

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO

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ELIEZER WILLIAMS, et al., ) Case No.  
Plaintiffs, ) 312 236  
vs. ) Volume III  
STATE OF CALIFORNIA; DELAINE )  
EASTIN, State Superintendent of )  
Public Instruction; STATE )  
DEPARTMENT OF EDUCATION; STATE )  
BOARD OF EDUCATION, ) Pages  
Defendants ) 450-691  
-----)

DEPOSITION OF: LIZETTE RUIZ  
MONDAY, JULY 2, 2001  
9:21 A.M.

REPORTED BY: SYLVIA P. SHEAR  
RPR, CSR NO. 3010

1 Continued Deposition of LIZETTE RUIZ, taken on  
2 behalf of the Defendant State of California, at 400 South  
3 Hope Street, Los Angeles, California on MONDAY, JULY 2,  
4 2001, 9:21 A.M. at before SYLVIA P. SHEAR, RPR, CSR NO.  
5 3010.

6 APPEARANCES:

7 FOR THE PLAINTIFFS AND CLASS REPRESENTATIVE LIZETTE RUIZ:

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1 I N D E X

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11	NO. PAGE	DEPOSITION EXHIBITS	
12		(NONE)	

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14		INFORMATION REQUESTED	
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1 LOS ANGELES, CALIFORNIA  
2 MONDAY, JULY 2, 2001  
3 9:21 A.M.

4  
5 LIZETTE RUIZ,  
6 having been first duly resworn, was examined and  
7 testified further as follows:

8 EXAMINATION

9 BY MR. CHOATE:

10 Q. Good morning, Lizette.  
11 A. Good morning.  
12 Q. Again, today is going to be like the other days  
13 of your deposition. I will ask you questions and I just  
14 ask that you give me your most complete and truthful  
15 answer.  
16 A. Okay.  
17 Q. Remember when you get the transcript of today's  
18 deposition, you will have a chance to review it and make  
19 any changes that you feel are necessary, but other  
20 lawyers, including myself, can comment on those changes  
21 in any proceeding.  
22 Do you understand that?  
23 A. Yes.  
24 Q. When you answer my questions, please try to  
25

1 verbalize your answers. Don't nod your head or shake  
2 your head because the court reporter can't take that  
3 down, okay?

4 A. Okay.

5 Q. During today's deposition I want you to try not  
6 to guess to any questions. I am entitled to your best  
7 estimate, but you are not required to guess.

8 Do you understand that?

9 A. Yes.

10 Q. If you don't understand a question, tell me that  
11 you don't understand. If you don't tell me you don't  
12 understand, I am going to assume that you do understand;  
13 all right?

14 A. All right.

15 Q. Have you consumed any medication or alcohol  
16 within the last 24 hours that would impair your ability  
17 to respond truthfully today?

18 A. No.

19 Q. Lizette, I want to start by just asking you a  
20 few questions about some of the bathrooms we talked about  
21 at your last deposition, okay?

22 A. Okay.

23 Q. I want you to focus for a minute on the second  
24 floor bathroom of the 300 building.

25 A. Okay.

1 times, that I can't really remember exactly when I used  
2 it, but I know for a fact that I would usually have to go  
3 out of the stall or bring tissue paper from home to use  
4 in the bathroom when I was in French, and I would also  
5 have to go out of the stall and get napkins from the  
6 dispenser outside, like the hard paper towels.

7 Q. Can you remember the last time in which there  
8 has been no toilet paper in the 90s building restroom?

9 A. I think it was probably three weeks ago, three  
10 or four weeks ago when I had to go out. I was checking  
11 stalls. Like I was going to use the bathroom and I was  
12 checking to see which one had paper in it. I think the  
13 first one didn't have paper and I had to get it from the  
14 one that was broken down.

15 Q. What do you mean when you say "the one that was  
16 broken down"?

17 A. Well, there was water coming out from the  
18 bottom.

19 Q. Of the bottom of what?

20 A. From the toilet, and it was kind of nasty like.  
21 There was -- it was like there was used feminine pads on  
22 the floor and it was kind of disgusting.

23 Q. Were you able to find toilet paper on that  
24 occasion three or four weeks ago in the 90s building  
25 restroom?

1 Q. Can you recall any occasions on which there were  
2 no soap dispensers on the second floor bathroom of the  
3 300 building?

4 A. I can't recall, but the only problem I have with  
5 that is there was hardly ever any soap and the only time  
6 that there has been soap has been like two weeks ago  
7 because [REDACTED] requested it.

8 Q. That was not my question. I just want to know  
9 if you can recall any occasions on which there have been  
10 no soap dispensers or broken soap dispensers?

11 A. No.

12 Q. In the third floor restroom of the 300 building,  
13 can you recall any occasions on which there have been no  
14 soap dispensers or broken soap dispensers?

15 A. Not to my knowledge.

16 Q. I am going to ask you a couple questions about  
17 the restroom that is in the 90s building.

18 A. Okay.

19 Q. Do you recall any occasions in which there has  
20 been no toilet paper in any of the stalls in the 90s  
21 building restroom?

22 A. During my freshman and sophomore year, there was  
23 hardly ever a time when there was toilet paper.

24 Q. Can you recall any specific occasions, though?

25 A. Specific? No. But I -- well, I used it so many

1 A. In the broken down stall out of four -- three  
2 bathrooms.

3 Q. Out of three stall?

4 A. Yes.

5 Q. Did you check every stall?

6 A. Yes.

7 Q. And only one of the stalls had toilet paper?

8 A. Yes.

9 Q. Do you recall any other occasions other than  
10 that occasion three or four weeks ago in which there been  
11 no toilet paper in the 90s building restroom?

12 A. There have been a couple, but I can't -- that's  
13 the only one I could specifically remember.

14 Q. I think you indicated that there was water  
15 around one of the toilets in that building on that  
16 occasion -- I mean water around one of the toilets of the  
17 90s building?

18 A. I don't know if it goes out of only that  
19 bathroom, but there is water all over the bathroom.

20 Q. On this occasion three or four weeks ago I think  
21 you indicated that you saw water around one of the  
22 toilets in the 90s building restroom?

23 A. Yeah, but it goes all over the floor.

24 Q. Do you know why that water was there?

25 A. It has always been there, ever since I can

1 remember using that bathroom. It always -- there always  
 2 something like -- there is always liquid on the floor.  
 3 Q. There is always what?  
 4 A. Liquid.  
 5 Q. Around that toilet?  
 6 A. Around all the toilets.  
 7 Q. There is water around all the toilets?  
 8 A. Yes.  
 9 Q. In 90s building restroom?  
 10 A. But I presume it comes out of that one because  
 11 the puddle is bigger there.  
 12 Q. Do you know if any repairs have been done on  
 13 that toilet?  
 14 A. I don't know. As far as I know, it's always  
 15 been that way.  
 16 Q. But you don't know if any repairs have been done  
 17 one way or the other, do you?  
 18 A. I am not aware of any.  
 19 Q. Do you recall any occasions on which there have  
 20 been no soap dispensers or broken soap dispensers in the  
 21 90s building restroom?  
 22 A. During my freshman and sophomore year, I don't  
 23 think there ever was a soap dispenser. I think if there  
 24 was, I think there was only one. But I don't know if it  
 25 is broken or if it doesn't have soap, but nothing comes

1 the bathroom, I have a habit of washing my hands and I  
 2 have never really remembered getting soap from that  
 3 bathroom.  
 4 Q. Well, can you recall the last time you used this  
 5 bathroom and there was no soap?  
 6 A. Two or three weeks ago and there was no soap.  
 7 Q. How many soap dispensers are there in that  
 8 bathroom; do you know?  
 9 A. I think there's either two or one. I am not  
 10 sure.  
 11 Q. What time of day did you use the restroom two or  
 12 three weeks ago; do you remember?  
 13 A. It was -- well, all I can remember specifically  
 14 is I think two or three weeks ago on a Saturday in the  
 15 morning when I went to my health class.  
 16 Q. Can you recall any other occasions in which  
 17 there has been no soap in that bathroom, specific  
 18 occasions?  
 19 A. I think it was probably a week before that on a  
 20 Thursday during lunch. And maybe -- I think it was  
 21 actually the last time I had been, two weeks ago on a  
 22 weekday. I am not sure when it was, though, but I used  
 23 it during PE.  
 24 Q. How about the PE locker room restroom? Do you  
 25 recall any occasions in which there has been no soap

1 out of it.  
 2 Q. Do you recall the last time you noticed that  
 3 there was not a soap dispenser or broken soap dispenser  
 4 in the 90s building restroom?  
 5 A. Last year, I would say.  
 6 Q. So this year there have been soap dispensers in  
 7 the bathroom?  
 8 A. I don't know if they work or not. They don't  
 9 provide soap.  
 10 Q. But you haven't noticed any occasions this year  
 11 in which there have been no soap dispensers or broken  
 12 soap dispensers in the 90s building restroom.  
 13 MS. CHECEL: Objection. Mischaracterizes the  
 14 testimony. She said soap doesn't come out so they could  
 15 be broken.  
 16 BY MR. CHOATE:  
 17 Q. Is it true, then, you haven't noticed any  
 18 occasion this year in which there have been no soap  
 19 dispensers in the 90s building restroom?  
 20 A. Not that I can remember.  
 21 Q. Can you recall any occasions, any specific  
 22 occasions in which there has been no soap in the 90s  
 23 building restroom?  
 24 A. Like I said, I don't remember there ever being  
 25 an occasion when there is soap because every time I use

1 dispensers or broken soap dispensers in the PE locker  
 2 room restroom?  
 3 A. Broken and missing definitely during my freshman  
 4 and sophomore year.  
 5 Q. What about this year?  
 6 A. This year? Like I said, I don't ever remember  
 7 there being soaps. I don't know if the handles worked or  
 8 not.  
 9 Q. Can you recall any occasions this year in which  
 10 there have been no soap dispensers or soap dispensers  
 11 that have been broken?  
 12 A. Well, I don't know if they work, but I can't  
 13 really remember specifically if there have been any  
 14 missing.  
 15 Q. Okay. Do you recall any specific occasions on  
 16 which the PE locker room has been locked?  
 17 A. Well, it doesn't have a door, but there are --  
 18 well, no. We usually -- we just can't use them.  
 19 Like we only have a 10- to 15-minute period when  
 20 we can use them in the beginning of class and at the  
 21 end of class so in between they usually don't let us  
 22 in. They send us to another bathroom, to the 90s  
 23 bathroom.  
 24 Q. Why don't they let you in during that time?  
 25 A. Because I think -- actually I am not sure why

1 they do that.

2 Q. I want to ask you some questions about the  
3 bathrooms in the main administration building. I think  
4 you indicated there were two restrooms for girls in the  
5 main administration building?

6 A. Yes.

7 Q. Can you tell me on what floors they are on?  
8 Were they on the same floors?

9 A. There's one right above the other on the first  
10 and the second floor.

11 Q. Okay. Let's talk about the first floor bathroom  
12 first. How often do you use the first floor restroom in  
13 the main building?

14 A. Well, I would usually use it, I would say, three  
15 or four times a week, but I haven't really used it lately  
16 since the one on the first floor has been locked due to  
17 repairs, supposedly. They usually lock that one up very  
18 often, supposedly due to repairs, but frankly I hardly  
19 ever notice any. Like I think the only repairs actually,  
20 or if you can call them repairs, they only paint over the  
21 tagging, the vandalism.

22 Q. When is the last time you noticed that the first  
23 floor main building restroom has been locked?

24 A. Until now since like two to three months. I am  
25 not sure how long it has been.

1 restroom?

2 A. Three, I think, or four.

3 Q. Can you recall any occasions on which this  
4 restroom has been filthy?

5 A. Almost every day I used it, I have ever used it.

6 Q. Can you describe for me how it was filthy?

7 A. The floor is also wet a lot. During my freshman  
8 and sophomore years there were doors missing, I think  
9 around three doors missing, from three different stalls,  
10 or four.

11 I think this year has been like either one or  
12 two doors missing from the bathroom or that don't work or  
13 don't close properly.

14 MR. FRIEDMAN: When you say "this year," is that  
15 your junior year?

16 THE WITNESS: Yeah. I am not sure if you could  
17 say I am a senior now since I finished my semester,  
18 but --

19 BY MR. CHOATE:

20 Q. When did you finish your semester?

21 A. Friday.

22 Q. Are you happy about that?

23 A. Yeah.

24 Q. Well, I will ask you a question about doors and  
25 this restroom in a second, but I want to know how this

1 Q. You think this restroom has been locked for two  
2 to three months?

3 A. I am estimating.

4 Q. Have you tried to use this restroom repeatedly  
5 over the last two to three months and found out it has  
6 been locked?

7 A. Yes. Almost every time I have to use it during  
8 lunch. I usually try to go there or before school since  
9 my locker is in the same building, same floor and I have  
10 always found it locked.

11 Q. At what time of day do you try to use this  
12 restroom usually?

13 A. It varies.

14 Q. During class?

15 A. Either during fifth, during lunch, during  
16 nutrition, before school.

17 Q. Do you know what kind of repairs they are doing  
18 in the restroom?

19 A. I don't know. But they better be good ones.

20 Q. How many toilets are in the first floor main  
21 administration building restroom?

22 A. I am not sure. Around ten. I am not sure.

23 Q. There may be around ten toilets, you think?

24 A. Around.

25 Q. Do you recall how many sinks there are in that

1 restroom has been dirty.

2 A. Well, I have hardly ever seen it clean, like  
3 other than mopped, but there's trash all over the place  
4 most of the time. There's a teacher that usually tries  
5 to look over it during lunch, when it was open, and it  
6 would kind of look a little better since she has been  
7 there.

8 Q. What kind of trash have you seen in this  
9 restroom?

10 A. Paper towels. There is also a bathroom that  
11 gets full really fast -- I mean, excuse me, trash can  
12 that gets full really fast. And there's -- I can't say I  
13 remember there being trash, little trash cans in the  
14 stalls, but I think I have seen probably -- actually I am  
15 not sure if there has, but there's been used feminine  
16 hygiene products on the floor, toilet paper on the floor,  
17 sink.

18 There is no soap either so it's like --

19 Q. Well, can you recall when the last time that you  
20 saw trash on the floor was in this restroom?

21 A. Probably last time I used it. I can't really  
22 say when it was.

23 Q. You are not sure when the last time was, though?

24 A. No.

25 Q. Can you recall when the last time was that you

1 saw feminine hygiene products on the floor?  
 2 A. Last time I used that.  
 3 Q. Are you sure about that or are you just  
 4 guessing?  
 5 A. No, I am sure because I have never really seen  
 6 it completely clean.  
 7 Q. When was the last time you used it?  
 8 A. I would say -- it was before they started --  
 9 before they closed it down, but I am not sure when that  
 10 is. But it is a really rare occasion when it's clean. I  
 11 don't think I have ever been proud to be in that  
 12 bathroom.  
 13 Q. What time of day do you usually use this  
 14 restroom?  
 15 A. Like I said, it varies. I usually use the  
 16 bathroom either in the morning, during nutrition, lunch  
 17 or fifth.  
 18 Q. What time of day do you notice that this  
 19 bathroom is dirty?  
 20 A. Every time. Like even in the morning I would  
 21 see toilet paper on the floor or feminine used products.  
 22 I would even see the trash can full with papers.  
 23 Q. I think you indicated that this year there have  
 24 been some broken stall doors in this restroom?  
 25 A. Yes.

1 Q. Do you recall how many?  
 2 A. I think it was between two or three. Because I  
 3 know the one next to the -- the disabled people's  
 4 bathroom, I think it was broken or something.  
 5 Q. What was broken about these doors, these two to  
 6 three doors this year?  
 7 A. I think the top, it was like slanted and I don't  
 8 think you could close it.  
 9 Q. Did you try to close any of them, do you  
 10 remember?  
 11 A. Well, it was broken so I didn't even want to  
 12 bother with it.  
 13 Q. Do you know if those doors have been fixed?  
 14 A. I don't know. I assume, because I looked  
 15 through when they were fixing inside, and they were like  
 16 tearing down the whole thing.  
 17 Q. So you assumed that these doors have been fixed?  
 18 A. I don't know if they have been fixed yet, but I  
 19 hope they are going to do it, but there was another one  
 20 on the other side of the bathroom that had no door.  
 21 Q. Do you recall any occasions in which there have  
 22 you been broken locks on the doors of the stalls of that  
 23 bathroom?  
 24 A. I think when I used to go there, I knew of only  
 25 four bathrooms that had working locks on them because I

1 usually try to use those. I think it has been -- well,  
 2 it has always been that way.  
 3 Q. Well, can you recall the last time when you  
 4 tried to use a toilet in this restroom and the lock had  
 5 been broken?  
 6 A. It would have to be the week before they started  
 7 closing the bathroom because I remember I went there  
 8 during first period, and the one I used didn't have a  
 9 lock, so I always put my backpack on the floor so people  
 10 can't go in there. I remember the floor being wet, too.  
 11 Q. Do you recall any occasions, specific occasions  
 12 in which there have been no soap dispensers or broken  
 13 soap dispensers in this restroom?  
 14 A. During my freshman and sophomore year.  
 15 Q. What about this year?  
 16 A. This year? I think it was there. It was there  
 17 in the 90s in that bathroom that had one that was broken,  
 18 but yeah.  
 19 Q. Okay. But you are not sure whether you have  
 20 seen a broken or a soap dispenser --  
 21 A. I am not sure --  
 22 Q. -- in the first floor bathroom of the main  
 23 administration building this year?  
 24 A. I am not sure if it was there or in the 90s.  
 25 Q. Do you recall any occasions this year in which

1 there has been no soap in the bathroom, in the first  
 2 floor bathroom in the administration building?  
 3 A. I don't think there has ever been soap because I  
 4 remember always criticizing because they would put signs  
 5 to wash your hands; yet there was never soap.  
 6 Q. Do you recall the last occasion on which there  
 7 was not soap?  
 8 A. The last time I used it.  
 9 Q. Are you sure about that?  
 10 A. Yeah.  
 11 Q. Or are you just --  
 12 A. Well, I assume because I don't ever remember  
 13 washing my hands in that bathroom like with soap.  
 14 Q. Do you recall any occasions on which there has  
 15 not been toilet paper in this bathroom?  
 16 A. I know I had a lot of problems with that during  
 17 my freshman and sophomore year, but specific occasions in  
 18 my junior year, I can't remember. I can't recall.  
 19 Q. What kind of problems did you have in your  
 20 freshman and sophomore years?  
 21 A. The ones I mentioned. There was hardly any  
 22 toilet paper or any -- there were broken -- there were  
 23 broken toilet paper dispensers.  
 24 Q. Do you ever remember occasions during your  
 25 freshman or sophomore year when you were not able to find

1 any toilet paper in this bathroom to use?

2 A. During lunch there was problems because people  
3 would make lines to use the bathrooms and it was kind of  
4 hard to like find toilet paper since all the bathroom  
5 stalls were used. And we couldn't really choose which  
6 bathroom to use, so we always had to scream out for  
7 somebody to pass the toilet paper.

8 Q. Do you recall any occasion during your freshman  
9 or sophomore year in which you weren't able to find  
10 toilet paper in the first floor bathroom of the main  
11 administration building?

12 A. I remember on three or four occasions, but I  
13 can't really say when.

14 Q. When there was no toilet paper at all for you to  
15 use?

16 A. Yes.

17 Q. Can you remember when the last time was?

18 A. I can't really remember specifically. But  
19 usually it happened during sixth period because there was  
20 absolutely no toilet paper. Actually I think this year I  
21 did have problems after school finding toilet paper in  
22 any stalls.

23 Q. Can you remember an occasion when that happened  
24 this year?

25 A. I think it was in the beginning of my -- of last

1 that there was no toilet paper in sixth period in this  
2 bathroom; is that true?

3 A. Specifically? No.

4 Q. Do you recall any occasions on which there have  
5 been broken toilets or sinks in the first floor main  
6 administration bathroom?

7 A. I am not sure if it was my tenth -- the ending  
8 of my last semester of tenth grade or my first semester  
9 of eleventh grade, but there was actually like a broken  
10 down -- a broken bathroom that didn't have a seat. Or I  
11 think there were two of them actually. And some of  
12 the -- like two or three of the seats that I used before  
13 they closed it down were like -- weren't really secured  
14 because they would move, so you can't really sit on them  
15 or do anything.

16 Q. Are you referring to the two occasions either  
17 last year or this year in which there have been two  
18 toilets without seats or are you talking about different  
19 occasions?

20 A. Different occasions.

21 Q. Do you know how those two toilets that didn't  
22 have seats, how they were broken?

23 A. I don't know. They looked really old so I am  
24 assuming it's because they are old, but I don't know.

25 Q. I mean you don't know how they became broken,

1 semester.

2 Q. How many occasions do you think last semester of  
3 this year you found there hasn't been toilet paper in  
4 that bathroom?

5 A. Could you repeat that question.

6 Q. Sure. About how many times do you think during  
7 the first semester of this year have you found that there  
8 has not been toilet paper in the first floor bathroom of  
9 the main administration building?

10 A. Well, for sure probably would be four or five  
11 times.

12 Q. Why are you sure that it's four or five times?

13 A. Actually probably three or four times because  
14 that's probably how many times I used that bathroom after  
15 school because I usually pass by there.

16 Q. But, Lizette, can you recall three or four  
17 specific occasions on which there was no toilet paper or  
18 are you just guessing?

19 A. Well, I am not guessing because I know for a  
20 fact that during sixth period there isn't any toilet  
21 paper because they don't put any. And --

22 Q. Can you -- I'm sorry. Excuse me.

23 A. I just know that I have gone three or four times  
24 after school to that bathroom.

25 Q. But you can't recall the last time when you saw

1 though?

2 A. No.

3 Q. Do you know if they were fixed?

4 A. I don't think so.

5 Q. How do you know?

6 A. Because I remember like using one of those  
7 bathrooms that the seat was kind of broken. Like it  
8 would move.

9 Q. The same stall that didn't have a seat before?

10 A. I'm sorry, I am confused.

11 Q. Were there two occasions in which you noticed  
12 that toilets didn't have seats in this restroom?

13 A. There are two toilets that didn't have seats at  
14 all.

15 Q. Okay.

16 A. Aside from those, there were two or three seats  
17 that had like -- that the seat was broken, like it wasn't  
18 really stable. Like you couldn't sit on it.

19 Q. Well, on the two toilets that didn't have seats,  
20 do you know if those toilets were equipped with seats at  
21 some later date?

22 A. Not that I can remember.

23 Q. You are not sure, though, are you?

24 A. I don't think there were because those -- I  
25 don't remember there being a seat there, like recently.

1 Q. Other than the issues regarding the toilet  
2 seats, can you recall any occasions on which a toilet has  
3 been broken?  
4 A. Not that I can recollect.  
5 Q. What about sinks? Can you recall any occasions  
6 in which sinks have been broken in this bathroom?  
7 A. Well, I think there has been like five different  
8 occasions when they have been clogged and they would stay  
9 that way for like two or three days.  
10 Q. Can you remember the last occasion on which you  
11 have seen a clogged sink in this bathroom?  
12 A. It would either be the beginning of eleventh  
13 grade or the first eleventh grade semester or the last  
14 tenth grade semester. I can't remember. Actually it  
15 might have been another occasion, probably three or four.  
16 Q. Talking about the second floor restroom, the  
17 restroom that is on the second floor of the main  
18 administration building.  
19 A. Uh-huh.  
20 Q. Do you know how many toilets there are in that  
21 restroom?  
22 A. I'm not sure because they always have -- they  
23 have always had that restroom closed to students. The  
24 only last time I can remember using it was in my freshman  
25 year when they had it both open, both girls' bathrooms in

1 was locked?  
2 A. I think three weeks ago. I was looking -- like  
3 I passed by and just out of curiosity I tried to open it.  
4 Q. Around three weeks ago?  
5 A. Yeah.  
6 Q. Do you remember what time of day?  
7 A. I think it was around fifth period.  
8 Q. It was during fifth period?  
9 A. Yeah.  
10 Q. Do you recall when the last occasion before that  
11 was that you tried to use the restroom and found that it  
12 was locked?  
13 A. It was sometime during lunch. I am not sure.  
14 The same week. I am not sure.  
15 Q. Other than this time three weeks ago during  
16 fifth period when you found that the restroom was locked,  
17 you can't recall any other specific occasions on which it  
18 was locked?  
19 A. Specific? No.  
20 Q. I think you testified during the first day of  
21 your deposition that at some point there was only like  
22 one or two bathrooms open on the whole campus.  
23 A. Yes.  
24 Q. Do you recall the last occasion you found there  
25 was only one or two bathrooms open on the whole campus?

1 that building open, but I think it's the same. It was  
2 like the same replica as the one in the first building,  
3 so I would assume it is ten, around ten bathrooms or ten  
4 stalls.  
5 Q. Ten toilets?  
6 A. Yeah. And it is everything the first bathroom  
7 isn't. It's clean.  
8 Q. Do you know how many sinks there are in that  
9 restroom?  
10 A. I am assuming four, but I only remember like  
11 one week since I have been in that school, one week that  
12 it has been open, and that was in my freshman year.  
13 Q. So the only time you used the second floor  
14 bathroom in the main building was your freshman year?  
15 A. Yes.  
16 Q. And that was just during the week time that you  
17 used that bathroom in your freshman year; is that  
18 correct?  
19 A. Yeah, around a week.  
20 Q. Sitting here today, can you recall any  
21 conditions in the second floor bathroom in the main  
22 administration building that you found objectionable?  
23 A. I can't remember that far back.  
24 Q. Do you recall when the last time was that you  
25 tried to use this second floor restroom and found that it

1 A. I think it was four, three weeks ago.  
2 Q. Four, three weeks ago?  
3 A. Yeah. I don't know if it was only one or two  
4 bathrooms open, but like out of all the bathrooms, I  
5 know -- I went to like six bathrooms I usually use. I  
6 went to I think three or four of them and they were all  
7 locked. I had to go to the 300 building.  
8 Q. Is this the occasion four weeks ago?  
9 A. Yes.  
10 Q. You checked three bathrooms?  
11 A. Three or four bathrooms. Actually let me see.  
12 1, 2, 3, 4. Yeah, four bathrooms.  
13 Q. Which bathrooms did you check?  
14 A. Actually I think it was five. I checked --  
15 that's when I passed by the one on the second floor  
16 because it was during fifth period.  
17 Q. Uh-huh.  
18 A. I passed by the one on second floor. It was  
19 locked. The one on the first floor of the main building  
20 was locked. The one near the 30s was locked. The one  
21 near the -- the one in the 70s was locked. And then I  
22 went to the 300 building and I am not sure if I used the  
23 one on the second or third floor.  
24 Q. Okay, but the one that you used in the 300s  
25 building was open?



1 A. Yes.

2 Q. So you checked 1, 2, 3, 4, four restrooms on  
3 that occasion four weeks ago and you found that those  
4 four restrooms were closed?

5 A. Yeah.

6 Q. But you didn't check any other restrooms,  
7 though, other than what you told me about?

8 A. No.

9 Q. Can you recall any specific occasion on which  
10 you found that all of the restrooms at Huntington Park  
11 Senior High School with the exception of one were closed?

12 A. There was only two occasions that I can  
13 remember.

14 Q. Okay. I must misunderstand because I think we  
15 talked about an occasion four weeks ago.

16 A. Yeah.

17 Q. Right? Were there any other occasions on which  
18 you noticed that -- on which you checked multiple  
19 restrooms?

20 A. I think there were other occasions because I  
21 remember there was one during lunch. I think I only  
22 checked like two or three bathrooms.

23 Q. I want to know if there's been any occasion on  
24 which you checked all the restrooms at Huntington Park  
25 Senior High School and found only one was open.

1 checked every bathroom at Huntington Park Senior High  
2 School?

3 A. Yeah.

4 Q. Any particular day?

5 A. Any particular day, like a day day?

6 Q. Yeah. Was there ever one day where you checked  
7 every restroom in the Huntington Park Senior High School  
8 and found there was only one open?

9 A. That day in my French class because I remember I  
10 went to the 90s and it was locked, and I went to the 300s  
11 and it was locked. And I went to the 70s -- actually I  
12 went to the 70s first and it was locked. Then I went to  
13 the main building and it was locked, so I had to go  
14 around to the 300s and the third floor I ended up.

15 Q. Did you check the 30s building restroom on this  
16 occasion?

17 A. Yes.

18 Q. Did you check the PE locker room restroom.

19 A. No. They don't -- we never use that one.

20 Q. Other than this occasion that you have spoken  
21 about, can you recall any other occasion on which you  
22 have checked every single restroom at Huntington Park  
23 Senior High School and found only one of them?

24 A. There were some days around that time, but I  
25 can't remember specifically when.

1 A. I think it was during my sophomore year or  
2 junior year. I am not sure if it was in the beginning,  
3 but I think it was in the beginning of either semester  
4 that I went to three bathrooms or four. I am not sure  
5 how many.

6 Q. Do you recall any occasion when you were at  
7 Huntington Park Senior High School where you checked all  
8 the girls' restrooms and found only one was open?

9 A. Other than the one I mentioned?

10 Q. I want to know if there has been any occasion  
11 when you checked every girls' restroom in the Huntington  
12 Park Senior High School and found there was only one  
13 open?

14 A. Yeah. There was that one when we did the  
15 petition for.

16 Q. When was that?

17 A. I think it was in the beginning of 2000, around  
18 then. I am not sure.

19 Q. And did you personally check every restroom on a  
20 particular day in the beginning of 2000 to see if they  
21 were open?

22 A. There are a couple days that I went to a lot of  
23 bathrooms. There was occasion when the 90s bathroom was  
24 closed. I went to the 70s to the main building.

25 Q. Lizette, do you recall any occasion on which you

1 Q. But you remember checking every restroom in  
2 Huntington Park Senior High School?

3 A. Well, that I know of.

4 Q. You checked the one in the main administration  
5 building?

6 A. Yeah.

7 Q. The 300 building, the 30, the 70, the 90s?

8 A. Yes.

9 Q. Every single restroom in one day you checked?

10 A. Well, I went to most of them.

11 Q. I think you testified that when restrooms are  
12 locked at Huntington Park Senior High School, they are  
13 locked for two to three weeks?

14 A. Yes.

15 Q. Can you recall any particular restroom that's  
16 been locked for two to three weeks consecutively?

17 A. The one in the main building.

18 Q. Have you tried -- how do you know that it has  
19 been locked? Are you saying that it has been locked for  
20 the entire two to three weeks and never been opened?

21 A. Yes.

22 Q. How do you know that?

23 A. Because that's the one that I usually go to  
24 first. Since it's near my locker, I usually try to use  
25 it during lunch or nutrition.

1 And there have been around four occasions that I  
2 could remember when it has been locked for more than two  
3 weeks, for more than a week, two-three weeks.

4 Q. Have there been any occasions when you tried to  
5 use that restroom for each day during the two- to  
6 three-week span and found it has been locked?

7 A. Well, not every day, but either -- it's an  
8 average of every other day and they usually put a sign  
9 there, so --

10 Q. Do you know if that restroom is ever locked for  
11 less than an entire day?

12 A. There is probably one occasion that I can  
13 remember.

14 Q. But you are not sure though whether it's locked  
15 for the entire day or for part of the day?

16 A. I'm sorry, I am confused.

17 Q. When this restroom is locked --

18 A. For the two to three weeks?

19 Q. -- for the two to three weeks, how do you know  
20 it is locked for the entire two to three weeks?

21 A. Because they have a sign. And sometimes since I  
22 said before there is a teacher who looks over it during  
23 nutrition, she has the door open so nobody vandalizes it,  
24 so those two to three weeks I don't see her there. And  
25 there is a sign that says "The bathroom is closed due to

1 Tuesday, Wednesday, Thursday and Friday and found that it  
2 was locked on each occasion?

3 A. Mostly, because I usually use it in third to  
4 fourth period. Well, from either nutrition, third or  
5 fourth. Since I usually go to tutoring to my math  
6 teacher during nutrition, I usually -- I either use it  
7 either one of those days, because [REDACTED] gives us --  
8 he provides drinks and I usually have to go like soon  
9 after. I always buy. I mean I always get drinks from  
10 him. I always have to go. I always go every day for  
11 sure.

12 Q. To that restroom?

13 A. Yeah, to that restroom. And there was a week  
14 during -- from May to June that I noticed it was locked  
15 and I asked [REDACTED] for the key and he wouldn't give  
16 to it me.

17 Q. Was this during class?

18 A. Yes. Well, it is either, like I said, it is  
19 either nutrition, third or fourth that I go use it.

20 Q. Well, can you recall any week in which this  
21 restroom has been locked for a week straight during  
22 nutrition?

23 A. During nutrition? During nutrition? I wouldn't  
24 know, but for when I would go for a week, it was locked.

25 Q. But this was during class, though?

1 repairs."

2 Q. Other than that restroom, can you recall any  
3 other restroom that's been locked for two to three  
4 consecutive weeks?

5 A. The one on the 300 building on the third floor  
6 is usually locked. Like I said, Mr. Waller is the only  
7 one who opens it.

8 Q. Has there been an occasion in which you tried to  
9 use that restroom every day for two to three weeks and  
10 found it has been locked?

11 A. For three weeks, no, but for like a week. I am  
12 not sure. For more than a week. There have been  
13 occasions when for more than a week I tried to use it and  
14 it has been locked.

15 Q. When is the last time you found that this  
16 restroom has been locked for every day of one week?

17 A. Probably a month ago.

18 Q. A month ago. And you tried to use the  
19 restroom -- let's see. Was that in June? Or is that in  
20 May?

21 A. May to June.

22 Q. Was it towards the end of May that you noticed  
23 this?

24 A. Yeah.

25 Q. And you tried to use that restroom on Monday,

1 A. Like I said, it varied. It was either third  
2 that I used the 300's third floor bathroom. I either  
3 used it during nutrition, third or fourth, but I use it  
4 every day or I went to, I tried to.

5 Is there any way I could take like a break to  
6 get a drink or something?

7 Q. Sure. Let's go off the record.

8 (Recess taken.)

9 BY MR. CHOATE:

10 Q. Lizette, I think you indicated during the first  
11 day of your deposition that students circulated a  
12 petition sometime in the beginning of 2000 regarding  
13 locked bathrooms.

14 A. Yes.

15 Q. Do you have a copy of that petition?

16 A. No.

17 Q. I think you indicated that that petition was  
18 given by students to Ms. Williams who is a vice principal  
19 at Huntington Park Senior High; is that correct?

20 A. To my knowledge, yes.

21 Q. You weren't there when that was given to  
22 Ms. Williams?

23 A. No. I wasn't involved there at the meeting.

24 Q. Do you know what Ms. Williams did in response to  
25 the petition?

1 A. In response to the bathroom campaign that we  
2 had, she told us that they were able to allocate in the  
3 shared decision-making meeting, that they were able to  
4 allocate \$5,000 for the repairs of bathrooms, but that  
5 was only spent on buying soap dispensers, seat covers  
6 dispensers, to fix I guess the paint over the tagging,  
7 and also to add the little trash cans in each stall, but  
8 other than that, they were really -- little really  
9 changed.

10 Like they wouldn't put soap in the soap  
11 dispensers. They would hardly ever put seat covers in  
12 the seat cover dispensers. I say there is only like  
13 three occasions that I have actually seen seat covers in  
14 the bathroom, three or four occasions.

15 Q. When you refer to "seat covers," what are you  
16 referring to?

17 A. The toilet seat covers.

18 Q. The paper seat covers?

19 A. Yeah. And like they only put one. Like they  
20 didn't put them in each stall. They would only put one  
21 in the bathroom, like in the entrance, near the entrance  
22 somewhere. And they would like put two containers of  
23 tissue paper, like of toilet paper in each bathroom, but  
24 they would only fill one up for like for the tenth grade  
25 for the year.

1 A. I really didn't ask Yuki for them, but I could  
2 ask her. I haven't really seen them around the office,  
3 so I don't know what happened to those. I can't remember  
4 if we gave them to somebody or not.

5 Q. Did you ever give them to Yuki?

6 A. Yeah. We would turn them in. Well, like we  
7 would try to -- well, since it was kind of unstable, the  
8 club was unstable because they wouldn't really let us  
9 meet, we would give -- we only met I think like four or  
10 five times at one point because leadership wouldn't let  
11 us meet, so it was kind of hard to get back to the people  
12 that we gave these like booklets. Like there are these  
13 checklists to check on the bathrooms, and it was kind of  
14 hard to get them back to get in contact with them because  
15 they would go off track and it was kind of unstable.

16 Q. But you recall giving these checklists to Yuki;  
17 is that correct?

18 A. Yeah.

19 Q. Do you know whose responsibility it is to clean  
20 restrooms up in Huntington Park Senior High School?

21 A. I don't know. I think -- well, I was under the  
22 assumption for a time it was Ms. Williams' responsibility  
23 because she was like a plant manager or something like  
24 that. I am not sure.

25 Q. Do you know if it is the custodian's

1 Q. Other than the provision of \$5,000, do you know  
2 any specific measures that the administration took with  
3 respect to bathrooms?

4 A. That's the only measures she told me about they  
5 were able to do.

6 Q. When did she tell you about that?

7 A. I am not really sure. It was in the mid 2000.  
8 I am not really sure when.

9 Q. Ms. Williams spoke to you personally about this?

10 A. Yeah.

11 Q. Were other people present?

12 A. The youth organizer from Communities for a  
13 Better Environment.

14 Q. Is that Yuki?

15 A. Yuki Kidokoro. And I think there's another  
16 student. I am not sure. I can't remember.

17 Q. I think you indicated students in the youth  
18 action club checked bathrooms and noted down what  
19 problems they found?

20 A. Yes.

21 Q. Is that something that you did also?

22 A. Uh-huh, yes.

23 Q. Do you have any copies of the notes you kept?

24 A. I wasn't able to find them.

25 Q. Did you keep copies; do you know?

1 responsibility to clean the high school?

2 A. I think it is, it's theirs, but Ms. Williams  
3 told me at one point they didn't have a woman custodian  
4 to take care of the bathrooms. And I am assuming it's  
5 her -- it's somebody else's responsibility to make sure  
6 there are custodians available.

7 Q. Whose responsibility do you think that is?

8 A. I don't know. I am assuming at one point it has  
9 to go through the principal and he should make sure, or I  
10 don't know.

11 Q. You think the principal should make sure that  
12 the bathrooms are clean?

13 A. Well, there has to be somebody to make sure, but  
14 I am not sure who it is.

15 Q. When did Ms. Williams tell you that there was no  
16 female custodian; is that correct?

17 A. Yes. It was during that time. Like she was  
18 giving us an excuse, but I don't know exactly when the  
19 conversation took place. I guess it was between around  
20 mid 2000 she mentioned it.

21 Q. Do you know how many custodians there are at  
22 Huntington Park Senior High School?

23 A. No.

24 Q. When you see problems in the bathrooms, do you  
25 report them to somebody in the administration?

1 A. Well, lately I been arguing -- not arguing. I  
 2 been talking a lot with Mr. Miekosz.  
 3 Q. Who is Mr. Miekosz?  
 4 A. My AP history teacher. Because I was telling  
 5 him that it's not fair because they are doing repairs to  
 6 the guys bathrooms, and it's not fair that they have the  
 7 second floor bathroom open and we don't. And he -- and  
 8 I think basically him and Ms. Wiese are the only people I  
 9 usually complain to and Ms. Dolhi.  
 10 Q. Do you know how often the restrooms at  
 11 Huntington Park High School are cleaned?  
 12 A. I don't know.  
 13 Q. Do you know whether they are cleaned every day?  
 14 A. I wouldn't think so.  
 15 Q. Do you know for sure whether they are or not?  
 16 A. I know for sure they are not. They haven't been  
 17 cleaned every day because, like I say, before when I  
 18 would use the bathrooms in the morning, I noticed they  
 19 weren't that clean.  
 20 Q. How do you know they weren't clean before  
 21 school?  
 22 A. Because I mentioned there have been occasions  
 23 when the trash cans have been full of paper, completely  
 24 full to the extent where there is paper towels on the  
 25 floor surrounding the trash can.

1 Q. In the morning?  
 2 A. Yeah.  
 3 Q. At what time in the morning?  
 4 A. Around 7:30 before the bell rings, before school  
 5 even starts.  
 6 Q. Do you remember the last time when you have seen  
 7 a trash can that's been full with paper at 10:30 in the  
 8 morning?  
 9 A. Around a month ago.  
 10 Q. What about before that? Do you remember any  
 11 other occasions before that?  
 12 A. Specific occasions? No.  
 13 Q. In what bathroom did you see about a month ago a  
 14 trash can full at 10:30 in the morning?  
 15 A. At 7:30?  
 16 Q. I'm sorry, did you say 10:30?  
 17 A. At 7:30.  
 18 Q. At 7:30?  
 19 A. Yeah. There was -- can you repeat that  
 20 question. Yeah. Can you repeat that question.  
 21 Q. I think you indicated that about a month ago you  
 22 noticed that a trash can was full in the morning in one  
 23 of the bathrooms.  
 24 A. Yes.  
 25 Q. Was that at 7:30 in the morning?

1 A. Yes.  
 2 Q. Other than that occasion, do you recall any  
 3 other occasions on which you have seen a trash can in the  
 4 bathroom has been full in the early part of the morning?  
 5 A. During the Stanford 9 testing, I remember I was  
 6 kind of running late from home so I would use the  
 7 bathroom at school. And there were different days during  
 8 that two-week period when I would use the bathroom before  
 9 school. There were like around five occasions and all  
 10 those times I don't remember seeing the bathrooms  
 11 completely clean.  
 12 Q. But did you see on any of those occasions that  
 13 the trash can was full of paper at 7:30 in the morning or  
 14 in the morning?  
 15 A. I would say three out of those five occasions.  
 16 Q. Have you ever seen students vandalize the  
 17 bathrooms?  
 18 A. I seen it once when I was in freshman -- when I  
 19 was in ninth grade.  
 20 Q. What did you see?  
 21 A. I didn't really say anything because I was  
 22 scared because they were seniors so I just seen these  
 23 girls painting like tagging on the mirror with lipstick.  
 24 Q. Have you ever seen girls throw paper on the  
 25 floor in the restrooms?

1 A. I haven't seen them do it directly, but they  
 2 would throw it on the pile of the main building of the  
 3 trash can and they would fall also.  
 4 Q. Have you ever seen the girls clog up the sinks  
 5 or toilets with toilet paper?  
 6 A. No.  
 7 Q. Why do you think, though, that students would  
 8 clog the toilets or the sinks with toilet paper?  
 9 A. The sinks? Actually I have seen people throw  
 10 like the napkins, I mean paper towels, in the sink just  
 11 because it was next to the trash can and the trash can  
 12 was full of paper already.  
 13 Q. So they would just throw it in the sink?  
 14 A. Yeah. But I seen -- like I have seen bathrooms  
 15 that have been clogged, but I have seen them like with  
 16 pads inside, so I am assuming they got clogged because of  
 17 that.  
 18 Q. Because the girls would throw their hygienic  
 19 pads in the toilet?  
 20 A. Yeah. But I don't think people would do it on  
 21 purpose. Personally I don't see the point to it.  
 22 Q. Well, you have seen hygienic pads on various  
 23 restroom floors?  
 24 A. Yeah, but I don't see why they would do it on  
 25 purpose, like clog them on purpose.

1 Q. But girls throw their hygienic pads on the  
2 floors of the restroom, though, in senior high school.  
3 Do you know why they do that?  
4 A. Because some of the stalls, some of the trash  
5 cans in the stalls are broken. Like the bottom part,  
6 they are not -- like they are just broken.  
7 Q. Don't you think it would be easy for a girl to  
8 wrap the hygienic pad in tissue paper and throw it in the  
9 trash can?  
10 A. Outside?  
11 Q. No. In the restroom?  
12 A. In the restroom.  
13 Q. In the big trash can in the restroom.  
14 A. Well, it is kind of embarrassing to walk outside  
15 and sometimes there is no toilet paper to wrap it in.  
16 Q. Can you tell me all the ways in which you feel  
17 that your education has been impaired by the conditions  
18 in the restrooms?  
19 A. Well, personally sometimes I would rather hold  
20 my like needs to go to the bathroom, and that's kind of  
21 distracting because sometimes it's just disgusting going  
22 to the bathroom. And it's a really big hassle to look  
23 for a bathroom.  
24 So like I said, it distracts me and I know a lot  
25 of other students do the same thing because when we did

1 A. More than five.  
2 Q. How many more than five do you think?  
3 A. I am not sure. Probably five to ten times. I  
4 am not sure.  
5 Like I said, there were a lot of days when I had  
6 difficulties with my teacher letting me out to the  
7 bathroom because she thought I would vandalize it because  
8 I would use it every day at the same time.  
9 Q. But during your junior tenth grade year, you  
10 found it difficult to concentrate in class because you  
11 had to go to the bathroom on about five to ten different  
12 occasions?  
13 A. Yes.  
14 Q. What about during your ninth grade year?  
15 A. I can't remember specifically that far back, but  
16 I know it was more than five times.  
17 Q. Why do you know it's more than five times?  
18 A. Because I didn't really like using the bathrooms  
19 back then. I was more -- I wasn't as daring, I guess.  
20 Q. Can you remember specifically that there were  
21 more than five occasions or do you just -- are you  
22 assuming there are more than five occasions?  
23 A. I am not assuming because I know there are more  
24 than five occasions, but I can't remember the specific  
25 times.

1 the bathroom campaign, when we would ask the students  
2 about it, they would say the same thing.  
3 Q. Have you found it difficult to concentrate in  
4 class because you had to go to the bathroom but didn't  
5 want to use the restroom?  
6 A. Yes. During my freshman year. My grandma even  
7 would tell me not to use it if I didn't like it.  
8 Q. Did this ever happen -- has this ever happened  
9 in your sophomore year or junior years in which you found  
10 it difficult to concentrate in class because you had to  
11 go to the bathroom?  
12 A. There's been occasions. In my sophomore year,  
13 like teachers usually try not to -- don't like letting  
14 kids go to the bathroom because they are afraid they are  
15 going to vandalize them.  
16 But like I usually have the habit of going to  
17 the bathroom at the same time every day and my French  
18 teacher wouldn't let me go.  
19 Q. Would you try to estimate for me how many  
20 occasions in your junior year that you have been unable  
21 to concentrate in class because you had to go to the  
22 bathroom?  
23 A. Once or twice.  
24 Q. And about how many occasions in your sophomore  
25 tenth grade year?

1 Q. Okay. How many more than five occasions do you  
2 think there were?  
3 A. 5 to 15. I am not sure.  
4 Q. Somewhere between 5 and 15 occasions?  
5 A. Yeah.  
6 Q. On these occasions can you tell me how it was  
7 difficult for you to concentrate in class?  
8 A. Well, just having to go to the bathroom. Like  
9 sometimes you know, just waiting, it is just distracting.  
10 Q. During these occasions since you have been at  
11 Huntington Park Senior High School where you found it  
12 difficult to concentrate in class, have you ever asked  
13 your teacher if you could leave class and go to the  
14 restroom?  
15 A. Yeah.  
16 Q. Did your teacher generally let you go to the  
17 restroom?  
18 A. Most of them do, but like I said, my French -- I  
19 just really had problems with my French teacher.  
20 Q. Have you had any problems with any other teacher  
21 that wouldn't let you go to class other than your French  
22 teacher?  
23 A. Not that I can remember.  
24 Q. So on these occasions where you have to go to  
25 the bathroom in class, these various occasions you have

1 referred to in the last three years, you were able to  
2 leave class to go to the bathroom generally; is that  
3 true?

4 A. Well, I wouldn't really leave class because,  
5 like I said, I wasn't really -- like I didn't really want  
6 to use the bathroom. Like I needed to use the bathroom,  
7 but I didn't want to because it's just disgusting.

8 Q. But did you or did you not?

9 A. In most of them I didn't.

10 Q. Do you think that the conditions in the  
11 restrooms at Huntington Park Senior High School have  
12 affected your grades adversely?

13 A. Well, I felt deprived and it's like other than  
14 affecting me, distracting me during class time, I think  
15 it's like -- just like when I was in the bathroom  
16 campaign, just having to take the time to do that.

17 Q. Do you feel you have gotten poorer grades in the  
18 classes because of the conditions in the restrooms?

19 A. Well, it's contributed. I felt like it  
20 contributed in a way to me having problems in class, but  
21 whereas to affect me directly a lot in my grades, I don't  
22 think it has affected me a lot, but it has.

23 Q. Well, how have the bathroom conditions  
24 contributed to your having problems in class?

25 A. Well, like I said, it's distracting during class

1 would be vandalizing the bathrooms.

2 There were points where I just had to walk out  
3 and use the bathroom because she wouldn't let me

4 [REDACTED]  
5 Q. And she gave you [REDACTED] because you walked out of  
6 the classroom to use the bathroom?

7 A. Yeah.

8 Q. Did she tell you that?

9 A. Well, she would get mad and I think that's the  
10 only things, those were the only things that I would  
11 think would even tick her off to give me a [REDACTED]

12 Q. I think you testified on the first day of your  
13 deposition that your French teacher thought that you  
14 talked a lot in class.

15 A. Yeah.

16 Q. Do you think that maybe is a reason that you got  
17 a [REDACTED] in the class?

18 A. Not really.

19 Q. Why not?

20 A. Well, actually, I don't think I said my French  
21 teacher said I talked a lot.

22 Q. I think you testified that other girls in the  
23 class talked, but your French teacher thought it was you.

24 A. That was my Spanish teacher.

25 Q. Your Spanish teacher?

1 having to hold in your needs.

2 Q. Do you think that you have gotten -- I want to  
3 know whether you think that the bathroom conditions have  
4 caused you to get poorer grades in any of your classes.  
5 I guess that's my question.

6 MS. CHECEL: Objection. Asked and answered.  
7 But you can go ahead and answer again.

8 THE WITNESS: I would just be repeating myself.

9 BY MR. CHOATE:

10 Q. You said you had some problems with your French  
11 teacher.

12 A. Yes.

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 A. It could have been because she would assume that  
18 I would do vandalizing, which in my opinion is really  
19 stupid, because it is like I said.

20 It's kind of like a habit of mine to go to the  
21 bathroom during that time because I drink a lot of  
22 liquids at home in the morning, and I drink milk. I  
23 drink a lot of milk in the morning by that time I usually  
24 had to always use the bathroom and she wouldn't let me  
25 because I did it every day and she would think that I

1 A. Yeah.

2 Q. Any other reasons why you think you got [REDACTED] in  
3 the French class other than you getting up to go to the  
4 bathroom?

5 A. No. I don't know. I don't think I ever did  
6 anything wrong in that class.

7 Q. Did you do your homework every night in that  
8 class?

9 A. Yeah. There was probably two occasions that I  
10 didn't.

11 Q. Do you feel the conditions in the restrooms at  
12 Huntington Park Senior High have affected any scores on  
13 any tests that you have taken?

14 A. Well, other than distracting me from my studies,  
15 I think that's the only way it has distracted me and  
16 affected me on test scores.

17 Q. Do you feel that you haven't been able to learn  
18 in some of your classes because of the bathrooms?

19 A. Like the need and pain you get from not going to  
20 the bathroom, it is distracting.

21 Q. Well, you testified in your eleventh grade year  
22 there were one or two occasions on which you had to go to  
23 bathroom in class.

24 A. Yeah.

25 Q. Do you feel that you have been unable to learn

1 in any of your classes based on those two occasions?

2 A. Well, just for the temporary period, around  
3 those two occasions.

4 Q. Are there any other ways that you can think of  
5 that the restrooms have affected your education in a  
6 negative way other than these occasions that we have  
7 talked about?

8 A. Not that I can think of right now, no.

9 Q. Did you ever go to the Dodger Stadium to see  
10 baseball games?

11 A. I went twice, but I can't remember when. It was  
12 when I was small.

13 Q. Did you ever go to amusement parks?

14 A. Yeah.

15 Q. How do the restrooms at your school compare to  
16 the restrooms in the amusement parks you go to?

17 A. Nothing like it. It's like the complete  
18 opposite of each other.

19 Q. Okay. I want to ask you some questions about  
20 the water fountains at your school. Is that okay?

21 A. Okay.

22 Q. Do you know how many water fountains there are  
23 at Huntington Park Senior High School?

24 A. Probably around 12, 13, 10 to 12 to 15. I am  
25 not sure.

1 MS. CHECEL: Off the record.

2 MR. CHOATE: Let's go off the record.

3 (A discussion was held off the record.)

4 MR. CHOATE: Let's go back on the record.

5 Q. Lizette, before we went off the record, I had  
6 asked you what conditions relating to the water fountains  
7 you found objectionable, and you indicated that some of  
8 the water fountains don't have water or don't squirt  
9 enough water and that some of the water fountains get  
10 clogged.

11 A. Yes.

12 Q. Are there any other conditions related to the  
13 water fountains that you found objectionable?

14 A. Well, I guess just what really -- what I really  
15 found objectionable is just that there aren't -- there  
16 are a lot of water fountains, but most of them don't even  
17 provide water. Like I would say -- I am estimating about  
18 six. Like half of the water fountains, less than half of  
19 the water fountains that are available even provide  
20 water.

21 Q. Okay.

22 A. And around half of those that do provide water  
23 are either don't squirt a lot of water or are really  
24 filthy.

25 Like one of them I remember in my freshman year

1 Q. You think there is about 12 to 15 water  
2 fountains in the entire school?

3 A. Yeah. I am estimating. I am not sure.

4 Q. Can you describe for me, Lizette, all of the  
5 conditions about the water fountains that you have found  
6 objectionable while at Huntington Park Senior High  
7 School?

8 A. Well, most of them are like they don't even have  
9 water. The ones that people do use are clogged. Like  
10 the one in the PE field, for example, it doesn't -- like  
11 the water doesn't really squirt out far enough. Like it  
12 probably squirts out three inches of water.

13 They get clogged. Like the one in the PE  
14 field, it would get clogged and it would have waters, so  
15 when you would drink water, which we had to do after  
16 running, so like water would like splash all over us.  
17 Especially like the short people, because the short  
18 people, we would get dirty from the water that was  
19 already clogged there. It was kind of really disgusting,  
20 especially since it would grow mold after a while.

21 And the one near the, what it's called, the 70s,  
22 that was also the same. It would get clogged a lot. A  
23 lot of the -- like it wouldn't squirt that much water out  
24 or it was just -- it would get really dirty.

25 (Telephone interruption.)

1 had like a dead frog in it for like a week.

2 Q. One of the water fountains at Huntington Park  
3 Senior High School had a dead frog in it?

4 A. Yeah.

5 Q. Which one was that?

6 A. The one near the 70s, it was like a little less  
7 than a week.

8 Q. Do you know who put the frog there?

9 A. No.

10 Q. When you saw the frog in the water fountain, did  
11 you report that to anybody?

12 A. Not really. I remember a lot of teachers  
13 noticed it, though, because my -- I don't remember which  
14 teacher mentioned it, but like we would kind of laugh  
15 about it.

16 Q. Did you ever have a discussion with any teacher  
17 about the dead frog?

18 A. Not that I can remember specifically, but --

19 Q. Why did you -- you indicated that you didn't  
20 report that to anybody.

21 A. I remember talking to people about it, but I  
22 don't -- I think Mr. Kraft mentioned it at the time. I  
23 am not sure. I think, yeah, it was probably around my  
24 tenth grade year, either the end of my freshman or the  
25 beginning of my tenth grade year.

- 1 Q. Do you know why a teacher never went and took  
2 the frog out of the water fountain?  
3 A. I don't know.  
4 Q. How much less than a week the frog was in the  
5 water fountain?  
6 A. I am not sure if it was a weekend, but I  
7 remember it was on a Friday because I was going to go out  
8 with some friends and we were passing by there and they  
9 told me it they were going to throw it on me. I remember  
10 it was more than three days.  
11 Q. The first time you saw it was on a Friday?  
12 A. No. I remember I seen it on Friday so it was  
13 around Friday.  
14 Q. You saw the frog around a Friday?  
15 A. Yeah.  
16 Q. When was the next time you saw the frog?  
17 A. I think it was a Monday because I remember  
18 thinking to myself, asking myself why they hadn't removed  
19 it over the weekend, but I think I seen it like two days,  
20 like probably around Wednesday or something.  
21 Q. You indicated that six of the water fountains at  
22 Huntington Park Senior High School, around six don't have  
23 any water at all coming out of them?  
24 A. Yes.  
25 Q. What six water fountains are those?

- 1 A. There's one next to Mr. Miekosz' room that  
2 doesn't work. There's another one down the hall that  
3 doesn't work.  
4 Q. What building is Mr. Miekosz in?  
5 A. The main building.  
6 Q. That's the main administration building?  
7 A. Yes.  
8 Q. Okay.  
9 A. Downstairs there is two bathrooms, I mean,  
10 excuse me, two water fountains. And the one near the  
11 girls' bathroom used to squirt out water, a little bit of  
12 water, but for a while it didn't -- for like this year I  
13 don't think it has been on. I haven't seen anybody use  
14 it and I remember trying to use it once and it didn't  
15 have water.  
16 Q. This is a water fountain on the first floor of  
17 the main administration building?  
18 A. Yes.  
19 Q. Any others?  
20 A. There's one in the PE field right next to the  
21 track in the visitor stands. It doesn't give any water.  
22 Q. Any others?  
23 A. There is one in the 300 building. I am not sure  
24 which floor it is. It doesn't give any water. Let's  
25 see. In the 70s building there is two that don't work.

- 1 But there might be one. Actually I think there's three  
2 because, there's one in the middle.  
3 Q. There is three water fountains in the 70  
4 building that doesn't have any water coming out of them?  
5 A. I think there is one that does have water coming  
6 out of it.  
7 Q. And you think there is two that don't?  
8 A. Yes, because I remember I was posting posters on  
9 top of the water fountains and I have only seen like  
10 water like around one.  
11 Q. Are there any other water fountains that you  
12 think don't have any water coming out of them at  
13 Huntington Park Senior High School?  
14 A. Not that I can remember.  
15 Q. The water fountain next to Mr. Miekosz -- how do  
16 you pronounce his name again?  
17 A. I am not sure. It's M-i-e -- it is either c  
18 or-k-o-z-s or something like that.  
19 Q. I am going to say Mr. Miekosz and I am just  
20 going to assume that's correct, okay?  
21 The water fountain that's not to Mr. Miekosz'  
22 classroom, when is the last time that you noticed that  
23 water fountain didn't have any water?  
24 A. Probably around two, three weeks ago. I passed  
25 by and I wanted to wash like my hands because I had eaten

- 1 something and it didn't have water.  
2 Q. You tried to turn the water fountain on and  
3 nothing came out?  
4 A. Yes.  
5 Q. Do you recall any other occasions other than  
6 that time two, three weeks ago?  
7 A. There's been a lot, but that's the only specific  
8 one I can remember at the moment.  
9 Q. Do you know if the water fountain by  
10 Mr. Miekosz' classroom works now?  
11 A. I don't think so.  
12 Q. Do you know if it does, though, or not?  
13 A. I don't know.  
14 Q. I think you indicated that there is a water  
15 fountain down the hall from Mr. Miekosz' classroom that  
16 doesn't work?  
17 A. Yes.  
18 Q. Can you recall when the last time you tried to  
19 use that water fountain is and found that there was no  
20 water coming out?  
21 A. That same day.  
22 Q. Do you recall any other specific occasions on  
23 which that water fountain didn't work?  
24 A. Probably last semester. But I can't really  
25 remember any specific occasions.



1 Q. You can't remember any specific occasions last  
2 semester?  
3 A. No.  
4 Q. Do you know if that water fountain that's down  
5 the hall from Mr. Miekosz' classroom works now?  
6 A. I don't think so.  
7 Q. Do you know whether it does or not, though?  
8 A. I am not aware if it does.  
9 Q. You are not aware if it works?  
10 A. No, I am not.  
11 Q. But you are not aware if it doesn't work, are  
12 you?  
13 A. Well, I am not aware that it has been fixed,  
14 so --  
15 Q. Have you tried to use that water fountain since  
16 the time that you noticed two or three weeks ago that it  
17 didn't work?  
18 A. Not that I can remember.  
19 Q. You indicated that there is a water fountain on  
20 the first floor of the main administration building that  
21 doesn't have water coming out of it.  
22 A. Yes.  
23 Q. Can you recall the last time that you noticed  
24 that that water fountain didn't have water coming out of  
25 it?

1 A. Probably would be about two weeks ago when I was  
2 posting posters. Did I mention there were two water  
3 fountains in the main building that didn't work?  
4 Q. Well, I think we are talking about the main  
5 building right now, aren't we?  
6 A. Yeah, the main building.  
7 Q. We have talked about one water fountain by  
8 Mr. Miekosz' classroom.  
9 A. But in the first floor. Did I mention two water  
10 fountains?  
11 Q. Why don't you tell me which one we are talking  
12 about now. You mentioned there is a water fountain next  
13 to where you were putting up posters.  
14 A. Yes.  
15 Q. And you discovered that water fountain didn't  
16 have water coming out of it two weeks ago.  
17 A. Yes.  
18 Q. Did you try to turn the water fountain on?  
19 A. Yes.  
20 Q. And nothing came out?  
21 A. No.  
22 Q. Do you recall the last time in which no water  
23 came out of that water fountain?  
24 A. That day.  
25 Q. Do you remember any other occasions before that

1 time two weeks ago in which this water fountain  
2 downstairs in the administration building didn't work?  
3 A. Probably -- I usually check every water fountain  
4 because I usually try to post my posters on top of the  
5 water fountains so when people drink, they can notice  
6 them. And I usually check because I usually place with  
7 my bathroom -- excuse me -- my backpack on the water  
8 fountain, so every time that I have done that, which is  
9 almost every two weeks.  
10 Q. Can you recall the last occasion before two  
11 weeks ago on which you noticed the water fountain on the  
12 first floor of the administration building didn't work?  
13 A. I would say two weeks ago.  
14 Q. Are you sure or can you not -- can you recall  
15 before that occasion?  
16 A. Specifically no, but I know it is around two  
17 weeks because that's when I usually post posters.  
18 Q. What kind of posters do you put up?  
19 A. For youth action and JSA, Junior State of  
20 America.  
21 Q. Is there another fountain on the first floor of  
22 the main administration building that you discovered  
23 didn't have water coming out of it?  
24 A. Yeah, the one next to the attendance office.  
25 Q. When was the last time you discovered that that

1 water fountain didn't have water coming out?  
2 A. The same day, two or three weeks ago.  
3 Q. You tried to turn it on?  
4 A. Yeah.  
5 Q. Do you recall any other occasions before two to  
6 three weeks ago that it didn't work?  
7 A. I would say the same occasion, two to three  
8 weeks prior to that.  
9 Q. What about before that? Do you recall any other  
10 occasions?  
11 A. I wouldn't be able to say, but I am assuming --  
12 like I said, I put up posters every two weeks, so --  
13 Q. But you can't recall specifically other than  
14 these two occasions; is that correct?  
15 A. I am sure it was either three to two weeks  
16 before each.  
17 Q. Okay. Let's back up for a second. How many  
18 specific occasions can you recall in which the second  
19 water fountain on the first floor of the administration  
20 building didn't work? You mentioned two to me.  
21 A. Yes.  
22 Q. One was two weeks ago and one was two weeks  
23 prior to that.  
24 A. Yes.  
25 Q. Do you recall any other specific occasions prior

1 to those two?  
 2 A. Like I said, I know for a fact that I checked  
 3 each water fountain because I put my backpack on top of  
 4 it whenever I put posters up, because I tend to put them  
 5 on top of like above the water fountain, so it would have  
 6 to be either two or three weeks before that because they  
 7 always tear down my posters, the administration. They  
 8 have that rule that they remove them every week or so.  
 9 Q. You put your backpack in the water fountain?  
 10 A. Yeah.  
 11 Q. Why?  
 12 A. Because the floor is dirty.  
 13 Q. The floor is dirty in the hallway of the  
 14 administration building?  
 15 A. Yeah.  
 16 Q. What is dirty about the floor?  
 17 A. It's dusty all the time.  
 18 Q. It's dusty?  
 19 A. Yes.  
 20 Q. These two water fountains in the first floor of  
 21 the administration building, do you know if they have  
 22 been repaired or not?  
 23 A. Not that I would know.  
 24 Q. You indicated that there is a water fountain  
 25 next to the PE field that doesn't work or that doesn't

1 have water coming out of it.  
 2 A. Yes.  
 3 Q. Do you know when the last time was you noticed  
 4 that?  
 5 A. Probably the last time I ran, which is about  
 6 four weeks ago.  
 7 Q. You tried to turn it on and no water came out?  
 8 A. Yeah.  
 9 Q. Do you remember any other occasions before that  
 10 time four weeks ago?  
 11 A. Probably when I was in the soccer team  
 12 practicing. Like last semester, we usually check. And  
 13 it just varies. I can't remember specifically when.  
 14 Q. What about the water fountain in the 300  
 15 building? When was the last time you -- well, actually  
 16 let me back up.  
 17 The water fountain in the PE field, do you know  
 18 if that's been repaired or not?  
 19 A. Not that I know because usually like the way you  
 20 know if it works or not is if it has like a hose on the  
 21 bottom attached to it. I never seen the hose attached to  
 22 it since then.  
 23 Q. What about the water fountain in the 300s  
 24 building? When is the last time you noticed that didn't  
 25 have water coming out of it?

1 A. Probably a month ago when I went to the Key Club  
 2 meeting.  
 3 Q. What about before that? Do you recall any  
 4 specific occasions before that that the 300s building  
 5 water fountain didn't work?  
 6 A. During my sophomore year I remember there were a  
 7 lot of occasions when I didn't find water there because  
 8 my classroom is next to it.  
 9 Q. How many occasions during your sophomore year  
 10 did you not find water in the water fountain?  
 11 A. More than three for sure.  
 12 Q. How many more than three?  
 13 A. I don't know.  
 14 Q. What about the water fountain in the 70s  
 15 building? You indicated there are two that don't have  
 16 water coming out of them.  
 17 A. Yes.  
 18 Q. Are they on different floors in the 70s  
 19 building?  
 20 A. The 70s building is only one floor.  
 21 Q. Where is the -- can you tell me where these  
 22 water fountains are located in the 70s building?  
 23 A. Next to each -- next to or around each entrance.  
 24 Q. When was the last time that you noticed that  
 25 these water fountains didn't work, have water coming out

1 of them?  
 2 A. Two or three weeks ago when I was putting up  
 3 posters.  
 4 Q. What about before that? Do you recall any  
 5 specific occasions?  
 6 A. All the times before that I put up posters.  
 7 Q. Do you recall any specific occasions?  
 8 A. Probably two, three times or four.  
 9 Q. That's for both of the water fountains?  
 10 A. Yeah.  
 11 Q. Do you recall any occasions on which the water  
 12 fountain next to Mr. Miekosz' building had water coming  
 13 out of it?  
 14 A. Probably one. No. No, I don't even remember  
 15 there being water.  
 16 Q. Do you check of the water fountains on a regular  
 17 basis?  
 18 A. Usually when I put up posters.  
 19 Q. And how long have you been putting up posters at  
 20 Huntington Park Senior High School?  
 21 A. Since my freshman year.  
 22 Q. Do you put up posters about every two weeks?  
 23 A. Yeah, if they don't remove them. They usually  
 24 do.  
 25 Q. And every time you put up posters at Huntington

1 Park Senior High School, you check the water fountains?  
 2 A. Yeah.  
 3 Q. To see if they work?  
 4 A. To see if my backpack is going to get wet. I  
 5 usually put it on top. I don't want to push the knob  
 6 accidentally and wet it.  
 7 Q. Can you recall any occasion on which the water  
 8 fountain next to Mr. Miekosz' classroom worked?  
 9 A. I can't remember any.  
 10 Q. What about the water fountain down the hall from  
 11 Mr. Miekosz' classroom? Can you ever recall water coming  
 12 out of it?  
 13 A. No, I don't ever remember seeing water come out  
 14 of that.  
 15 Q. What about the two water fountains downstairs?  
 16 Do you ever recall any occasion on which water has ever  
 17 come out of those water fountains?  
 18 A. There was -- I think there have been times when  
 19 they turned it on, but I can't remember exactly when, but  
 20 there has been a couple of periods of time when they have  
 21 it on.  
 22 Q. Somebody at school turns the water fountains on  
 23 and off?  
 24 A. I would assume, because I remember it being on,  
 25 but lately I don't remember it having any water or

1 Q. Well, I thought you just told me all the water  
 2 fountains that didn't work at Huntington Park Senior High  
 3 School.  
 4 A. Yeah, but some of the water fountains have like  
 5 three different faucets, but like in the one near the  
 6 70s, outside the 70s, only -- well, I haven't used it  
 7 lately. When I used to use it, only one of them would  
 8 work, the one on the left.  
 9 And the one in the middle would squirt out a  
 10 little bit and the one on the right would work. And in  
 11 the PE field, the one next to the bathrooms, the PE  
 12 bathrooms, and the track, near the track, there's like  
 13 one of -- I think the middle one is the one that works  
 14 like fine and the one on the left, it squirts out water,  
 15 but it like squirts it out far, because I think they put  
 16 a rock in it or something or a rock went in.  
 17 Q. Who put a rock in it?  
 18 A. I don't know, but there is a rock in there and  
 19 it squirts out. And the one on the right, like it  
 20 squirts out like three inches of water or something.  
 21 And there is another one near the softball field  
 22 near the girls' locker room, and that one I think -- I  
 23 think only one of them works. I think the other ones  
 24 squirt out a little bit of water.  
 25 Q. If you wanted to drink from a water fountain at

1 providing any water.  
 2 Q. Who turns the water fountains on?  
 3 A. I don't know.  
 4 Q. But you do remember occasions on which the water  
 5 fountains on the first floor of the administration  
 6 building worked?  
 7 A. Yes.  
 8 Q. What about the water fountain next to the PE  
 9 field? Do you recall water coming out of that water  
 10 fountain on any occasions?  
 11 A. Twice I can remember.  
 12 Q. What about the water fountain in the 300s  
 13 building? Do you recall that water fountain working on  
 14 any occasions?  
 15 A. No. I don't ever remember drinking water out of  
 16 that.  
 17 Q. What about the water fountains in the 70s  
 18 building? Do you recall whether those worked on any  
 19 occasion?  
 20 A. I can't remember.  
 21 Q. Now, aside from the water fountains that we just  
 22 spoke about, the other water fountains at Huntington Park  
 23 Senior High School have water that come out?  
 24 A. Some of the faucets do. Some of them don't  
 25 work.

1 Huntington Park Senior High School, could you find a  
 2 water fountain that worked?  
 3 A. You have to walk for a while, but eventually.  
 4 Q. Where are the other -- you said there's about 12  
 5 to 15 water fountains and you told me about seven or  
 6 eight of them that you found not to be working.  
 7 A. Uh-huh.  
 8 Q. So is it true that there are about six to --  
 9 A. Well, the one that works pretty good, the one in  
 10 the 300 that does work, it squirts out a little bit of  
 11 water because I tried it a month ago when I went to the  
 12 Key Club meeting. I went upstairs to get a drink of  
 13 water.  
 14 And it squirts out like four inches of water.  
 15 Like you have to be really careful not to touch the  
 16 faucet, but other than those three, I think those are  
 17 like the only three that even squirt out water.  
 18 Q. How often do you drink from the water fountains  
 19 at Huntington Park Senior High School?  
 20 A. When I used to run, I used to use the one near  
 21 the girls' PE bathrooms, I used to use it every day  
 22 before I was injured.  
 23 Q. Other than the water fountain by the PE  
 24 building, do you use water fountains on a regular basis  
 25 at your school?

1 A. Probably once a week. Well, I try to use, but  
2 other than that -- actually I think I forgot to mention  
3 something that I found objectionable was that one time.  
4 Actually I mentioned it before when the brown water was  
5 coming out of the faucet.

6 Q. I will talk with you about that in a second. I  
7 just wanted to get a sense of other types of issues that  
8 you may have with the water fountains.

9 You communicated that the water fountains are  
10 filthy.

11 A. Yes.

12 Q. How are they filthy?

13 A. Like I mentioned they usually grow mold on them  
14 or something. The one in the PE field gets full of mud.

15 Q. How does it get full of mud?

16 A. I don't know. There is just like sand in there.

17 Q. Do students put sand or mud in the water  
18 fountains?

19 A. I don't know. I don't see why they would do it.

20 Q. How do you think sand or mud gets in the water  
21 fountains?

22 A. I don't know. Probably little kids do it, or I  
23 don't know.

24 Q. Other than the PE field water fountain, are  
25 there other water fountains that are filthy at your

1 Q. Any other water fountains that have mold on it  
2 other than the PE field and the 70s building water  
3 fountains?

4 A. The one on the softball field next to the girls'  
5 locker room, that gets dirty a lot.

6 Q. Does that one have mold on it?

7 A. A little bit. Sometimes it would overflow, too,  
8 so sometimes it had mud and stuff like that.

9 Q. It would have mud in it?

10 A. Yeah. And it would have like trash in it. I  
11 don't know.

12 Q. Can you recall the last time you noticed a water  
13 fountain in your school has mold on it?

14 A. Probably three weeks, four weeks ago.

15 Q. Which water fountain did you see that had mold  
16 on it three, four weeks ago?

17 A. Well, I don't know if it was mold or it was just  
18 mud, but when it had mold, it was like -- like when it  
19 would rain, it would get moldy, the one in the track and  
20 field.

21 Q. When was the last time that you noticed that the  
22 water fountain in the track and field had mold on it?

23 A. Probably like a month ago or two when it was  
24 raining a lot, around that period, and the one in the 70s  
25 also.

1 school?

2 A. They don't -- I don't think they ever clean them  
3 because they are always dirty. Like sometimes they have  
4 trash on them for days.

5 Q. Which water fountains have trash on them for  
6 days?

7 A. Most of them. Like the ones in the main  
8 building or the 70s building or the ones on the outside  
9 mostly.

10 The one that's usually clean, though, it's the  
11 one near the music room because I think the teacher  
12 cleans that one. But other than that, like I said, I  
13 mentioned the dirty water that was coming out of it at  
14 one point. It is kind of nasty.

15 Q. I just want to know how the water fountains  
16 themselves are dirty.

17 A. They don't clean them. The ones outside, they  
18 usually grow green mold on them.

19 Q. Which ones?

20 A. The one near -- outside the 70s building, the  
21 one in the PE field next to the track, and then there is  
22 one next to the stands. Aside from the one -- there is  
23 two next to the stands, and the one they don't use hardly  
24 never gets dirty because I don't think it ever gets wet  
25 or something. I don't really check it.

1 Q. Also what?

2 A. Had like mold on it.

3 Q. When is the last time you saw that?

4 A. It was in the beginning of last semester.

5 Q. Were any of the fountains at your school rusty?

6 A. All the ones that are outside I have noticed  
7 have been rusty.

8 Q. How about the ones inside? Are any of the water  
9 fountains inside rusty?

10 A. Not that I can remember.

11 Q. What water fountains outside are rusty?

12 A. The one near the 70s. Well, they have cleaned  
13 them recently, but since I can remember since my freshman  
14 year, it has been rusty.

15 Q. The one near the 70s building?

16 A. Yeah.

17 Q. When was this water fountain cleaned?

18 A. When I went last week on Friday, I walked by it  
19 and I noticed that it was actually cleaned. It is the  
20 first time I ever seen it clean since I been there.

21 Q. What other water fountains at your school have  
22 you noticed have been rusty outside?

23 A. The one near the softball field, the one in the  
24 track, near the track, actually all the ones near the  
25 track. The one near the music room is kind of rusty.

- 1 Q. Is that outside?  
 2 A. Yeah. And there is another one outside the art  
 3 room. It's a little rusty.  
 4 Q. Where on these water fountains is the rust?  
 5 A. Like inside, like where the water goes through.  
 6 Q. Inside of the spout? Of the water fountain  
 7 where you drink from, is that part rusty?  
 8 A. A little. And like inside like where the water  
 9 goes through, like in the --  
 10 Q. The basin?  
 11 A. Yeah.  
 12 Q. I think you indicated that the water fountains  
 13 are sometimes clogged at your school?  
 14 A. Yes.  
 15 Q. What are they clogged with?  
 16 A. Sand, I noticed, and I don't know other than  
 17 that.  
 18 Q. You have only noticed them clogged with sand?  
 19 A. The one near the track is. I have noticed it  
 20 clogged with sand. I don't know if it is actually the  
 21 sand, but -- I don't know. I wouldn't be able to say  
 22 exactly what it is.  
 23 Q. Well, have you ever seen anything clogging the  
 24 water faucet where the water comes out of it?  
 25 A. Oh, inside of it where the water comes out?

- 1 Q. Yes.  
 2 A. The rocks.  
 3 Q. Do you know how the rocks get there?  
 4 A. No. Some people put them there. I don't know.  
 5 Q. Can you describe for me how your education as  
 6 been impaired or impeded by the conditions of the water  
 7 fountains at your school?  
 8 A. Well, like soccer -- well, during that time when  
 9 the water, like when the water wasn't sanitary, like we  
 10 had to -- because I drink a lot of water, so the lack of  
 11 water fountains working, kind of it takes me longer to  
 12 find one that actually works.  
 13 Q. You know, Lizette, I'm sorry, excuse me. I cut  
 14 you off. Go ahead. Finish.  
 15 A. Other than that, it's like when I run in PE or  
 16 when I used to run, it's just like when we were running  
 17 with the soccer team, especially during the beginning  
 18 when there was a lot of members of the soccer team, or  
 19 when I was in track, after you run there is really long  
 20 lines, especially since some of the faucets don't give  
 21 off water, so you really have to wait a while and it's  
 22 like -- it takes a long time to like go back and run  
 23 because you have to wait for everybody to get a drink of  
 24 water and the teacher has to give us certain breaks so we  
 25 won't get dehydrated, especially during summer, so it's

- 1 time-consuming.  
 2 Q. I am going come back to these questions in a  
 3 minute. I want to ask you a few other questions.  
 4 I think you have indicated at various points  
 5 that some of the water coming out of the water fountains  
 6 was brown.  
 7 A. Yes.  
 8 Q. Can you tell me when that occurred?  
 9 A. I can't remember exactly. I think it was in the  
 10 beginning of my tenth grade year because I was in  
 11 [REDACTED] class. And it was just really nasty  
 12 because I remember I was running. I had run like two  
 13 miles and I wanted a drink of water.  
 14 And then my friend, like she got water in a  
 15 bottle and then she started showing it to all of us  
 16 because it was brown. So after school I showed it to  
 17 Mr. Gunderson, I think is his name or Harrison, I am not  
 18 sure, but I showed it to him and this other lady, like  
 19 some other principal lady, and they told me not to worry  
 20 about it.  
 21 Q. Did you personally try to turn on one of the  
 22 water fountains and see the brown water come out?  
 23 A. Yeah.  
 24 Q. Which water fountain was that?  
 25 A. In the PE field.

- 1 Q. Were there any other water fountains where you  
 2 noticed the brown water coming out?  
 3 A. The other one, there are two water fountains  
 4 that work on the track, next to the track, and then those  
 5 two.  
 6 Q. And you checked those water fountains, too?  
 7 A. Yeah.  
 8 Q. And brown water came out?  
 9 A. Yeah. And I heard from other students that all  
 10 the other water fountains were giving brown water also.  
 11 Q. Have you yourself seen brown water come out of  
 12 any other water fountains aside from the three water  
 13 fountains around the PE area?  
 14 A. No, not that I can remember.  
 15 Q. The only water fountains that you can remember  
 16 seeing brown water come out of are the water fountains by  
 17 the PE field and the two other water fountains by the  
 18 track; is that correct?  
 19 A. Yeah, and the water is also coming out of  
 20 regular faucets.  
 21 Q. I'm sorry?  
 22 A. Like the brown water was also coming out of  
 23 regular faucets.  
 24 Q. Which faucets?  
 25 A. The one in the girls' locker room, the bathroom

1 in the track and field where the track is at, and I think  
 2 I seen it in the 90s bathroom, but --  
 3 Q. Are you sure or not about the 90s bathroom,  
 4 seeing brown water in the 90s bathroom?  
 5 A. I am not positive, but I am assuming it was like  
 6 a schoolwide thing because the next week they didn't let  
 7 us -- like they were sealing all the sinks and the,  
 8 whatchamacallit, the water fountains.  
 9 Q. They were what?  
 10 A. Sealing them like with plastic or something like  
 11 that. Like they had signs all over the place that said  
 12 we couldn't use them.  
 13 MR. CHOATE: Do you have Lizette's declaration?  
 14 MS. CHECEL: Yeah.  
 15 MR. CHOATE: Why don't we have that.  
 16 Q. Are take a look at that. Lizette, take a look  
 17 at paragraph 11 of your declaration. This is Exhibit --  
 18 MS. CHECEL: I think it was Exhibit 1. I am not  
 19 sure. Let me see.  
 20 MR. CHOATE: I think this was Exhibit 1.  
 21 MS. CHECEL: Yeah, it is 1.  
 22 BY MR. CHOATE:  
 23 Q. Lizette, would you take a look at paragraph 11,  
 24 please.  
 25 A. Yes.

1 A. I heard rumors that it was because of the  
 2 building, because they were building Home Depot next  
 3 door, but I am not positive if it was because of that.  
 4 Q. Well, Lizette, in your declaration, you indicate  
 5 that in July of '99 the water fountains became  
 6 contaminated when soil next door was watered down.  
 7 A. Yeah. That's what I heard. It was a lot of  
 8 different rumors.  
 9 Q. I want to know in the summer of 2000 why the  
 10 water -- if you know, why the water in the water  
 11 fountains was brown.  
 12 A. Well, like I said, I am not aware. I just heard  
 13 rumors.  
 14 Q. And the rumors that you heard were that because  
 15 of the building of the Home Depot next door, that caused  
 16 the water in the water fountains to be brown?  
 17 A. Yeah. That something happened. I don't know.  
 18 Q. Do you know for how long the water in the PE  
 19 water fountains was brown?  
 20 A. A week to two. I'm not sure.  
 21 Q. Is the water that comes out of those fountains  
 22 still brown or not?  
 23 A. No.  
 24 Q. I think you indicated that they were sealing the  
 25 water fountains.

1 Q. Take a look at the last three sentences in  
 2 paragraph 1.  
 3 A. Uh-huh.  
 4 Q. Where it says "Last summer the water in the  
 5 drinking fountain, particularly in the PE field were  
 6 brown" --  
 7 A. Yes.  
 8 Q. -- would that be the summer of 2000?  
 9 A. I think so.  
 10 Q. Was that when you were in tenth grade or  
 11 eleventh grade?  
 12 A. Tenth grade it would have to be because I  
 13 remember I had [REDACTED] when they were passing out  
 14 the water.  
 15 Q. All right.  
 16 I think that you have indicated to me that the  
 17 water fountain at the PE field and two other water  
 18 fountains by the tracks had brown water coming out of  
 19 them.  
 20 A. Yes.  
 21 Q. And you can't recall any other water fountains  
 22 that had brown water coming out of them' is that correct?  
 23 A. Not not that I can recall.  
 24 Q. Do you know why the water was brown in those  
 25 water fountains?

1 A. Yes.  
 2 Q. Do you know who it was that was sealing them?  
 3 A. No.  
 4 Q. Was this in the summer of 2000?  
 5 A. Yeah.  
 6 Q. Were the water fountains sealed so the students  
 7 couldn't drink from them?  
 8 A. Yes.  
 9 Q. And did you talk to anybody in the  
 10 administration about the water being brown in the summer  
 11 of 2000?  
 12 A. Yes, I told the principal Mr. Gunderson or  
 13 Harrison. I don't know his name.  
 14 Q. Did you tell the principal or the  
 15 vice principal?  
 16 A. Vice principal. And I think this lady who is  
 17 also vice principal. I am not sure what her position.  
 18 Q. Can you remember her name?  
 19 A. No.  
 20 Q. What did you say to Mr. Gunderson or  
 21 Mr. Harrison?  
 22 A. I told them that what happened, that my friend  
 23 was -- that we were running and we were going to take a  
 24 drink of water.  
 25 And my friend was putting it in the bottle when

1 we noticed it was brown and We wanted to know why.  
 2 And he said that they don't know, that it's  
 3 nothing, that it's probably just -- how did he say it?  
 4 They just told me not to worry about it. They gave me  
 5 some weird excuse, but I can't remember what it is.  
 6 Q. You can't remember what Mr. Gunderson or  
 7 Mr. Harrison told you?  
 8 A. I can't remember exactly what they said, but  
 9 they just told me not to worry about it.  
 10 Q. Did they specifically use the words "don't worry  
 11 about it"?  
 12 A. Yes.  
 13 Q. Is that all they said?  
 14 A. That and something else, but I can't remember  
 15 what else they said. They gave me some lame excuse.  
 16 Q. What was lame about the excuse?  
 17 A. That it was like -- I can't remember what it  
 18 was, but I just remember being confused.  
 19 Q. Okay. And is that why you think it was a lame  
 20 excuse, because you were confused?  
 21 A. Yeah.  
 22 Q. In the summer of 2000 when the water was brown  
 23 for about a week, did the school provide water to  
 24 students?  
 25 A. Yeah. They would give one gallon to each

1 teacher for the whole day.  
 2 Q. Are you talking about the summer of '99 or the  
 3 summer of 2000?  
 4 A. 2000.  
 5 Q. Summer of 2000?  
 6 A. Yes.  
 7 Q. Why don't you take a look at your declaration,  
 8 paragraph 11.  
 9 A. Or '99. Yeah. I'm sorry.  
 10 Q. In the summer of 2000 do you recall whether the  
 11 administration made water available to students or not?  
 12 A. Excuse me. I am kind of confused by it.  
 13 Q. When you noticed that there was a problem with  
 14 the water fountain in the PE field in the summer of  
 15 2000 --  
 16 A. Well, it was '99, I'm sorry.  
 17 Q. Okay. Well, was there any problem with the  
 18 water in the water fountains in the summer of 2000?  
 19 A. No. Sorry. I got a little confused.  
 20 Q. That's okay. I just want to be clear.  
 21 Then do you see the sentence in your declaration  
 22 where it says "Last summer the water in the drinking  
 23 fountains, particularly in the PE field, was brown"?  
 24 A. Yes.  
 25 Q. Are you actually referring to the summer of '99?

1 A. Yeah.  
 2 Q. Okay.  
 3 A. I'm sorry. I guess because there were two  
 4 different copies.  
 5 Q. That's okay. But you don't recall any problem  
 6 with the water in the water fountains in the summer of  
 7 2000, do you?  
 8 A. No. It was when the water was brown was when I  
 9 was in tenth -- in my first semester, tenth grade.  
 10 Q. So you don't recall the water being brown in any  
 11 of the water fountains in the summer of 2000, last  
 12 summer; is that correct?  
 13 A. Let me try to think. Yeah. It wasn't in 2000.  
 14 It was 1999.  
 15 Q. Okay.  
 16 A. Actually -- yeah. It was '99.  
 17 Q. So when the water was brown in the water  
 18 fountains by the PE field in the track, that was in the  
 19 summer of 1999; correct?  
 20 A. Yes.  
 21 Q. That was around the same time that the school  
 22 provided water to the classrooms?  
 23 A. Yes.  
 24 Q. When you spoke with Mr. Gunderson or  
 25 Mr. Harrison about the water fountains, that was in the

1 summer of 1999?  
 2 A. Yes. It was the same day that I found I was  
 3 going to take a drink of that water.  
 4 Q. I think you indicated, Lizette, that while there  
 5 was a problem with the water at Huntington Park Senior  
 6 High School in the summer of 1999, that water was  
 7 provided to classrooms for the students and the teachers?  
 8 A. Yes.  
 9 Q. Is that correct?  
 10 A. Yes. But I don't think it was enough.  
 11 Q. Lizette, you can put your declaration aside  
 12 right now.  
 13 Did you have any class in the summer of 1999 in  
 14 which water was not provided during the time in which  
 15 there was contaminated water at your school?  
 16 A. Yeah. In my soccer period, during sixth, we  
 17 actually had to go sneak off a water gallon from the  
 18 basketball team because they had three. I don't think we  
 19 even had one. So we had to go sneak one off them.  
 20 Q. You had to sneak some water from --  
 21 A. The basketball team.  
 22 Q. Okay.  
 23 A. And like I said, since it was -- it was kind of  
 24 a hassle because I drink a lot of water, and like by the  
 25 time the teacher would get the gallon, it would be gone

1 the same period, so there wouldn't be any more water for  
2 the rest of the day.

3 Q. Was water provided in each of your classrooms?

4 A. From what I heard of, it was supposed to be  
5 given to each classroom.

6 Q. In what classrooms did you not have any water to  
7 drink during this time? Can you recall?

8 A. I remember specifically my soccer class had a  
9 problem getting water since we run a lot.

10 Q. Any other classes?

11 A. I remember French, when we would get the water  
12 and we got the water, it finished really quick. I only  
13 had like less than a fourth of a cup.

14 Q. Okay.

15 A. Like a quarter cup of water.

16 Q. Were there any other classrooms in which you  
17 didn't have enough water?

18 A. That's -- those are the only two specific  
19 occasions that I can remember.

20 Q. French and soccer?

21 A. Yes.

22 Q. Let's see. Your French teacher was?

23 A. [REDACTED]

24 Q. Did you ever tell [REDACTED] that you wanted  
25 water to drink in class?

1 water to drink?

2 A. I don't think it was one occasion. I think I  
3 mentioned --

4 Q. Aside from your soccer class.

5 A. Oh. That I can remember at the moment, yeah.

6 Q. Do you know what day of the week that was in  
7 your first class, by any chance?

8 A. No.

9 Q. Your sixth period soccer, that's not actually in  
10 a classroom. That's outside; right?

11 A. Yeah.

12 Q. Your soccer teacher was Mrs. Lambert; right?

13 A. Yes. She is the coach.

14 Q. Mrs. Lambert didn't provide girls on the soccer  
15 team with any water?

16 A. Yeah. She was supposed to go look for one, but  
17 I don't think there were enough gallons to go around, so  
18 she had to get one from Ms. -- I don't know her name, but  
19 from the basketball team.

20 Q. Why did you think there was not enough water to  
21 go around?

22 A. Because she told us.

23 Q. What did she tell you?

24 A. She had to get it from the basketball team.

25 They got mad.

1 A. Yeah.

2 Q. And what did she tell you?

3 A. There was no more water, that they were only  
4 giving a gallon of water to a teacher. And since she had  
5 to distribute it evenly, she wouldn't -- like sometimes  
6 they would only give us a little bit and if we wanted  
7 more, she would say it's too bad that she needs to make  
8 it last for the whole day.

9 Q. Did [REDACTED] tell you she could ask for  
10 more water if necessary and the school would provide it  
11 for her?

12 A. No.

13 Q. During the week that water was provided to  
14 classrooms at Huntington Park Senior High School, was  
15 there not enough water in [REDACTED] class for you on  
16 each of the days?

17 A. There was one occasion when I wanted water and I  
18 didn't get any because I sit in the back.

19 Q. Do you remember any other occasions in her class  
20 other than that one time?

21 A. Not that I can remember at the moment.

22 Q. Let me make sure I understand, Lizette. During  
23 the week that the water was contaminated at your school  
24 in the summer of 1999, you can only recall one occasion  
25 in one of your classes in which you didn't have enough

1 Q. But did she tell you that there wasn't enough  
2 water to go around?

3 A. No. She said she couldn't. She wasn't able to  
4 get another gallon.

5 Q. But she didn't tell you that there wasn't enough  
6 water to go around, did she?

7 A. No. But she said she couldn't get one so she  
8 had to get one from the basketball team.

9 Q. And she was able to get one from the basketball  
10 team?

11 A. Yeah.

12 Q. And were you able to have enough water to drink?

13 A. A little bit, but I don't think it is enough to  
14 replenish -- I mean after you run a mile.

15 Q. Did you ever complain to anybody in the  
16 administration that you didn't have enough water to  
17 drink?

18 A. I don't remember.

19 Q. During that week in the summer of 1999 did you  
20 bring any water with you from home?

21 A. I think I did.

22 Q. You brought bottled water with you?

23 A. Yeah.

24 Q. Did you bring a big bottle of water with you?

25 A. I don't remember.



1 Q. Do you know if any students at Huntington Park  
2 Senior High School became sick or dehydrated because they  
3 didn't have water to drink at that time?

4 A. Well, I felt kind of dehydrated, but I don't  
5 know of any other people.

6 Q. When would you feel dehydrated, during your  
7 soccer practice?

8 A. Yeah.

9 Q. Did you feel dehydrated any other times?

10 A. Not that I can remember at the moment.

11 Q. And you can't recall any other students who  
12 became sick or dehydrated because of a lack of water  
13 during that week?

14 A. Specifically, no.

15 Q. Lizette, I am going to go back to a question I  
16 asked you before now. Can you describe for me all the  
17 ways in which your education has been impeded, if indeed  
18 it has been, by the conditions of the water fountains at  
19 your school?

20 A. Like I said, just time-consuming looking for a  
21 water fountain that actually provides water.

22 Q. Okay.

23 A. And the whole incident with the brown water was  
24 really distracting to every class. And during soccer,  
25 it's also time-consuming having to wait for everybody to,

1 classes while you were waiting for the student to come  
2 back with the gallon of water?

3 A. Yeah.

4 Q. The teacher would not teach in any of your  
5 classes?

6 A. Yeah. She wouldn't teach, the French teacher.

7 Q. [REDACTED]

8 A. Yes.

9 Q. Were you distracted in any of your other  
10 classes?

11 A. Not that I can remember specifically.

12 Q. So the only way in which the brown water  
13 incident distracted you was in your French class?

14 MS. CHECEL: Objection. Mischaracterizes the  
15 evidence.

16 BY MR. CHOATE:

17 Q. Well, Lizette, were you distracted in any of  
18 your classes during the week in which the water was brown  
19 at your school?

20 A. Yeah. Like I said, like it only -- if we  
21 wouldn't only get water from -- in third period. Like I  
22 remember there would be like other classes that we would  
23 have to get water from, and like usually in the beginning  
24 of class the teacher would ask us if anybody was thirsty,  
25 to get water, stuff like that.

1 you know, drink their portion of water. And that's all I  
2 could recall at the moment.

3 Q. During the week in the summer of 1999 when the  
4 water was brown, that was distracting to you and your  
5 classes?

6 A. Yes.

7 Q. How was it distracting?

8 A. Because when they would go -- when people would  
9 go get the gallons of water, like it would take a lot of  
10 time. And then you had to wait until everybody got  
11 water. And people would make a line and you would have  
12 to make sure -- actually you would have to make sure  
13 whoever the teacher was, that everybody got their portion  
14 of the water.

15 Q. Students in your classes would have to leave  
16 class to go get a gallon of water?

17 A. Yeah.

18 Q. Then they would come back with a gallon of  
19 water?

20 A. Yeah.

21 Q. And it took time for them to do that?

22 A. Yeah.

23 Q. How did that distract the class?

24 A. Just having to wait for them.

25 Q. Did the teacher not teach in any of these

1 Q. But what distracted you was the fact that a  
2 student had to go get a gallon of water and bring it back  
3 to the class?

4 A. Yes. It was taking away from the instruction  
5 time.

6 Q. Do you think that you were deprived of  
7 instruction time in all of your classes or just your  
8 French class with [REDACTED]?

9 A. All the classes.

10 Q. How exactly were you deprived of instructional  
11 time? Would the teachers in all of your classes not  
12 teach anything until the students came back with water?

13 A. No. They would ask students like who wanted to  
14 drink water, and everybody almost would ask to drink for  
15 water at the time and most of them would -- some of them  
16 would ask for more water and get into arguments because  
17 of the water issues.

18 Q. Was it possible for students to drink water  
19 before class; do you know?

20 A. I don't know.

21 Q. Do you feel your grades in any of your classes  
22 were affected in a negative manner because of the brown  
23 water incident in the summer of 1999?

24 A. Well, to a small extent because it was a  
25 distraction.

1 Q. How do you think it affected your grades?

2 A. Well, just the learning capabilities. I mean it  
3 was distracting from learning and instructional. It  
4 disturbed the instruction.

5 Q. Do you think you got lower grades in any of your  
6 classes than would you otherwise because of the brown  
7 water incident?

8 A. Well, it might not have affected me a lot, but  
9 it did to some extent. And it's hard to say whether or  
10 not it affected me like to a point where I would have  
11 gotten like a fail or something, but it did distract.

12 Q. Well, do you think you got a lower grade than  
13 you otherwise would have because of the water incident in  
14 the summer of 1999?

15 A. Well, I wouldn't be able to say.

16 Q. Did the brown water incident in the summer of  
17 1999 affect your ability to do homework or study at home?

18 A. At home? Not necessarily.

19 Q. You also indicated that it's time-consuming for  
20 you to find water fountains at your school that have  
21 water?

22 A. Yes.

23 Q. Have you been late to class because you were  
24 looking for a water fountain that worked?

25 A. Well, I don't know, but I usually after going to

1 BY MR. CHOATE:

2 Q. I want to ask you some questions about your AP  
3 history class. You began taking AP history with  
4 Mr. Miekosz in the first semester of your eleventh grade  
5 year; correct?

6 A. Yes.

7 Q. In the beginning of the year how many students  
8 were there in that AP history class; do you remember?

9 A. There are about -- in the beginning of the year  
10 there were I think 20 students, but the class, actually  
11 he had the list of the class, people that had enlisted  
12 for it, and he said it was more than 40 students, so he  
13 had to separate it into two different classes.

14 Q. Mr. Miekosz taught both classes of AP history?

15 A. Yes.

16 Q. In your AP history class there were about 20  
17 students?

18 A. Yes.

19 Q. In the other AP history class there were about  
20 20 students?

21 A. I would assume.

22 Q. Were all 40 students ever in the same class at  
23 the same time or were there two different classes at the  
24 beginning of the year?

25 A. Only on weekends when we would practice for the

1 the bathroom, I would try to look for a water fountain to  
2 drink. So that would kind of take time for me from  
3 class.

4 And there are probably like three occasions  
5 where I have been late to class looking for water or have  
6 had to run to class because I was late looking for a  
7 water fountain.

8 Q. What class; do you remember?

9 A. There has been like two times this year. I  
10 think it was homeroom and first.

11 Q. You think it was your homeroom class that you  
12 were late to because you were looking for water  
13 fountains?

14 A. Yeah.

15 Q. And that's this year?

16 A. Yeah.

17 Q. Any other classes?

18 A. I think it was -- I think it was my freshman  
19 year because I remember trying to look for water  
20 fountains and I was going to [REDACTED]' class.

21 MS. CHECEL: Is this a good time for a quick  
22 break?

23 MR. CHOATE: Yeah. Why don't we take a little  
24 break.

25 (Recess taken.)

1 AP exam.

2 Q. But at the beginning of the year initially,  
3 though, there were two separate AP classes for American  
4 history; is that correct?

5 A. Yeah.

6 Q. Did you have a textbook to use in your American  
7 AP history class to use in class and to take home?

8 A. No.

9 Q. You didn't have any textbook to use in class and  
10 take home in your AP history class?

11 A. I'm sorry. I thought you meant if we have one  
12 at class and one at home.

13 Q. My question is just whether you had a textbook  
14 to use in the class and to take home?

15 A. Yes. But we were missing one text.

16 Q. Okay. What textbook did you have to use in  
17 class and to take home?

18 A. American Pagent.

19 Q. I'm sorry, it is called American Pagent?

20 A. Yes.

21 Q. Did other students in your class have a copy of  
22 American Pagent to use in class and to take home?

23 A. Yes.

24 Q. Were there any students in your class who did  
25 not have a copy of American Pagent to use in class and to

1 take home?  
 2 A. In the beginning when he issued the books out,  
 3 he had problems. I think there were a couple books  
 4 missing. But he had to dig into the gifted money to buy  
 5 more books.  
 6 Q. How do you know that he did that?  
 7 A. Because he told us.  
 8 Q. But every student in the class, though, had a  
 9 copy of American Pagent to use in class and take home?  
 10 A. I think so.  
 11 Q. How long did it take for all students to have a  
 12 copy to use in class and to take home?  
 13 A. Well, he would issue a book like two, three  
 14 weeks before we would go off track before our sophomore  
 15 year ended.  
 16 Q. Okay.  
 17 A. So he gave us -- actually, no. I'm sorry. He  
 18 gave us handouts during vacations, while we were on  
 19 vacations, but I think when we got back in school, he  
 20 gave us the book.  
 21 Q. When class started at the beginning of your  
 22 eleventh grade year --  
 23 A. Then he gave us a book. It's kind of confusing  
 24 because we actually started the class before we even  
 25 began the eleventh grade.

1 Q. When did you start the class?  
 2 A. Because we met during tenth. Like our last  
 3 week -- two, like two weeks before we went on vacation.  
 4 Q. Do you know why?  
 5 A. Because he was going to give us homework so we  
 6 could have a head start on the material so we could cover  
 7 it, so he could make sure we covered the whole book by  
 8 the AP exam.  
 9 Q. So the class began meeting about two weeks prior  
 10 to the end of your tenth grade year?  
 11 A. Yes.  
 12 Q. Mr. Miekosz did this so that students could get  
 13 a head start in learning the material on the AP history  
 14 class?  
 15 A. Yes. And he gave us the materials we would  
 16 need. And he gave us copies of the chapters.  
 17 Q. He gave you copies of what chapters?  
 18 A. 1 through 5.  
 19 Q. In the American Pagent book?  
 20 A. Yes. And he gave us our orange book which is  
 21 the work book.  
 22 Q. He gave you copies of the orange work book?  
 23 A. No. He gave us an orange work book. That was  
 24 ours to keep.  
 25 Q. Mr. Miekosz didn't actually give students the

1 actual American Pagent textbook, though, during the two  
 2 weeks before your tenth grade year ended?  
 3 A. No.  
 4 Q. When the class officially began in the beginning  
 5 of your eleventh grade year, did each student have a  
 6 textbook, copy of the American Pagent textbook to use in  
 7 the classroom and to take home?  
 8 A. It took him a while to get them, I think like  
 9 two weeks or something like that.  
 10 Q. It took two weeks to get the textbooks?  
 11 A. Yeah, because there weren't enough in the  
 12 beginning. And he was even afraid -- because I think he  
 13 was missing like ten books, ten students wouldn't have  
 14 books. And he was even afraid that we would have to --  
 15 that we weren't going to have enough books for like the  
 16 whole class.  
 17 Q. Did you have a copy of this textbook at the  
 18 beginning of your eleventh grade year?  
 19 A. Yes. Eventually everybody got a book.  
 20 Q. Did you have a copy at the beginning of the  
 21 year?  
 22 A. Yes.  
 23 Q. How many students didn't have copies for this  
 24 approximately two weeks?  
 25 A. Well, he told us that ten students would

1 possibly not get books.  
 2 Q. Were ten students without a copy, their own copy  
 3 of American Pagent for the first two weeks of your AP  
 4 history class?  
 5 A. All students didn't get a book until there were  
 6 enough books for everybody.  
 7 Q. So no students in your AP history class had an  
 8 actual copy of American Pagent for the first two weeks of  
 9 the class?  
 10 A. Yes. Around two weeks.  
 11 Q. But around after approximately two weeks, all  
 12 students had a copy of the textbook to use in class and  
 13 to take home?  
 14 A. Yes.  
 15 Q. During the first two weeks of class, what  
 16 chapters of the book did you cover?  
 17 A. We were just reviewing what we had learned. We  
 18 were just kind of going through it, through the handouts.  
 19 Q. Was that was chapters 1 through 5?  
 20 A. Yes. And we just took a test on it.  
 21 Q. And every student had their own copy, though, of  
 22 chapters 1 through 5 --  
 23 A. Yes.  
 24 Q. -- during the first two weeks of class; is that  
 25 correct?

1 A. Yes.

2 Q. And all of the students in your history class  
3 had their own copy of the orange work book to use in  
4 class and to take home?

5 A. Yes.

6 Q. Did students use the orange work book because  
7 was it something that was used in class?

8 A. No. That was to do our homework.

9 Q. Did Mr. Miekosz assign homework out of the  
10 orange work book every night?

11 A. Not every night, but we would do two chapters a  
12 week, and we would have to do work for two chapters a  
13 week and he would collect it during the day of the exam,  
14 before the exam.

15 Q. When you say "the exam" when was the exam?

16 A. Well, it was at the end of every two chapters.

17 Q. Were there other books that were supposed to be  
18 used in your American history class?

19 A. Yes. There was a big blue book. I think it was  
20 Notes on U.S. History, something like that.

21 Q. I'm sorry, it was called?

22 A. I am not sure what it's called, but it was a big  
23 blue book.

24 Q. But you indicated you thought it was called  
25 Notes on U.S. History?

1 day in class?

2 A. No. We would have to read from it, but the  
3 material that was in the American Pagent, he would kind  
4 of speak about it, like he would have kind of like  
5 instruction, I guess. He would just speak out of his  
6 mind so we could take notes on what the key factors were.

7 Q. As to the big blue book, would Mr. Miekosz make  
8 photocopies of information in the big blue book and  
9 distribute that to students?

10 A. Not a lot.

11 Q. Were there any occasions on which he used  
12 photocopies from the big blue book?

13 A. Yes. Like I mentioned this article on Hearst  
14 and there were two other occasions, but actually there  
15 were a couple of more like war kind of like paragraphs on  
16 like the civil war and stuff like that which he gave to  
17 us to study before the AP exam.

18 Q. When Mr. Miekosz handed out photocopies of  
19 information in this big blue book, did he provide all  
20 students with a copy of the information?

21 A. Whoever was present.

22 Q. Would some students just not show up for a  
23 particular day?

24 A. He would usually give them to us on weekends  
25 when we were going to practice for the AP exam.

1 A. Yeah, something like that. But there weren't  
2 enough books, enough of those books, so we just didn't  
3 use it. Like he would just make copies of the literature  
4 he felt we would need to know since the books, since  
5 American Pagent didn't go extensively into the details.

6 Q. What information was contained in the big blue  
7 book that was not contained in American Pagent?

8 A. I just remember it was something about Hearst.  
9 I forget his name.

10 Q. William Randolph Hearst?

11 A. Yeah. It was just different battles. It was  
12 just little like articles and stuff like that.

13 Q. Did any students have a copy of the big blue  
14 book to use in class or to take home?

15 A. No.

16 Q. Go ahead.

17 A. People would have to -- he asked us because he  
18 recommended it that we would buy a book similar to it,  
19 like at Barnes & Noble or something like that, and he  
20 even -- he offered to buy the book for us like if we  
21 would give him like 10 or 15 dollars, that if we couldn't  
22 afford it, he would help us out, but since he got in a  
23 car accident, some of us weren't able to order some from  
24 him.

25 Q. The American Pagent book, was that used every

1 Q. Did Mr. Miekosz ever tell you that the big blue  
2 book was a required part of his class?

3 A. He didn't say it was required, but he said that  
4 we would learn from it. Like when we met two weeks  
5 before we went on vacation in tenth grade, he told us we  
6 would have three books, but since -- when we got to his  
7 class, he said there weren't enough so we weren't going  
8 to use it.

9 Q. Did Mr. Miekosz ever provide students with a  
10 syllabus of his class?

11 A. A what?

12 Q. A syllabus kind of indicating, you know, what  
13 you would cover in the class, what materials were used,  
14 things of that nature.

15 A. Yes.

16 Q. Did the syllabus indicate what texts were used  
17 in your class?

18 A. I don't remember.

19 Q. Do you know if students in the other AP history  
20 class used the big blue book?

21 A. Yeah. I know every other track uses the big  
22 blue book.

23 Q. In Mr. Miekosz' other AP history class --

24 A. Do they use it, no.

25 Q. They didn't use that book?

- 1 A. No.
- 2 Q. Do you know whether Mr. Miekosz would hand out  
3 copies of information in the big blue book to students in  
4 his other AP history class?
- 5 A. Not to my knowledge, no.
- 6 Q. What other classes at Huntington Park Senior  
7 High School used the big blue book?
- 8 A. The other tracks, AP history classes.
- 9 Q. AP history classes on the other tracks use this  
10 book?
- 11 A. Yes.
- 12 Q. Does Mr. Miekosz teach any of those classes?
- 13 A. No.
- 14 Q. Did Mr. Miekosz ever tell you that you had to  
15 buy a copy of the big blue book?
- 16 A. He didn't tell us that we had to, but he told us  
17 it would be helpful in preparing us for the AP exam.
- 18 Q. Do you know if students decided to purchase a  
19 copy of that book?
- 20 A. Yeah. A couple of my friends did.
- 21 Q. Did you decide to?
- 22 A. I wanted to. I was willing to order it from  
23 him, but he got in a car accident so I didn't really know  
24 which book I was supposed to get.
- 25 Q. Sorry. You indicated you didn't know which book

- 1 you were supposed to get?
- 2 A. Yeah, which title.
- 3 Q. Was it your understanding that you had to  
4 purchase this book or just that it would be something  
5 helpful for your test?
- 6 A. Yes. It was -- I understood it would be really  
7 helpful.
- 8 Q. Did Mr. Miekosz ever indicate to students in  
9 your AP history class that any other information would be  
10 helpful to prepare you for your test?
- 11 A. Well, he would give us web site numbers. I  
12 mean, excuse me, addresses. That's basically it.
- 13 Q. Did you ever visit any of the web sites that he  
14 told you about?
- 15 A. Yes. He even had his own web site that had  
16 links to other web sites. It had -- like it had like  
17 information posted in his web site.
- 18 Q. And you visited his web site?
- 19 A. Yeah.
- 20 Q. Did you visit it with computers at school?
- 21 A. At school and home.
- 22 Q. Did that help you, do you think, prepare?
- 23 A. Yeah. Well, he would post the homework when he  
24 got in a car accident. He would post it in his web site.
- 25 Q. Aside from the American Pagent book, the orange

- 1 work book, photocopy material from the big blue book and  
2 the web sites, did Mr. Miekosz use any other types of  
3 materials to teach his AP history class?
- 4 A. Well, he was supposed to also -- it was my  
5 understanding he was also supposed to provide pocket  
6 dictionaries, electronic dictionaries, thesaurus, but  
7 since there were a lot of students who signed up for the  
8 class, there weren't enough to go around so he just  
9 didn't issue them out.
- 10 Q. Your understanding was Mr. Miekosz was supposed  
11 to provide electronic dictionaries?
- 12 A. Yeah. That was bought with the gifted money.
- 13 Q. What is an electronic dictionary actually?
- 14 A. Like a little dictionary. Like you just type  
15 the word and the definition comes up.
- 16 Q. How was it your understanding that he was  
17 supposed to provide you with electronic dictionaries?
- 18 A. Well he told us. Well, he told me.
- 19 Q. What did he tell you?
- 20 A. That we were supposed to get an electronics  
21 dictionary because he told us during -- before, I think I  
22 was around December. Well, he told us around December to  
23 ask for that at Christmas.
- 24 Q. He told you to ask for an electronic dictionary  
25 at Christmas?

- 1 A. Yeah. That would be helpful.
- 2 Q. What was special about this electronic  
3 dictionary; do you know?
- 4 A. Well, just to find out definitions of words  
5 because he -- like every time we would ask him, he would  
6 tell us to go get a dictionary.
- 7 Q. Do you have a dictionary at home?
- 8 A. Yeah.
- 9 Q. Do you use that dictionary at home?
- 10 A. Yes.
- 11 Q. Do you ever use any dictionaries in the library  
12 at your school?
- 13 A. Not really.
- 14 Q. Do you know if your library has dictionaries?
- 15 A. From my understanding, I would think so.
- 16 Q. Were there any other materials that Mr. Miekosz  
17 used in his class?
- 18 A. Not that I can remember.
- 19 Q. I want to ask you a couple questions about your  
20 declaration. Would you take a look at paragraph 3,  
21 please.
- 22 A. Yes.
- 23 Q. You see the sentence where it says "We were  
24 supposed to use several books in that class"?
- 25 A. Yes.

1 Q. You testified that Mr. Miekosz indicated that  
2 information in the big blue book could be helpful to  
3 prepare you for the AP test exam.

4 A. Yes.

5 Q. Mr. Miekosz never indicated, though, the big  
6 blue book was a part of the class, did he?

7 A. He didn't say it was required, but he said we  
8 were supposed to -- initially we were supposed to have  
9 three books.

10 Q. This was before the class started?

11 A. Yes.

12 Q. But he never told students that they were  
13 required to go out and buy a copy of the big blue book,  
14 did he?

15 A. No. He said -- he recommended it. Well, he  
16 couldn't force us to buy stuff so --

17 I spoke to other -- like my friends on C track  
18 and they had the blue book and they were pretty amazed  
19 that we didn't have the blue book.

20 Q. Did students on C track also have American  
21 Pagent?

22 A. Yes.

23 Q. How do you know?

24 A. Because I have friends who are on C track and  
25 they received the book.

1 Q. About every two weeks?

2 A. Yes.

3 Q. Those tests were given after students studied I  
4 think two chapters in the American Pagent book?

5 A. Yes.

6 Q. Did those tests contain -- were you tested on  
7 material that was not in the American Pagent book?

8 A. Sometimes it would be confusing.

9 Q. What would be confusing?

10 A. Just the wording and just certain events, but I  
11 think it was just -- I don't know. I wouldn't really be  
12 able to say if information on that test was from the blue  
13 book because sometimes he would -- if it wasn't in the  
14 blue book -- I mean if it wasn't in the American Pagent,  
15 he would say -- like if we didn't know what he was  
16 talking about, like in the test, he would say that it  
17 was -- that he said it in his -- what he was talking  
18 about.

19 Q. Do you remember ever being tested in your  
20 American history class on any material that wasn't in the  
21 American Pagent book or that wasn't discussed by  
22 Mr. Miekosz in class?

23 A. I would remember things that I would have to  
24 argue with him about that I didn't know about, but I  
25 don't remember exactly what, but I would almost argue

1 Q. Do you think that your ability to learn in AP  
2 history was impaired by not having a copy of the big blue  
3 book?

4 A. Yes.

5 Q. Can you tell me how?

6 A. Because I read some of my -- I would borrow the  
7 book from my friend, the big blue book. I would skim  
8 through it and find a lot of information in there.

9 Q. Do you think that your grade was affected in AP  
10 history by not having a copy of the big blue book?

11 A. I would assume because I mean the more practice  
12 you have, the better; like the more you will be able to  
13 study, the better chances you have of getting a better  
14 grade.

15 Q. Did Mr. Miekosz test students on information  
16 that was in the big blue book?

17 A. I don't really know because I don't know what  
18 was in the blue book, like precisely, but I just -- I  
19 would think it would have more information. It would be  
20 really good because I mean I would assume because he uses  
21 the same tests he did last year, and last year they did  
22 use the blue book.

23 Q. You took tests in your AP history class, didn't  
24 you?

25 A. Yes.

1 with him after every test.

2 Q. Did you feel that you were tested, that there  
3 was material on the test that you didn't cover in class?

4 A. Some occasions.

5 Q. Can you tell me what?

6 A. Like I said, I don't really remember.

7 Q. You can't recall any specific material that you  
8 were tested on American history that wasn't covered by  
9 Mr. Miekosz in your class?

10 A. It was just certain incidents, like certain  
11 dates that weren't really specified in the American  
12 Pagent book. Like certain details he would ask about,  
13 because he would usually emphasize on details.

14 Q. And you can't recall what any of those details  
15 were?

16 A. No.

17 Q. You got a [REDACTED] in your American history class; is  
18 that correct?

19 A. Yes.

20 Q. Why do you think you got a [REDACTED] in that class?

21 A. Just test scores.

22 Q. The tests that he gave you in class?

23 A. Yeah.

24 [REDACTED]  
25 [REDACTED]

- 1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 Q. Did you ever complain to anybody in  
 8 administration about any issues relating to the big blue  
 9 book?  
 10 A. No.  
 11 Q. Have you gotten back the results from your AP  
 12 exam yet?  
 13 A. No.  
 14 Q. Do you know when you are going to get them back?  
 15 A. Sometime this week. I don't know. What day is  
 16 it? Yeah, it should be really soon.  
 17 Q. Do you feel you did all right on that test?  
 18 A. I hope I did. I wasn't really that confused.  
 19 Q. You were not confused about it?  
 20 A. It actually really felt easy, but sometimes when  
 21 things feel easy --  
 22 Q. Do you think that the AP exam felt easy to you  
 23 because Mr. Miekosz prepared you well?  
 24 A. Yes.  
 25 Q. Aside from your AP history class, are there any

- 1 classes in your eleventh grade year in which you didn't  
 2 have a textbook to use in class on a take home?  
 3 A. Eleventh grade year? No, not that I can  
 4 remember.  
 5 Q. Do you recall if any other students in any of  
 6 your classes in your eleventh grade year didn't have a  
 7 textbook to use in class or take home?  
 8 A. Not that I know of.  
 9 Q. Let me go back and ask you another question  
 10 about AP history. You indicated that the orange work  
 11 books were used for homework?  
 12 A. Yes.  
 13 Q. Were you sent homework every night from the  
 14 orange work books?  
 15 A. It was basically up to us. Like I said, there  
 16 is chapters work in the orange work book and we would  
 17 have to do the work for each chapter, and it was due  
 18 every -- like a day before the exam.  
 19 Q. Did the chapters in the orange work book  
 20 correspond to the chapters in the American Pagent book?  
 21 A. Yes.  
 22 Q. When you were given homework, it was based on  
 23 the information in the American Pagent book and the  
 24 orange work book?  
 25 A. Yes.

- 1 Q. Were there any classes in your tenth grade year  
 2 in which you didn't have a textbook to use in class or  
 3 take home?  
 4 A. Yes. In the first semester when I was in C  
 5 track in [REDACTED] class.  
 6 Q. Which class is that?  
 7 A. I think it was integrated 2, chemistry 2.  
 8 Q. That was the first semester in tenth grade when  
 9 you were in C track?  
 10 A. Yes.  
 11 Q. Other than that class, were there any other  
 12 classes in your tenth grade year in which you didn't have  
 13 a textbook to use in class and take home?  
 14 A. Not that I can remember.  
 15 Q. In [REDACTED] -- actually did [REDACTED] teach  
 16 intercoordinated science?  
 17 A. I think so, yes.  
 18 Q. In your intercoordinated science class, was a  
 19 textbook used in that class?  
 20 A. We only have one set of textbooks that was used  
 21 in class. We couldn't take it home. It was used by all  
 22 her periods. I would assume like all the periods she had  
 23 in intercoordinated science.  
 24 Q. How many students were in your integrated  
 25 science class?

- 1 A. Around 30 or 40. I am not sure.  
 2 Q. Do you recall how many textbooks there were in  
 3 the set of textbooks in the classroom?  
 4 A. Enough for everybody, I think.  
 5 Q. In your intercoordinated science class with  
 6 [REDACTED] last year, each student in the class had a  
 7 separate copy of the textbook to use in class?  
 8 A. Yes. It was kind of difficult. We didn't  
 9 really learn much since we couldn't really go through the  
 10 whole book. Like I think we only got through half the  
 11 book or not even.  
 12 Q. Did [REDACTED] assign homework in that class?  
 13 A. Yes. Well, since -- like she would have us take  
 14 notes and copy stuff off the board so she wouldn't really  
 15 teach much because we would be copying to study for the  
 16 exams.  
 17 Q. Would she assign the homework in your class?  
 18 A. Just to study.  
 19 Q. Did she ever -- for homework assignments she  
 20 would just say study?  
 21 A. Yeah, just study vocabulary. She would leave us  
 22 to copy off the board and stuff like that.  
 23 Q. Did she ever use any other instructional  
 24 materials in her class?  
 25 A. No.

- 1 Q. Did she ever provide students with handouts or  
2 photocopies of any information?  
3 A. Not that I can remember because I think I  
4 actually sneaked the book out one day to make copies on  
5 my own so I could study it because it was kind of getting  
6 difficult to study for the exams without the book.  
7 Q. When did you sneak the book out of the class?  
8 A. I think it was during the finals of that  
9 semester, the first semester.  
10 Q. When you took the book out of the class, where  
11 did you take it to make photocopies?  
12 A. The organization I volunteer at.  
13 Q. That's the Community for a Better Environment?  
14 A. Yeah, Communities for a Better Environment.  
15 Q. When did you bring the book back to the class?  
16 A. The next day.  
17 Q. Your teacher [REDACTED] never used any other  
18 instructional materials in her class other than the  
19 textbook that was used in class?  
20 A. Not that I can remember.  
21 Q. Did she ever hand out news articles or essays?  
22 A. I can't remember her doing that.  
23 Q. Could students check the science textbooks out  
24 of class to take home?  
25 A. No.

- 1 Q. Never?  
2 A. No.  
3 Q. How do you know?  
4 A. She didn't let us.  
5 Q. Did you ever ask her if you could take a copy of  
6 the textbook home?  
7 A. Yeah.  
8 Q. What did she say?  
9 A. No. That she couldn't afford to lose them.  
10 Q. Do you know if copies of the textbook were  
11 available for you in the library to read?  
12 A. I don't think they have them there.  
13 Q. Do you know whether they did or not, though?  
14 A. I wouldn't think so because I am pretty sure if  
15 there was, she would have told us to study at the  
16 library, get one from there.  
17 Q. But do you know one way or the other?  
18 A. I am almost positive they don't.  
19 Q. Did you ever check?  
20 A. I checked for other textbooks and they don't  
21 have them.  
22 Q. Did you ever check whether your science textbook  
23 was in the library, whether copies of your science  
24 textbook were provided in the library?  
25 A. I can't remember specifically.

- 1 Q. What kind of information would [REDACTED] write  
2 on the board for students to copy down?  
3 A. Definitions, formulas, just notes that we would  
4 have to know for the exam.  
5 Q. Would [REDACTED] write down problems on the  
6 blackboard that students were supposed to solve at home  
7 for homework?  
8 A. No. I don't remember her doing that.  
9 Q. I am just trying to get a sense of what you did  
10 for homework in that class.  
11 MS. CHECEL: Asked and answered.  
12 BY MR. CHOATE:  
13 Q. Can you tell me?  
14 A. Like I said, study the definitions for the exam.  
15 Q. She would have you study definitions of science  
16 words?  
17 A. Yeah.  
18 Q. She never had you do anything else in that  
19 class?  
20 A. Not that I can remember.  
21 Q. Did you do the homework that she assigned to  
22 you?  
23 A. Yeah.  
24 Q. Did you always do it?  
25 A. I was just studying, but I would usually do it.

- 1 Q. Did you study every night for your science  
2 class?  
3 A. Most of the time.  
4 Q. I think you indicated that [REDACTED] science  
5 class was the only class during your tenth grade year you  
6 didn't have textbook to use in class and take home;  
7 correct?  
8 A. Yes.  
9 Q. Do you recall whether you had any classes in  
10 your ninth grade year at Huntington Park Senior High  
11 School in which you didn't have a textbook to use in  
12 class or to take home?  
13 A. In Mr. Pakraduni's French class, actually we  
14 didn't have a textbook for the first two months. We had  
15 to wait for B track to leave.  
16 Q. Mr. Pakraduni was your French teacher for the  
17 first semester of ninth grade?  
18 A. Yes.  
19 Q. Other than in that class, were there any classes  
20 in your ninth grade year in which you didn't have a  
21 textbook to use in class and to take home?  
22 A. Not that I can remember.  
23 Q. What textbook did you use in Mr. Pakraduni's  
24 class?  
25 A. I don't remember the name of the textbook. I



1 don't remember. It was really hold and frayed.  
 2 Q. It was what?  
 3 A. Old and frayed. Like it was coming apart. Like  
 4 one student even had like a book without a book cover.  
 5 Q. When was the book published; do you know?  
 6 A. I think it was like the '60's or '70's.  
 7 Q. Why do you think that?  
 8 A. Just the style of the people in the book.  
 9 Q. Was your textbook in Mr. Pakraduni's class in  
 10 usable condition?  
 11 A. Some pages would be missing and there was like  
 12 written in.  
 13 Q. Were there pages missing in your textbook?  
 14 A. Yeah.  
 15 Q. Did you tell Mr. Pakraduni?  
 16 A. Yeah.  
 17 Q. What did he tell you to do?  
 18 A. He told me to share books with somebody else.  
 19 Q. Did you?  
 20 A. Yes.  
 21 Q. How many occasions did that happen; do you know?  
 22 A. Two or three.  
 23 Q. Two or three occasions in that class?  
 24 A. Around.  
 25 Q. Did Mr. Pakraduni use any other instructional

1 A. Just basic words, like he would teach us how to  
 2 speak, count in French.  
 3 Q. What did he give you for homework during those  
 4 first two months?  
 5 A. I really can't remember.  
 6 Q. Do you remember that he gave you homework during  
 7 those first two months?  
 8 A. I can't remember. I think he -- I don't know.  
 9 I can't remember.  
 10 Q. After the first two months, did all students  
 11 have a copy of the textbook in use in class and take  
 12 home?  
 13 A. That I know of. I don't know.  
 14 Q. Can you recall any students that didn't have a  
 15 copy of the textbooks to use in class or take home?  
 16 A. No, I can't remember.  
 17 Q. When students had the textbooks in  
 18 Mr. Pakraduni's class, describe for me how that textbook  
 19 was used in class.  
 20 A. We would read off it.  
 21 Q. In class?  
 22 A. Yeah.  
 23 Q. About how much of your time was devoted to using  
 24 that textbook while students were in class?  
 25 A. I think most of it. Mostly we learned from it

1 materials in his French class?  
 2 A. No that I can remember.  
 3 Q. Did he ever provide students with handouts or  
 4 photocopied information?  
 5 A. I think he did. I really can't remember.  
 6 Q. You indicated that students didn't have a  
 7 textbook in that class for the first two months of class?  
 8 A. Yes.  
 9 Q. Do you know why that was?  
 10 A. Because there weren't any textbooks. Well,  
 11 that's what he told us.  
 12 Q. What did he tell you?  
 13 A. That there weren't any textbooks for us so we  
 14 had to wait until B track left.  
 15 Q. Mr. Pakraduni told you that students in your  
 16 class wouldn't have textbooks until B track French class  
 17 went on vacation?  
 18 A. Yes.  
 19 Q. When did he tell you that?  
 20 A. I think it was around the first weeks, or I  
 21 don't know. I am not sure.  
 22 Q. How did he teach the class during those first  
 23 two months?  
 24 A. Writing on the board.  
 25 Q. What would he write on the board?

1 and he would leave homework or leave class work off.  
 2 Q. I'm sorry, I don't understand what you mean.  
 3 A. He would assign work off the book.  
 4 Q. For homework?  
 5 A. Yes.  
 6 (Telephone interruption.)  
 7 MS. CHECEL: If you are not already done, when  
 8 you finish up with this segment, can we break for lunch?  
 9 MR. CHOATE: I mean we can break for lunch now.  
 10 I really don't have very many questions left. That's  
 11 fine.  
 12 MS. CHECEL: Okay. Thanks.  
 13 THE REPORTER: What time should we come back?  
 14 MS. CHECEL: In an hour.  
 15 MR. CHOATE: 1:30.  
 16 MR. FRIEDMAN: 1:30. That's fine.  
 17 (Whereupon a luncheon recess was  
 18 taken at 12:30 P.M.)  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 LOS ANGELES, CALIFORNIA  
2 MONDAY, JULY 2, 2001  
3 1:44 P.M.

4  
5 LIZETTE RUIZ,  
6 having been previously duly resworn, was  
7 examined and testified further as follows:  
8

9 EXAMINATION (Resumed)

10 BY MR. CHOATE:

11 Q. Back on the record. Lizette, I want to just go  
12 back and ask you a question about your science class in  
13 tenth grade. I think the first semester you indicated  
14 that there was a class set of textbooks used?

15 A. Excuse me?

16 Q. In your intercoordinated science class in the  
17 first semester of tenth grade.

18 A. What was the question, though?

19 Q. You indicated that a class set of textbooks was  
20 used in your intercoordinated science class in your first  
21 semester of tenth grade; correct?

22 A. Yes.

23 Q. Did your teacher ever tell you why the class was  
24 using a class set of textbooks?

25 A. She said because there weren't enough books.

1 A. I don't remember.

2 Q. Lizette, do you think that using a class set of  
3 textbooks in your science class in tenth grade impaired  
4 your education?

5 A. Yes.

6 Q. Can you tell me how?

7 A. Well, like I said, we weren't able to take any  
8 books home to study at home. I was not forced to, but I  
9 had to, like I said, sneak off a book in order to make  
10 copies and study off that. I had to do my work off that.

11 It was just really difficult because, you know,  
12 we couldn't just get homework from the book. We had to  
13 do like the stuff we were supposed to do in homework in  
14 the class and instead of like her teaching us during the  
15 class, we had to study the few notes she gave us on the  
16 board.

17 Q. When she gave notes to take home for homework  
18 from the board, did you do the homework?

19 A. Well, we were just supposed to study them.

20 Q. Did you study them?

21 A. Yes.

22 Q. Do you think that using a class set of textbooks  
23 is the reason why you got a [REDACTED] in that class?

24 A. Yes.

25 Q. Is there any other reason why you got [REDACTED] do you

1 She asked for them like too late, that it was first come,  
2 first served.

3 Q. Your teacher told you she asked for the books  
4 too late?

5 A. Yeah, like after. Like she did it too late.

6 Q. Did she say when she asked for the books?

7 A. She said the day prior, the morning, but I am  
8 not sure when it was.

9 Q. The day prior to commencement of classes?

10 A. No. When she spoke to us, which I think was  
11 like around the first week. I am not sure exactly when.

12 Q. And she told you that she waited too long to get  
13 the books?

14 A. Yeah. There weren't enough anymore.

15 Q. In your French class, I believe it was in  
16 Mr. Pakraduni's class, ninth grade, you didn't have a  
17 textbook for approximately two months?

18 A. Yes.

19 Q. Did he tell you why the class didn't have a  
20 textbook for approximately two months?

21 A. He said because there weren't any. We have to  
22 wait until B track goes off track so we can get their  
23 books.

24 Q. Did he tell you whether he waited too late to  
25 request his textbooks?

1 think in that class?

2 A. I guess I could have always done better, but --

3 Q. How?

4 A. Like a lot of the material that was on the test  
5 was from the book and we didn't have the opportunity to  
6 take it home.

7 Q. You indicated that you thought you could have  
8 done better. How do you think you could have done  
9 better?

10 A. I guess studywise, like memorizingwise. Like I  
11 have a good memory, but I work better like when I know  
12 how to connect things with each other, because basically  
13 all she would give us off the book was notes and  
14 sometimes we wouldn't really read her work with the book  
15 because we didn't have enough time to do that.

16 Q. Other than studying harder, were there any other  
17 reasons or any other things that you could have done, do  
18 you think, to do a better job in your science class in  
19 tenth grade?

20 A. I don't think I remember.

21 Q. In the second semester of tenth grade, you also  
22 had integrated coordinated science; is that correct?

23 A. Yes.

24 Q. And you had a textbook to use in class and take  
25 home in that class, didn't you?

- 1 A. Yes.  
 2 Q. And you got a [REDACTED] in that class; is that correct?  
 3 A. Is it a [REDACTED]  
 4 Q. Oh, no, excuse me. I am looking at a different  
 5 class.  
 6 A. Yeah. I thought I had a [REDACTED].  
 7 Q. You did have a [REDACTED].  
 8 In your intercoordinated science class in the  
 9 second semester of tenth grade, you had a textbook to use  
 10 in class and take home; isn't that right?  
 11 A. Excuse me? Could you repeat that.  
 12 Q. Yes. In your intercoordinated science class --  
 13 the science class in which you used class stats was in  
 14 the first semester of your tenth grade while you were on  
 15 C track; is that correct?  
 16 A. Yes. It was just one class, that book.  
 17 Q. In your intercoordinated science class in ninth  
 18 grade, you had a textbook to use in class and take home;  
 19 is that right?  
 20 A. I really can't remember, but --  
 21 Q. Do you have any reason to believe you didn't  
 22 have a textbook to use in class or to take home in your  
 23 intercoordinated science class in the second semester of  
 24 the ninth grade year?  
 25 A. I can't remember that far back.

- 1 Q. Do you remember having a textbook to use in that  
 2 class?  
 3 A. I wouldn't be able to say.  
 4 Q. Do you remember not having a textbook to use in  
 5 class or to take home in your intercoordinated science  
 6 class in ninth grade?  
 7 A. I don't remember.  
 8 Q. Do you know why you got a [REDACTED] in your  
 9 intercoordinated science class in tenth grade?  
 10 A. That was with Ms. Puri?  
 11 Q. I believe you had Ms. Puri for the second  
 12 semester and Mr. Hernandez for the first semester.  
 13 A. Yeah. She was -- it was kind of a hard class.  
 14 Q. How was it hard?  
 15 A. It was just formulawise, learning to use the  
 16 formulas. I don't know.  
 17 Q. Do you think that's why you got a [REDACTED] in her  
 18 class, because it was hard?  
 19 A. Not really. I didn't really put that much  
 20 effort into it.  
 21 Q. Why not?  
 22 A. I don't really remember.  
 23 Q. Lizette, do you think that not having a textbook  
 24 for the first two months of your French class in ninth  
 25 grade with Mr. Pakraduni, do you believe that that

- 1 impaired your ability to get an education in that class?  
 2 A. Well, yeah, because it was kind of hard to  
 3 concentrate on the board, what he was talking about,  
 4 because the book kind of helped, did help a lot when we  
 5 did get a book and I actually got homework to practice at  
 6 home. Because I don't think he ever left homework from  
 7 the board, like probably just to study the pronunciations  
 8 of words he would teach us, like numbers and stuff in  
 9 French.  
 10 Q. I'm sorry. I interrupted you again.  
 11 Are you saying you didn't have any homework in  
 12 the first two months in your French class?  
 13 A. Not that I can remember, but I don't think he  
 14 left us homework. I don't really remember.  
 15 Q. Is it possible that he did leave you homework?  
 16 A. If he did, I think it was mostly like  
 17 pronouncing to ourselves and stuff like that because it  
 18 was kind of really easy like during the first two months.  
 19 Q. In your French class in the second semester of  
 20 your ninth grade year with [REDACTED], you had a  
 21 textbook to use in the class and to take home; correct?  
 22 A. Yes.  
 23 Q. In your French class in the first semester of  
 24 your tenth grade year with [REDACTED], you had a  
 25 textbook to use in class and to take home, didn't you?

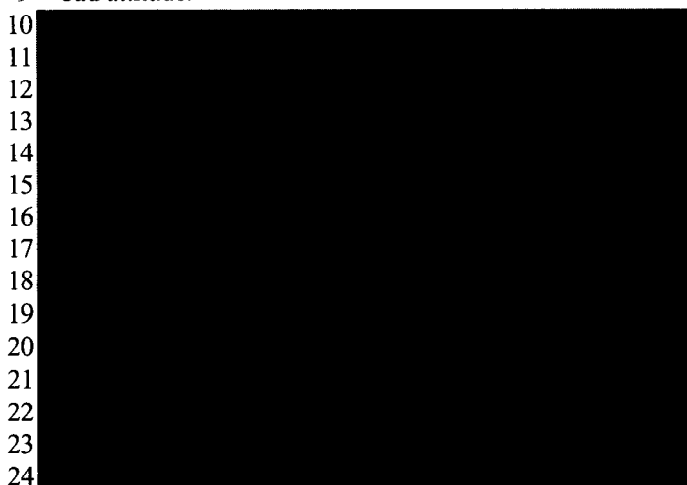
- 1 A. Yes.  
 2 Q. Do you know why you got [REDACTED] in [REDACTED]  
 3 French class in ninth grade?  
 4 A. In ninth grade?  
 5 Q. Yes.  
 6 A. It was her first year of her teaching, so I  
 7 don't really think she was a good teacher.  
 8 Q. When you say it was [REDACTED] first year of  
 9 teaching, do you mean at Huntington Park?  
 10 A. Teaching French in general.  
 11 Q. How do you know that was her first year?  
 12 A. Because she told us.  
 13 Q. What did she tell you?  
 14 A. That she had came from French and she used to  
 15 live there for like five or something years.  
 16 Q. Did she tell you anything else?  
 17 A. No. That was her first year of teaching. I  
 18 don't remember. We talked about how it was over there.  
 19 Q. Do you know whether [REDACTED] was a teacher  
 20 before coming to Huntington Park Senior High School?  
 21 A. I don't think she was a teacher. I think she  
 22 was studying over there in France or something.  
 23 Q. Are you positive about that or you are unsure?  
 24 A. I am almost positive.  
 25 Q. Did she tell you that she wasn't a teacher

1 before coming to Huntington Park Senior High School?

2 A. Yeah. She said it was her first year teaching,  
3 so I would assume.

4 Q. And do you believe that you got a [REDACTED] in ninth  
5 grade with [REDACTED] because of her abilities as a  
6 teacher?

7 A. Yeah. She was just really -- she didn't -- she  
8 didn't really have people skills. Like she had a really  
9 bad attitude.



25 Q. Lizette, I think that you indicated that your

1 bring that to the attention of the teacher?

2 A. Yes.

3 Q. Do you recall what [REDACTED] said to you?

4 A. To look on the next page. I also had like  
5 problems with books, with the French book.

6 Q. Let me back up a second.

7 When [REDACTED] told you to look on the next  
8 page.

9 A. No. To the person next to me to share books.

10 Q. And did you do that?

11 A. Yes.

12 Q. Were you able to follow the lesson?

13 A. Yes.

14 Q. You were saying something else about a French  
15 textbook, I think.

16 A. Yeah. It was in my freshman year, second  
17 semester. There were a lot of occasions, there were a  
18 couple of occasions when I had to look on my neighbor's  
19 book.

20 Q. This is in [REDACTED] class?

21 A. Yes.

22 Q. On those occasions was there a page missing from  
23 your book?

24 A. Yeah.

25 Q. How many occasions did that occur on?

1 textbook in Mr. Pakraduni's class had a page missing on  
2 two occasions?

3 A. Yeah.

4 Q. Have you had any other textbooks in any of your  
5 classes at Huntington Park Senior High School which you  
6 believe were not in a usable condition?

7 A. I think when we got a book, like when I would  
8 get a book from the closet in tenth grade, it was Moody's  
9 class, at one point there was a book that was missing a  
10 page.

11 Q. Can you recall any other textbooks in any other  
12 of your classes that you feel were not in usable  
13 condition?

14 A. Not at the moment.

15 Q. Do you feel that the textbooks that you had in  
16 your other classes were in a usable condition?

17 A. Yeah.

18 Q. In your science class with Ms. Moody, do you  
19 recall on how many occasions you used a textbook and  
20 found that it had missing pages?

21 A. I could recall one occasion, but other students  
22 had the same problem in French class. Also there were a  
23 lot of students with a lot of book problems.

24 Q. On this one occasion where you discovered that  
25 your science book lacked or was missing a page, did you

1 A. Well, like three. It wasn't only like a page  
2 missing. Sometimes it would be tagged, like scribbled or  
3 something.

4 Q. And you noticed that on about three occasions?

5 A. Yeah.

6 Q. And did you bring that to the attention of  
7 [REDACTED]

8 A. Yeah.

9 Q. What did she tell you to do?

10 A. Share books with the person next to me.

11 Q. Did you do that?

12 A. Yeah.

13 Q. Were you able to follow the lesson on those  
14 three occasions?

15 A. A little. My eyesight was really bad so it was  
16 kind of hard, but I managed.

17 Q. Your eyesight made it difficult for you to look  
18 at the book of the student next to you?

19 A. Yeah.

20 Q. How far away was that student sitting?

21 A. Well, I would have to move my desk near the  
22 students who I would share the book with.

23 Q. Can you recall any other textbooks that you have  
24 had in any classes that you feel were not in a usable  
25 condition?

- 1 A. Not at the moment.  
 2 Q. When a textbook is issued to a student at  
 3 Huntington Park Senior High School, do you know who is  
 4 responsible for taking care of that textbook?  
 5 A. Can you repeat the question.  
 6 Q. Yeah. When a textbook is issued to a student at  
 7 Huntington Park Senior High School, who is responsible  
 8 for taking care of the textbook?  
 9 A. The student it was issued to.  
 10 Q. Does anyone at the school instruct students on  
 11 how they are supposed to take care of their textbooks?  
 12 A. Yeah. They usually tell us to put a book cover  
 13 on it.  
 14 Q. Do you put book covers on all your books?  
 15 A. Yeah, but eventually the book covers rip and I  
 16 have to put tape all over them.  
 17 Q. When the book cover is ripped, do you fix them?  
 18 A. Yeah. I put tape over them.  
 19 Q. Have you ever seen that some students don't use  
 20 book covers?  
 21 A. No. The teachers always enforce it.  
 22 Q. Do you ever write in your textbooks?  
 23 A. No.  
 24 Q. Have you ever written in your textbooks?  
 25 A. Actually there have been some occasions.

- 1 Q. In general, though, for your classes, are you  
 2 supposed to turn them in at the end of class?  
 3 A. Yes.  
 4 Q. Have you ever forgotten or failed to turn a  
 5 textbook in?  
 6 A. Yeah. I have forgotten to do it sometimes, but  
 7 I usually return them within a week or something.  
 8 Q. A week after the class ends?  
 9 A. Yeah.  
 10 Q. Do you know if any of your friends have ever  
 11 forgotten to turn their textbooks in?  
 12 A. I don't know specifically of any occasions.  
 13 Q. Lizette, I need to go back and ask you a few  
 14 questions about the water fountains, okay?  
 15 A. Okay.  
 16 Q. Do you recall specifically when the last time  
 17 was that you noticed trash in a water fountain at  
 18 Huntington Park Senior High School?  
 19 A. Two or three weeks ago.  
 20 Q. Can you tell me where that water fountain was?  
 21 A. One in the 70s building, actually two of them,  
 22 when I was putting up posters. One on the -- the one  
 23 next to Mr. Miekosz' classroom.  
 24 Q. Was that also about two weeks ago?  
 25 A. Yeah. Probably more recently like a week ago I

- 1 Q. When you have written in textbooks?  
 2 A. Well, I have highlighted things.  
 3 Q. Have you ever torn pages out of a textbook?  
 4 A. No.  
 5 Q. Have you seen other students at your school  
 6 write in their textbooks?  
 7 A. No. I seen students highlight, but not scribble  
 8 in them or anything.  
 9 Q. Have you ever seen students tear pages out of a  
 10 textbook?  
 11 A. No.  
 12 Q. Lizette, what is the policy, if you know, at  
 13 Huntington Park Senior High School about students  
 14 returning their textbooks at the end of class?  
 15 A. I don't know.  
 16 Q. Well, at the end of your classes are you  
 17 required to turn your books in?  
 18 A. Oh, yes.  
 19 Q. Has it ever come to your attention that some  
 20 students forget or fail to turn their textbooks into the  
 21 class?  
 22 A. Well, actually like the American Pagent book  
 23 like for AP history, we weren't required to turn that in  
 24 like during vacation, during the, yeah, the last  
 25 vacation.

- 1 noticed the one in the PE filled with trash on it.  
 2 Q. A week ago when you noticed the PE water  
 3 fountain with trash in it, what trash was in the water  
 4 fountain?  
 5 A. I think it was like a cup or water bottle, or  
 6 something like that.  
 7 Q. A water bottle?  
 8 A. Yeah.  
 9 Q. Do you know if it was cleaned up?  
 10 A. I don't know. I didn't check the next day.  
 11 Q. When you noticed the two water fountains in the  
 12 70s building with trash in them a couple weeks ago, what  
 13 kind of trash did you see in those water fountains?  
 14 A. It was like forks. Actually I don't think it  
 15 was forks. It was like a little bag with a spoon and  
 16 fork in it or something, because I don't really eat in  
 17 that school, but it was one of those things.  
 18 Q. What about the water fountain next to  
 19 Mr. Miekosz' classroom two weeks ago when you saw trash  
 20 in that? What did you see?  
 21 A. Well, in the other one was it was like more  
 22 trash. It was like paper towels and soda and like a  
 23 chip, a bag of chips.  
 24 Q. You saw paper towels, a bag of chips and a soda?  
 25 A. And a napkin, yeah.

1 Q. You saw that in one of the fountains in the 70s  
 2 building two weeks ago?  
 3 A. Yeah.  
 4 Q. What about the fountain next to Mr. Miekosz room  
 5 two weeks ago? What did you see then?  
 6 A. A soda can, some other trash. I don't remember  
 7 what it was. It was like a napkin or something.  
 8 Q. Can you recall before this occasion two weeks  
 9 ago when the last time was specifically, if you can  
 10 recall?  
 11 A. I am trying to remember before that I put up  
 12 posters.  
 13 Q. Can you recall any specific occasions or do they  
 14 just -- or not?  
 15 A. Specific occasions, no, but there have been a  
 16 lot of times when I have seen trash.  
 17 Q. But you can't recall any specific occasions  
 18 other than what you told me?  
 19 A. Well, I would say the time before, probably like  
 20 four weeks ago when I was putting posters up in the 70s,  
 21 I seen some trash.  
 22 Q. What did you see?  
 23 A. A soda can, but I don't know if it was in the  
 24 first -- actually it was in the one, the other side in  
 25 the 70s building, yeah.

1 Q. Do you recall any other specific occasions?  
 2 A. Not specific.  
 3 Q. Do you know why students would put soda cans or  
 4 trash in the water fountains instead of in a trash can?  
 5 A. Well, there aren't that many trash cans. Well,  
 6 there is one on the other side of the building, but it's  
 7 like on the other side of the building so I think people  
 8 are just too lazy to walk. There is not that many trash  
 9 cans.  
 10 Q. Did you throw your trash in the water fountains  
 11 or do you put it in a trash can?  
 12 A. I put it in my backpack until I get home and  
 13 clean it up.  
 14 Q. Do you think it would be better if other  
 15 students did the same like you?  
 16 A. Well, it is kind of inconvenient, but -- because  
 17 I am kind of a hard-core environmentalist, so I usually  
 18 try to recycle and do stuff like that, so I don't really  
 19 mind it, but I know other people do.  
 20 Q. Can you tell me when the last time was that you  
 21 saw mold in a water fountain?  
 22 A. I thought I already answered that, but --  
 23 Q. I just want to know the last time specifically  
 24 when you saw it, if you can remember.  
 25 A. Probably around a month ago or two.

1 Q. Sometime between a month or two ago?  
 2 A. Yeah. I don't know if it was mold or mud, but  
 3 it was something weird.  
 4 Q. And that was where?  
 5 A. In the one in the track next to the girls'  
 6 bathroom.  
 7 Q. And the mud or the mold was in the basin of the  
 8 water fountain?  
 9 A. Yeah, around the -- actually around the top like  
 10 where the water outline was.  
 11 Q. And do you know if that was cleaned or not?  
 12 A. I think it was -- it was like around the rainy  
 13 season, so I think it got cleaned up with the rain, but I  
 14 don't think anybody really took care of that.  
 15 Q. But you don't know that it wasn't clean, though,  
 16 do you?  
 17 A. I don't think it was. I think I seen it for  
 18 like a period of a week or more.  
 19 Q. Do you recall when the last occasion before a  
 20 month or two ago was when you saw mold in the water  
 21 fountain?  
 22 A. Probably the semester prior, but I can't  
 23 remember exactly when.  
 24 Q. Do you recall was that in the semester of -- the  
 25 first semester of your eleventh grade year?

1 A. Yeah.  
 2 Q. Do you recall where that was that you saw mold?  
 3 A. It was either that one or the one near the  
 4 outside of the 70s. I mean -- yeah.  
 5 Q. And was the mold in the basin of the water  
 6 fountain or around the edge of it?  
 7 A. I think it was around the basin. It was kind of  
 8 scattered.  
 9 Q. What did it look like?  
 10 A. Green.  
 11 Q. Do you know if that was cleaned up?  
 12 A. I don't remember.  
 13 Q. Can you recall any other specific occasion  
 14 before that in which you saw mold in a water fountain?  
 15 A. No.  
 16 Q. Do you know who is responsible at Huntington  
 17 Park Senior High School for cleaning the water fountains?  
 18 A. No. I would assume the janitor, but I am not  
 19 sure.  
 20 Q. You testified on the first day of your  
 21 deposition that a teacher named Mr. Conley made a small  
 22 test to see if there was any metal or rust in the water.  
 23 A. Yeah, from the brown water.  
 24 Q. That was in around July of 1999?  
 25 A. Yeah.

1 Q. Do you know what the results of that test were?  
 2 A. He said there wasn't any.  
 3 Q. He said there was no metal or rust?  
 4 A. Yes.  
 5 Q. Lizette, can you tell me which of the bathrooms  
 6 at Huntington Park Senior High School are used the most  
 7 by students, if you know.  
 8 A. The one in the main building. Well, the one  
 9 that was open. It would be used the most.  
 10 Q. Is that the one on the first floor?  
 11 A. Yes.  
 12 Q. Okay.  
 13 A. And the one in the 30's.  
 14 Q. Those two restrooms are used the most by  
 15 students?  
 16 A. Yeah.  
 17 Q. Are the restrooms at Huntington Park Senior High  
 18 School usually open during lunch when all the students  
 19 are out of classes?  
 20 A. Well, I guess the one in the main building  
 21 hasn't been opened, but --  
 22 Q. Aside from the bathroom in the main building?  
 23 A. And usually the one in the 300 isn't opened, the  
 24 one on the third floor, but most of the time some of them  
 25 are.

1 Like the one in the PE field, in the girl's PE  
 2 locker room isn't open like during lunch because nobody  
 3 is in there, but people aren't really allowed to go to  
 4 the one in the PE field and people aren't really allowed  
 5 to hang out close to the 90s building, or rooms, but the  
 6 only ones that are available during lunch are the ones in  
 7 the 30s and the ones in the 300s sometimes. Sometimes  
 8 they don't let people go up there.  
 9 Q. Are you saying that the bathroom in the 70s  
 10 building is never opened during lunch?  
 11 A. No, it hasn't been opened. I have only been  
 12 there twice.  
 13 Q. You have only been to the bathroom in the 70s  
 14 building twice?  
 15 A. Yes.  
 16 Q. Within what period of time?  
 17 A. Since I have been in high school.  
 18 Q. How are you sure that the 70s building bathroom  
 19 is not open during lunch?  
 20 A. Because they usually close the door in the  
 21 building during lunch. They lock them.  
 22 Q. When is the last time you noticed the 70s  
 23 building was locked?  
 24 A. Probably sometime this semester. I don't know  
 25 really when. In the middle of the semester.

1 Q. Is it your testimony that the bathroom in the  
 2 90s building is closed during lunch?  
 3 A. It is off limits.  
 4 Q. Why is it off limits?  
 5 A. Because people aren't supposed to go towards  
 6 that area during lunch.  
 7 Q. Why not?  
 8 A. Because I guess the administration doesn't want  
 9 people to ditch because that's where people usually go,  
 10 leave through, the parking lot. The bungalows are in the  
 11 parking lot, so --  
 12 Q. Lizette, I think you indicated at one point, I  
 13 believe in the last day of your deposition that your  
 14 science class I believe last year didn't have supplies?  
 15 A. Yes. For eleventh grade.  
 16 Q. That's your chemistry class this year?  
 17 A. Yes.  
 18 Q. Any of your other science classes lack supplies  
 19 that you can remember?  
 20 A. Not to my knowledge.  
 21 Q. The only class, the only science-related classes  
 22 that you have taken which you remember lacked supplies  
 23 was your chemistry class in eleventh grade?  
 24 A. The only one that I know of, but actually  
 25 Mr Conley told us once that it would be really -- because

1 he always told us that he always had like a lot of  
 2 projects in mind, but like the lack of funding and  
 3 like -- because I guess he's always into other chemicals  
 4 and all that stuff, and he would always talk about how  
 5 cool it would be to use a lot of them.  
 6 Q. Let's talk about chemistry class first.  
 7 What supplies do you believe you were lacking in  
 8 chemistry class?  
 9 A. Well, it was basically like I said. Like when  
 10 we do labs, he would cut the class in half because there  
 11 wasn't enough room to do labs and because there wasn't  
 12 enough like tools. And sometimes like the beakers, like  
 13 they get broken or something like that, and he like --  
 14 like there is hardly enough already to be used around  
 15 there. We have to share with other groups.  
 16 Q. Can you tell me what supplies your chemistry  
 17 class didn't have.  
 18 A. Basically beakers, like any of those glass  
 19 things.  
 20 Q. You didn't have any beakers in your chemistry  
 21 class?  
 22 A. Not enough for everybody.  
 23 Q. You didn't have enough beakers for each student  
 24 to have their own beaker?  
 25 A. No. For each group to have their own beaker.

- 1 Q. How many beakers --  
 2 A. For each station.  
 3 Q. How many stations were there in your chemistry  
 4 class?  
 5 A. Seven, I think, or six.  
 6 Q. How many students were there per station?  
 7 A. It is usually three or four. But there's not  
 8 any of those -- I don't know what they are really called,  
 9 but there's like these little plates to put drops and  
 10 stuff like that.  
 11 Q. Like a petrie dish?  
 12 A. Yeah, a petrie dish. There is not enough of  
 13 them. Like we actually had this one lab like two weeks  
 14 ago where we are supposed to test chemicals and like  
 15 their reactivity to each other, and we are supposed to  
 16 jot down like what color they turn, and the petrie dishes  
 17 were white.  
 18 And it was like kind of funny because the  
 19 chemicals, some of them would turn white, so we wouldn't  
 20 be able to tell and we can't really touch them because  
 21 they are kind of toxic.  
 22 Q. Why did the petrie dishes turn white; do you  
 23 know?  
 24 A. No. The petrie dish was white, but the  
 25 chemicals. Like we were supposed to write down notes on

- 1 Q. Like a dropper?  
 2 A. Yeah, a dropper.  
 3 Q. That you use for medicine?  
 4 A. Yeah. And there was this other glass thing, and  
 5 like slides, glass slides. We didn't have enough of  
 6 those for the last lab. And we didn't have these sort of  
 7 weird-looking things. I don't know what they are called.  
 8 But this one kid broke the last one so --  
 9 Q. Do you know how many beakers there were in your  
 10 chemistry class, Lizette?  
 11 A. No.  
 12 Q. Do you know how many petrie dishes there were?  
 13 A. I don't know. Like probably seven or six. I  
 14 don't know. But there are -- like we are supposed to use  
 15 clear ones. Like that like what we were supposed to --  
 16 what it was listed in the project, like in the lab, that  
 17 they are white so --  
 18 Q. In this last lab you did last week, kids were  
 19 broken up into six or seven stations?  
 20 A. Yeah.  
 21 Q. Okay.  
 22 A. The whole class was split in half, and the half  
 23 that did do the lab, they were split into six or seven  
 24 stations.  
 25 Q. Okay. When your half of the class was split

- 1 what color they would turn, and if they turned, we are  
 2 supposed to write down their formula, why they would  
 3 turn, give an explanation.  
 4 So it was kind of hard to determine whether it  
 5 changed color or not because like, first of all, the  
 6 colors were -- they were either yellow, like the  
 7 chemicals were either yellow or clear. And we were  
 8 supposed to write down whether or not they turned a  
 9 different color, so it was kind of like --  
 10 Q. Was that when your chemistry class does labs,  
 11 the class is split into six or seven different stations?  
 12 A. Yes.  
 13 Q. Is it your testimony that there were not -- that  
 14 each station didn't have its own beaker?  
 15 A. Well, some of them are missing like certain  
 16 supplies.  
 17 Q. Some of the stations?  
 18 A. Yes.  
 19 Q. Other than beakers and petrie dishes, are there  
 20 any other supplies that you feel are missing in your  
 21 chemistry class?  
 22 A. Droplets and things.  
 23 Q. What do you mean by "droplets"?  
 24 A. They are like little -- like to put drops on  
 25 things.

- 1 into six or seven stations, did each station have a  
 2 beaker?  
 3 A. No. There were, like I said, there were some  
 4 glass things that we had to use that were missing. And  
 5 there was this one plastic like container that we were  
 6 supposed to use to put water, and it was broken.  
 7 Somebody had to hold it together while we were doing the  
 8 experiment.  
 9 Q. Were you able to do the experiment?  
 10 A. Well, I was the one holding it so I didn't  
 11 really participate much.  
 12 Q. Did your science teacher or your chemistry  
 13 teacher [REDACTED] ever tell you why there were not more  
 14 supplies in that class?  
 15 A. He would just make fun of Mr. Garcia and blame  
 16 it on him.  
 17 Q. Did he ever tell you why your class didn't have  
 18 more supplies?  
 19 A. Because, I don't know. He just -- I don't  
 20 remember.  
 21 Q. What did he say about Mr. Garcia?  
 22 A. Just tell us that -- I don't even remember. He  
 23 always makes these weird jokes. He would just say stuff  
 24 like -- I don't know. I can't really say.  
 25 Q. Were there any stations of students in your



1 chemistry class that were unable to perform the lab?  
 2 A. There was one group that couldn't do it because  
 3 I think there wasn't enough room. It was kind of messed  
 4 up. Like aside from breaking the class in half, like  
 5 there was one group left out, so they were left behind.  
 6 Q. This one group didn't perform the lab?  
 7 A. Well they did. They did it with us because  
 8 there wasn't enough room, so they did it like towards the  
 9 end.  
 10 Q. So they did end up performing the lab?  
 11 A. Eventually.  
 12 Q. Do you recall any of your other science classes  
 13 that you feel lacked science supplies?  
 14 A. Not at the moment.  
 15 Q. Do you feel that the availability of science  
 16 supplies in your classroom affected your grade in  
 17 chemistry?  
 18 A. I think it kind of did because it's like -- it  
 19 got kind of confusing because having to do the lab, like  
 20 having to be cut in half and do the lab like for three  
 21 days, like it's kind of weird, because when one half was  
 22 doing the lab, the other half was doing other work and  
 23 then we would trade the next day, so it got kind of hard  
 24 to keep track of what was going on and what the results  
 25 were and how to put them together and do the lab.

1 [REDACTED]  
 2 [REDACTED]  
 3 Q. How many different labs do you do in your  
 4 chemistry class?  
 5 A. I think we did like three this semester.  
 6 Q. How many last semester?  
 7 A. Probably around three or four. Like he would  
 8 tell us that he would have wanted to do two a month, at  
 9 least two a month, but the lack of supplies didn't let  
 10 us.  
 11 Q. Is this what your chemistry teacher told you?  
 12 A. Yeah.  
 13 Q. He told you that the class couldn't do more labs  
 14 because of lack of supplies?  
 15 A. Yeah. Because there's too many people in the  
 16 class.  
 17 Q. But you have done those seven labs that you can  
 18 remember in your chemistry class; isn't that right?  
 19 A. Yeah. Around seven labs.  
 20 Q. Lizette, can I ask you some more questions?  
 21 A. Uh-huh.  
 22 Q. You indicated in the first day of your  
 23 deposition that one of the things that you would like to  
 24 see at Huntington Park Senior High School are more  
 25 teachers and more qualified teachers.

1 A. Yes.  
 2 Q. Can you tell me what you meant by that?  
 3 A. Well, it is my understanding that a lot of the  
 4 teachers are on emergency credentials and it's like they  
 5 can't really complain. [REDACTED] for example, she would  
 6 be a teacher that has always wanted to complain more to  
 7 the administration, but she's let me know that she kind  
 8 of felt more under pressure since she's on an emergency  
 9 credential.  
 10 Q. [REDACTED]  
 11 A. Yes.  
 12 Q. Okay.  
 13 A. And just basically like the lack of teachers --  
 14 like when I was in tenth grade, when I was in  
 15 Mr. Nordhee's class, just not having had honors work,  
 16 like actually do honors work.  
 17 Q. Are there any other reasons why you feel that  
 18 Huntington Park Senior High School needs more teachers or  
 19 more qualified teachers?  
 20 A. I would assume since we got really low scores in  
 21 the Stanford 9 -- well, I didn't, but like the whole  
 22 school in general, I would assume it was because a lot of  
 23 the teachers are on emergency credentials and there  
 24 aren't really enough teachers to teach.  
 25 Q. What is your understanding of an emergency

1 credential?  
 2 A. They are not basically too qualified, but since  
 3 there is a need for teachers, they get hired anyway.  
 4 Q. Do you know how many, what percentage of  
 5 teachers at Huntington Park senior high are on emergency  
 6 credentials?  
 7 A. I heard the numbers, but they are kind of  
 8 alarming. I can't really remember.  
 9 Q. Is it your understanding that over 80 percent of  
 10 teachers at Huntington Park Senior High School have full  
 11 nonemergency credentials?  
 12 A. I wouldn't be able to say.  
 13 Q. Do you know whether any of your teachers at  
 14 Huntington Park Senior High School would have emergency  
 15 credentials?  
 16 A. I don't know. I don't think they would because  
 17 from my understanding honors teachers aren't supposed to  
 18 be emergency credentialed so --  
 19 Q. Aside from the issue of emergency credentialing  
 20 and your experience in Mr. Nordhee's English class last  
 21 year in tenth grade --  
 22 A. Yes.  
 23 Q. -- are there any other reasons why you want to  
 24 see more teachers or more qualified teachers at  
 25 Huntington Park High School?

1 A. Another example would be my AP history teacher.  
 2 Like he does two AP history classes and an AP -- like  
 3 two -- and an AP government-economics class. And he was  
 4 telling me that he really -- that he doesn't want to do  
 5 it anymore because it is too much work on him, so he was  
 6 trying to look for another teacher who would be willing  
 7 to do it, but he couldn't find one so --

8 Q. You testified, though, that you are not aware of  
 9 any students who wanted to take an AP class that weren't  
 10 able to; is that right?

11 A. Yes.

12 Q. Lizette, I want to kind of quickly go through  
 13 and ask you some questions about some of your teachers,  
 14 okay?

15 A. Uh-huh.

16 Q. I am just going to ask you a simple question. I  
 17 kind of want to see how you would rank your teachers  
 18 anywhere on a scale of 1 to 10.

19 A. Okay.

20 Q. 10 being best and 1 being worst.

21 A. Okay.

22 Q. How would you rank I think it is [REDACTED] He  
 23 was your ninth grade honors teacher.

24 A. Yes.

25 Q. How would you rank him.

1 A. Because he really wasn't stern with the  
 2 students. They would take advantage of them. Like some  
 3 of them would walk out on him. And I think that's why he  
 4 quit.

5 Q. Students would walk out of his class?

6 A. Yeah.

7 Q. Any other reasons why you would give him a 5  
 8 other than him not being stern?

9 A. Well, it was kind of difficult to learn because  
 10 he wasn't -- like he wouldn't really tell people to shut  
 11 up so it was kind of noisy at the time. Like he was  
 12 really nice, but I think he was too nice.

13 Q. You feel that he wasn't forceful enough?

14 A. Yes.

15 Q. How about Ms. Wills? How would you rank  
 16 Ms. Wills?

17 A. Probably a 9 or a 10.

18 Q. And what made her a good teacher for you?

19 A. I just love her teaching skills. She really  
 20 taught really good and she wasn't impatient. Like she  
 21 would help people out when they needed help.

22 Q. What about [REDACTED] who was your science  
 23 teacher in ninth grade?

24 A. A 2 just because he was absent too much and he  
 25 really didn't teach us anything.

1 A. Could you repeat. 10 being the best.

2 Q. On a scale, yeah, of 1 to 10.

3 A. 10 being the best? [REDACTED] probably an 8.

4 Q. Why would you give [REDACTED] an 8?

5 A. Because he was a really good teacher, but just  
 6 kind of getting the cooperationwise, like getting hands  
 7 on things. I think we did -- we went into too much  
 8 detail, and story we only did three stories the whole  
 9 year.

10 One was like the biggest one that we went too  
 11 much into detail into was Romeo and Juliet. It was kind  
 12 of -- it starts out it wasn't boring, but just having to  
 13 look into every single detail was.

14 Like other than that, he was a really good  
 15 teacher. Like he tried to prepare us for the SATs and I  
 16 thought that was really good, by giving us like  
 17 vocabulary words that were like Princeton's one hundred  
 18 top most common SAT words or something.

19 Q. Do you feel that [REDACTED] took an interest in  
 20 the students?

21 A. Yes.

22 Q. How would you rate [REDACTED] who was your  
 23 [REDACTED] teacher in tenth grade?

24 A. Probably a 5.

25 Q. Why would you give him a 5?

1 Q. How often was he absent; do you know? Do you  
 2 remember?

3 A. For weeks, consecutive weeks. He probably was  
 4 there, like in the whole semester, like seven days or  
 5 something. He really wasn't there that much.

6 Q. In the entire semester of your ninth grade year  
 7 [REDACTED] was present for only seven days?

8 A. Approximately. Because there were always  
 9 substitutes.

10 Q. How many substitutes did you have in that class?

11 A. I don't remember. More than five.

12 Q. Do you know why [REDACTED] was absent?

13 A. No.

14 Q. What about [REDACTED]

15 A. An 8 or 7.

16 Q. What made her a good teacher?

17 A. Well, her teaching skills were kind of good, but  
 18 she was kind of absent a lot, too. I think she had like  
 19 health problems or something, or I think she was  
 20 pregnant. I don't remember exactly.

21 Q. What was good about her teaching skills?

22 A. She worried about her students a lot and she  
 23 would like -- she would help us when we needed it. But  
 24 she was just absent too much.

25 Q. Do you recall how often she was absent?

- 1 A. I don't remember.  
 2 Q. What about Mr. Valenzuela, is that right, for  
 3 your geography teacher --  
 4 A. Yeah.  
 5 Q. -- in ninth grade?  
 6 A. A 7 or a 6. I am not really sure.  
 7 Q. Was there something you didn't like about  
 8 Mr. Valenzuela?  
 9 A. We didn't really learn much. Like I didn't  
 10 really learn anything new so -- we just kind of watched  
 11 movies about around the world. I don't know. I didn't  
 12 feel like I really learned much, anything new.  
 13 Q. Did he take an interest in the students?  
 14 A. Yeah. He was kind of -- he was kind of  
 15 forgetful, but he took a bit of interest.  
 16 Q. What about [REDACTED]  
 17 A. 3.  
 18 Q. Want to tell me briefly why you give her a 3?  
 19 A. She didn't really have good -- she was really  
 20 rude. She didn't really teach good. She tried, but she  
 21 was just really impatient and she didn't -- she was just  
 22 real impatient. She didn't really try to communicate  
 23 with the students that good.  
 24 Q. What about [REDACTED]  
 25 A. Probably a 6 or a 7.

- 1 Q. Why would you give him that rate?  
 2 A. Because he was -- well, he didn't really teach  
 3 like the gifted students that much because we would do  
 4 the same work as the regular people, but what was kind of  
 5 nice with him, he would try to get us to teach them, to  
 6 kind of help them out.  
 7 Q. He would try to get gifted students teach other  
 8 students.  
 9 A. Yeah, which I think was kind of good, but I  
 10 don't know.  
 11 Q. Did that help you learn material a little bit?  
 12 A. Not really. But it kind of helped me with my  
 13 people skills, I guess.  
 14 Q. What about Dr. Justice?  
 15 A. Probably like an 8.  
 16 Q. What did you like about Dr. Justice?  
 17 A. He was really -- like he would ask students what  
 18 they felt they lacked in and he would try to help us in  
 19 that area, whatever we thought we didn't know much about  
 20 or wanted to go over.  
 21 Q. He would take an interest in you, in students?  
 22 A. Yeah.  
 23 Q. What about Ms. Weise?  
 24 A. A 9 or a 10.  
 25 Q. What did you like about Mr. Weise? Why was she

- 1 a good teacher for you?  
 2 A. She does -- like when students are absent, she  
 3 helps them during lunch to catch up. But that also kind  
 4 of sucks because the people that aren't absent, if they  
 5 stay to ask her questions, they have to wait until she is  
 6 finished with the people that were absent the day before  
 7 and she's really committed to her students.  
 8 Q. What about Mr. Moody or is it Ms. Moody?  
 9 A. Ms. Moody. Probably like an 8 or 7.  
 10 Q. Why was she a good teacher?  
 11 A. Because she -- I think she kind of tried to deal  
 12 with working with only like one set of books so she -- I  
 13 guess she tried to do her best. She tried to teach good  
 14 and she was -- she was a nice lady.  
 15 Q. Was she also committed to her students?  
 16 A. Yeah. Not as much, but to some degree.  
 17 Q. What about Mr. Conley?  
 18 A. I think 7. Or an 8.  
 19 Q. What about Mr. Conley did you like?  
 20 A. He would teach us stuff, like he would help us a  
 21 lot and he wasn't too committed, but he was to a certain  
 22 degree also, and he just -- he was a nice guy. He let  
 23 people take advantage of him too much.  
 24 Q. What about Mrs. Puri, your world history teacher  
 25 first semester in tenth grade?

- 1 A. I would say an 8 or 9.  
 2 Q. Why was she a good teacher?  
 3 A. I don't know. He's always kind of a radical  
 4 herself. She used to sponsor this one club I really like  
 5 which is women's issues now, kind of like a feminist  
 6 geared group. And she was just really smart and she has  
 7 really good teaching skills.  
 8 Q. What about Mr. Wolf?  
 9 A. A 7.  
 10 Q. Why was he a good teacher?  
 11 A. He wasn't that good, but just because he used to  
 12 argue a lot and like I guess I just kind of liked arguing  
 13 with him, too, because he was kind of a conservative  
 14 republican guy.  
 15 Q. Did he take an interest in the students  
 16 A. Yes, like not too much, but he always -- his  
 17 excuse is he likes to get people to think. He didn't  
 18 have perfect teaching skills, but he was all right.  
 19 Q. Did he ever make you think?  
 20 A. Yeah. A little too much.  
 21 Q. I'm sorry? A little too much?  
 22 A. Yeah.  
 23 Q. What about Mrs. Lam- -- not Mrs. Lambert. What  
 24 about [REDACTED]  
 25 A. 5.

- 1 Q. Why do you give her just a 5?  
 2 A. Because she's too old to teach. I think a lot  
 3 of people, I agree with them, she should retire because  
 4 she's just really forgetful.  
 5 Q. How old is she?  
 6 A. More than 70 or around 70.  
 7 Q. Do you think that teachers around 70 years old  
 8 can still be good teachers?  
 9 A. Well, some of them, but she's just really  
 10 forgetful and it's like she -- like I am pretty sure she  
 11 was a good teacher once when she was younger, but  
 12 sometimes she forgets things and she confuses students so  
 13 it really does get in her way of teaching.  
 14 Q. What about [REDACTED]  
 15 A. 6.  
 16 Q. Why do you give a 6?  
 17 A. Because English is usually my favorite subject  
 18 and he hasn't really given me much of a challenge. He  
 19 really doesn't teach much. All we do is read along to a  
 20 tape. Instead of helping me, I think it really distracts  
 21 me because I can't really concentrate on a book unless I  
 22 read it on my own.  
 23 Q. Did you read any of the books in his class on  
 24 your own?  
 25 A. Most of them. Most of the stories I have to

- 1 Q. Why was he a good teacher for you or is he a  
 2 good teacher for you?  
 3 A. He teaches -- he is frank. He doesn't beat  
 4 around the bush or teaches us things he figures we don't  
 5 need. So he kind of tries to make it easier for us.  
 6 He doesn't really make us go into reading the  
 7 book. Like he just -- he doesn't teach us what he  
 8 doesn't think we need. He's just -- I kind of like his  
 9 frankness.  
 10 Q. It sounds to me like you are saying he has got a  
 11 teaching style that's a little bit nontraditional?  
 12 A. Yeah. Like he -- like I guess the  
 13 administration complains to him about they make teachers  
 14 read now because of Stanford 9 low test scores, so they  
 15 are like forcing teachers, like math teachers, to read  
 16 more.  
 17 Q. To read more to students?  
 18 A. Yeah. It is kind of confusing.  
 19 Q. In class?  
 20 A. Yeah. So he usually just makes us read like one  
 21 paragraph and that's it, so -- because he doesn't figure  
 22 like that we need to read anything we are not going to  
 23 use in chemistry, like in the test or something.  
 24 Q. What about Mr. Miekosz?  
 25 A. A 9.

- 1 take home and read on my own for the exam the next day  
 2 because he usually tests us the next day.  
 3 Q. Did you ever ask [REDACTED] to give you more  
 4 challenging work or challenge you in some other way?  
 5 A. We usually try to make it obvious to him by  
 6 like -- by criticizing a lot, but --  
 7 Q. By criticizing him?  
 8 A. Yeah, but he doesn't do anything. He tells us  
 9 like if we want more work, we can always do more work,  
 10 but it's not that. It's like the work is easy. Like  
 11 anybody can do more work, but it he doesn't really make a  
 12 stink.  
 13 Q. Did you ever do more work in his class other  
 14 than what was required of you?  
 15 A. Well, like on the essays he usually gives us a  
 16 300 word minimum, and I usually try to exceed it. He  
 17 kind of tells us not to exceed it because he doesn't have  
 18 all day to read it so --  
 19 Q. What about -- so you also have Ms. Weise this  
 20 year; right?  
 21 A. Yes.  
 22 Q. She's a good teacher. You like her?  
 23 A. Yes.  
 24 Q. What about [REDACTED]  
 25 A. Probably a 7.

- 1 Q. Why do you give him a 9?  
 2 A. Because I just love the way he teaches. He also  
 3 cuts to the point. Like he just teaches us -- like he  
 4 won't waste the time since we have to go through the  
 5 whole book in like I don't know how many weeks, but we  
 6 don't really have enough time to go into detail into the  
 7 book and take time to read it during class, so he just  
 8 summarizes the whole thing and gives us the key points  
 9 that we should know for the exam.  
 10 Q. You feel that he is committed to his students?  
 11 A. Yeah. He would come and teach us during like  
 12 weekends and he wouldn't even get paid for it so --  
 13 Q. Lizette, I am going to ask you some questions  
 14 about air conditioning at your school, okay?  
 15 A. Okay.  
 16 Q. Have any of your classrooms in eleventh grade  
 17 not been equipped with air conditioning?  
 18 A. Some of them were equipped. Like they were  
 19 equipped, but they would always break down.  
 20 Q. But did every classroom -- was each of your  
 21 classrooms in this current eleventh grade year equipped  
 22 with air conditioning?  
 23 A. Eleventh grade year? They are equipped with air  
 24 conditioning equipment.  
 25 Q. Can you tell me in what classrooms in eleventh

1 grade, if any, the air conditioning broke down at some  
2 point during your eleventh grade year?

3 A. It has probably been like six occasions or five,  
4 actually four or five, four to six occasions when the air  
5 conditioning has broken down in [REDACTED] room.

6 And I think that's like the only precise ones I  
7 can remember because he makes such a big deal about it,  
8 but there is probably like four occasions that it broke  
9 down in the main building with Mr. Miekosz, probably like  
10 three occasions that it broke down with [REDACTED] and  
11 two or three occasions that it broke down with  
12 [REDACTED]

13 Q. And this is over the course of your eleventh  
14 grade year?

15 A. Yes.

16 Q. Over the course of both semesters?

17 A. Yeah.

18 Q. Can you recall when the last time was in  
19 [REDACTED] class that your air conditioning broke?

20 A. I think four weeks ago or something, around  
21 there.

22 Q. That would be around -- after around the  
23 beginning of June?

24 A. Yeah. Like in mid June actually. For like  
25 three or four days, I think, or five. I am not sure.

1 class in March or April?

2 A. Yeah.

3 Q. Do you recall how long that it took to fix the  
4 air conditioning on that occasion?

5 A. I don't remember.

6 Q. Well, do you remember any time in your eleventh  
7 grade year in which it took more than a few days to get  
8 the air conditioning fixed?

9 A. More than a few days?

10 Q. Yeah.

11 A. In my eleventh grade year?

12 Q. Yeah.

13 A. I think in my history class there was like a  
14 time. I think it was probably two months or three months  
15 ago that it took like I think more than a week for it to  
16 get fixed. Because I remember we had the windows open  
17 and it would like usually -- it usually breaks down.  
18 Like you could hear it going. Like it stops by itself or  
19 something.

20 Q. On that occasion about a month or two months ago  
21 in Mr. Miekosz' classroom, do you know how much longer  
22 than a week it took to get the air conditioning fixed?

23 A. No. I can't remember.

24 Q. Other than that one occasion, can you recall any  
25 other occasion in your eleventh grade year in which it

1 Q. You think it took about three days or so to fix  
2 the air conditioning in [REDACTED] class?

3 A. Yeah. I think it was like a week or something.  
4 Because I remember he didn't even come like for like a  
5 day or two because he didn't want to be in the hot room.

6 Q. He just decided not to show up?

7 A. Yeah. Like he would tell us like -- he just  
8 wouldn't teach. If it is hot, he is not going to teach.

9 Q. Do you recall when the occasion before -- the  
10 next occasion before this last time in [REDACTED] class  
11 when the air conditioning broke down?

12 A. Probably in mid semester. A month and a half  
13 ago or something like that.

14 Q. So that would be sometime in mid May?

15 A. Yeah, around there.

16 Q. Do you recall how long the air conditioning was  
17 broken for on that occasion?

18 A. I think three or four days also.

19 Q. What about before that? When was the time  
20 before that; do you remember?

21 A. Like in the beginning of the semester or  
22 something, somewhere around there.

23 Q. When would that be? What time of year?

24 A. Like March. Or April.

25 Q. Was the air conditioning being used in your

1 took more than a few days to repair a broken air  
2 conditioning system in one of your classrooms?

3 A. There were other occasions, but I can't remember  
4 exactly when.

5 Q. You can't recall any specific occasions?

6 A. No.

7 Q. Do you know why on that one occasion a month or  
8 two ago in Mr. Miekosz' classroom it took more than a  
9 week to repair?

10 A. No.

11 Q. What about in your tenth grade year? Do you  
12 recall any occasions in any of your classes in which the  
13 air conditioning system broke down?

14 A. I remember a lot of times in [REDACTED]  
15 classroom where the air conditioning broke down, but I  
16 can't remember exactly when.

17 Q. How many times would you estimate that the air  
18 conditioning broke down in [REDACTED] classroom?

19 A. Well, I wouldn't exactly be able to say when,  
20 but I think it was in my tenth or ninth year, but  
21 somewhere around five times.

22 Q. Any other classes that you can remember in tenth  
23 grade specifically?

24 A. Ms. Wills.

25 Q. Okay.

- 1 A. And there are a couple times when it broke down.  
 2 Q. In Ms. Wills' class?  
 3 A. Yes. And actually can I go back to eleventh  
 4 grade?  
 5 Q. Sure.  
 6 A. Yeah. Ms. Weise, I remember now because there  
 7 was I think an occasion it was more than like four days  
 8 they took to fix, because she would keep her little fan  
 9 on. I think it was a couple weeks ago, four, five weeks  
 10 ago. She would have like a little fan next to her desk  
 11 and another one in the window.  
 12 Q. And on that occasion four to five weeks ago in  
 13 Ms. Weise's class it took longer than four days?  
 14 A. Yes.  
 15 Q. Do you remember how long?  
 16 A. No I can't remember exactly.  
 17 Q. Do you remember the air conditioner breaking  
 18 down in Ms. Weise's class on other occasions?  
 19 A. There were other occasions. I can't remember  
 20 when.  
 21 Q. You can't specifically remember any other  
 22 occasions when in Ms. Weise's class the air conditioning  
 23 broke down?  
 24 A. No.  
 25 Q. Well, in your tenth grade year, I think you

- 1 A. Actually can I go back to tenth grade?  
 2 Q. Yeah.  
 3 A. Because I remember now Dr. Justice, once that it  
 4 broke down, because we went to the -- next to the adult  
 5 school because it was too hot and it was like -- I think  
 6 it was three or four days.  
 7 Q. Do you remember any other occasions in your  
 8 tenths grade year?  
 9 A. Not that I remember.  
 10 Q. What about your ninth grade year? Do you  
 11 remember any occasions in which the air conditioning  
 12 broke down in any of your classrooms?  
 13 A. Well, there were occasions when Mr. Pakraduni.  
 14 I remember he would keep the door open and people would  
 15 walk out.  
 16 Q. Do you remember any specific occasions in  
 17 Mr. Pakraduni's class when the air conditioning broke?  
 18 A. I think it was like for like a week. Yeah, like  
 19 around a week or less than a week. He would keep it open  
 20 because our air conditioning broke down. I don't  
 21 remember exactly when it was.  
 22 Q. Are you positive sitting here today that the air  
 23 conditioning in Mr. Pakraduni's class was broken for a  
 24 week?  
 25 A. A little less than a week. Around a week.

- 1 indicated that the air conditioning broke in Ms. Wills'  
 2 class a couple of times and it may have broken in  
 3 [REDACTED] class in either ninth grade or tenth  
 4 grade.  
 5 A. Yeah.  
 6 Q. Do you remember any other classes in tenth grade  
 7 in which the air conditioning system broke?  
 8 A. I remember Mr. Nordhee. There were a couple  
 9 times, like three times. And I remember there was this  
 10 one time. It took really long to get it fixed.  
 11 Q. How long do you remember it taking in  
 12 Mr. Nordhee's class?  
 13 A. More than a week.  
 14 Q. Why does that stick in your memory?  
 15 A. Because there was this one little kid that was  
 16 really annoying and he would sit like next to me and he  
 17 would be like -- like he would exaggerate a lot of things  
 18 and I just remember him bugging me.  
 19 Q. Do you remember that air conditioning breaking  
 20 down in any other classrooms in tenth grade?  
 21 A. Not specifically.  
 22 Q. What about in ninth grade? Do you have any  
 23 specific recollection of the air conditioning breaking in  
 24 any of your classes other than perhaps with respect to  
 25 [REDACTED]

- 1 Q. How are you so sure that it was a week?  
 2 A. Because I remember people walking out and just  
 3 like screaming obscenities and just leaving because it  
 4 was too hot.  
 5 Q. Could it have been less than a week?  
 6 A. Not less than three days or four.  
 7 Q. But it could have been around three or four  
 8 days?  
 9 A. Around four days.  
 10 Q. Okay. Do you remember any other occasions in  
 11 your ninth grade year in which the air conditioning broke  
 12 down other than this time in Mr. Pakraduni's class?  
 13 A. I remember there was one time. Like I remember  
 14 one time in [REDACTED] class because we were watching  
 15 the Romeo and Juliet movie and it was really hot.  
 16 Q. How long did the air conditioning stay broken in  
 17 that class? Do you remember?  
 18 A. I don't remember.  
 19 Q. Do you remember any other specific occasions of  
 20 ninth grade?  
 21 A. No.  
 22 Q. Do you know why it usually takes three to four  
 23 days to fix the air conditioning at your school?  
 24 A. No.  
 25 Q. Do you think that your education has been

1 impaired or impeded because of the air conditioning  
2 breaking down occasionally at Huntington Park Senior High  
3 School?

4 A. Yeah.

5 Q. How? Can you tell me?

6 A. Well, like I said, [REDACTED]nce -- he  
7 wouldn't teach if it was hot because he said it was just  
8 a waste of time. If people weren't going to pay  
9 attention because it's too hot and they are going to get  
10 sleepy or distracted with the heat, so he doesn't really  
11 bother to teach.

12 And he has this philosophy where if he keeps the  
13 room temperature at 70 -- he says 40 degrees. Sometimes  
14 I believe him. He says if he keeps it cool enough,  
15 nobody is going to be able to sleep in his class so they  
16 are going to be forced to pay attention.

17 Q. [REDACTED] said he wants to keep the air  
18 conditioning system at 40 degrees?

19 A. Yeah.

20 Q. Does he keep the air conditioning that low, do  
21 you think?

22 A. No, but sometimes it is kind of unbearable.

23 Q. Unbearably cold?

24 A. Yeah.

25 Q. Have you complained to him about that?

1 A. It was kind of common I remember in my freshman  
2 year because it wasn't really like a surprise to anybody.

3 Q. It was more common in your freshman year than in  
4 your sophomore and junior years?

5 A. I don't remember about my sophomore year that  
6 much, but in my junior year, it hasn't broken down too  
7 much compared to my freshman year.

8 Q. Have you found it difficult to concentrate in  
9 your classes when the air conditioning system breaks?

10 A. Yes.

11 Q. Are there any things that your teachers do to  
12 try to alleviate the heat?

13 A. Like I said, [REDACTED] puts a wet towel on his  
14 head.

15 Q. Are there any things the teachers do for the  
16 students?

17 A. Put down the windows and open the doors to the  
18 hallways.

19 Q. Do you have ceiling fans in any of your  
20 classrooms?

21 A. No.

22 Q. Do you think that your grades have been  
23 negatively affected because of the fact that the air  
24 conditioning system breaks down periodically?

25 A. Well, yeah. Like I feel like my education has

1 A. Yeah.

2 Q. What does he say?

3 A. "I don't care." It is not his problem. If we  
4 don't like it, he can rent us out a coat for five cents a  
5 millisecond or something like that.

6 Q. Do you ever bring a sweater to his class?

7 A. Yeah. Every day.

8 Q. You indicated that you thought your education  
9 was impaired by the malfunctioning air conditioning  
10 because [REDACTED] didn't show up I think on that one  
11 occasion four weeks ago?

12 A. Yeah. He didn't show up for two days, one or  
13 two days. And sometimes he just doesn't teach if the air  
14 conditioning breaks down. He just gets a wet towel and  
15 puts it on his head and puts his face on the desk or  
16 something.

17 Q. Any other ways that you can think of in which  
18 your education has been impaired by a broken air  
19 conditioning system?

20 A. Well, sometimes it is kind of like unbearable  
21 and it just makes people sleepy. It makes me sleepy, so  
22 it is kind of distracting and it kind of gets frustrating  
23 sometimes.

24 Q. Do you think it is normal that the air  
25 conditioning systems break down, though?

1 been affected, so I mean if my learning has been  
2 affected, I feel like that certainly has a connection  
3 with my grades.

4 Q. Are there any grades that you think have been  
5 specifically affected by air conditioning?

6 A. Just test grades. Sometimes like lack of not  
7 being able to concentrate on lectures or something.

8 Q. Whenever the air conditioning system breaks in a  
9 class, do you always get sleepy?

10 A. Most of the time.

11 Q. And you find it too difficult to concentrate  
12 when the air conditioning system breaks?

13 A. During the summer mostly.

14 Q. What time of year, if you can remember, is the  
15 air conditioning used at Huntington Park Senior High  
16 School?

17 A. Mostly during the summer.

18 Q. Like what months?

19 A. In the spring. Probably -- well, it kind of  
20 depends. Because the weather has been kind of weird.  
21 But like when I was in C track, it was mostly I remember  
22 mostly being used during the summer, and that's when it  
23 usually breaks down, but I would assume during the spring  
24 and the summer.

25 Q. Are you aware of any policies or procedures that

1 are in place at your school for having the air  
2 conditioning systems repaired?

3 A. No. I have heard some students complain once,  
4 though, about the air conditioning in their room. I  
5 don't know who they were. I was kind of behind them in  
6 the lunch line. And they were talking about how some  
7 dust or something like blurted out of the air  
8 conditioning vents.

9 Q. Do you recall any occasions on which it took  
10 less than three or four days to fix a broken air  
11 conditioning system in the classroom?

12 A. Specifically, no.

13 Q. When the air conditioning system breaks in the  
14 classroom, will some of your teachers have a whole class  
15 in different areas of the campus?

16 A. Yeah. [REDACTED] sometimes like during that  
17 kind of strange -- when it was kind of cloudy like a  
18 month ago or something, when the air conditioning broke  
19 down, like he took us down to the cafeteria.

20 Q. That was how long ago?

21 A. Like a month ago or something.

22 Q. Was it cool in the cafeteria?

23 A. A little.

24 Q. Does the cafeteria have air conditioning?

25 A. No. It is like -- it is outside.

1 Q. Is it covered?

2 A. Yeah. It is right under the 300 building. It  
3 is like the first floor, but it doesn't have any walls or  
4 anything.

5 Q. How long did you receive instruction there from  
6 [REDACTED]?

7 A. I think it was like two or three days.

8 Q. Can you recall any exams that you feel you did  
9 poorly on because of a broken air conditioning system?

10 A. Specifically, no.

11 Q. Can you recall any standardized tests that you  
12 did poorly on because of a broken air conditioning  
13 system?

14 A. I remember there was one time like in my  
15 sophomore year when I was taking it that it was kind of  
16 hot, but I don't remember if it was -- actually I think  
17 it was broken down, but I think that's the only specific  
18 time I can remember.

19 Q. Did you do poorly on that test?

20 A. No.

21 Q. Is it fair to say, then, the air conditioning  
22 system didn't -- if the air conditioner was broken, it  
23 didn't affect your performance on the test?

24 A. It was kind of distracting. I think those tests  
25 are kind of easy, but I don't know about the other

1 students. A lot of them get really bad grades.

2 Q. When was the last time you remember the air  
3 conditioning breaking down in [REDACTED] class this  
4 year?

5 A. I think it was around like in the middle of the  
6 semester.

7 Q. Middle of the second semester?

8 A. Yes.

9 Q. What time of year would that be? Again, if you  
10 can remember. Would that be around --

11 A. That would be two months ago, so --

12 MS. CHECEL: May?

13 THE WITNESS: Yeah. May.

14 BY MR. CHOATE:

15 Q. Do you remember how long it took to fix it?

16 A. I don't remember.

17 Q. What about the time before that with [REDACTED]  
18 Do you remember when it broke? Can you recall  
19 specifically?

20 A. Probably the beginning of the semester.

21 Q. Are you kind of guessing or do you specifically  
22 really remember that occurring?

23 A. I really remember it, but I am not sure if it  
24 was -- yeah. It was like in the first month, around the  
25 first month.

1 Q. Do you recall how long that it took to fix it  
2 that time?

3 A. I can't really remember.

4 Q. What about the -- do you recall the air  
5 conditioning system breaking down in [REDACTED]'s class  
6 on any other occasion?

7 A. Not that I can really recall.

8 Q. What about [REDACTED] class? Do you  
9 remember the last time the air conditioning system broke  
10 in his class?

11 A. I think it was in the middle, like probably like  
12 a month or two ago.

13 Q. So sometime in May?

14 A. May or June.

15 Q. Do you remember how long that took to fix?

16 A. I think like three days or four.

17 Q. Are you sure or are you just --

18 A. I am kind of estimating.

19 Q. What about before that? When was the other --  
20 do you recall any other occasions when the air  
21 conditioning broke in [REDACTED] class?

22 A. There were a lot of occasions on like the prior  
23 semester.

24 Q. Do you recall the last time before a month ago  
25 that the air conditioning system broke in [REDACTED]



1 class?

2 A. The only thing I can remember is when we were

3 reading *The Great Gatsby* which was the last semester and

4 while we were reading *White Fang*.

5 Q. And that was in your first semester of eleventh

6 grade?

7 A. Yeah.

8 Q. Do you recall how long it took to repair that

9 air conditioning?

10 A. Yeah.

11 Q. Can you recall any other occasion other than

12 those two occasions specifically?

13 A. No.

14 Q. What about in Mr. Miekosz' class? Do you recall

15 when the last time was?

16 MS. CHECEL: Objection. Asked and answered.

17 BY MR. CHOATE:

18 Q. Was the last time it broke in Mr. Miekosz' class

19 the time two months ago when it took around a week to

20 fix?

21 A. I think so.

22 Q. What about before that? Do you remember the

23 occasion before that?

24 A. I think it was around the same time. I am not

25 sure if it was the same week, because I remember when we

1 were practicing for the AP test. But other than that, it

2 had to be sometime last semester.

3 Q. Okay. You can recall one time this semester

4 or --

5 A. Two times, but I am not sure if it's the same

6 occasion.

7 Q. Okay. All right. So the two times that you can

8 recall this semester may actually be just that one

9 occasion a month ago; is that right?

10 A. It could be, but I am not sure.

11 Q. What about last semester? Do you remember

12 specifically last semester the air conditioning breaking

13 in his class?

14 A. Yeah. Actually I think there was an occasion

15 sooner probably three or four weeks ago when we were

16 watching this video, like the history of rock and roll or

17 something, video and it probably lasted like two or three

18 days.

19 Q. Can you remember any occasion specifically in

20 Mr. Miekosz' class last semester when the air

21 conditioning broke down?

22 A. Specifically, no.

23 Q. So the only specific occasions you can remember

24 in his class are the time maybe three weeks ago when you

25 were watching a movie and the time four weeks ago?

1 A. Yeah. And actually the weekend one I think was

2 a different occasion, because it was when we were

3 preparing for the AP test, so it had to be like more than

4 a month ago or something.

5 Q. Do you recall how long ago it took to fix that

6 time?

7 A. I don't remember.

8 Q. Can you recall any other specific occasions in

9 Mr. Miekosz' class?

10 A. Not at the moment.

11 MR. CHOATE: Let's take a break. Off the

12 record.

13 (Recess taken.)

14 MR. CHOATE: Let's go back on the record.

15 Q. Lizette, are you aware of any students who don't

16 have a textbook to use in class or to take home in any

17 classes other than the ones you are taking this year?

18 A. I was aware of a couple of students in my

19 freshman year that I used to hang out with in C track,

20 but I really can't remember what their names were.

21 Q. Aside from the classes that you are taking?

22 A. Yeah. They weren't in my class. They were just

23 people I used to hang around with.

24 Q. Aside from those two students in your freshman

25 year, do you know of any other students who don't have

1 textbooks to take home or use in the classes?

2 A. Not that I can remember at the moment.

3 Q. Okay.

4 A. But there were a couple students.

5 Q. Do you know what classes those students had?

6 A. No. I think they were just students. I really

7 can't remember.

8 Q. But other than those two students, you can't

9 specifically recall any other students who didn't have

10 textbooks to use in class or take home at Huntington Park

11 High School?

12 A. Specifically remember, no.

13 Q. I think you testified in one of your other --

14 one of the other days in your deposition that last year

15 one of your classes met in the auditorium while the

16 classroom was being painted?

17 A. Yes.

18 Q. Do you know what class that was?

19 A. AP U.S. history.

20 Q. I'm sorry, what class?

21 A. AP U.S. history.

22 Q. That's with Mr. Miekosz'?

23 A. Yeah.

24 Q. You took Mr. Miekosz this year?

25 A. Excuse me. I'm sorry. Well, from last year? I

1 am kind of confused. But yeah. The year before that, my  
2 sophomore year, we met with Dr. -- was it Dr. Justice? I  
3 think it was Dr. Justice. I think we were forced to meet  
4 there for like one day.

5 Q. You met in the auditorium for one day?

6 A. Yeah.

7 Q. Do you know why you met in the auditorium?

8 A. Because somebody got the place where we were  
9 meeting at.

10 Q. Why weren't you meeting in the classroom?

11 A. Because they were going to paint it.

12 Q. So you were out of your classroom with  
13 Dr. Justice for just that one day?

14 A. No. It was for like a week.

15 Q. But only one of those days was in the  
16 auditorium?

17 A. Yeah. The other -- the other, the rest of the  
18 days we were meeting outside like near the corner of  
19 Randolph and -- I can't remember what the other street is  
20 called. I can't remember what the other street is  
21 called. They were meeting at one of the corners where  
22 there's like a lot of noise also.

23 Q. There is a lot of noise also where?

24 A. Where we were meeting, because it was like in  
25 these lunch benches next to the adult school. I think it

1 nowhere to write. We had to get folders. It was just  
2 kind of noisy.

3 Q. Do you feel that affected your grade in the  
4 class?

5 A. Well, it affected my learning experience there.

6 Like I said, his lectures really help you in the exam  
7 because he covers most of the stuff that will come out on  
8 the exam, and just not being able to hear him was kind of  
9 distracting, that and him having to get everybody  
10 organized into their seats.

11 Q. Could you not hear him at all in the auditorium?

12 A. It was kind of difficult to hear him. Like you  
13 would miss things because other people, other classes  
14 would be making noise.

15 Q. Do you think that affected your grade meeting  
16 there for three days?

17 A. Well, it affected my test grade for sure.

18 Q. It did affect your test grade?

19 A. Yeah. Well, for that chapter, whatever chapter  
20 it was.

21 Q. How do you know it affected your test grade?

22 A. Because like I said, his lectures really do help  
23 a lot. Since he does cover what is going to be on the  
24 test and not being able to hear him kind of does affect  
25 what you hear.

1 was the Title 1 office.

2 Q. What about in the auditorium? Was that a bad  
3 experience meeting there?

4 A. Yeah. It was really noisy. There were I think  
5 three or four other classes meeting there.

6 Q. That was the only day you met there, though;  
7 right?

8 A. With Dr. Justice, yes.

9 Q. Did you meet in the auditorium in any other  
10 classes?

11 A. Yes. That was with Mr. Miekosz.

12 Q. That's because the class was being painted?

13 A. Yeah.

14 Q. For how long did you meet in the auditorium with  
15 Mr. Miekosz' class?

16 A. I think it was for like three days, four. I am  
17 not sure.

18 Q. Were other classes meeting in the auditorium at  
19 that time?

20 A. Yes.

21 Q. Were their classes also being painted?

22 A. Yeah.

23 Q. Did that interfere with your ability to learn,  
24 do you think, meeting in the auditorium?

25 A. Yeah. I think it was noisy and there was

1 Q. Did you ever ask him for help with those  
2 chapters outside of class?

3 A. No, because I usually ask him for help, like  
4 because usually he has his classroom. Like we could go  
5 in his class during lunch at nutrition, but since it is  
6 being painted, there is to way to find him.

7 Q. There is no way to find him?

8 A. We aren't really allowed to go into the  
9 teacher's lunch room so -- I wouldn't know where he would  
10 hang out.

11 Q. Did you study those chapters at home on your own  
12 time?

13 A. Yeah.

14 Q. But you are positive that being in the  
15 auditorium is what made you do poorly on the test?

16 A. Yeah. I think it did affect me.

17 Q. Could it have been something else?

18 A. It could have been other things that affected  
19 me, but not being able to hear him does affect you in one  
20 way or another.

21 Q. Did you ever ask him in the auditorium to repeat  
22 what he was saying because you didn't hear?

23 A. Yeah.

24 Q. And did he?

25 A. Yeah. Well, some of the stuff.

1 Q. I think you indicated that in your English class  
2 in tenth grade, there were two students or so who didn't  
3 have a chair for a period of time in the beginning of the  
4 class?

5 A. Yes.

6 Q. And they had to go and get chairs to sit on each  
7 day?

8 A. Yes.

9 Q. Approximately how long did it take them to get  
10 their chairs; do you know?

11 A. Probably 5 to 10, 15 minutes. It depended  
12 because like, for example, I had to go look for a chair I  
13 think the first or second day of school. And I remember  
14 it was kind of hard for me to find a chair because the  
15 teachers would be like -- actually I think it would be  
16 the second day of school the teachers would complain  
17 saying we didn't give them their chairs back, that they  
18 need them there.

19 Q. In terms of the length of time that it took to  
20 get the first student to go out and get a chair and come  
21 back, that would be like 5 to 10 minutes?

22 A. 5 to 15 minutes.

23 Q. During that time in which the students were  
24 getting chairs, was the teacher providing instruction to  
25 the class?

1 A. It is offered through school, but it is like a  
2 program that you take enrichment classes elect during the  
3 off time period during the summer. And I think they  
4 offer it at elect, and it is just something that other  
5 tracks aren't really able to enjoy.

6 Q. Has attending a multi-track school affected or  
7 impaired or impeded your education in any other ways you  
8 can think of?

9 A. Just having to -- just there being -- it's kind  
10 of difficult -- like in the clubs also. It gets kind of  
11 difficult for people to run for office for certain clubs  
12 because there's only one period that people could run for  
13 office.

14 Q. Do you feel that your grades in any of your  
15 classes were impaired or -- let me withdraw that.

16 Do you think that you received poor grades in  
17 any of your classes because you attend a school that  
18 operates on a multi-track calendar?

19 A. Yes, because like I said before, like when I was  
20 in C track when the air conditioning would mostly break  
21 down, it would be during the summer during my freshman  
22 year and sometimes the heat was unbearable. Or other  
23 tracks like A track, they get to take the summer off, so  
24 they don't have to go through that.

25

1 A. Sometimes.

2 Q. Sometimes yes and sometimes no?

3 A. Yes.

4 Q. Do you recall any specific occasions on which  
5 the teacher didn't teach anything for those 5 to 15  
6 minutes?

7 A. Yes. Well, specific occasions, no. It would  
8 kind of vary sometimes.

9 Q. But you don't recall any specific occasions?

10 A. No.

11 Q. Do you feel that your education has been  
12 impaired or impeded because you attend a school that  
13 operates on a multi-track calendar?

14 A. Yes.

15 Q. How? Can you tell me?

16 A. I guess as I mentioned before, it's just kind of  
17 difficult. Like when I was on C track, it was difficult  
18 to get into programs, different programs that were  
19 offered during the summer for A track, such as like --  
20 kind of like I think it's called the Hymie Escalante  
21 program.

22 Q. Is that something that is offered outside of  
23 school?

24 A. Yeah.

25 Q. It is not something that's offered by --

1

2

3 A. I can't remember exactly, but I know -- I mean  
4 the heat does affect your learning capabilities.

5 Q. Do you think that in schools that operate on a  
6 traditional calendar, the air conditioning ever breaks  
7 down during school?

8 A. I am sure it does break down at one point or  
9 another, but I guess when I said before when you asked me  
10 when, what is the time period that the air conditioning  
11 breaks down more, and it is during the summer and other  
12 schools don't have school during the summer so they don't  
13 have -- they have less times when the air conditioning  
14 breaks down.

15 Q. Other than the air conditioning breaking down  
16 periodically -- let me withdraw the question.

17 Other than with some problems with the air  
18 conditioning, is there anything else about attending a  
19 multi-track school that you feel impairs or impedes your  
20 ability to learn?

21 A. Just their having the lack of books. Like I  
22 said before, when we had to wait in my freshman year,  
23 when we had to wait for B track to go off track so we  
24 could get their books. Just the overcrowdedness is -- it  
25 is obvious there is overcrowding. There is too many

1 students for that school because there wouldn't be, you  
2 know, the track system if there wasn't. So it's just --

3 Q. Do you think there are too many students at any  
4 one particular time at your school?

5 A. Yeah. Basically when C track and A track are  
6 together, like the lunch -- the bathroom lines get really  
7 big. You have to wait for like ten people or seven to  
8 ten people to use the bathroom.

9 Q. How has attending a multi-track school affected  
10 your ability to learn other than with I think you  
11 mentioned something about books in your ninth grade year  
12 and air conditioning?

13 A. It is so overcrowded. And like I said, the  
14 programs that are offered during the summer that aren't  
15 offered for other tracks, just the overcrowdedness, the  
16 overcrowded halls, and it's just that's pretty much it.

17 Q. Do you feel that you have gotten low test scores  
18 at Huntington Park Senior High School because the school  
19 operates on a multi-track calendar?

20 A. I think I could have. Like I said, the lack of  
21 books. I am pretty sure in my U.S. history class, if I  
22 had another book, I am pretty sure it would have helped  
23 me greatly.

24 Q. Why do you think that?

25 A. Because like I said, it would help me. You

1 A. Can you repeat that question.

2 Q. Do you think there is something about attending  
3 school on a year round basis --

4 A. What would a year round basis be?

5 Q. do you attend school year round?

6 A. I am not really sure what "year round" means.

7 Q. Do you think that students learn more at a  
8 traditional calendar school that operates on a nine-month  
9 basis?

10 A. Yes. I feel like they are more prepared. For  
11 example, in the AP exams they have more time to practice,  
12 like to meet with their teachers, and they have an  
13 opportunity to do good on the APs, whereas A track is  
14 deprived of a couple months of instructional time. Like  
15 we have two months that we don't meet when they do, you  
16 know.

17 Q. Do you think that students who attend  
18 traditional calendar schools do better on AP exams than  
19 students who attend multi-track schools?

20 A. I am pretty sure they do because, like I said,  
21 the teachers don't have to meet. Like Mr. Miekosz didn't  
22 have to meet with us on weekends; yet he did because he  
23 didn't feel like we covered enough. You know, he didn't  
24 have time enough to cover enough, to cover all the  
25 material he needed to cover.

1 know, the more material you read, you know, the more it  
2 sticks to your head. You know, getting different  
3 perspectives of different events would certainly help me  
4 remember things. And just pretty much -- I don't know.  
5 That's all I can think of right now.

6 Q. Your school has a library, doesn't it?

7 A. Yes.

8 Q. There are history books in the library?

9 A. Not the history book that the teacher  
10 recommended.

11 Q. Are there any other history books in the  
12 library?

13 A. Not that I know of.

14 Q. Did you ever use the library at your school?

15 A. Not recently.

16 Q. Why not?

17 A. Because most of the teachers -- the only teacher  
18 that tells us to go to the library is my homeroom  
19 teacher, and the book I am reading now at the moment I  
20 bought on my own, so I haven't really had a use for the  
21 library.

22 Q. Let me ask you a different question.

23 Do you think there is something about attending  
24 school year round in and of itself that makes for bad  
25 education?

1 Q. Have you ever compared data on how students at  
2 traditional calendar schools do on AP tests versus  
3 students on multi-track schools?

4 A. No.

5 Q. Has attending a school like Huntington Park  
6 Senior High School that operates on a year-round basis,  
7 has that do you think prevented you from concentrating in  
8 the class?

9 A. Well, where it is overcrowded, where there is  
10 too many students I feel like it does.

11 Q. Has it prevented you from concentrating in your  
12 class?

13 A. Yes.

14 Q. Any of your classes?

15 A. Yes. With the overcrowdedness of students.

16 Q. What of your classes have been overcrowded?

17 A. Well, like I said, my English class in tenth  
18 grade. And there's a lot -- there is like 37 students in  
19 my Spanish class. And it's just there's -- there is  
20 around 40 students in my math class. And it just gets  
21 really noisy and like the teachers don't even correct  
22 work too early or, you know, have time to meet with  
23 students and, you know, really get to kind of like keep a  
24 relationship with them or anything like that.

25 Q. Do you think students in classes in traditional

1 calendar schools are all smaller than classes at your  
2 school?  
3 A. I wouldn't really know because I have never  
4 really gone to one.  
5 Q. Lizette, we have talked about a lot of  
6 conditions at your school. Are there any other  
7 conditions at your school other than what we have talked  
8 about over the last three days that you feel deprive you  
9 of an adequate education?  
10 A. Not that I can remember.  
11 Q. You have told me everything?  
12 A. To what I can recall.  
13 Q. Which of the conditions at your school that we  
14 have talked about over the last three days do you  
15 consider to be the worst in terms of impeding your  
16 education?  
17 A. I would say it would have been just the  
18 horrendous bathroom conditions.  
19 Q. You think the conditions in the bathrooms are  
20 the conditions that have impeded your education more than  
21 any other conditions?  
22 A. Well, actually the lack of teachers.  
23 Q. Do you feel your education has been impaired by  
24 a lack of teachers?  
25 A. Yeah. Like credentialed teachers. I said my

1 problems, haven't had too many problems with textbooks.  
2 Q. Any other conditions that you can think of that  
3 are not as serious as others in your opinion?  
4 A. No, not that I can think of.  
5 Q. If you could fix one thing first at your school,  
6 what would it be?  
7 A. Adding -- what I would have done, instead of  
8 having had Home Depot built next door, I would have had a  
9 school built there. I would have had extended the school  
10 so there could be more room and be more teachers.  
11 Q. Do you know whether the school district or the  
12 state owned that property that Home Depot is built on?  
13 A. No, but I know a lot of people objected to  
14 having it built. I know a lot of people in leadership  
15 objected to having the Home Depot built.  
16 Q. If there was one thing you could change at your  
17 school, it would be that the Home Depot would not be  
18 built next door?  
19 MS. CHECEL: Objection. Mischaracterizes the  
20 testimony.  
21 BY MR. CHOATE:  
22 Q. If there was one thing you could fix at your  
23 school, what would it be?  
24 A. That I would have had a school built. I would  
25 have had the school increased, like more classrooms in

1 Spanish teacher is kind of senile.  
2 Q. I think you testified that you didn't know  
3 whether any of your teachers were on emergency  
4 credentials?  
5 A. Yeah, but I am just saying, you know, like I  
6 mean like her classroom is overcrowded. I am pretty sure  
7 it is overcrowded because there is not enough other  
8 teachers to split the room in half or something and it's  
9 just --  
10 Q. How do you know that? Did somebody tell you  
11 that or is that just a guess?  
12 A. I would assume. I mean why would people put 37  
13 students in one classroom?  
14 Q. There were 37 students in your Spanish class?  
15 A. Well, I kind of estimated.  
16 Q. The bathrooms and the teachers are the two  
17 conditions that you think are the most problematic for  
18 you?  
19 A. Yes.  
20 Q. Which of the conditions at your school that we  
21 have talked about do you feel would be the least serious  
22 compared to the others?  
23 A. It's kind of difficult to tell. I don't really  
24 feel like there should be that many problems. I guess  
25 textbookwise, like I personally haven't had that many

1 the school instead of having -- instead of there being  
2 the Home Depot. Like --  
3 Q. I'm sorry?  
4 A. I would have had the school enlarged or  
5 something.  
6 Q. So if there was one thing to change about your  
7 school --  
8 A. Make it bigger.  
9 Q. -- it would be somehow to make it bigger?  
10 A. Yeah.  
11 Q. What would be the next thing you would fix?  
12 A. Probably the bathrooms and the teachers.  
13 Q. The bathrooms and teachers?  
14 A. Yeah.  
15 Q. Would you do one before the other? Would you  
16 fix one of those problems before the other one?  
17 A. Probably the teachers.  
18 Q. So you would first make the school bigger. You  
19 would then have more teachers and then you would fix the  
20 bathrooms?  
21 A. Yeah.  
22 Q. What would you do next?  
23 A. Probably provide more supplies, more school  
24 supplies, like have people clean the rooms every day and  
25 sweep the floors every day or something.

1 Q. If there were limited resources available, what  
2 would you fix first at your school? If there wasn't  
3 enough money to fix everything, what would you fix first?

4 A. The bathrooms. I would probably make them more  
5 like South Gate bathrooms.

6 Q. What is South Gate?

7 A. South Gate High School bathrooms.

8 Q. Have you ever been to South Gate High School?

9 A. Yeah. They have like automatic flushers and  
10 they have tile on the walls.

11 Q. Are there any bathrooms with automatic flushing  
12 toilets in your school?

13 A. No. Not that I am aware of. I have never been  
14 to the teachers' bathrooms, but I heard they are really  
15 nice, especially Garcia's.

16 Q. Why do you think that Mr. Garcia's bathroom is  
17 nice?

18 A. Because my friend used to work there. He told  
19 me it was like all fancy.

20 Q. Can you tell me all the good qualities that your  
21 school has?

22 A. Soccer team makes the finals since it started.

23 Q. Is that it? Can you think of anything else?

24 A. Some of the teachers are really good. And I  
25 hear we have -- we are like one of the only -- not the

1 the summer, but during the soccer season, because they  
2 hardly water.

3 Q. Do you think that's impaired your ability to get  
4 an education?

5 A. In a way it does because it kind of makes it  
6 more dangerous. Like because I have been to other  
7 schools and they actually have grass because I am goalie,  
8 so when I throw myself, it's kind of more painful. And  
9 like when people run back and forth, there's dust all  
10 over the place. I don't know if it's hazardous, but --

11 Q. Other than the conditions at your school, do you  
12 think that there is anything else that might interfere  
13 with your ability to get an education?

14 A. Not that I am aware of.

15 Q. What are you going to do when you graduate from  
16 high school?

17 A. Go on to college. Actually I think -- I was  
18 thinking of taking a year off to get into internship, a  
19 MAP internship.

20 Q. A MAP internship?

21 A. Well, that's what it's called. It is basically  
22 just like getting hooked up with grass roots  
23 organizations around the country and just developing more  
24 leadership skills.

25 Q. What does MAP stand for?

1 only -- school that has a guitar class.

2 And actually another thing I would do for the  
3 school would be like offer more classes because I feel --  
4 I heard other schools actually provide like driver's ed  
5 classes and that would be really cool.

6 Q. Does your school Huntington Park Senior High  
7 School offer driver's education?

8 A. No.

9 Q. Are you positive?

10 A. Almost positive. I have never really heard  
11 anything about anything like that.

12 Q. Have you asked anybody in administration whether  
13 they offer driver's education?

14 A. I asked my teacher once, Mr. Sandoval. He said  
15 no.

16 Q. What are the other good qualities of your school  
17 that you can think of?

18 A. I hear we have a good band.

19 Q. Good band?

20 A. Marching band. I think they make the finals,  
21 too, or something, but that's pretty much all I can think  
22 of.

23 Q. You can't think of anything else?

24 A. No. Oh, another thing I would do, too, would be  
25 to add more grass during the summer. Well, not during

1 A. I am not sure.

2 Q. You are thinking of doing that for a year after  
3 you graduate?

4 A. Yeah. Well, actually not a year, but during the  
5 winter. Like I am going to try to apply during the  
6 spring sessions.

7 MR. FRIEDMAN: Is that a map class internship?

8 THE WITNESS: No. It is MAP.

9 BY MR. CHOATE:

10 Q. Are you planning on going to college after the  
11 internship?

12 A. Yeah, during the spring.

13 Q. Do you know where you want to apply?

14 A. Occidental.

15 Q. Have you looked at any other colleges?

16 A. Yeah. Probably UCLA or USC.

17 Q. Do you feel that Huntington Park Senior High  
18 School has prepared you to go to college?

19 A. Some of the teachers do.

20 Q. Do you feel prepared to go to college?

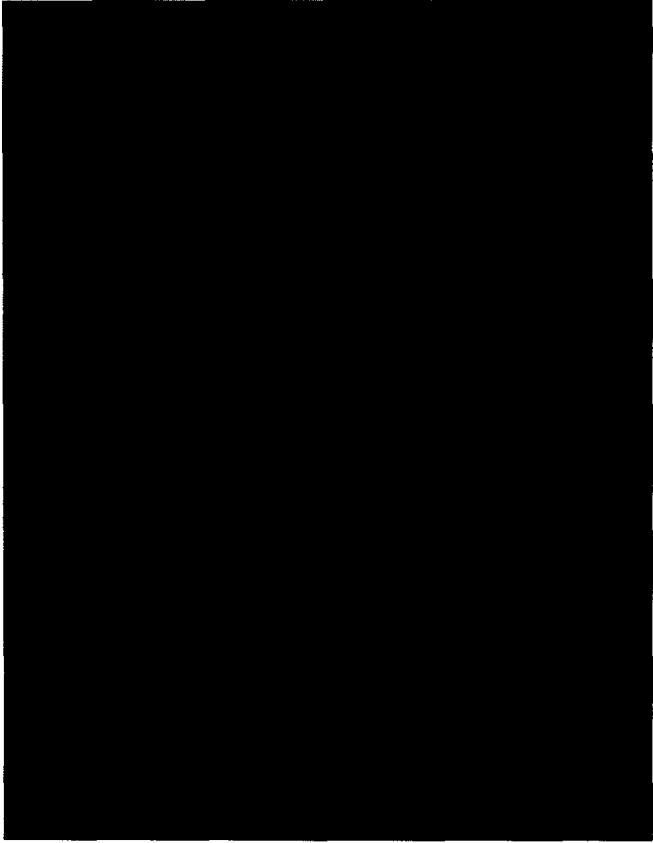
21 A. A little.

22 Q. Do you feel unprepared to go to college?

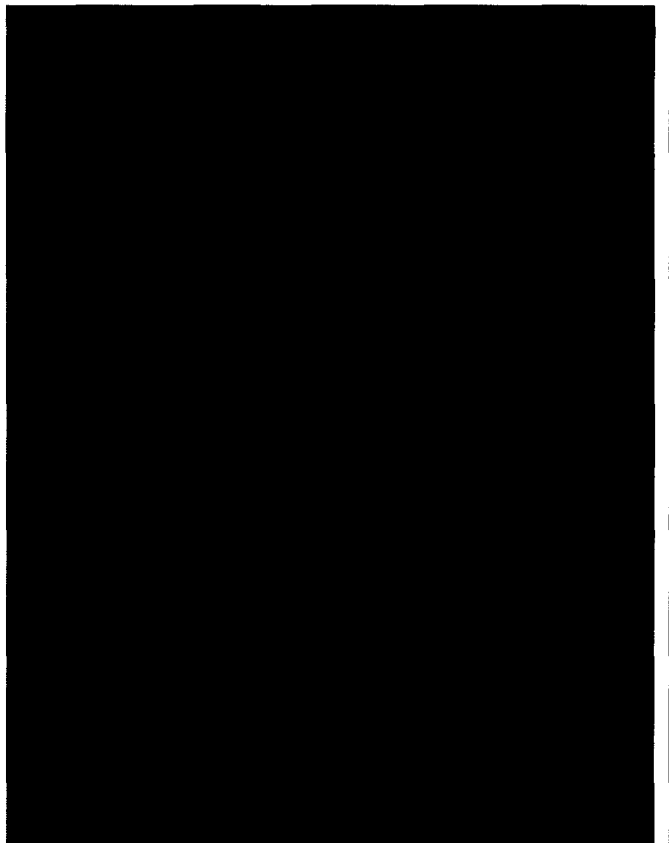
23 A. No.

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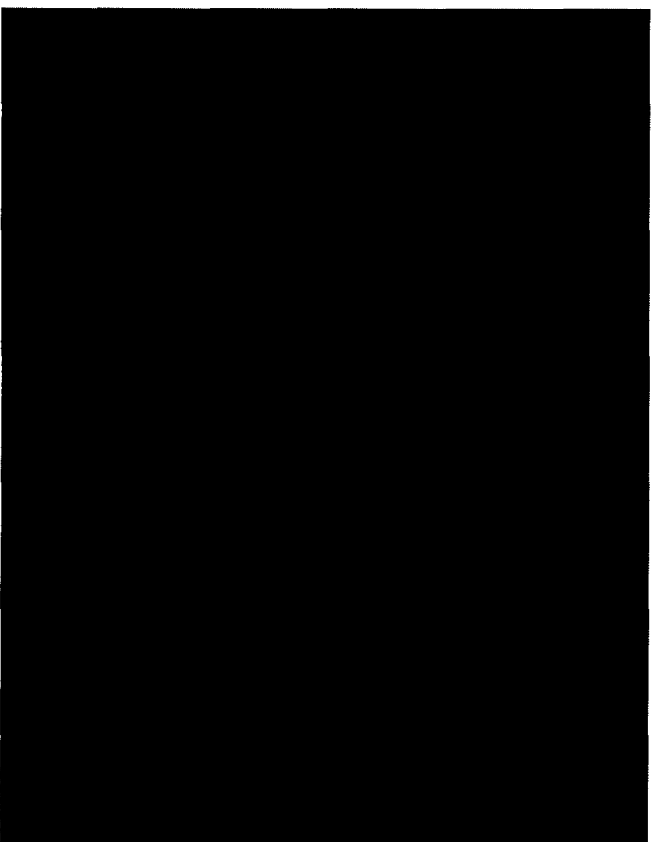
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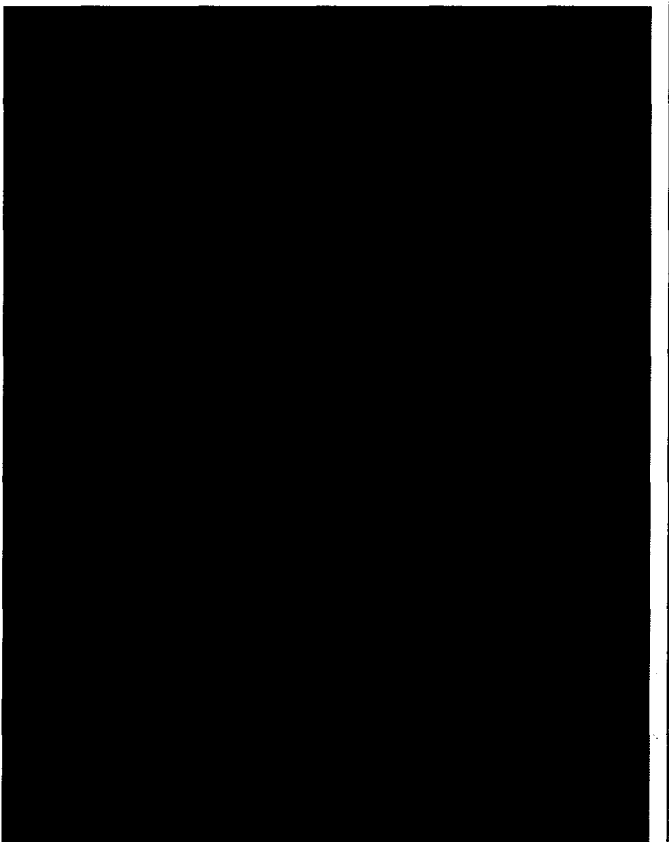
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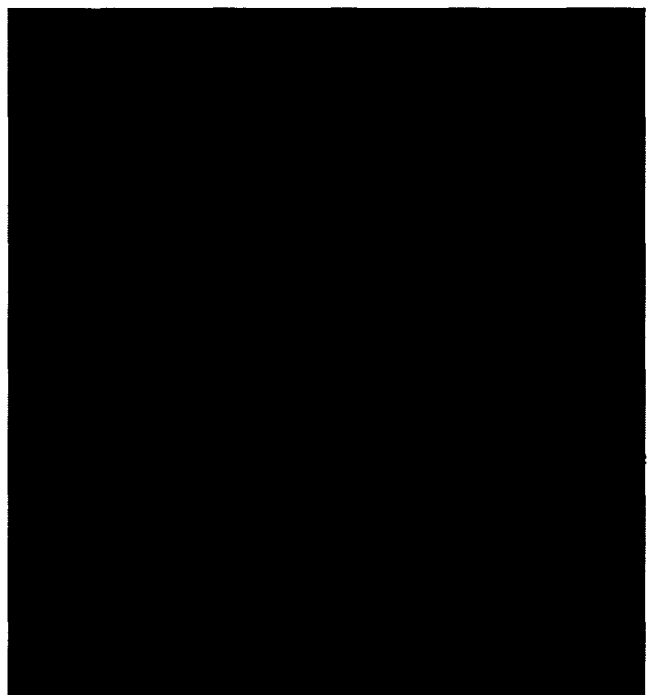


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1 telling me the substance of any communications with your  
2 lawyers, do you know whether your parents communicate  
3 with your lawyers?  
4 MS. CHECEL: Objection. I am going to instruct  
5 not to answer based on the attorney-client privilege.  
6 MR. CHOATE: I am not seeking the substance of  
7 any communications. I just want to know whether she  
8 knows whether her parents have spoken or not with her  
9 lawyers.  
10 MS. CHECEL: She can answer that, but not any of  
11 the content of the communications.  
12 MR. CHOATE: Yeah.  
13 Q. I don't want to know any of the content of the  
14 communications. I just want to know whether, in fact,  
15 your parents communicate with your lawyers?  
16 A. Not to my knowledge.  
17 Q. Do your lawyers send information to you at your  
18 home that apprises you of the status of this lawsuit?  
19 MS. CHECEL: Objection. That does contain  
20 communications that are attorney-client privilege and I  
21 will instruct not to answer.  
22 BY MR. CHOATE:  
23 Q. How do your lawyers keep you apprised of the  
24 status of the lawsuit without telling me what they say  
25 and without telling me the substance of the

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22 Q. Can you tell me the role that your parents are  
23 playing in this lawsuit?  
24 A. I don't know.  
25 Q. Do you know whether your parents, without

1 communications?  
2 A. Through communications.  
3 Q. I'm sorry? Without telling me the substance of  
4 any communications between you and your lawyer, between  
5 your parents and your lawyer, can you describe for me how  
6 your lawyers keep you apprised or your parents apprised  
7 of the status of the lawsuit?  
8 A. How they keep me informed?  
9 Q. Yeah.  
10 A. Through speaking with them and they send me  
11 letters.  
12 Q. Do they send letters to your parents; do you  
13 know?  
14 A. They send them letters, but I don't read them.  
15 Q. Do you know if your parents read them?  
16 A. Yes.  
17 Q. They do?  
18 A. I would assume.  
19 Q. Do you ever, without telling me -- well, do you  
20 discuss this lawsuit with your parents frequently?  
21 A. I talk to them about the lawsuit, but not very  
22 frequently.  
23 Can I take a break?  
24 Q. Do you want some more water?  
25 A. Yeah.



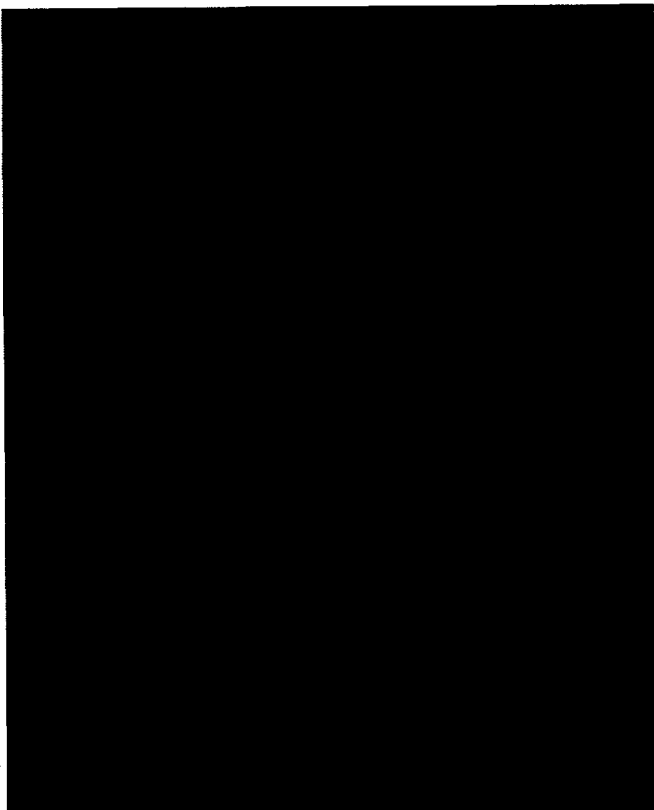
1 MR. CHOATE: Let's go off the record.  
 2 (A discussion was held off the record.)  
 3 MR. CHOATE: Back on the record.  
 4 Q. Lizette, I have noticed that today and the other  
 5 two days of your deposition, your parents haven't been  
 6 present at the deposition. Is there a particular reason  
 7 why they chose not to come to your deposition?  
 8 A. Because they work.  
 9 Q. I want to ask you a quick question about the  
 10 first time you had contact with lawyers from the ACLU in  
 11 this case. I believe you testified --  
 12 MS. CHECEL: Just so you know, I am going to  
 13 have a running objection that anything that deals with  
 14 the contents of the communications, I am going to  
 15 instruct her not to answer.  
 16 MR. CHOATE: That's fine.  
 17 MS. CHECEL: Even if somebody at the community  
 18 organization was present.  
 19 MR. CHOATE: That's fine. I am not going to ask  
 20 about the content of any discussions.  
 21 Q. I think you indicated that you first met with  
 22 attorneys from the ACLU at the Community for a Better  
 23 Environment?  
 24 A. Communities for a Better Environment.  
 25 Q. Communities for a Better Environment sometime in

1 July of 2000; is that correct?  
 2 A. I presume.  
 3 Q. Is that the meeting that Yuki -- on that  
 4 occasion did Yuki tell you that ACLU attorneys would be  
 5 coming to speak to students at the Communities for a  
 6 Better Environment?  
 7 A. Yes.  
 8 Q. At the meeting that took place with the  
 9 students -- well, first of all, let me withdraw that.  
 10 How many students were present at the meeting?  
 11 Can you tell me?  
 12 A. Four or five. Well, students and graduates from  
 13 high school.  
 14 Q. There were about four to five students and  
 15 graduates from Huntington Park High School?  
 16 A. Yeah, actually about four or five.  
 17 Q. There were about four or five students?  
 18 A. Yes.  
 19 Q. Was anybody else present?  
 20 A. No.  
 21 Q. Did some of those students decide not to become  
 22 involved in this lawsuit?  
 23 MS. CHECEL: Objection. Calls for speculation.  
 24 BY MR. CHOATE:  
 25 Q. If you know.

1 A. I don't know.  
 2 Q. Any of the students that were present at that  
 3 meeting, are they plaintiffs in this lawsuit?  
 4 A. I know one, but --  
 5 Q. Who is that person?  
 6 A. Hamon Hernandez.  
 7 Q. Is he a plaintiff also?  
 8 MS. CHECEL: Objection. Calls for legal  
 9 conclusion. She can answer if she knows.  
 10 THE WITNESS: I don't know.  
 11 BY MR. CHOATE:  
 12 Q. What school does Hamon Hernandez go to?  
 13 A. Huntington Park High School.  
 14 MR. CHOATE: I have no further questions at this  
 15 time.  
 16  
 17 EXAMINATION  
 18 BY MR. FRIEDMAN:  
 19 Q. I will pick up almost right where Mr. Choate  
 20 left off. Are your parents involved to any extent in  
 21 Huntington Park High School activities?  
 22 A. No.  
 23 Q. Do you know or recall if they attended -- is  
 24 there such a thing as back-to-school night or open house  
 25 at Huntington Park?

1 A. Yes.  
 2 Q. Do they attend those events?  
 3 A. Not regularly.  
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1 Q. Have you found subjects that you have taken in  
2 school where you were excited about the subject matter?  
3 Forget about the teachers, but the subject matter  
4 interested you?  
5 A. French did.  
6 Q. English I think I have heard you say before?  
7 A. Yeah, English. Math did.  
8 Q. You find you are better in classes where the  
9 subject matter is of some interest to you?  
10 A. Not always.  
11 Q. It's not a uniform code; huh?  
12 A. No.  
13 Q. Have you given any thought to what you would  
14 like to major in when you do get to college?  
15 A. Law.  
16 Q. Big mistake.  
17 A. I don't think so.  
18 MR. FRIEDMAN: Off the record. You find  
19 yourself sitting in a room all day long. Let's go back  
20 on the record.  
21 THE WITNESS: I would like to use it as a tool  
22 in organizing.  
23 BY MR. FRIEDMAN:  
24 Q. I hope a tool for good, not for bad; right?  
25 A. Yeah.

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22  
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25

1 [Redacted]  
2 [Redacted]  
3 [Redacted]  
4 Q. I think I have got a pretty good understanding  
5 of your feelings about [Redacted] relative to French.  
6 Do you think that relative to the grade in  
7 French 1B, which was [Redacted], and grade in French 2A [Redacted]  
8 [Redacted] that those grades are attributed entirely to  
9 [Redacted] skills or lack of skills in teaching the  
10 class?  
11 A. Yes.  
12 [Redacted]  
13 [Redacted]  
14 [Redacted]  
15 [Redacted]  
16 [Redacted]  
17 [Redacted]  
18 [Redacted]  
19 Q. Returning to intercoordinated science for a  
20 moment, do you have an interest in science?  
21 A. Sort of an interest.  
22 Q. What do you mean by "sort of an interest"?  
23 A. Like I always liked experiments, but kind of  
24 that's about it. I just do experiments is my favorite  
25 thing.

1 Q. I don't mean for this question to be insulting  
2 at all, but do your parents speak English?  
3 A. A little bit.  
4 Q. I have heard your testimony in our past days  
5 together. You have mentioned all the schools you have  
6 attended is some form of year-round calendar; correct?  
7 A. Yes.  
8 Q. I think you mentioned also that you have learned  
9 about other schools on traditional calendar through a  
10 friend or friends, that you mentioned in particular I  
11 think Michelene Miramontes who told you about a visit to  
12 Azusa High School that she made?  
13 A. Yeah, "Mike-a-lena" Miramontes.  
14 Q. Michelena, I'm sorry.  
15 Has anyone ever mentioned visits to other school  
16 campuses that sound attractive?  
17 A. Well, she had just mentioned like Covina High  
18 and Azusa High. I have talked to other cousins, I don't  
19 know what school they go to, that are really nice or they  
20 have gone to schools in Whittier that are really nice. I  
21 don't know. Well, one school I know, Whittier.  
22 Q. Do you remember where that school was?  
23 A. No.  
24 MR. CHOATE: Do you know whether that school was  
25 a multi-track school.

1 THE WITNESS: I don't think so. I don't think  
2 they have multi-tracks over there.  
3 BY MR. FRIEDMAN:  
4 Q. Have you for any reason visited any of the other  
5 high school campuses in Los Angeles Unified School  
6 District?  
7 A. Yeah. I have been to Bell High school and South  
8 Gate High School.  
9 Q. Just in terms of their physical appearance, did  
10 they look good to you?  
11 A. South Gate did. It was really clean, nice.  
12 Like I said before, they had tiles on the walls. They  
13 had like automatic flushers and they had the hand dryers,  
14 automatic hand dryers.  
15 Q. When you talk about tiles on the walls, is that  
16 in the restrooms?  
17 A. Yeah. And the campus was just clean in general.  
18 And Bell on the other hand was just kind of horrible.  
19 It's like really caved in. It's really packed. It's  
20 kind of small and like it was like there is nothing nice.  
21 It was kind of worse. It looked worse in appearance than  
22 Huntington Park.  
23 Q. So far the schools that we have made reference  
24 to in the last few minutes are either in Los Angeles  
25 Unified School District or fairly close in the Los

1 Angeles County area. Have you seen or talked to anyone  
2 who has seen any high school campuses outside the  
3 Los Angeles area?  
4 A. Not that I can remember.  
5 Q. I want to refer to that eleventh grade AP  
6 history class where we were missing -- I guess you  
7 missing a blue book, the blue book. What we are  
8 referring to is the blue book. Outside of the -- well,  
9 strike that.  
10 If I understand you correctly, on C track when  
11 you are in eleventh grade, there were two AP history  
12 classes; is that correct?  
13 A. Yes.  
14 Q. And they were taught by the same teacher,  
15 Mr. -- how does he pronounce his name?  
16 A. Actually could you repeat that.  
17 Q. Sure. When you took eleventh grade AP history,  
18 this was on C track; correct?  
19 A. No. A track.  
20 Q. I'm sorry?  
21 A. A track.  
22 Q. A track, all right. And while you were taking  
23 that AP history class, there was also an additional one  
24 additional AP history class on the track?  
25 A. Yes.

1 Q. And it was taught by the same teacher?  
2 A. Yes.  
3 Q. And that's Mr. Miekosz?  
4 A. Miekosz.  
5 Q. Miekosz. How does he spell that?  
6 A. M-i-e-c-k-o-s-z. I am not sure about that.  
7 Q. I'm sorry I asked. And if I understand  
8 correctly, both of Mr. Miekosz' classes, those two AP  
9 history classes, did not have the blue book; is that  
10 correct?  
11 A. In both of Mr. Miekosz' classes didn't have the  
12 blue book.  
13 Q. If I also understand correctly, the other AP  
14 history classes, at least that you are familiar with, on  
15 the other tracks had the blue book?  
16 A. Yes.  
17 Q. Do you have any idea during your eleventh grade  
18 year how many other AP history classes that were on other  
19 tracks?  
20 A. From what I was informed, one in each track.  
21 Q. And insofar as you know from your friends, they  
22 had the blue book; is that correct?  
23 A. Yes.  
24 Q. Do you know who was teaching those classes?  
25 A. I know Mr. Goldberg was teaching it in B track.

1 And in C track I am not sure. I don't remember the name.  
2 Q. If I understood you earlier today, the AP test  
3 results have not come in yet; is that correct?  
4 A. I haven't gotten mine.  
5 Q. I should know that because my daughter is  
6 waiting for test results, too.  
7 What was the grade that you got in that AP  
8 history class?  
9 A. A [REDACTED] but I am not sure what I got this semester.  
10 Hopefully a [REDACTED]  
11 Q. The grades aren't in yet for this semester?  
12 A. Well, I didn't really go the last week and they  
13 usually tell us our grades so I am not really sure.  
14 Q. So you didn't go the class week because --  
15 A. Well, it was kind of pointless because the  
16 grades were due Monday so all my teachers gave me my  
17 finals the week prior, so there was really nothing to do  
18 that week.  
19 Q. Except to get an education just for the fun of  
20 it?  
21 A. Well, they were just going to watch movies and  
22 do nothing so I just went to work with my dad instead.  
23 MR. FRIEDMAN: I don't have any other questions.  
24 MS. CHECEL: I just have a couple of brief  
25 questions.

## EXAMINATION

1 BY MS. CHECEL:

2 Q. You talked about studying. When do you usually  
3 study at home?

4 A. When everybody is usually asleep.

5 Q. Is it noisy at that time?

6 A. No.

7 Q. Then I want to ask you questions about  
8 intercession. When you were on C track did you take  
9 intercession classes?

10 A. Yes. I took them, I took enrichment in  
11 intercession classes.

12 Q. Are intercession offered to B track students?

13 A. I don't think so because B track usually -- it  
14 is kind of confusing with them because they start the  
15 next year right after they end the last year. Like they  
16 only have three days apart from when they end one school  
17 year to start another, so they wouldn't be able to -- I  
18 don't think they would be able to make up the last  
19 semester of whatever year they just finish.

20 Q. And you just testified that your mom and dad  
21 don't usually go to back-to-school night and open house.  
22 Do you know why they don't attend those functions?

23 A. Well, because my dad is usually the one that  
24 goes, but he says that he already knows what they are  
25

1 takes me an hour to do homework and study.

2 Q. And when do you do that?

3 A. It ranges, but most of the time I usually do it  
4 after everybody goes to sleep.

5 Q. So do you typically not study between the time  
6 you get out of school and the time your family members go  
7 to sleep?

8 A. Not typically. Like not -- hardly ever.

9 Q. Hardly ever. You mean you hardly ever study  
10 during the period after school and the time at which your  
11 family members go to sleep?

12 A. Yes.

13 Q. You said that you didn't think that B track  
14 students could take intercession classes at Huntington  
15 Park Senior High School. Do you know for sure whether  
16 they can or not, though?

17 A. B track students do have intercession, but from  
18 what I know, they don't take it during like -- like in  
19 the end of the school year.

20 Q. But B track students are provided intercession  
21 at Huntington Park; is that correct?

22 A. Only for the first semester.

23 Q. Is it true they are provided intercession at  
24 your school?

25 A. Only for the first semester.

1 going to tell them about me so he says he doesn't have  
2 time because he works.

3 MS. CHECEL: I don't have any further questions.

4 MR. CHOATE: I just have a couple questions.

## FURTHER EXAMINATION

5 BY MR. CHOATE:

6 Q. Lizette, you just testified that you study at  
7 home after everyone goes to sleep?

8 A. Yes.

9 Q. What time does everyone in your family go to  
10 sleep?

11 A. Around 10:00.

12 Q. So you begin studying at 10:00 o'clock?

13 A. Yes, most of the time. Like the stuff when I  
14 have to study for an exam, I usually study after  
15 10:00 o'clock.

16 Q. And how long do you typically study when you  
17 start studying at 10:00 o'clock?

18 A. For Mr. Miekosz' exams it usually ranges from an  
19 hour to two.

20 Q. Do you typically study every night from  
21 10:00 o'clock to 11:00 to 12:00?

22 A. Yes. Well on exam days, but other days  
23 sometimes I begin my homework and end -- it usually  
24  
25

1 Q. And they are not provided intercession during  
2 the second semester?

3 A. I don't think so.

4 Q. What makes you think that?

5 A. Well, they only have a three-day period between  
6 when they end one school year and they start the other,  
7 so they would only be able to make up the first half a  
8 semester in the new year.

9 Q. Well, B track students during a given school  
10 year have approximately four months, off don't they?

11 A. Excuse me?

12 Q. During a given school year, B track students are  
13 in school for approximately eight months?

14 A. Yes.

15 Q. And they are on vacation for approximately four  
16 months?

17 A. Yes, in total.

18 Q. And do you know how that time is divided up for  
19 B track students?

20 A. I am not really -- I don't really know exactly.  
21 But it's like the two last months of the school year and  
22 the two first months of the school year and then they get  
23 two months off. And then they get another four months  
24 off. I mean they start for another four months and then  
25 they take two months off.

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1 Q. So they take off between Christmas around  
 2 December. In June they have two months off; isn't that  
 3 right?  
 4 A. Can I borrow your pen and make a chart? I am  
 5 confused.  
 6 MS. CHECEL: Uh-huh.  
 7 THE WITNESS: Can we go off the record?  
 8 BY MR. CHOATE:  
 9 Q. We don't need to go off the record. That's  
 10 okay. Lizette has anybody in the administration ever  
 11 told you that students on B track receive less  
 12 intercession opportunities than students on other tracks?  
 13 A. My friend did. My neighbor.  
 14 Q. Your neighbor?  
 15 A. Yes.  
 16 Q. Who is your neighbor?  
 17 A. Crystal Glowski.  
 18 Q. Does Crystal attend Huntington Park Senior High  
 19 School?  
 20 A. Yes.  
 21 Q. Other than Crystal, has anybody told you  
 22 students on B track receive less intercession  
 23 opportunities than students on other tracks?  
 24 A. Not that I can remember.  
 25 MR. CHOATE: Actually I have no further

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1 questions.  
 2 MR. FRIEDMAN: No questions.  
 3 MR. CHOATE: I have no further questions.  
 4 MS. CHECEL: No further questions.  
 5 MR. FRIEDMAN: Someone want to recite a  
 6 stipulation?  
 7 MR. CHOATE: Yeah. Can we go off the record for  
 8 a second.  
 9 (A discussion was held off the record.)  
 10 MR. CHOATE: Can we go back on the record.  
 11 May we stipulate that the original of this  
 12 deposition be signed under penalty of perjury; that the  
 13 original be delivered to the office of Ms. Checel no  
 14 later than Monday, July ninth; that the court reporter is  
 15 relieved of liability for the original of the deposition;  
 16 that the witness will have until July 18th to sign and  
 17 correct the deposition; and that Ms. Checel will notify  
 18 all parties in writing of any changes to the deposition.  
 19 And if there are no such changes communicated or  
 20 signature within that time, then an unsigned, uncorrected  
 21 copy may be used for all purposes as a signed and  
 22 corrected copy.  
 23 MS. CHECEL: So stipulated.  
 24 MR. FRIEDMAN: So stipulated.  
 25 MR. CHOATE: All right. Off the record.

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1 (Whereupon at the hour of 4:45 P.M., the  
 2 deposition was adjourned.)  
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1 STATE OF CALIFORNIA )  
 2 ) ss  
 3 COUNTY OF LOS ANGELES )  
 4 I, LIZETTE RUIZ, hereby  
 5 certify under penalty of perjury under the laws of the  
 6 State of California that the foregoing is  
 7 true and correct.  
 8 Executed this day of ,  
 9 2001, at , California.  
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 14 LIZETTE RUIZ  
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1 STATE OF CALIFORNIA )  
2 ) ss

3 COUNTY OF LOS ANGELES )

4 I, SYLVIA P. SHEAR, CSR #3010, in and for  
5 the State of California do hereby certify:

6 That, prior to being examined, the  
7 witness named in the foregoing deposition was by me duly  
8 sworn to testify the truth, the whole truth, and nothing  
9 but the truth;

10 That said deposition was taken down by me  
11 in shorthand at the time and place therein named, and  
12 thereafter reduced to typewriting under my direction, and  
13 the same is a true, correct and complete transcript of  
14 said proceedings.

15 I further certify that I am not  
16 interested in the event of the action.  
17 WITNESS MY HAND this 9th day of July, 2001.

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\_\_\_\_\_  
Certified Shorthand Reporter  
for the State of California