002, is SDAIE?

4 A. Yes.

5 Q. And so when we refer to first and third, that
6 means the normal college prep algebra class?

7 A. Yes.

8 Q. And you taught that during the 1999/2000 school
9 year?

10 A. Yes.

11 Q. You had a first and third block during each
12 term?

13 A. No.

14 Q. Sorry.

15 A. It's okay.

16 Q. That's right. Because the one term is a full
17 year of algebra for them; is that correct?

18 A. Yes.

19 MR. HAHN: I'm a little confused. Can you take
20 him through what classes he taught in the '99/2000 year?

21 MR. SIMMONS: Yes, that sounds good.

22 Q. Can we do that?

23 A. Yes.

24 Q. Sorry.

25 A. It is confusing with a block schedule.

1 Q. So we'll start with '99/2000, and we'll start
2 with the first term.

3 A. Okay. First term, '99/2000, block one was
4 geometry college prep, block two was algebra 1-A SDAIE,
5 and block three was algebra college prep. So just to go
6 back, it was algebra, then the algebra SDAIE, and then
7 algebra.

8 Q. Wait. For 1999/2000 the first term I have
9 geometry, algebra 1-A SDAIE and then algebra.

10 A. No. I'm sorry if I said geometry. It was
11 algebra, algebra 1-A and then algebra.

12 Q. And the 1-A course was the SDAIE course?

13 A. Right.

14 Q. Okay. Let's go to the second term.

15 A. Term two was algebra, algebra 1-B and then
16 geometry.

17 Q. Now, just to start with the first term of
18 1999/2000, we discussed an inadequate supply of
19 textbooks that happened in your algebra 1-A SDAIE class;
20 is that correct?

21 A. No.

22 Q. That wasn't a class that had a lack of
23 textbooks for the 1-A class, that was a -- that issue
24 was with the textbook that you felt might be below their
25 learning level?

1 Q. Now, if we go to the second term of the
2 2000/2001 school year, the algebra 1-B was the SDAIE,
3 was the course that you identified having to make copies
4 from another textbook; is that correct?

5 A. Yes.

6 Q. Were there any problems with the sufficiency of
7 the textbooks in either of your geometry courses for the
8 second term of the 2000/2001 school year?

9 A. No.

10 Q. How about the condition of the geometry
11 textbooks that you used -- well, strike that.

12 Could we go back to paragraph 3 and see where
13 it says: "The books that the students used in my
14 algebra class were not in good condition"; does that
15 refer to the algebra 1-A textbooks?

16 A. No.

17 Q. Which algebra books does that refer to?

18 A. '99/2000.

19 Q. And which blocks for '99/2000 does that refer
20 to?

21 A. One and three.

22 Q. One and three from the first term?

23 A. Yes.

24 Q. And how about, there was a second term algebra
25 class during 1999/2000; were there any problems with the

1 A. Right.

2 MR. HAHN: Can we go off the record?

3 MR. SIMMONS: Sure.

4 (Discussion held off the record.)

5 BY MR. SIMMONS:

6 Q. Mr. Rodriguez, could we go ahead and outline
7 the classes for the 2000/2001 school year now?

8 A. Yes. First block, first term, geometry; second
9 block was algebra 1-A; and then third block -- oh, that
10 second block was algebra 1-A SDAIE. And third was
11 geometry. And second term was geometry, algebra 1-B
12 SDAIE, and third block was geometry.

13 Q. Okay. Now, with respect to the 2000/2001
14 courses that you identified, I think we discussed
15 earlier that the algebra 1-A SDAIE course from the first
16 term had textbooks but you felt that those textbooks
17 were below the students' learning level; is that
18 correct?

19 A. For the algebra 1-A?

20 Q. Yes.

21 A. Yes.

22 Q. Were there any deficiencies in the number of
23 textbooks during your -- the first term of the 2000/2001
24 school year in the geometry classes?

25 A. No.

1 condition of those books?

2 A. They were the same books.

3 Q. Just quickly, if we could. I'm sorry for
4 jumping, but if we could go now, we're in 2000/2001.
5 Were there any problems with the condition of the
6 geometry textbooks that you used during the first term
7 for your first and third block?

8 A. No.

9 Q. And if we go to the second term of 2000/2001,
10 and are referring to the textbooks that you used in your
11 geometry class for first and third block, were there any
12 problems with the physical condition of those textbooks?

13 A. No.

14 Q. And if we go to the -- now, this is geometry
15 for the second term of 1999/2000. Were there any
16 problems with the physical condition of those textbooks?

17 A. No.

18 Q. Now, the next sentence that begins at line 18,
19 where it says: "Most of the books were torn, had
20 missing pages or had the binding coming apart," that
21 sentence refers to the algebra textbooks for 1999/2001,
22 but the non-SDAIE algebra textbooks; correct?

23 MR. HAHN: You said --

24 MR. SIMMONS: I'm sorry. '99/2000.

25 Q. Is that correct?

- 1 A. Yes.
 2 Q. Now, earlier you had said that now you might
 3 say "some" or "a lot" of the textbooks instead of
 4 "most"?
 5 A. Yes.
 6 Q. Could you just give an estimate of the number
 7 of algebra textbooks that you had for the students in
 8 your various algebra courses during the 1999/2000 school
 9 year?
 10 A. The number of books total?
 11 Q. Total, yes. For all of your classes, if
 12 possible. And I understand that this will be -- if you
 13 can do it as an estimate, not a specific number.
 14 A. The entire year?
 15 Q. Well, you probably -- I guess that the algebra
 16 books for the second term were probably recycled in the
 17 sense that those same books had been used in the first
 18 term; is that right?
 19 A. Right. Right.
 20 Q. So you basically had two sets of algebra
 21 textbooks during '99/2000?
 22 A. Yes.
 23 Q. And about how many textbooks were in each set,
 24 do you think?
 25 A. I'd say about 30 to 35 books.

- 1 Q. So you probably had about 60 to 70 algebra
 2 textbooks total for your students during 1999/2000?
 3 A. Yes.
 4 Q. Can you give an estimate as to about how many
 5 of those books were torn?
 6 MR. HAHN: Object as vague and ambiguous as to
 7 "torn."
 8 BY MR. SIMMONS:
 9 Q. In that sentence could you give me an idea as
 10 to what the term "torn" means?
 11 A. Missing pages.
 12 Q. Anything else that's meant by "torn"? Or, I
 13 guess, maybe --
 14 A. Okay. Now that I'm reading what I wrote or
 15 what I said, what I meant by "torn" was visibly bad
 16 condition.
 17 Q. Like a rip or a tear in the page as opposed to
 18 an entire page missing?
 19 A. Or the cover. You know, if you look at the
 20 book, it looks like it's been beat up.
 21 Q. And then we have "missing pages." I think that
 22 term is pretty obvious for us. And then could you tell
 23 us what you mean by the binding coming apart?
 24 A. The binding, what holds the book together,
 25 started to come apart.

- 1 Q. Like detach from the spine of the book?
 2 A. Yes.
 3 Q. So let's return to the question of how many
 4 books were torn now. If you can, can you tell me an
 5 estimate of the number of books within that 60 to 70
 6 total number that suffered from tears?
 7 A. I'd estimate about 15 to 20.
 8 Q. And of those, were any of the books rendered
 9 unusable as a result of the tears?
 10 A. No.
 11 Q. If we go to missing pages now, about how many
 12 of the 60 to 70 textbooks would you say were missing
 13 pages?
 14 A. About the same number, 15 to 20.
 15 Q. Were there occasions where students were unable
 16 to do a particular assignment because the textbook was
 17 missing pages?
 18 A. Yes.
 19 Q. Can you tell me about how many times that
 20 occurred?
 21 A. Happened a few times.
 22 Q. And by "a few," do we mean about three to four?
 23 A. I don't remember the exact number, but
 24 throughout the term I was approached by a few students
 25 every once in a while.

- 1 Q. I'm just trying to figure -- if there's not,
 2 that's fine, you can say so, but if there's a number
 3 when we say "a few." Is there any way you can -- a
 4 range would be fine, too.
 5 A. I'd estimate about five to 10 times.
 6 Q. And with respect to textbooks that had the
 7 binding coming apart, out of the 60 to 70 total algebra
 8 books that you have identified, how many would you say
 9 had the binding coming apart?
 10 A. Probably three, three or four books.
 11 Q. And of those three or four, were any rendered
 12 unusable as a result of the binding?
 13 A. No.
 14 Q. If we go down to line 21, and still in
 15 paragraph 3, you'll see:
 16 "The condition of the books not only had a
 17 direct impact on the students because they
 18 can't do their homework due to missing pages,
 19 the condition of the books also has a
 20 psychological impact on their academic
 21 performance."
 22 Could you tell me what you mean by "the
 23 psychological impact on their academic performance"?
 24 A. I think the students see the book as their
 25 tool, and if their book is beat up or missing pages,

1 then it has an impact on -- it gives them an excuse not
 2 to do, you know, not to do their homework.
 3 Q. Did you have any discussions with any of your
 4 students that could maybe exemplify what you mean by
 5 "the psychological impact on their academic
 6 performance"?
 7 A. Can you say that again?
 8 Q. This might be oversimplifying it, and tell me
 9 if you are, but the beat-up books and the missing pages
 10 and the psychological impact is one you've described as
 11 akin to somewhat morale; is that a fair way to
 12 characterize it?
 13 A. Yes.
 14 Q. And I was just going to see if you had had any
 15 conversations with your students that would kind of
 16 exemplify or be an example of the psychological impact
 17 you've identified.
 18 A. I never had direct conversations other than
 19 when they told me I couldn't do my homework because the
 20 page is missing, but I would hear them talk about the
 21 book, my book's all beat up.
 22 Q. We don't have to turn directly to the
 23 declaration at this point, but I think another thing
 24 that you refer to in your declaration is a lack of
 25 instructional materials for English language learners.

1 A. Uh-huh.
 2 Q. Could you describe that, what you mean by that,
 3 for me a little more?
 4 A. Lack of manipulatives and visual aids.
 5 Q. I assume that the department, your mathematics
 6 department, has a set of instructional materials for a
 7 class, for a particular algebra class that they think
 8 ought to be used, whether that's a textbook or something
 9 else; is that a fair understanding?
 10 A. No.
 11 Q. Okay. Is there any set way at your school
 12 where you know what textbooks or what instructional
 13 materials you're supposed to use for a particular class
 14 that you're teaching?
 15 A. No.
 16 Q. How do you know which textbook to use for your
 17 class?
 18 A. Depends on what's available.
 19 Q. Does the school have kind of -- I don't know
 20 whether warehouse is the right term, but some type of
 21 storage area for textbooks?
 22 A. No.
 23 Q. Are they stored in classrooms?
 24 A. They used to be stored in the library, and then
 25 we moved them into our classrooms.

1 Q. What manipulatives do you feel are lacking for
 2 English language learners?
 3 A. Algebra tiles, overhead transparencies that
 4 help explain the concepts, blocks and chips.
 5 Q. Does Santa Paula have any forms of
 6 manipulatives or visual aids that you could use to teach
 7 your English language learners?
 8 A. Yes.
 9 Q. Can you tell me what those are? First, just
 10 tell me what the manipulatives that are available.
 11 A. They have fraction bar, wooden. They have a
 12 name. I forget exactly what it is.
 13 Q. But one way to characterize it is as a wooden
 14 fraction bar?
 15 A. Right.
 16 Q. Any other manipulatives?
 17 A. Big, little cubes, wooden cubes.
 18 Q. And what kind of activities, I guess, what type
 19 of math would you teach someone using the wooden cubes?
 20 A. Isometric drawings.
 21 Q. Any other manipulatives that you're aware of?
 22 A. There's a bucket of random plastic shapes,
 23 little geometric trapezoids and squares and triangles.
 24 Q. How about visuals? Are there any visuals
 25 available for you to use to teach the English language

1 learner students at your school?
 2 A. No.
 3 Q. Have you ever discussed the lack of visuals
 4 with any other individuals at your school?
 5 A. Yes.
 6 Q. Can you tell me who?
 7 A. I know I've had the conversations. I don't
 8 exactly remember with who.
 9 Q. Have you ever suggested to, perhaps, the
 10 principal that the school order some visuals to assist
 11 in teaching the English language learners?
 12 A. I don't remember.
 13 Q. And is there a method by which you can, I
 14 guess, suggest that the school purchase instructional
 15 materials such as visuals?
 16 A. I approached the department chair once about
 17 supplies.
 18 Q. And the department chair was Ms. Bowerman?
 19 A. Mrs. Bowerman.
 20 Q. Do you know in what school year that occurred?
 21 A. '99/2000.
 22 Q. What supplies did you confront her about or
 23 approach her about?
 24 A. Miscellaneous teaching supplies.
 25 Q. By "miscellaneous teaching supplies," could you

1 give me some examples?
 2 A. Like a stamp for graphing, like a template.
 3 It's like a big stamp like this, and then you stamp it
 4 on there and it makes axes for them to graph certain
 5 things. I approached her with a list of things that I
 6 would have liked to have.
 7 Q. And did this occur in a specific conversation?
 8 A. Yes.
 9 Q. Can you tell me a little bit about what
 10 happened?
 11 A. I approached her with a list of things, and
 12 then we had a conversation about it. It was my
 13 impression that there wasn't enough funds to buy all of
 14 the things.
 15 Q. Did you receive any of the things that were on
 16 your list?
 17 A. I don't believe I did. Again, this is back
 18 when I was not tenured yet.
 19 Q. When you say that this was back when you were
 20 not tenured, I think earlier I asked if that meant that
 21 when you're not tenured a teacher has concerns about not
 22 rocking the boat; is that what you mean when you refer
 23 to not being tenured at the time these things happened,
 24 or is there something else that --
 25 A. Yes.

1 Q. If you'll turn to paragraph 2 of your
 2 declaration. Or, I'm sorry, page 2 of your declaration,
 3 paragraph 5. Line 4 you say: "I've spent over \$600 out
 4 of my own money for basic materials." Do you keep track
 5 of your expenses anyhow?
 6 A. Yes.
 7 Q. How do you go about keeping track of your
 8 expenses that you -- or keeping track of the money that
 9 you spend on basic materials for school?
 10 A. Receipts.
 11 Q. Do you take a deduction on your taxes for those
 12 expenditures?
 13 A. I try.
 14 Q. The \$600, is that -- that you've spent on basic
 15 materials -- is that -- does that cover the entire time
 16 that you've been at Santa Paula High School or did that
 17 refer to a specific year?
 18 A. That was one year.
 19 Q. Which school year was that?
 20 A. '99/2000.
 21 Q. Do you know approximately how much of your own
 22 money you spent on, if any, on basic materials during
 23 2000/2001?
 24 A. No.
 25 Q. How about for just for this year thus far in

1 the school year, have you spent your own funds on basic
 2 materials this year?
 3 A. Yes.
 4 Q. And do you know about how much you've spent
 5 thus far?
 6 A. No.
 7 Q. If you go to line 6 on page 2, paragraph 5,
 8 where it says: "Each teacher is allotted less than \$100
 9 for materials."
 10 A. Yes.
 11 Q. Is that material that or are those funds
 12 intended for you to use in purchasing basic materials?
 13 Is that your understanding?
 14 A. Yes.
 15 Q. Does each teacher receive that sum at the
 16 beginning of the school year? If you know.
 17 A. Yes.
 18 MR. SIMMONS: Could we go off record?
 19 MR. HAHN: Yes.
 20 (Discussion held off the record.)
 21 BY MR. SIMMONS:
 22 Q. If you'll turn to paragraph 6, still on page 2,
 23 you'll see where it says: "There are also not enough
 24 trained teachers to teach English language learners at
 25 Santa Paula High." Do you have an understanding as to

1 the appropriate training for someone who's going to
 2 teach English language learners?
 3 A. Yes.
 4 Q. Can you tell me what your understanding is?
 5 A. My understanding is -- well, to teach English
 6 language learners you should have a knowledge of the
 7 language that's native to the students who you're trying
 8 to teach, or their primary language, and also have
 9 training related to the CLAD and BCLAD certificates.
 10 Q. When you say there that "there are also not
 11 enough trained teachers," did you, at the time you
 12 signed this declaration, have a number in mind when you
 13 said there are not enough trained teachers as opposed to
 14 we're lacking five trained teachers, we're lacking 10
 15 trained teachers?
 16 A. No.
 17 Q. As you sit here today, do you have a sense of
 18 the number of -- as you sit here today, is there still a
 19 lack of sufficient number of trained teachers to teach
 20 English language learners at Santa Paula?
 21 A. Yes.
 22 Q. And about how many teachers do you think the
 23 school needs that would be trained in English language
 24 learning?
 25 MR. HAHN: I'm going to object as calling for

1 speculation and calling for an expert opinion.
 2 You can answer.
 3 THE WITNESS: I don't know.
 4 BY MR. SIMMONS:
 5 Q. Do you know whether any teachers at Santa Paula
 6 High School have a CLAD or BCLAD certification?
 7 A. Can you say that again? I'm sorry.
 8 Q. Do you know whether any teachers at Santa Paula
 9 High School have a CLAD or BCLAD certification?
 10 A. Yes.
 11 Q. Do you know which teachers do have such a
 12 certification?
 13 A. No.
 14 MR. HAHN: Just so we're clear, the BCLAD is
 15 the bilingual certification and a CLAD is a normal.
 16 MR. SIMMONS: Is a cultural. I think it's
 17 cultural.
 18 THE WITNESS: There's a cross-cultural and then
 19 there's the bilingual cross-cultural.
 20 BY MR. SIMMONS:
 21 Q. Right now you teach one SDAIE course this term
 22 that is entirely English language learner students; is
 23 that correct?
 24 A. Yes.
 25 Q. Are there other subjects at Santa Paula High

1 School that are just taught with a class consisting of
 2 English language learner students?
 3 A. Yes.
 4 Q. Could you tell me what those classes are?
 5 A. There's English and there's history SDAIE. And
 6 the English, I'm not sure if they call it reading.
 7 Q. Or language arts or something like that?
 8 A. Right. And physical science.
 9 Q. Would that be termed a SDAIE course as well?
 10 A. Yes.
 11 Q. Is there more than one block of English SDAIE
 12 this year?
 13 A. I don't know.
 14 Q. You're aware of one block, though; is that
 15 correct?
 16 A. I'm aware of the courses, but I'm not aware at
 17 what specific time -- order, term, block or time.
 18 Q. And that would be the same with respect to the
 19 history and physical science?
 20 A. Yes.
 21 Q. In paragraph 6, if you go to line 10, it says:
 22 "There are very few people that understand bilingual
 23 education and know how to teach English language
 24 learners, so students are suffering in their academics."
 25 When you say "very few" in that sentence, is there a

1 number of people that you felt really understood
 2 bilingual education and knew how to teach English
 3 language learners?
 4 A. I'm aware of one teacher who has her BCLAD.
 5 Q. You know of one teacher who has their BCLAD,
 6 but it's my understanding that, with respect to other
 7 teachers at the school, you're not familiar with their
 8 credentials? Or do you know about the credential
 9 situation of other teachers?
 10 A. I'm not -- the first thing you said, I'm not
 11 aware of everybody's credential status.
 12 Q. But the only teacher that you do know who has a
 13 BCLAD would be this teacher that you just identified?
 14 A. Right.
 15 Q. And that teacher's name is?
 16 A. Margaret Booker.
 17 Q. Where it says "very few teachers" -- the next
 18 sentence in paragraph 6 says: "Very few teachers at
 19 Santa Paula High are trained to teach this population."
 20 Do you know what number of teachers at Santa Paula High
 21 are trained to teach English language learners?
 22 A. No.
 23 Q. Do you know what teachers at Santa Paula High
 24 have not had training to teach English language
 25 learners?

1 A. No.
 2 Q. And would those answers be the same with
 3 respect to a teacher being biculturally or bilingually
 4 trained?
 5 A. Yes.
 6 Q. If we could go down to line 16 on page 2, still
 7 in paragraph 6, it says: "Part of this problem at Santa
 8 Paula High is a lot of the teachers who are teaching
 9 this population are not certified or trained." Do you
 10 know what percentage of teachers at Santa Paula High are
 11 trained or certified to teach the English language
 12 learner population?
 13 A. No.
 14 Q. The last sentence in paragraph 6 says: "In my
 15 opinion, about 20 to 25 percent of the students at Santa
 16 Paula High would greatly benefit from having some
 17 instruction in Spanish." Is that opinion, is that based
 18 on your own belief about the proficiency of those
 19 students in English?
 20 A. Yes.
 21 Q. Is there anything else that that opinion is
 22 based on?
 23 A. The numbers in my classes.
 24 Q. So when you thought the 20 to 25 percent there,
 25 were you considering the students that you teach and

1 extrapolating out to high school -- to a school-wide
 2 percentage?
 3 A. Right.
 4 Q. If we could go to paragraph 7, still on page 2
 5 of your declaration: "Another problem at Santa Paula
 6 High School is that English language learners are
 7 limited in the courses available to them." Do you have
 8 an understanding as to the courses that are not
 9 available to English language learners at Santa Paula
 10 High?
 11 A. What I mean by "available" or, I guess, a
 12 better word -- no, not "accessible." Can you repeat the
 13 question?
 14 Q. Okay. Let's see. We were just starting with
 15 that first sentence there of another problem at Santa
 16 Paula high School are the English language learners are
 17 limited in the courses available to them, and I was
 18 wondering if you had a set of courses in your mind that
 19 you believe, you know, English language learners don't
 20 have access to. What courses out there are they limited
 21 in taking?
 22 A. Right.
 23 MR. HAHN: I think he's testified as to what
 24 courses are available to them.
 25 ///

1 BY MR. SIMMONS:
 2 Q. Can you answer the question as phrased?
 3 A. Yeah. Like there's no algebra 2, or a lot of
 4 the higher level classes aren't available to the SDAIE
 5 students.
 6 Q. When you say -- I know this is hard, but when
 7 you say "the higher level classes," can you identify
 8 those with more particularity for me?
 9 A. Chemistry, algebra 2, math analysis.
 10 Q. Math analysis, is that --
 11 A. Pre calculus or calculus.
 12 Q. Any other courses that -- and I think this
 13 might help. When you say that the English languages are
 14 limited in the courses that are available to them, you
 15 are referring to courses that aren't offered in -- with
 16 SDAIE or that aren't a SDAIE course; is that correct?
 17 A. That's correct.
 18 Q. And so far you've identified algebra 2,
 19 chemistry and math analysis, which could be pre calculus
 20 or calculus.
 21 MR. HAHN: I think he identified calculus as a
 22 separate course.
 23 BY MR. SIMMONS:
 24 Q. But I think that math analysis is the name for
 25 either pre calc or calculus; is that right?

1 A. No. No. Math analysis is a course prior to
 2 calculus.
 3 Q. So math analysis is just used to refer to a pre
 4 calculus course, and calculus is referred to as
 5 calculus?
 6 A. Right.
 7 Q. Okay. Now, other than those courses, are there
 8 any other courses where the students are limited?
 9 A. Not that I'm aware, or I haven't researched
 10 into that.
 11 Q. But as you sit here today --
 12 A. Those were the math classes and science
 13 courses.
 14 Q. If you go to the second sentence of paragraph 7
 15 that says: "The highest math course that has been
 16 offered to English language learners has been algebra."
 17 A. Right.
 18 Q. Is there a SDAIE geometry course at Santa Paula
 19 High?
 20 A. Yes.
 21 Q. At the time you signed the declaration was
 22 there a geometry SDAIE course?
 23 A. No.
 24 Q. Okay. So is that something new for this year?
 25 A. Yes.

1 Q. The students -- in the second sentence you'll
 2 see: "I had several students whom I felt were ready to
 3 take geometry, which is the next level after algebra."
 4 Are those students that -- is there a particular subset
 5 of students that you recall, as you sit here today, who
 6 you felt were ready to take geometry? That's a bad
 7 question. I'm sorry, I'll take that back.
 8 I mean, when you signed this, were you thinking
 9 of particular students? I assume that that sentence
 10 referred to --
 11 A. Referred to my algebra 1 A/B SDAIE students.
 12 Q. Did it refer to all those students or did it
 13 refer to particular students in that class?
 14 A. The ones that passed the course.
 15 Q. And do you know what number of -- how many
 16 passed the course?
 17 A. Most.
 18 Q. Is there a range that you would feel
 19 comfortable putting it in? And if it has to be broad, I
 20 understand.
 21 A. I had two years of algebra 1 A/B. One year the
 22 class was smaller than the other class, but up until --
 23 well, I think any student who took my algebra 1 A/B
 24 SDAIE course could have benefited from having access to
 25 the next level course.

1 Q. I guess I don't know whether this is possible,
2 but the grades for Santa Paula High School are 9 through
3 12; is that correct?

4 A. Yes.

5 Q. Were any of the students that you were
6 referring to in paragraph 7 that could have benefited
7 from geometry, had those students graduated? Have any
8 of those students graduated yet?

9 A. Yes.

10 Q. Do you know, would you be comfortable venturing
11 an estimate as to how many?

12 MR. HAHN: I'll object as vague and ambiguous
13 as to time.

14 BY MR. SIMMONS:

15 Q. As of today, I guess.

16 MR. HAHN: Are you referring to any student
17 he's ever taught?

18 MR. SIMMONS: Or just the students that he's
19 referring to. Okay. Let's try it this way:

20 Q. The several students, are you referring to
21 students that took your algebra 1-A and 1-B in either
22 your '99/2000 or 2000/2001 school year?

23 A. Are you asking if any of those have graduated
24 yet?

25 Q. Yes.

1 A. I tried to approach them about it.

2 Q. Do you know about how many of the six or seven
3 that you tried to approach?

4 A. About three or four.

5 Q. Did you approach them in a group or as
6 individuals?

7 A. Individuals.

8 Q. Do you recall what the substance of your
9 discussion was with any of those three or four
10 individuals?

11 A. I tried to ask them why they dropped or just
12 figured -- you know, wanted to know why they dropped the
13 class.

14 Q. And did you get a response from any of them?

15 A. Not a directly -- not a direct response as
16 to -- to me they sounded more like excuses than real
17 answers.

18 Q. Can you give me an example of the types of
19 excuses?

20 A. Things like, "I don't need any more math for
21 graduation." Whatever.

22 Q. Anything else that you can recall?

23 A. That was the main one.

24 Q. This year there is a geometry SDAIE course; is
25 that correct?

1 A. Yes.

2 Q. Do you know about how many of them have
3 graduated?

4 A. No.

5 Q. In line 25 it says:

6 "A lot of the ELL students stayed in the
7 geometry class for the first couple of weeks,
8 but then they felt intimidated by the fact
9 that they could not understand all of the
10 instruction and discussions that other
11 students could, so they transferred out of the
12 geometry class."

13 When you say "a lot" there, is there a range or
14 a number of students that you could estimate that refers
15 to?

16 A. Okay. "A lot" refers to compared to -- "a lot"
17 refers to like, let's say, there was 10, maybe 10.

18 Q. About 10 moved in --

19 A. Started and a lot dropped out. I'd say about
20 eight. No. About six or seven dropped out.

21 Q. What did the students who dropped out -- did
22 they take another class?

23 A. I don't know.

24 Q. Did you have discussions with any of the
25 students that dropped out?

1 A. Yes.

2 Q. And who teaches that?

3 A. Me.

4 Q. Could we quickly set out your courses for this
5 school year?

6 A. Yes. First block I have geometry, regular
7 college prep, and then second block I have the geometry
8 SDAIE. By the way, all of the courses that I've
9 mentioned are college prep classes. And SDAIE is also a
10 college prep.

11 Q. So this year, so far for this year for this
12 term, is first -- is there a third block this year?

13 A. Geometry college prep.

14 Q. I think so far, just to make sure, we
15 identified a textbook shortage with respect to the first
16 and third block geometry; is that correct?

17 MR. HAHN: Misstates the testimony.

18 MR. SIMMONS: Okay.

19 Q. Please feel free to correct me if I'm wrong.

20 Was there any textbook shortage in your geometry college
21 prep courses at the beginning of the school year?

22 MR. HAHN: I withdraw that objection. Sorry.

23 THE WITNESS: This year?

24 MR. SIMMONS: Yes, for this year.

25 Q. I think, correct me if I'm wrong, but I think

1 we mentioned earlier there was a problem, maybe, in the
2 first few weeks that you had, maybe not -- that maybe
3 you didn't have a full set of textbooks.

4 A. Right.

5 Q. After the first three to four weeks all of your
6 students had a textbook to use; is that correct?

7 A. Right.

8 Q. And with respect to the geometry SDAIE course,
9 was there any textbook shortage in that class?

10 A. No.

11 Q. Do you use a different textbook for the
12 geometry SDAIE than you use for the other geometry
13 courses?

14 A. Yes.

15 Q. And are there any problems with the physical
16 condition of your geometry -- the textbooks that you use
17 for the geometry college prep blocks this year?

18 A. No.

19 Q. And how about with respect to the geometry
20 SDAIE textbooks?

21 A. No.

22 Q. Do you know at this point what classes you'll
23 be teaching in the next term?

24 A. Yes.

25 Q. Can you tell me what those are?

1 paragraph 7, the first sentence says: "The district
2 pays the lowest salary to teachers in all of Ventura
3 County." Which district is Santa Paula High School in?

4 A. Santa Paula District.

5 Q. How many other high schools are there in that
6 district, if any?

7 A. None.

8 Q. Is there more than one school in the Santa
9 Paula High School District?

10 A. A continuation school.

11 Q. And what's the name of that school?

12 A. Renaissance High School.

13 Q. Do you know what the pay scale is for teachers
14 in the Santa Paula High School District?

15 A. The salary schedule?

16 Q. Yes. Yes, thank you.

17 A. I haven't memorized all of it.

18 Q. Could you tell me what the -- I mean, I
19 assume -- do you feel that the Santa Paula High School
20 District does, in fact, pay the lowest salary to
21 teachers in all of Ventura County?

22 A. At the time that this was written, yes. I
23 don't know if any -- how much has changed. We
24 negotiated a new contract. I don't know if we're number
25 two now.

1 A. I'm not sure as to which blocks because that's
2 still got -- as it is right now, geometry, two
3 geometries, and a geometry honors.

4 Q. Are there any other geometry SDAIE classes
5 other than the one you teach?

6 A. Sorry?

7 Q. Are there any, this year -- I know that this
8 year the school started the geometry SDAIE course for
9 the first time; is that correct?

10 A. Right.

11 Q. And you're the teacher for that course. I just
12 wanted to make sure there wasn't another teacher that
13 also taught a geometry SDAIE course.

14 A. There is not another teacher.

15 Q. And this is if you know, but will you -- does
16 the demand for a geometry SDAIE course exceed the supply
17 that you provide right now? If you know.

18 A. I don't know.

19 Q. Just to make sure -- I mean, was I being clear
20 when I said demand and supply?

21 A. Right. My class is pretty full. I'm not
22 sure --

23 Q. -- if there are students out there that --

24 A. Yeah.

25 Q. All right. If we can move over to page 3, and

1 Q. I understand that now this may or may not have
2 changed given recent collective bargaining, but were you
3 generally familiar at the time with the salaries paid to
4 teachers in Ventura County?

5 A. Yes.

6 Q. Do you know by about how much Santa Paula High
7 School Unified District trailed behind other districts
8 in Ventura County?

9 A. No.

10 Q. Is there an estimate that you would feel
11 comfortable giving?

12 MR. HAHN: Calls for speculation.

13 BY MR. SIMMONS:

14 Q. And if you can't, that's fine.

15 A. I only -- because I applied to Oxnard -- know
16 that the difference at the time that I applied for the
17 job for me would have been \$5,000, and this varies
18 according to your education and such.

19 Q. So the difference between the salary at --

20 Is it Oxnard Unified School District?

21 A. I'm not sure if they're unified.

22 Q. -- would have been \$5,000 difference there
23 between your salary as compared to your salary at Santa
24 Paula?

25 A. Right.

1 Q. Was that essentially what you based the first
2 sentence on, or did you have knowledge of other
3 district's pay scale as well?
4 A. This was based on the presentation that was
5 made at one of our teacher meetings when they presented
6 us with our salary schedule or a comparison report. I
7 didn't memorize all the numbers, but I knew we were
8 ranked at the bottom.
9 Q. The second sentence of paragraph 7 you say
10 that:
11 "Because the school cannot attract
12 well-qualified teachers, there is a lack of
13 competent teachers that do not have the
14 training necessary to teach in their specific
15 subject areas."
16 Is there a number of teachers at your school
17 that you feel aren't competent to teach in their
18 specific subject areas?
19 A. More like a percentage.
20 Q. Percentage would be fine.
21 A. And competent refers to non-credentialed.
22 Q. So just to make sure, when you say "lack of
23 competent," you mean lack of appropriate credential?
24 A. Right.
25 Q. And what percentage of teachers at Santa Paula

1 High School do you feel lack the appropriate credential
2 to teach in their subject area?
3 A. About 12 to 17 percent.
4 Q. Can you tell me how you arrive at that
5 percentage?
6 A. Percentage published in the newspaper by --
7 quoted by our superintendent, and also a conversation
8 that I had with our principal.
9 Q. Do you personally feel that it's necessary to
10 have a credential to be a competent teacher?
11 A. I believe that you can be a competent teacher
12 without having one, but having a credential definitely
13 improves your teaching ability.
14 Q. Can you tell me some of the ways in which you
15 feel that having the credential would improve the
16 teaching ability?
17 A. Credential programs often have practical
18 training in the classroom. They also establish, like,
19 networks of teachers that you can talk to in terms of
20 getting, you know -- it helps you develop strategies for
21 classroom management, for example. Courses that offer
22 SDAIE teaching strategies and psychology classes, stuff
23 like that.
24 Q. Are there teachers at Santa Paula who lack the
25 appropriate credential who you nonetheless feel are

1 competent educators?
2 A. Yes.
3 Q. Can you identify some of those people for me?
4 MR. HAHN: I'll object on relevance grounds.
5 THE WITNESS: Can you repeat the question?
6 MR. HAHN: Are you asking for people's names?
7 MR. SIMMONS: Yes.
8 (Record read.)
9 THE WITNESS: Who I feel are competent, yes.
10 BY MR. SIMMONS:
11 Q. Can you identify those individuals by name?
12 A. I wouldn't be able to tell you everybody's
13 name, but a few that I know are within my department,
14 [REDACTED] Who else? I don't know all of them. I
15 haven't visited all their classrooms, but I know my
16 neighbor. He works in the classroom next door. I think
17 he does a good job.
18 Q. And is that [REDACTED] or --
19 A. [REDACTED] There's two. [REDACTED]
20 Q. And [REDACTED] is your neighbor or has the
21 classroom next to yours?
22 A. Right.
23 Q. Are there any teachers at Santa Paula High
24 School who lack an appropriate credential who you feel
25 are not competent educators?

1 A. No. I don't know. I haven't visited all their
2 classrooms.
3 Q. But as you sit here today, no one that you
4 would feel identifying as lacking competence who also
5 lacks an appropriate credential?
6 A. Yes.
7 MR. HAHN: Objection. Calls for improper lay
8 opinion testimony.
9 BY MR. SIMMONS:
10 Q. If you'll move down to paragraph 8. The first
11 sentence there says:
12 "Another distraction that affects the learning
13 environment at my school is the lack of air
14 conditioning in some classrooms."
15 Do you know about how many classrooms total
16 there are at Santa Paula High School?
17 A. There are about 60.
18 Q. About 60 classrooms?
19 A. A little bit more. Close to 70.
20 Q. Between 60 and 70?
21 A. Uh-huh.
22 Q. Do you know approximately how many students
23 attend Santa Paula High School?
24 A. Approximately 1500.
25 Q. Do you know how many teachers there are at the

1 school?
 2 A. Between 60 and 70.
 3 MR. HAHN: I guess the PE teacher doesn't need
 4 a classroom.
 5 MR. SIMMONS: Yes. Right.
 6 Q. Are all the classrooms at Santa Paula occupied
 7 with -- strike that.
 8 Are there any classes or classrooms at Santa
 9 Paula out of the 60 or 70 that aren't currently in use
 10 for instruction?
 11 MR. HAHN: Calls for speculation.
 12 THE WITNESS: I don't know. I don't know.
 13 BY MR. SIMMONS:
 14 Q. Do you know about how many classrooms have air
 15 conditioning in Santa Paula High School?
 16 A. I'd say less than five. Two or three. That I
 17 am aware of. And I don't know if -- one that I know of
 18 for sure.
 19 Q. Do you teach all of your classes in the same
 20 room?
 21 A. Yes.
 22 Q. Is there a room number for that class?
 23 A. 311.
 24 Q. Is Santa Paula High School a multi-storied
 25 building?

1 MR. HAHN: Objection. Lacks foundation.
 2 There's multiple buildings.
 3 MR. SIMMONS: Oh, thank you.
 4 Q. Does your classroom have air conditioning?
 5 A. No.
 6 Q. Does your classroom have heat?
 7 A. Yes.
 8 Q. Are there controls to manipulate the amount of
 9 heat in your classroom that are in the classroom or is
 10 it controlled from somewhere else?
 11 A. It's in the classroom.
 12 Q. Could you describe what kind of heating unit
 13 there is in your classroom for me?
 14 A. There's two vents and a control on the wall.
 15 It's comparable to a central heating in a home.
 16 Q. Does the heat generally function in a
 17 satisfactory fashion in your classroom?
 18 A. Yes.
 19 Q. Have you ever had any problems with the heat?
 20 A. No.
 21 Q. Are you aware of any problems with the heating
 22 system at Santa Paula High School at all?
 23 A. No.
 24 Q. If you turn back to paragraph 8, it says -- the
 25 second sentence says: "I've had classes in which it got

1 very hot because there was no air conditioning." Are
 2 you referring to specific classes in that sentence?
 3 A. Classes or classrooms? I've only taught in one
 4 classroom.
 5 Q. So during the entire time that you've been at
 6 Santa Paula High you've been in Room 311?
 7 A. Yes.
 8 Q. So I guess, yeah, I'll limit that question to
 9 classes, meaning -- were you thinking of a particular
 10 class or classes, like algebra 1-A and algebra 1-B or
 11 geometry first block of a certain term, at least insofar
 12 as it relates to this?
 13 A. Usually beginning second block and third block.
 14 Q. And these are generally first block, that class
 15 is earlier enough that if the day heats up the students
 16 in the first block are out of that classroom by then?
 17 A. Yes.
 18 Q. So the classroom would begin to heat up in
 19 second block and could be warm from second block through
 20 third block?
 21 A. Yes.
 22 Q. And are there particular times of the year when
 23 your classroom gets hotter than others?
 24 A. Yes.
 25 Q. Are there times where -- are there particular

1 times of the year where your classroom tends to be
 2 uncomfortably warm?
 3 A. Yes.
 4 Q. Can you tell me what times of year that is?
 5 A. September, May into June, and the summer months
 6 for summer school.
 7 Q. Have you taught summer school each of the years
 8 that you've been at Santa Paula?
 9 A. Yes.
 10 Q. And is there an estimate as to the number of
 11 days you would feel -- is there an estimate that you
 12 feel comfortable with saying that my classroom generally
 13 gets uncomfortably warm about X number of days in
 14 September?
 15 A. No.
 16 Q. And how about with respect to May and June?
 17 A. No.
 18 Q. Regarding the summer months, would that be July
 19 and August for summer school that you're referring to
 20 and part of June?
 21 A. Yes.
 22 Q. And how about during any of those months in the
 23 summer months, is there a number of days you feel
 24 comfortable saying my classroom is warm X number of days
 25 during July and August?

1 A. No. It's most of the time. In the summer it's
 2 pretty warm almost every day. It depends on, you know,
 3 the weather, but who knows when it's going to be cloudy.
 4 Q. Just for the summer months, is there a number
 5 of occasions where you would feel comfortable saying
 6 that in a particular month your classroom gets warm and
 7 affects students' ability to concentrate X number of
 8 days?
 9 A. Is this a number of days, a number?
 10 Q. If you could say -- I don't know whether you
 11 can or can't, but if it's possible to estimate, you
 12 know, my students have trouble concentrating, whatever
 13 it is, 10 days in the -- probably 10 days in the month
 14 of July because it's warm, or if there's a number like
 15 that that you can come up and feel comfortable with.
 16 A. No, I wouldn't feel comfortable.
 17 Q. Do you have -- is there a thermometer in your
 18 classroom at all?
 19 A. No. There's a control on the heater.
 20 Q. No temperature mechanism by which to measure
 21 the degrees Fahrenheit?
 22 A. I don't know if it's accurate. I don't know if
 23 it reads correctly or not. It's there, but I don't know
 24 if the batteries in it are -- it's kind of rusted. I
 25 wouldn't trust it. I wouldn't, you know --

1 Q. -- feel comfortable relying on it?
 2 A. Right.
 3 Q. Do you ever receive complaints from your
 4 students about the temperature in your classroom?
 5 A. Yes.
 6 Q. And do those complaints generally coincide with
 7 the times of the year that you've outlined before?
 8 A. Yes.
 9 Q. And, again, would it be possible to estimate
 10 the number of complaints you receive in any given month?
 11 A. No.
 12 Q. If we could turn to paragraph 9. I don't know
 13 what time --
 14 MR. HAHN: You can go as long as you like. I'm
 15 fine. Are you fine?
 16 THE WITNESS: I'm okay.
 17 BY MR. SIMMONS:
 18 Q. I was hoping to be able to skirt around it, but
 19 can you describe the layout of the school for me, the
 20 physical layout of Santa Paula High School?
 21 A. The buildings?
 22 Q. Yes.
 23 A. Okay. It's built on a hill. There's three
 24 levels. Oh, you want me to draw it?
 25 Q. If that's possible. If that's asking too much,

1 you can tell me. I am spacially challenged.
 2 MR. HAHN: You are a geometry teacher.
 3 BY MR. SIMMONS:
 4 Q. Did I give you a bad pen?
 5 A. Like an overhead view or something?
 6 Q. That would be great.
 7 A. There's courts and there's a gym over here.
 8 This is upper courts. There's buildings -- actually
 9 goes up here. Okay. It's built on a hill. There's a
 10 street here. This is Sixth Street; this is Fifth
 11 Street. And then this is upper courts. There's a
 12 fountain. Center courts. This is where my room is,
 13 where my building is.
 14 Do you want in terms of buildings or --
 15 Q. We're getting pretty good. You say that
 16 there's different levels to the school.
 17 A. Yeah. It's built on a hill.
 18 Q. It's built on a hill, so is the building that
 19 fronts --
 20 A. This is a baseball field over here. And
 21 there's like a three-level building right here. This is
 22 the four hundreds. And then you go up to center courts
 23 area. Here's administration. And there's more
 24 classrooms along these two sides.
 25 Q. Is this a single-level facility here?

1 A. Yes. This is going up the hill. There's
 2 stairs up to this level. And this is just a rough
 3 sketch.
 4 Q. Yes, I know. That's fine.
 5 A. This would be the one hundreds. Then up here
 6 there's -- you go up to the upper courts. This is where
 7 the two hundreds are, and they go along this wall so
 8 there's more classrooms here. And then there's the math
 9 section, which is the three hundreds. This is the three
 10 hundreds here. And then there's -- this is a two-story
 11 building, and you continue up the hill. So there's
 12 entrances to the building here. The bottom floor is
 13 where I'm at. You can go up the stairs and there's
 14 access to the top three classrooms. And then there's
 15 the ag building, agricultural sciences garage.
 16 Q. Could you write "agricultural sciences" there?
 17 "Ag sciences" is fine. And the other thing would be:
 18 Can you point out -- I mean, is it possible, just as
 19 it's set forth here, to point out where the student
 20 bathrooms are?
 21 A. The student bathrooms are in this area. And
 22 there's also five hundreds down here.
 23 Q. And is this kind of an open area here?
 24 A. This is the homes. There's a street that
 25 actually goes up this way. There's a gym here. And

1 then there's, like, the auto shop. And this curves
 2 around. And then there's houses.
 3 Q. Could you write "gym" there, and then "auto
 4 shop" there. I know you identified this building, but
 5 gym also.
 6 MR. HAHN: So the record is clear, would you
 7 mark the area for the bathrooms with an X.
 8 MR. SIMMONS: Good call. Thank you.
 9 Q. I take it these are the only student restrooms
 10 here.
 11 A. Yes.
 12 Q. And is there a boys and girls' restroom in that
 13 area?
 14 A. Yes.
 15 MR. SIMMONS: Can we just mark this as Exhibit
 16 2?
 17 (The document referred to was marked by the
 18 reporter as Exhibit 2 for identification and is attached
 19 hereto.)
 20 MR. SIMMONS: This is just the rough sketch
 21 that we've tried to do, more for my benefit than
 22 anything. I appreciate it, but we'll mark it as Exhibit
 23 2.
 24 Q. So we have the student bathrooms that are
 25 marked with an X on Exhibit 2, and that area contains

1 both a boys and girls' bathroom; is that correct?
 2 A. Yes.
 3 Q. Have you ever had an opportunity to go through
 4 either of those restrooms?
 5 A. I went into the boys' bathroom once.
 6 Q. You've never had the opportunity to inspect the
 7 girls' bathroom; is that correct?
 8 A. Yes, that's correct.
 9 Q. Do you have any understanding as to the layout
 10 in the boys' -- well, first of all, do you know how
 11 many -- are there urinals in the boys' bathroom?
 12 A. Yes.
 13 Q. And do you know about how many?
 14 A. I don't remember.
 15 Q. How about, are there -- I take it there's also
 16 stalls with commodes in the boys' bathroom; is that
 17 correct?
 18 A. Yes.
 19 Q. And do you know about how many there are?
 20 A. No.
 21 Q. Would you feel comfortable giving an estimate
 22 with respect to either of those?
 23 A. No, I wouldn't.
 24 Q. And would that also be the case with your
 25 knowledge of the girls' restroom, given that you've

1 never been in there before?
 2 A. Yes, that's true.
 3 Q. Do you have any understanding as to whether the
 4 bathrooms are maintained in a clean fashion at your
 5 school?
 6 A. Can you repeat the question? I'm sorry.
 7 Q. I was just trying to see if you have any
 8 knowledge of the cleanliness with which the facilities,
 9 the bathrooms that we've just identified, are kept at
 10 your school.
 11 A. No.
 12 Q. Do students ever complain to you about the
 13 cleanliness of the bathrooms?
 14 A. I don't know if complain -- yes, yes, they do
 15 complain.
 16 Q. Can you give me examples of the types of
 17 complaints that they have?
 18 A. Toilet paper issues.
 19 Q. Sometimes it lacks toilet paper?
 20 A. Right.
 21 Q. Any other examples you can think of right now?
 22 A. No.
 23 Q. And is there a way that you could articulate
 24 the frequency with which students voice complaints about
 25 the bathrooms?

1 A. No.
 2 (Lunch recess.)
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1 LOS ANGELES, CALIFORNIA; FRIDAY, DECEMBER 21, 2001
2 1:20 P.M.

3
4
5 EXAMINATION (continued)

6
7 BY MR. SIMMONS:

8 Q. Welcome back, Mr. Rodriguez. I just want to
9 remind you you're still under oath even though we took a
10 break; do you understand that?

11 A. Yes.

12 Q. And also just want to make sure that you didn't
13 take any medication or anything over the break that
14 would affect your ability to testify.

15 A. No.

16 Q. Thank you. That's always a fun couple of
17 questions to start off with back from lunch.

18 If you look at paragraph 9, and you'll see
19 where it says:

20 "There are plenty of clean and well-stocked
21 bathrooms for the staff, but this is not true
22 for the students."

23 Would it be possible to mark on Exhibit 2 where
24 staff bathrooms are?

25 A. With an X or a Y?

1 A. No.

2 Q. And I think in the last sentence you mention
3 that students who have class on the opposite side of
4 campus where the bathroom is may take as long as or may
5 take an average of eight minutes to get to the bathroom
6 and back to class when they have to use the restroom.
7 Could you just tell me how you know it's an average of
8 eight minutes?

9 A. It's an estimate.

10 Q. Is that your own personal estimate or is that
11 an estimate that people at school tend to share?

12 A. It's my personal estimate.

13 Q. Just to make sure, have you ever timed that
14 distance by any chance?

15 A. No.

16 Q. Mr. Rodriguez, I think we've gone through your
17 declaration and discussed certain aspects of Santa Paula
18 High School that you feel are unsatisfactory or could be
19 changed for the better. Now I'd just like to make sure
20 that there aren't other problems at the school that we
21 don't have in your declaration that you would also like
22 for us to know on the record here, and that can be
23 things related to facilities or textbooks or teachers,
24 complaints in those areas. Are there some other things
25 that you would like to let us know?

1 Q. With an S would be great.

2 A. (Witness complies.)

3 Q. It looks like you've marked seven different
4 staff bathrooms; does that sound about right?

5 A. Yes.

6 Q. And are those bathrooms unisex or gender
7 specific?

8 A. There's two that are gender specific. I
9 believe the rest are unisex.

10 Q. And also, I just wanted to make sure: You
11 identified here with an X the student restroom, but I
12 just wanted to: You referred to not enough open
13 bathrooms for students. I wanted to know if there were
14 other bathrooms other than that one that were for some
15 reason not open.

16 A. Yes.

17 Q. Where would those bathrooms be?

18 A. The staff bathrooms, for the most part, are
19 converted student bathrooms.

20 Q. Are all the bathrooms, regardless of whether
21 they're open or not, are they all reflected on that
22 paper there, Exhibit 2?

23 A. As per the best of my knowledge.

24 Q. And do students have any access to the staff
25 bathrooms?

1 A. There's two issues. One is the salary issue,
2 which doesn't enable us to attract more qualified or
3 credentialed teachers into our area, into Santa Paula.
4 And the other issue is the lack of vocational programs.
5 I feel that we can't afford them as, like, other schools
6 do.

7 Q. With respect to the salary issue and the need
8 to attract more qualified teachers to the school, do you
9 have any knowledge of a teacher that -- strike that.

10 Are you aware of any teachers who opted not to
11 teach in the Santa Paula High School District because of
12 the salary there?

13 A. I almost didn't. The only reason I went back
14 is because I was a graduate.

15 Q. Were you offered a position with Oxnard?

16 A. Yes.

17 Q. Was the Oxnard salary that you -- that, I
18 believe, you testified outpaced Santa Paula by about
19 \$5,000. Did you feel that that salary was a competitive
20 salary or a salary that would attract more qualified
21 teachers?

22 A. Yes.

23 Q. The other issue that you mentioned was a lack
24 of vocational programs. Can you define for me what you
25 many by vocational programs?

- 1 A. Classes like woodshop or metal class, like
2 welding, or a machine shop, things like that.
3 Q. So I take it there's currently no woodshop
4 class offered at Santa Paula.
5 A. Yes.
6 Q. And that's the same with respect to metal shop?
7 A. Right.
8 Q. And also the machine shop?
9 A. Yes.
10 Q. Are there any elective courses offered at Santa
11 Paula?
12 A. Yes.
13 Q. What types of electives do they offer?
14 A. Band, home economics or the cooking class, art.
15 I believe that's about it.
16 Q. During the time that you've been at Santa
17 Paula, has anyone made efforts to, that you're aware of,
18 made efforts to make available a woodshop, metal shop or
19 machine shop class?
20 A. I don't know.
21 Q. Just to make sure, I want to make sure we have
22 a complete record. Does the school have a problem at
23 all to effectively weatherproof its facilities?
24 A. I don't know.
25 Q. And how about, are there drinking fountains at

- 1 school?
2 A. Yes.
3 Q. And do you know whether they function?
4 A. Yes.
5 Q. And are there any complaints about the drinking
6 fountains at school?
7 A. No. Other than the water tastes funny.
8 Q. Do you know whether the water's been tested at
9 all?
10 A. No, I don't know.
11 Q. Does the school have a problem with pest or
12 vermin of any kind?
13 A. I don't know.
14 Q. Not that you personally have experienced
15 anyway?
16 A. Not personally.
17 Q. Have you heard any other teachers or students
18 mentioning problems related to mice or rats or
19 cockroaches?
20 A. Rats or mice. And ants.
21 Q. And do you recall the particular complaints
22 about rats or mice?
23 A. Mostly in the general office area, the older
24 section of the school.
25 Q. And that's where the administrative offices are

- 1 housed?
2 A. Yes. Also, there's pigeons.
3 Q. Do you have any knowledge as to severity of the
4 existence of rats or mice at the school?
5 A. I'm sorry?
6 Q. Do you have any sense as to the extent --
7 A. No, I don't.
8 Q. -- that rats or mice are present at the school?
9 A. No.
10 Q. And how about with respect to ants? Well,
11 first, what kind of complaints have you heard about
12 ants?
13 A. Memo sent out by the custodial department, I
14 guess.
15 Q. Do you recall generally what the substance of
16 the memo was?
17 A. To watch what you bring into class because
18 potential problems with ants if you leave food or candy
19 out.
20 Q. Do you have any sense as to whether this is a
21 large or small problem with ants at the school?
22 A. No.
23 Q. Are there any problems with the physical
24 condition of your particular classroom?
25 A. No.

- 1 Q. Are you familiar with what ceiling tiles are?
2 A. Yes.
3 Q. Are there any problems -- well, are there
4 ceiling tiles at your school?
5 A. Yes.
6 Q. Can you describe the condition of those tiles,
7 generally?
8 A. Only the ones in my room. They're okay.
9 Q. Do you have any opportunities for professional
10 development?
11 A. Yes.
12 Q. Can you tell me what those opportunities are?
13 A. Workshops that are advertised by one of the
14 members on our staff who takes responsibility for those
15 and sent out -- they put memos in our mailboxes,
16 upcoming opportunities.
17 Q. Are these workshops provided by the County
18 Office of Education? If you know.
19 A. Yes, some of them are.
20 Q. And do you know who, what types of entities or
21 individuals put on the other workshops?
22 A. Schools like University of Phoenix might have
23 put on.
24 Q. And are you familiar with BTSA?
25 A. Little bit, not really. I think that's the new

1 teacher training.
 2 Q. Is your teaching performance evaluated by
 3 anyone at the school?
 4 A. Yeah.
 5 Q. Who does the evaluations?
 6 A. The principal visits our class.
 7 Q. Does that happen yearly?
 8 A. It happens at least once a year.
 9 Q. And do you have some type of meeting with the
 10 principal after he or she visits?
 11 A. Yes. Yes.
 12 Q. And did you have a meeting with the principal
 13 for the 1999/2000 school year?
 14 A. Yes.
 15 Q. Did it happen any more than once that year?
 16 A. No.
 17 Q. And how about with the 2000/2001 school year?
 18 A. Can you repeat the question?
 19 Q. Yes. Did your principal come in and observe
 20 you teaching during the 2000/2001 school year?
 21 A. Yes.
 22 Q. And did you have a meeting with the principal
 23 following that?
 24 A. Yes.
 25 Q. And has that occurred yet during this school

1 year?
 2 A. No.
 3 Q. In the previous two years, did the principal
 4 come in and observe your class toward the end of the
 5 year, or was it something the principal did at the
 6 beginning the year?
 7 A. I don't remember exactly, but I think -- it
 8 wasn't at the very beginning of the year.
 9 Q. Did you find the principal -- I assume in your
 10 meeting the principal conveyed observations about your
 11 teaching to you.
 12 A. Yes.
 13 Q. Did you find the observations provided by the
 14 principal helpful at all?
 15 A. Yes.
 16 Q. And you mentioned earlier that there was some
 17 training involved with teaching the SDAIE courses; is
 18 that correct?
 19 A. There's training that would help you do a
 20 better job, yes.
 21 Q. But do you have any training that's directed
 22 toward helping you teach the SDAIE courses?
 23 A. Yes.
 24 Q. Could you explain what that training is?
 25 A. Taking all the course work for the class. I

1 just need to send in my application to the state. And
 2 I've also taken the course work for the BCLAD. While
 3 there is actually not course work for a BCLAD, that I'm
 4 aware of, but there's tests, and I've taken the classes
 5 that help you prepare for the test.
 6 Q. Prepare for the BCLAD test?
 7 A. For the BCLAD tests.
 8 Q. Do you expect to take the BCLAD test?
 9 A. Yes.
 10 Q. Do you have any ideas about when you will do
 11 that?
 12 A. No, not right now.
 13 Q. Do you walk the grounds at Santa Paula High
 14 School very often?
 15 A. What do you mean by "very often"?
 16 Q. Would you say that you walk the grounds of the
 17 campus at least once a month?
 18 A. Yeah.
 19 Q. Any more often than that?
 20 A. I walk -- in terms of supervision or just
 21 walking around?
 22 Q. Just in terms of having the opportunity to
 23 observe the general condition of the campus.
 24 A. Yeah.
 25 Q. And that happens maybe once a month?

1 A. Probably more than that. Probably two or three
 2 times. Once a week or so.
 3 Q. Just for example, in this most recent year,
 4 have there been times where you've been walking along
 5 the campus and observed any problems that you felt
 6 needed to be addressed? Probably would be helpful if I
 7 just limited it to facilities-related issues and
 8 maintenance or upkeep.
 9 A. No.
 10 Q. Do you understand what I mean when I refer to
 11 the term "ventilation"?
 12 A. Yes.
 13 Q. Are there any problems with ventilation in your
 14 classroom?
 15 A. Yes.
 16 Q. What would those problems be?
 17 A. It gets -- my classroom only has windows on one
 18 side of the room and it can get pretty stuffy. In terms
 19 air circulation; right?
 20 Q. Right. Yeah, exactly.
 21 A. And so it can get pretty stuffy in there.
 22 Q. So it's something that happens often?
 23 A. Usually in those months that I talked about
 24 earlier.
 25 Q. It happens during those times. Is it possible

1 to say, you know, an estimate of the number times during
 2 a month that it will get stuffy?
 3 A. No.
 4 Q. How many windows are there in your classroom?
 5 A. There's -- well, each window has two little
 6 windows, so I don't know if you consider that one window
 7 each.
 8 Q. Okay. So is there a row of three?
 9 A. There's a row of four windows.
 10 Q. A row of four windows. And there may be two
 11 openings on each of those?
 12 A. Right.
 13 Q. And do all four have two window areas, two
 14 spaces that open?
 15 A. Yes.
 16 Q. And are any of them malfunctioning right now?
 17 A. No.
 18 Q. Have any of them malfunctioned since you've
 19 been at the school?
 20 A. No.
 21 Q. I know that it wasn't particularly fun to go
 22 through those textbook issues earlier, but are there any
 23 other textbook issues or instructional materials that
 24 you're aware of or challenges at your school that you're
 25 aware of other than those that you've identified and

1 to the number of open available bathrooms -- "especially
 2 for the girls who always have to wait in lines." Does
 3 that refresh your recollection as to whether students
 4 ever have to wait in line at school?
 5 A. Yes.
 6 Q. Do you have a recollection as to what may have
 7 been -- what you may have been thinking about with
 8 respect to that sentence on the day you signed?
 9 A. What I guess I would like to clarify is I don't
 10 know if they always wait in lines, but I know that
 11 during lunch, or whenever, there might be, you know,
 12 times when they have to wait in lines.
 13 Q. And is that something that you've observed
 14 personally, or is that something that you hear from a
 15 student, about the lines at the bathroom?
 16 A. I haven't observed it personally.
 17 Q. Are there any differences, whether they be
 18 related to facility or not, between the Santa Paula High
 19 School that you attended as a student and the school
 20 that you now teach at that really stand out in your
 21 mind?
 22 A. No.
 23 Q. I'm just trying to ask one more time, make sure
 24 we got it. Facilities or textbooks are big issues with
 25 teachers. Anything of that nature that strikes you as a

1 talked about today to a great degree?
 2 A. I don't know.
 3 Q. You said that you were also a graduate of Santa
 4 Paula.
 5 A. Yes.
 6 Q. Could you compare the Santa Paula campus that
 7 you attended with the Santa Paula campus that you
 8 currently teach at?
 9 MR. HAHN: Are you talking about the physical
 10 condition of it?
 11 MR. SIMMONS: Yes, I guess facilities-wise.
 12 THE WITNESS: We had more bathrooms open.
 13 BY MR. SIMMONS:
 14 Q. So some of the bathrooms that have now been --
 15 at least some of the bathrooms that now have been
 16 converted into staff bathrooms were still student
 17 bathrooms at the time?
 18 A. Right.
 19 Q. Do students ever have to wait in line to go to
 20 the bathroom?
 21 A. I don't know.
 22 Q. Could we turn back to page 3 really quickly of
 23 Exhibit 1, which is your declaration. Would you look at
 24 the second sentence in paragraph 9, which is: "I
 25 believe this is a problem" -- and I think that relates

1 problem or a challenge for the school? I know we've
 2 covered a lot today, but I want to make sure we've
 3 covered as much as we can. Is there anything else that
 4 you can identify as far as a challenge or problem that
 5 Santa Paula High School faces?
 6 A. We've talked about the teacher salary issue and
 7 we talked about the vocational programs.
 8 Q. And the vocational, yes.
 9 A. At this time, no.
 10 MR. SIMMONS: Mr. Hahn, do you have any
 11 questions?
 12 MR. HAHN: I might have a few.
 13
 14 EXAMINATION
 15
 16 BY MR. HAHN:
 17 Q. Are there any AP courses offered at Santa Paula
 18 High School?
 19 A. Yes.
 20 Q. Are there any SDAIE AP courses?
 21 A. No.
 22 Q. Are there any SDAIE courses -- let me put it
 23 this way: What SDAIE courses are offered in the science
 24 department? If you know.
 25 A. Physical science, I guess, is the only one I'm

1 aware of.

2 Q. There's no other SDAIE science courses?

3 Perhaps biology?

4 A. Perhaps biology.

5 Q. Do you have any knowledge of a course like
6 that?

7 A. No.

8 Q. You talked about some students who had taken
9 your algebra class, your SDAIE algebra class, who then
10 moved on to geometry and subsequently dropped out. You
11 talked about some of the excuses that they gave you.
12 What's your understanding about the real reason why they
13 dropped out?

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

16 THE WITNESS: I think that -- I personally
17 believe that the real reason they dropped out was
18 because they didn't feel comfortable with the language
19 issues of a regular English-only geometry class.

20 BY MR. HAHN:

21 Q. Do students in your classes sometimes ask to be
22 excused to go to the restroom?

23 A. Yes.

24 Q. And based on your personal experience, when
25 that happens, how long are they usually gone?

1 A. About eight minutes. Five or 10 minutes.

2 Q. And that estimate is based on your own personal
3 experience teaching in a class?

4 A. Right.

5 Q. What, if any, forms are you asked to fill out
6 by the school or the district documenting conditions in
7 your classes or in the school?

8 A. None, other than sometimes they ask us to count
9 up how many books we have and then turn that into the
10 department chair.

11 Q. And how often does that happen?

12 A. So far it's been once a year, usually towards
13 the end.

14 Q. And is that an official request? How is that
15 request communicated to you?

16 A. Usually at a math department meeting.

17 Q. Do you remember the last time you were asked to
18 do that?

19 A. No.

20 Q. If you were asked to fill out some forms that
21 would document the conditions in the classes in the
22 schools, would you mind doing that?

23 A. No.

24 MR. SIMMONS: Objection. Incomplete
25 hypothetical.

1 BY MR. HAHN:

2 Q. If you were asked to fill out some forms
3 documenting conditions in the school and you knew
4 those -- the time you would to take to fill out those
5 forms would be effective in improving the conditions in
6 the school, would you mind filling out those forms?

7 MR. SIMMONS: Same objection.

8 THE WITNESS: No.

9 MR. HAHN: I think that's all I have.

10 MR. SIMMONS: Can we go off record real quick?
11 (Discussion held off the record.)

12 MR. SIMMONS: Counsel, may we stipulate that
13 copies of documents attached to this deposition may be
14 used as originals?

15 MR. HAHN: Yes.

16 MR. SIMMONS: And may we stipulate that the
17 original of this deposition be signed under penalty of
18 perjury; that the original be delivered to the office of
19 Mr. Hahn; that the -- at his offices in Los Angeles, the
20 address of the card which he has provided; that the
21 reporter is relieved of liability for the original of
22 the deposition; that the witness will have 30 days from
23 the date of the court reporter's transmittal letter to
24 sign and correct the deposition; that Mr. Hahn shall
25 notify all parties in writing of any changes in the

1 deposition; and that if there are no such changes
2 communicated or signature within that time, that any
3 unsigned, uncorrected copy may be used for all purposes
4 as if signed and corrected?

5 May we so stipulate?

6 MR. HAHN: Yes.

7 (Whereupon at the hour of 1:55 p.m. the
8 deposition was concluded.)

Declaration

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I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the day of , 2001
at , California.

W i t n e s s

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I, Philip D. Norris, a Certified Shorthand Reporter for the State of California, do hereby certify:

That prior to being examined, Nicolas Rodriguez, the witness named in the foregoing deposition, was by me duly sworn to testify the truth;

That said deposition was taken before me pursuant to notice, at the time and place therein set forth, and was taken down by me in shorthand and thereafter reduced to typewriting via computer-aided transcription under my direction;

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

In witness whereof, I have hereunto subscribed my name this day of , 2001.

Philip D. Norris
CSR NO. 4980