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

--oOo--

ELIEZER WILLIAMS, et al.,)

)

Plaintiffs,)

)

vs.)

No. 312 236

)

STATE OF CALIFORNIA, DELAINE)

EASTIN, STATE SUPERINTENDENT OF)

PUBLIC INSTRUCTION, STATE)

DEPARTMENT OF EDUCATION, STATE)

BOARD OF EDUCATION,)

)

Defendants.)

)

AND RELATED CROSS-ACTION.)

)

DEPOSITION OF
SHANE SAFIR

Thursday, October 11, 2001
Volume I (Pages 1 - 153)

REPORTED BY: CYNTHIA A. PACINI, CSR #6117
RMR, CRR

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(No Exhibits Marked.)

1 Beverly Boulevard, Los Angeles, California 90026-5752,
2 represented by CATHERINE E. LHAMON, Attorney at Law,
3 appeared as counsel on behalf of the Plaintiffs.

4 O'MELVENY & MYERS, LLP, 400 South Hope Street,
5 Los Angeles, California 90071-2899, represented by
6 MICHAEL T. ROSENTHAL, Attorney at Law, appeared as
7 counsel on behalf of the Defendants.

8 Also Present: BROOKS M. ALLEN - Lawyers'
9 Committee for Civil Rights of the San Francisco Bay Area
10 --oOo--

11 EXAMINATION BY MR. ROSENTHAL

12 MR. ROSENTHAL: Q. Good morning, Ms. Safir.
13 My name is Michael Rosenthal and I represent the State
14 of California in this case.

15 Can you please just state and spell your name
16 for the record, please.

17 A. Sure. It's Shane Safir, S-h-a-n-e S-a-f-i-r.

18 Q. Great. Thank you. Have you had your
19 deposition taken before?

20 A. No.

21 Q. Okay. As your attorney probably told you a
22 little bit about anyway, the process is I'm going to ask
23 you a series of questions and basically you're going to
24 provide to me some answers. And seated to my right is a
25 court reporter, who will be transcribing everything that

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

3 --oOo--

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8 STATE OF CALIFORNIA, DELAINE)
9 EASTIN, STATE SUPERINTENDENT OF)
10 PUBLIC INSTRUCTION, STATE)
11 DEPARTMENT OF EDUCATION, STATE)
12 BOARD OF EDUCATION,)

13)
14 Defendants.)

15 AND RELATED CROSS-ACTION.)

16 --oOo--

17 BE IT REMEMBERED that, pursuant to Subpoena,
18 and on Thursday, October 11, 2001, commencing at 9:11
19 p.m. thereof, at O'Melveny & Myers, LLP, 275 Battery
20 Street, San Francisco, California, before me, CYNTHIA A.
21 PACINI, a Certified Shorthand Reporter, personally
22 appeared

23 SHANE SAFIR

24 called as a witness by the Defendants, who, having been
25 first duly sworn, was examined and testified as follows:

26 --oOo--

27 ACLU FOUNDATION OF SOUTHERN CALIFORNIA, 1616

1 we say here today. And at the end of the process,
2 you'll receive a copy of the transcript and will have an
3 opportunity to make any changes that you think are
4 necessary.

5 Do you understand that?

6 A. Um-hum.

7 Q. And do you understand that if you do make any
8 changes to the transcript, that any attorney in this
9 case can comment on those changes at trial or at other
10 proceedings.

11 You understand that?

12 A. Sure.

13 Q. Great. Also -- and to make sure we have a
14 clear record, it's helpful if you give verbal answers to
15 the questions that I ask. It's difficult for the court
16 reporter to get things down like a nod of the head or
17 shaking your head.

18 A. (Witness nods head.)

19 Q. So to the extent you can give verbal responses,
20 that's helpful, and I'm sure if I forget to remind you,
21 Catherine will make sure you do.

22 Do you understand that?

23 A. Yes.

24 Q. Okay. Great. And also to ensure that we have
25 a clean record, it's helpful if only one of us is

1 speaking at a time. So to the extent possible, if you
2 can let me finish my question before answering, I'll try
3 to give you the same courtesy and allow you to finish
4 your answer before beginning my next question.

5 Do you understand that?

6 A. Yes.

7 Q. I'm not always perfect, but I'll try my best.
8 Also, if at any point you don't understand a question
9 that I ask, just let me know and I can try and rephrase
10 it for you. But if you answer my question, I'm going to
11 assume that you understood it; is that okay?

12 A. Um-hum. Yes.

13 Q. Also, if I ask you a question and you don't
14 know the answer to it, I don't want you to guess at the
15 answer, but if you can give me your best estimate, that
16 would be helpful.

17 Do you understand that?

18 A. Yes.

19 Q. Also, if you need a break at any point, if you
20 want a drink, want to go to the restroom or anything
21 like that, just let me know, we can take a break.
22 Usually, our practice has been to go an hour and I know
23 we're stopping at 2:00 o'clock today.

24 MS. LHAMON: That's right.

25 MR. ROSENTHAL: Q. And the only thing I ask is

1 A. No.

2 Q. Any medication you're on that would affect your
3 ability to remember things?

4 A. No.

5 Q. Any disability you suffer that --

6 A. No.

7 Q. -- would affect your ability to remember?

8 A. No.

9 Q. Great. Are you represented by an attorney --

10 A. Yes.

11 Q. -- at this deposition?

12 A. Yes.

13 Q. Can you tell me who that is?

14 A. Ms. Catherine Lhamon.

15 Q. Do you have an understanding as to when that
16 representation began?

17 A. That representation began a couple months ago.

18 Q. Can you tell me approximately what month?

19 A. What is it? October. I would guess August.

20 Q. August of 2001?

21 A. Approximately.

22 Q. Do you have an understanding as to -- strike
23 that.

24 Can you tell me what you did to prepare for
25 this deposition today?

1 if I have a question pending, if you can give me an
2 answer to the question, we can take a break at that
3 point.

4 Do you understand that?

5 A. Yes.

6 Q. Great. Also, during the day, we'll be covering
7 various topics and lots of information and so sometimes
8 it's difficult to remember everything at once. If at
9 some point during the day you remember something that
10 was responsive to a question I asked you earlier in the
11 day, you just let me know. We can go back to that area
12 and you can give me whatever additional information you
13 remembered.

14 A. Okay.

15 Q. Do you understand that?

16 A. Yes.

17 Q. Do you have any questions about any of these
18 ground rules?

19 A. No.

20 Q. Okay. Is there any reason why you would be
21 unable to give your best testimony today?

22 A. No.

23 Q. Have you consumed any alcohol --

24 A. Absolutely not.

25 Q. -- in the recent past?

1 A. Nothing.

2 Q. Did you review any documents before coming to
3 the deposition today?

4 MS. LHAMON: I'm going to instruct you not to
5 answer the questions that go to the content of our
6 conversations or any documents that I've given you. But
7 if you reviewed any documents separate from the meeting
8 with me, you should answer the question.

9 THE WITNESS: I glanced at my own declaration.
10 That's all.

11 MR. ROSENTHAL: Q. Did you review anybody
12 else's declaration?

13 A. No.

14 MS. LHAMON: Same instruction.

15 THE WITNESS: Sorry.

16 MS. LHAMON: Go ahead.

17 MR. ROSENTHAL: Q. Did you have any meetings
18 with your attorneys?

19 A. Did I have any meetings with my attorneys? We
20 met once to talk about the deposition.

21 Q. Can you tell me when that meeting was?

22 A. I think it was last week.

23 Q. Can you tell me who was present at the meeting?

24 A. Myself and Catherine.

25 Q. Was anybody else there?

1 A. Excuse me?
 2 Q. Was anybody else there?
 3 A. No.
 4 Q. Can you tell me for how long you met?
 5 A. Approximately an hour to an hour and a half.
 6 Q. Were you shown any documents at this meeting.
 7 MS. LHAMON: I'll instruct you not to answer
 8 that question on the basis of attorney/client privilege.
 9 MR. ROSENTHAL: Q. Are you going to follow
 10 that instruction?
 11 A. Yep.
 12 Q. It's a yes or no question.
 13 MS. LHAMON: And same instruction.
 14 MR. ROSENTHAL: Q. Were you shown any
 15 documents at your meeting that refreshed your
 16 recollection?
 17 MS. LHAMON: Same instruction.
 18 MR. ROSENTHAL: Q. Are you going to follow
 19 that instruction?
 20 A. Yes.
 21 MR. ROSENTHAL: You understand that if she was
 22 shown any documents that refreshed her recollection in a
 23 preparation session even with an attorney, that's not
 24 privileged.
 25 MS. LHAMON: You have taken that position in

1 your deposition. We're just following your position.
 2 MR. ROSENTHAL: Q. Have you ever reviewed the
 3 complaint in this action?
 4 A. No.
 5 Q. Have you reviewed any other filings in this
 6 action?
 7 A. No, I haven't had time.
 8 Q. Have you ever seen anybody else's declaration
 9 other than your own?
 10 MS. LHAMON: I'll give you an instruction not
 11 to answer the question separate from -- if you've gotten
 12 any documents from me, you shouldn't talk about it. If
 13 you got documents from somebody else who is not an
 14 attorney for you in this case, you should feel free to
 15 answer the question.
 16 MR. ROSENTHAL: Q. Have you reviewed anybody
 17 else's declaration?
 18 MS. LHAMON: Separate from receipt from
 19 counsel.
 20 THE WITNESS: No.
 21 MR. ROSENTHAL: Q. Was your meeting with
 22 Ms. Lhamon to prepare for this deposition an in-person
 23 meeting or telephonic?
 24 A. In-person.
 25 Q. Have you had any contact with any other

1 attorneys representing the plaintiffs in this case?
 2 A. No.
 3 Q. Have you had any conversations with anybody
 4 outside of your attorneys regarding your deposition
 5 today?
 6 A. I've told people that I was going to do a
 7 deposition.
 8 Q. When you say you told people, you mean like
 9 your employer, family members?
 10 A. Family members or friends perhaps.
 11 Q. Any colleagues?
 12 A. No.
 13 Q. Can you tell me how you first heard about the
 14 Williams litigation?
 15 A. I believe I first heard about the litigation
 16 through -- when I met Catherine in about June of 2000.
 17 Q. And do you recall under what circumstances you
 18 met Ms. Lhamon?
 19 A. Through a mutual friend.
 20 Q. Can you tell me who that is?
 21 A. Answer that?
 22 MS. LHAMON: Yes.
 23 THE WITNESS: Andrea Dehlendorf.
 24 MR. ROSENTHAL: Q. Can you spell that?
 25 A. Her last name is D-e-h-l-e-n-d-o-r-f.

1 Q. Is Ms. Dehlendorf a teacher?
 2 A. No, she's a union organizer.
 3 Q. Is it fair to say that Ms. Dehlendorf put you
 4 in contact with Ms. Lhamon?
 5 A. Not actively. It was a circumstantial contact.
 6 Q. Did you first hear about the Williams case from
 7 Ms. Dehlendorf or --
 8 A. From Ms. Lhamon.
 9 Q. Okay. And what was Ms. Dehlendorf's role as
 10 far as getting you in touch with Ms. Lhamon?
 11 A. She had an apartment in which I met Ms. Lhamon.
 12 Q. So you met Ms. Lhamon in a social occasion?
 13 A. Yeah.
 14 Q. Do you have an understanding as to the
 15 substance of this lawsuit?
 16 A. More or less.
 17 Q. Can you tell me what that understanding is?
 18 MS. LHAMON: Go ahead.
 19 THE WITNESS: My understanding is that the
 20 state is being sued for inequitable resources, other
 21 issues of inequity in its public educational system.
 22 MR. ROSENTHAL: Q. When you say "inequitable
 23 resources," what are you referring to?
 24 A. The things I've heard about in relation to this
 25 case are, for example, not limited to, but including

1 books, facilities, technology, et cetera, percentage of
 2 credentialed teachers. Issues like that.
 3 Q. Can you tell me where you got that
 4 understanding?
 5 A. Reading articles in the newspaper, talking with
 6 Catherine, et cetera.
 7 Q. Do you have an understanding as to the relief
 8 that the plaintiffs are seeking in this case?
 9 A. Perhaps not -- not complete understanding.
 10 Q. Do you have a limited understanding?
 11 A. I have a guess, but not a complete
 12 understanding.
 13 Q. Is it a guess or is it based on some --
 14 something you've read or something you've heard?
 15 A. I don't think I read about that.
 16 Q. So you don't have an understanding as to what
 17 relief plaintiffs are seeking?
 18 A. I'm going to say no.
 19 Q. Do you know who represents the plaintiffs in
 20 this action?
 21 A. I believe the ACLU and co-counsel with Morrison
 22 & Foerster.
 23 MS. LHAMON: That's right.
 24 MR. ROSENTHAL: Q. And are you a plaintiff in
 25 this action?

1 MS. LHAMON: Calls for a legal conclusion.
 2 THE WITNESS: I don't know at what stage I
 3 would become a plaintiff or not. Sorry.
 4 MR. ROSENTHAL: Q. That's okay. And if I ask
 5 a question you don't know the answer to, "I don't know"
 6 is a perfectly acceptable answer.
 7 A. Okay.
 8 Q. Now, you said in approximately -- do you know
 9 it was June of 2000 or was it an approximation that you
 10 met Catherine?
 11 A. I'm pretty certain it was June of 2000.
 12 Q. When you met Ms. Lhamon in June of 2000, that's
 13 how you first became aware of the lawsuit. Can you tell
 14 me the substance of your conversation with her?
 15 A. I believe I was just sharing some of my
 16 experiences at Balboa and Catherine was sharing some of
 17 her work with the ACLU. And she mentioned the case that
 18 they're working on and I expressed interest.
 19 Q. Did anybody else participate in the
 20 conversation or was it just you and Ms. Lhamon?
 21 A. I don't recollect.
 22 Q. Do you recall what Ms. Lhamon told you about
 23 the case?
 24 A. No. I mean minimal, just sort of framework.
 25 Q. Did Ms. Lhamon tell you what kind of role you

1 could play in connection with the case?
 2 A. I really don't remember.
 3 Q. Did you have any contact with Ms. Lhamon after
 4 June of 2000?
 5 A. Sure, occasionally.
 6 Q. Why don't we try to take each communication to
 7 the extent we can chronologically after that.
 8 Do you remember the next time you had a
 9 communication with Ms. Lhamon after June of 2000?
 10 A. Probably in relation to doing the declaration.
 11 Q. Can you tell me how the subject of a
 12 declaration came up?
 13 A. I don't recall exactly how it came up, but I
 14 know we were in communication about that after that date
 15 in June 2000. Probably once or twice before doing the
 16 actual declaration.
 17 Q. Did Ms. Lhamon at some point tell you she would
 18 like to get a declaration from you?
 19 A. I assume if I did a declaration, she would have
 20 asked that.
 21 Q. Well, was it your suggestion or was it a
 22 suggestion that came from Ms. Lhamon?
 23 A. I don't remember.
 24 Q. Do you recall what the substance of your
 25 declaration was supposed to be?

1 MS. LHAMON: Objection. The question is
 2 leading. There's no testimony that there was anything
 3 that was supposed to happen in the declaration.
 4 MR. ROSENTHAL: Q. You can answer.
 5 A. I don't think I understand your question.
 6 Q. Did you have some kind of an understanding as
 7 to what was supposed to be contained in your
 8 declaration?
 9 A. I don't think it was predetermined. It was
 10 just an inquiry into my experiences as a teacher at
 11 Balboa.
 12 Q. Is it an inquiry about positive experiences at
 13 Balboa?
 14 A. It was an inquiry. I don't know that it was
 15 predetermined. It didn't seem predetermined to me,
 16 but I didn't have many positive experiences to share
 17 unfortunately.
 18 Q. Did you share any positive experiences in your
 19 declaration?
 20 A. I don't recall.
 21 Q. Who was responsible for drafting the actual
 22 physical declaration?
 23 MS. LHAMON: Calls for speculation.
 24 MR. ROSENTHAL: To the extent you know.
 25 THE WITNESS: Answer?

1 MS. LHAMON: You can.
 2 THE WITNESS: I'm speculating that it was
 3 Catherine.
 4 MR. ROSENTHAL: Q. What is that based on?
 5 A. A general understanding of how attorneys
 6 function.
 7 Q. Did you draft the declaration yourself?
 8 A. No.
 9 Q. Did you receive a draft at some point?
 10 A. Yes.
 11 Q. Did you receive a draft from somebody?
 12 A. Yes.
 13 Q. Was that Catherine, Ms. Lhamon?
 14 A. Yes.
 15 Q. Do you recall when you received the draft of
 16 your declaration?
 17 A. Shortly after I did it. I'm not sure exactly,
 18 but --
 19 Q. When you say you did it, what are you referring
 20 to?
 21 A. Shortly after I gave my declaration, I received
 22 a copy in the mail.
 23 Q. When you say you gave your declaration, did you
 24 give information to Ms. Lhamon through a telephone
 25 conversation or by what means?

1 A. Through a telephone conversation.
 2 Q. So after you had met with Ms. Lhamon in June,
 3 you subsequently had a telephone conversation with her?
 4 A. Yes.
 5 Q. And the information you provided in that call
 6 formed the basis of your draft declaration?
 7 A. That is correct.
 8 Q. And how did you receive a copy of your draft
 9 declaration? Was it through the mail?
 10 A. Yes.
 11 Q. Did you receive any other materials along with
 12 your draft declaration?
 13 A. No.
 14 Q. Was it accompanied by a cover letter?
 15 A. Not to my recollection.
 16 Q. After receiving your draft declaration, did you
 17 review your declaration?
 18 A. Absolutely.
 19 Q. Did you make any changes to your declaration?
 20 A. Not to my recollection.
 21 Q. After reviewing your declaration, what did you
 22 do with it next?
 23 A. Signed it.
 24 Q. Did you send it back to Ms. Lhamon at that
 25 point?

1 A. Probably.
 2 Q. Did you ever send it back to Ms. Lhamon?
 3 A. I must have, but I don't remember going to the
 4 post office, but I must have sent it back to her.
 5 Q. Do you recall when you signed your declaration?
 6 MS. LHAMON: The document speaks for itself.
 7 It's dated.
 8 MR. ROSENTHAL: Q. I'm just trying to set up
 9 the next question. That's all.
 10 Do you recall when you signed it? I'm asking
 11 for the date. I'm asking if you recall when you signed
 12 it.
 13 A. I imagine I signed it the same day I received
 14 it after having reviewed it.
 15 Q. Do you recall the next conversation you had
 16 with -- the next communication you had with Ms. Lhamon
 17 after signing your declaration?
 18 A. Not specifically.
 19 Q. Did you have additional communications with her
 20 after signing your declaration?
 21 A. I believe so.
 22 Q. Do you recall approximately how many
 23 communications you had with Ms. Lhamon between the time
 24 you signed your declaration and the time that you met
 25 with her in preparing for your deposition today?

1 A. Maybe five or six.
 2 Q. And do you specifically recall any of those
 3 communications?
 4 A. No. They were mostly, I think, updates about
 5 the case. I don't remember anything very specific.
 6 Q. In what form were your communications with
 7 Ms. Lhamon?
 8 A. By phone, I believe.
 9 Q. Any other means?
 10 A. I think there may have been letters sent to me
 11 that I didn't receive because of the mail distribution
 12 problems at Balboa.
 13 Q. Any other means, e-mail communications, or fax?
 14 A. There may have been an e-mail or two. I don't
 15 remember.
 16 Q. Any other in-person meetings?
 17 A. No.
 18 Q. So other than receiving your declaration from
 19 Ms. Lhamon, did you ever receive any other -- any other
 20 mail from Ms. Lhamon?
 21 A. Not that I remember.
 22 Q. Did Ms. Lhamon ever ask you if you knew any
 23 teachers who would be interested in becoming involved in
 24 the litigation?
 25 A. She may have asked that.

1 Q. And how did you respond to that?
 2 MS. LHAMON: Objection. Assumes fact not in
 3 evidence. She said I may have asked that. She didn't
 4 testify that I had, but you can answer how you might
 5 have responded if I might have asked.
 6 THE WITNESS: What's the question again.
 7 MR. ROSENTHAL: Q. Let me ask a different one.
 8 Do you remember asking any teachers who become involved
 9 in the Williams litigation?
 10 A. Did I ask any teachers to become involved? I
 11 think I shared the fact that I was doing a declaration
 12 with one or two people who may have expressed an
 13 interest in doing the same.
 14 Q. Can you tell me who those individuals were?
 15 A. The one that I can remember is Emmanuel Medina.
 16 Q. And do you know if Mr. Medina submitted a
 17 declaration?
 18 A. I believe he did.
 19 Q. Do you recall the names of any other
 20 individuals?
 21 A. No.
 22 Q. Did you share the fact that you were submitting
 23 a declaration in this case with any other teachers
 24 besides Mr. Medina?
 25 A. Probably in passing conversations.

1 Q. And did any of those teachers express an
 2 interest in getting involved as well?
 3 A. No.
 4 Q. Do you recall Ms. Lhamon ever asking you if you
 5 knew any students who might be interested in becoming
 6 involved in the Williams litigation?
 7 A. She -- I believe she asked me that.
 8 Q. And do you recall what you did in response to
 9 that inquiry?
 10 A. I talked to a couple of students to see if they
 11 were interested.
 12 Q. Do you recall the name of the students you
 13 spoke to?
 14 A. I spoke with Alandra Jones and Lawrence Poon.
 15 Q. Did you speak to any other students?
 16 A. Not that I can remember.
 17 Q. But did you speak to other ones?
 18 A. Excuse me?
 19 Q. But did you speak to other students?
 20 MS. LHAMON: Objection. That question is
 21 overbroad. You mean in her capacity as a teacher or
 22 some other capacity?
 23 MR. ROSENTHAL: Q. Did you speak to other
 24 students about potentially becoming involved in the
 25 Williams litigation, or was it limited to these two

1 students only?
 2 A. I'm pretty sure it was limited to those two
 3 students.
 4 Q. Was there some reason you spoke to Ms. Jones
 5 and Mr. Poon about becoming involved as opposed to other
 6 students?
 7 A. No.
 8 Q. Were they selected at random?
 9 A. I really can't remember. I'm sorry.
 10 Q. Were they students of yours?
 11 A. I think at the time they were. This was --
 12 well, it would have been summer, so they would have been
 13 my students the previous year.
 14 Q. Do you recall when you first -- well, strike
 15 that.
 16 Did you approach them individually or together?
 17 A. Individually.
 18 Q. Do you recall when you first approached
 19 Ms. Jones about the case?
 20 A. Sometime in the summer of 2000, I guess.
 21 Q. And how about Mr. Poon, was that --
 22 A. Same time frame.
 23 Q. I'm just trying to get an understanding of why
 24 you asked these two students as opposed to the other
 25 students that you may have had in your class.

1 Were these favorite students of yours?
 2 MS. LHAMON: Asked and answered.
 3 THE WITNESS: No.
 4 MR. ROSENTHAL: Q. But as you sit here today,
 5 you can't think of a reason why you asked them as
 6 opposed to anybody else?
 7 A. They may have been easier to get in touch with.
 8 They may have been around. I really don't know. I
 9 mean, I could have asked anybody. These kids all had
 10 similar experiences.
 11 Q. When Ms. Lhamon asked you to speak to some
 12 students about potentially becoming involved in the
 13 Williams litigation, did she give you any sort of
 14 criteria as to what kind of student she was interested
 15 in having you speak to?
 16 A. I don't think so.
 17 Q. Did she tell you that she would potentially
 18 serve as plaintiffs in this litigation?
 19 A. Probably.
 20 Q. When you met with Ms. Jones sometime during the
 21 summer of 2000, can you tell me the substance of your
 22 conversation with her?
 23 A. I don't believe I met with her. I believe we
 24 talked on the phone.
 25 Q. Thank you for clarifying. Can you tell me what

1 the substance of the telephone conversation was?
 2 A. I don't remember the details. I probably
 3 shared with her what I knew about the case, which was
 4 pretty limited, and asked if she wanted to speak with
 5 Catherine.
 6 Q. Do you recall how Ms. Jones responded?
 7 A. That she'd be very interesting in sharing her
 8 experiences.
 9 Q. And after having that telephone conversation
 10 with Ms. Jones, did you then inform Ms. Lhamon that you
 11 had spoken to Ms. Jones and put Ms. Lhamon in contact
 12 with Ms. Jones?
 13 A. That's probably what happened.
 14 Q. Then when you spoke to Mr. Poon also during the
 15 summer of 2000, was that also by telephone?
 16 A. Um-hum. Yes.
 17 Q. And do you recall the substance of that
 18 conversation?
 19 A. Similar.
 20 Q. Do you recall how he responded?
 21 A. That he too would be interested.
 22 Q. And did you similarly put Mr. Poon in contact
 23 with Ms. Lhamon?
 24 A. I assume I did.
 25 Q. Do you know if Ms. Jones submitted a

1 declaration in this case?
 2 A. I believe she did.
 3 Q. Do you know if Mr. Poon submitted a declaration
 4 in this case?
 5 A. I believe he did as well.
 6 Q. And what is that based on?
 7 MS. LHAMON: I'll instruct you not to answer on
 8 the basis of anything I've told you or any information
 9 you've gotten by me about that, but if you have another
 10 source of information --
 11 THE WITNESS: I'm trying to remember if I ever
 12 spoke with them about it afterwards. I can't remember.
 13 MR. ROSENTHAL: Q. Have you ever seen copies
 14 of their declarations?
 15 MS. LHAMON: Instruct you not to answer on the
 16 basis of anything you may have received from me, but if
 17 you've seen a copy of the declaration from either of
 18 those two students or any other source --
 19 MR. ROSENTHAL: I'd like to limit that though
 20 just as far as if you've ever seen the declarations at
 21 any time, even with Ms. Lhamon, except blocking out the
 22 period from roughly August 2001 to the present.
 23 MS. LHAMON: Okay. So if you've seen the
 24 declaration.
 25 THE WITNESS: Before August of 2001, yes.

1 MR. ROSENTHAL: Q. And have you seen both
 2 Ms. Jones' declaration and Mr. Poon's declaration?
 3 A. Yes.
 4 Q. I know it's compound. Making objections to my
 5 own questions.
 6 MS. LHAMON: You're forgiven for your compound
 7 question.
 8 MR. ROSENTHAL: Q. I assumed it was a yes, but
 9 anyway.
 10 Did you see -- do you recall seeing -- strike
 11 that. Do you know if Ms. Jones submitted more than one
 12 declaration in this action.
 13 A. I don't know.
 14 Q. Now you said -- you stated -- I'll go back one
 15 more question.
 16 Have you ever also seen a copy of Mr. Medina's
 17 declaration?
 18 MS. LHAMON: Are we going to limit it to before
 19 August of 2001?
 20 MR. ROSENTHAL: That's fine.
 21 THE WITNESS: No.
 22 MR. ROSENTHAL: Q. And including that time
 23 period and again from anybody other than you.
 24 A. No.
 25 Q. So you've never seen a copy outside of the

1 restrictions we just imposed?
 2 A. Exactly.
 3 Q. Can you tell me how you came to get a copy
 4 of -- to see a copy of Ms. Jones' declaration?
 5 MS. LHAMON: Before August of 2001?
 6 MR. ROSENTHAL: Right.
 7 MS. LHAMON: Outside of those restrictions?
 8 MS. ROSENTHAL: Right. And that can be our
 9 standard --
 10 MS. LHAMON: Blanket.
 11 MR. ROSENTHAL: -- standard rule for these few
 12 questions.
 13 MS. LHAMON: Thank you.
 14 THE WITNESS: I imagine Catherine shared it
 15 with me or shared the declarations.
 16 MR. ROSENTHAL: Q. Was the situation the same
 17 for Mr. Poon's declaration? Did you see that in the
 18 same similar manner?
 19 A. Right.
 20 Q. I just want to make sure I'm clear here. You
 21 said you didn't recall having any in-person meetings
 22 with Ms. Lhamon. You didn't recall receiving any
 23 physical mail from her. So I'm just trying to get a
 24 sense of how you saw these declarations.
 25 A. I don't remember. It could have been an

1 e-mail. Yeah, I don't remember.
 2 MS. LHAMON: I'm very good, Mike.
 3 MR. ROSENTHAL: I listen.
 4 THE WITNESS: She's cast a spell.
 5 MS. LHAMON: They materialized.
 6 MR. ROSENTHAL: Q. Is it possible you had
 7 another in-person meeting that you're just not
 8 recalling?
 9 A. I don't think so.
 10 Q. Is it possible you received it in the mail and
 11 you just don't recall receiving it?
 12 A. I don't think so.
 13 Q. When you saw Ms. Jones' declaration, did you
 14 read the declaration?
 15 A. I scanned it.
 16 Q. Did you have any reaction to reading it?
 17 A. Not particularly.
 18 Q. Did anything in the declaration strike you as
 19 being incorrect?
 20 A. Absolutely not.
 21 Q. How about with Mr. Poon's declaration? Was
 22 there anything in that declaration -- did you read that
 23 declaration?
 24 A. I believe I scanned them both.
 25 Q. Did you have any reaction to that declaration?

1 A. They were brutally honest.
 2 Q. Did you notice anything in Mr. Poon's
 3 declaration that struck you as being not correct?
 4 A. No.
 5 Q. Now, you said you received some periodic --
 6 that's my word -- updates from Ms. Lhamon.
 7 Do you recall what those updates consisted of?
 8 MS. LHAMON: Objection. Mischaracterizes the
 9 testimony.
 10 MR. ROSENTHAL: I knew you'd say that.
 11 THE WITNESS: Do you want to rephrase the
 12 question?
 13 MR. ROSENTHAL: Q. Sure. You said that you
 14 received updates from Ms. Lhamon.
 15 MS. LHAMON: Objection. Mischaracterizes the
 16 testimony. The periodic was not what I was objecting
 17 to.
 18 MR. ROSENTHAL: Q. Did you receive updates
 19 from Ms. Lhamon about the case?
 20 A. I was characterizing the content of our
 21 conversation as having probably been updates.
 22 Q. Do you recall receiving any updates from
 23 Ms. Lhamon?
 24 A. You know, I vaguely recall maybe getting one
 25 thing in the mail, when I think about it now, but that I

1 didn't really read carefully. Sorry, Catherine.
 2 MS. LHAMON: I'm wounded.
 3 THE WITNESS: I think it was just a general
 4 letter saying what was happening in the case, not
 5 specifically to me.
 6 MR. ROSENTHAL: Q. Do you recall having any
 7 telephone conversations with Ms. Lhamon updating you on
 8 the progress of the lawsuit?
 9 A. I thought I already answered that. The five to
 10 six, right.
 11 Q. What was your answer?
 12 A. I already said that I had spoken with her
 13 approximately five or six times.
 14 Q. Right. Do you recall having telephone
 15 conversations with her in which she gave you updates on
 16 the progress of the lawsuit?
 17 A. That's what I was referring to before, yes.
 18 Q. And do you recall the substance of any of those
 19 updates?
 20 A. Not in any detail.
 21 Q. Do you recall some limited detail?
 22 A. Not really.
 23 Q. When you say not really, it sounds like you're
 24 recalling something, but just not a whole lot?
 25 A. I don't recall the content of those

1 conversations, I'm sorry.
 2 Q. Do you maintain any kind of file in which you
 3 keep documents relating to this case?
 4 A. Can I ask you a question?
 5 MS. LHAMON: Is that -- you should answer. He
 6 asked a question and then we can take a break and go
 7 talk.
 8 THE WITNESS: Yes, I made one last week.
 9 MR. ROSENTHAL: Do you want to take a break?
 10 MS. LHAMON: Why don't we take a break.
 11 MR. ROSENTHAL: Right.
 12 MS. LHAMON: Thanks.
 13 (Recess taken from 9:51 to 9:58 a.m.)
 14 MR. ROSENTHAL: Q. I guess before we broke,
 15 Ms. Safir, you said that you began maintaining a file
 16 approximately a week ago --
 17 A. Um-hum.
 18 Q. -- with regards to this case?
 19 A. Yes.
 20 Q. Can you tell me what's contained in that file?
 21 A. Materials -- is that -- just materials that I
 22 received from Catherine.
 23 Q. And were these materials that you received from
 24 her prior to August 2001?
 25 A. No.

1 Q. Or subsequent to that?
 2 A. Subsequent.
 3 Q. Prior to last week, did you maintain any kind
 4 of file in connection with this case?
 5 A. Nope.
 6 Q. Did you maintain any documents relating to this
 7 case prior to last week?
 8 A. No, except I had a cut-out of the newspaper
 9 article.
 10 Q. Did you retain copies of your draft
 11 declaration, for example?
 12 A. No, not prior to August of 2001.
 13 Q. Did you provide any documents to Ms. Lhamon in
 14 connection with this case?
 15 A. No.
 16 Q. Did Ms. Lhamon ever ask you to provide her with
 17 any documents in this case?
 18 A. No.
 19 Q. You testified earlier that you recalled telling
 20 Mr. Medina and other teachers that you were involved in
 21 this case and were submitting the declaration.
 22 Do you recall having any other conversations
 23 with any other colleagues of yours regarding this case?
 24 A. No.
 25 Q. Do you recall having any conversations with any

1 of the administration at Balboa regarding this case?
 2 A. I've had one or two conversations with the
 3 principal.
 4 Q. Can you tell me the name of the principal?
 5 A. Patricia Gray.
 6 Q. Can you tell me -- do you recall when these one
 7 or two conversations took place?
 8 A. No, I don't.
 9 Q. Do you know if it was before or after you
 10 submitted your declaration to Ms. Lhamon?
 11 A. They would be more recent.
 12 Q. Can you tell me the substance of your
 13 conversations with Ms. Gray?
 14 A. Let me think. Well, I knew that she had been
 15 deposed, but I didn't know the content of what had
 16 happened. She didn't say very much, but -- yeah, I
 17 don't remember details.
 18 Q. Do you recall who initiated the communication?
 19 A. Well, I mean, she was my principal for two
 20 years. I talked to her. It wasn't really like a formal
 21 initiation. It was just like casual conversation.
 22 Q. But you recall her telling you she was deposed
 23 in connection with this case?
 24 A. Yeah, I think so.
 25 Q. Do you recall her telling you anything else?

1 A. No.
 2 Q. Do you recall how you responded?
 3 A. How I responded to what?
 4 Q. Her telling you that she had been deposed in
 5 this case?
 6 A. No. I don't recall any particular response.
 7 Q. Did you ask her any questions about being
 8 deposed in this case?
 9 A. I think I asked her how long it took.
 10 Q. Any other question?
 11 A. No.
 12 Q. Do you know if anybody else from Balboa has
 13 been deposed in connection with this action?
 14 A. I don't know.
 15 Q. Do you know if any students have been deposed?
 16 MS. LHAMON: Asked and answered.
 17 THE WITNESS: I don't know. I haven't spoken
 18 with --
 19 MR. ROSENTHAL: Q. Have you reviewed -- have
 20 you seen any depositions?
 21 A. Wait a minute. There was a quote in the
 22 newspaper, so maybe -- I'm guessing maybe Alandra was
 23 deposed.
 24 Q. That's based on reading a newspaper article?
 25 A. Yeah.

1 Q. Do you know if Mr. Poon has been deposed?
 2 A. I don't know.
 3 Q. Have you seen any transcripts in any
 4 depositions in connection with this case?
 5 A. No.
 6 Q. You said in your one or two conversations with
 7 Ms. Gray that one thing you recalled was that she
 8 informed you that she had been deposed.
 9 Do you recall discussing anything else
 10 regarding this case with her?
 11 A. No.
 12 Q. All right. I'm going to move on to asking
 13 about your education and professional background. Why
 14 don't we start with your education.
 15 Why don't you tell me where you graduated high
 16 school and go forward in time from there up until your
 17 most recent highest degree.
 18 A. Graduated from Los Gatos High School in 1990,
 19 from Brown University in 1994 and with a masters in
 20 education from Stanford University in 1997.
 21 Q. Can you tell me what your degree -- the degree
 22 you received from Brown was?
 23 A. Double major in history and -- in history and
 24 American civilization.
 25 Q. Aside from the courses you've taken in

1 connection with getting your degrees at Brown and
2 Stanford, have you taken any other course work related
3 to education?

4 A. No. I thought I wanted to be a lawyer when I
5 was in college.

6 MS. LHAMON: Does this change your view?

7 MR. ROSENTHAL: It always does.

8 Q. You've taken no other education-related course
9 work outside of getting your degrees? Just -- I'm
10 sorry. So we're clear.

11 A. Outside of my masters at Stanford?

12 Q. Right.

13 A. You mean undergrad courses?

14 Q. Any sort of, you know, continuing education or
15 anything along those lines.

16 A. I've done continuing education since being a
17 teacher.

18 Q. Can you tell me the types of courses you've
19 taken?

20 A. I don't have a list here. Yeah, they weren't
21 really education courses though. They were content, you
22 know, like took a class on the Spanish Caribbean and
23 Puerto Rico. I'm actually taking a class right now in
24 English curriculum and instruction, how to teach reading
25 and writing down at Stanford. I don't recall any

1 A. I had two years in between.

2 Q. Were you employed then?

3 A. Yes.

4 Q. Can you tell me where you were employed?

5 A. I was employed for a year and a half at Equal
6 Rights Advocates and then I worked for 18th Street
7 Services -- 18th Street Services/Operation Concern.

8 Q. How long were you with 18th Street
9 Services/Operation Concern?

10 A. I think about just about eight months until I
11 started the Stanford teaching program.

12 Q. And can you tell me what your job title there
13 was?

14 A. I was a community health outreach worker for
15 homeless youth.

16 Q. Can you tell me what your job responsibilities
17 were?

18 A. It was basically HIV prevention, connecting
19 kids with social services.

20 Q. Is this a private organization or was it --

21 A. It was a nonprofitable.

22 Q. Prior to that, you said you were employed by
23 Equal Rights Advocates, is that right, for about a year
24 and a half?

25 A. Um-hum.

1 others.

2 Q. Why don't we talk about your professional
3 history then. Can you tell me where you're currently
4 employed?

5 A. I am currently -- this is kind of a confusing
6 answer -- employed by an organization that's in the
7 process of being formed, which is called Small Schools
8 for Equity that I co-founded. I'm on a leave of absence
9 from San Francisco Unified School District -- voluntary
10 leave of absence.

11 Q. Why don't we try to get the timeline down first
12 and then go through each one of these individually. Why
13 don't we go backwards in time.

14 If you could tell me where you were employed
15 prior to being employed by Small Schools for Equity?

16 A. In 1997, fall of 1997, I began working at
17 Balboa High School, and I taught there for four years
18 until last spring.

19 Q. Spring of 2001?

20 A. Um-hum.

21 Q. Any employment relating to education prior to
22 1997?

23 A. No.

24 Q. After graduating from Brown, did you go
25 directly into Stanford, or was there a period --

1 Q. Can you tell me what your job title there was?

2 A. Administrative assistant.

3 Q. Can you just briefly tell me what your job
4 responsibilities were?

5 A. I basically was supposed to give support to the
6 executive director and so report meetings and grant
7 work.

8 Q. Was that also a nonprofit organization?

9 A. Yes.

10 Q. And do you know what their mission was?

11 A. Specifically?

12 Q. Generally.

13 A. Generally, it was sort of focused on women's
14 issues mostly.

15 Q. Was there any focus in that organization with
16 respect to education?

17 A. Not while I was there. I don't know about --
18 and I'm not implying that it was at another time. I'm
19 not sure, but while I was there, no.

20 Q. I'm going to skip over your employment at
21 Balboa and we'll come back in detail.

22 A. I imagine you will.

23 Q. You said currently -- I know your situation is
24 somewhat unclear -- for lack of a better word -- and
25 that you're employed by Small Schools for Equity.

1 Can you tell me what your job title is?
 2 A. I'm a co-director.
 3 Q. Can you tell me what your job responsibilities
 4 are?
 5 A. I am working with a community group of parents
 6 and teachers and some students to try to open a new
 7 small high school in southeast San Francisco.
 8 Q. Is the Small Schools for Equity also a
 9 nonprofit group?
 10 A. We're applying for nonprofit status right now.
 11 Q. Can you tell me when you founded Small Schools
 12 for Equity?
 13 A. We founded it under a different name in about
 14 January of 2000, I guess, and -- yeah.
 15 Q. What was the original name it was founded
 16 under?
 17 A. Actually, it didn't really have a name. We're
 18 just applying for the nonprofit status in the last few
 19 months. So when you say founded, it wasn't a formal
 20 organization at that point. That was the group of
 21 people who now are filing the nonprofit and came
 22 together and started the project.
 23 Q. Was there a name that you --
 24 A. We used School for Community Empowerment for a
 25 while.

1 Q. You said you co-founded the organization. Do
 2 you have one or more other co-founders?
 3 A. Yeah. There's a group of four people.
 4 Q. Can you tell me their names?
 5 A. Matt Alexander, Kate Goka. Kate with a K.
 6 G-o-o-k-a. Emmanuel Medina and myself.
 7 Q. And that's the same Mr. Medina we've discussed
 8 before?
 9 A. Um-hum, yes.
 10 Q. Can you tell me how you know Mr. Alexander?
 11 A. Those were all colleagues of mine at Balboa.
 12 Q. When you say "colleagues," were they teachers
 13 at Balboa?
 14 A. Yes, they were all teachers at Balboa.
 15 Q. Are any of them currently employed at Balboa,
 16 if you know?
 17 A. No.
 18 Q. None of them are currently employed at Balboa?
 19 A. None of them are currently employed by Balboa.
 20 MS. LHAMON: That's the problem with compound
 21 questions.
 22 MR. ROSENTHAL: I know. My fault.
 23 Q. Now, you said that in connection with your role
 24 as co-director of Small Schools for Equity, you were
 25 planning to open a small high school in San Francisco?

1 A. Southeast San Francisco.
 2 Q. Southeast San Francisco. Do you anticipate
 3 when that school might open?
 4 A. We have a targeting goal of next fall. Whether
 5 or not that happens depends on a lot of factors.
 6 Q. And when you say "a small high school," what do
 7 you mean by that?
 8 A. Are you asking what number we're looking at?
 9 Q. When you said "small," did you mean it was
 10 small in the sense that it has a small number of
 11 students?
 12 A. That's one of the characteristics that we would
 13 like to --
 14 Q. What other characteristics?
 15 A. We'd like to open a school where all the
 16 teachers know all the students. There are approximately
 17 300 kids. There's strong relationships between parents
 18 and teachers. I don't want to go on and on. I could
 19 talk for a long time on that.
 20 Q. Are those the primary characteristics?
 21 A. Some of the primary characteristics.
 22 Q. Are those the most important ones or -- I'd
 23 like to get the most important ones on the record.
 24 That's why -- if there's additional important ones, feel
 25 free to go on.

1 A. I'm giving you a vision that we came up with
 2 recently. I'm trying to think. There's one more.
 3 Students feel a sense of belonging and ownership and
 4 teachers all can sit around one table together.
 5 Q. Now, you said that you recently came up with a
 6 vision. Is that reflected in a written document
 7 somewhere?
 8 A. Yeah. I have a one-page document with that, if
 9 you'd like it.
 10 Q. Can you tell me why you went on a leave of
 11 absence from the San Francisco Unified School District
 12 in -- after the 2001 school year?
 13 A. To be able to devote my time to opening a new
 14 small high school.
 15 Q. And the new high school you're working on
 16 developing, would that be a public high school?
 17 A. Yes.
 18 Q. Are you working with any officials of the San
 19 Francisco Unified School District in trying to open the
 20 school?
 21 A. We've had conversations with officials.
 22 There's not a formal partnership yet.
 23 Q. And the conversations you've had with officials
 24 with the San Francisco Unified School District, have
 25 they expressed any opinion with regard to the plans your

1 organization has to open a new school?

2 A. Varying opinions.

3 Q. When you say "varying opinions," what are you
4 referring to?

5 A. A lot of them aren't sure what that means, so a
6 lot of it is sort of clarifying terms like you were
7 doing. You know, some are really interested and
8 supportive. Some are less interested and supportive.
9 That's what I meant by varying.

10 MS. LHAMON: Michael, this line of questions is
11 moving pretty far afield of the lawsuit and just in view
12 of our -- to move as expeditiously as possible, I would
13 ask you to speed up. I just note that for the record.

14 MR. ROSENTHAL: Just a few more questions in
15 this field.

16 Q. Do you recall who you've had conversations with
17 in the San Francisco Unified School District?

18 A. Yes.

19 Q. Can you tell me who those individuals were?

20 A. We've had research meetings with Jill Wynns of
21 the school board, Frank Chong of the school board and
22 Mark Sanchez of the school board.

23 Q. Can you spell those names for me? I'm sorry,
24 just for the court reporter.

25 A. Frank Chong, C-h-o-n-g. Mark Sanchez,

1 MS. LHAMON: My objection was it assumes facts
2 not in evidence, but you can answer.

3 THE WITNESS: The same four teachers that I
4 already mentioned.

5 MR. ROSENTHAL: Q. Was there one person who
6 was primarily responsible for founding the group?

7 A. No, no.

8 Q. And are all four of those teachers currently
9 employed by Small Schools for Equity?

10 A. Do you want to know what each of the four of
11 them is doing?

12 Q. No. I just wanted to know -- I just want to
13 know if they're all employed by that organization or if
14 they're --

15 A. Two others of them are partially employed.

16 Q. Can you tell me which two?

17 A. Kate and Matt are partially employed by the
18 same organization.

19 Q. And Mr. Medina is not employed?

20 A. He's at the Stanford Teacher Education Program.
21 Are we in a transitional moment?

22 Q. Yes.

23 A. Can I run out to the restroom really quickly?

24 MR. ROSENTHAL: Yes. Off the record.

25 (Recess taken from 10:24 to 10:28 a.m.)

1 S-a-n-c-h-e-z.

2 Q. Is that with a K or a C, Mark?

3 A. Mark with a K. And Jill, I believe is J-i-l-l,
4 and then her last name is W-y-n-n-s.

5 Q. Do you know what positions they hold in the San
6 Francisco Unified School District?

7 A. Jill Wynns is president of the school board.
8 The other two are commissioners.

9 Q. And you said that you've received some
10 supportive words from some individuals and some that
11 were less supportive.

12 Can you attribute any of those comments to any
13 of these individuals?

14 A. Mark Sanchez and Frank Chong were interested in
15 the idea -- are interested in the idea.

16 Q. And how about Ms. Wynns?

17 A. It wasn't really clear what her feeling was
18 about it. She had a lot of questions.

19 Q. Now, you said you founded what later became or
20 sort of founded what later became the Small Schools for
21 Equity group in roughly January of 2000.

22 Can you tell me who was primarily responsible
23 for initiating the formation of what was roughly --
24 which was informally called School for Community
25 Empowerment?

1 MR. ROSENTHAL: Q. Ms. Safir, do you hold any
2 teaching credentials?

3 A. Yes.

4 Q. Can you tell me what credentials you hold?

5 A. I have a social science clear credential with
6 what's called a CLAD emphasis, C-L-A-D.

7 Q. And can you tell me what a social science clear
8 credential is?

9 A. A credential to teach social studies from -- on
10 the secondary level.

11 Q. When you say a CLAD emphasis, can you tell me
12 what you mean by that?

13 A. I'm probably going to get the acronym wrong.
14 It's called Cross-Control Language Acquisition and
15 Development.

16 MS. LHAMON: Got it right.

17 THE WITNESS: Yea.

18 MR. ROSENTHAL: Get a gold star.

19 THE WITNESS: Yea.

20 MR. ROSENTHAL: Q. And when you say there was
21 a CLAD emphasis, can you tell me what you mean by that?

22 A. We had the option there of taking an additional
23 three courses if we wanted to get that emphasis, which
24 meant that we would then be able to teach bilingual
25 classes or -- not bilingual, but bilingual students,

1 either ESL classes or what's called sheltered SADAI.
 2 Q. When you say ESL, can you tell me what that
 3 stands for?
 4 A. English as a second language.
 5 Q. Can you tell me when you obtained your social
 6 studies clear credential?
 7 A. In 1997.
 8 Q. And can you tell me how you went about
 9 obtaining that credential?
 10 A. That was the Stanford Teacher Education Program
 11 beginning in the summer of '96 and ending in the summer
 12 of '97.
 13 Q. And so did you obtain that credential at the
 14 end of the program?
 15 A. Yes.
 16 Q. In addition to taking course work at Stanford,
 17 did you have to do anything else to obtain that
 18 credential?
 19 A. I had to student teach during the year.
 20 Q. And can you tell me for how long -- what time
 21 period you were student teaching?
 22 A. I was student teaching from September until
 23 May, I guess, more or less.
 24 Q. And where were you doing your student teaching?
 25 A. At Fremont High School in Sunnyvale.

1 MS. LHAMON: I know exactly where that is.
 2 MR. ROSENTHAL: Q. And do you know what school
 3 district that's in?
 4 A. I think it's Fremont Unified School District.
 5 Q. And do you recall for how many hours a week you
 6 student taught at Fremont?
 7 A. I taught one 90-minute class every day.
 8 Q. Did you student teach during the summer period
 9 at all?
 10 A. Yeah. We had a co-teaching situation in the
 11 summer of '96 where there was a regular teacher and then
 12 several of us were kind of student teaching underneath
 13 that person.
 14 Q. And for how much time per week were you student
 15 teaching that class?
 16 A. Probably daily probably half days. I'm
 17 guessing. Maybe 8:00 to noon. 8:00 to 1:00 or
 18 something.
 19 Q. And were you student teaching during that time
 20 or were you doing observing?
 21 A. Mostly observing. I think I did one or two
 22 lessons in the summer.
 23 Q. When you were teaching -- when you were student
 24 teaching at Fremont in the Fremont Unified School
 25 District, can you tell me what class you were teaching?

1 A. In the fall semester, I taught U.S. history
 2 and, in the spring, I taught a sheltered world history
 3 class.
 4 Q. Do you speak any other languages other than
 5 English?
 6 A. Yes.
 7 Q. What additional languages are you fluent in?
 8 A. Spanish.
 9 Q. Any other language?
 10 A. I studied French for six years, but I can't
 11 remember it. I could probably understand it a bit, but
 12 not speak it.
 13 Q. Prior to doing student teaching in connection
 14 with the education program at Stanford, had you done any
 15 teaching of students before?
 16 A. Formal teaching, no.
 17 Q. Any informal teaching?
 18 A. I volunteered in a classroom at Berkeley High
 19 School. Actually in a couple classrooms at Berkeley
 20 High School.
 21 Q. And when was that?
 22 A. That would have been probably -- I think it
 23 would be summer of '95 and spring of '96, but it's on my
 24 resume, so I could look it up.
 25 Q. When you say you volunteered at, were there

1 high schools in Berkeley?
 2 A. There's one high school in Berkeley. Berkeley
 3 High School.
 4 Q. When you say you volunteered, can you tell me
 5 just generally what you did?
 6 A. I helped the teacher by working with students
 7 one on one, sometimes running small groups within the
 8 class and again teaching maybe one or two lessons.
 9 Q. Can you tell me for how many hours per week you
 10 volunteered during the time period you were volunteering
 11 there? If it's different between the two time periods
 12 you were there, just let me know.
 13 A. During the summer, I was working full time and
 14 so I made arrangements with my employer that I would go
 15 spend two hours, I believe, in the morning at this class
 16 at Berkeley High and then I would come and work late at
 17 my job.
 18 Q. So was it two hours daily?
 19 A. Approximately.
 20 Q. Do you recall just in total the number of
 21 months that you were volunteering at Berkeley High
 22 School?
 23 A. So summer quarter plus a spring semester would
 24 be maybe six months.
 25 Q. Do you hold any other teaching credentials?

1 A. No.

2 Q. Can you tell me how you came to be employed at
3 Balboa High School in the San Francisco Unified School
4 District?

5 A. I observed Mr. Alexander, who was already
6 teaching there, several times during the Stanford
7 teacher program, met with the principal at the time,
8 expressed interest and then didn't -- wasn't hired until
9 I think August of 1997.

10 Q. Now, you said you observed Mr. Alexander. You
11 observed him --

12 A. Teaching.

13 Q. At Balboa High School?

14 A. Yes, yes.

15 Q. You didn't do any student teaching at Balboa
16 High School though?

17 A. No.

18 Q. How did you come to observe Mr. Alexander
19 teaching his class?

20 A. I called him and asked if I could observe him.

21 Q. Were you required to observe classes in
22 connection with your education program at Stanford?

23 A. No. I just knew I wanted to teach in an
24 under-performing school, so I wanted to go up and see
25 what was happening at that particular school.

1 A. I think I had to go through a central office
2 interview, too. The school district.

3 Q. When you say "central" --

4 A. School district central office.

5 Q. Do you recall who you interviewed with at the
6 San Francisco Unified School District?

7 A. I don't.

8 Q. Do you recall the individual's title?

9 A. I know the woman's name who was like in charge
10 of that, but I don't remember meeting with her. It was
11 very difficult to find any human beings to talk to
12 there, but her name, if you want it, was Ligaya,

13 L-i-g-a-y-a, Avenita. Avenita is A-v-e-n-i-t-a.

14 Q. But you didn't meet with her, you met with
15 somebody who she worked with?

16 A. I honestly can't remember, but she was I think
17 in charge of human resources or somehow connected with
18 human resources.

19 Q. Did you interview anywhere else?

20 A. Yes.

21 Q. Can you tell me where else you interviewed?

22 A. I interviewed at Woodside High School and I
23 interviewed in Oakland Unified School District at
24 Oakland High School, and I interviewed in the Fremont
25 Unified School District. I was offered jobs in all

1 Q. How did you come to select Balboa as a
2 potential school?

3 A. As an option? Because I knew people were
4 teaching there who had graduated from the Stanford
5 program the prior year.

6 Q. Did you go to any other schools to observe
7 those schools?

8 A. No, I don't think so.

9 Q. And how did you come in contact with
10 Mr. Alexander?

11 A. How did I get his number? How did I know him?

12 Q. How did you know him?

13 A. He had spoken in my social studies curriculum
14 and instruction class.

15 Q. At Stanford?

16 A. At Stanford, yeah.

17 Q. When you said you got hired to teach at Balboa
18 in August of 1997, did you undergo any sort of interview
19 process?

20 A. Yes, I interviewed with the principal.

21 Q. Can you tell me who the principal was that you
22 interviewed with?

23 A. Elaine Koury, K-o-u-r-y.

24 Q. And did you interview with anybody else or did
25 you just meet with Ms. Koury?

1 those places, but wanted to teach at Balboa.

2 Q. That saves me some questions. Thank you.

3 Woodside High School, do you know what district
4 that is?

5 A. I think it's Sequoia Unified.

6 Q. I don't know California geography that well.
7 Can you just tell me where that is?

8 A. It's like Redwood -- not Redwood City. Maybe
9 it is Redwood City. Just south of Redwood City. Maybe
10 Menlo Park.

11 MS. LHAMON: Woodside.

12 THE WITNESS: Right. It's Woodside. Yeah.
13 That's it.

14 MR. ROSENTHAL: Q. So it's not just a
15 coincidence that it's called Woodside High School?

16 A. I'm a quick one.

17 Q. You also said you interviewed with the Oakland
18 Unified School District. Did you interview for any
19 particular school?

20 A. I think again I did a central office interview
21 with the district and then I interviewed at Oakland High
22 School, and I also met with the vice principal at a
23 middle school. Calvin Simmons Middle School.

24 Q. And Calvin Simmons is in the Oakland Unified
25 School District?

1 A. Yes.

2 Q. And with regard to the interview you had with
3 the Fremont Unified School District, did you interview
4 with a particular school?

5 A. I did an interview at the district office with
6 representatives from several schools.

7 Q. Were you offered positions at a particular
8 school, a position at a particular school in the Fremont
9 Unified School District, or were you offered more than
10 one?

11 A. I was offered a position at Fremont where I
12 student taught and I was -- I don't remember if I was
13 offered specifically a position or asked to come
14 interview again with -- it's called Monte Vista, I
15 believe.

16 Q. Do you know how to spell that?

17 A. I'm not sure if that's the right name though.
18 It's an M. Okay. Monte, M-o-n-t-e.

19 Q. Ms. Lhamon is nodding yes.

20 THE WITNESS: M-o-n-t-e V-i-s-t-a.

21 MR. ROSENTHAL: Q. You said earlier that you
22 wanted to work at what you called an under-performing
23 school.

24 Were all the schools that you interviewed at
25 what you would call under-performing schools?

1 schools you interviewed with, was it your view that
2 Balboa was the most under-performing in that kids had
3 the most problems there or kids had the lowest test
4 scores?

5 A. I'm not sure because I don't know enough about
6 Oakland High to be able to answer that.

7 Q. But in your view, Balboa is what you would call
8 an under-performing school?

9 A. Definitely.

10 Q. So was there some reason you took the job at
11 Balboa as opposed to any of these other schools where
12 you were offered positions?

13 A. I wanted to work and live in the same community
14 and I wanted to live in San Francisco. And, like I
15 said, I knew teachers from the same program I graduated
16 from who were there.

17 Q. Were you hired to teach particular courses,
18 particular subjects, let's start there?

19 A. Yeah, social studies.

20 Q. Were you hired for a particular grade or was
21 that to be determined at a later date?

22 A. I was hired to teach three classes at that time
23 on a block schedule. So that was a full teaching load
24 on that schedule.

25 Q. This was for the 1997-1998 school year?

1 A. Varying degrees of under-performing, I think.

2 Q. What do you mean by that?

3 A. Within its own district, Fremont is
4 under-performing. It's one of the lower performers.
5 Balboa certainly is. I'm not sure about Oakland High
6 School. It's definitely inner center. I don't know
7 what its performance level is. Calvin Simmons I
8 believe, too.

9 Q. How about Woodside?

10 A. I'm not sure about Woodside. Woodside is
11 very -- a very mixed population, so I'm not sure how
12 they perform.

13 Q. Out of all the schools that you interviewed
14 for, was it your view that Balboa was the most
15 under-performing?

16 A. On what basis?

17 Q. Well, when you said before that you wanted to
18 work in an under-performing school, what did you mean by
19 under-performing?

20 A. What did I mean? That's a good question. I
21 guess a school where you know the kids weren't -- were
22 in the -- where the kids weren't performing to their
23 ability so they were testing low or having a hard time
24 with various issues.

25 Q. So again I'll just ask you. Out of all the

1 A. Yes.

2 Q. And you say you were teaching three classes,
3 were they full year classes or were they semester
4 classes?

5 A. They were semester classes, so I had another
6 three the second semester.

7 Q. Why don't you start with the fall of 1997 if
8 you can tell me the three classes that you taught that
9 semester?

10 A. I was teaching two sections of American
11 democracy/economics; one for bilingual kids, one for
12 nonbilingual kids, and then a section of U.S. history.

13 Q. Were those particular grades?

14 A. U.S. history is generally 11th grade. American
15 democracy is generally 12th grade.

16 Q. How about during the spring of 1998?

17 A. During the spring, I believe I taught two
18 sections of U.S. history and one section of a class
19 called pre-law.

20 Q. And was U.S. history again 11th graders?

21 A. Um-hum.

22 Q. How about pre-law?

23 A. That was mixed. 11th and 12th.

24 Q. Just to go back to one thing you said earlier.
25 You said you were on a block schedule at Balboa.

1 Can you just tell me what that means?

2 A. Sure. It was called a four by four and so the
3 kids took four classes each semester, and they have that
4 class, each class 90 minutes a day. And so it gave them
5 a total of 80 credits in a year if they passed all the
6 classes.

7 Q. Why don't we just run through your -- since
8 we're on the topic -- why don't we run through your
9 schedule during the years you taught at Balboa. So
10 let's move on to the '98-'99 school year.

11 First, was there any change in the -- did the
12 block scheduling you just described continue in that
13 year?

14 A. I'm trying to remember. I think it was
15 pulled -- I believe we had the block schedule the next
16 year and then it was pulled the following year.

17 Q. Okay. So during the fall of 1998, can you tell
18 me how many classes you were teaching then?

19 A. I think it was three again.

20 Q. And were they the same as you taught the prior
21 year or was there some change?

22 A. I'm having a hard time remembering. It was a
23 while ago. Definitely U.S. history. Yeah, I don't
24 remember what my third class was in the fall of that
25 year, but I taught pre-law again, too.

1 the funding was pulled for the four by four, which was
2 more expensive. So then the kids could only take 60
3 credits worth in a year rather than 80, but the
4 graduation requirements had been stepped up.

5 So I think that year was the two-hour periods.
6 So you'd see your kids two hours every other day. But I
7 had the same kids for pre-law and U.S. history that
8 year, so I got to see them every day.

9 Q. So how many classes were you teaching during
10 the fall of 1999?

11 A. I would have been teaching four, I believe, or
12 five. Must have been four. Yeah, it was four.

13 Q. Do you remember which courses?

14 A. Two pre-law, two U.S. Same in the spring.

15 Q. And just so I'm clear. You said that you met
16 with the students for two hour periods every other day,
17 so, for example -- just correct me if I'm wrong -- you
18 would have pre-law on Monday, Wednesday and Friday and
19 the following week, it would meet on Tuesday and
20 Thursday, and then on the other days during that
21 two-week period, you'd be teaching U.S. history or is
22 that not right?

23 I'm just trying to get an understanding of how
24 the scheduling work.

25 A. I think it just flip-flopped. Yeah, pre-law

1 Q. In the fall of '98?

2 A. In the spring of '99.

3 Q. When you said you taught U.S. history in the
4 fall of '98, was it two sections of U.S. history then?

5 A. Yeah, it must have been.

6 Q. Was the third class?

7 A. Actually I might have had three sections of
8 U.S. history in the fall of '98.

9 Q. And how about the spring of '99, in addition to
10 pre-law?

11 A. Probably two more sections of U.S. history.

12 Q. And was U.S. history always taught to 11th
13 graders?

14 A. Um-hum. Those are required. It's a required
15 course.

16 Q. And pre-law during the spring of '99 was again
17 a mixture of 11th and 12th graders?

18 A. It would have been mostly 11th graders at that
19 point.

20 Q. Okay. Why don't we talk about the '99-2000
21 school year. You said there was a change in the
22 scheduling of classes for that year. Why don't you tell
23 me about that first?

24 A. There was a lot of scheduling changes over the
25 years. It's hard to remember which happened when, but

1 for two hours. The next day, U.S. for two hours. The
2 next day, pre-law and then U.S.

3 Q. But there being five days in a week?

4 A. Yeah. I don't remember how that all reconciled
5 it itself. It was a pretty bizarre schedule.

6 Q. And how about finally the 2000-2001 school
7 year?

8 A. It was the last year they changed it again. We
9 had 70-minute periods. I think they met four days a
10 week, and I think again I taught two U.S. and two
11 pre-law.

12 Q. In each semester?

13 A. Um-hum.

14 Q. And those were the only four classes you were
15 teaching during those semesters?

16 A. Yes.

17 Q. Now, you said that prior to the 1999-2000
18 school year, the scheduling was changed because you
19 said -- because you said that the funding was pulled.

20 Can you tell me what you mean by that?

21 A. So Balboa had been reconstituted a year before
22 I came to work there. And that was because it was low
23 performing. The superintendent decided to fire all the
24 staff and hire an entirely new staff. And my
25 understanding is that the principal, at that point, had

1 a lot of authority to hire who she wanted to hire. So
2 she hired very young staff. I think more than half the
3 people didn't have credentials and also got this influx
4 of funding for this new schedule, is my understanding,
5 although I wasn't there.

6 So they had this four-by-four schedule which
7 cost a little bit more, but gave the kids the
8 opportunity to take extra classes. And then when it
9 appeared that reconstitution wasn't affecting the
10 performance level of the school three years later or
11 maybe the term had run out -- I'm again not clear how
12 all that worked on an administrative level -- the
13 funding was pulled for the extra classes and they
14 returned to the 60 credits per year.

15 Q. And what's the basis for your understanding
16 that Balboa was receiving some kind of funding so that
17 students could take 80 credits per year?

18 A. Just general conversations with people.

19 Q. And do you recall how long that Balboa was
20 receiving that funding?

21 A. I believe it was a three-year period, so the
22 year before I went there and then my first two years
23 there.

24 Q. Just so I'm clear on timing. Well, first of
25 all, can you tell me what you mean by reconstitution?

1 teaching staff that was hired as a result of
2 reconstitution, that it was your understanding that more
3 than half did not have their credentials; is that right?

4 A. Yes.

5 Q. Is it your understanding that the teaching
6 staff you're referring to without credentials had no
7 credentials or that they were on emergency credentials
8 or --

9 A. Probably on emergency credentials, but I don't
10 know.

11 Q. Was it your understanding that an emergency
12 credential is, in fact, a credential?

13 A. It's not a -- my understanding is that it's not
14 a full credential. You haven't been fully trained to
15 become a teacher; that it legally validates you to be in
16 a classroom, but not necessarily ethically.

17 Q. During your four years at Balboa, was there a
18 change in the principal?

19 A. Yes.

20 Q. Can you tell me when that occurred?

21 A. So I believe that was midway through my tenure
22 there. So the beginning of my third year we had a new
23 principal, Patricia Gray.

24 Q. So prior to that '99-2000 school year is when
25 Ms. Gray began?

1 A. That was the term coined by the superintendent
2 of the district for what I was describing before which
3 was basically shutting down a school, firing all the
4 staff from the custodial staff up to the principal and
5 then giving a principal, a new principal, authority to
6 create a staff as she wished.

7 Q. And do you have an understanding why a school
8 would be reconstituted?

9 A. Again, I think because it was low performing.
10 This is supposed to be a radical reform measure.

11 Q. Now back to my time issue. Do you recall when
12 the reconstitution actually occurred?

13 A. Yeah. It occurred a year prior to when I
14 started. So when I started the Stanford teacher program
15 is when they reconstituted Balboa.

16 Q. So --

17 A. '96-'97.

18 Q. Prior to the 1996-1997 school year, the --
19 strike that.

20 Is your understanding that the 1996-1997 school
21 year began with a new staff --

22 A. Yes.

23 Q. -- after reconstitution?

24 A. Yes.

25 Q. And you also stated that the staff -- the

1 A. I'm pretty sure.

2 Q. And prior to that, Ms. Koury was the principal?

3 A. Yes.

4 Q. Do you have an understanding as to why there
5 was a change in the administration at Balboa?

6 MS. LHAMON: Calls for speculation.

7 THE WITNESS: Yeah. I don't know.

8 MR. ROSENTHAL: Q. You have no understanding?

9 A. (Witness shakes head.)

10 MS. LHAMON: You have to say something audible
11 for the court reporter.

12 THE WITNESS: I'm sorry. No.

13 MR. ROSENTHAL: Thank you.

14 Q. Did you ever hear any reason why there was a
15 change in the administration at Balboa?

16 A. Did I ever hear any reason? I mean, there was
17 a general dissatisfaction with the leadership of the
18 school.

19 Q. When you say there was a general
20 dissatisfaction, who was that dissatisfaction among?
21 Was that among the staff of the school or coming from
22 someplace else?

23 A. I think definitely among the staff and possibly
24 among the -- from the district side, but I don't know
25 about that.

1 Q. Were you personally dissatisfied with the
2 performance of the administration at Balboa during
3 that --
4 A. I was frustrated.
5 Q. What do you mean by frustrated?
6 A. There just seemed to be a lot of arbitrary
7 decision making. Not necessarily in the best interest
8 of the children or the staff.
9 Q. Can you just give me an example of what you
10 mean?
11 A. Well, for example, the schedule changing seemed
12 pretty whimsical and really destabilized kids'
13 relationship with their education. Teachers I believe
14 had been asked to leave based on more personality
15 conflicts with the principal than anything else.
16 Q. And just so I'm clear, and I just want to make
17 sure the record is clear.
18 The schedule changing occurred after Ms. Koury
19 left; is that right? I think you said the first two
20 years you had the block scheduling and then she left
21 after those two years.
22 A. I really don't remember. There were several
23 changes. It may -- that may be right, but I'd have to
24 do some research to verify. I mean, the whole spirit of
25 reconstitution was experimental so there was a lot of

1 leeway to do what the administration wanted to do.
2 Q. And do you have an understanding as to why
3 Ms. Gray was hired at Balboa High School?
4 MS. LHAMON: Calls for speculation.
5 MR. ROSENTHAL: Q. You can answer.
6 A. She had been a vice principal there in my first
7 year. So she had some history with the school. I
8 assume that was one of the reasons.
9 Q. And during the two years you were working at
10 Balboa and when Ms. Gray was principal, were you
11 generally satisfied with her performance?
12 MS. LHAMON: Vague as to satisfied, but you can
13 answer.
14 THE WITNESS: What's that?
15 MS. LHAMON: I said it was vague as to
16 satisfied.
17 THE WITNESS: Was I -- do you want to clarify
18 what you mean?
19 MR. ROSENTHAL: Q. Do you understand the
20 question?
21 A. No.
22 Q. Were you dissatisfied with Ms. Gray's
23 performance?
24 MS. LHAMON: Vague as to dissatisfied.
25 MR. ROSENTHAL: She was able to answer it a few

1 minutes ago with regards to Ms. Koury.
2 MS. LHAMON: And if she's able to answer it
3 now, she should. I'm not instructing her not to.
4 THE WITNESS: I was dissatisfied with the
5 school, but not with the principal. I think the
6 principal was doing the best she could understanding the
7 circumstances of the school.
8 MR. ROSENTHAL: Q. So in your mind did the
9 administration of Balboa improve as a result of the
10 hiring of Ms. Gray relative to the administration under
11 Ms. Koury?
12 A. I think Ms. Gray was a more ethical
13 administrator than Ms. Koury was.
14 Q. She was a more ethical administrator?
15 A. And remains.
16 Q. Is that an improvement?
17 A. Increased ethics, I guess.
18 Q. Was that the only improvement she brought to
19 the school?
20 A. I think Ms. Gray, you know, treated people with
21 respect for the most part and that was an improvement,
22 but many things remained equally unsatisfactory.
23 Q. Can you tell me who was responsible for
24 facilities and maintenance issues at Balboa?
25 MS. LHAMON: Calls for speculation.

1 THE WITNESS: My understanding is that for most
2 of the time I was there, Gilbert Chung, assistant
3 principal, was responsible for it on the school site,
4 but I imagine the responsibility looms larger than the
5 school site.
6 MR. ROSENTHAL: In addition to Mr. Chung, who
7 else had responsibility for facilities and maintenance
8 issues at Balboa?
9 MS. LHAMON: Calls for speculation.
10 THE WITNESS: I don't know.
11 MS. LHAMON: And a legal conclusion.
12 THE WITNESS: I don't know.
13 MR. ROSENTHAL: Q. Do you know if the San
14 Francisco Unified School District had any
15 responsibilities with regard to the facilities and
16 maintenance issues at Balboa?
17 MS. LHAMON: Calls for speculation and a legal
18 conclusion.
19 THE WITNESS: What's the question?
20 MR. ROSENTHAL: Q. Do you know if anybody at
21 the San Francisco Unified had any responsibilities for
22 facilities and maintenance issues at Balboa?
23 MS. LHAMON: Same objections.
24 THE WITNESS: What?
25 MS. LHAMON: I said same objections.

1 THE WITNESS: You want me to answer?
 2 MS. LHAMON: Yes.
 3 THE WITNESS: I didn't see anyone from the
 4 school district coming out to see how facilities were.
 5 MR. ROSENTHAL: Q. But do you know if anybody
 6 at the district level was responsible for those issues?
 7 MS. LHAMON: Same objections.
 8 THE WITNESS: I don't know. I imagine there
 9 ought to be, but I don't know though who that would be.
 10 MR. ROSENTHAL: Q. Are you aware of there
 11 being any department at the district level that deals
 12 with facilities and maintenance issues?
 13 A. That sounds vaguely familiar.
 14 Q. Are you -- do you recall hearing of a buildings
 15 and grounds department?
 16 A. I've heard of that.
 17 Q. Do you know if they have any responsibilities
 18 for the facilities and maintenance issues?
 19 MS. LHAMON: Calls for speculation and a legal
 20 conclusion.
 21 THE WITNESS: I don't know.
 22 MR. ROSENTHAL: Q. Do you know what their role
 23 is?
 24 A. I don't know.
 25 Q. Would you say that the custodians at Balboa

1 also have some responsibility for facilities and
 2 maintenance issues at Balboa?
 3 A. I think the custodians had responsibility for
 4 cleaning up, but not necessarily for reconstructing the
 5 building if it's substandard.
 6 Q. Do you know how many custodians are employed at
 7 Balboa High School?
 8 A. I don't.
 9 MS. LHAMON: Vague as to time. Now or when she
 10 was teaching there?
 11 MR. ROSENTHAL: Q. Do you know how many --
 12 THE WITNESS: I don't know either. Sorry.
 13 MR. ROSENTHAL: Q. That was my next question,
 14 if you knew at any point in time how many custodians
 15 were employed at Balboa?
 16 A. I don't know.
 17 Q. Can you estimate for any period of time?
 18 A. I can think of people I saw. Probably saw
 19 three or four different folks at different times.
 20 Q. Was there any -- strike that.
 21 Was there any increase or decrease in custodial
 22 staff during the four years that you saw?
 23 A. Not to my knowledge.
 24 Q. Did it roughly remain stable to the extent you
 25 saw the staff?

1 A. It seemed the same.
 2 Q. Can you tell me what your procedure would be as
 3 far as getting a problem you were experiencing with
 4 regards to the facilities at Balboa, how you would get
 5 those resolved?
 6 MS. LHAMON: Objection. Assumes facts not in
 7 evidence. There's been no testimony that there is a
 8 regular procedure.
 9 THE WITNESS: Yeah. There was not a clear
 10 regular procedure. I never saw a form, a request form,
 11 or anything like that.
 12 MR. ROSENTHAL: I wasn't asking if there was a
 13 regular procedure. I was asking what your procedure
 14 would be.
 15 MS. LHAMON: Same objection. You can answer.
 16 THE WITNESS: What would I do if I had an issue
 17 in my facilities, a problem?
 18 MR. ROSENTHAL: Q. Right.
 19 A. I would have reported it to the administrative
 20 faculty.
 21 Q. And by that do you mean Mr. Chung?
 22 A. I believe Mr. Chung and/or other
 23 administrators, but probably him first, yeah.
 24 Q. If you couldn't get ahold of Mr. Chung, would
 25 there be somebody else you would typically go to?

1 A. Not that I recall.
 2 Q. And why would you address that issue to
 3 Mr. Chung?
 4 A. Because, like I said, my understanding was that
 5 he was the person responsible for that stuff at the
 6 school site.
 7 Q. I know you mentioned this, but I want to make
 8 sure the record is clear.
 9 Are you aware of any school policies as far as
 10 how to go about getting any facilities issues resolved
 11 at Balboa?
 12 A. No.
 13 Q. Are you aware of any district policies?
 14 A. No.
 15 Q. Are you aware of any other formal policies?
 16 A. No.
 17 MS. LHAMON: Related to facilities at the
 18 school?
 19 MR. ROSENTHAL: Right.
 20 THE WITNESS: No.
 21 MR. ROSENTHAL: Q. How would you go about
 22 resolving a problem you had with respect to textbooks?
 23 MS. LHAMON: Objection. Assumes facts not in
 24 evidence. There's been no testimony that she had a
 25 particular procedure. If you want to ask about a

1 specific time, that might be simpler.
 2 MR. ROSENTHAL: Q. Just asking generally how
 3 you would go about resolving a problem you were
 4 experiencing with regard to textbooks.
 5 MS. LHAMON: Same objections.
 6 THE WITNESS: I don't know what you mean by a
 7 problem with textbooks.
 8 MR. ROSENTHAL: Q. Have you ever had any --
 9 have you ever been missing -- have you ever not had a
 10 sufficient number of textbooks in any of your classes?
 11 A. Yes.
 12 Q. Have you ever had a situation where you had no
 13 textbooks for your class?
 14 A. Yeah.
 15 Q. Have you ever had a situation where the
 16 textbooks you were using in class were outdated?
 17 A. That depends on how you define outdated, but I
 18 would say --
 19 MS. LHAMON: Michael, can I ask a point of
 20 clarification?
 21 MR. ROSENTHAL: Sure.
 22 MS. LHAMON: When you're asking this series of
 23 questions whether she ever had this problem, are you
 24 limiting it to the time at Balboa or limiting it to --
 25 MR. ROSENTHAL: I'm limiting it to her four

1 years at Balboa at any time.
 2 MS. LHAMON: Thank you.
 3 MR. ROSENTHAL: And that goes for all of these
 4 questions.
 5 MS. LHAMON: Thank you.
 6 MR. ROSENTHAL: Q. Have you had any -- have
 7 you ever been in a situation where the textbooks you had
 8 for your class were in poor condition?
 9 A. Yeah.
 10 Q. Did you attempt to resolve the problems you
 11 were having with regard to textbooks?
 12 A. Yeah.
 13 MS. LHAMON: Compound.
 14 THE WITNESS: Yes, of course.
 15 MR. ROSENTHAL: It's just a yes or no.
 16 THE WITNESS: Of course.
 17 MR. ROSENTHAL: Q. And can you tell me how you
 18 went about trying to resolve the situation you
 19 experienced with regard to not having enough textbooks
 20 for all the students in your class?
 21 A. I would talk --
 22 MS. LHAMON: Objection. Vague as to time. Are
 23 you referring to every time she did it or a particular
 24 time she did it?
 25 MR. ROSENTHAL: Just asking for your general

1 practice.
 2 THE WITNESS: And generally I would talk to my
 3 department chair who would then -- I don't know what she
 4 would do. I can't speak for her.
 5 MR. ROSENTHAL: Q. Can you tell me who your
 6 department chair was?
 7 A. The last couple years, it was Alison Dills.
 8 Q. Can you spell that?
 9 A. A-l-i-s-o-n. I believe D-i-l-l-s.
 10 Q. And was there a different department chair
 11 prior to that?
 12 A. My first year, there was a different department
 13 chair, and I don't remember the second year.
 14 Q. Can you give me -- do you remember the name of
 15 the person who was the department chair during --
 16 A. The first year was Matt Alexander.
 17 Q. I'm sorry?
 18 A. The first year was Matt Alexander.
 19 Q. Do you remember who was the second year?
 20 A. I don't. It might have been Alison already,
 21 but I'm not sure.
 22 Q. Why would you talk to the department chair to
 23 get the problem we're discussing resolved?
 24 A. It's just the structure of a big school.
 25 You're supposed to go to the next person up. It wasn't

1 a clear policy, but that would be who I would talk to or
 2 I might have talked with an administrator.
 3 Q. And was it your belief that the department
 4 chair or administrator had the ability to remedy the
 5 situation?
 6 A. Not necessarily. I mean, if it's a funding
 7 issue, then they didn't necessarily have the ability to
 8 remedy it.
 9 Q. How did you go about finding out whether or not
 10 it was a funding issue or whether it was --
 11 MS. LHAMON: My objection is it assumes facts
 12 not in evidence.
 13 THE WITNESS: What was the question again?
 14 MR. ROSENTHAL: Can you read back the question,
 15 please.
 16 (Record read.)
 17 THE WITNESS: Yeah.
 18 MR. ROSENTHAL: Let me restate the question
 19 then, I guess to make sure we have a clear question.
 20 Q. How did you go about finding out whether it was
 21 a funding issue or if it was caused by something else?
 22 MS. LHAMON: Same objection, but you can
 23 answer.
 24 THE WITNESS: Or if it was caused by something
 25 else. Can you be specific as to something else?

1 MR. ROSENTHAL: Q. You stated earlier that the
2 department chair or the administrator may not be able to
3 resolve the situation because it could be a funding
4 issue.

5 A. Um-hum.

6 Q. Are there possibly other reasons why you didn't
7 have sufficient textbooks in your class?

8 A. I don't know. I don't think so.

9 Q. Did you ever get the situation resolved? And
10 by that I mean, did you ever get additional textbooks in
11 a class where you needed additional textbooks?

12 A. I typically had a class set that the kids could
13 use in class, but not books to take home most semesters.
14 We, at some point, were able to buy a new set of
15 textbooks, but it was way after the fact, and I think
16 they might have been partially funded by the bar
17 association, not even by the government.

18 Q. Let me just try this again. You said that when
19 you were in a class where you didn't have enough
20 textbooks for your students, one thing you generally did
21 was to talk to the department chair or in some other
22 instances with the -- somebody in the administration.

23 Did that ever result in you getting additional
24 textbooks to alleviate that problem?

25 A. There's one instance where we got some more

1 didn't get resolved for a long, long time.

2 Q. Do you recall which vice principal you sent the
3 memo to?

4 A. I believe it was to Mr. Chung.

5 Q. Is it your understanding that Mr. Chung also
6 had some responsibility with respect to textbooks?

7 A. I must have understood that at the time if I
8 wrote him a memo.

9 Q. And you say the problem got resolved after a
10 long time. Can you just give me the details of the time
11 frame we're talking about?

12 A. I taught that class for three years and even
13 last year, we didn't have enough. No, it never got
14 fully resolved.

15 Q. Why don't we try it this way. Do you recall
16 when you wrote the memo to Mr. Chung?

17 A. I don't.

18 Q. Do you remember what time of year or during
19 what year it was?

20 A. It was probably -- it was probably in the
21 spring of my second teaching year there. So the first
22 time I taught pre-law.

23 Q. So that's the spring of '98?

24 A. Or '99. '99.

25 MS. LHAMON: Yeah. The spring of '99.

1 textbooks, but I believe they were privately funded.
2 But in other classes, it was not resolved.

3 Q. So in other instances where you reported that
4 problem to the department chair or the principal, did
5 the situation get resolved?

6 A. No, not to my recollection.

7 Q. And you also said that there were -- there was
8 at least one instance where you had no textbooks for
9 your class.

10 A. Yeah, I think when I began teaching pre-law.

11 Q. Is that just one occurrence?

12 A. I'm trying to remember. Yeah. In the others,
13 they were just shared.

14 Q. So one instance where there were no textbooks
15 and other instances where there just weren't enough for
16 each student?

17 A. Um-hum.

18 MS. LHAMON: Is that a yes?

19 THE WITNESS: Yes. Yes.

20 MR. ROSENTHAL: Q. With respect to the one
21 instance where your class had no textbooks, what did you
22 do to resolve that situation -- to attempt to resolve
23 that situation?

24 A. I remember writing a memo about needing Street
25 Law textbooks to the vice principal, and I remember it

1 THE WITNESS: Spring of '99.

2 MR. ROSENTHAL: Q. You told me earlier you
3 taught pre-law during the spring of '98, so was it --

4 A. No. That was -- yeah. So maybe it was then.
5 You're probably right. Spring of '98.

6 Q. And do you recall when you received the
7 textbooks -- well, strike that.

8 Can you tell me what the substance of your memo
9 to Mr. Chung was?

10 A. It's a very long time ago. I think just
11 something requesting that the school purchase that
12 particular textbook.

13 Q. And do you recall when you -- did you receive
14 textbooks pursuant to your request?

15 A. At some point, I think at least a year later,
16 the school got some of the new Street Law textbooks.

17 Q. Did you have copies of the Street Law textbooks
18 prior to teaching the course again in the spring of
19 1999?

20 A. I think we had one class set of the old one, so
21 the kids shared it.

22 MR. ROSENTHAL: Can you read back that answer.
23 (Record read.)

24 MR. ROSENTHAL: Q. So prior to the -- sometime
25 prior to teaching the class in the spring of 1999, you

1 received one class set of the books you requested?
 2 A. I really don't remember how it all worked out,
 3 but --
 4 Q. Did you receive new books or you received old
 5 copies of the books?
 6 A. I think we received old copies because they
 7 were tan and the new ones were red.
 8 Q. Is there a procedure at -- was there a
 9 procedure at Balboa for ordering textbooks that you're
 10 aware of?
 11 A. Not to my knowledge.
 12 Q. During the time you taught there, did you
 13 ever -- were you ever required to take an inventory of
 14 your textbooks?
 15 A. When we would turn books into the book room at
 16 the end of the year, I think we have to count, you know,
 17 collect them back from the kids, re-use them in that
 18 moment and count them and give them back to the book
 19 room.
 20 Q. And at any point during the school year, was it
 21 your understanding that you were supposed to inform the
 22 administration whether you needed additional books for
 23 the following year?
 24 A. I'm not sure I understand what you're asking.
 25 Q. Okay. Upon taking the inventory of books, did

1 you sometimes discover that you had a shortage of books?
 2 A. You didn't really need to take an inventory to
 3 discover that you had a shortage of books. You just
 4 know as a teacher.
 5 Q. But when you took the inventory, did you
 6 realize at that point that you were short a number of
 7 books and you would be short books for the upcoming
 8 school year?
 9 A. Well --
 10 MS. LHAMON: Objection. Mischaracterizes her
 11 testimony. I think she's testified that --
 12 MR. ROSENTHAL: It's a question. I wasn't
 13 characterizing anything.
 14 MS. LHAMON: I think you were. I think she
 15 testified she did an inventory of the books to turn them
 16 back in at the end of each school term, so it wasn't
 17 related to whether she would have books at the next
 18 term.
 19 THE WITNESS: That's correct. So I was aware
 20 of the shortage prior to doing the inventory.
 21 MR. ROSENTHAL: Q. When you took the
 22 inventory, were you aware at that time?
 23 A. Of course. I would still be aware. I wouldn't
 24 become unaware taking inventory. I think I'm
 25 misunderstanding your question.

1 Q. So when you turned -- on occasion when you
 2 turned the school books in, you knew you were aware that
 3 you were -- you would not have enough books for the
 4 following year; is that fair to say, unless new books
 5 were added to the inventory?
 6 A. Yeah.
 7 Q. Did you take any steps to get new books added
 8 to the inventory?
 9 A. I mean, we would -- I would make the situation
 10 aware, like I said, to the department head and/or
 11 Mr. Chung.
 12 Q. Are you aware --
 13 A. But it's not my responsibility as a teacher to
 14 order books. So if I made people aware of it, then --
 15 unless somebody gives me a check, I can't really go buy
 16 the books.
 17 Q. And at the end of the school year, did you make
 18 anybody aware of the number of books that you'd be --
 19 that you would need for the upcoming school year?
 20 MS. LHAMON: Vague as to time. Do you mean
 21 every year or any year in particular?
 22 MR. ROSENTHAL: I'm asking her generally.
 23 THE WITNESS: I would -- there would be
 24 discussions between myself and the department head about
 25 this issue, yeah.

1 MR. ROSENTHAL: Q. Would you inform the
 2 department head that, for example, you needed a certain
 3 number of books for this particular -- for, you know, a
 4 particular course?
 5 A. Yes.
 6 Q. And was that reflected in writing anywhere or
 7 was that all done orally?
 8 A. That was probably done orally.
 9 Q. Did you ever see any documentation of book
 10 orders for Balboa High School for books that you had
 11 requested?
 12 A. No.
 13 Q. Was there somebody at Balboa who was primarily
 14 responsible for maintaining a textbook inventory?
 15 A. Um-hum. Yes.
 16 MS. LHAMON: Calls for speculation.
 17 THE WITNESS: Yes.
 18 MR. ROSENTHAL: Q. Can you tell me who that
 19 individual is?
 20 A. Carmen Cortaza.
 21 Q. Can you spell that?
 22 A. Carmen C-o-r-t-a-z-a, I believe.
 23 Q. And can you tell me what her job title is?
 24 A. I don't know her job title.
 25 Q. Are you aware whether there was a particular

1 time of year when textbook orders were placed for
 2 Balboa?
 3 A. I'm not aware.
 4 Q. Earlier you told me that another problem with
 5 respect to textbooks that you experienced was that in
 6 your view, some of your books were outdated.
 7 Can you tell me how you generally attempted to
 8 have that problem resolved?
 9 A. The same procedure.
 10 Q. By the same procedure, you mean talking to your
 11 department chair --
 12 A. Yes.
 13 Q. -- or possibly to an administrator?
 14 A. Yes.
 15 Q. Can you tell me what you mean when you said
 16 that particular book was outdated?
 17 A. For example, it would be talking about the
 18 current President Reagan or Bush or, you know, for
 19 American democracy textbook.
 20 Q. Do you have an opinion as to how current a
 21 social studies textbook needs to be so that's not
 22 outdated in your mind?
 23 A. I don't know how often they're rewritten, but
 24 it seems like when there's a new edition, kids deserve
 25 to have the most updated copy.

1 Q. You also told me earlier that one of the
 2 problems you experienced with respect to textbooks was
 3 that they were sometimes in poor condition.
 4 Can you tell me how you generally tried to
 5 resolve that problem?
 6 A. Well, you need new textbooks if the textbooks
 7 have pages missing or ripped.
 8 Q. So was the procedure the same as the procedure
 9 you described before?
 10 A. Yeah. Yeah.
 11 Can I go to the restroom?
 12 MR. ROSENTHAL: Sure. Let's take a break.
 13 (Recess taken from 11:28 to 11:34 a.m.)
 14 MR. ROSENTHAL: Q. Ms. Safir, we were talking
 15 about the procedures that you generally undertook to get
 16 problems regarding textbooks resolved. You testified
 17 earlier that in one instance where you had insufficient
 18 number of textbooks for your students, the problem was
 19 resolved, and then it was not resolved in other
 20 instances.
 21 Were there any instances where you had what
 22 you'd call outdated textbooks and you reported that to
 23 the department chair or an administrator and that
 24 problem was resolved?
 25 A. No.

1 Q. So no instance where you reported that you had
 2 what you viewed to be outdated textbooks did the problem
 3 get resolved?
 4 A. No.
 5 Q. And how about with respect to textbooks that
 6 were -- that you reported -- in instances where you
 7 reported the textbooks you had to be in poor condition?
 8 MS. LHAMON: You're asking whether the problem
 9 was resolved?
 10 MR. ROSENTHAL: Right. Whether you reported it
 11 to a department chair or an administrator and, as a
 12 result of doing that, the problem got resolved.
 13 THE WITNESS: No, it didn't.
 14 MR. ROSENTHAL: I'd like to get into some of
 15 the specifics regarding textbooks issues now. You said
 16 that on a few occasions, you did not have a sufficient
 17 number of textbooks for your students.
 18 Can you tell me in connection with what classes
 19 and what time frame you're talking about?
 20 A. So each time I taught U.S. history that I
 21 remember, I would have like 35 U.S. history textbooks on
 22 a book shelf in my classroom, and the kids could use
 23 them in class only.
 24 Q. Well, let's deal with that instance first. So
 25 every time you taught U.S. history, and I believe you

1 taught it every semester you taught at Balboa?
 2 A. I think so, yeah.
 3 Q. And you also had 35 textbooks for that class,
 4 give or take a couple?
 5 A. Yeah.
 6 Q. And was 35 textbooks -- strike that.
 7 Do you ever recall having more than 35 students
 8 in your U.S. history class?
 9 A. I may have at first. My first teaching year, I
 10 may have had in the upper 30s in the class, in the U.S.
 11 history class. I definitely had upper 30s in the
 12 American democracy class, but you just asked about U.S.
 13 history, right.
 14 Q. Right. Let's focus on that first. Do you
 15 remember having more than 35 students during your first
 16 year in U.S. history class?
 17 A. I mean, you know, it fluctuates. It's possible
 18 that I had slightly more than that at some point.
 19 Q. Was it -- do you remember if it was the fall
 20 semester or spring semester or both?
 21 A. I don't remember.
 22 MS. LHAMON: I'm sorry. The question was
 23 unclear to me. Were you asking did she remember which
 24 semester she may have had more than 35 students?
 25 MR. ROSENTHAL: Right, right.

1 Q. Did you understand the question?
 2 A. Yeah. I mean, I remember having big classes my
 3 first semester there. I'm not sure about the spring.
 4 Q. Was it more likely that it was the first
 5 semester?
 6 A. Sure. You could say that.
 7 Q. During the time period when you had in the
 8 upper 30s as far as numbers of students in the U.S.
 9 history class during your first year at Balboa, do you
 10 remember not having enough textbooks for each student?
 11 MS. LHAMON: The question is vague. Are you
 12 asking if she remembers not having enough textbooks for
 13 each student to use in class or for each student to have
 14 for use at home as well?
 15 MR. ROSENTHAL: In class, I'm talking about
 16 right now.
 17 THE WITNESS: It's possible then they would
 18 have had to share. I can't remember though.
 19 MR. ROSENTHAL: Q. Do you specifically
 20 remember sharing occurring?
 21 A. Yeah. I remember sometimes when kids were
 22 sharing textbooks.
 23 Q. Were they sharing because there were not enough
 24 textbooks in the class?
 25 A. Yeah.

1 Q. Now, you said a few moments ago that you had 35
 2 books for your U.S. history class, but that students
 3 were not allowed to take the books home; is that right?
 4 A. Most of the time I can remember that was true.
 5 Q. And do you know why that was the case?
 6 A. Why what was the case?
 7 Q. Why students were not allowed to take books
 8 home.
 9 A. Because if one class took them home, then the
 10 next class wouldn't have any books to use.
 11 Q. So you used the same set of books for each one
 12 of your U.S. history classes?
 13 A. That was the situation I had to deal with.
 14 Q. We were talking earlier about you not having a
 15 sufficient number of textbooks for your students. Were
 16 you -- just so I'm clear -- it sounds like, in some
 17 instances, there weren't enough books for students to
 18 use in class and students had to share, and at other
 19 times, there weren't enough books for all your students
 20 so they could take them home.
 21 Did you experience both of those?
 22 MS. LHAMON: Vague as to time and for which
 23 classes.
 24 MR. ROSENTHAL: At any point. This is just
 25 going back to what we were discussing.

1 THE WITNESS: Did I experience students sharing
 2 books in class and students not being allowed to take
 3 them home?
 4 MR. ROSENTHAL: Q. Because of insufficient
 5 numbers.
 6 A. Yes, I experienced both of those.
 7 Q. And with respect to both of those problems, you
 8 would attempt to resolve it by speaking to your
 9 department chair or administrator?
 10 A. Yes.
 11 Q. As far as the 35 textbooks you had for your
 12 U.S. history class, did that remain constant for the
 13 entire four-year period you were teaching at Balboa?
 14 I don't mean the exact number of books. I just
 15 mean that you had one class set to use between your
 16 classes.
 17 A. I'm pretty sure.
 18 Q. At no point did you receive --
 19 A. An influx of books, yeah, I don't remember
 20 receiving more books.
 21 Q. Did you report this specific problem to the
 22 department chair?
 23 A. Yeah. I mean -- yes, and she was already aware
 24 of the problem.
 25 Q. Do you recall what she said to you?

1 A. I don't recall.
 2 Q. Did she say she would attempt to obtain
 3 additional books?
 4 A. Yeah. She was always really responsive, but I
 5 feel like her hands were tied, too.
 6 Q. Did she ever tell you she was not able to
 7 obtain additional books?
 8 A. I don't remember. I don't remember. I'm
 9 sorry.
 10 Q. Did you ever ask her if she would be getting
 11 additional books for you, or did you just -- I'm just
 12 trying to get a sense of what the communications that
 13 you had were. You would report a problem with her and
 14 you'd attempt to get it resolved and then try to --
 15 A. I think when you work at a school like Balboa,
 16 you can make kind of a series of efforts and eventually
 17 you internalize a message about what you're supposed to
 18 expect from the school. So I really don't remember how
 19 many specific conversations I had.
 20 I mean, this is one example of completely
 21 substandard resources and conditions, and it became
 22 clear that it wasn't going to be remedied. So I really
 23 don't know exactly how many conversations --
 24 Q. Did you ever attempt to --
 25 A. -- occurred.

1 Q. I'm sorry. Did you ever attempt to go above
2 the department chair's head to, for example, the
3 principal to attempt to get the problem resolved, this
4 specific problem?

5 A. To the principal? Not this specific problem, I
6 don't recall talking to the principal about it, but,
7 like I said, perhaps to the vice principal.

8 Q. Do you specifically recall speaking to a vice
9 principal about this problem? And by "this problem,"
10 I'm referring to the book shortage in your U.S. history
11 class.

12 A. Yeah. I remember conversations with Gilbert
13 Chung about books. Now, again, I'm not sure if that's
14 U.S. history if you're asking specifically about that.

15 Q. What do you recall about those conversations?

16 A. Just inquiring what had been done and whether
17 we were going to get more, et cetera.

18 Q. And did Mr. Chung respond to your inquiry?

19 A. Just general sort of we're doing all we can do
20 type of response that I can recall. It's not a quote.

21 Just the tenor of a general response.

22 Q. You said that you experienced this shortage of
23 textbooks for the entire four years you were at Balboa.

24 Did you -- was it a problem you raised with the
25 department chair or the vice principal at the beginning

1 inadequacy. So one of the responses that I took as a
2 teacher was to create readers of various materials,
3 which either I would fund myself or, at one point, we
4 had a collaboration with the bar association and they
5 helped pay for copies of the reader.

6 Q. Just getting back to my question. Was there
7 anything additional you did as far as trying to get
8 additional textbooks in your classroom other than
9 informing the individuals we've been talking about?

10 A. No, not to my recollection.

11 Q. Did anybody ever tell you that you couldn't be
12 provided with additional textbooks for any reason?

13 A. I don't remember that.

14 Q. Do you remember being told that they couldn't
15 provide you with additional textbooks because they
16 didn't have the funding for it?

17 A. I'm trying to remember. I mean, that was my
18 understanding, but I don't recall a specific
19 conversation where somebody specifically told me that.

20 Q. Can you tell me what the basis for that
21 understanding was?

22 A. Well, Gilbert Chung may have said that. I just
23 can't remember talking to him about it or having --
24 hearing him say that to me.

25 The basis of that understanding was that I felt

1 of the school year at any particular point in time?

2 Was it -- were you informing them, you know,
3 every month? I'm just trying to get a sense of it was
4 an ongoing problem. I'm trying to get a sense of how
5 frequent your communications were.

6 A. I mean, I don't remember.

7 Q. Did you speak to somebody about it at least
8 once each semester?

9 A. Probably, yeah.

10 Q. And did you make any additional inquiry after
11 additional books hadn't been supplied to you and you had
12 informed what you believed to be the appropriate people
13 to inform?

14 A. Additional inquiry to who?

15 Q. As far as -- I'm just trying to get again a
16 sense of what your communications were. You reported to
17 the department chair and the vice principal on several
18 occasions that you need more U.S. history books and you
19 weren't getting them.

20 Did you do anything differently to attempt to
21 get them, since just simply telling them wasn't being
22 fruitful apparently? I'm just trying to get a sense of
23 what your next step was.

24 A. My focus was on the classroom and ensuring kids
25 that they could still be well-educated despite this

1 like people at the school cared about the kids'
2 education and were trying to get the materials. I
3 didn't feel like they wanted the kids to not have books,
4 and so why else would we not have books.

5 Q. Do you have any understanding as to the amount
6 of money that Balboa allocates to the purchase of
7 textbooks in their budget?

8 MS. LHAMON: Calls for speculation.

9 THE WITNESS: I don't know.

10 MR. ROSENTHAL: Q. We've been talking about
11 the U.S. history class. Were there any other classes
12 that you taught at Balboa where you experienced not
13 having sufficient books for all of your students?

14 A. Well, I already spoke about pre-law. The same
15 situation in pre-law.

16 Q. I think pre-law came up in the context of not
17 having any textbooks. We may have touched on there not
18 being enough, but why don't you tell me a little bit
19 more about that problem.

20 A. Just the sharing thing again.

21 Q. I know you said there were no textbooks for
22 pre-law when you first taught it, and you believed you
23 got the books prior to teaching it during the spring of
24 1999, your second year.

25 A. Right.

1 Q. Is that right?

2 A. I don't remember exactly when, but then we had
3 an incomplete set of the old ones and then, at some
4 point, we got some of the new ones. But we never had
5 enough so that all the kids could take them home. So
6 even last spring, we were making copies of pages of the
7 textbook for kids to use for homework.

8 Q. And do you remember receiving books at two
9 separate times? You said you got some of the old books
10 and then subsequently you got some new books; is that
11 how you recall?

12 A. Yeah, but like with a big gap in between, and I
13 don't remember exactly when those things happened.

14 Q. Do you recall how many -- I guess we'll have to
15 go through this semester by semester.

16 During your -- when you taught the class in the
17 spring of 1999, do you remember how many textbooks you
18 had for pre-law?

19 A. I don't. I think I had -- I think I had a
20 class set or close to a class set, so around 30.

21 Q. And do you remember how many students you had
22 in your pre-law class during the spring of 1999?

23 A. Maybe a collective 50 or 60.

24 Q. Did you have enough copies of the textbook to
25 use in class as each student had their own?

1 that. I think it was like that's what they -- you know,
2 they could afford X number, but it wasn't sufficient for
3 the number of kids.

4 Q. In teaching pre-law during the 1999-2000 and
5 2000-2001 school year, do you ever remember not having
6 enough textbooks for the students to use in class -- for
7 each student to use their own?

8 A. In class?

9 Q. In class.

10 A. I don't remember one way or the other.

11 Q. Do you remember whether you had enough
12 textbooks for students to take the pre-law textbook home
13 with them?

14 A. No, I didn't.

15 Q. You didn't have enough books for them to do
16 that?

17 A. Exactly.

18 Q. Were any students allowed to take the pre-law
19 textbooks home?

20 MS. LHAMON: Are you making the question to her
21 students?

22 MR. ROSENTHAL: Yes.

23 THE WITNESS: Did I allow any of my students to
24 take the textbook home?

25 MR. ROSENTHAL: Q. Right.

1 A. Possibly, but they couldn't take it home.

2 Q. Well, do you remember not having enough
3 textbooks, pre-law textbooks, for each student to use
4 their own in class?

5 A. I don't remember.

6 Q. Do you recall receiving additional new copies
7 of the pre-law textbook during the spring of 1999 class,
8 or did that happen later than that?

9 A. No, I think it was later than that, like maybe
10 the next school year.

11 Q. According to your testimony earlier, you then
12 taught pre-law for the remaining -- each semester during
13 the 1999-2000 and 2000-2001 school year. Does that
14 sound right to you?

15 A. Um-hum.

16 Q. Do you remember when the new textbooks came in
17 that time frame?

18 A. I don't.

19 Q. Do you recall how many new textbooks you
20 ultimately received?

21 A. It was less than a class set. I remember it
22 struck me as odd because it was like a number that
23 didn't correspond to the number of kids in the class.

24 Q. Do you remember what the number was?

25 A. I don't. Maybe 15 to 20 or something like

1 A. No. I mean -- I'm trying to remember if
2 anybody ever checked it out for like a research thing to
3 go home for a night or something. They couldn't because
4 then, you know, kids the next day wouldn't be able to
5 use it.

6 Q. Well, were they allowed to check out the books?
7 Is that something you allowed them to do or --

8 MS. LHAMON: Asked and answered.

9 MR. ROSENTHAL: Q. You can answer.

10 A. I can't remember. I know we did that with U.S.
11 history a couple times when they were writing research
12 papers.

13 Q. When you received the additional pre-law
14 textbooks that brought the total number of books you had
15 up to somewhere between roughly 45 and 50 books; is that
16 not right?

17 A. Something like that.

18 Q. Is that right?

19 A. Yeah. I don't remember exactly how many, but
20 it was still less than the total number of kids. Like
21 more than one class, but less than two classes.

22 Q. But if some of the books were checked out for a
23 night, let's say, for example, five or ten books were
24 checked out on a given night, you'd still have enough
25 for the students to use in class the next day, is that

1 right, or did you have a class that had more than 35 or
2 40 students?
3 A. I had classes with about 30. So at no time
4 could all kids take a textbook home and learn in depth
5 about the subject we were studying.
6 Q. Do you recall the name of the pre-law textbook?
7 A. I think it was just called Street Law.
8 Q. I apologize for going back. Do you remember
9 the name of the U.S. history?
10 A. American Odyssey.
11 Q. American Odyssey?
12 A. Um-hum.
13 Q. And in connection with -- I'd like you to focus
14 on the 1999 to 2000, 2000 to 2001 school years. Do you
15 remember any instance in any of your pre-law classes
16 during that time frame when there were not enough
17 textbooks for each student to have their own copy for
18 use in class?
19 A. I don't remember one way or the other.
20 Q. You don't remember any such instance?
21 A. I don't remember.
22 Q. Do you remember speaking to the department
23 chair or any administrator about these insufficient
24 number of Street Law textbooks?
25 A. Yes.

1 Q. And can you tell me what you remember from
2 those conversations?
3 A. Well, I already told you I wrote a memo to the
4 vice principal about it early on in my career there. I
5 continued to speak with the department head about it,
6 and she's the reason we got some new books, albeit
7 insufficient number.
8 Q. Did you ever receive any explanation as to why
9 you received what you call an insufficient number?
10 A. That's my understanding, was that it was a
11 funding problem.
12 Q. How did you come to that understanding?
13 A. Through -- I think through conversations with
14 the department head.
15 MS. LHAMON: Michael, it's just about noon. Do
16 you want to break now or keep going?
17 MR. ROSENTHAL: This is fine. We can take a
18 break here. That's fine.
19 (Lunch recess taken at 11:58 a.m.)
20 Afternoon Session 12:50 p.m.
21 MR. ROSENTHAL: Q. Ms. Safir, do you
22 understand you're still under oath?
23 A. Yes, I do.
24 Q. And do you understand each time we take a break
25 when you come back, you're always under oath?

1 A. Yes.
2 Q. Before our lunch break, we were talking about
3 situations you experienced in your classes where you
4 didn't have enough textbooks for all of your students,
5 either in class or enough so that they could take them
6 home.
7 And we had covered -- we had talked about your
8 pre-law class and your U.S. history classes. I know
9 during your first year, you also taught for one semester
10 American democracy and economics and I believe you
11 taught two different classes of that during that first
12 semester you taught in the fall of 1997.
13 A. Yeah.
14 Q. Did you have sufficient books in that class for
15 all of your students?
16 A. You know, I don't remember having a specific
17 book for the ESL class. I think I had the same book for
18 both classes, and I don't remember the amount. It's a
19 long time ago.
20 Q. So you don't recall whether there was a
21 shortage of books or not?
22 A. I don't recall.
23 Q. Do you know if you had just one class set like
24 you did for U.S. history or did you have more than one
25 class set?

1 A. I don't recall.
2 Q. Do you recall students ever having to share
3 textbooks in that class, in either of those two classes
4 that you taught?
5 A. I don't recall.
6 Q. Did you ever hear of other teachers at Balboa
7 High School experiencing problems similar to the ones
8 you experienced with respect to there not being a
9 sufficient number of textbooks?
10 A. Yes.
11 Q. Did you hear that from other teachers?
12 A. Yes, and from students.
13 Q. Can you tell me what you heard?
14 A. I heard of people not having enough novels,
15 English classes, and not having enough textbooks for
16 math class. Those are the two examples I can remember.
17 Q. Do you remember who told you that there weren't
18 enough novels in some English classes?
19 A. Just heard it from several people. I don't
20 remember exactly who.
21 Q. Do you know if you heard it from students or
22 teachers or both?
23 A. Both.
24 Q. Do you recall the names of any of the
25 individuals who told you that there weren't enough

1 novels in the English classes?
 2 A. No.
 3 Q. Do you remember any teachers of English classes
 4 telling you that they didn't have enough copies of
 5 novels for their class?
 6 A. I mean, I remember having those conversations,
 7 but I don't remember exactly with whom.
 8 Q. And how about for the math classes? Do you
 9 remember who told you that there was -- that there were
 10 not enough math textbooks for all the students?
 11 A. Definitely the kids and Emmanuel Medina.
 12 Q. When you say "the kids," do you have any
 13 individuals particularly in mind?
 14 A. No, they all talked about it. They were just
 15 direly behind in math.
 16 Q. Were there any other teachers, other than
 17 Mr. Medina, who told you that there were not enough math
 18 textbooks?
 19 A. The math department changed a lot and most
 20 people weren't there long enough for me to really have
 21 in-depth conversations with them. There was a lot of
 22 turnover in the math department.
 23 Q. Do you recall any other math teachers telling
 24 you there weren't enough textbooks?
 25 A. Not -- I don't remember having conversations

1 with any of the math teachers.
 2 Q. Did Mr. Medina say that he did not have enough
 3 math textbooks for his class?
 4 A. Yes. I think I remember him saying that.
 5 Q. And was that for a particular period of time
 6 while he was teaching at Balboa or was that throughout
 7 the entire four years?
 8 A. Well, he wasn't there the entire four years,
 9 but my impression was that that problem was ongoing
 10 throughout his time there.
 11 Q. Do you recall when Mr. Medina began teaching at
 12 Balboa?
 13 A. I think he began the spring of my first year
 14 there.
 15 Q. Spring of your first year so that's the spring
 16 of '98?
 17 A. I think so.
 18 Q. So was he there roughly three and a half years?
 19 A. Two and a half.
 20 Q. So do you mean the spring of '99 then or did he
 21 leave prior to the spring?
 22 A. He wasn't there in my final year there.
 23 Q. I understand. Great. Thank you. So he was
 24 there roughly from the spring of 1998 through the end of
 25 the -- end of the 1999 school year, 2000?

1 A. Yes.
 2 Q. Can you tell me what Mr. Medina told you
 3 regarding the shortage of textbooks in his class?
 4 A. He just talked about a general lack of
 5 supplies, calculators, rulers, textbooks. It just made
 6 it very challenging to teach math according to the
 7 standards.
 8 Q. Did he tell you that he was -- again I'm trying
 9 to get an understanding of the distinction between
 10 having a complete set in class for use where all
 11 students had their own copy or not even having enough
 12 for everyone to have their own copy in class.
 13 Do you recall if he distinguished between
 14 either of those situations?
 15 A. I don't know. I don't recall.
 16 Q. Other than the lack of enough copies of novels
 17 in some English classes and the lack of textbooks in
 18 some math classes, do you recall hearing about any other
 19 classes having a shortage of textbooks?
 20 A. I feel like the kids always talked about having
 21 a shortage of textbooks in most of their classes. I
 22 don't recall talking with other teachers from other
 23 departments. I'm trying to remember. But I definitely
 24 remember hearing from the kids that they were having --
 25 that they didn't have enough books in most of their

1 classes.
 2 Q. Did you hear about that in connection with any
 3 specific classes?
 4 A. Math.
 5 Q. Other than the ones --
 6 A. Math and English are the ones that stand out.
 7 I'm not sure about the others.
 8 Q. But as you sit here today, you can't think of
 9 any other classes where that came up?
 10 A. I feel like I sort of remember something about
 11 Spanish class, but it's vague. It's a vague memory.
 12 Q. Can you tell me what you remember about a
 13 Spanish class?
 14 A. The same issue coming up.
 15 Q. That there were not enough textbooks in the
 16 Spanish class?
 17 A. Right.
 18 Q. Was that limited in time to a particular time
 19 or over your four years at Balboa?
 20 A. I don't know. I don't know.
 21 Q. Do you remember who you heard that from? Was
 22 that from a student or teacher?
 23 A. Students.
 24 Q. Do you remember what student or students?
 25 A. No. Oh, wait a minute. I do have another

1 example that I can remember. The Japanese teacher who
2 was only there for the first two years, I guess, and she
3 couldn't get textbooks for her class for most of the
4 time she was there.

5 Q. Is that a situation where she had no textbooks?

6 A. Yeah. I believe she had no textbooks for a
7 while.

8 Q. Let's put that aside for a minute. We'll come
9 to that. Right now I want to focus on situations where
10 there were textbooks, but weren't enough to go around to
11 all the students.

12 You understand that distinction?

13 A. Um-hum. Sure.

14 Q. Any other instances that you can think of where
15 that was the problem?

16 A. Where what was the problem?

17 Q. That there weren't enough in the classes.

18 Where there were textbooks, but there weren't enough to
19 go around for each individual student for use in the
20 class or to take home.

21 A. Yeah. I was mostly just in my own classroom
22 and so I heard from students definitely and from a few
23 teachers that they were having that same issue. But I
24 wasn't physically in the class -- I mean, again it's
25 from conversations, so I don't know.

1 A. Well, I was asked to teach that class three
2 weeks before the semester started, so it was pretty
3 frenetic anyway. So I don't -- yeah, I don't remember
4 when I became aware that there weren't textbooks.

5 Q. Were you supposed to teach a different class
6 prior to being assigned to teach the pre-law class?

7 A. They didn't know what I was going to teach. It
8 was undetermined near the end of the first semester what
9 I would be teaching the second semester.

10 Q. I know you gave me one example, and I'll ask
11 you some questions about it in a moment, but if you
12 could just tell me other examples, if you can think of
13 any right now, any examples of classes where there were
14 no textbooks for the students in classes where they were
15 supposed to be using a textbook?

16 MS. LHAMON: Are you referring to -- excuse me.
17 Just as a point of clarification. Are you referring to
18 Ms. Safir's classes or to any classes she knows about at
19 the school?

20 MR. ROSENTHAL: Q. Have you ever heard of any
21 other classes? I think we've covered to some extent
22 anyway that one instance where you experienced that.

23 A. The one that sticks out in my memory is the
24 Japanese class.

25 Q. Can you tell me what you know about that

1 Q. And other than Mr. Medina, do you specifically
2 remember the names of any other teachers who you heard
3 that from?

4 A. Who didn't have enough books?

5 Q. Right.

6 A. I feel like I kind of remember hearing that
7 from Lisa Morehouse, too, who is an English teacher.

8 Q. Can you spell her last name?

9 A. M-o-r-e-h-o-u-s-e.

10 Q. Was Alandra Jones one of the students who you
11 heard -- is Alandra Jones one of the students who told
12 you about there not being enough books in some of these
13 classes?

14 A. One of many.

15 Q. And is Mr. Poon also one of these individuals?

16 A. I don't remember having that specific
17 conversation with Mr. Poon.

18 Q. We talked earlier about the -- we talked
19 generally about your pre-law class, which you first
20 taught in the spring of 1998, and you said that there
21 were -- when you taught that class for the first
22 semester, you had no textbooks to teach that class.

23 A. Yeah. I'm pretty sure we didn't have any.

24 Q. Do you recall when you first became aware that
25 there were no textbooks for that class?

1 situation?

2 A. Just that the teacher was trying to get a set
3 of books for a class, and it didn't -- it wasn't
4 happening expeditiously.

5 Q. And do you recall what semester that was or
6 what year?

7 A. Well, she started the same year I did, so that
8 would have been '97-'98.

9 Q. Was it your understanding that that teacher had
10 no textbooks in her class at all?

11 A. Yeah. I don't think she had them the whole
12 year, in fact, but I'm not positive.

13 Q. So you believe she never had any textbooks
14 during 1997 and 1998 that year to teach Japanese?

15 A. I believe, but I'm not positive.

16 Q. Do you recall the name of the teacher of that
17 Japanese class?

18 A. That's Kate Goka.

19 Q. And are you aware of what materials Ms. Goka
20 used to teach the class?

21 A. I think again she made copies of things -- made
22 copies of materials from books.

23 Q. And do you know whether there were enough
24 copies of those materials for each student?

25 A. I don't know.

1 Q. Are you aware of any other instances where a
 2 class that was supposed to have textbooks had no
 3 textbooks during your four years at Balboa?
 4 A. Do you consider novels textbooks?
 5 Q. Are the only other instances that you can think
 6 of, do they involve novels?
 7 A. Yes, that I'm aware of.
 8 Q. Fine. So let's talk about those situations.
 9 Can you tell me what you know about any situations where
 10 there were no copies of novels available in the class
 11 where they were supposed to have them?
 12 A. I just heard from Lisa Morehouse and other
 13 English teachers that it was difficult for them to get
 14 copies of novels that they wanted to teach.
 15 Q. Any other instances that you're aware of?
 16 A. No.
 17 Q. You testified earlier that there were periods
 18 during your four years at Balboa where the books that
 19 you had in your class, you believed that they were
 20 outdated.
 21 Can you tell me when that occurred or for what
 22 classes during your four-year career at Balboa?
 23 A. Well, the American democracy/economics books, I
 24 don't remember what year they were written. They were
 25 definitely not up to date, and then the Street Law text,

1 we didn't have the most recent edition until about last
 2 year we got some copies which I told you about already,
 3 about the recent edition.
 4 Q. Do you remember the name of the American
 5 democracy/economics book?
 6 A. No.
 7 Q. When you say "not up to date," can you just
 8 tell me what you mean by that?
 9 A. Yeah. Like I mentioned before, just would be
 10 talking about elections from previous decades or I feel
 11 like one of them might have even been precollapse of the
 12 Soviet Union kind of thing. It's a little hard to
 13 explain to kids what was going on.
 14 Q. So do you recall -- well, strike that.
 15 Did you use one book for the American
 16 democracy/economics class, or was there more than one
 17 book?
 18 I'm trying to understand because you said one
 19 of the books may have been the precollapse of the Soviet
 20 Union. I'm trying to get a sense if there were more
 21 books.
 22 A. Right. I told you I had -- I had two sections
 23 for American democracy; one of them was for bilingual
 24 students. I don't remember having another book. But I
 25 feel like it was the same book for both, which, now that

1 I think about it, was totally inappropriate. But --
 2 Q. And do you recall when that book was published?
 3 A. No, I don't.
 4 Q. Do you have an estimate as to the year or --
 5 A. I'm guessing.
 6 Q. Based on the substance?
 7 A. Probably the '80s.
 8 Q. Do you know?
 9 A. That's the decade.
 10 Q. Late '80s?
 11 A. Yeah, I don't remember. Sorry.
 12 Q. In your U.S. history course, you used the
 13 textbook entitled American Odyssey; is that right?
 14 A. Right.
 15 Q. Was it your view that that book was not
 16 outdated?
 17 A. It was more up to date than the others, I would
 18 say.
 19 Q. In your opinion, was it sufficiently current?
 20 A. It depends on whether or not there was a more
 21 updated version. I'm not sure if there was a more
 22 updated version than what we were using.
 23 Q. So if there was a newer edition of American
 24 Odyssey, you would have wanted that book?
 25 A. Definitely.

1 Q. Is it your opinion that if new editions of a
 2 textbook are published every year, that new textbooks
 3 should be published every -- new textbooks should be
 4 purchased every year by Balboa?
 5 A. Well, I don't know why they would write new
 6 editions unless somebody saw fit to provide kids with
 7 more up-to-date information. I mean, of course, it
 8 depends again on the funding situation, but --
 9 Q. I'm asking for your opinion. I just ask you to
 10 try to focus on my question and answer the question,
 11 which is just, is it your opinion if new textbooks
 12 were -- new editions of textbooks were published every
 13 year, is it your opinion that Balboa should have
 14 purchased those new editions every year?
 15 A. Yeah. I don't see why not.
 16 Q. With respect to the Street Law textbook that
 17 you used in connection with your pre-law class, you said
 18 that that -- I know you had said you received some older
 19 books and subsequently received newer editions of that
 20 book.
 21 A. Yes.
 22 Q. Do you recall when the older edition was
 23 published?
 24 A. I don't recall.
 25 Q. Was the substance of the two editions

1 different?

2 A. There were some changes.

3 Q. Do you recall any of those changes?

4 A. No. I just recall having to use both sets of

5 books in the same class and not having them be

6 reconcilable to each other.

7 Q. Was the substance in the earlier edition of the

8 Street Law textbook outdated?

9 A. Was the substance outdated? Yeah, I mean, it

10 wasn't great. It wasn't great.

11 Q. When you say "it wasn't great," can you just

12 elaborate for me?

13 A. The recent one just had better explanations,

14 more elaborate activities for the kids, ways to help

15 them process the information.

16 Q. Can you think of any examples?

17 A. No. I could show you if I had the books.

18 Q. Now, based on your prior testimony, it sounded

19 like you only taught the American democracy/economics

20 course during the first semester you were teaching at

21 Balboa.

22 A. I think that's right.

23 Q. Did you -- we spoke generally about who you

24 would speak to about trying to get more up-to-date

25 books.

1 Did you ever speak to somebody specifically

2 with regard to those books, about getting more

3 up-to-date books?

4 A. The American democracy books?

5 Q. Right.

6 A. Like I said, I wasn't teaching it again in the

7 spring. I may have mentioned to somebody that first

8 semester. I probably did mention something about the

9 books, but I don't remember. It was my first semester

10 teaching. I was pretty overwhelmed.

11 Q. Do you recall any action being taken in

12 response to your request?

13 A. I don't recall that.

14 Q. Did American democracy/economics continue to be

15 offered at Balboa after you taught it that first year?

16 A. Yes. It's a state requirement or at least a

17 district requirement. I think it might be a state

18 requirement.

19 Q. Was it taught by other teachers?

20 A. Yeah.

21 Q. Do you know if they used the same textbook you

22 used or if they received a different textbook?

23 A. I assume they used the same one.

24 Q. Do you know that or you're just assuming?

25 A. I don't know that.

1 Q. Do you know who -- after you taught American

2 democracy and economics in the fall of 1997, do you know

3 whether a couple of teachers taught that course

4 subsequent to that?

5 MS. LHAMON: Did I mishear your question? Did

6 you say do you know whether there were a couple teachers

7 who and do you know who the teachers were?

8 MR. ROSENTHAL: I would like to know who the

9 teachers were.

10 MS. LHAMON: Sorry.

11 MR. ROSENTHAL: Now I don't remember what I

12 asked. Let me just ask that again.

13 Q. Do you know who taught American democracy and

14 economics after you taught it?

15 A. I'm not sure. I think maybe this guy Dave

16 Duncan was teaching it, but he's not there anymore. And

17 then there must have been somebody else too, but I don't

18 know who it was teaching it at the time.

19 Q. We covered several books that you've used in

20 the classes that you've taught at Balboa, including

21 American Odyssey, Street Law and the book for the

22 American democracy and economics course.

23 Were there any other textbooks that you used in

24 connection with any of the classes you taught at Balboa?

25 A. Nope.

1 Q. Any other books -- I don't want to limit it to

2 textbooks, by books, I'm including novels and things

3 like that.

4 A. Yes.

5 Q. Can you tell me what additional books you used?

6 A. Well, sorry. The readers I told you about.

7 That wasn't a book, but I made readers for the kids. We

8 read parts of a book called Snow Falling on Cedars in

9 one class. We read parts of Savage & Equalities.

10 That's all I can remember right now.

11 Q. Did you read those two books in connection with

12 one class or --

13 A. I believe those were in connection with pre-law

14 and they were purchased with nonschool funds.

15 Q. Were those books used in connection with any of

16 the other classes you taught or just pre-law?

17 A. I think it was just pre-law.

18 Q. When you say the books were purchased with

19 nonschool funds, what are you referring to?

20 A. One set of books, I think they were both grants

21 that we wrote to buy books. One I think was a kind of

22 grant we got from the school career department. They

23 may have been both from School to Career grants. I'm

24 not sure.

25 Q. And do you know where the funding source came

1 from? Do you know where the funding -- you said it was
 2 a School to Career department.
 3 A. Um-hum.
 4 Q. Do you know where their funding comes from?
 5 A. I think School to Career is a federal program,
 6 but I don't know where the local kind of organizations
 7 get their direct funding.
 8 Q. So when you say it was not -- it was -- they
 9 were purchased with nonschool funds, you mean it was not
 10 part of the school's budget?
 11 A. Not part of the general, right, operating
 12 budget of Balboa.
 13 Q. Do you know how that grant was obtained to
 14 purchase these books?
 15 A. Yeah. We wrote grants, the teachers.
 16 Q. When you say "we," you're referring to
 17 teachers?
 18 A. So that was -- we had established a pre-law
 19 academy. That was myself and an English teacher for two
 20 years, and then last year, myself and a different
 21 English teacher. And either I or the English co-teacher
 22 would write that grant.
 23 Q. Can you tell me who the two English teachers
 24 you wrote with?
 25 A. For the first two years, Rex, R-e-x, D-e

1 capital G-u-i-a. And last year Shaun, S-h-a-u-n, Bond,
 2 B-o-n-d.
 3 Q. And were these grants that you had to apply
 4 for?
 5 A. Yes.
 6 Q. Were there other books purchased pursuant to
 7 these grants, or was it simply these two books?
 8 A. I think those were the only books -- oh, no. I
 9 think Rex may have purchased copies of Native Son for
 10 his class, too, with the grant money.
 11 Q. In purchasing these books, did you purchase
 12 enough copies of the books so that each student would
 13 have their own copy?
 14 A. Yes.
 15 Q. And is that true for all of your classes, or
 16 did you purchase just a class set along the lines we had
 17 discussed before?
 18 A. Well, we purchased the Savage & Equalities when
 19 I just had the one class of pre-law, the first -- if I
 20 remember right -- the first time I taught it. And then
 21 when the program expanded, we bought more so that each
 22 kid could take books home. So, yeah, we were able to
 23 use the grant monies to buy enough books for kids to
 24 take them home.
 25 Q. So for Savage & Equalities, enough books were

1 purchased so that each student in the class had their
 2 own copy and were able to take a book home?
 3 A. I'm pretty sure.
 4 Q. Is that also true for Snow Falling on Cedars?
 5 A. I'm pretty sure.
 6 Q. Do you know if that was true for Native Son?
 7 A. I don't know about that because I wasn't
 8 teaching it.
 9 Q. Can you just briefly describe for me the
 10 process that you would undertake to apply for the grants
 11 that you're talking about?
 12 A. Before the school year started, either in the
 13 spring or before in the summer, before the school year
 14 started, we would write a grant application, send it to
 15 School to Career with kind of our vision for what we
 16 were trying to do in the program and what we needed
 17 supplies-wise knowing that the school wasn't going to be
 18 able to meet those needs.
 19 Q. Did you apply for those grants each year you
 20 were at Balboa, or was it at a particular time?
 21 A. Definitely the last -- no, we -- I think both
 22 years that I did the program with Rex, my two middle
 23 years at Balboa, we applied for those grants. And then
 24 I think my last year, we didn't apply for that grant,
 25 but we got a different grant.

1 Q. During the two middle years when you worked
 2 with Mr. DeGuia, was your application approved for the
 3 grant?
 4 A. Yeah.
 5 Q. Do you recall how much money you received
 6 pursuant to the grant?
 7 A. I don't.
 8 Q. Do you have an estimate?
 9 A. It wasn't very much. It was like a little bit
 10 of money for planning time and a little bit of money for
 11 books. Probably like a thousand dollars or something.
 12 Q. A thousand dollars each year?
 13 A. About.
 14 Q. And the third year you said you applied for a
 15 different grant?
 16 A. Yeah.
 17 Q. Do you remember who that grant was through?
 18 A. It was like Michael Jordon grant.
 19 Q. Was the application process similar to the
 20 process you just described before?
 21 A. Yeah, except it was like to a foundation, not
 22 to a department -- district.
 23 Q. Was that application approved?
 24 A. Yeah.
 25 Q. Do you recall how much of a grant you received

1 from that foundation?
 2 A. It was \$2500.
 3 Q. Do you recall what you spent the \$2500 on?
 4 A. That was on transportation for field trips and
 5 supplies for kids so that we could do projects and
 6 create a richer learning experience for the students.
 7 Q. Was any of it used to purchase textbooks or
 8 books of any kind?
 9 A. No.
 10 Q. Were there restrictions placed on what the
 11 money could be used for?
 12 A. For the \$2500 grant.
 13 Q. Let's start with that one.
 14 A. You know, Shaun wrote it. I didn't write it.
 15 So I'm not sure, but, yeah, I think -- I mean, he had
 16 outlined what we would use the money for, and we had to
 17 spend it that way.
 18 Q. How about the other grants that you applied for
 19 and received that were roughly a thousand dollars each?
 20 Were there restrictions on how you could use that money?
 21 A. Yeah. It was mostly for planning time.
 22 Q. But you also used money to purchase books?
 23 A. Yeah. We definitely got -- yeah. We
 24 definitely got one mini grant for the books that he
 25 needed, if I remember right.

1 Q. I'm just trying to have an understanding what
 2 do you mean by the mini grant?
 3 A. I don't remember how all this works. I mean,
 4 it was kind of a while ago.
 5 Q. But one aspect of the grant was to purchase
 6 books?
 7 A. Right.
 8 Q. Did you ever think of trying to apply for a
 9 grant to get the additional textbooks you needed?
 10 A. No. I mean, just applying for these grants
 11 took time that we didn't really have. So to apply for a
 12 grant -- and these were like kind of extra materials,
 13 you know. They weren't core -- you know what I'm
 14 saying? They weren't textbooks. They weren't core
 15 curriculum materials. They were supplementary.
 16 So no, we didn't think about trying to do the
 17 job that we assumed was supposed to be done for us
 18 getting the basic materials into the classroom.
 19 Q. But you thought the lack of basic materials in
 20 the classroom was a serious problem at Balboa, didn't
 21 you?
 22 A. Of course.
 23 Q. But you didn't think that one possible way of
 24 resolving it would be to apply for these grants where
 25 you could spend money on textbooks?

1 MS. LHAMON: Asked and answered and
 2 argumentative.
 3 MR. ROSENTHAL: Q. You can answer.
 4 A. Did I think about applying for a grant to get
 5 textbooks?
 6 Q. Did you think that was one possible way you
 7 could resolve the serious problem as you've described it
 8 of not having sufficient number of textbooks in class?
 9 A. If I were to apply for a grant for textbooks,
 10 that would mean that I would think it was my
 11 responsibility to get textbooks into the classroom, and
 12 I didn't think it was my responsibility.
 13 Q. And just so I'm clear. Whose responsibility is
 14 it to ensure that there are textbooks in the classroom?
 15 MS. LHAMON: Calls for a legal conclusion and
 16 speculation and asked and answered.
 17 MR. ROSENTHAL: Q. You can answer.
 18 A. Whose responsibility do I think it is?
 19 Q. Yes.
 20 A. Well, there's local and bigger responsibility.
 21 Q. When you say "there's local responsibility,"
 22 what do you mean?
 23 A. Well, the school should do whatever they can to
 24 try to get the textbooks, but they need to get the
 25 funding support from the state to be able to do that.

1 Q. So when you say there's bigger responsibility,
 2 you're referring to funding from the state, or were you
 3 referring to something else?
 4 A. No, that's what I was referring to.
 5 Q. We've discussed the situations that you've
 6 experienced where you had textbooks that you believed
 7 were outdated.
 8 Did you ever hear of any other situations at
 9 Balboa from students or teachers or anybody else?
 10 A. Yeah. Students, like I said, this was kind of
 11 like a general topic of discussion. Students would --
 12 most of their textbooks were outdated.
 13 Q. Do you remember them saying that in connection
 14 with any particular class?
 15 A. Like I said, they would talk about it in
 16 connection with most of their classes.
 17 Q. So students would say --
 18 A. Definitely -- definitely math was a big
 19 complaint, but it wasn't an exclusive complaint.
 20 Q. They complained that their math textbooks were
 21 out of date?
 22 A. Yes.
 23 Q. Did Mr. Medina ever tell you that his math
 24 textbooks were outdated?
 25 A. Yeah. I don't remember having that

1 conversation with him.
 2 Q. Did you ever hear students explain what they
 3 meant by a math textbook being outdated?
 4 A. I never asked them.
 5 Q. Did you ever hear that?
 6 A. Hear what?
 7 Q. Hear an explanation as to what they meant by
 8 their math textbooks being outdated.
 9 A. No, I don't think I would have.
 10 Q. Did you ever hear any of them saying that their
 11 math textbooks were missing a novel mathematical
 12 principle?
 13 A. I heard them say that their books were missing
 14 pages.
 15 Q. That goes to the condition of the textbooks
 16 though. Is there anything about them being outdated --
 17 when you said outdated, were you referring to the
 18 condition of the textbooks?
 19 I'm not trying to put words in your mouth. I'm
 20 just trying to understand.
 21 MS. LHAMON: I think you are putting words in
 22 her mouth. You said outdated.
 23 MR. ROSENTHAL: It's a question.
 24 THE WITNESS: What's the question?
 25 MR. ROSENTHAL: When you say that you heard the

1 math textbooks were outdated, did you mean to say that
 2 the students were complaining about the condition of the
 3 textbooks or that the substance in the math textbooks
 4 were outdated?
 5 A. Both. Both. I don't think students would be
 6 able to comment on novel mathematical principles because
 7 they were actually lacking the fundamental understanding
 8 of math.
 9 MS. LHAMON: Not having had the principles.
 10 THE WITNESS: Not being able to learn the
 11 principles.
 12 MR. ROSENTHAL: Q. I don't think it's --
 13 doesn't matter. Strike that.
 14 Did anybody ever tell you -- did Mr. Medina or
 15 any teacher tell you that the math textbooks in use at
 16 Balboa were missing math principles because they were
 17 outdated?
 18 A. I mean, I'm not a math teacher, so I don't
 19 really know. No, I wouldn't have engaged in that
 20 in-depth of a conversation with our math teacher about
 21 math principles.
 22 Q. Aside from hearing conversations or speaking to
 23 students about their math textbooks being outdated, do
 24 you remember hearing about any other classes in which
 25 they said their books were outdated?

1 MS. LHAMON: And I'm going to object to the
 2 question as vague. Who is the universe of people that
 3 she might have heard it from? The question excludes
 4 teachers and students, or did I misunderstand your
 5 question?
 6 MR. ROSENTHAL: You're asking if it includes
 7 teachers and students? It does.
 8 MS. LHAMON: I thought the question excludes
 9 teachers and students, but it's your question. I'm just
 10 asking for clarification.
 11 MR. ROSENTHAL: It doesn't, but we can have it
 12 read back though, unless I misspoke. Can we read back
 13 the question.
 14 (Record read.)
 15 THE WITNESS: And I thought I already answered
 16 that by saying that they spoke in general about their
 17 books being outdated without always specifying which
 18 classes that was from.
 19 MR. ROSENTHAL: Q. Do you remember
 20 specifically hearing about the math textbooks being
 21 outdated? I think that's what you previously testified.
 22 A. Yeah. I mean, it seemed like there was an
 23 egregious problem with math. That's the impression I
 24 had, but, like I said, not that that was an exclusive
 25 problem.

1 Q. Other than math, did you ever hear any specific
 2 classes referenced in conversations that you heard?
 3 A. I can't think of any specific conversations.
 4 Q. You also told me earlier that during your four
 5 years at Balboa, there were instances where you had
 6 books that you believed were in poor condition.
 7 Can you tell me which classes you were
 8 referring to?
 9 A. There were always some books that were in poor
 10 condition within each set of classes -- each set of
 11 books for each class. And what do I mean by that?
 12 Covers torn, pages missing, paragraphs that you couldn't
 13 read. You know, stuff like that. Basic obstructions to
 14 reading.
 15 Q. Now, did you have pretty much the same set of
 16 roughly 35 textbooks for your U.S. history class for
 17 each semester you taught, or did you have -- or did
 18 the -- I'm just wondering if you have the same 35 books.
 19 A. I would have to get them in at the end of the
 20 year, and I would get 35 at the beginning of the next
 21 year. It might not be the same. There would be a
 22 collective set of books that all teachers would draw
 23 from at the beginning of the next year.
 24 Q. Would you say that typically each year there
 25 was a certain percentage of the books that were in what

1 you call poor condition and a high percentage --
 2 A. I guess so.
 3 Q. -- in better condition?
 4 A. I would say so.
 5 Q. Could you tell me what the breakdown would be?
 6 A. What percentage?
 7 Q. I'm not going to hold you to the exact numbers.
 8 A. That's good.
 9 Q. I'm looking for you to estimate.
 10 A. I can't remember specifically. I don't know.
 11 Maybe 30 to 40 percent not in good condition.
 12 Q. And the remainder were in good condition?
 13 A. I think acceptable.
 14 Q. In acceptable condition?
 15 A. Readable, I would say.
 16 Q. When you say "readable," were these books
 17 without pages being ripped out?
 18 A. Right.
 19 Q. And without paragraphs being illegible or --
 20 A. Yeah. That -- I bet that's a generous estimate
 21 on my part though.
 22 Q. Did you want to revise your estimate?
 23 A. It's just really hard to say, you know.
 24 Q. Is that the best estimate you can give right
 25 now?

1 A. Yeah. I'll stand with it.
 2 Q. How about for the pre-law class? Can you tell
 3 me -- why don't we deal with the older editions first.
 4 If you can tell me, were all of those books in
 5 what you call poor condition or were a number of them?
 6 A. They were in better condition than American
 7 Odyssey because they hadn't been used as much. There
 8 were definitely still some with pages ripped or covers
 9 that were messed up.
 10 Q. Can you again just estimate percentage-wise? I
 11 know you had a set of about 30 of those books.
 12 A. Yeah. So maybe 10 or 20 percent of those. 15
 13 to 20 percent.
 14 Q. Ten to 20 percent roughly were in not good
 15 condition?
 16 A. Sure.
 17 Q. And the remainder were in good condition?
 18 A. (Witness nods head.)
 19 Q. How about the new textbooks you received in
 20 connection with the pre-law class? Were those all in
 21 good condition?
 22 A. Yeah. They were brand new.
 23 Can I take a bathroom break, you guys?
 24 MR. ROSENTHAL: Sure, I can use one, too.
 25 (Recess taken from 1:37 to 1:40 p.m.)

1 MR. ROSENTHAL: Q. In connection with the
 2 pre-law class that you taught, you previously discussed
 3 additional books that you purchased through a grant.
 4 The Snow Falling on Cedars and Savage & Equalities, were
 5 those books in good condition?
 6 A. Yeah, they were new. I bought them.
 7 Q. They were brand new books, no problems with
 8 those, with the condition of those books?
 9 A. No.
 10 Q. And the only other course that you taught again
 11 is that American democracy/economics course that you
 12 taught during your first -- during the fall semester of
 13 1997.
 14 Can you tell me what condition the books used
 15 in that class were?
 16 A. Those were pretty -- pretty raggedy, if I
 17 remember right.
 18 Q. Was the situation similar in that some books
 19 were in better condition than others?
 20 A. Yeah, there's always that disparity.
 21 Q. Were there a certain percentage that you
 22 remembered being in what you described as being poor
 23 condition?
 24 A. I don't remember. It's too long ago.
 25 Q. But some of the books used in that class were

1 in good condition?
 2 A. None of -- I mean, those were all, like I said,
 3 older. So none of them, I would say, were in good
 4 condition.
 5 Q. Were any of them in acceptable condition?
 6 A. What are you thinking of as acceptable?
 7 Q. Why don't we try it this way. Were any of the
 8 books -- did any of the books have all of the pages or
 9 did they all have ripped pages?
 10 MS. LHAMON: I'll just object that it calls for
 11 speculation to the extent that she may not have seen
 12 every book or reviewed in detail every book that was in
 13 the classroom.
 14 THE WITNESS: Yeah. I don't think I can answer
 15 that.
 16 MR. ROSENTHAL: Q. Do you have a recollection
 17 that there were pages missing from each of the textbooks
 18 in the classroom for that class?
 19 A. Pages missing in the textbooks?
 20 Q. Right.
 21 A. I don't remember going through each textbook.
 22 I remember seeing some missed pages.
 23 Q. This question goes just generally to all the
 24 classes you taught and instances where there were books
 25 with missing pages that a particular student was using,

1 and if you were trying to teach on that page that was
2 missing, how would you go about trying to remedy that
3 situation?

4 A. They would have to share temporarily with
5 another student.

6 Q. So were students always able to follow your
7 lesson plan as a result of -- despite the fact that
8 their book may be missing a page or two?

9 MS. LHAMON: Objection. Calls for speculation
10 to the extent that the students may not have understood
11 something happening in a lesson plan or otherwise may
12 not have been able to follow. Is your question just
13 whether the students had a source to read in class?

14 MR. ROSENTHAL: Q. Did you understand the
15 question or you want me to try a different one?

16 A. Yeah. Would you try a different one?

17 Q. Sure. Were there ever an instance where a
18 student wasn't able to follow in class a lesson you were
19 teaching because they were missing a page in a textbook?

20 A. I don't know. I'm not inside their heads. I
21 don't know. I can say from a teacher's perspective,
22 it's kind of a sad sight for two 17-year-old bodies
23 bending over a textbook together. Whether or not they
24 were able to fully follow the lesson sharing a textbook,
25 I don't know.

1 A. (Witness nods head.)

2 Q. Is that a yes?

3 A. Yeah. I mean, I just have a hard time using
4 the word "remedy" in relation to those two situations.
5 They really don't seem like remedies to me.

6 Q. How would you describe them?

7 A. I don't know.

8 Q. I'm happy to use your word. I'm just asking if
9 you have a better word if you're not comfortable using
10 remedy?

11 A. It's substandard conditions. Survival
12 strategies. I don't know.

13 Q. Did you ever hear -- putting your classes
14 aside -- did you ever hear from students or teachers any
15 other situations where the books that were being used in
16 particular classes were in poor condition?

17 A. I feel like I've tried to share most of my
18 recollections around that issue already.

19 Q. I'm just trying to tailor it to this particular
20 issue. I know you've testified that you've heard
21 conversations regarding situations where students didn't
22 have enough textbooks; that their textbooks were
23 outdated.

24 Did you also hear in connection with those same
25 conversations that a number of their books were in poor

1 Q. Do you remember a student ever not being able
2 to share with somebody because -- strike that.

3 Do you remember any instance where a student
4 was missing a page from a textbook, was not able to look
5 on with somebody else who did have a page of the
6 textbook?

7 Do you understand the question?

8 A. Do I remember a student not being able to look
9 on to somebody else's textbook?

10 Q. Right, in an instance where their page happened
11 to be missing.

12 A. I don't remember one way or the other.

13 Q. Did you ever make photocopies of pages that
14 were missing from student's textbooks to ensure they got
15 copies of the pages they were missing?

16 A. I probably did. I don't remember though.

17 Q. So is that one way you attempted to remedy the
18 problem of there being missing pages in some textbooks?

19 A. Is that one way that I attempted to --

20 Q. Remedy the problem you described, that there
21 were books with missing pages?

22 A. That would be one way, yeah.

23 Q. And another way was having students look on
24 with each other, share textbooks when dealing with the
25 page that's missing?

1 condition?

2 A. Yes.

3 Q. Did you ever hear any teachers discussing their
4 textbooks being in poor condition?

5 A. I feel like -- yes, I've heard those
6 conversations, too.

7 Q. Do you recall from what teachers?

8 A. I can't -- no.

9 Q. Do you recall any specific classes in which the
10 condition of the textbooks was discussed?

11 A. Can you rephrase your question, please?

12 Q. Sure. Do you remember in the conversations
13 that you heard or took part in involving the --
14 involving textbooks that were in poor condition, do you
15 remember what class was involved?

16 A. No.

17 MS. LHAMON: Are you limiting the question to
18 separate from the testimony she's already given about
19 that topic?

20 MR. ROSENTHAL: Separate from the classes that
21 she taught, yes.

22 MS. LHAMON: Well, you can -- you don't need to
23 rephrase the question.

24 My question is, is it separate from the
25 testimony she's already given about the topic, not just

1 about her own classes? If it's not your question, then
2 that's what I'm confused about.

3 MR. ROSENTHAL: I'm not sure I follow what your
4 question is actually.

5 MS. LHAMON: I'm sorry. I think she's already
6 testified about other teachers talking to her about the
7 conditions of textbooks in their classes, and I'm
8 asking if you're asking whether there are additional
9 conversations to which she has not yet testified.

10 MR. ROSENTHAL: I'm trying to figure out what
11 subjects, what specific classes, where this was a
12 problem -- if you recall any of the specific classes
13 where this was a problem based on those conversations.

14 THE WITNESS: Right. And what I was trying to
15 explain before, that this was kind of par for the course
16 for the school. It's a school-wide problem, so I can't
17 really remember specific classes. If it was exceptional
18 or unusual, I might remember specific classes, but
19 because it was such a general problem, I can't say, oh,
20 in that class or this class I recall.

21 MR. ROSENTHAL: Q. You had specific
22 recollections about math textbooks being described as
23 being outdated.

24 Do you remember hearing any conversations about
25 math books being in poor condition?

1 And by that I'm including all the problems we discussed,
2 and you testified, for example, that you would speak to
3 your department chair and take steps along those lines.

4 Did you ever hear of any different steps taken
5 by any other teachers to remedy some of the problems
6 they were experiencing?

7 MS. LHAMON: I object to the use of the term
8 remedy. Ms. Safir has already told you she doesn't feel
9 comfortable with the term. Survival strategies was the
10 term she used.

11 THE WITNESS: And I'm not sure how other
12 teachers dealt with that problem. I mean, I know
13 everybody was really invested to developing the best
14 possible education to the kids under the limiting
15 conditions, but I can't testify as to how other teachers
16 would have dealt with that.

17 MR. ROSENTHAL: Just so we're clear. She
18 objected to the use of the word "remedy" in a different
19 context than I'm using it in the context of --

20 MS. LHAMON: I'm not trying to create a battle.

21 MR. ROSENTHAL: Q. It was my understanding
22 that you made attempts to remedy the actual problem by
23 going to the department chair. Your --

24 A. I didn't actually -- yeah.

25 Q. That's correct?

1 A. Yeah. And like I said before, I was thinking
2 of outdated, I was kind of collapsing those two things
3 which I know you weren't, so if that's my mistake, I
4 apologize.

5 Q. Do you remember what you remember hearing about
6 math textbooks at Balboa with regard to them being in
7 poor condition?

8 A. Just the same kinds of problems. Pages missing
9 and too old. Not enough. Same stuff.

10 Q. And other than math, do you remember any other
11 specific subject where the poor condition of the
12 textbooks was discussed in your presence or that you
13 heard about?

14 A. Beyond what I've already testified to, no,
15 there's nothing really to add.

16 MS. LHAMON: Just to make something clear for
17 the record. I think maybe part of the problem we're
18 having here is that your questions have, to some extent,
19 itemized the variety of textbook problems that Ms. Safir
20 is describing, and I think she may have been answering
21 more broadly than some of your questions were intended
22 to get at earlier.

23 MR. ROSENTHAL: Q. Now, you testified earlier
24 about some of the steps you would take in an attempt to
25 remedy the problems with textbooks that you experienced.

1 A. I was agreeing and saying what I objected to
2 was the use of the word "remedy" to describe the
3 situation -- the compromises that these problems created
4 in the classroom.

5 Q. But in going to the department head, for
6 example, and speaking to the vice principal, you were
7 attempting to remedy -- to actually remedy the problem
8 by getting additional textbooks?

9 A. Sure.

10 Q. I know you're comfortable with the use of
11 remedy in that context.

12 A. In an attempt context, sure.

13 Q. So just to go back to my original question.
14 I'm not sure if I got a clear answer on that.

15 Did you ever hear of any other steps taken by
16 other teachers and similar attempts to remedy the
17 problems they were experiencing with regard to
18 textbooks?

19 A. I cannot think of specific examples of how --
20 what other teachers did, but --

21 Q. Did you ever hear that they took similar steps
22 to the steps you took?

23 A. I believe people did. That was my
24 understanding.

25 Q. Since we've only got a couple more minutes for

1 today, I'm going to sort of switch gears and just deal
 2 with one issue that perhaps we can cover in just a
 3 couple minutes.
 4 Did you ever hear of students being required to
 5 pay any fees in connection with their education at
 6 Balboa High School?
 7 A. No. If anybody paid, it would be the teachers.
 8 Q. You're not aware of any students being charged
 9 any fees?
 10 A. No.
 11 MR. ROSENTHAL: That was quick. Do we just
 12 want to stop here? What time -- we might as well stop
 13 before I start something new. That's fine. And we're
 14 going to continue -- the plan is to try to continue on
 15 October 29th.
 16 MS. LHAMON: That's right.
 17 MR. ROSENTHAL: And would that be at 9:00, 9:30
 18 in the morning?
 19 MS. LHAMON: Does that work for you?
 20 MR. ROSENTHAL: Is that a full day we have
 21 available on that day?
 22 MS. LHAMON: Yes.
 23 MR. ROSENTHAL: So the plan is to continue at
 24 9:30 on the morning of the 29th, and I will get back to
 25 Ms. Lhamon upon my return to Los Angeles to double check

1 I declare under penalty of perjury that the
 2 foregoing is true and correct. Subscribed at
 3 _____, California, this ____ day of _____,
 4 2001.
 5
 6
 7
 8
 9 _____
 10 Signature of the witness

1 my calendar and make sure that date works.
 2 And I guess we should also put on our standard
 3 closing stipulation. Can we stipulate that the original
 4 of this deposition be signed under penalty of perjury;
 5 that the reporter is relieved of her responsibilities
 6 for maintaining the original deposition transcript; and
 7 that the original be delivered to the offices of
 8 Ms. Lhamon and that the witness will have 30 days from
 9 the date of the court reporter's transmittal letter to
 10 sign and make any necessary corrections to the
 11 deposition; and that Ms. Lhamon will notify all parties
 12 in writing of any changes to the deposition; and that if
 13 no such changes are communicated within that time, that
 14 any unsigned and uncorrected copy may be used for all
 15 purposes in this litigation as if signed by the
 16 deponent?
 17 MS. LHAMON: So stipulated.
 18 MR. ROSENTHAL: Then we're all set.
 19 --oOo--
 20 (Whereupon, the deposition was
 21 adjourned at 1:55 p.m.)
 22 --oOo--
 23
 24
 25

1
 2 CERTIFICATE OF REPORTER
 3 I, CYNTHIA A. PACINI, a Certified Shorthand
 4 Reporter, hereby certify that the witness in the
 5 foregoing deposition was by me duly sworn to tell the
 6 truth, the whole truth and nothing but the truth in the
 7 within-entitled cause;
 8 That said deposition was taken down in
 9 shorthand by me, a disinterested person, at the time and
 10 place therein stated, and that the testimony of the said
 11 witness was thereafter reduced to typewriting, by
 12 computer, under my direction and supervision;
 13 I further certify that I am not of counsel or
 14 attorney for either or any of the parties to the said
 15 deposition, nor in any way interested in the event of
 16 this cause, and that I am not related to any of the
 17 parties thereto.
 18
 19 DATED: _____, 2001.
 20
 21
 22 _____
 23 CYNTHIA A. PACINI, CSR 6117
 24
 25