

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

ELIEZER WILLIAMS, a minor,)
by Sweetie Williams, his)
guardian ad litem, et al.,)

Plaintiffs,)

vs.)

Case No. 312236

STATE OF CALIFORNIA; DELAINE)
EASTIN, State Superintendent)
of Public Education; STATE)
DEPARTMENT OF EDUCATION;)
STATE BOARD OF EDUCATION,)

Defendants.)

DEPOSITION OF CARLOS SANTOS

Menlo Park, California

Sunday, June 10, 2001

Volume 2

Reported by:

THERESA A. DARNELL

CSR No. 9966

JOB No. 848560

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 2 COUNTY OF SAN FRANCISCO
 3
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 6 Plaintiffs,)
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 7 vs.) Case No. 312236
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 8 STATE OF CALIFORNIA; DELAINE)
 EASTIN, State Superintendent)
 9 of Public Education; STATE)
 DEPARTMENT OF EDUCATION;)
 10 STATE BOARD OF EDUCATION,)
)
 11 Defendants.)

12
 13 Deposition of CARLOS SANTOS, Volume 2,
 14 taken on behalf of Defendants, at 990 Walsh
 15 Road, Menlo Park, California, beginning at
 16 9:58 a.m. and ending at 4:56 p.m. on Sunday,
 17 June 10, 2001, before, THERESA A. DARNELL,
 18 Certified Shorthand Reporter No. 9966.
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 20
 21
 22
 23
 24
 25

1 APPEARANCES:
 2
 3 For Plaintiffs:
 4 MORRISON & FOERSTER LLP
 BY: LEECIA WELCH
 5 Attorney at Law
 425 Market Street
 6 San Francisco, California 94105-2482
 415-268-7415
 7
 8 For Defendants:
 9 O'MELVENY & MYERS LLP
 10 BY: VANESSA KOURY
 Attorney at Law
 11 400 South Hope Street
 Los Angeles, California 90071-2899
 12 213-430-6000
 13
 14 For Defendants Delaine Eastin, State Superintendent of
 Public Instruction; State Department of Education; State
 15 Board of Education:
 16 OFFICE OF THE ATTORNEY GENERAL
 THOMAS YANGER, DEPUTY ATTORNEY GENERAL
 17 1300 I Street
 Suite 1101
 18 Sacramento, California 94244-2550
 (916) 323-8638
 19 (no appearance)
 20
 21 Also Present:
 22 Marcelino Lopez
 23
 24
 25

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1 San Francisco, California, Sunday, June 10, 2001
 2 9:58 a.m. - 4:56 p.m.
 3
 4 CARLOS SANTOS,
 5 having been first duly sworn, was examined and testified
 6 as follows:
 7
 8 EXAMINATION
 9
 10 BY MS. KOURY:
 11 Q Good morning, Mr. Santos.
 12 A Good morning.
 13 Q And we've met before. I'm Vanessa Koury
 14 representing the State of California in this litigation,
 15 and you had your first part of your deposition last
 16 week, and we went over some of the ground rules. But
 17 just to refresh your recollection, I'm going to remind
 18 you that you're under oath, so everything that you
 19 testify to today is under the penalties of perjury. Do
 20 you understand that?
 21 A Yes.
 22 Q And again, you need to verbalize your answers
 23 because nods of the head or shakes of the head can't be
 24 recorded by the court reporter. Do you understand that?
 25 A Yes.

1 Q And if at any point you can't understand one of
2 the questions that I'm asking, if you'll let me know,
3 I'll try to rephrase it so you can understand it. And
4 if you don't, I'll assume that you understand the
5 questions that I'm asking you. Do you understand that?

6 A Yes.

7 Q Is there any reason why you can't give your
8 best testimony today?

9 A No.

10 Q And again, I just want to remind you that I'm
11 entitled to the best of your ability to answer the
12 questions. In other words, I'm entitled to your best
13 estimate, but I don't want you to guess. Do you
14 understand that?

15 A Yes.

16 Q Have you consumed any alcohol or medication or
17 anything else that would cloud your ability to answer
18 these questions?

19 A No.

20 Q Did you do anything to prepare for today's
21 deposition?

22 A Yes.

23 Q What did you do?

24 A I spoke to Leecia.

25 Q Other than speaking with your attorney, did you

1 A Room 11.

2 Q You told me about your reading text in the 6th
3 grade, and you stated that the teacher bought some of
4 the books in that class. Did she buy the book that you
5 referred to as the chapter book?

6 A No. That was from the school.

7 Q How do you know that?

8 A It had a tag on it, said Property of the
9 School.

10 Q And the hardback textbook to which you referred
11 to in your reading class in the 6th grade, did she buy
12 that book?

13 A No.

14 Q Did she buy that book?

15 A No.

16 Q How do you know that?

17 A It was from the school, she told us.

18 Q Your teacher did?

19 A Yes.

20 Q Did you share that textbook in class with other
21 students, or did you have your own textbook to use?

22 A Sometimes I had to share.

23 Q Do you remember why you would have to share the
24 hard books?

25 A Yeah. Sometimes there wasn't enough for

1 do anything else to prepare for today's deposition?

2 A No.

3 Q You just got a good suntan?

4 A Yes.

5 Q Did you review any documents?

6 A No.

7 Q Did you speak to anyone about the deposition
8 last week and about the questions that I asked you?

9 A No.

10 Q Last week we discussed some of the classes that
11 you took in the 6th grade and the 7th grade. I'd like
12 to ask you a few questions about your 6th grade courses.

13 Do you remember the room number that you had
14 your science class last year in?

15 A Room 5.

16 Q How about language arts for 6th grade, do you
17 remember the room number?

18 A Room 6.

19 Q Reading last year, was that in Room 6 as well?

20 A Yes.

21 Q And your math classroom number?

22 A Number 5.

23 Q And that was in the 6th grade?

24 A Yes.

25 Q And your art classroom in the 6th grade?

1 everyone.

2 Q Do you know if that was because students would
3 forget their textbooks or lose a textbook?

4 A No.

5 Q Do you know why it was that you had to share?

6 A No.

7 Q Did anyone ever tell you a reason?

8 A No, just that there wasn't any books -- enough
9 books for everyone..

10 Q And when you say "books," you're referring to
11 the hardback textbooks --

12 A Yes.

13 Q -- in your reading -- let me finish my
14 question -- in your reading class?

15 A Yes.

16 Q The only reason I ask you to let me finish my
17 questions is so that it's a clear record when we get the
18 transcript back.

19 A Okay.

20 Q And then you had also stated that there are
21 additional softback books in this class in addition to
22 the hardback textbook that we just discussed and in
23 addition to the chapter book that we discussed in your
24 reading class. These additional softback books, do you
25 know where they came from?

- 1 A Yeah, she bought them.
 2 Q And how do you know that?
 3 A She told us.
 4 Q We also discussed your reading mathematics
 5 textbook in the 6th grade. Did you have your own
 6 textbook to use in class without having to share?
 7 A Yes.
 8 Q Do you know if you could check this book out if
 9 you wanted to take it home?
 10 A No.
 11 Q Do you know -- I'm sorry. Do you not know or
 12 --
 13 A No, we didn't -- we couldn't check them out.
 14 Q And how do you know that?
 15 A Sometimes we asked, and the teacher said no.
 16 Q Did you ever ask?
 17 A No -- yeah.
 18 Q I'm sorry?
 19 A Yes.
 20 Q You did? Do you remember when you asked?
 21 A No.
 22 Q Do you remember who you asked?
 23 A The teacher.
 24 Q And his name was Mr. Fowler?
 25 A No, Skilling.

- 1 Q Do you remember why you asked?
 2 A I think because it was like -- I didn't finish
 3 my work in class. I think that was why.
 4 Q Do you remember what he said, Mr. Skilling?
 5 A Yeah. He said -- he said no.
 6 Q Did he give you a reason why?
 7 A No, I don't know -- I don't remember.
 8 Q Was that the only time that you asked to check
 9 out a math book in that class?
 10 A Yes.
 11 Q We also had discussed classes that you have
 12 been taking now in the 7th grade, and you told me that
 13 you're taking drama, P.E., language arts, world
 14 language, reading, math, art and history. Are you also
 15 taking science this year?
 16 A Yes.
 17 Q Who's your science teacher?
 18 A Mr. Powers.
 19 Q What classroom is that in?
 20 A Room 12.
 21 Q Have you had Mr. Powers all year long?
 22 A Yes.
 23 Q Is he a good teacher?
 24 A Yes.
 25 Q What makes Mr. Powers a good teacher?

- 1 A He's nice to the students. He helps us a lot.
 2 If we don't know something, he gives us clues, tips
 3 where to find it, stuff like that.
 4 Q Anything else?
 5 A No.
 6 Q What do you mean by he gives you clues and
 7 tips?
 8 A If we have a question that -- but we can't
 9 answer it, he gives us clues where to find it, and so we
 10 won't cheat.
 11 Q Is this during class time?
 12 A Yes.
 13 Q Is this during tests?
 14 A No.
 15 Q Just while he's teaching a lesson?
 16 A Yes.
 17 Q Where do you look for your clues and tips?
 18 A In the book.
 19 Q What kind of book do you have in this class?
 20 A A science book.
 21 Q Do you ever have more than one type of book?
 22 A No.
 23 Q Do you know the name of the book?
 24 A No.
 25 Q Do you have your own book to use in class?

- 1 A Yes.
 2 Q Do you have to share the book with other
 3 students in class?
 4 A No.
 5 Q Can you take this book home for homework?
 6 A No.
 7 Q Does he assign homework in this class?
 8 A Yeah, but not -- it's rare the time when he
 9 gives us homework.
 10 Q Excuse me, I don't understand that.
 11 A Not often he gives us homework.
 12 Q Do you remember the kinds of homework
 13 assignments he's given you?
 14 A No.
 15 Q Are they work sheets?
 16 A No.
 17 Q Are they from -- are they questions that he
 18 writes on the overhead projector?
 19 A Yes.
 20 Q How many times has he given you a homework
 21 assignment where you had questions from the overhead
 22 projector?
 23 A Three or four times.
 24 Q This school year?
 25 A Yes, because we usually have projects.

- 1 Q Anything else?
 2 A No.
 3 Q The questions that he puts on the overhead
 4 projector, how do you do that homework assignment?
 5 A It's questions about projects that we do in
 6 class, notes that we take.
 7 Q Do you have to take the questions home?
 8 A Yes.
 9 Q And do you write the answers at home?
 10 A Yes.
 11 Q How do you find out the answers?
 12 A From the stuff that we write in class.
 13 Q Do you have notes from class that you look --
 14 A Yes.
 15 Q So you look at your notes that you take in
 16 class in order to answer the questions for homework?
 17 A Yes.
 18 Q You said you also have projects. What do you
 19 mean by "projects"?
 20 A Projects. Like last week we were doing a
 21 project about what makes cereals good. We had to take
 22 cereal from home to class, and that's what the project
 23 was about.
 24 Q Do you do those projects only in class, or do
 25 you sometimes do parts of this project -- or these

- 1 projects at home for homework?
 2 A Sometimes I do it for homework.
 3 Q How do you -- what kinds -- how do you do those
 4 projects for homework?
 5 MS. WELCH: Objection, vague.
 6 BY MS. KOURY:
 7 Q Can you give me an example of a homework
 8 assignment that you've done that relates to these
 9 projects?
 10 A Okay. Like the cereal one, we had to do a
 11 chart like and give it a grade, like for taste good,
 12 healthy and looks good.
 13 Q How did you determine whether it was healthy?
 14 A We looked how much fat it had and the calories.
 15 Q Other than these questions that Mr. Powers
 16 writes on the overhead projector and the projects that
 17 we've just discussed, is there anything else that you do
 18 at home for your science class?
 19 A No.
 20 Q Do you have tests in this class?
 21 A Yes.
 22 Q Do you study for these tests in class?
 23 A Yes.
 24 Q How do you study for them in class?
 25 A We review everything we do -- we did after the

- 1 last test.
 2 Q I don't understand that. What do you mean?
 3 A We review everything that we do in class on our
 4 work.
 5 Q What kind of work do you review?
 6 A Questions, definitions, notes.
 7 Q Anything else?
 8 A No.
 9 Q The "definitions," what do you mean by that?
 10 A Like definitions that we have -- words that we
 11 have to know.
 12 Q Do you ever do or write definitions for
 13 homework?
 14 A Yes.
 15 Q Is that another type of homework assignment
 16 that Mr. Powers gives you?
 17 A If we didn't do it in class, yeah, we had to
 18 take it for homework.
 19 Q Where do you get the words and the definitions?
 20 A He gives them to us.
 21 Q How does he give them to you?
 22 A He puts 'em in the overhead.
 23 Q Do you ever study for these science tests at
 24 home?
 25 A No.

- 1 Q Does Mr. Powers ever instruct you to study for
 2 his tests at home?
 3 A No.
 4 Q Do you have warm-ups in this class?
 5 A Yes.
 6 Q Could you explain to me what a warm-up in this
 7 class consists of?
 8 A Okay. It's called a do-now.
 9 Q Excuse me?
 10 A It's called a do-now.
 11 Q A do-now?
 12 A Yeah. And he gives us one question, and we
 13 have to answer it. After five minutes, he asks someone
 14 what the answer was, and we raise our hand.
 15 Q Do you write these do-now questions down on
 16 pieces of paper?
 17 A Yes.
 18 Q Do you study them for the test?
 19 A Yes.
 20 Q Do you ever have to do the warm-up or do-now's
 21 for homework?
 22 A No.
 23 Q Do you have experiments in this class?
 24 A Yes.
 25 Q What kinds of experiments?

- 1 A Like the one for cereal.
 2 Q Any other types of experiments?
 3 A No, I can't remember right now.
 4 Q Generally what are you learning about in this
 5 science class?
 6 MS. WELCH: Objection, vague.
 7 BY MS. KOURY:
 8 Q You told me in your 6th grade science class
 9 that you generally were learning about nature and, I
 10 believe, animals. What kind of things are you learning
 11 about in this 7th grade class?
 12 A Every -- we don't have a -- we don't just have
 13 one thing to learn about. We learn about anything.
 14 Q What are you learning about now?
 15 A Foods, what's healthy for people.
 16 Q Do you remember what you learned about in the
 17 beginning of the school year, what the first lessons
 18 were about?
 19 A No.
 20 Q Other than the cereal experiment, do you know
 21 if there were other experiments?
 22 A Yes.
 23 Q You can't remember any of the other
 24 experiments?
 25 A Yeah. One was -- we had to do a project.

- 1 Q What kind of project?
 2 A Anything you wanted.
 3 Q What did you choose?
 4 A I chose the popcorn.
 5 Q Did he give you choices, the teacher, or did
 6 you just come up with the choices all on your own?
 7 A I came up with my choice.
 8 Q And what do you have to do with the popcorn?
 9 A We had to split the popcorn -- one bag of
 10 popcorn into three. We had to put one in like our
 11 bedroom, one in the kitchen, and one in the refrigerator
 12 for half an hour, and then we had to put it in the
 13 microwave, see how many were unpopped, how many corns
 14 were unpopped in each one, and for the -- the one in the
 15 refrigerator, the one in the living room, and one in the
 16 kitchen.
 17 Q Did you use popcorn seeds?
 18 A Yes.
 19 Q Did you use anything else?
 20 A No.
 21 Q Where did you put the popcorn seeds?
 22 MS. WELCH: Objection, asked and answered.
 23 BY MS. KOURY:
 24 Q I understand that you put them in these various
 25 rooms, but did you put them in anything else, like a

- 1 container?
 2 A Yeah, in a lunch bag.
 3 Q Was there anything else in the lunch bag
 4 besides the popcorn seed?
 5 A No.
 6 Q How many of them popped?
 7 A I don't know.
 8 Q Have you finished the project yet?
 9 A Yeah, we finished it a long time ago.
 10 Q You don't remember if any of the popcorn seeds
 11 popped?
 12 A No, I don't remember.
 13 Q Where did you get the popcorn seeds from?
 14 A From the store.
 15 Q Did you have to write the results of your
 16 experiment?
 17 A Yes.
 18 Q Did you turn that into the teacher?
 19 A Yes.
 20 Q How about with the cereal project, where did
 21 you get the cereal from to do that experiment?
 22 A Mr. Powers got it from his house.
 23 Q Other than the cereal, was there anything else
 24 that you needed to use for this experiment?
 25 A No.

- 1 Q Did you write the results down from that
 2 project?
 3 A Yes.
 4 Q And you turned it in to Mr. Powers?
 5 A Yes.
 6 Q Other than the cereal experiment and the
 7 popcorn seed experiment, what other experiments have you
 8 had in this class?
 9 A I don't remember.
 10 Q Do you know if there were other experiments?
 11 A Yes.
 12 Q Do you know how many other experiments you had?
 13 A No.
 14 Q Do you remember if it was more than three other
 15 experiments?
 16 A Yes.
 17 Q Do you remember if it was more than five other
 18 experiments?
 19 A No.
 20 Q Do you remember about how often you would do an
 21 experiment in this class?
 22 MS. WELCH: And just so that it's clear, are you
 23 answering no, that you remember, or no, that there were
 24 more than three, because the question's not totally
 25 clear.

- 1 BY MS. KOURY:
 2 Q Were there more than three experiments in this
 3 class?
 4 A Yes.
 5 MS. WELCH: Okay.
 6 BY MS. KOURY:
 7 Q Three in addition to the cereal experiment and
 8 the popcorn seeds experiment?
 9 A Yes.
 10 Q Were there more than five experiments in this
 11 class in addition to the cereal and popcorn seeds
 12 experiment?
 13 A No.
 14 Q Do you remember how often you would do an
 15 experiment in this class?
 16 A Like once we finished one experiment, we would
 17 give it like two days, and then we would start another
 18 one.
 19 Q And about how long does it take you to do an
 20 experiment in this class?
 21 A It all depends on what kind of experiment it
 22 is.
 23 Q How long did it take you to do the cereal
 24 experiment?
 25 A One week.

- 1 Q How long did it take you to do the popcorn seed
 2 experiment?
 3 A About one week, too.
 4 Q Do you remember if you had any experiments in
 5 this class that required you to use the sinks in your
 6 science classroom?
 7 A We can't use the sinks.
 8 Q Why can't you use the sinks?
 9 A They don't work.
 10 Q What do you mean by that?
 11 A You know, the water faucet -- it doesn't have
 12 the water faucet. It only has the little sink. That's
 13 all it has.
 14 Q What do you mean by "little sink"?
 15 A Like in the middle of the table in every table
 16 there's one sink -- there?
 17 A There use to be one sink. Now it's just a hole
 18 there.
 19 Q Are there tables in your science class?
 20 A Yes.
 21 Q And how many tables are there in your science
 22 class?
 23 A Seven tables.
 24 Q And there's seven tables in Room 12. Is there
 25 a sink at each table?

- 1 A No, only the ones from the sides.
 2 Q How many tables in Room 12 have sinks?
 3 A Six -- no, wait. Five.
 4 Q Could you describe -- and these sinks, was that
 5 what you were just describing before?
 6 A Yes.
 7 Q Could you explain what you mean by the --
 8 there's a sink at these six tables -- I'm sorry, there's
 9 six sinks, and each of the sinks has a smaller area. Is
 10 that what you were describing?
 11 A No, they're all the same size.
 12 Q Describe 'em to me if you will
 13 A Okay. It's supposed to be a sink, right, but
 14 it doesn't have the water faucet. It's -- they just
 15 took it off.
 16 Q Is there a water fountain in these sinks?
 17 A No.
 18 Q Is there a drain? Are there drains in these
 19 sinks?
 20 A Yes.
 21 Q When you say there's no water faucet, is the
 22 handles for the water faucet there?
 23 A Yeah, that's the only thing.
 24 Q The handles are there?
 25 A Yes.

- 1 Q The area where the water would come out of, the
 2 tubular area where the water would come out of, is that
 3 no longer in the sinks?
 4 A No.
 5 Q Have you ever used a sink in Room 12?
 6 A No.
 7 Q Do you know why there's no longer a working
 8 water faucet in these sinks?
 9 A No.
 10 Q Have you ever heard anyone talk about the fact
 11 that the water faucets in this room don't work?
 12 A No.
 13 Q Has Mr. Powers complained that he wanted to do
 14 an experiment that required the use of the sinks but
 15 wasn't able to?
 16 A No.
 17 Q Other than the sinks in Room 12, is there
 18 anything else in Room 12 that you use in order to do
 19 experiments, such as goggles or other science supplies?
 20 A Only the bottles.
 21 Q What do you mean by "bottles"?
 22 A Like when we do a project, we put it in
 23 glasses, right, in a glass, and that's the only thing we
 24 use.
 25 Q Can you -- you've used these bottles to do a

- 1 project in this class?
 2 A Yes.
 3 Q Do you remember what you used the bottles for?
 4 A No.
 5 Q Were you pouring chemicals into the bottles?
 6 A Yeah, we were pouring something, I don't know.
 7 Q Do you remember if you had to wear goggles?
 8 A No.
 9 Q Is it that you don't remember or you didn't use
 10 goggles?
 11 A We didn't use goggles.
 12 Q Did you use anything else in terms of --
 13 perhaps gloves when you were pouring --
 14 A No.
 15 Q Do you remember what color the substance was
 16 that you were pouring into these bottles?
 17 A No.
 18 Q Do you remember what the results of pouring
 19 those substances in the bottles were?
 20 A No.
 21 Q How many times have you had to use bottles in
 22 this class?
 23 A Twice.
 24 Q Can you remember anything else about either of
 25 these two experiments that you used bottles for?

- 1 A No.
 2 Q Do you feel as if you don't have enough
 3 supplies to do experiments in your science class this
 4 year?
 5 A Yes.
 6 Q What do you mean by that?
 7 A Because sometimes we need water for projects
 8 that we do, but we don't have no sinks.
 9 Q When have you needed water for a project in
 10 your science class?
 11 A Like for the cereal project, we had to see how
 12 -- for how long it would stay crunchy. We had to put it
 13 in water.
 14 Q Any other time?
 15 A No.
 16 Q Did you use water to do your cereal experiment?
 17 A Me?
 18 Q Yes.
 19 A No.
 20 Q Did anyone in your class use water?
 21 A Yes.
 22 Q Where did they get the water from?
 23 A Mr. Powers had a bin where he had water so we
 24 could use it.
 25 Q What do you mean "bin"?

- 1 A Like in a container.
 2 Q What do you mean "container"? He had water in
 3 a container?
 4 A Yes.
 5 Q Where was the container?
 6 A In his desk.
 7 Q Did Mr. Powers tell your class that you could
 8 use the water from the container for your cereal
 9 experiment?
 10 A No. He had to give it to us, but we could use
 11 it.
 12 Q I don't understand that. Can you explain that?
 13 A Yes.
 14 Q What did he say?
 15 A Yeah, that we could use it.
 16 Q Did Mr. Powers tell you that you can use the
 17 water that's in the container?
 18 A Yes.
 19 Q Was it your option to use the water or not?
 20 A Yes.
 21 Q If you didn't use the water, how else could you
 22 tell whether the cereal was going to stay crunchy?
 23 A You put it in your mouth.
 24 Q Did you put it in your mouth?
 25 A Yes.

- 1 Q Other than this experiment with the cereal, was
 2 there any other experiment in your science class that
 3 you needed to use water?
 4 MS. WELCH: Objection, calls for speculation.
 5 THE WITNESS: I don't know. I don't remember.
 6 BY MS. KOURY:
 7 Q Do you ever remember hearing Mr. Powers say
 8 that you needed water for an experiment other than for
 9 this cereal experiment?
 10 A No.
 11 Q Where do you get the directions to do your
 12 experiments?
 13 MS. WELCH: Objection, no foundation.
 14 THE WITNESS: We have this -- he puts this thing on
 15 the overhead. It says "e" word, investigation, page
 16 number, purpose and directions. We have to fill that
 17 out, get it from the book.
 18 BY MS. KOURY:
 19 Q When he put this on the overhead projection,
 20 does he say anything?
 21 A He only says to do it, and he will give us ten
 22 minutes.
 23 Q You said that there's a page number on the
 24 overhead projector?
 25 A Yes.

- 1 Q Does that page number refer to your textbook?
 2 A Yes.
 3 Q What do you do with that page number?
 4 A We look for it.
 5 Q Where?
 6 A In the book.
 7 Q What do you look for in the book?
 8 MS. WELCH: Objection, asked and answered.
 9 THE WITNESS: We look for the page. Then we start
 10 filling out the sheet.
 11 BY MS. KOURY:
 12 Q What sheet?
 13 A The sheet that he puts in the overhead.
 14 Q How do you fill it out?
 15 A Like for "e" words. On the very bottom of the
 16 page, it says "e" word. It's -- and then he has the
 17 word.
 18 Q Do you fill it out -- when you say fill out, do
 19 you write it on another piece of paper?
 20 A Yes. We have to copy the paper that he puts on
 21 the overhead.
 22 Q You copy down the questions that he writes on
 23 the overhead projector?
 24 A Yes, and we have to fill it out.
 25 Q And you write the answers?

- 1 A No, it's not answers. It's like -- it says "e"
 2 word, and then we have to find the "e" word and write it
 3 down.
 4 Q What is an "e" word?
 5 A Investigation word. No --
 6 Q Is that about your experiment that you --
 7 MS. WELCH: Did you want to change your answer?
 8 THE WITNESS: Yeah, I want to change my answer.
 9 BY MS. KOURY:
 10 Q Go ahead.
 11 A He puts "e" words because all the words that
 12 are on the bottom starts with a "e," like explore,
 13 explain, words like that.
 14 Q So after you fill out what he's written on the
 15 overhead projector, what do you do?
 16 A We wait for him to say -- when he tells us to
 17 stop, and then we just -- he starts asking us for the
 18 questions like for the people that don't get it.
 19 Q Are there instructions about the experiments
 20 that you're doing in class?
 21 A Yes.
 22 MS. WELCH: Objection, asked and answered.
 23 BY MS. KOURY:
 24 Q In these overhead projector questions?
 25 A Yes.

- 1 Q So, for example, with your cereal experiment,
 2 did you get the instructions on how to do that
 3 experiment --
 4 A Yes.
 5 Q I'm not finished -- from questions that
 6 Mr. Powers wrote on the overhead projector?
 7 A Yes.
 8 Q Did you also get some of the instructions for
 9 your cereal experiment from the textbook?
 10 A Yes.
 11 Q And for the other experiments that you did, you
 12 similarly got the instructions from not only the
 13 overhead projector but also from your textbook?
 14 A Yes.
 15 Q Have you ever -- do the instructions in your
 16 textbook and the instructions that Mr. Powers writes on
 17 the overhead projector, do they state the different
 18 materials that you need for your experiment?
 19 MS. WELCH: Objection, vague.
 20 BY MS. KOURY:
 21 Q Do you understand that question?
 22 A Yes. Yeah. It says the materials that we use.
 23 Q Have you ever seen an instruction either on the
 24 overhead projector or in the textbook that indicates
 25 that you need water to do an experiment?

- 1 A Yes.
 2 Q For which experiment?
 3 A For the one in -- like the cereal one, we had
 4 to use water. But if we want to, we could use -- we
 5 could just put it in our mouth.
 6 Q How did you know you could just put it in your
 7 mouth?
 8 A He told us.
 9 Q Was it in the textbook?
 10 A No.
 11 Q Did he write it on the overhead projector?
 12 A Yes.
 13 Q Other than the experiment for cereal, has there
 14 been any other time that you've seen that water was
 15 required to do an experiment from the instructions in
 16 your textbook or the instructions on the overhead
 17 projector?
 18 MS. WELCH: Objection, vague.
 19 BY MS. KOURY:
 20 Q Do you understand that question?
 21 A Could you repeat it?
 22 Q Sure. You just told me the cereal experiment
 23 required water and you knew that because the
 24 instructions in the textbook said so, as well as the
 25 instructions on the overhead projector.

1 Other than the cereal experiment, has there
2 been any other experiment that required you to use water
3 because the instructions in the textbook said so, or the
4 instructions on the overhead projector said so?

5 MS. WELCH: Same objection.

6 THE WITNESS: No.

7 BY MS. KOURY:

8 Q Did you understand that question?

9 A Yes.

10 Q Have you ever had instructions for an
11 experiment on the overhead projector or in the textbook
12 that stated that you needed certain materials that you
13 didn't have?

14 A No. I don't know.

15 Q Do you understand the question?

16 A Yes.

17 Q When you say you don't know, what do you mean?

18 A I don't know that -- I don't remember.

19 Q Do you think you would remember if that
20 happened?

21 A Yeah --

22 MS. WELCH: Objection, calls for speculation.

23 BY MS. KOURY:

24 Q Excuse me?

25 A Yeah, but not right now.

1 sinks that worked, then we would do experiments with
2 water.

3 BY MS. KOURY:

4 Q And what makes you think that?

5 A Because in 4th grade they were working, the
6 sinks were working, and then -- and we used to do a lot
7 of projects that included water. We had to do stuff on
8 the sink. But now we can't do that anymore.

9 Q For what class did you use the sinks to do
10 projects in the 4th grade?

11 A For science.

12 Q Is there any other reason?

13 A No.

14 Q Do you remember -- can you review the rest of
15 this declaration that we've marked as Exhibit 1 and tell
16 me when you've finished.

17 Do you remember signing this declaration?

18 MS. WELCH: Objection, asked and answered.

19 THE WITNESS: Yes.

20 BY MS. KOURY:

21 Q Did you sign it on the date that's stated here,
22 January 30, 2001?

23 A Yes.

24 Q Did you read this declaration before you signed
25 it?

1 Q Why not right now?

2 A It doesn't come to my mind.

3 Q So you don't remember right now?

4 A Yes.

5 Q Other than what we've discussed, is there any
6 other reason why you feel you don't have enough supplies
7 to do your experiments in your science class?

8 MS. WELCH: Objection, vague, calls for
9 speculation.

10 THE WITNESS: Can you repeat it again?

11 BY MS. KOURY:

12 Q I'll do better than that. I'm going to show
13 you what we've marked as Exhibit 1, your declaration,
14 and ask you to look at Paragraph 6. Could you read that
15 for me? Tell me when you're finished.

16 Actually, for the record, Paragraph 6 reads,
17 "The sinks in my science class that are supposed to be
18 used to do labs are always messy, dirty and disgusting.
19 I think that's why we don't -- science experiments. We
20 don't have enough supplies, anyway, so we can't do
21 experiments right."

22 What do you mean by this?

23 MS. WELCH: Objection, the document speaks for
24 itself, vague.

25 THE WITNESS: Because I think if we would have

1 MS. WELCH: Objection, asked and answered.

2 THE WITNESS: Yes.

3 BY MS. KOURY:

4 Q Did anyone explain to you the declaration
5 before you signed it?

6 MS. WELCH: Objection, asked and answered.

7 THE WITNESS: I knew it was my declaration.

8 BY MS. KOURY:

9 Q How did you know?

10 MS. WELCH: And to the extent that this calls for
11 conversation that you had with your lawyer, you're
12 instructed not to answer it. If you have the
13 information from something else besides a conversation
14 with your lawyer, then you can answer it.

15 Does that make sense?

16 THE WITNESS: Yes.

17 BY MS. KOURY:

18 Q Can you answer the question?

19 A No.

20 Q Okay. You were telling me about your 4th grade
21 class, your science class. Do you remember the name of
22 the textbooks that you had in that class?

23 A No.

24 Q Did you have a textbook that class?

25 A I don't remember.

1 Q Do you remember what classroom it was in?
 2 A Yes.
 3 Q What classroom?
 4 A Room 12.
 5 Q Do you remember what types of experiments that
 6 you did with water?
 7 A We did a lot of experiments, but it's been too
 8 long. I don't remember.
 9 Q Can you give me an example of one of the
 10 experiments that you did?
 11 A I don't remember.
 12 Q Can you specifically recall doing more than two
 13 experiments in your science class in the 4th grade?
 14 MS. WELCH: Objection, asked and answered.
 15 MS. KOURY: For the record, that question was not
 16 asked.
 17 THE WITNESS: No.
 18 MS. WELCH: He said he couldn't remember how many
 19 times.
 20 BY MS. KOURY:
 21 Q Can you remember more than three experiments
 22 that you did with water in the 4th grade?
 23 A Yes.
 24 Q Do you remember how often you were doing them?
 25 Was it once a week or once a month?

1 A No.
 2 Q Do you remember anything that you learned in
 3 this science class in 4th grade?
 4 MS. WELCH: Objection, vague.
 5 BY MS. KOURY:
 6 Q You told me with your 6th grade class, that you
 7 learned about nature. And this year you've told me a
 8 little bit about what you are learning in your 7th grade
 9 science class. Can you tell me a little bit about what
 10 you learned in your 4th grade science class?
 11 A I don't remember.
 12 Q You can't remember anything that you learned in
 13 your 4th grade science class?
 14 A No.
 15 MS. WELCH: Objection, asked and answered.
 16 BY MS. KOURY:
 17 Q Do you know if Mr. Powers has ever stated --
 18 actually, strike that.
 19 Do you know when they took the sinks -- or the
 20 faucets stopped working in Room 12?
 21 MS. WELCH: Objection, calls for speculation.
 22 THE WITNESS: No, I don't know.
 23 BY MS. KOURY:
 24 Q Do you remember using them in the 6th grade?
 25 A We didn't use Room 12 in 6th grade, only 5th

1 grade.
 2 Q Did you use water -- did you have water faucets
 3 in your 6th grade classroom --
 4 A Yes.
 5 Q -- science classroom? Did you use the water
 6 faucets in your 5th grade classroom?
 7 A Yes.
 8 Q What did you use them for?
 9 A For projects.
 10 Q For experiments?
 11 A Yes.
 12 Q Any other types of projects?
 13 A No.
 14 Q Do you remember how many experiments in your
 15 6th grade science class that you used water for?
 16 A No.
 17 Q Do you remember the experiment that you used
 18 water for, what kind of experiment it was?
 19 A No.
 20 Q Do you know if it was more than one experiment
 21 that you used water for in your 6th grade class?
 22 A Yes.
 23 Q How do you know that?
 24 A We used to do a lot of projects in 6th grade.
 25 Q But I'm asking specifically about water. How

1 do you know that you used water for more than one
 2 experiment?
 3 A Because we did -- we used water for almost all
 4 the experiments. Like one was about how long a plant
 5 could live without changing -- like only with no dirt,
 6 only water.
 7 Q And do you think you were doing that because
 8 you were learning about nature in your 6th grade science
 9 class?
 10 MS. WELCH: Objection, calls for speculation.
 11 THE WITNESS: Yes.
 12 BY MS. KOURY:
 13 Q Why do you think that?
 14 A We had to use a plant.
 15 Q Were you studying about plants in your
 16 textbook?
 17 A Yes.
 18 Q So in Paragraph 6 of your declaration that
 19 we've marked as Exhibit 1, when you state that you don't
 20 have enough supplies to do the experiments, right, you
 21 were referring to water?
 22 A Yes.
 23 Q Is that the only supply you were referring to?
 24 MS. WELCH: Objection, vague, calls for
 25 speculation.

1 THE WITNESS: Yes.

2 BY MS. KOURY:

3 Q During your deposition last week, we went
4 through all your classes and classrooms, and I asked you
5 if anything bothered you about the classrooms.

6 Did anything bother you about Room 12 this
7 school year?

8 A Yes.

9 Q What bothered you?

10 MS. WELCH: Objection, asked and answered.

11 BY MS. KOURY:

12 Q Other than what we've discussed already.

13 A Okay. No.

14 Q Nothing else other than what we --

15 A Nothing else.

16 Q When I'm asking this question, I mean anything
17 that bothered you throughout the school year, from the
18 beginning of the school year to the end of the school
19 year. Do you understand that?

20 A Yes.

21 Q So there's nothing else that bothered you
22 throughout the school year in Room 12?

23 A No.

24 Q Do you mean yes, nothing else bothered you?

25 A Yes.

1 the desks, whether it's too warm, too cold in the
2 classroom?

3 A That classroom's all right. The only thing
4 like we talked about with the books.

5 Q Right. Anything else?

6 Q What about the classroom Room 7, is there
7 anything about the classroom that bothers you or has
8 bothered you throughout this school year?

9 A Yeah. First -- at first we had sinks and we
10 had a sink where we could drink water. Now we don't.

11 Q We discussed that last week about the water
12 fountains. Anything else that you'd like to add to what
13 we discussed last week?

14 A No.

15 Q How about Room 16, is there anything that's
16 bothered you throughout the school year with respect to
17 that room?

18 A No.

19 Q How about your history classroom, Room 8A, is
20 there anything that bothered you about in classroom
21 throughout the school year?

22 A No.

23 Q And I know it's hard to remember the 6th grade,
24 but with respect your science class, Room 5 last year,
25 do you remember if anything bothered you throughout that

1 Q How about with respect to your language arts
2 room, Room 6, is there anything about the classroom that
3 bothered you throughout the school year?

4 A Is that from last year or this year?

5 Q I'm sorry. I meant Room 19, your language arts
6 classroom this year.

7 Other than what we've discussed, is there
8 anything that bothered you throughout the school year
9 from the beginning until now about Room 19?

10 MS. WELCH: If you remember what we've discussed.
11 I mean we're talking about what you talked about a week
12 ago so, you know --

13 BY MS. KOURY:

14 Q Right. Anything else?

15 A No.

16 Q What about your world language class -- I'm
17 sorry. What about your reading classroom, Room No. 1,
18 does anything bother you about that classroom, or has
19 anything bothered you throughout this school year?

20 MS. WELCH: Objection, vague.

21 THE WITNESS: No.

22 BY MS. KOURY:

23 Q Do you understand what I mean when I say
24 bothered, like what we discussed last week, the lights
25 in your classroom, the walls, the windows, the carpets,

1 school year about your classroom? And again, when I say
2 "bother," I mean did anything bother you about the
3 carpets, the walls, the windows, the lights, the desks,
4 the chairs, whether the room was too warm or too cold?

5 A Aside from what we talked about?

6 Q Yes.

7 A No.

8 Q What about Room 6, did anything bother you
9 about Room 6 while you were using it throughout the 6th
10 grade?

11 A No.

12 MS. WELCH: I'm going to object to the extent that
13 he's answered all these questions last week.

14 MS. KOURY: Actually, specifically I asked him if
15 anything bothered him. I hadn't asked whether anything
16 had bothered him throughout the school year, so I'm
17 clarifying it for the record.

18 Q Did anything bother you throughout the school
19 year while you were using Room 11 during the 6th grade?

20 MS. WELCH: Same objection.

21 BY MS. KOURY:

22 Q Did you understand that question?

23 A Yes. No.

24 Q Could you tell me, is there anything that
25 bothers you about your school other than what we've

1 discussed last week and today that you would want
2 changed or fixed or improved?

3 MS. WELCH: Objection, vague, calls for
4 speculation, calls for expert testimony.

5 THE WITNESS: For me? I would change everything.

6 BY MS. KOURY:

7 Q What about -- do you understand that you're a
8 class representative in this case?

9 A Yes.

10 MS. WELCH: Objection, asked and answered.

11 BY MS. KOURY:

12 Q As a class representative, what would you want
13 changed or improved at your school?

14 A I would want everything that's wrong to change.

15 Q Okay. Explain to me what you mean by
16 "everything that's wrong."

17 A The water fountains outside, the sinks, the air
18 conditioning, inside the classes, like carpets, sinks,
19 faucets.

20 Q Anything else?

21 A No.

22 MS. WELCH: Now, are you talking about besides all
23 the things that he's been testifying for the past day
24 and a half, or do you mean --

25 MS. KOURY: I believe that was my question, other

1 A Because in some classrooms we don't have air
2 conditioning. When it's hot outside, it's hot inside.

3 When it's cold outside, it's cold inside all the time.

4 Q Other than that, is there anything else with
5 respect to air conditioning?

6 A No.

7 Q You said "inside classes," what do you mean by
8 that?

9 A Inside the classes, some classes are always
10 dirty, the -- the shelves where you put the stuff, where
11 you hang your backpacks and the jackets and everything,
12 the hangers, some -- they're falling off. They never
13 fix that.

14 Q Anything else?

15 A No.

16 Q What do you mean by "carpets"?

17 A Because in some classes the carpets are old,
18 stains all over it, ripped.

19 Q Are you referring only to the carpets that are
20 in classrooms?

21 A Yes.

22 Q Is there anything else that bothers you or that
23 you would want fixed about the carpets?

24 A No.

25 Q You stated "sinks" and "faucets." What do you

1 than what we've discussed today. That's okay.

2 BY MS. KOURY:

3 Q Is there anything else that bothers you?

4 A No.

5 Q The water fountains outside, where are these
6 water fountains?

7 A In the blacktop.

8 Q How many water fountains are there?

9 A Two.

10 Q And what bothers you about them?

11 A They don't work.

12 Q Anything else?

13 A Yeah. People from other schools go there and
14 put condoms on them. That's disgusting. I don't want
15 to drink from that water fountain. The janitor goes,
16 takes it off. That's it. Don't clean it or anything.

17 Q When you said "sinks," what do you mean by
18 that?

19 A The sinks are always getting flooded.

20 Q Which sinks?

21 A Inside classes, in the bathrooms.

22 Q Anything else about the sinks?

23 A No.

24 Q When you say the "air conditioning," what do
25 you mean?

1 mean by that?

2 A Because in some classes, the faucets don't
3 work. Like in my -- in Room 19, a few days ago it
4 broke, and they haven't fixed it yet.

5 Q Anything else?

6 A No.

7 Q What about the bathrooms at your school, is
8 there anything about the bathrooms at your school that
9 you would want fixed or improved?

10 A Yeah. In the -- there's rarely any toilet
11 paper. The thing where the boys go pee --

12 MS. WELCH: Urinals?

13 THE WITNESS: Yeah. Last year someone broke it,
14 and they didn't change that. They only put cement, they
15 filled it up, and that's it.

16 BY MS. KOURY:

17 Q Anything else about the bathrooms?

18 A No.

19 MS. WELCH: Are you sure about that?

20 MS. KOURY: Excuse me? Counsel, I think I'm the
21 one asking the questions.

22 MS. WELCH: I'm just trying to give you a complete
23 answer.

24 MS. KOURY: I was going to repeat them.

25 MS. WELCH: Okay.

1 MS. KOURY: Thanks for the assistance, though.
 2 BY MR. KOURY:
 3 Q Is there anything else that you would want
 4 fixed or improved or changed at your school other than
 5 what you stated to me? And would you like me repeat
 6 what you stated to me?
 7 A Yes.
 8 Q You stated that you wanted the water fountains
 9 outside fixed. Those are two water fountains on the
 10 blacktop that don't work; and that people from other
 11 schools put condoms, and janitors just take them off,
 12 but they don't clean the water fountains; that the sinks
 13 are always flooded, specifically the sinks in the
 14 bathrooms and classes; and that air conditioning, some
 15 classes don't have; that the inside of the classes are
 16 always dirty and that the shelves where you hang your
 17 backpacks and jackets are falling off; that the carpets
 18 in some classrooms are old, stained and ripped; that the
 19 sinks and faucets in some classes are broke, in Room 19
 20 specifically; and that the bathrooms rarely have any
 21 toilet paper, and that the urinal was broken last year,
 22 and they didn't change it.
 23 Was there anything else?
 24 A No.
 25 Q Are you sure?

1 A Yes.
 2 Q Let's talk about the water fountains on the
 3 blacktop.
 4 How often do you use these water fountains?
 5 A Never. They haven't been fixed since last
 6 year.
 7 Q What do you mean by that?
 8 MS. WELCH: Objection, asked and answered.
 9 THE WITNESS: We never drink from them because
 10 they're broken. No one drinks from them.
 11 BY MS. KOURY:
 12 Q When's the last time that you saw them?
 13 A I see them every day.
 14 Q Where are they on the blacktop? Are they near
 15 classrooms?
 16 A No.
 17 Q Why is it that you see them every day?
 18 A They're outside. When we go to recess, when
 19 we're switching classes, we see them.
 20 Q Did you see 'em on Friday?
 21 A Yes.
 22 Q Both of them?
 23 A Yes.
 24 Q What did they look like?
 25 A One is falling off.

1 Q What do you mean "falling off"?
 2 A Yeah, it's falling out.
 3 Q Describe that.
 4 A Instead of being in the -- in its proper place,
 5 it was on the ground.
 6 Q Where is it supposed to be?
 7 A In the wall.
 8 Q And what was on the ground?
 9 A The whole thing, the whole water fountain.
 10 Q Is the white cement part of the water fountain?
 11 A No.
 12 Q Is it a faucet where you turn a knob and the
 13 water comes out?
 14 A Yes.
 15 Q Was that on the ground?
 16 A Yes.
 17 Q Is there anything underneath the knob and where
 18 the water comes out, is there some sort of place where
 19 the water drips on to?
 20 A Yes.
 21 Q Was that on the ground?
 22 A Yes.
 23 Q Was it hanging by anything to the wall?
 24 A Yeah, by the --
 25 Q What is it, like a steel cord?

1 A Yeah -- no, it wasn't steel. It was like -- I
 2 forgot. It was like a hose.
 3 Q Okay. So it was hanging by the hose?
 4 A Yeah.
 5 Q Was Friday the first time that you noticed that
 6 it was hanging this way?
 7 A No. It was like weeks ago. When they see it
 8 like that, they must have put it back inside where it's
 9 supposed to be.
 10 Q How do you know?
 11 A Because you see it on the ground, and then it's
 12 up there again. But they don't fix or anything.
 13 Q How do you know they don't fix it?
 14 A Because the water handle where you push it for
 15 the water to turn on to come out, it's not there. It
 16 doesn't work.
 17 Q Is there a water handle there at all?
 18 A No.
 19 Q So have you ever seen a water handle there?
 20 A Yes.
 21 Q When did you see the water handle there?
 22 A Last year.
 23 Q Have you seen the water handle there at all
 24 this year?
 25 A No.

1 Q Have you ever seen anyone use that water
2 fountain?
3 A No.
4 Q Have you ever seen anyone use that water
5 fountain last year?
6 A Yes.
7 Q Did you use the water fountain last year?
8 A Yes.
9 Q When was the last time you used it, the water
10 fountain that we're talking about?
11 A I don't know.
12 Q Was it the end of last school year?
13 A No. It was like in the beginning of the school
14 year.
15 Q Have you ever seen anyone fix that water
16 fountain?
17 A No.
18 Q You said there is two water fountains near the
19 blacktop. Are they near each other?
20 A No. One is like right in the back of the lunch
21 room, and one's where we line up.
22 Q The one we've been discussing, the one that's
23 hanging by the hose, is that the one near the lunch room
24 or near the lineup?
25 A Near the lineup.

1 Q Do you know who's supposed to fix the water
2 fountains?
3 MS. WELCH: Objection, calls for speculation.
4 THE WITNESS: I think the janitors.
5 BY MS. KOURY:
6 Q Why do you think that?
7 A Well, I don't know. They're -- I don't know.
8 Q Have you ever -- do you know who the janitor is
9 at your school?
10 A Yes.
11 Q How do you know who the janitor is?
12 A I always see him cleaning up -- clean the --
13 with the floor, the leaves, the trash.
14 Q Have you ever talked to him?
15 A No.
16 Q Have you ever seen any other students ask him
17 to fix anything?
18 A No.
19 Q What about the other water fountain, the water
20 fountain near the back of the lunch room, when's the
21 last time you saw that water fountain?
22 MS. WELCH: Objection, asked and answered.
23 THE WITNESS: Friday.
24 BY MS. KOURY:
25 Q What did it look like?

1 A That one works, but the water that comes out
2 from there, instead of being clear, it's brown, like if
3 it's all rusty inside.
4 Q How do you know?
5 A You turn it on. The water -- brown water comes
6 out.
7 Q When's the last time you turned it on?
8 A I don't know.
9 Q Have you turned it on this school year?
10 A Yes.
11 Q How many times?
12 A I don't know, a few.
13 Q What do you mean by "a few"?
14 A Three or four times.
15 Q Can you remember turning it on after Christmas
16 break?
17 A Yes.
18 Q Can you remember turning it on after spring
19 break?
20 A No.
21 Q The last time you turned it on, do you remember
22 if you drank from it?
23 A No, I didn't drink from it.
24 Q Have you ever complained about the water being
25 too brown to anyone?

1 A No.
2 Q Have you ever told anyone about it?
3 A No.
4 Q Do you know if any other students have told
5 anyone that the water was too brown or complained about
6 the water from this water fountain?
7 A No.
8 Q Have you ever seen any other student drink from
9 this water fountain?
10 A No.
11 Q You say you see this water fountain every day.
12 Do you ever see any kids by the water fountain when you
13 walk by it?
14 A No.
15 Q Is there anything else wrong or that bothers
16 you about this particular water fountain, the water
17 fountain near the lunch room?
18 A No.
19 Q The water fountain near the lineup, have you
20 seen any other student drinking from it this school
21 year?
22 A No.
23 Q Do you know if anyone else has complained about
24 the water fountain near the lineup?
25 A No.

- 1 Q Have you ever heard any of the teachers talk
2 about it?
3 A No.
4 Q Have you ever wanted to drink from the water
5 fountain and been unable to get a drink of water?
6 A Yes.
7 Q What happened?
8 A Just had to wait.
9 Q When was it?
10 A It was this school year.
11 Q Do you remember when this school year it
12 happened?
13 A Yeah. Last week.
14 Q What happened?
15 A I was really thirsty, and I was coming from
16 recess to lineup, and I asked the teacher if I could go
17 a drink of water in the hallway, and he said no.
18 Q Do you know why he said no?
19 A 7th graders and 8th graders can't go in the
20 hallway because of the smaller students.
21 Q What other -- were you going to the classroom
22 after lineup?
23 A Yes.
24 Q What classroom were you going to?
25 A History.

- 1 Q Is there a water fountain in the hallway?
2 A Yes.
3 Q Do you usually use that water fountain?
4 A Not often.
5 Q What do you mean by "not often"?
6 A When the teachers aren't looking, yeah, I go
7 there to get a drink of water. Then I go to class.
8 Q Are 7th and 8th graders never allowed to use
9 the water fountains in the hallways?
10 A Yes.
11 Q And your understanding is that those water
12 fountains are only for the younger grades?
13 A Yes.
14 Q Is there a water fountain in your history
15 classroom?
16 A No.
17 Q Other than the water fountains on the blacktop
18 and the water fountains that you told me about in the
19 hallway, are there any other water fountains in your
20 school that you use?
21 A No.
22 Q How about in any of your classrooms?
23 A Yeah. I've told you about 'em already.
24 Q Other than this one time that you just
25 described to me last week when you wanted a drink of

- 1 water and you weren't able to, has there been any other
2 occasion when you wanted a drink of water and you
3 couldn't find a water fountain and you weren't able to
4 drink water?
5 A Yes.
6 MS. WELCH: Objection, vague.
7 BY MS. KOURY:
8 Q Can you describe to me when that happened?
9 A It happens very often. When I come from
10 recess, I'm really thirsty, because after recess we
11 usually have math or history. And then in both of those
12 classes, we don't have water. We used to have water in
13 math, but now we don't.
14 Q How about during recess, can you drink water
15 during recess?
16 A In the hallway or where?
17 Q Other than the hallway, is there anywhere else
18 you can get water from during recess?
19 A Only the bathroom.
20 Q Where do you eat lunch?
21 A In the cafeteria.
22 Q Is there a water fountain near the cafeteria?
23 A No.
24 Q Can you get water from the cafeteria?
25 A No.

- 1 Q Have you ever asked for a glass of water from
2 the cafeteria?
3 A No.
4 Q How do you know that you can't get a glass of
5 water from the cafeteria then?
6 A In the kitchen there's -- there isn't any water
7 fountain, only the sinks. And in the -- nowhere inside
8 the cafeteria there's a water fountain. Only the
9 bathroom and the sink.
10 Q Have you ever asked to get -- or have you ever
11 seen any other student get water from the sink in the
12 cafeteria?
13 A No.
14 Q Do you know if you can get water from the sink
15 in the cafeteria?
16 A No.
17 Q When you come back from recess and you say that
18 you're thirsty, did you complain to the teacher that you
19 were thirsty?
20 A Yes.
21 MS. WELCH: Objection, asked and answered.
22 BY MS. KOURY:
23 Q Other than the time that you described to me
24 when you asked the teacher to get a drink of water, has
25 there been any other time that you've asked a teacher

- 1 for a drink of water?
 2 A Yes.
 3 Q Do you remember what the teacher said?
 4 A He said no.
 5 Q Do you remember what teacher that was?
 6 A Yeah, it was Mr. Folder.
 7 Q Did he say anything else besides no?
 8 A No.
 9 Q Did he explain to you why you couldn't get a
 10 drink of water?
 11 A No.
 12 Q Is there a drinking fountain in the gym?
 13 A No.
 14 Q You said that you see -- or that people from
 15 other schools put condoms in these two water fountains
 16 near the blacktop. How do you know that?
 17 A My friends have told me.
 18 Q What do they tell you?
 19 A That the kids from the other schools come after
 20 school and they hang out there, they do stuff like that.
 21 Q How do your friends know this?
 22 A One of them hangs out with them.
 23 Q Does he say how old these kids are that come to
 24 your school?
 25 A No.

- 1 Q Do you know how old these kids are that come to
 2 your school?
 3 A No.
 4 Q Did your friend tell you that these kids that
 5 come to your school don't go to Edison-McNair?
 6 A They don't go to Edison-McNair.
 7 Q How do you know that?
 8 A We don't see them around there.
 9 Q Have you ever seen these kids at your school
 10 after school?
 11 A No.
 12 Q Have you ever seen someone put a condom in the
 13 water fountains in your school?
 14 A No.
 15 Q Have you ever seen a condom in a water fountain
 16 at your school?
 17 A Yes.
 18 Q How many times have you seen that, a condom in
 19 a water fountain at your school?
 20 A Five, six times.
 21 Q Do you remember when this happened?
 22 A I don't remember when it happened.
 23 Q And how do you know that this happened five or
 24 six times?
 25 MS. WELCH: Objection, asked and answered.

- 1 THE WITNESS: One time I was going to drink water.
 2 Last year in the hallway, I was going to drink water
 3 laughing, with my friends, and then I found a condom
 4 there.
 5 BY MS. KOURY:
 6 Q Can you describe to me what you saw?
 7 MS. WELCH: Objection, asked and answered.
 8 THE WITNESS: I was going to the sink, and I
 9 wasn't looking at the sink. I was talking to my
 10 friends.
 11 MS. WELCH: You mean water fountain? You said
 12 sink.
 13 THE WITNESS: Yeah, water fountain. And then I saw
 14 it right there.
 15 BY MS. KOURY:
 16 Q What did you see right there? What did the
 17 condom look like? Was it in a wrapper?
 18 A No.
 19 Q Do you remember what color was?
 20 A Purple.
 21 Q What did you do?
 22 A I just saw. I don't want to drink from there.
 23 Q Do you remember what time of day it was? Was
 24 it the morning, after lunch, before lunch?
 25 A In recess.

- 1 Q Which recess?
 2 A Lunch recess.
 3 Q What did you do after you saw it and decided
 4 you didn't want to drink?
 5 A I just had to wait.
 6 Q Did your friends see it as well?
 7 A Yes.
 8 Q How many of your friends were with you?
 9 A About three.
 10 Q Did you tell anyone? Did you tell any adult
 11 that you saw a condom in the water fountain?
 12 A No.
 13 Q Do you know if any of your teachers knew that
 14 there was a condom in the water fountain?
 15 A No, I don't know.
 16 Q Do you know if your friends told anyone, any
 17 adult, that they found a condom in the water fountain?
 18 A No.
 19 Q Did you see this fountain after your lunch
 20 recess?
 21 A Yes.
 22 Q What time did you see it after your lunch
 23 recess?
 24 A When I was going to P.E.
 25 Q What time of day was that, your P.E. class last

- 1 year?
 2 A Oh, last year.
 3 Q Well, this was last year, right?
 4 A Yes. It was like 2:15.
 5 Q How did you see the water fountain?
 6 A We were going in line to the gym -- to the
 7 cafeteria, because there was -- it was raining. And
 8 then it was right there still. They hadn't taken it
 9 off.
 10 Q Did you have to walk through the hallway?
 11 A Yes.
 12 Q So you saw the water fountain when you walked
 13 through the hallway?
 14 A Yes.
 15 Q And the condom was still on the fountain?
 16 A Yes.
 17 Q Did you tell your P.E. teacher?
 18 A He saw it.
 19 Q How do you know he saw it?
 20 A He was looking at it.
 21 Q Did he say anything?
 22 A No.
 23 Q Did you say anything to him?
 24 A No.
 25 Q Is there any other way that you know that he

- 1 Q Did you see this water fountain the next day?
 2 A Yes.
 3 Q Do you remember what time of day you saw it the
 4 next day?
 5 A Yeah. It was in the morning.
 6 Q Was the condom still in the water fountain the
 7 next day?
 8 A No.
 9 Q Do you know how it got removed?
 10 A No.
 11 Q Other than this time last year, what other
 12 times have you seen a condom in the water fountains?
 13 A When I'm going from the front of the school to
 14 the back of the school so I could go line up, and I saw
 15 one.
 16 Q When was that?
 17 A A long time ago. It was this year.
 18 Q Was it before Christmas break?
 19 A No.
 20 Q Was it after Christmas break?
 21 A Yes.
 22 Q Was it before spring break?
 23 A Yes.
 24 Q Which water fountain did you see the condom in?
 25 A The one by the lineup.

- 1 saw it other than you think that he saw it?
 2 A Yeah, I think that he saw it.
 3 Q Did any of the students say anything about the
 4 condom in the water fountain?
 5 A Yeah.
 6 Q What did they say?
 7 A The girls say, "Oooh."
 8 Q Other than that, did any of the other students
 9 say anything?
 10 A No.
 11 Q Do you know if any of the other students told
 12 your teacher?
 13 A Yeah, one of them was talking about it.
 14 Q Talking about it to who?
 15 A To the teacher.
 16 Q So did you hear this other student talk to the
 17 teacher about the condom in the water fountain?
 18 A Yeah.
 19 Q What did you hear the student say?
 20 A "Why didn't they clean that up?"
 21 Q What's the teacher's name in that class?
 22 A Mr. Alaniece (phonetic).
 23 Q What did he respond to the student?
 24 A He said that he didn't know, he. Was like, "I
 25 don't know. It's the janitor's job."

- 1 Q Do you remember what time of day it was?
 2 A In the very morning.
 3 Q Do you remember what day of the week it was?
 4 A Monday. I think it was Monday.
 5 Q Can you describe to me what the condom looked
 6 like? Was it in a wrapper?
 7 A No.
 8 Q Do you remember the color?
 9 A No, nothing.
 10 Q Were you going to use the water fountain?
 11 A No.
 12 Q Do you know if anyone else saw the condom
 13 besides you?
 14 A Yeah, there were people playing around by
 15 there.
 16 Q Did they say anything about the condom in the
 17 water fountain?
 18 A No, I don't know.
 19 Q Were they playing with the water fountain?
 20 A No.
 21 Q So how do you know that they saw it?
 22 A They were right by it.
 23 Q Did you see them looking at it?
 24 A No.
 25 Q So you kind of assume that they saw it because

1 they were near it, but you're not really sure?
 2 A Yeah.
 3 Q Did you tell anyone that there was a condom in
 4 the water fountain that day?
 5 A No.
 6 Q Do you know if any teachers knew that there was
 7 a condom in the water fountain that day?
 8 A No.
 9 Q Did you see that water fountain later on during
 10 the school day that day?
 11 A Yes.
 12 Q Do you remember what time?
 13 A No.
 14 Q Do you remember why you saw the water fountain
 15 that day later on?
 16 A Yeah. I was switching classes.
 17 Q Do you remember which classes you were
 18 switching?
 19 A No.
 20 Q Did you see the condom in the water fountain
 21 when you were switching classes?
 22 A Yeah, I think I did. I'm not sure.
 23 Q Do you remember seeing the water fountain at
 24 the end of the school day?
 25 A Yes.

1 Q Do you know if the condom was still in the
 2 fountain at the end of the school day when you saw it?
 3 A No.
 4 Q You can't remember?
 5 A No, it wasn't there.
 6 Q Do you know how it got removed?
 7 A No.
 8 Q Other than these two times that you've
 9 discussed with me, can you recall any other time that
 10 you've seen a condom in a water fountain?
 11 A Yeah. One time I saw the janitor put a glove
 12 on. He took it off, and he put it in the trash, threw
 13 it on the trash, but he didn't clean it.
 14 Q When you say he took it, do you mean he took a
 15 condom off?
 16 A Yes.
 17 Q Where did he take it from?
 18 A From the sink.
 19 Q From a sink or the water fountain?
 20 A From the water fountain.
 21 Q Do you remember which water fountain?
 22 A Yes.
 23 Q Which water fountain?
 24 A It was the one outside near the lineup.
 25 Q Do you remember when this was?

1 A It was this year, but I don't know when.
 2 Q Was it after Christmas break?
 3 A I don't know.
 4 Q Do you remember if it was in the beginning of
 5 the school year?
 6 A Yes.
 7 Q Do you remember if it was before Christmas
 8 break then?
 9 MS. WELCH: Objection, asked and answered.
 10 THE WITNESS: Yeah.
 11 BY MS. KOURY:
 12 Q Did the janitor say anything to you?
 13 A No.
 14 Q Did you hear him say anything to anyone else?
 15 A No.
 16 Q Did you say anything to him?
 17 A No.
 18 Q Why were you there?
 19 A I was just lining up to go to my first class.
 20 Q How long were you there while you were lining
 21 up?
 22 A I don't know.
 23 Q Were you walking towards your new class that
 24 you were going into?
 25 A No. I was in the line.

1 Q How long do you wait in the lineup?
 2 A Until everybody's quiet, so we can go to class.
 3 Q Do you remember how long you waited in the
 4 lineup that day?
 5 A No.
 6 Q Is it usually more than five minutes?
 7 A Yes.
 8 Q What did the janitor do after he threw it
 9 away, the condom?
 10 A He just went away.
 11 Q Do you remember where he threw it?
 12 A He threw it in the garbage can.
 13 Q Do you see him walk away?
 14 A Yes.
 15 Q Did you see where he was going?
 16 A No.
 17 Q Did you leave right after that as well?
 18 A Yes.
 19 Q Did the janitor walk away and then you went to
 20 your class?
 21 A Yeah, a few minutes later.
 22 Q Did you come back outside a few minutes later,
 23 or were you in class?
 24 A I was in class.
 25 Q So you don't know what the janitor did after

- 1 you went to class?
 2 A No.
 3 Q Did you ever ask the janitor if he cleaned it,
 4 the water fountain?
 5 A No.
 6 Q Do you know if any other students saw this?
 7 A No.
 8 Q Were you concerned that the janitor didn't
 9 clean the water fountain?
 10 A No.
 11 Q Did you think that the janitor didn't clean the
 12 water fountain?
 13 A Yeah.
 14 Q Did you tell anyone that you thought perhaps
 15 the janitor didn't clean the water fountain?
 16 A No.
 17 Q Did you ever talk to the janitor about cleaning
 18 the water fountain?
 19 A No.
 20 Q You don't know if the janitor clean the water
 21 fountain after you went into the classroom?
 22 A Yeah.
 23 Q Yes, you don't know?
 24 A Yes, I don't know.
 25 Q Other than this time when you saw the janitor

- 1 Was it this school year or last year?
 2 A This school year.
 3 Q Do you remember if it was after Christmas
 4 break?
 5 A I don't remember.
 6 Q Do you remember if it was at the beginning of
 7 the school year?
 8 A I don't remember.
 9 Q Do you remember what the weather was like?
 10 A It was hot.
 11 Q Do you remember it being quite some time ago?
 12 In other words, it wasn't just a few weeks ago?
 13 A It was some time ago.
 14 Q What happened? Did you -- were you walking by
 15 the water fountains?
 16 A Yeah.
 17 Q Did you want to use the water fountains?
 18 A No.
 19 Q How far away from the water fountains were you?
 20 A I don't know, five, seven feet.
 21 Q And what did you see?
 22 A I saw the condom there.
 23 Q What color was it?
 24 A I don't know.
 25 Q How did you know it was a condom?

- 1 taking a condom from the water fountain and throwing it
 2 away, and the other two instances that we've discussed
 3 that you've seen condoms in the water fountains, is
 4 there any other time that you've seen a condom in the
 5 water fountains?
 6 A Yeah.
 7 Q Describe it to me. What happened?
 8 A I was going to play soccer with my friends, and
 9 and it was right there on the sink by the -- on the
 10 water fountain by the cafeteria.
 11 Q Water fountain by the cafeteria?
 12 A Yeah.
 13 Q Is that the same water fountains that you
 14 referred to that's in the back of the lunch room?
 15 A Yes.
 16 Q Do you remember what day of the week this was?
 17 A No.
 18 Q Was it a school day?
 19 A Yes.
 20 Q Why were you going to play soccer? Was it
 21 recess time?
 22 A Yes.
 23 Q Lunch recess?
 24 A Yes.
 25 Q Do you remember what school year this was?

- 1 A By the shape. I don't remember what color it
 2 was.
 3 Q And what happened?
 4 A Nothing. We just left.
 5 Q Did anyone else see it besides you?
 6 A I don't know.
 7 Q Did you talk to anyone about it?
 8 A No.
 9 Q Did you tell any teachers about it?
 10 A No.
 11 Q Do you remember if there was anyone else around
 12 when you saw it?
 13 A Yes.
 14 Q Who else was around?
 15 A My friends.
 16 Q Did they talk about it?
 17 A No.
 18 Q Did you see this water fountain later on during
 19 the day?
 20 A No.
 21 Q Do you remember seeing the condom in the -- did
 22 you see this water fountain the next day?
 23 A No.
 24 Q Did you see the water fountains the day after
 25 that?

1 A Yes.
 2 Q Do you remember if you saw a condom in the
 3 water fountains?
 4 A No.
 5 Q You don't remember?
 6 A No, there wasn't any condom.
 7 Q Do you know how it was removed?
 8 MS. WELCH: Objection, calls for speculation.
 9 THE WITNESS: No.
 10 BY MS. KOURY:
 11 Q Other than these times that we've discussed,
 12 have you ever seen a condom in a water fountain at any
 13 other time?
 14 A No.
 15 Q Have you ever complained to anybody that there
 16 are condoms in the water fountains?
 17 A Huh-uh, no.
 18 Q Have you ever talked to a teacher about the
 19 fact you've seen condoms in the water fountains?
 20 A No.
 21 Q Have you ever told your parents that you see
 22 condoms in the water fountains?
 23 A Yes.
 24 Q Do you know if your parents talked to anyone at
 25 the school about it?

1 A No.
 2 Q When did you tell your parents about seeing
 3 condoms in the water fountains?
 4 A I think it was my mom that I told. It was a
 5 long time ago.
 6 Q Was it this school year?
 7 A Yes.
 8 Q What did she say?
 9 A She didn't say nothing.
 10 Q Other than telling your mom that one time, did
 11 you tell your parents any other time?
 12 A No.
 13 Q Do you know if any other students have
 14 complained or told teachers or told anyone at the school
 15 that they find condoms in the water fountains?
 16 MS. WELCH: Objection, calls for speculation.
 17 THE WITNESS: No.
 18 BY MS. KOURY:
 19 Q Have you ever heard any student talk about
 20 finding condoms in the water fountains?
 21 A No.
 22 Q Have you ever heard any teachers talk about
 23 seeing condoms in the water fountains?
 24 A No.
 25 Q Earlier you were telling me that you have a

1 friend and that he has friends that don't go to your
 2 school, and you think that these friends that don't go
 3 to your school are the ones that put the condoms in the
 4 water fountains; is that correct?
 5 A Yes.
 6 Q Has your friend told you that he's seen these
 7 other people that don't go to your school put condoms in
 8 the water fountains at your school?
 9 A Yeah.
 10 Q What did he say?
 11 A He was like, "You see that condom right
 12 there" --
 13 Q Excuse me.
 14 A He goes like, "You see that condom right
 15 there," he said the name and "They put it there."
 16 Q Who said that?
 17 A My friend, the one I hang out with.
 18 Q Your friend that goes to Edison-McNair with
 19 you?
 20 A Yes.
 21 Q Was he pointing to a condom when he said this?
 22 A Yes.
 23 Q Where was the condom?
 24 A It was in the sink.
 25 Q In the water fountain?

1 A Yeah, in the water fountain.
 2 Q And which water fountain?
 3 A The one in back of the cafeteria.
 4 Q Did you see the condom in the water fountain?
 5 A Yes.
 6 Q Is this an instance in addition to the
 7 different times you've told me about already?
 8 A No, I think it was one of those times.
 9 Q Was it the time when you were going to play
 10 soccer?
 11 A Yes. Yeah, I think it was. I'm not sure.
 12 Q Your friend pointed to a condom in the water
 13 fountain near the cafeteria?
 14 A Yeah, it was when I saw it. I didn't give it
 15 much attention.
 16 Q And what did he say?
 17 MS. WELCH: Objection, asked and answered.
 18 BY MS. KOURY:
 19 Q Your friend?
 20 A He said that his friend had put it there.
 21 Q Did you say anything?
 22 A No.
 23 Q Did you ask him what he meant by his friend
 24 putting it there?
 25 A No.

1 Q Do you know what he meant by that?
 2 A Yeah, that he put it there.
 3 Q Did he say which friend?
 4 A No.
 5 Q Why do you think that people that don't go to
 6 Edison-McNair are putting the condoms in the water
 7 fountains?
 8 MS. WELCH: Objection, calls for speculation,
 9 vague.
 10 THE WITNESS: Because he told me that his friend
 11 put it there.
 12 BY MS. KOURY:
 13 Q Other than this one conversation that you told
 14 me about, have you had any other conversations with him
 15 about this?
 16 A No.
 17 Q This is the only time that he told you that he
 18 thinks his friend put a condom in the water fountain?
 19 A Oh, that? No, he always talked about that.
 20 Q Tell me about it. What does he say?
 21 A When we were in class he was like, "Yesterday I
 22 was hanging out with my friends, and one of them had a
 23 condom, and he put it right there so people won't drink
 24 water from it."
 25 But the water fountains don't work anyway.

1 Q The water fountains -- when you say the water
 2 fountains don't work anyway, do you mean the water
 3 fountains near the lineup that we discussed that don't
 4 work?
 5 A Yes.
 6 Q Is there any other water fountain that doesn't
 7 work?
 8 A Yeah, the one in back of the cafeteria.
 9 Q You said that you used that water fountain on
 10 Friday and that --
 11 A No --
 12 Q I'm sorry, you didn't use it, but it worked.
 13 Water comes out of it, but that the water is brown; is
 14 that correct?
 15 A Yes.
 16 Q So when you say it doesn't work, do you just
 17 mean that the water is brown?
 18 A Yeah.
 19 Q Does your friend say how these other kids get
 20 onto your school campus if they don't go to your school?
 21 A After school, anybody could be there.
 22 Q Have you ever seen any students at
 23 Edison-McNair with condoms?
 24 A No.
 25 Q Have you ever heard any of the students at

1 Edison-McNair talk about putting condoms in the water
 2 fountains?
 3 A No.
 4 Q Do you think other students at your school --
 5 I'm sorry. Do other students at your school see the
 6 condoms in the water fountains?
 7 MS. WELCH: Objection, asked and answered, calls
 8 for speculation.
 9 THE WITNESS: What was the question again?
 10 BY MS. KOURY:
 11 Q When you've seen the condoms in the water
 12 fountains, you've said that some other students have
 13 seen them as well. Do you talk about it with the
 14 students? Do you guys laugh about it?
 15 A No.
 16 MS. WELCH: Asked and answered.
 17 BY MS. KOURY:
 18 Q Do you know any of these other students that
 19 don't go to Edison-McNair that your friend talks about?
 20 A No.
 21 Q And you've never seen them on your campus?
 22 A No.
 23 MS. KOURY: Can we take a five-minute recess?
 24 MS. WELCH: Sure.
 25 (Recess.)

1 BY MS. KOURY:
 2 Q You stated that the bathrooms rarely have any
 3 toilet paper. Could you explain to me, what you mean by
 4 that?
 5 A Because they only put toilet paper like once a
 6 week. But for all the people that use it, it runs out
 7 fast.
 8 Q How many bathrooms do you have at your school?
 9 A Two bathrooms.
 10 Q Two boys' bathrooms?
 11 A Yes, two boys' bathrooms.
 12 Q Where are they located?
 13 A One is at the end of the hallway, and one's
 14 outside on the back top.
 15 Q When you say "the end of the hallway," do you
 16 mean near the classrooms?
 17 A Yeah.
 18 Q The hallway where the classrooms are?
 19 A Yes.
 20 Q And the other one was near the cafeteria, did
 21 you say?
 22 A No. One's in the blacktop, and --
 23 Q The bathroom at the end of the hallway, do you
 24 know how many toilets there are in that bathroom?
 25 A There are two toilets.

- 1 Q Does each toilet have stall doors?
 2 A Yes.
 3 Q Are there any urinals in that bathroom?
 4 A Yes.
 5 Q How many?
 6 A Four.
 7 Q Are there any sinks in this bathroom?
 8 A Yes.
 9 Q How many?
 10 A Three.
 11 Q The bathroom near the blacktop, do you know how
 12 many toilets are in that bathroom?
 13 A Two.
 14 Q Does each toilet have stall doors around it?
 15 A Yes.
 16 Q Do you know how many urinals there are in that
 17 bathroom?
 18 A I think there are five.
 19 Q Are there any sinks in the bathroom?
 20 A Yes.
 21 Q How many?
 22 A Three.
 23 Q Do you use the bathroom at the end of the
 24 hallway often?
 25 A Yeah, because that one's cleaner.

- 1 Q How often do you use it?
 2 A Three or four times a week.
 3 Q When's the last time that you used the bathroom
 4 at the end of the hallway?
 5 A Friday.
 6 Q Do you remember what time of day?
 7 A No.
 8 Q Do you remember if it was before lunch?
 9 A No, it was after lunch.
 10 Q When you used this bathroom on Friday, do you
 11 know if there was toilet paper in the bathroom?
 12 A No.
 13 Q No, you don't know?
 14 A No, I don't know.
 15 Q What did you do -- what did you use when you
 16 used this bathroom on Friday?
 17 A I didn't use the toilet.
 18 Q Excuse me?
 19 A I didn't use the toilet.
 20 Q You used the urinal?
 21 A Yeah.
 22 Q Is the toilet paper usually near the toilets?
 23 A Yeah, it's inside the toilets.
 24 Q Have you ever seen toilet paper in this
 25 bathroom near the toilets?

- 1 A Yes.
 2 Q Can you describe to me where the toilet paper
 3 is near the toilets?
 4 A There by the -- they're in the wall.
 5 Q On the stall wall?
 6 A Yeah.
 7 Q Is there a toilet paper dispenser?
 8 A Yes.
 9 Q Do you know what a toilet paper dispenser is?
 10 A Yes.
 11 Q Is there a toilet dispenser in each of the
 12 toilet stalls?
 13 A Yes.
 14 Q So there are two toilet paper dispensers?
 15 A Yes.
 16 Q Is there any other toilet paper in this
 17 bathroom that you remember seeing other than the toilet
 18 paper in the dispensers?
 19 A No.
 20 Q Have you ever seen toilet paper near the
 21 urinals?
 22 A No.
 23 Q Do you remember on Friday, did you use the
 24 sink?
 25 A Yes.

- 1 Q Can you describe to me what the sink looked
 2 like on Friday?
 3 A It was -- I was washing my hands, right, and it
 4 was starting to get flooded.
 5 Q Do you know why it was getting flooded?
 6 A No.
 7 MS. WELCH: Objection, calls for speculation.
 8 BY MS. KOURY:
 9 Q Did you see anything in the drain?
 10 A No.
 11 Q What do you mean when you say it was getting
 12 flooded?
 13 A Because it was like -- like halfway flooded.
 14 Q Was the water -- do you know what the sink
 15 basin is?
 16 A Yes.
 17 Q Was the water halfway filled in the basin?
 18 A Yeah. A little bit less than halfway.
 19 Q So there wasn't water -- was there any water
 20 coming out from the basin?
 21 A No.
 22 Q When you used the sink, did you wash your
 23 hands?
 24 A Yes.
 25 MS. WELCH: Objection, asked and answered.

- 1 BY MS. KOURY:
 2 Q What did you wash them with?
 3 A Soap and water.
 4 Q So there was soap in this bathroom when you
 5 used it on Friday?
 6 A Yes.
 7 Q Did you dry your hands on Friday?
 8 A No.
 9 Q Did you check to see if there was any paper
 10 towels in the bathroom?
 11 A Yes.
 12 Q Were there any paper towels?
 13 A No.
 14 Q Is there a paper towel dispenser in this
 15 bathroom?
 16 A Yes.
 17 Q Where is it?
 18 A It's between the urinals and the sink.
 19 Q How many dispensers are there?
 20 A One.
 21 Q What did you do when you didn't see any paper
 22 towels?
 23 A I can't leave my hands wet.
 24 Q So what did you do?
 25 A I had to wipe it on my clothes.

- 1 Q Did it bother you?
 2 A Yes.
 3 Q Did you tell anyone?
 4 A Yes.
 5 Q Who did you tell?
 6 A The teacher asked me why was I late, and I told
 7 him I was looking for the paper towels. And because you
 8 only gave me two minutes to go the bathroom, I was
 9 looking for paper towels, and I told him that there
 10 wasn't any paper towels, and I couldn't dry my hands.
 11 Q What teacher was this?
 12 A I think it was Mr. Powers.
 13 Q Do you know if Mr. Powers -- did Mr. Powers say
 14 anything to you in response?
 15 A No.
 16 Q Do you know if he did anything about the paper
 17 towels?
 18 A No.
 19 MS. WELCH: Objection, calls for speculation.
 20 BY MS. KOURY:
 21 Q Did you go into that bathroom later on on
 22 Friday?
 23 A No.
 24 Q Was that the only time that you went into this
 25 bathroom on Friday?

- 1 A Yes.
 2 Q Other than on Friday, did you use this
 3 bathroom any other time this week?
 4 A No.
 5 Q How about the week before that, did you use
 6 this bathroom?
 7 A Yes.
 8 Q Do you remember what day of the week it was?
 9 A No, I don't.
 10 Q Do you remember what time of day it was?
 11 A No. It was -- I think it was four days that I
 12 used it.
 13 Q What do you mean by "four days"?
 14 A Monday, Tuesday and Thursday.
 15 Q Not Monday of this past week, but the week
 16 before?
 17 A The week before.
 18 Q Do you remember on Monday what time of day it
 19 was that you used it?
 20 A It was on the morning.
 21 Q When you say "morning," was it during class
 22 time?
 23 A No.
 24 Q Before school started?
 25 A Before school started.

- 1 Q What facility did you use in this bathroom on
 2 Monday morning?
 3 MS. WELCH: Objection, vague.
 4 THE WITNESS: You mean like what did I do?
 5 BY MS. KOURY:
 6 Q Yeah. Yes. Did you use the toilet, the
 7 urinal, the sink?
 8 A Urinal.
 9 Q Did you check to see if there was toilet paper
 10 that day?
 11 A No. But the girls complain a lot. Every day I
 12 hear them complaining. The teacher asks them -- because
 13 not all the teachers lets us go to the bathroom. Some
 14 only let us. When it's break time, we have to go. They
 15 asked her why she was late. She said that there wasn't
 16 any toilet paper. She had to wait until some other girl
 17 came and told her to go get some paper from the office.
 18 Q Are you talking -- what you're discussing right
 19 now, you were there when he was discussing this?
 20 A Yes.
 21 Q Who was it that was discussing this, was it
 22 students?
 23 A It was a student with a teacher.
 24 Q Was it a girl student?
 25 A Yes.

- 1 Q You heard a female student telling the teacher
2 that she was late because she had to go get toilet
3 paper?
4 A She sent someone to go get toilet paper.
5 Q Do you remember the name of the teacher that
6 she was talking to?
7 A Yeah, I think it was Mr. Folder.
8 Q So this was this school year?
9 A Yes.
10 Q Do you remember when this was?
11 A About two, three weeks ago.
12 Q Was it during your math class?
13 A Yes.
14 Q What time do you have math class?
15 A 10:35 to 11 -- 11 something.
16 Q Do you have it at the same time every day?
17 A Yes.
18 Q Did the female student say that she got toilet
19 paper?
20 A Yeah, she got it.
21 Q She sent another female student to go to the
22 office and get toilet paper?
23 A Yes.
24 Q Did anything else happen?
25 A No.

- 1 Q Did Mr. Folder say anything?
2 A No.
3 Q And you were telling me about Monday morning
4 the week before this. So that would have been --
5 MR. KOURY: Can we go off the record for a quick
6 second?
7 (Discussion held off the record.)
8 BY MS. KOURY:
9 Q Was that Monday, May 28th that you remember
10 using the bathroom?
11 A No.
12 Q When was it that you remember using --
13 A It was May 4th.
14 Q How do you remember the date?
15 A I remember that was the first day of school.
16 Q What do you mean by "the first day of school"?
17 A In the week. The first day of school in the
18 week.
19 Q How do you remember, though, that it was the
20 beginning of May?
21 A What?
22 Q How do you remember that it was the beginning
23 of May?
24 A I just remember that it was the first day of
25 school and -- I assume it was the --

- 1 Q Are you sure it was May 4th and not June 4th?
2 A Yeah, May 4th.
3 Q Okay. So that was over a month ago; is that
4 correct?
5 A No. It was this month, June 4th.
6 Q June 4th, okay. This past Monday, or June 4th,
7 you remember using the bathroom in the morning, and you
8 remember using the bathroom near the end of the hallway;
9 is that correct?
10 A Yes.
11 Q And you said you used the urinal; is that
12 correct?
13 A Yes.
14 Q So you don't know if there was toilet paper in
15 that bathroom on that day; is that correct?
16 A Yes.
17 Q Did you use the sink that day?
18 A Yes.
19 Q Do you remember what the sink looked like?
20 A It was fine.
21 Q When you say "fine," do you mean that it wasn't
22 flooded?
23 A Yes.
24 Q Do you remember if you washed your hands that
25 day?

- 1 A Yes.
2 Q Did you use soap?
3 A No.
4 Q Why not?
5 A There wasn't any soap.
6 Q Did you try to use the soap?
7 A Yeah.
8 Q Is there a soap dispenser in this bathroom?
9 A Yes.
10 Q How many soap dispensers are there?
11 A One.
12 Q Where is it?
13 A Right in the middle of the sinks.
14 Q Did you tell anyone that there was no soap in
15 the dispenser?
16 A No.
17 Q Did you dry your hands with anything that day?
18 A No.
19 Q Did you check to see if there were any paper
20 towels?
21 A Yes.
22 Q Were there any?
23 A No.
24 Q Did you tell anyone?
25 A No.

- 1 Q Was there anyone else in the bathroom when you
2 used the bathroom that day?
3 A Yes.
4 Q There were other students?
5 A Only one student.
6 Q Do you know if that student tried to use the
7 soap or paper towels?
8 A No.
9 MS. WELCH: Objection, calls for speculation.
10 THE WITNESS: He had just come in when I was
11 washing my hands.
12 BY MS. KOURY:
13 Q You said you remember using this bathroom on
14 Tuesday, June 5th. Do you remember what time of day
15 that was?
16 A No.
17 Q Do you remember whether you used the toilet or
18 the urinal?
19 A It was the urinal.
20 Q Do you remember if you checked to see if there
21 was toilet paper in the bathroom?
22 A No.
23 Q Do you remember that you didn't check to see if
24 there was toilet paper?
25 A Yeah, I did not check.

- 1 Q Did you wash your hands that day?
2 A Yes.
3 Q Was there any soap?
4 A Yes.
5 Q Was there -- were there paper towels?
6 A No.
7 Q Did you tell anyone there was no paper towels?
8 A No.
9 Q Was there anyone else in the bathroom with you
10 that day?
11 A No.
12 Q Do you remember what the sink looked like?
13 A I think it was flooded.
14 Q Why do you think it was flooded?
15 A There was -- it was like -- it was a little bit
16 -- like two inches deep.
17 Q What do you mean by that? Was the water still
18 in the basin?
19 A Yeah.
20 Q There was two inches of water in the sink
21 basin?
22 A Yeah.
23 Q Could you see anything in the drain?
24 Do you need a break?
25 A No. That's all right. No.

- 1 Q You couldn't see anything in the drain?
2 A No.
3 Q How about on Thursday, do you remember what
4 time of day it was on Thursday, June 6th that you used
5 this restroom?
6 A Yeah. I was in drama.
7 Q What time of day do you take drama?
8 A It's at 1:15, something like that.
9 Q Do you remember if you used the toilet or the
10 urinal that day?
11 A Urinal.
12 Q Do you check to see if there was toilet paper
13 on Thursday when you used the bathroom?
14 A No.
15 Q Did you wash your hands that day?
16 A Yes.
17 Q Do you remember what the sink looked like?
18 A It was fine. It wasn't flooded.
19 Q Do you remember if there was any paper towels?
20 A No.
21 Q You don't remember?
22 A No, there weren't any paper towels.
23 Q Was there any soap?
24 A Yeah.
25 Q Did you use the soap?

- 1 A Yes.
2 Q Did you tell anyone that there was no paper
3 towels?
4 A No.
5 Q Other than this past week that we've been
6 discussing, the week of June 4th, do you recall using
7 the bathroom the week before that, this particular
8 bathroom, the one at the end of the hallway?
9 A No.
10 Q Have you ever used this bathroom at the end of
11 the hallway and looked for toilet paper and not been
12 able to find it?
13 MS. WELCH: Objection, vague.
14 THE WITNESS: Yeah.
15 BY MS. KOURY:
16 Q When was that?
17 A I didn't look for the toilet paper, but I
18 noticed that there wasn't any toilet paper.
19 Q When was that?
20 A Everybody was using the urinals, so I had to go
21 in the toilet. And I was looking around, and there
22 wasn't any toilet paper.
23 Q Do you remember when that was?
24 A No.
25 Q Now?

1 A No.
 2 Q Was it this school year?
 3 A Yes.
 4 Q Was it recently?
 5 A No.
 6 Q Was it before Christmas break?
 7 A After spring break.
 8 Q After spring break?
 9 A Yes.
 10 Q So it was around April or May?
 11 A Yeah.
 12 Q Do you remember what time of day it was?
 13 A No.
 14 Q Did you tell anyone there was no toilet paper?
 15 A No.
 16 Q How many toilet stalls did you look in?
 17 A Only the one that I was on.
 18 Q So you don't know if there was toilet paper in
 19 the other toilet stall?
 20 A No.
 21 Q Did you use the sink that day?
 22 A No.
 23 Q Did you check to see if there were paper towels
 24 that day?
 25 A No.

1 Q Did you check to see if there was soap that
 2 day?
 3 A No.
 4 Q Other than this one time that you were
 5 describing to me when you went into this toilet stall
 6 and didn't see toilet paper, has there been any other
 7 time that you went into this bathroom at the end of the
 8 hall and have not found toilet paper?
 9 MS. WELCH: Objection, vague.
 10 THE WITNESS: No.
 11 BY MS. KOURY:
 12 Q Did you understand that question?
 13 A Yes. I said no.
 14 Q Okay. Have you ever used this bathroom at the
 15 end of the hallway other than the times you've described
 16 to me and found that there was no soap?
 17 A Yes.
 18 Q How many times has that happened this school
 19 year?
 20 A A lot of times.
 21 Q When you say "a lot," what do you mean?
 22 A Like -- like once a week.
 23 Q Have you ever told anyone that you could not
 24 find soap in the bathroom?
 25 A No.

1 Q Other than the times you've told me, have there
 2 been any other times that you've used this bathroom, or
 3 gone into the bathroom at the end of the hallway and
 4 have found that there are no paper towels?
 5 MS. WELCH: Objection, vague.
 6 THE WITNESS: We never have paper towels in the
 7 bathroom.
 8 BY MS. KOURY:
 9 Q Have you ever complained to anyone that there
 10 were no paper towels in this bathroom?
 11 A Yeah.
 12 Q Who have you complained to?
 13 A My teacher.
 14 Q Mr. Folder?
 15 A No, Mr. Powers.
 16 Q Was that the time that you described to me when
 17 you were late for class after using the bathroom?
 18 A Yes.
 19 Q Other than that time, have you ever complained
 20 to anyone that there were no paper towels?
 21 A No.
 22 Q Do you know if you could get paper towels from
 23 the office?
 24 MS. WELCH: Objection, calls for speculation.
 25 THE WITNESS: No.

1 BY MS. KOURY:
 2 Q Have you ever asked anyone how you could get
 3 more paper towels?
 4 A No.
 5 Q Have you ever seen anyone putting paper towels
 6 in the bathroom?
 7 A No.
 8 Q Other than the times that you've described to
 9 me this past week of June 4th, has there ever been a
 10 time that you've used this bathroom at the end of
 11 hallway and you've seen the sink flooded?
 12 A Yes.
 13 Q How many times this school year?
 14 A Ten times.
 15 Q Not this past week, the week of June 4th that
 16 you were describing. The week before that, which would
 17 have been the end of May, do you recall using this
 18 bathroom at the end of the hallway?
 19 A Yes.
 20 Q Do you remember how many times that week you
 21 used it?
 22 A No.
 23 Q Can you recall any one day of that week that
 24 you used it?
 25 A No.

- 1 Q You said that you've seen the sink flooded
2 about ten times this school year?
3 A Yes.
4 Q Can you describe to me what you mean when you
5 say "flooded"?
6 A One time it was completely flooded when I was
7 coming out and no -- we couldn't use the sink. People
8 were using it, but the water was coming out.
9 Q Did you see the sink that day?
10 A Yes.
11 Q When you say "water was coming out," what do
12 you mean?
13 A It was flooded all the way to the top.
14 Q Of the basin?
15 A Yes.
16 Q Was the water flowing over the basin?
17 A Yes.
18 Q Was there water on the floor?
19 A Yes.
20 Q How much water on the floor?
21 A A lot of water.
22 Q What do you mean by "a lot"?
23 A (No audible response.)
24 Q Is there a drain on the floor?
25 A Yes.

- 1 Q Did you see that the water was going into the
2 drain?
3 A Yes, but there was still water on the floor.
4 Q Did you step on the water?
5 A Yes.
6 Q What happened?
7 A Nothing. I got splashed.
8 Q How much of a splash?
9 A Not much, but, yeah.
10 Q Where was the water on the floor?
11 A All around the sink.
12 Q Did it go anywhere else?
13 A No.
14 Q Do you know -- did you see inside the sink?
15 A Yes.
16 Q Did you see anything in the sink besides water?
17 A No. That was the only thing I saw.
18 Q Do you know, was the faucet on?
19 A No. Can't leave the faucets on.
20 Q Do they turn off automatically?
21 A Yes.
22 Q Do you know what time of day that was that you
23 saw the sink flooded?
24 A No.
25 Q Do you remember if there were other students in

- 1 the bathroom with you that saw the sink flooded?
2 A Yes. The other people that were using it.
3 Q Was anyone talking about the sink being
4 flooded?
5 A I don't know.
6 Q Did you tell anyone that the sink was flooded?
7 A No.
8 Q Did you see that same sink later on the same
9 day?
10 A No.
11 Q Did you see it the following day?
12 A Yes.
13 Q Do you remember what it looked like?
14 A It wasn't flooded.
15 Q Do you know how it became not flooded anymore?
16 MS. WELCH: Objection, calls for speculation,
17 vague.
18 THE WITNESS: No.
19 BY MS. KOURY:
20 Q Was the floor wet the following day when you
21 saw the sink?
22 A The floor's always wet.
23 Q What do you mean by that?
24 A It's always wet, always slippery.
25 Q When you say -- specifically the following day

- 1 after you saw it flooded, when you say it was, when you
2 stepped in it, did it splash?
3 A No, but it was set -- not enough like to splash
4 someone, but, yeah.
5 Q When you say that the floor is slippery, what
6 do you mean by that?
7 A Slippery like someone put soap on it or
8 something.
9 Q Have you ever seen any students slip on the
10 floor in the bathroom?
11 A Yeah.
12 Q Do you remember what happened?
13 A Yeah. The kid was running to the bathroom
14 racing some other kid, and he just fell.
15 Q Other than this student -- was he a student at
16 the school --
17 A Yes.
18 Q -- running into the bathroom -- was he running
19 into the bathroom --
20 A Yes.
21 Q -- and falling? Have you ever seen anyone else
22 slip in the bathroom?
23 A No.
24 Q Have you ever slipped in the bathroom?
25 A No.

- 1 Q Other than this time when you saw the sink
2 completely flooded that you were describing to me, can
3 you recall any other time that you've seen the sink
4 flooded?
5 A No.
6 Q Have you ever seen students in the bathrooms,
7 in this bathroom at the end of the hallway, putting
8 paper in the sink?
9 A No.
10 Q Have you ever seen them putting toilet paper in
11 the sink?
12 A No.
13 Q Have you ever seen them putting paper towels in
14 the sink?
15 A No.
16 Q Have you ever seen them do anything else to
17 clog the sink?
18 A No.
19 Q Have you ever seen them put anything else in
20 the sink?
21 A No.
22 Q Have you ever heard students talking about
23 clogging the sinks?
24 A No.
25 Q Have you ever heard any of the teachers talking

- 1 happened?
2 A No.
3 Q Do you remember using the soap at all that
4 week? I'm sorry, let me ask another question.
5 The week -- the last week of May, not this past
6 one, but the one before that, you said you remember
7 using this bathroom. Do you remember using the soap in
8 this bathroom at all that week?
9 A No.
10 Q Is that just because you can't remember either
11 way?
12 A I can't remember.
13 Q Can you remember last school year, the 6th
14 grade, did you use this bathroom while you were in the
15 6th grade?
16 A Yes.
17 Q About how many times a week would you use this
18 bathroom in the 6th grade?
19 A Two, three times a week.
20 Q Do you ever remember using the bathroom in the
21 6th grade and the sink was flooded, in this bathroom?
22 A Yes.
23 Q Can you describe it to me?
24 A I went in. It was flooded, and I was using the
25 urinator. And I couldn't use the sink, it was flooded.

- 1 about students putting papers or paper towels or toilet
2 paper or anything else to clog the sinks?
3 A No.
4 Q Does anyone monitor you and the students while
5 you're in the bathrooms?
6 A No.
7 Q You said you remember using the bathroom, not
8 this past week, the week of June 4th, but the week
9 before that. Do you remember if there was a time when
10 you used the bathroom that week, the last of May, when
11 there wasn't any soap in that bathroom in the end of the
12 hallway?
13 MS. WELCH: Objection, vague.
14 THE WITNESS: Yeah. I couldn't use -- I didn't use
15 the soap.
16 BY MS. KOURY:
17 Q What do you mean you didn't use the soap?
18 A I was checking if there was any soap. There
19 wasn't any soap.
20 Q Do you remember what day of the week that
21 happened?
22 A No.
23 Q Do you remember what time of day?
24 A No.
25 Q Do you remember how many times that week it

- 1 If I opened -- if I turned on the sink faucet, the water
2 would come out.
3 Q When you say -- I'm sorry, the water couldn't
4 come out?
5 A Would.
6 Q Do you remember if the water was in the basin?
7 A Yes.
8 Q How much water was in the sink basin?
9 A It was full.
10 Q Was there water flowing over the basin?
11 A Not when I got there.
12 Q Was the water running, or was it turned off?
13 A Turned off.
14 Q Do you remember if the floor was wet?
15 A Yes.
16 Q Do you remember how wet it was?
17 A Very wet.
18 Q Did it make a splash when you walked in it?
19 A Yes.
20 Q Do you remember if there was water going into
21 the drain?
22 A Yes.
23 Q Do you remember what time of day it was?
24 A No.
25 Q Did you tell anyone that the sink was flooded?

- 1 A No.
 2 Q Do you remember if there were other students in
 3 the bathroom?
 4 A No.
 5 Q Do you know if the sink was fixed later on that
 6 day?
 7 MS. WELCH: Objection, calls for speculation.
 8 THE WITNESS: No.
 9 BY MS. KOURY:
 10 Q Did you use the bathroom later on that day?
 11 A No.
 12 Q Do you remember seeing the bathroom the
 13 following day?
 14 A No.
 15 Q Other than this one time that you've described
 16 to me, do you remember any other time that you used this
 17 bathroom at the end of the hallway and a sink was
 18 flooded in this bathroom while you were in the 6th
 19 grade?
 20 A No.
 21 Q Do you ever remember, while you were in the 6th
 22 grade, telling anyone about the sinks in the bathroom,
 23 that they needed to be fixed or that they were flooded?
 24 A No.
 25 Q Do you remember hearing anyone complain that

- 1 complain about it?
 2 A No.
 3 Q Did you ever hear any teachers talking about
 4 the fact that there were no paper towels in that
 5 bathroom?
 6 A No.
 7 Q Did you ever use this bathroom this past year
 8 while you were in the 7th grade, the bathroom at the end
 9 of the hallway, and find paper towels in the bathroom?
 10 A No.
 11 Q Do you know if there's anyone you can talk to
 12 about the bathrooms at your school?
 13 MS. WELCH: Objection, vague.
 14 THE WITNESS: No.
 15 BY MS. KOURY:
 16 Q Do you know who's responsible for putting
 17 toilet and paper towels and soap in your bathroom?
 18 MS. WELCH: Objection, vague, calls for
 19 speculation.
 20 THE WITNESS: The janitor.
 21 BY MS. KOURY:
 22 Q How do you know that?
 23 A He's the one that cleans the bathrooms.
 24 Q How do you know he cleans the bathrooms?
 25 A I've seen him.

- 1 the sinks were flooded in the bathroom, while you were
 2 in the 6th grade?
 3 A No.
 4 Q When you used this bathroom, the bathroom at
 5 the end of the hallway in the 6th grade, was there ever
 6 a time that you couldn't find toilet paper in this
 7 bathroom?
 8 A No.
 9 Q When you used this bathroom in the 6th grade,
 10 was there ever a time that you couldn't find paper
 11 towels?
 12 A Yes.
 13 Q Describe the situation. Do you remember when
 14 that was?
 15 A No, but there's never any paper towels there,
 16 in that.
 17 Q Did you ever use the bathroom while you were in
 18 the 6th grade, the bathroom near the end of the hallway,
 19 and used paper towels?
 20 A No.
 21 Q Did you ever complain to anyone about the fact
 22 that you never found paper towels in that bathroom while
 23 you were in the 6th grade?
 24 A No.
 25 Q Did you ever hear any of the other students

- 1 Q When do you see him cleaning the bathrooms?
 2 A After school. During class when I'm going to
 3 the bathroom, sometimes he's there.
 4 Q Have you ever seen him in this bathroom at the
 5 end of the hallway?
 6 A Yes.
 7 Q Why didn't you ask him for paper towels when
 8 you were in there?
 9 MS. WELCH: Objection.
 10 THE WITNESS: I don't know.
 11 BY MS. KOURY:
 12 Q Did you think about asking him for paper towels
 13 when you were in the bathroom and he was in there?
 14 A No.
 15 Q Were there paper towels when you were using the
 16 bathroom and you saw the janitor in there?
 17 A No.
 18 MS. WELCH: Objection, asked and answered.
 19 BY MS. KOURY:
 20 Q Have you ever seen the janitor putting paper
 21 towels or soap or toilet paper in the bathrooms at your
 22 school?
 23 MS. WELCH: Objection, compound.
 24 THE WITNESS: No.
 25 BY MS. KOURY:

1 Q When you were in the 6th grade, did you ever
2 use this bathroom at the end of the hallway and not find
3 soap?

4 A Yes.

5 Q Can you describe that to me, what happened?

6 A Yeah, I was ready to clean my hands. I wet
7 them first, and then I was trying get soap, and there
8 wasn't any soap. Only a little bit came out.

9 Q Other than this time when a little came out,
10 was there any other time that you used this bathroom
11 while you were in the 6th grade and there wasn't any
12 soap?

13 A Not that I remember.

14 Q Did you ever complain to anyone while you were
15 in the 6th grade that the bathroom at the end of the
16 hallway didn't have enough soap?

17 A No.

18 Q Did you ever hear any other students complain
19 while you were in the 6th grade that the bathroom at the
20 end of the hallway didn't have enough soap?

21 A No.

22 Q How often do you use the bathroom in the
23 blacktop area?

24 A I never use it.

25 Q Have you used it at all this school year?

1 questions that I asked before the break?

2 A No.

3 Q Before the break we were discussing the
4 blacktop bathrooms, and you indicated that the last time
5 you used this bathroom was last Wednesday to wet your
6 hair?

7 A Yes.

8 Q Did you see at that time whether there was soap
9 in the bathroom?

10 A There wasn't any soap in that bathroom.

11 Q How do you know that?

12 A Because when I try -- whenever I try to get
13 some, there isn't.

14 Q Did you try to get some soap this past
15 Wednesday when you went in that bathroom?

16 A No.

17 Q So you don't know on Wednesday whether there
18 was soap in the bathroom?

19 A No.

20 Q Did you try to get toilet paper on Wednesday
21 when you used this bathroom?

22 A No.

23 Q Do you know whether there was toilet paper in
24 this bathroom on Wednesday when you went into it?

25 A No.

1 A Yeah, one or two times.

2 Q When you say you've used it one or two times,
3 have you ever gone into this bathroom other than those
4 one or two times that you used it?

5 A Yeah, I go in there all the time, but I don't
6 use it.

7 Q Why do you go in there all the time?

8 A To wet my hair, stuff like that, but I don't
9 use the toilet.

10 Q When's the last time you were in this bathroom?

11 A I don't know. On Wednesday.

12 MS. KOURY: Counsel, do you want to stop for
13 lunch?

14 (Lunch recess.)

15 BY MS. KOURY:

16 Q Did you have a nice lunch break, Mr. Santos?

17 A Yeah.

18 Q Do you understand that you're still under oath?

19 A Yes.

20 Q Did you consume anything during the lunch break
21 that would interfere with your ability to answer these
22 questions?

23 A No.

24 Q Is there anything that happened during the
25 lunch break that triggered your memory as to any of the

1 Q Did you wash your hands on Wednesday when you
2 used this bathroom?

3 A No.

4 Q Do you know if there was soap in this bathroom
5 on Wednesday when you went into this bathroom?

6 MS. WELCH: Objection, asked and answered.

7 THE WITNESS: There wasn't any. I assumed there
8 wasn't any.

9 BY MS. KOURY:

10 Q Sorry. How did the sink look on Wednesday when
11 you saw it?

12 A It was okay. No problems with it.

13 Q How about the floor, was it wet?

14 A Yeah, the floor's always wet.

15 Q When you say it was "wet," what do you mean by
16 that?

17 A Wet, slippery.

18 Q When you say "slippery" and "wet," was there
19 water -- could you see water going into the drain on the
20 floor?

21 A Yes.

22 Q Was there water dripping into the drain?

23 A Yes.

24 Q When you stepped on the water, did it make a
25 splash?

1 A No.
 2 Q Have you ever slipped on the floor in this
 3 bathroom before?
 4 A No.
 5 Q Have you ever seen any other students slip on
 6 the floor of this bathroom?
 7 A No.
 8 Q Other than Wednesday of this past week, is
 9 there any other time this past week that you used this
 10 bathroom?
 11 A No.
 12 Q How about the week before that?
 13 A No.
 14 Q When I say "use," I mean whether you used the
 15 facilities in the bathroom or just went into the
 16 bathroom.
 17 A Yeah, I go in the bathroom all the time, but I
 18 don't use it.
 19 Q Other than Wednesday of this past week, did you
 20 go into this bathroom any other time?
 21 A Yes.
 22 Q Do you remember what day?
 23 A No.
 24 Q Do you know about how many times a day you go
 25 into this bathroom?

1 A Once.
 2 Q Do you remember going into this bathroom near
 3 the blacktop last week?
 4 A No.
 5 Q Can you recall going into it the week before
 6 that?
 7 A No.
 8 Q Can you recall any other day that you went in
 9 this bathroom near the blacktop during this month?
 10 A No.
 11 Q Has there ever been a time that you can recall
 12 this school year that you went into this bathroom near
 13 the blacktop --
 14 MS. WELCH: Objection, asked and answered.
 15 MS. KOURY: I haven't finished asking the question.
 16 Q -- where you couldn't find soap in this
 17 bathroom?
 18 A No.
 19 MS. WELCH: Objection, vague.
 20 BY MS. KOURY:
 21 Q Have you ever had a time during this school
 22 year where you've gone into this bathroom near the
 23 blacktop and you've looked for toilet paper and you
 24 couldn't find any?
 25 MS. WELCH: Objection, vague.

1 THE WITNESS: No, I never go to the toilet in that
 2 bathroom, but I've been inside there, but not to use it.
 3 In one for sure there isn't any toilet paper because
 4 there's not -- no paper dispenser. And in the other
 5 one, there is a toilet paper dispenser, but it's broken.
 6 So I don't think there is any toilet paper ever in
 7 there.
 8 Q When you say there's no toilet paper dispenser,
 9 do you mean in one of the toilet stalls?
 10 A Yeah.
 11 Q When's the last time that you saw this toilet
 12 stall that has no toilet paper dispenser?
 13 A On Wednesday.
 14 Q This past Wednesday?
 15 A Yeah.
 16 Q How is it that you saw this toilet stall this
 17 past Wednesday?
 18 MS. WELCH: Objection, vague, asked and answered.
 19 THE WITNESS: Because the sink is right in front of
 20 it, and I could see inside, and there isn't any.
 21 BY MS. KOURY:
 22 Q Toilet paper dispenser?
 23 A Yeah.
 24 Q Did you go into the toilet stall?
 25 A No.

1 Q Could you see whether there was any -- was the
 2 toilet door open?
 3 A Yes.
 4 Q Could you see behind the toilet door?
 5 A No. It was wide open.
 6 Q Which way does it open, toward you or away from
 7 you?
 8 A Away from me.
 9 Q So could you see behind the toilet stall door?
 10 A No.
 11 Q How about in the other toilet stall, did you
 12 see that toilet stall on Wednesday when you --
 13 A Yes.
 14 Q How is it that you could see that toilet stall?
 15 A It's open, too.
 16 Q Could you see the toilet paper dispenser?
 17 A Yes.
 18 Q What did it look like?
 19 A It was broken.
 20 Q What do you mean by "it was broken"?
 21 A Broken, pieces falling off.
 22 Q Were there pieces on the floor?
 23 A No.
 24 Q Is it plastic, the toilet dispenser?
 25 A Yes.

1 Q When you say it was broken, what part of it was
2 broken?
3 A The top.
4 Q The top part --
5 A The top part of the toilet paper dispenser.
6 Q Is the part that holds the toilet paper, the
7 circular part that holds the toilet paper, was that
8 still on the dispenser?
9 A Yes.
10 Q Did you see toilet paper in the dispenser on
11 Wednesday?
12 A No.
13 Q Could you see behind the door?
14 A No.
15 Q Did you go inside the toilet stall?
16 A No.
17 Q When's the first time you noticed that there
18 was no toilet paper dispenser in one of the toilets in
19 this bathroom near the blacktop, on Wednesday or when?
20 MS. WELCH: Objection, vague.
21 BY MS. KOURY:
22 Q When was the first time that you noticed that
23 that toilet paper dispenser was not there?
24 A Because a long time ago -- not long, but, yeah,
25 pretty much a long time ago --

1 Q. What do you mean by "a long time ago"?
2 A Like five, six weeks ago, someone tried to burn
3 the bathroom. And since then, it hasn't been there. It
4 got burnt.
5 Q How did you hear that someone tried to burn the
6 bathroom?
7 A Smoke was coming out and everything. The fire
8 fighters came, the police came, and everything.
9 Q Do you remember if this was during a school
10 day?
11 A Yes.
12 Q Do you know who started the fire?
13 A No.
14 Q Did you hear any of the teachers talking about
15 it?
16 A Yes.
17 Q What did they say?
18 A They were just talking about what the police --
19 like the police was asking them if they saw someone or
20 anything.
21 Q Did any of the students talk about the fire?
22 A No.
23 Q Did you talk about the fire with any of your
24 friends at school?
25 A No.

1 Q Was the bathroom closed after the fire started?
2 A Yes.
3 Q How long was it closed for?
4 A About two weeks.
5 Q Did the principal say anything about the fire?
6 A No.
7 Q Do you know who started the fire?
8 A No.
9 MS. WELCH: Objection, asked and answered.
10 BY MS. KOURY:
11 Q Do you know how the fire was started?
12 MS. WELCH: Objection, asked and answered.
13 THE WITNESS: Yeah. It was -- it started in the --
14 they burned the toilet paper, and that's where the --
15 because the toilet paper dispenser is plastic. It got
16 burned. It melted.
17 BY MS. KOURY:
18 Q Do you know why it hasn't been replaced?
19 A No.
20 MS. WELCH: Objection, calls for speculation.
21 BY MS. KOURY:
22 Q Have you ever seen students playing with fire
23 in the bathroom?
24 A No.
25 Q Have you ever heard students talk about playing

1 with fire in the bathrooms?
2 A No.
3 Q Have you ever heard teachers talk about
4 students playing with fire in the bathrooms?
5 A No.
6 Q When's the first time that you noticed that the
7 toilet paper dispenser in this bathroom, in this other
8 stall, not the stall with the missing toilet paper
9 dispenser, but the other stall had a broken dispenser?
10 A I don't know. Just -- I don't know when it was
11 or anything. I just remember that it was broken.
12 Q Do you remember seeing that toilet dispenser
13 broken before spring break?
14 A No, I don't know.
15 Q Do you remember seeing it broken before
16 Christmas break?
17 A I don't know.
18 Q Other than this time on Wednesday when you saw
19 it, can you recall any other time that you've seen this
20 toilet paper dispenser and it was broken?
21 A Huh-uh, no.
22 Q Other than this time on Wednesday when you
23 noticed that there was no toilet paper in either stall
24 from what you could see, can you recall any other time
25 this school year that you've looked for toilet paper and

1 you couldn't find in any this bathroom?
 2 MS. WELCH: Objection, vague.
 3 THE WITNESS: No.
 4 BY MS. KOURY:
 5 Q Do you understand the question?
 6 A Yes.
 7 Q Have you ever complained to anyone that there
 8 wasn't enough toilet paper in this bathroom near the
 9 blacktop?
 10 A No.
 11 Q Have you ever heard any other student complain
 12 to anyone that there wasn't enough toilet paper in this
 13 bathroom near the blacktop?
 14 A No.
 15 Q Have you ever been in this bathroom near the
 16 blacktop and not been able to find paper towels?
 17 A Yes.
 18 Q When was the last time that happened?
 19 A I don't know when it was, but I was washing my
 20 hands, and I looked and tried to get some, and there
 21 wasn't any. I opened the little door where you put it
 22 on.
 23 Q Do you mean the dispenser?
 24 A Yeah, and there wasn't any.
 25 Q So other than that time that you've been

1 describing to me right now, do you recall any other time
 2 when you tried to use paper towels in this bathroom and
 3 you couldn't find any?
 4 A No.
 5 Q Has there ever been a time when you've used
 6 this bathroom near the blacktop and you've looked for
 7 soap and couldn't find any?
 8 A Huh-uh.
 9 Q Is that no?
 10 A No.
 11 Q Has there ever been a time that you've gone
 12 into this bathroom near the blacktop and noticed or seen
 13 that the sinks in this bathroom were flooded?
 14 A Yes.
 15 Q When's the last time that happened?
 16 A It was like in the beginning of the school
 17 year, it got flooded.
 18 Q What do you mean by "flooded"?
 19 A The water was coming out of the sink into the
 20 grounds.
 21 Q Was the water flowing over the sink basin?
 22 A Yes.
 23 Q And dripping onto the floor?
 24 A Yes.
 25 Q Did you see water flow towards the drain?

1 A Yes.
 2 Q How thick was the water on the floor or how
 3 deep was the water on the floor, I should say?
 4 A Not very much deep. But if you stepped on it,
 5 you get splashed.
 6 Q Do you remember what time of day this was?
 7 A No.
 8 Q Did you look inside the sink?
 9 A No.
 10 Q How did you see the sink?
 11 MS. WELCH: Objection, vague.
 12 THE WITNESS: From outside.
 13 BY MS. KOURY:
 14 Q From outside where?
 15 A The sink's on the wall, right, and I was on the
 16 other side of the wall, and I went inside, and there was
 17 -- the water was flowing over the basin.
 18 Q When you say you were on the other side of the
 19 wall, what do you mean? Were you inside the bathroom?
 20 A Yeah, I was still inside the bathroom. But
 21 then when I tried to go inside and I saw the water
 22 flowing, and then I went outside. I didn't look inside
 23 the sink.
 24 Q Did you walk inside the doorway to the
 25 bathroom, past the threshold of the doorway?

1 A Yeah.
 2 Q About how many feet away from the sink were
 3 you?
 4 A Two, three feet.
 5 Q Did you see anything else, did you see any
 6 paper around the sink?
 7 A No.
 8 Q Did you see the sink -- do you remember if you
 9 saw this particular sink later on that day?
 10 A No.
 11 Q Do you remember if you saw the sink the
 12 following day?
 13 A No.
 14 Q No, you don't remember?
 15 A No, I don't remember.
 16 Q Other than this one time that you've described
 17 to me, have you ever seen the sinks in this bathroom
 18 near the blacktop flooded?
 19 A No.
 20 MS. WELCH: Objection, vague.
 21 BY MS. KOURY:
 22 Q Did you understand the question?
 23 A Yes.
 24 Q How about last year while you were in the 6th
 25 grade, did you use this bathroom near the blacktop?

1 A No.
 2 Q Do you ever remember going into the bathroom
 3 near the blacktop in the 6th grade?
 4 A Yeah, I used to go, but not -- I didn't use it.
 5 Q What would you do in there?
 6 A If my friends went in there, just waited for
 7 them.
 8 Q Would you go inside and wait for them?
 9 A Yeah.
 10 Q Do you remember if you ever saw the sink while
 11 you were waiting inside, in this bathroom?
 12 A No.
 13 Q Do you remember if you ever saw the toilet
 14 stalls?
 15 A No.
 16 Q Do you remember if you ever saw the urinals?
 17 A No.
 18 Q Did you ever look for toilet paper in this
 19 bathroom while you were in the 6th grade?
 20 A No.
 21 Q Did you ever check to see if there was soap in
 22 this bathroom while you were in the 6th grade?
 23 A No.
 24 Q Did you ever have to -- did you ever notice
 25 that the sinks were flooded in this bathroom while you

1 A No.
 2 Q When you say the floor looks dirty, it's wet
 3 and slippery.
 4 A Yes.
 5 Q Are you referring to what we've discussed, that
 6 you think that the floor is always wet?
 7 A Yes.
 8 Q And by that you just mean that there's water on
 9 the floor?
 10 MS. WELCH: Objection, mischaracterizes his
 11 testimony.
 12 THE WITNESS: Yes.
 13 BY MS. KOURY:
 14 Q Is there anything else that makes it seem dirty
 15 to you?
 16 A No.
 17 Q While you've been a student at Edison-McNair,
 18 have you ever seen -- actually, strike that.
 19 When you say there's "writings," where is the
 20 writing?
 21 A In the walls.
 22 Q On what walls?
 23 A In the bathroom walls.
 24 Q Which bathrooms?
 25 A Both.

1 were in the 6th grade?
 2 A Yeah, but like -- it was like only one or two
 3 times.
 4 Q Could you recall those one or two times?
 5 A No.
 6 Q How do you know it happened one or two times?
 7 A I remember, but I don't know when or how it
 8 was.
 9 Q Can you describe what it looked like the first
 10 time that you saw that it was flooded while you were in
 11 the 6th grade?
 12 A Huh-uh, no.
 13 Q Why is that?
 14 A I don't -- I can't recall it right now.
 15 Q How about the second time that you saw it that
 16 you think it was flooded, can you remember that?
 17 A No.
 18 Q Do you think the bathrooms at your school are
 19 filthy?
 20 A Yes.
 21 Q What do you mean by that?
 22 A Well, like the ground, instead of being clean,
 23 it's always wet, slippery, easy to fall, mud -- mud all
 24 over, writings on the walls, no paper.
 25 Q Anything else?

1 Q When's the last time that you saw writing on
 2 the walls in the bathrooms?
 3 A The last time I went in.
 4 Q On Friday?
 5 A Yes.
 6 Q Was that the bathroom near the end of the
 7 hallway?
 8 A Yes.
 9 Q What did the writing look like?
 10 A Graffiti. You can't understand what it says.
 11 Q Where was it on the walls?
 12 A By the door and by the urinals.
 13 Q How much graffiti was there?
 14 MS. WELCH: Objection, vague.
 15 THE WITNESS: A lot of graffiti.
 16 BY MS. KOURY:
 17 Q What does "a lot" mean?
 18 A Like -- it almost covers up the whole wall.
 19 Q How big is the wall?
 20 A I don't know.
 21 Q Is it -- do you know, is it six by six, six
 22 feet by six feet?
 23 A No.
 24 Q Smaller or bigger?
 25 A A little bit bigger.

- 1 Q Does the graffiti cover all of the walls or
2 only one of the walls?
3 A Only one of the walls.
4 Q How about the graffiti near the urinals, is
5 that the same wall?
6 A No, it's another one. That one looks like only
7 five, seven writings.
8 Q When you say five or seven writings, do you
9 mean five or seven words written?
10 A No. That was stuff that they write.
11 Q Sentences?
12 A Yeah, whatever they -- whatever they write.
13 Q Is there more writing on this wall than the
14 size of your hand?
15 A Yeah, more.
16 Q Two sizes -- or is there more than two of your
17 hands?
18 A Yes.
19 Q Three?
20 A More.
21 Q Four?
22 A Something like that.
23 Q About four hands?
24 A Yeah.
25 Q When's the first time you noticed the writing

- 1 Q Was it after Christmas break?
2 A Yeah.
3 Q Have you ever heard any teachers or the
4 principal say anything about the graffiti on the walls?
5 A No.
6 Q Has anyone ever told you that students are not
7 supposed to put graffiti on the walls?
8 A Yes.
9 Q Who's told you that?
10 A All the teachers did.
11 Q Do you think putting graffiti on the walls at
12 your school is a problem?
13 A Yes.
14 MS. WELCH: Objection, vague.
15 BY MS. KOURY:
16 Q Have you ever seen students putting graffiti on
17 the walls at your school?
18 A No.
19 Q Have you ever seen students putting graffiti on
20 the walls of the bathrooms at your school?
21 A No.
22 Q Have you ever heard of students putting
23 graffiti up on the walls of the bathrooms of your
24 school?
25 A No.

- 1 on the walls of this bathroom?
2 A The first time I went in there.
3 Q Is it the same writing that's been there since
4 the first time that you went in there?
5 A No.
6 Q What about the writing that you saw this past
7 Friday, do you know if that writing was there before
8 Friday?
9 A Yeah.
10 Q Have you seen it before?
11 A Yes.
12 Q When was the first time that you saw this
13 writing?
14 A Two, three weeks ago.
15 Q Have you ever seen anyone cleaning the graffiti
16 off of the walls in the bathrooms?
17 A Yeah.
18 Q Who do you see cleaning it?
19 A The janitor.
20 Q How often have you seen him cleaning it?
21 A Once.
22 Q When was that?
23 A It was a long time ago.
24 Q Was it this school year?
25 A Yes.

- 1 Q How do you think the graffiti gets there on the
2 bathrooms walls?
3 MS. WELCH: Objection, calls for speculation.
4 BY MS. KOURY:
5 Q How do you think the graffiti gets on the walls
6 of the bathrooms?
7 A People write it, students.
8 Q You said that you've seen this graffiti that's
9 in this bathroom near the end of the hallway for about
10 two or three weeks. Other than this graffiti on these
11 walls that you've described, when's the last time that
12 you've seen graffiti in this bathroom?
13 MS. WELCH: Objection, vague.
14 THE WITNESS: I don't know.
15 BY MS. KOURY:
16 Q Have you seen graffiti on the walls of this
17 bathroom more than one other time?
18 A All the time I go in the bathroom.
19 Q Have you ever used this bathroom and not seen
20 graffiti on the walls?
21 A No, just the time that I saw the janitor
22 cleaning. That's the only time.
23 Q Every other time that you've used this bathroom
24 at the end of the hallway, you've seen graffiti on the
25 walls?

1 A Yeah.
 2 Q How about the bathroom near the blacktop, have
 3 you ever seen graffiti in that bathroom?
 4 A Yeah.
 5 Q When's the last time that you noticed graffiti
 6 in that bathroom?
 7 A Wednesday, the last day I went in there.
 8 Q Where did you notice the graffiti?
 9 A On the side of the sink wall.
 10 Q How much graffiti did you see?
 11 A It only said G-Town in big green letters.
 12 Q G-Town?
 13 A Yeah.
 14 Q Had you ever seen that written on the wall
 15 before in this bathroom? I'm sorry. Have you ever seen
 16 that specific graffiti that you saw on Wednesday before
 17 Wednesday on this wall?
 18 A No.
 19 Q That's the first day that you saw graffiti in
 20 that bathroom?
 21 A That graffiti or graffiti?
 22 Q That particular writing.
 23 A Yes.
 24 Q Have you ever seen any other type of graffiti
 25 in this bathroom?

1 A Yeah.
 2 Q When else have you seen graffiti in this
 3 bathroom?
 4 A When? I don't know. Every time I go in there.
 5 Q Have you ever used this bathroom and not seen
 6 graffiti on the walls?
 7 A No.
 8 Q Have you ever seen anyone cleaning the graffiti
 9 from that bathroom?
 10 A No.
 11 Q Have you ever heard -- have you ever seen
 12 students putting graffiti on the walls of this bathroom?
 13 A No.
 14 Q Have you ever heard students talking about
 15 putting graffiti on the walls of this bathroom?
 16 A No.
 17 Q Other than this G-Town graffiti that you saw on
 18 the wall, can you describe to me other types of graffiti
 19 that you've seen in this bathroom?
 20 A It says all kinds of stuff, gang stuff --
 21 Q What about the last time that you used this
 22 bathroom other than this past Wednesday, the time before
 23 that, can you remember using this bathroom and seeing
 24 graffiti on the wall?
 25 A No.

1 Q How do you know there was graffiti on the wall?
 2 A Because that's an everyday thing. Everybody
 3 writes there all the time.
 4 Q How do you know that?
 5 A Every time I go in there, there's a new -- new
 6 stuff there on the wall.
 7 Q Can you recall any particular time that you've
 8 been in there and you've seen writing on the wall?
 9 MS. WELCH: Objection, asked and answered.
 10 THE WITNESS: No.
 11 BY MS. KOURY:
 12 Q Do you think perhaps that there may have been
 13 times when there isn't graffiti on the wall, but you
 14 usually see it so you assume it's there.
 15 MS. WELCH: Objection. Asked and answered, vague,
 16 calls for speculation.
 17 THE WITNESS: Yeah.
 18 BY MS. KOURY:
 19 Q You said that there's mud in the bathrooms.
 20 What do you mean by that?
 21 MS. WELCH: Are you asking him to define mud?
 22 BY MS. KOURY:
 23 Q You said there's mud in the bathrooms. What
 24 did you mean by that?
 25 A The mud that you carry in the feet, like the

1 dust. When you go in the bathroom, the floors always
 2 wet so it turns into mud.
 3 Q Where is the mud?
 4 A Outside, the dust.
 5 Q Is there mud in the bathrooms?
 6 A Yeah.
 7 Q Where?
 8 A Everywhere.
 9 Q Where everywhere?
 10 A On the ground.
 11 MS. WELCH: Objection, asked and answered, vague.
 12 BY MS. KOURY:
 13 Q On the ground, did you say?
 14 A Yes.
 15 Q Where on the ground?
 16 MS. WELCH: Same objection.
 17 BY MS. KOURY:
 18 Q Is it all around the bathroom? Is it only near
 19 the sinks, near the door?
 20 A Near the sink and the urinator.
 21 Q Do you think that the mud is coming from the
 22 students outside walking inside to the bathroom?
 23 A Yeah.
 24 Q Does it tend to be messier after lunch?
 25 MS. WELCH: Objection, calls for speculation,

1 vague.
 2 THE WITNESS: I don't know.
 3 BY MS. KOURY:
 4 Q Do you ever see anyone cleaning the floors in
 5 the bathrooms?
 6 A No.
 7 Q How much mud is on the floor?
 8 A Not much, but, yeah, there's mud almost all the
 9 time that I go in there.
 10 Q Almost all the time that you go there's not
 11 much mud, but there's mud?
 12 A Yeah.
 13 MS. WELCH: Objection, mischaracterizes his
 14 testimony.
 15 BY MS. KOURY:
 16 Q Earlier you said that it was dirty because
 17 there's water. Is that what you define dirty to be,
 18 just the water on the floor?
 19 MS. WELCH: Objection, mischaracterizes his
 20 testimony.
 21 THE WITNESS: And the mud.
 22 BY MS. KOURY:
 23 Q Other than the water and mud, is there anything
 24 else that makes the floor dirty to you?
 25 MS. WELCH: Objection, vague.

1 THE WITNESS: No.
 2 BY MS. KOURY:
 3 Q You said that there's no paper in the
 4 bathrooms. What are you referring to?
 5 A Toilet paper and towels.
 6 Q Do you mean what we've discussed before about
 7 there not being enough toilet paper and paper towels in
 8 both of these bathrooms that we've discussed?
 9 MS. WELCH: Objection, mischaracterizes his
 10 testimony.
 11 THE WITNESS: Yeah.
 12 BY MS. KOURY:
 13 Q Is there anything additional about there being
 14 no toilet paper -- or, I'm sorry, there not being paper?
 15 A No.
 16 MS. WELCH: Objection, vague.
 17 BY MS. KOURY:
 18 Q What do you think your school should do to keep
 19 these bathrooms cleaner?
 20 MS. WELCH: Objection, vague, calls for
 21 speculation.
 22 THE WITNESS: Well, at least clean them every day.
 23 BY MS. KOURY:
 24 Q How do you know they don't clean them every
 25 day?

1 A Because when you go in there, like in lunch,
 2 it's muddy, wet, dirty. Then the next day if you go in
 3 there, still the same. Then the next day --
 4 Q Have you ever asked anyone --
 5 MS. WELCH: Are you finished answering?
 6 THE WITNESS: No.
 7 BY MS. KOURY:
 8 Q I'm sorry. Continue.
 9 A And then you go the next day, it's still dirty.
 10 They clean 'em like once a week or so.
 11 BY MS. KOURY:
 12 Q What makes you say that they clean 'em once a
 13 week or so?
 14 A Because the whole week there's -- it's dirty,
 15 and then in the Monday, on Monday it's clean and it's
 16 getting dirty. And I think they clean 'em like on a
 17 Friday or something.
 18 Q Have you ever seen them clean it on the Friday?
 19 A No.
 20 Q Have you ever asked anyone when the janitors
 21 clean the bathrooms?
 22 A No.
 23 Q Have you ever asked anyone why they don't clean
 24 the bathrooms more?
 25 A No.

1 Q Have you ever seen the janitors clean the
 2 bathrooms at all?
 3 MS. WELCH: Objection, asked and answered.
 4 THE WITNESS: No.
 5 BY MS. KOURY:
 6 Q Have you ever talked to the janitor about
 7 cleaning the bathrooms?
 8 A No.
 9 Q Is there anything else about the bathrooms that
 10 we haven't already discussed that bothers you or you
 11 think is a problem?
 12 A No.
 13 Q You stated earlier that urinals -- there's a
 14 urinal that was broken last year that didn't change,
 15 they just put cement on it?
 16 A Yes.
 17 Q Which urinal are you referring to?
 18 A You mean which bathroom?
 19 Q Yes, which bathroom.
 20 A The one at the end of the hallway.
 21 Q Do you remember which urinal it was?
 22 A Yeah, it was the last one to the right.
 23 Q What do you mean that the urinal was broken?
 24 What about it was broken?
 25 A The -- like the center, in the center all the

1 way to the bottom.
 2 Q I don't understand what you mean by "the
 3 center."
 4 A Like they kicked it, someone kicked it, and
 5 everything broke.
 6 Q What part of it did they kick?
 7 A Like the center.
 8 Q When you say "the center," the urinal, does
 9 have it somewhere you can flush it?
 10 A Yes.
 11 Q Does it have an area underneath where you flush
 12 it?
 13 MS. WELCH: Objection, vague.
 14 BY MS. KOURY:
 15 Q Is there like a white basin underneath where
 16 you flush it?
 17 A Yes.
 18 Q Did they kick the basin part of it?
 19 A Yes.
 20 Q Did it crack?
 21 A Yeah.
 22 Q How about the area where you flush it, was it
 23 broken?
 24 A No.
 25 Q Was it just the white cement-like material that

1 Q Did you hear any teachers talking about it?
 2 A No.
 3 Q Do you remember when you first noticed that it
 4 was cracked?
 5 A Yeah.
 6 Q When was that?
 7 A My friend was just coming from -- had just come
 8 from the bathroom, and he told the teachers that someone
 9 had broken the urinal, and he was laughing. And I asked
 10 the teacher if I could go to the bathroom. That's when
 11 I saw it.
 12 Q What class was this during?
 13 A During math.
 14 Q Is that this school year?
 15 A Last school year.
 16 Q Do you remember if it was before Christmas
 17 break last school year?
 18 A I don't remember.
 19 Q Did the teacher let you go to the bathroom?
 20 A Yes.
 21 Q And you saw that it was cracked?
 22 A Yes.
 23 MS. WELCH: Objection, asked and answered.
 24 BY MS. KOURY:
 25 Q Did you see this bathroom the next day, the

1 was cracked?
 2 A Yeah, and it fell, part of what was cracked.
 3 Not the whole thing, but the part where they kicked it.
 4 Q Did part of the material crack off?
 5 A Yes.
 6 Q Did it fall onto the ground?
 7 A Yes.
 8 Q How big was that piece?
 9 A I don't know.
 10 Q Was it as big as your hand?
 11 A Bigger.
 12 Q As big as two hands?
 13 A Bigger.
 14 Q As big as three hands?
 15 A Yeah, something like that.
 16 Q Did you see it fall?
 17 A No.
 18 Q Did you see someone kick it?
 19 A No.
 20 Q How do you know someone kicked it?
 21 A Well, that's what I assume that they did
 22 because there wasn't any rock or anything there.
 23 Q Did any of your friends tell you that they
 24 heard or saw someone kick it?
 25 A No.

1 following day?
 2 A I don't remember.
 3 Q Did you -- you said that they just put cement.
 4 What do you mean by that?
 5 A They put cement to cover up the crack, the part
 6 that had cracked off.
 7 Q Was the piece that had broken off removed?
 8 A Yes.
 9 Q Do you know who removed it?
 10 MS. WELCH: Objection, calls for speculation.
 11 THE WITNESS: No.
 12 BY MS. KOURY:
 13 Q Have you used this urinal since it was cracked?
 14 MS. WELCH: Objection, vague.
 15 THE WITNESS: No.
 16 BY MS. KOURY:
 17 Q Have you seen anyone else use it?
 18 A Yes.
 19 Q Do you know if it works?
 20 A No.
 21 Q You don't know if it works?
 22 A I don't know.
 23 Q Did you see them flush the urinal?
 24 A No.
 25 Q But you saw them use it?

1 A Yeah.
 2 Q Does it bother you that they put cement
 3 covering the crack?
 4 A It doesn't bother me.
 5 Q You said that it broke last year but they
 6 didn't change it, they just put cement.
 7 A Yeah.
 8 Q Do you think they should have changed it?
 9 A Yes.
 10 Q Why?
 11 A Because it looks bad like -- like it doesn't
 12 look the same. You could see from where the cement
 13 starts and where it ends.
 14 Q How do you see that?
 15 A Because the cement's one color and the urinal
 16 is another color.
 17 Q So the two colors are different, and that's
 18 what -- does that bother you?
 19 A It doesn't bother me, but for me it looks bad.
 20 Q Is that other -- other than it looking bad, is
 21 there any other reason why you think they should have
 22 changed it?
 23 A No.
 24 MS. WELCH: Objection, vague.
 25 BY MS. KOURY:

1 Q Have you heard anyone else complain about this
 2 urinal?
 3 A No.
 4 MS. WELCH: Objection, no foundation.
 5 BY MS. KOURY:
 6 Q You mentioned earlier that the air
 7 conditioning --
 8 MS. WELCH: Could you just note the time for the
 9 record, please? The time that it is right now,
 10 2:08 p.m.
 11 BY MS. KOURY:
 12 Q Some classrooms don't have, what do you mean by
 13 that?
 14 A Some classrooms don't have air conditioning.
 15 Q Do you think they should?
 16 A Yes.
 17 Q Which classrooms?
 18 A Almost all the classrooms don't have air
 19 conditioning.
 20 Q Do you think all the classrooms should have air
 21 conditioning?
 22 A Yes. The only one that I know of that has air
 23 conditioning is Room P2, which is my drama class. But I
 24 think it was last week or the week before that it broke,
 25 and they had -- I think they haven't fixed it yet.

1 Q We discussed your air conditioning breaking in
 2 Room P2 last week. Do you remember that?
 3 A Yes.
 4 Q Are you saying that it broke again?
 5 A No, same one.
 6 Q So we've already discussed that --
 7 A Okay.
 8 Q -- is that correct?
 9 A Yes.
 10 Q Did you want to add anything to that?
 11 A No.
 12 Q You were telling me that you think all the
 13 classrooms at your school should have air conditioning?
 14 A Yes.
 15 Q How hot does it get at your school?
 16 MS. WELCH: Objection, vague.
 17 THE WITNESS: It gets very hot.
 18 BY MS. KOURY:
 19 Q Have you ever had it hotter than 80 degrees?
 20 A Yes.
 21 MS. WELCH: Objection.
 22 BY MS. KOURY:
 23 Q Has it lasted for more than one school day?
 24 A Yes.
 25 Q Do you have two school days in a row where it's

1 very hot?
 2 A Yes.
 3 Q Have you ever heard students complain that it
 4 was too hot in the classrooms?
 5 A Yes.
 6 Q When was the last time you heard students
 7 complain that it was too hot in the classrooms?
 8 A We just come from recess and everybody started
 9 complaining that if we could go outside under shade or
 10 something, because it was too hot inside.
 11 Q Do you remember when this was?
 12 A No.
 13 Q Was it this past week?
 14 A Yes.
 15 Q During recess, do you run around?
 16 A Yes.
 17 Q Do you play outside?
 18 A Yes.
 19 Q What happened after everyone complained, did
 20 you all sit down in class?
 21 A The teacher said to be quiet and like don't
 22 move a lot so you won't get too hot. But it was still
 23 very hot inside, hotter than outside.
 24 Q Were the windows open?
 25 A Yes.

1 Q Was the door open to the classroom?
 2 A No.
 3 Q Are there any fans in your classroom?
 4 A No.
 5 Q Were you hot in any other class that day?
 6 A Yes.
 7 Q What other class?
 8 A In drama class we had to go outside under shade
 9 because it was too hot.
 10 Q While you were outside?
 11 A Inside.
 12 Q Was that because the air-conditioner wasn't
 13 working?
 14 A Yes.
 15 Q Any other class that day?
 16 A No.
 17 Q Other than this day last week that you were
 18 describing, can you remember any other day where you
 19 felt really hot in the classroom?
 20 A Not that I remember.
 21 Q Can you recall any other day where you felt it
 22 was too hot to study in a classroom?
 23 A No.
 24 Q Have you ever heard any other student complain
 25 that it was too hot to study in the classroom other than

1 the day you've described to me?
 2 A Yes.
 3 Q Tell me what happened.
 4 A He was complaining because we just -- we just
 5 finished P.E. Then we went to language arts, and it was
 6 really short, and we started complaining that we should
 7 open a window or the door or something.
 8 Q He -- was that a student in your class?
 9 A Yes.
 10 Q Did the teacher open a window or a door?
 11 A Only the door.
 12 Q Were you in P.E. class before with him?
 13 A Yes.
 14 Q What did you do in P.E. that day, do you
 15 remember?
 16 A We got free play, and we started playing
 17 soccer.
 18 Q Were you running around?
 19 A Yes.
 20 Q Was it hot outside?
 21 A Yes.
 22 Q Was there any other time other than the two
 23 times that you've described to me that you can recall
 24 feeling really hot in the classroom or hearing another
 25 student complain that it was too hot in a classroom?

1 A No.
 2 Q You said inside classes it's always dirty. Can
 3 you describe to me what you mean by that?
 4 A It's always dirty, all the students, after
 5 we're done with the class, everybody's supposed to pick
 6 up all the garbage around the desks and everything,
 7 around the table, and -- but it still gets really dirty.
 8 The floor, someone drops water or someone's eating in
 9 class, stuff like that.
 10 Q Are you allowed to eat in class?
 11 A No.
 12 Q How do you know that?
 13 A Because if they catch you eating in class, they
 14 give you detention.
 15 Q Have you ever seen someone get caught eating in
 16 class?
 17 A Yes.
 18 Q How often?
 19 A Not often. Like once, twice a month.
 20 Q Are there trash cans in your classrooms?
 21 A No.
 22 Q Who empties the trash cans?
 23 MS. WELCH: Objection, calls for speculation.
 24 THE WITNESS: I think the janitor.
 25 BY MS. KOURY:

1 Q Have you ever seen a janitor empty the trash
 2 cans in your class?
 3 A Yes.
 4 Q How often?
 5 A I don't know. I've only seen 'em like two
 6 times.
 7 Q This school year?
 8 A Yes.
 9 Q How about last school year, did you ever see
 10 the janitors empty the trash cans in the classrooms?
 11 A I don't remember.
 12 Q Have you ever seen the janitors clean the trash
 13 from the classrooms?
 14 A No.
 15 Q Do you think it's a problem that students are
 16 throwing trash around the classrooms?
 17 MS. WELCH: Objection, vague.
 18 THE WITNESS: Yeah.
 19 BY MS. KOURY:
 20 Q What do you think would help relieve this
 21 problem?
 22 A If they would be cleaner.
 23 Q How do you think that could happen?
 24 A I don't know.
 25 Q Do you think it would help if students put

1 their trash in the cans?
 2 A Yes.
 3 Q Is there anything else that makes the
 4 classrooms too dirty?
 5 A No.
 6 Q You said the shelves where you hang your
 7 backpacks and jackets are falling off?
 8 A Yeah.
 9 Q Could you describe to me what classrooms these
 10 are in? Are they in all of your classrooms this year?
 11 A No.
 12 Q Which classrooms have shelves where you hang
 13 your backpacks and your jackets?
 14 A Room 16, Room 19. That's it.
 15 Q How about last year, did you have any
 16 classrooms last year that had shelves where you would
 17 hang your jackets or your backpacks?
 18 A Yes.
 19 Q What rooms?
 20 A Room 11, Room 6 and Room 5.
 21 Q What classrooms have shelves that you hang your
 22 jackets or your backpacks on that are falling off?
 23 A Room 16 is the most, and Room 19.
 24 Q How about Room 11, do you remember if the
 25 shelves in this room seem like they were falling off?

1 A Yeah. One of the doors always fell off. If
 2 you opened it, it would fall.
 3 Q What about Room 6, do you remember if the
 4 shelves in that room seemed as if they were falling off?
 5 A Not the shelves, but the hangers.
 6 Q Anything else about Room 6?
 7 A No.
 8 Q What about Room 5, did it seem as if the
 9 shelves in that room were falling off?
 10 A Yes.
 11 Q Could you describe to me what you mean that the
 12 shelves seem like they were falling off in Room 16?
 13 A We don't use the -- like the hangers, we don't
 14 use 'em anymore because there's all the books on top of
 15 there. And we put a lot of pressure on it, it will get
 16 too heavy, and it might fall down.
 17 Q How do you know that?
 18 A Because all the books on top of there, a lot of
 19 books that the teacher keeps like -- because other
 20 classrooms don't have enough space.
 21 Q Did you ever put your jacket or backpack on the
 22 shelves in Room 16?
 23 A No.
 24 Q How do you know that that area is to put
 25 jackets and backpacks?

1 MS. WELCH: Objection, vague.
 2 THE WITNESS: Because it has the hangers.
 3 BY MS. KOURY:
 4 Q There are hangers on the shelves?
 5 A Yes.
 6 Q Do you ever ask your teacher whether you could
 7 hang your backpack or jacket on the hangers?
 8 A Yeah, and she said no.
 9 Q Which teacher is this?
 10 A Miss Crement.
 11 Q Why did you want to put your jacket or your
 12 backpack on a hanger?
 13 A Because it bothered me in my chair.
 14 Q Which one bothered you in your chair, your
 15 backpack or your jacket?
 16 A My backpack.
 17 Q Did she say anything else besides no?
 18 A No.
 19 Q Do you know why she wouldn't let you hang --
 20 A No.
 21 Q Did ask her?
 22 A No.
 23 Q Did you ever see the shelves in Room 16 fall?
 24 A No.
 25 Q How about in Room 19, can you describe to me

1 what you mean when you say that the shelves in that room
 2 seem as if they're going to fall?
 3 A Because like we don't have space like to hang
 4 the backpacks, anyway. The hangers are there and
 5 everything, but the teacher put a shelf right below it
 6 so we couldn't put any backpacks there.
 7 Q What kind of shelf did she put below it?
 8 A A bookshelf.
 9 Q Are there books on this shelf?
 10 A Yes.
 11 Q Have you ever asked her if you could use that
 12 area to hang your backpack or jacket?
 13 A No.
 14 Q Does that shelf seem to you as if it's going to
 15 fall?
 16 A The bookshelf or the hanging?
 17 Q Either of them.
 18 A No.
 19 Q So both of the shelves seem fine to you?
 20 A Not fine fine, but, yeah, pretty much.
 21 Q What about them is not fine?
 22 A They're --
 23 Q Let me put it this way, you said that this was
 24 one thing that you would want to improve. What about it
 25 would you want to improve?

- 1 A Well, because we can't hang the stuff there
2 anymore. We used to hang stuff like our backpacks and
3 jackets there, but now we don't.
4 Q And the reason you don't is because now the
5 teacher has put books on the shelves?
6 A Yes.
7 Q Have you ever asked the teacher if you could
8 hang your jackets or backpacks anywhere in the
9 classroom?
10 A No.
11 Q Do you know any other students that have asked
12 her?
13 A No.
14 Q Have you ever heard her talk about why it is
15 you can't hang your backpacks or jackets on those
16 shelves?
17 A No.
18 Q What about Room 11, you said that there's
19 shelves in Room 11 that seem -- I'm sorry.
20 You said there's a door that fell off. Is that
21 related to the shelf at all?
22 A Yes.
23 Q Can you explain to that me?
24 A The window from the cabinets, it fell off
25 and the -- because, I suppose, it was too old.

- 1 Q Where is the cabinet? Is it near the shelf?
2 A Yes.
3 Q How is it near the shelf?
4 A Right by it. Right next to it.
5 Q Does the shelf have hangers for to you hang
6 your backpacks and your jackets?
7 A Yes.
8 Q Are they side by side?
9 A Yes.
10 Q Do you hang your jackets or your backpacks on
11 the hangers that are on that shelf?
12 A No.
13 Q Why not?
14 A I don't know.
15 Q Do you want to?
16 A Yeah.
17 Q Have you ever asked the teacher if you could?
18 A No.
19 Q Have you ever heard any other student ask the
20 teacher if you could?
21 A No.
22 Q Have you ever tried to hang your backpack or
23 your jacket there?
24 A No.
25 Q Were you ever told that you couldn't hang your

- 1 backpack or your jacket there?
2 A No.
3 Q When you say that the door fell off from the
4 cabinet, were you there when it fell off?
5 A Yes.
6 Q What happened?
7 A The girl was getting the glues out and when she
8 was trying to open it, she tried to open it real quick,
9 and the door fell off, and the door was on her hand and
10 instead of being on the cabinet.
11 Q When you say "girl," is that another student in
12 your class?
13 A Yes.
14 Q How big is the door?
15 A About 12 inches.
16 Q Do you know was it heavy, the door?
17 A No.
18 Q Did she hurt herself?
19 A No.
20 Q What happened after the door fell off, and she
21 was holding it in her hands?
22 A Nothing.
23 Q Did anyone fix it?
24 A No.
25 Q Do you know if the teacher did anything about

- 1 it?
2 A No.
3 Q Did you see the cabinet the next day?
4 A No.
5 Q You didn't have that class the following day?
6 A No.
7 Q Why not?
8 A Because we have the -- we have one class like
9 -- one class every two days.
10 Q How about the day after -- how about two days
11 later, did you see that cabinet?
12 A Yes.
13 Q Was it fixed, the door?
14 A No. The door was on -- by the sink.
15 Q And do you know if anyone complained about the
16 door being broken?
17 A No.
18 Q How about the -- is that -- how about two days
19 later after that, did you see -- did you ever see that
20 this door was fixed?
21 A No.
22 Q Do you know when during the school year it was
23 that it fell?
24 A No.
25 Q It was during your 6th grade school year; is

1 that correct?
 2 A Yes.
 3 Q Can you remember at the end of the school year,
 4 whether this door on this cabinet in Room 11 was fixed?
 5 A No.
 6 Q You can't remember?
 7 A No, I can't remember.
 8 Q So you don't know if it ever got fixed?
 9 A No.
 10 Q Have you been into Room 11 this school year?
 11 A No.
 12 Q How About Room 6, you said that are hangers in
 13 Room 6. Is there something wrong with the hangers?
 14 A Yeah.
 15 Q What's wrong with them?
 16 A One side of the hanger, like the one that
 17 supports all the weight, it kind of broke, and one side
 18 of the hangers are hanging. The hangers are hanging
 19 from the -- only from one side, but the other one's like
 20 -- doesn't help it anymore, like going crooked, going
 21 down.
 22 Q Is this a shelf that you're referring to?
 23 A Yeah.
 24 Q Does the shelf have hangers on it?
 25 A Yes.

1 Q How many hangers are on the shelf?
 2 A I don't know. There are a lot.
 3 Q More than ten?
 4 A Way more than ten.
 5 Q More than 20?
 6 A No.
 7 Q So when you say the hangers are crooked, do you
 8 mean that the shelf is crooked?
 9 A Yes.
 10 Q And that's because one side of the shelf seemed
 11 to come down?
 12 A Yes.
 13 Q When did you first notice that?
 14 A I don't know. I don't remember.
 15 Q Do you remember if it was at the beginning of
 16 your 6th grade?
 17 A I don't remember.
 18 Q Do you remember if you actually hung your
 19 backpacks and your jackets on these hangers in Room 6?
 20 A No.
 21 Q You don't remember?
 22 A Uh-huh. Yeah, I don't remember.
 23 Q Do you remember whether this shelf in Room 6
 24 fell?
 25 A No.

1 Q You don't remember?
 2 A Yeah, I don't remember.
 3 Q Do you think you'd remember if it fell?
 4 MS. WELCH: Objection, calls for speculation.
 5 BY MS. KOURY:
 6 Q Do you think you would remember if it fell?
 7 A No.
 8 Q Have you been in Room 6 this school year?
 9 A No.
 10 Q How about Room 5, you said the shelves in Room
 11 5 seem as if they're falling off?
 12 A Yes.
 13 Q What do you mean by that?
 14 A The same thing happened to 'em.
 15 Q When you say "the same thing," do you mean the
 16 shelf seems crooked?
 17 A Yeah.
 18 Q Did the shelf ever fall off?
 19 A I don't know.
 20 Q Did you hang your jacket and backpacks on a
 21 shelf in Room 5?
 22 A We used to, but when it got broken, then we
 23 didn't.
 24 Q When did it get broken?
 25 A I don't know. Like in the middle of the school

1 year.
 2 Q What do you mean by it got broken? How did it
 3 get broken?
 4 A The same thing happened to it. The -- one side
 5 of the hanger got separated from the other side.
 6 Q So once it became crooked, you stopped hanging
 7 your jackets and backpacks on it?
 8 A Yes.
 9 Q Do you know if it ever got fixed?
 10 A It never got fixed.
 11 Q How do you know that?
 12 A Last time I went in there, it was still
 13 crooked.
 14 Q When was that?
 15 A Like three weeks ago.
 16 Q Why were you in there three weeks ago?
 17 A I was asking the teacher if I could borrow a
 18 master key to open the door for Room 19.
 19 Q Did you notice whether there were any backpacks
 20 or jackets hanging on the shelf?
 21 A There wasn't any backpacks.
 22 Q You said the carpets in the classroom are
 23 old, stained and ripped, and that's another thing you
 24 wanted to improve.
 25 A Yes.

1 Q We discussed last time the carpets in your math
2 and science classroom, which is Room 7. I'm sorry, I
3 think that was Room 5 in the 6th grade where you told me
4 about the carpet having stains.

5 Other than the carpets in Room 5, are there any
6 other carpets in any of your classrooms that you think
7 need to be improved?

8 A Yes. The one in Room 7, it's all ripped off,
9 stains and everything. But I think that that's because
10 the teacher has a dog.

11 Q Why do you think that's because the teacher has
12 a dog? Have you seen the dog ripping the carpet?

13 A No, not ripping the carpet. I think that's
14 because it's old. But it's stained because sometimes he
15 can't wait to go outside. No one listens to him. He
16 has to pee inside.

17 Q Have you ever seen the dog pee inside the
18 classroom?

19 A Yeah.

20 Q How many times?

21 A One or two.

22 Q When you say that the carpet is ripped, can you
23 describe to me what you mean by that?

24 A It's like -- it's like this kind of carpet
25 (indicating).

1 Q Other than the carpet in Room 7, is there any
2 other classroom that you would want to -- that you think
3 the carpet is ripped or stained or torn?

4 A No.

5 Q Is there any other carpet in any of the other
6 classrooms that you would want to improve?

7 A The one in art class.

8 Q Art class this school year?

9 A Yes.

10 Q Room 16?

11 A Yes.

12 Q What's wrong with the carpet now?

13 A Well, it's in art class. The paint gets all
14 over it, water.

15 Q What color is the carpet in Room 16?

16 A Baby blue.

17 Q Have you seen students spill paint on the
18 carpet?

19 A No.

20 Q Other than the paint spilled on the carpet, is
21 there anything else that's wrong with this carpet?

22 A No.

23 Q Have you ever heard anyone complain about the
24 carpet in this room?

25 A No.

1 Q In other words, the carpet is flat?

2 A Yeah, flat, and like --

3 Q It doesn't have fabric sticking up?

4 A No. And the -- in some parts, it's ripped,
5 like the stuff is coming out like --

6 Q Part of the fabric is coming out?

7 A Yes.

8 Q Has anyone ever tripped on the carpet?

9 A No.

10 Q What color is the carpet?

11 A Baby blue.

12 Q How many rips are there in the carpet, do you
13 think?

14 A About five.

15 Q Throughout the classroom?

16 A Yes.

17 Q How big are the rips?

18 A I don't know.

19 Q Do you think they're bigger than your hand?

20 A Yes.

21 Q The length of your hand?

22 A Yes.

23 Q Are they bigger than the length of two of your
24 hands?

25 A No.

1 Q Does it bother you, the stains on the carpet?

2 A Yeah.

3 Q How?

4 A Well, because it makes the classroom look --
5 not look nice.

6 Q Do you have desks in this classroom?

7 A No.

8 Q Do you work on tables in this classroom?

9 A Yes.

10 Q Do you share the table space with other kids in
11 in this classroom?

12 A Yes.

13 Q Does the carpet distract you while you're
14 trying to paint in this classroom?

15 A No.

16 Q Are you able to concentrate in this classroom?

17 A Yes.

18 MS. WELCH: Objection, vague.

19 BY MS. KOURY:

20 Q Was that yes?

21 A Yes.

22 Q Other than the carpet in Room 16 and Room 7,
23 are there any other classrooms that you think the carpet
24 should be improved?

25 A No.

1 Q You stated that you would also want to improve
2 the sinks, that the sinks are always flooded in the
3 bathrooms, and we already discussed that, and the sinks
4 in the classrooms are always flooded.

5 A Uh-huh.

6 Q What sinks in which classrooms do you think are
7 always flooded?

8 MS. WELCH: Objection, asked and answered.

9 THE WITNESS: In Room 16.

10 BY MS. KOURY:

11 Q What class do you have in Room 16?

12 A Art.

13 Q Last year?

14 A This year.

15 Q This year. Any other classroom?

16 A No.

17 Q Last time, meaning last week, we discussed the
18 art room that you had last year, Room 6, and you stated
19 that the sink in that room was dirty and that it had
20 paint in it. Did you think that that sink was flooded?

21 A It wasn't Room 6. The art class?

22 Q I'm sorry, the art class last year, Room 11.

23 Did you think that that sink was flooded?

24 A Yes.

25 Q Other than Room 16 this year and Room 11 last

1 THE WITNESS: Yes.

2 BY MS. KOURY:

3 Q Do you think the sinks in your other classrooms
4 work properly?

5 MS. WELCH: Objection, asked and answered.

6 THE WITNESS: Yes.

7 BY MS. KOURY:

8 Q You also stated that you would want to improve
9 the sinks or faucets in some classes. Specifically you
10 said that the faucet in Room 19 is broken. Is that the
11 only room that has a broken faucet that you would want
12 to fix other than the ones we discussed last week?

13 A Yes.

14 MS. WELCH: Asked and answered.

15 BY MS. KOURY:

16 Q What do you mean that the faucet in Room 19 is
17 broken?

18 A The handle, it's broken.

19 Q Is the faucet in Room 19 -- do you mean a water
20 fountain?

21 A No.

22 Q So is it just a normal sink in Room 19?

23 A No, it has the water fountain and faucet.

24 Q So it has both the water faucet as well as a

25 fountain in the same sink?

1 year, are there any other classrooms that you would want
2 to fix the sinks?

3 A No.

4 MS. WELCH: Objection, vague.

5 BY MS. KOURY:

6 Q When you say that the sinks are flooded in
7 Rooms 11 and 16, do you mean that there's paint in those
8 sinks?

9 A Yes.

10 MS. WELCH: Objection.

11 BY MS. KOURY:

12 Q And as we discussed last week, the paint causes
13 the sink not to drain?

14 A Yes.

15 Q Is there anything else?

16 A No.

17 Q Have you ever seen the sink in Room 11 flood
18 such that the water in the sink spills over the basin?

19 A No.

20 Q Have you ever seen the sink in Room 16 flood
21 such that the water in the basin flows over?

22 A No.

23 Q Do you think the sinks in your other classrooms
24 -- do you have sinks in your other classrooms?

25 MS. WELCH: Objection, asked and answered.

1 A Yes.

2 Q What part of the water faucet is broken?

3 MS. WELCH: Asked and answered.

4 THE WITNESS: The handle.

5 BY MS. KOURY:

6 Q When did you first notice that the handle was
7 broken in Room 19's sink?

8 A I don't remember.

9 Q Was it before Christmas break?

10 A I don't remember.

11 Q When's the last time that you used the sink in
12 Room 19?

13 A Friday.

14 Q How did you use it?

15 A I was drinking water.

16 Q Did you use the water faucet?

17 A No.

18 Q When's the last time you used the water faucet
19 in Room 19?

20 A I don't know the last -- before it got broken.

21 Q Do you remember if that was before spring
22 break?

23 A I don't remember.

24 Q Do you remember why you used the water faucet
25 the last time you used it?

1 MS. WELCH: Objection, vague, asked and answered.
 2 THE WITNESS: No.
 3 BY MS. KOURY:
 4 Q How can you tell if the water faucet handle is
 5 broken?
 6 A I see people trying to use it.
 7 Q When was the last time that you saw someone
 8 trying to use it?
 9 A Friday.
 10 Q What did you see?
 11 MS. WELCH: Objection, asked and answered.
 12 THE WITNESS: The kid was trying to turn it, and it
 13 doesn't work. It was just going around and around and
 14 around.
 15 BY MS. KOURY:
 16 Q What was going around and around?
 17 A The handle.
 18 Q Do you know if he said anything to anyone?
 19 A No.
 20 MS. WELCH: Objection, calls for speculation.
 21 BY MS. KOURY:
 22 Q Have you ever heard your teacher complain about
 23 the water faucet being broken?
 24 A No.
 25 Q Have you ever complained to anyone that the

1 water faucet was broken?
 2 A No.
 3 Q Have you ever seen anyone fix the water faucet
 4 in Room 19?
 5 A No.
 6 Q Have you ever seen anyone fix any of the water
 7 faucets at your school?
 8 A No.
 9 Q Do you usually use the water faucet in your
 10 classrooms?
 11 MS. WELCH: Objection, vague.
 12 THE WITNESS: Yeah.
 13 BY MS. KOURY:
 14 Q What do you use 'em for?
 15 A Washing your hands, stuff like that.
 16 Q Could you go to the bathroom to wash your
 17 hands?
 18 A Only to wash our hands? Yes.
 19 A No.
 20 Q But during class, you can use the sinks if
 21 there's one in the classroom to wash your hands?
 22 A Yes.
 23 Q Last week you told me that you saw -- there
 24 were three instances when you saw a rat or more than one
 25 rat in Room 7 in your math class?

1 A Yes.
 2 Q And you said that one of those instances, Mr.
 3 Folder had caught a rat in the trap, and he threw it
 4 outside; is that correct?
 5 A Yes.
 6 Q Did you see what happened to that rat once he
 7 threw it outside?
 8 A Yeah.
 9 Q What happened?
 10 A It came back in.
 11 Q How did it come back in?
 12 A It got off the track when it landed, then it
 13 came back.
 14 Q What happened after that?
 15 A I don't know.
 16 Q Did you see -- what did Mr. Folder do?
 17 A Nothing. He started laughing.
 18 Q Did he set the trap again in the classroom?
 19 A Yeah.
 20 Q Did you see him set the trap?
 21 A No, but he just -- he just trapped it from
 22 outside and put it on his desk.
 23 Q Have you seen any other mouse traps or rat
 24 traps in your classrooms?
 25 A In any of my classrooms or that one?

1 Q How about in Room 7?
 2 A No.
 3 Q How about in any other classrooms?
 4 A No.
 5 Q How many rat traps or mouse traps have you seen
 6 in other classrooms?
 7 A One.
 8 Q Which classroom?
 9 A Room 19.
 10 Q When was it that you saw the mouse trap?
 11 A I think it was on Friday.
 12 Q Where did you see it in Room 19?
 13 A Under the phone.
 14 Q Was there a rat in the trap?
 15 A No.
 16 Q Have you ever heard -- do you know how the
 17 mouse trap got there?
 18 A Somebody put it there.
 19 Q How do you know that? Did you see anyone place
 20 it there?
 21 A No.
 22 Q Did you hear the teacher talk about the mouse
 23 trap at all?
 24 A No.
 25 Q Have you ever heard her talk about the mouse

1 traps?

2 A No.

3 Q Other than that mouse trap in Room 19 and the
4 one that you saw in Room 7, have you seen any other
5 mouse traps at your school?

6 A No.

7 Q Have you ever heard any teachers or anyone at
8 your school talking about setting mouse traps?

9 A No.

10 Q Other than the three instances that we
11 discussed last week which you told me that you saw
12 either one rat or more than one rat, have you seen any
13 other rats at your school?

14 MS. WELCH: Objection, asked and answered.

15 THE WITNESS: Yes.

16 BY MS. KOURY:

17 Q When was that?

18 A One time that Mr. Folder's dog was chasing a
19 rat.

20 Q That was an instance that we talked about last
21 week; is that correct?

22 A Yes.

23 Q Other than the instances that we talked about
24 last week, which included the time that Mr. Folder's dog
25 chased a rat, the time that you saw Mr. Folder catch a

1 and the wall is cracked."

2 Last week we discussed a cracked window. We
3 discussed previously a window in Room 19 that has a
4 window on the door. And you described that there was a
5 hole the size of a penny on this window and eventually
6 that window was replaced. You also mentioned that there
7 was a window next to the door that was cracked. Do you
8 remember describing that?

9 A Yes.

10 Q Do you remember describing the window next to
11 the door that was cracked?

12 A Yes.

13 Q When you were describing that, was that the
14 window in P2 that was cracked, or was that a window also
15 in Room 19 that was cracked?

16 A In Room 19.

17 Q In addition to what we discussed last week, is
18 there a window on the wall that's cracked in Room P2?

19 A Yes.

20 Q Can you describe that to me?

21 A It had like BB gun holes, like someone was
22 shooting at it with a BB gun.

23 Q Did you see anyone shoot it with a BB gun?

24 A No, but it looked like that.

25 Q How many holes were there in the window?

1 rat in the trap, and the time that you saw three rats in
2 the ceiling, have you seen any other rats at your
3 school, other than those three instances?

4 A No.

5 Q Have you heard of any other students seeing any
6 rats at your school?

7 A No.

8 Q Do you know if your school does anything to
9 control or to get rid of rats at your school?

10 MS. WELCH: Objection, vague, calls for
11 speculation.

12 THE WITNESS: No.

13 BY MS. KOURY:

14 Q Have you ever seen the janitor set traps at
15 your school?

16 MS. WELCH: Objection, asked and answered, vague,
17 calls for speculation.

18 THE WITNESS: No.

19 MS. KOURY: Can we take a five-minute break?

20 MS. WELCH: Sure.

21 (Recess.)

22 BY MS. KOURY:

23 Q Looking at what we've marked as Exhibit 1, your
24 declaration, could you look at Paragraph 7, the first
25 sentence states, "In my drama classroom, P2, the window

1 A About seven, ten.

2 Q Were they small holes then?

3 A Yes, small holes.

4 Q Do you remember when you first noticed the
5 holes that looked like BB gun holes in this window?

6 A No.

7 Q Was it in the 7th grade during the 7th grade?

8 A Yes.

9 Q Was it in the beginning of the school year?

10 A Yes.

11 Q Is it fixed now, this window?

12 A Yeah. All the windows from the whole school,
13 they came in and fixed 'em already.

14 Q What do you mean they fixed them?

15 A They replaced them.

16 Q So there's new glass in the windows?

17 A Yeah. They replaced them with another window.

18 Q When you say "another window," do you mean
19 another piece of glass in the window?

20 A Yes.

21 Q When did they do that?

22 A They did it on Thursday.

23 Q This past Thursday?

24 A No, it was on Friday.

25 Q This past Friday?

1 A Yes.
 2 Q Before this past Friday, was this particular
 3 window in Room P2, did it still have the holes in it?
 4 A No, it got replaced.
 5 Q When did it get replaced?
 6 A On Friday.
 7 Q Prior to this past Friday when it got replaced,
 8 when was the last time you saw the window with the holes
 9 in it in Room P2?
 10 MS. WELCH: Objection.
 11 THE WITNESS: On Wednesday.
 12 BY MS. KOURY:
 13 Q So you were in Room P2 on Wednesday?
 14 A Yes.
 15 Q And you saw the holes the size of the BB gun
 16 were still there?
 17 A Yes.
 18 MS. WELCH: Asked and answered.
 19 BY MS. KOURY:
 20 Q Do you think your school's too crowded?
 21 A Yeah.
 22 Q What makes you think your school's too crowded?
 23 A There are a lot of students in each class,
 24 about 30, 32, and the teacher can't give everybody
 25 attention because there are too many people.

1 Q Is there anything else that makes you feel like
 2 your school's too crowded?
 3 A No.
 4 Q Have you ever been in a class at Edison-McNair
 5 and felt that you are -- you could not get your
 6 teacher's attention?
 7 A Yes.
 8 MS. WELCH: Objection, vague
 9 BY MS. KOURY:
 10 Q Can you describe to me the last time you felt
 11 that way?
 12 A I called my dad from school that I was going to
 13 have detention from the whole class and also because I
 14 forgot to bring my math book. And my dad wanted to
 15 speak to my teacher, and I asked my teacher if she would
 16 -- I told her that my dad wanted to speak with her, and
 17 she said -- she told me to shut up because the class was
 18 talking about everything. She got very frustrated.
 19 Q When was this?
 20 A Was it Friday?
 21 Q Who was the math teacher?
 22 MR. LOPEZ: Can I answer?
 23 MS. KOURY: It's okay. Thank you, though.
 24 Q It was this school year?
 25 A Yes.

1 Q Recently?
 2 A Yes.
 3 Q Past couple days?
 4 A Yes.
 5 Q Who was the teacher that you're referring to?
 6 Was it Mr. Folder?
 7 A No, Ms. Crement.
 8 Q Was it at the end of the school day, or was it
 9 during class that you called your dad?
 10 A At the end of the school day.
 11 Q Was class over when you called your dad?
 12 A No.
 13 Q How did you use the phone?
 14 A I asked her if I could use the phone. She said
 15 yes.
 16 Q What made you feel as if the class was too
 17 crowded? Was it because everyone was talking in class?
 18 MS. WELCH: Objection, asked and answered.
 19 THE WITNESS: Yes.
 20 BY MS. KOURY:
 21 Q Did you also feel it was too crowded because
 22 the teacher couldn't talk to your father on the
 23 telephone?
 24 A Yes.
 25 Q Is there any other time that you felt as if a

1 class was too crowded, other than this time with Ms.
 2 Crement in your math class?
 3 MS. WELCH: Objection, vague.
 4 BY MS. KOURY:
 5 Q Let me ask you a different question. Have you
 6 ever been in class, during class time at Edison-McNair,
 7 and not been able to get your teacher's attention, other
 8 than this time that you just discussed with me?
 9 A Yes.
 10 Q Can you tell me about it?
 11 A We were just coming into class from P.E. and I
 12 asked Ms. Crement if I could use the -- if I could go
 13 drink water, and she didn't answer me. Then I raised my
 14 hand. Then she didn't come up to me or anything. Then
 15 I asked her again, and she started screaming at the
 16 class, said everybody was in her face trying to talk to
 17 her.
 18 Q Were people getting out of their seats?
 19 A Yes.
 20 Q Are students supposed to get out of their seats
 21 during class time in Ms. Crement's class?
 22 A No.
 23 Q Are they supposed to ask permission first?
 24 A Yes.
 25 Q Are they supposed to talk in class without

1 asking for permission in Ms. Crement's class?
 2 A No.
 3 Q Do you think 32 students in your class is too
 4 many students?
 5 A Yes.
 6 MS. WELCH: Objection, vague, calls for
 7 speculation, calls for expert testimony.
 8 BY MS. KOURY:
 9 Q How many students do you think is a good amount
 10 of students in your class?
 11 MS. WELCH: Same objection.
 12 THE WITNESS: Well, less than 32. Like about 20,
 13 25.
 14 BY MS. KOURY:
 15 Q Do you have any classes at Edison-McNair that
 16 have about 25 students in a class?
 17 A No.
 18 Q Are all your classes about 32 students?
 19 A Yeah.
 20 Q Do you think it would make you feel as if your
 21 classes were less crowded if the students didn't talk
 22 during class time?
 23 A Yeah.
 24 MS. WELCH: Objection, vague, calls for
 25 speculation.

1 BY MS. KOURY:
 2 Q Do you think that it would feel less crowded in
 3 your class if students didn't get out of their seats
 4 when they're not supposed to?
 5 MS. WELCH: Same objection.
 6 THE WITNESS: Yeah.
 7 BY MS. KOURY:
 8 Q Do you understand that question?
 9 A Could you say it again?
 10 Q Sure. Would you feel as if your classes were
 11 not so crowded if students didn't get up out of their
 12 seats when they weren't supposed to?
 13 MS. WELCH: Same objections.
 14 THE WITNESS: Yeah.
 15 BY MS. KOURY:
 16 Q Did you understand that question?
 17 A Yes.
 18 Q Do you think if your classes had fewer students
 19 in them, that students wouldn't talk in class when they
 20 weren't supposed to?
 21 MS. WELCH: Same objections.
 22 THE WITNESS: Yeah.
 23 BY MS. KOURY:
 24 Q Why?
 25 A Because the teacher would answer all of their

1 questions, and they would start doing their work instead
 2 of trying to talk to her or him.
 3 Q Do you ever hear students talking in class when
 4 they're not supposed to?
 5 A Yes.
 6 MS. WELCH: Objection, asked and answered.
 7 BY MS. KOURY:
 8 Q Do you ever hear what they're talking about?
 9 A No.
 10 Q You don't know whether they're just talking to
 11 each other or whether they're asking questions about the
 12 class itself?
 13 A Yes.
 14 MS. WELCH: Asked and answered.
 15 BY MS. KOURY:
 16 Q Have you ever talked to students in class about
 17 something that has nothing to do with the class itself?
 18 MS. WELCH: Asked and answered.
 19 THE WITNESS: Yeah.
 20 BY MS. KOURY:
 21 Q Is there anything else about -- other than
 22 having fewer students in your classes -- actually, let
 23 me ask you another question.
 24 Are there enough -- have you ever had a class
 25 at Edison-McNair where there wasn't enough chairs for

1 all the students in your class?
 2 A No.
 3 Q Have you ever had a class at Edison-McNair
 4 where there weren't enough desks for all the students in
 5 the class?
 6 A No.
 7 MS. WELCH: Objection, vague.
 8 BY MS. KOURY:
 9 Q Have you ever heard a teacher complain that
 10 there were too many students in a class?
 11 A No.
 12 Q Is there any other reason why you feel your
 13 school's too crowded?
 14 A No.
 15 Q Have you ever gotten in trouble by any teachers
 16 at school or any -- or the principal or anybody else in
 17 your school office for being late for class?
 18 A No.
 19 Q Have you ever gotten in trouble by any teachers
 20 or any other officials at your school for missing
 21 school?
 22 A No.
 23 Q Do you understand the word "ditch," to ditch a
 24 class?
 25 A Like cut class, not go?

1 Q Yeah.

2 A Yes.

3 Q Have you ever cut a class or ditched?

4 A No.

5 Q Other than the detentions which you've
6 discussed with me last time we met last week, did you
7 ever receive detention for disrupting class or talking
8 during class?

9 MS. WELCH: And I object to this question, and I'm
10 going to instruct the witness not to answer because it
11 exceeds the scope of the order. Last Friday I objected,
12 but I didn't instruct not to answer, and it's come to my
13 attention that given what the order says, that an
14 instruction not to answer is appropriate.

15 BY MS. KOURY:

16 Q Have you ever gotten in trouble for disrupting
17 or talking during class?

18 MS. WELCH: And I'm instructing you not to answer
19 that question as well on the same basis.

20 MS. KOURY: For the record, I'm just going to ask
21 the questions just to have a record.

22 MS. WELCH: Okay.

23 BY MS. KOURY:

24 Q Have you ever seen other students or heard of
25 other students cutting or ditching class?

1 MS. WELCH: Same instruction, same objection.

2 BY MS. KOURY:

3 Q Have you ever been absent from Edison-McNair
4 for a period of time longer than two days in a row?

5 A No.

6 MS. KOURY: Can we go off the record?

7 (Discussion held off the record.)

8 (Recess.)

9 MS. KOURY: Counsel, we had a discussion off the
10 record with respect to the questions that I asked
11 Mr. Santos, specifically whether he had been disciplined
12 for disrupting -- whether he had been disciplined by any
13 teachers or other officials at school for disrupting
14 class during class time. You instructed him not to
15 answer. Could you please state your position as to why
16 you think such questions exceed the scope of the
17 protective order that's in place in this case?

18 MS. WELCH: Sure. Looking at the order that is in
19 place, it says that -- our perspective is that the only
20 disciplinary records that are disclosable and the only
21 areas or questioning that are permissible under the
22 order relate to discipline imposed due to absences,
23 tardiness or truancy.

24 And if you look at Paragraph 4 and -- well,
25 Paragraph 5 of the protective order, we believe that

1 A Yes.

2 Q Can you describe that to me.

3 A Well, my friend, a girl, one time she went to
4 -- she ditched class, and she went to the computer lab
5 instead of going to science, and her friend snitched on
6 her.

7 Q What do you mean by that?

8 A She told the -- Mr. Powers that she was
9 ditching class.

10 Q Other than this instance, have you ever heard
11 of any other student ditching class at your school?

12 A No.

13 Q Have you ever been disciplined in any way for
14 disrupting class by talking in class or otherwise
15 interrupting a class during a class session?

16 MS. WELCH: Same objection, same instruction.

17 BY MS. KOURY:

18 Q Are you going to follow your lawyer's
19 instruction?

20 A Yes.

21 MS. WELCH: We can stipulate that he will.

22 BY MS. KOURY:

23 Q Have you ever been sent to the principal's
24 office for disrupting class?

25 A No.

1 they would support that position.

2 MS. KOURY: Our position, for the record, is that
3 such questions would not exceed the scope of the
4 protective order. To the extent that a student had been
5 disciplined for acts of disrupting the class during
6 class time, which impacts his or her ability to receive
7 the education, would fall within the scope of that
8 protective order.

9 Q I'm going to ask you about your report card
10 which you brought with you to the deposition last week.

11 I'm marking and identifying Carlos Santo's
12 report card entitled Quarterly Learning Contract dated
13 third quarter, 2000-2001.

14 (Whereupon, Defendants' Exhibit 4 was marked
15 for identification by the court reporter.)

1 (Pages 312 through 512 are contained in the
 2 non-confidential portion of the transcript.)
 3 MS. WELCH: And before we start questioning about
 4 this, I just want to say that anything from here on out
 5 that's specifically identifying Carlos' grade or Carlos'
 6 academic record in school we believe falls under the
 7 scope of the protective order and would be confidential
 8 and should be designated as a confidential portion of
 9 the transcript. We also believe that Exhibit 4 should
 10 be designated as a confidential exhibit and separated
 11 from the rest of the exhibits.

12 Earlier off the record, Vanessa and I also
 13 discussed the fact that it's our position that we will
 14 want to redact or possibly redact portions of this
 15 Exhibit 4 based on the parties' protective order, and
 16 that it would be our intention for the review committee
 17 that the parties have set up for that purpose to discuss
 18 whether there are portions that should be redacted based
 19 on the parties' agreement.

20 BY MS. KOURY:

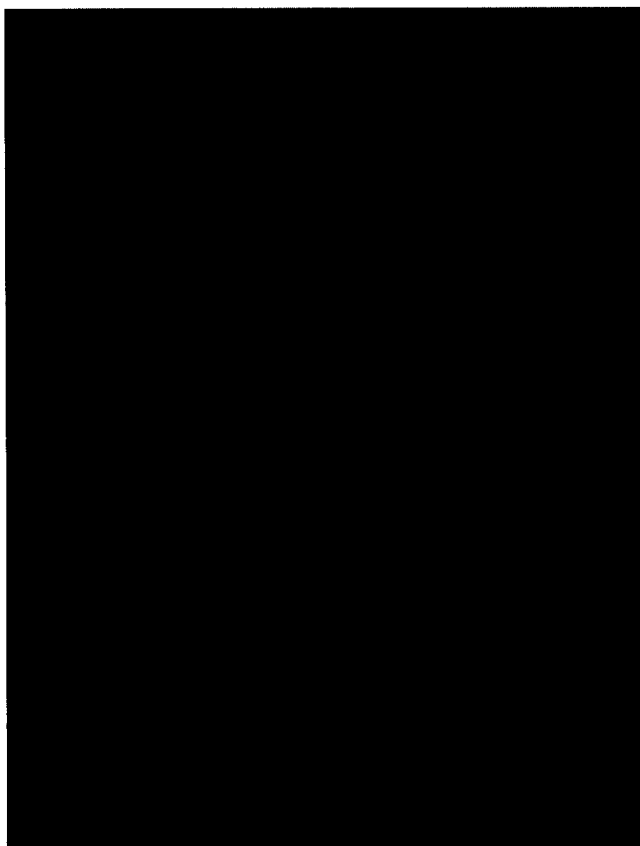
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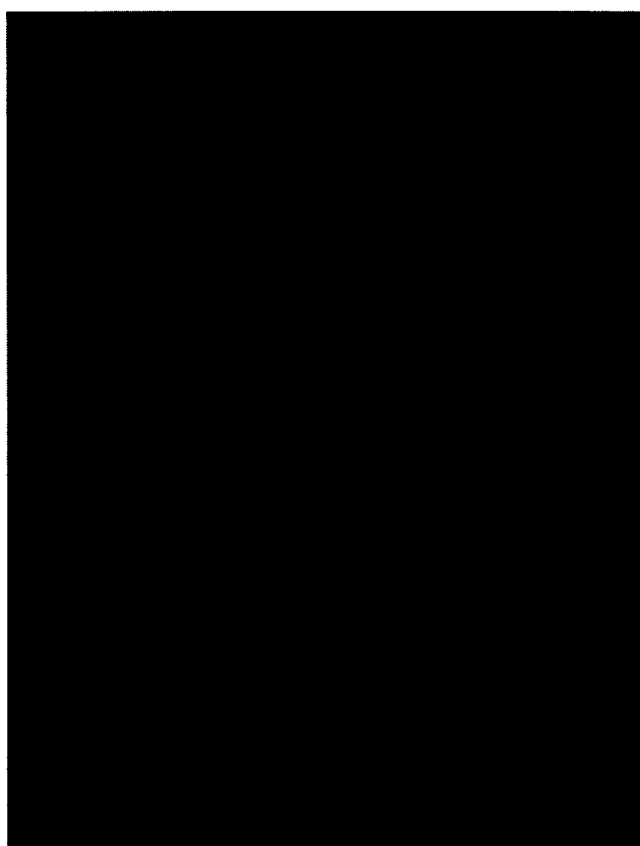
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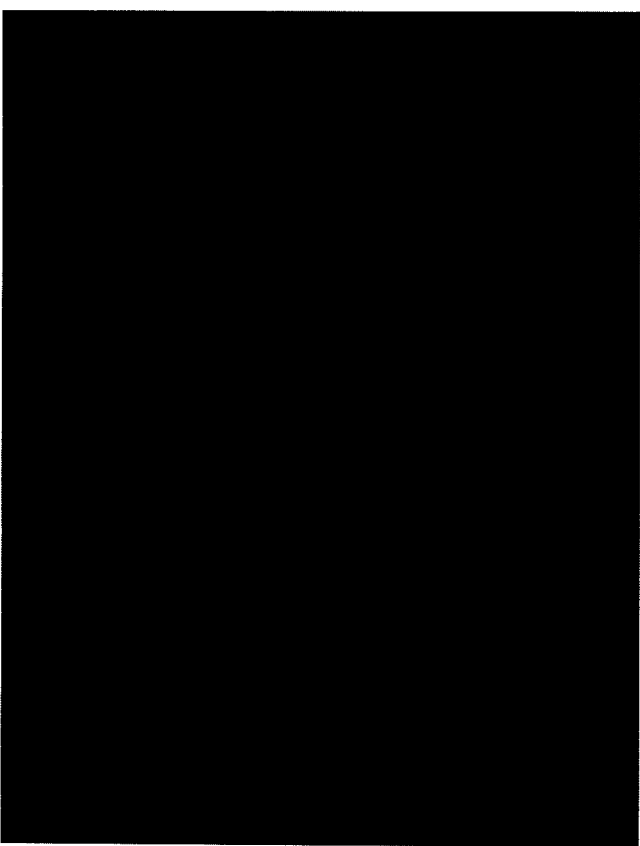
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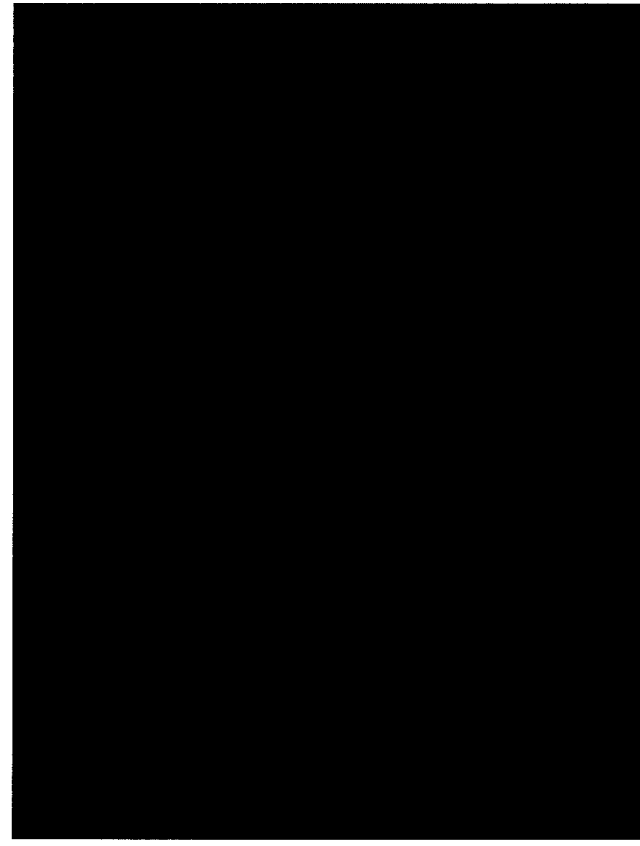
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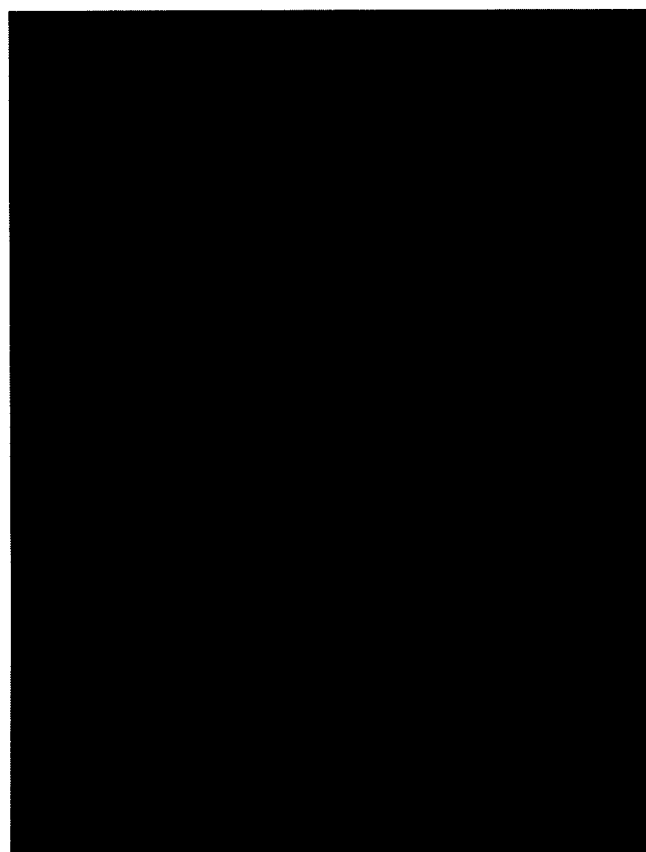
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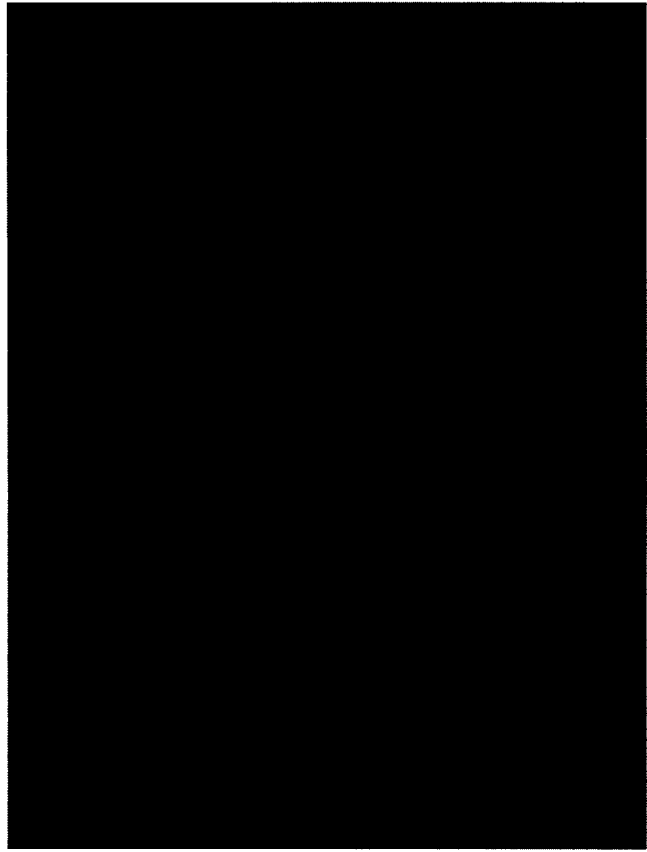
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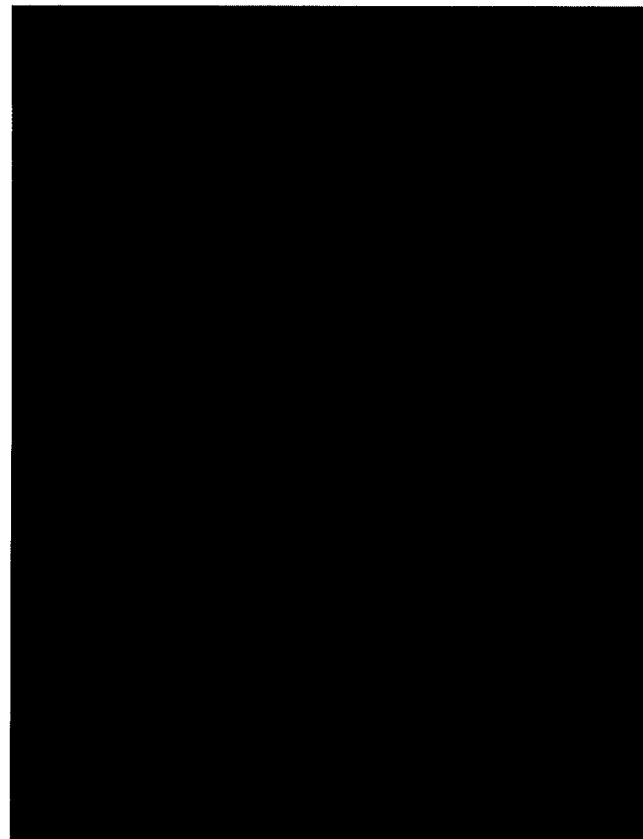
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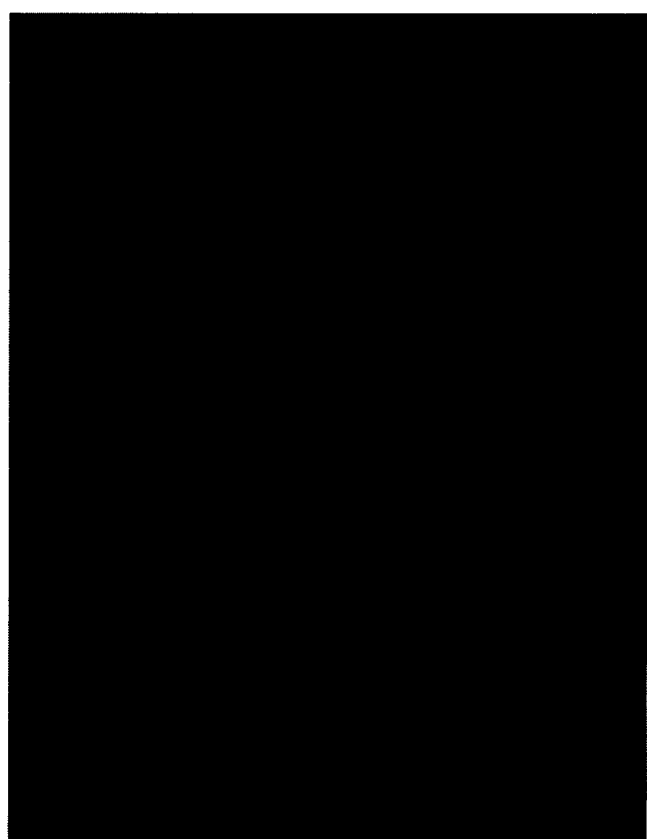
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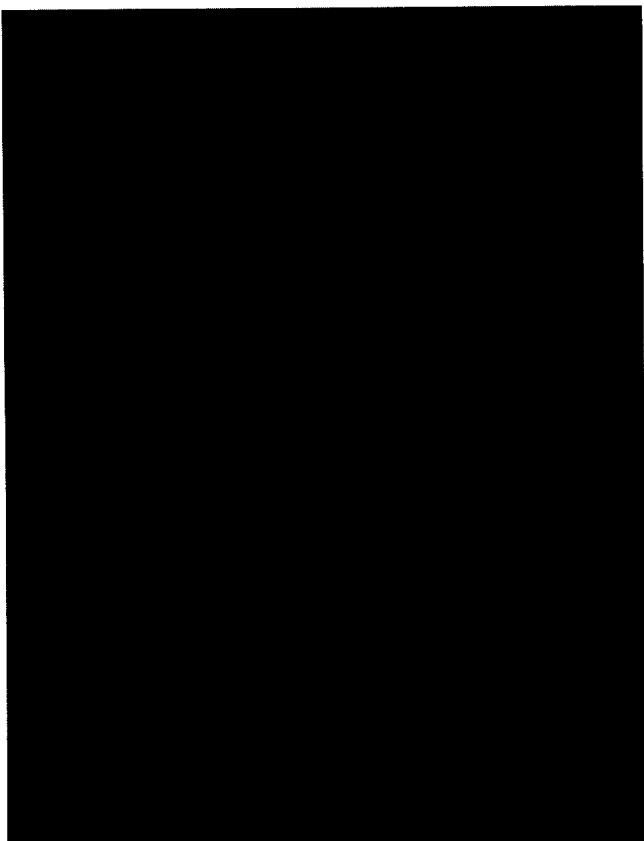
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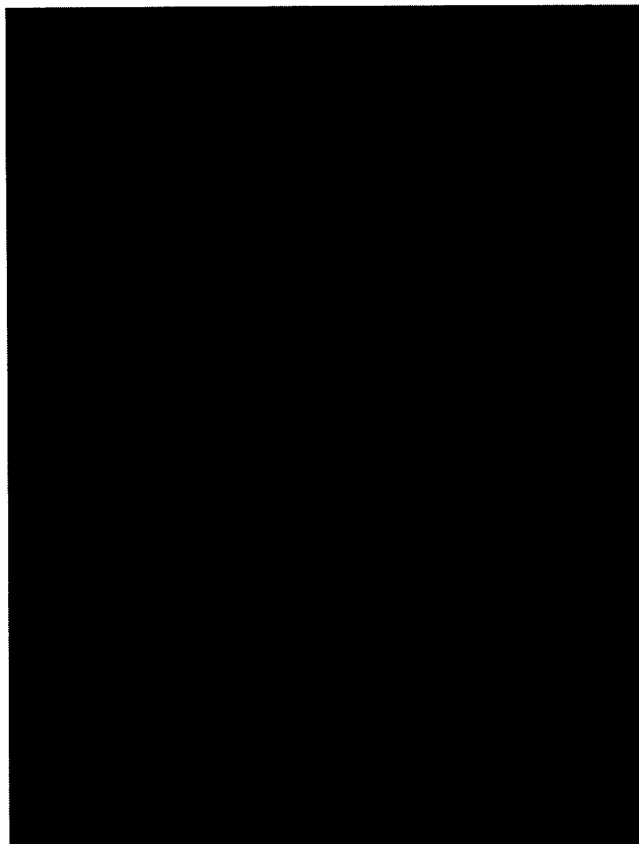
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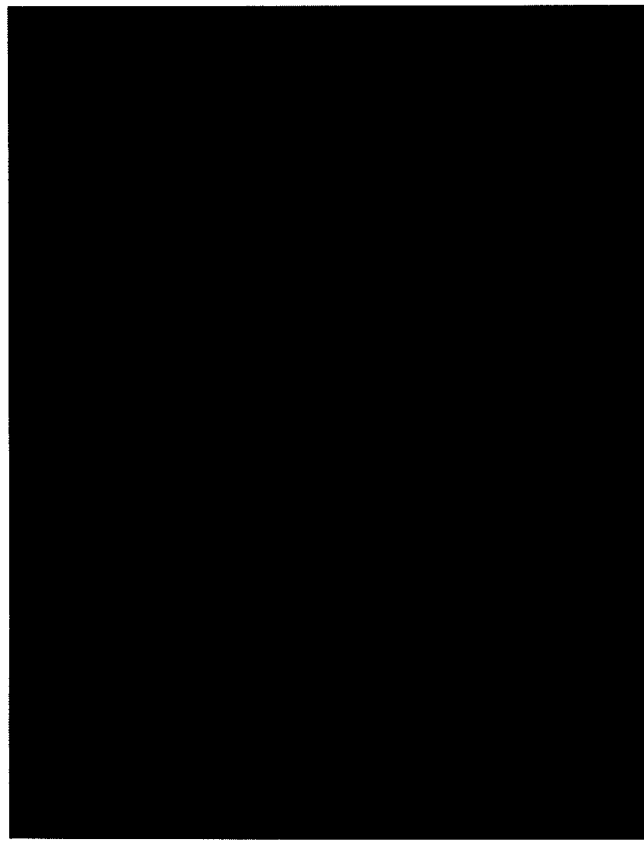
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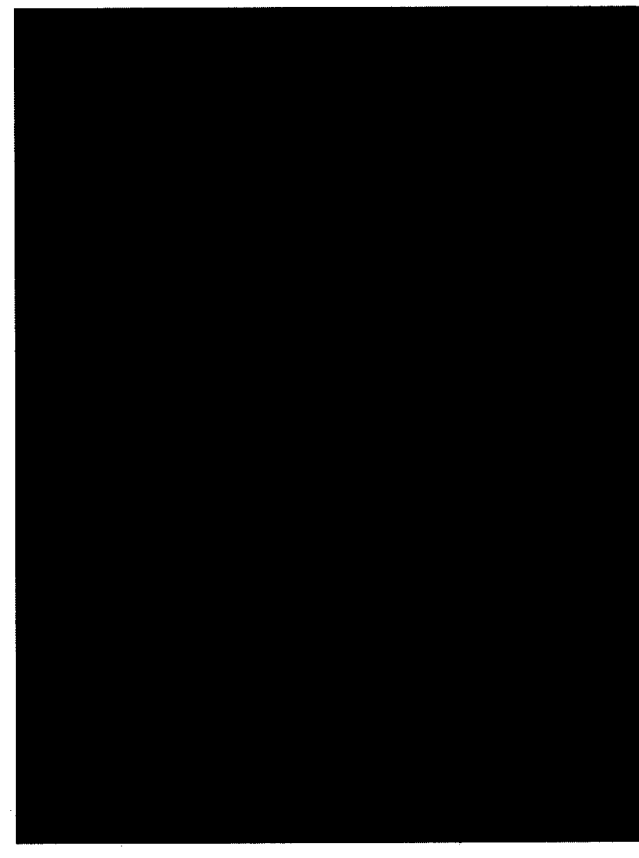
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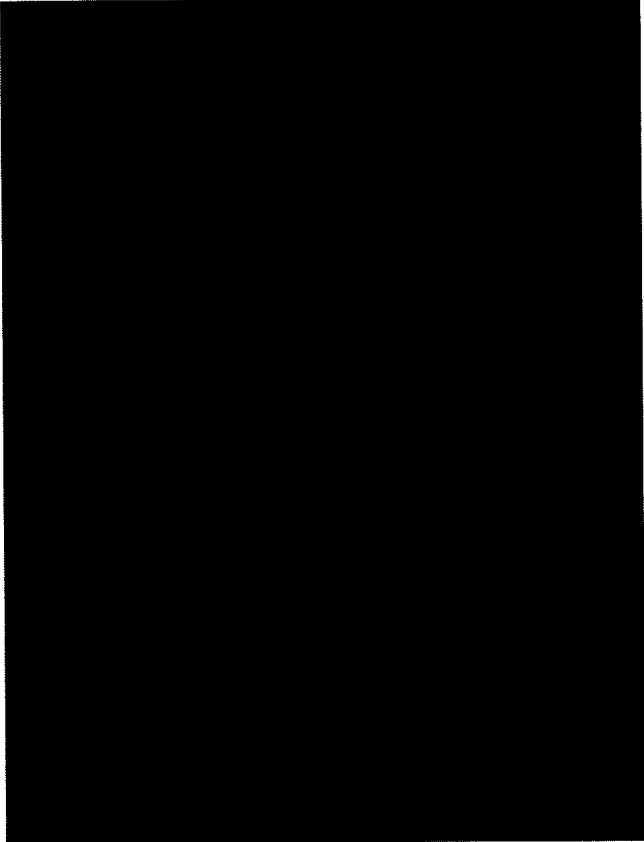
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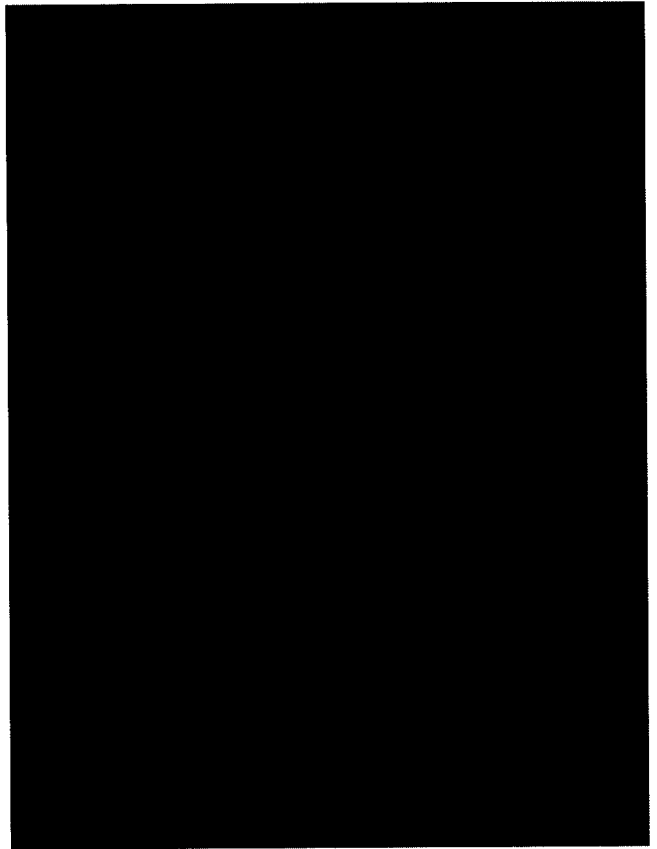
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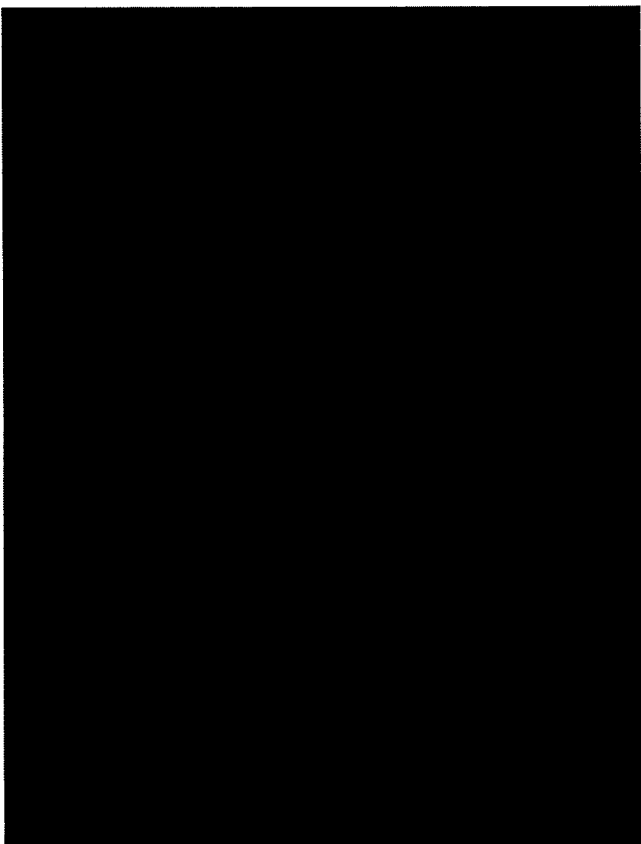
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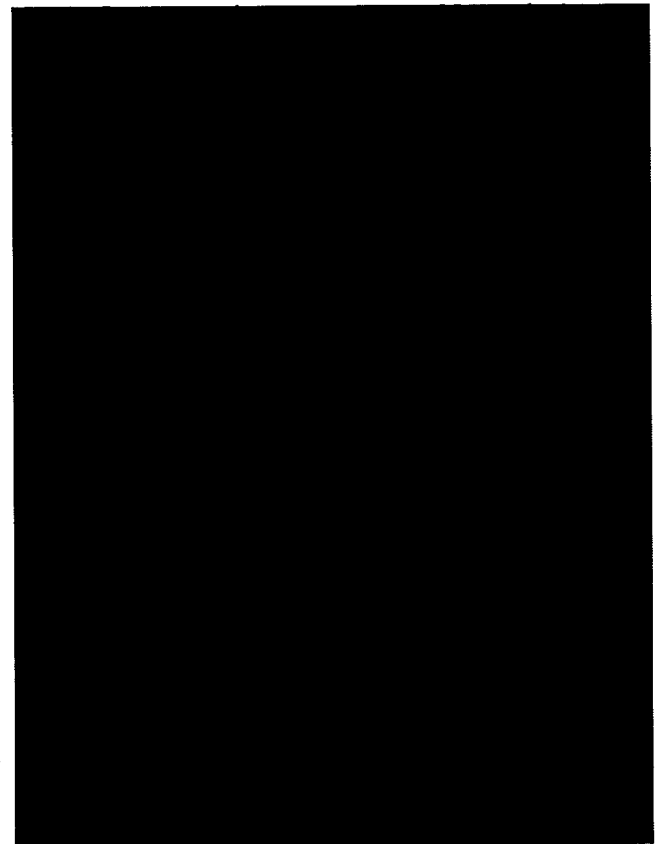
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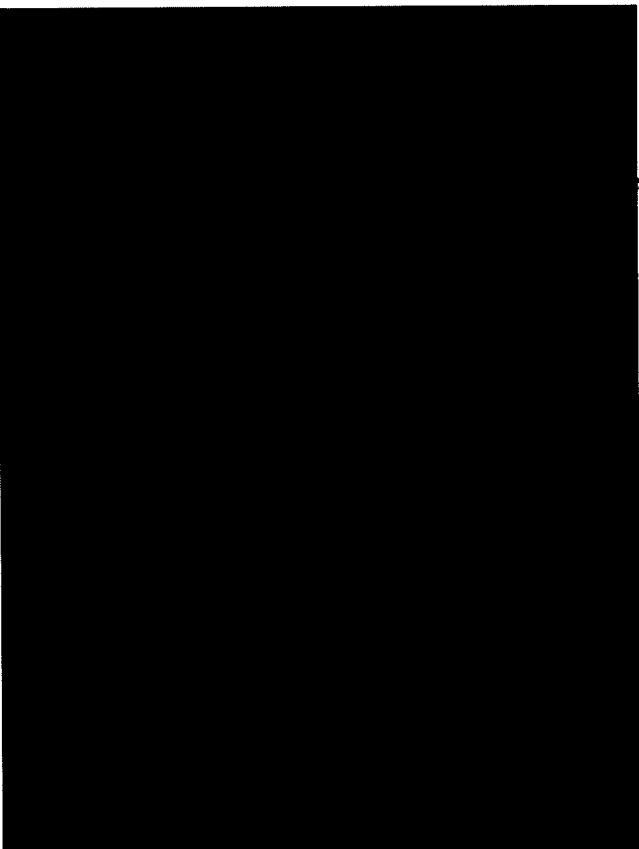
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1 (Pages 513 through 538 are contained in the
2 confidential portion of the transcript.)
3

4 EXMAMINATION

5 BY MS. WELCH:

6 Q Carlos, I'm just going to ask you a few
7 questions. Okay?

8 A Okay.

9 Q Have you ever seen toilet paper in the stalls
10 of the student bathrooms at your school?

11 A No.

12 Q Is that why in your declaration you state that
13 there is no toilet paper in the bathrooms?

14 A Yes.

15 Q Have there ever been any times in your school
16 that you can remember that a student was not permitted
17 to use the bathroom after asking?

18 A Yes.

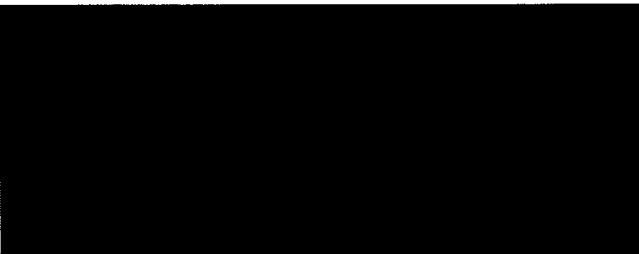
19 Q How many times?

20 A A lot of times.

21 Q Can you specifically recall any of those times?

22 A Yes. Yeah. One time when he was in 5th grade,
23 we were in class, and then a girl wanted to go to the
24 bathroom and she asked the teacher, and she said no.
25 Then she couldn't wait to go to the bathroom, and then

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1 the teacher called her up like to translate for her or
2 some -- I don't know what she was going to do, but she
3 just said, "Teacher," and she started crying, and she
4 pee'd on herself in the classroom.

5 Q Are there any other times that you can remember
6 where a student wasn't allowed to use the bathroom?

7 A Yes. Like one time I was in P.E., I was asking
8 the teacher -- the teacher's helper if I could go to the
9 bathroom. He said no. I kept on asking him. He said
10 no, and I just had to wait until class was over, and it
11 was like in the beginning of the class.

12 Q Are there any other times that you can remember
13 where students had accidents because they weren't able
14 to use the bathroom?

15 A Yeah. Well, a friend of mine, one time the
16 teacher didn't want to let him go to the bathroom, and
17 he needed to go -- he needed to go to the toilet, and he
18 accidentally did it in the class.

19 Q Do you know when this was?

20 A Yeah, it was last year.

21 Q Are there any other times that you can
22 remember?

23 A No.

24 Q Are there any conditions at your school that
25 you haven't discussed last week at your deposition or

1 today at your deposition that you believe to be unsafe?
 2 A Yes
 3 MS. KOURY: Objection, vague.
 4 BY MS. WELCH:
 5 Q Could you describe it, please?
 6 A Yeah. In the blacktop, there's a big hole
 7 where the pipes go, like for the pipe.
 8 MS. KOURY: For the record, it seems as if the
 9 witness is asking his counsel a question.
 10 MS. WELCH: No, it wasn't -- he wasn't asking me --
 11 BY MS. WELCH:
 12 Q Are you unsure of what it's called?
 13 A Yeah. I remember now. Where the pipe valves
 14 go --
 15 Q Is that the word you were unclear on?
 16 A Yes. And one time I was running and I didn't
 17 see it, and I was running to catch the ball and I fell
 18 inside there.
 19 Q How big is this hole?
 20 A About two feet deep.
 21 Q Did you hurt yourself?
 22 A Yeah. Only a bruise on my back.
 23 Q Are there any other conditions that you can
 24 think of that you think are unsafe?
 25 A No.

1 Q Carlos, do the sinks in your science class work
 2 properly?
 3 A No.
 4 Q What's wrong with them?
 5 MS. KOURY: Objection as to time frame.
 6 THE WITNESS: No, don't work.
 7 BY MS. WELCH:
 8 Q Do they currently not work?
 9 A They never worked.
 10 Q What do you mean "they never worked"?
 11 A No one uses them. They don't work. They have
 12 the handles, but not the part where the water comes out.
 13 Q So has your science class this year ever had
 14 sinks that worked?
 15 A No.
 16 Q In your declaration, in Paragraph 6, you say,
 17 "We don't have enough supplies, anyway. So we couldn't
 18 do experiments right."
 19 Could you explain what you mean by supplies?
 20 A Supplies like water, oil like we used to do in
 21 fourth grade, food colorings, all kinds of liquids that
 22 we needed, stuff like that.
 23 Q When have you had supplies in the past in
 24 science class?
 25 A We haven't had supplies.

1 Q Is there a time that you did have supplies that
 2 you're using to compare this class with?
 3 MS. KOURY: Objection, vague.
 4 THE WITNESS: No, only -- the only times that we've
 5 had supplies is because the teacher bought them.
 6 BY MS. WELCH:
 7 Q And when was that?
 8 A Last week with cereal.
 9 Q Carlos, do you sometimes translate what the
 10 teacher says in class to student who can't speak
 11 English?
 12 A Yes.
 13 Q How often do you do this?
 14 A Almost every day.
 15 Q For how many students?
 16 A For one.
 17 Q Do you think any of the comments on the report
 18 card about talking in class have to do with this
 19 translating you do for the other student?
 20 A Yes.
 21 Q Why do you think that?
 22 A Because when I'm translating, sometimes I don't
 23 ask the teacher if I could translate. And then I get
 24 caught talking to them, helping them.
 25 Q What would happen if you didn't translate for

1 the student?
 2 MS. KOURY: Objection calls for speculation?
 3 THE WITNESS: They wouldn't do anything.
 4 BY MS. WELCH:
 5 Q Who's they?
 6 A The kids that don't know English.
 7 Q Do you think that the child who you're
 8 translating to would be able to understand what's going
 9 on in class if you didn't translate?
 10 A No.
 11 Q Why do you think that?
 12 A Because they don't know English, they don't
 13 know what's happening.
 14 Q Do you think it would help you with your
 15 homework in any of your classes if you were able to
 16 bring your book home?
 17 A Yes.
 18 Q Which classes?
 19 A Science, reading and drama.
 20 MS. WELCH: Those are all the questions I have.
 21 FURTHER EXAMINATION
 22 BY MS. KOURY:
 23 Q Carlos, when you used the bathrooms at
 24 Edison-McNair, did you use the stalls, or do you usually
 25 use the urinals?

- 1 A I usually use the urinals.
 2 Q Where is the toilet paper -- I'm sorry.
 3 Have you ever looked for -- never mind.
 4 Earlier when Ms. Welch was asking you whether
 5 you've ever seen toilet paper, you said that you've
 6 never seen toilet paper in the stalls.
 7 A Yes.
 8 Q Do you always look for toilet paper in the
 9 stalls when you go into the bathroom?
 10 A Not always, but, yes.
 11 Q What do you mean by "yes"?
 12 A Sometimes I do.
 13 Q About how often?
 14 A Once every two weeks.
 15 Q Once every two weeks this school year you've
 16 looked for toilet paper in the stalls?
 17 A Yes.
 18 Q So are you changing your testimony as opposed
 19 as to what we've talked about earlier?
 20 A Yes.
 21 Q Why is that?
 22 A Because I hadn't clearly said that.
 23 Q Once every two weeks which bathroom do you
 24 check for toilet paper?
 25 A The one at the end of the hallway.

- 1 MS. WELCH: Objection. Mischaracterizes his
 2 testimony.
 3 BY MS. KOURY:
 4 Q Do you check the bathroom at the end of the
 5 hallway once every two weeks for toilet paper?
 6 A Yeah, and sometimes when the urinals are busy,
 7 you use toilet, and there's no toilet paper in there.
 8 Q Is that the only bathroom near the hallway?
 9 A Yes. And the one in the top -- blacktop, that
 10 doesn't -- that never has toilet paper.
 11 Q Let's talk about the bathroom near the hallway.
 12 A Okay.
 13 Q You think that you check for toilet paper in
 14 the bathroom in the hallway about once every two weeks?
 15 A Yes.
 16 Q This week, how many times have you checked for
 17 toilet paper in this bathroom, the bathroom near the
 18 hallway?
 19 A I checked once.
 20 Q When was that?
 21 A I think it was Tuesday.
 22 Q Why did you check for toilet paper?
 23 A Because all the urinals were busy.
 24 Q Did you use the toilet stall?
 25 A Yes.

- 1 Q Which toilet stall did you use?
 2 MS. WELCH: Objection, vague.
 3 THE WITNESS: I remember I think it was the one --
 4 the first one.
 5 BY MS. KOURY:
 6 Q Was there toilet paper in there?
 7 A No.
 8 Q Did you look in the second toilet stall?
 9 A No.
 10 Q How about last week, what day did you use or
 11 check in the bathroom near the hallway for toilet paper?
 12 A I don't think I checked that week.
 13 Q How about the week before that, do you recall
 14 any time the week before that that you checked --
 15 A Yes.
 16 Q -- the bathrooms in the hallway?
 17 A Yes. I was just waiting for my friends, and I
 18 was looking around.
 19 Q Where were you looking?
 20 A In the toilet. There wasn't any.
 21 Q When you say "in the toilet," do you mean in
 22 the toilet stall?
 23 A Yes.
 24 Q Where were you standing?
 25 A Right in front of it.

- 1 Q Which toilet stall did you look into?
 2 A The first and second one.
 3 Q Did you go into either of the toilet stalls?
 4 A No.
 5 Q Was the door open to both toilet stalls?
 6 A Yes. They're always open.
 7 Q Did you tell anyone that there was no toilet
 8 paper in the bathroom?
 9 A No.
 10 Q Do you remember checking for toilet paper any
 11 other time that week?
 12 A No.
 13 Q How about the week before that, do you remember
 14 checking in this bathroom for any toilet paper?
 15 A No.
 16 Q How about the week before that, can you
 17 specifically remember checking for toilet paper any
 18 other time aside from the two times you just told me
 19 about?
 20 A No.
 21 Q How do you know then that you've checked for
 22 toilet paper about once every two weeks in the bathroom
 23 near the hallways?
 24 A I always -- because sometimes when, I guess,
 25 just to -- with my friends, I always look around.

1 Q You can't specifically recall any other time,
 2 however --
 3 A No.
 4 Q -- that you've gone into the bathroom near the
 5 hallway and looked for toilet paper?
 6 A No.
 7 Q You're just assuming that you have done so?
 8 A Yes.
 9 Q Have you ever told anyone, any teachers or
 10 janitors after school that there wasn't enough toilet
 11 paper in the bathrooms?
 12 A No.
 13 MS. WELCH: Objection, asked and answered.
 14 MS. KOURY: Well, he's changed his answer, so I
 15 think I'm entitled to ask him again.
 16 MS. WELCH: You're always entitled.
 17 BY MS. KOURY:
 18 Q How about the bathroom near the blacktop, you
 19 said that you've never seen toilet paper there?
 20 A No.
 21 Q How often do you go into that bathroom?
 22 A Every time I wash my hands, you could see right
 23 inside, because that's the one that has the toilet
 24 dispenser broken, that one doesn't have a door. And the
 25 other one that doesn't have the toilet dispenser at all

1 does have a door.
 2 Q Do you know if perhaps the toilet stall without
 3 the toilet paper dispenser, whether there's just toilet
 4 paper in the stall, not necessarily in the dispenser?
 5 MS. WELCH: Objection, calls for speculation.
 6 THE WITNESS: There isn't any.
 7 BY MS. KOURY:
 8 Q How do you know that?
 9 A Because I always look in the toilet dispenser.
 10 There isn't any.
 11 Q I'm not talking about the toilet dispenser.
 12 I'm just talking about a toilet paper roll by itself in
 13 the toilet stall.
 14 A No.
 15 Q You've never seen one?
 16 A I've never seen one.
 17 Q Every time you go into this bathroom, you said
 18 you wash your hands?
 19 A Yes.
 20 Q Do you always go into the toilet stalls?
 21 A No.
 22 Q How often do you check in the toilet stalls?
 23 A All the time I go, I wash my hands. I wet my
 24 hair sometimes. I look inside there.
 25 Q You look inside the toilet stalls?

1 A Yes.
 2 Q Why?
 3 A I don't know. I always do that.
 4 Q Where -- is the sink facing the toilet stalls?
 5 A Yes.
 6 Q So when you're washing your hands, isn't your
 7 back toward the toilet stalls?
 8 A Yes, but when I turn around --
 9 Q When you turn around what?
 10 A When I turn around, I go like that, because
 11 there ain't no paper towels, and I have to dry my hands
 12 on my clothes, I could see in the bathroom.
 13 Q But you don't go into the toilet stalls
 14 usually?
 15 A No.
 16 Q And you don't use these toilet stalls usually?
 17 A No.
 18 Q Have you ever heard anyone complain, any
 19 student complain, that there was no toilet paper in
 20 these toilet stalls?
 21 A No.
 22 MS. WELCH: Asked and answered.
 23 BY MS. KOURY:
 24 Q Have you ever heard any student complain that
 25 there was no toilet paper in the toilet stalls in the

1 bathroom near the hallway?
 2 MS. WELCH: Asked and answered.
 3 THE WITNESS: No.
 4 BY MS. KOURY:
 5 Q You were telling Ms. Welch, or you were
 6 testifying earlier when Ms. Welch was asking you
 7 questions, that a P.E. teacher wouldn't let you use the
 8 restroom. Who was the P.E. teacher?
 9 A It's the coach's assistant or something like
 10 that, the one that helps him like seeing if someone's
 11 not doing what they're supposed to be doing, going
 12 somewhere else, going to the bathroom.
 13 Q Do you know the assistant's name?
 14 A Yes.
 15 Q Was his or her name?
 16 A Mr. Lotto (phonetic).
 17 Q And was this this year in school or last year?
 18 A This year.
 19 Q What did you do after the P.E. teacher
 20 wouldn't let you use the bathroom?
 21 A I had to wait until it was over.
 22 Q Were you upset?
 23 A Yes.
 24 Q Why?
 25 A Because I was -- it was break time, and I

1 couldn't go.
 2 Q Did you tell anyone after this happened?
 3 A No.
 4 Q You didn't tell your parents?
 5 A No.
 6 Q Have you ever complained to your parents that
 7 the teachers at school don't let you use the bathroom?
 8 A Yes.
 9 Q What did you tell them?
 10 A That that's not right, why don't they let us go
 11 to the bathroom.
 12 Q Do you know if your parents told anyone at the
 13 school that the teachers don't allow you to use the
 14 bathrooms?
 15 A No.
 16 Q Do you think it would help if your parents told
 17 someone at school?
 18 MS. WELCH: Objection, calls for speculation.
 19 THE WITNESS: Yes.
 20 BY MS. KOURY:
 21 Q Why do you think it would help?
 22 A Maybe they would start letting us go to the
 23 bathroom.
 24 Q You said that there's a big hole where pipes
 25 are on blacktop?

1 plywood?
 2 A Beginning of the year.
 3 Q So when did you first notice the big hole with
 4 the plywood and the dirt?
 5 MS. WELCH: Vague, asked and answered.
 6 THE WITNESS: It was in the beginning of the year.
 7 BY MS. KOURY:
 8 Q When did you notice that it was broken then?
 9 MS. WELCH: Same objections.
 10 THE WITNESS: I don't remember.
 11 BY MS. KOURY:
 12 Q Do you know if you remember the plywood being
 13 broken?
 14 A Yes, it was cut in half, broken in half.
 15 Q Right. Do you remember when you noticed that
 16 it was broken, cut in half?
 17 A No.
 18 Q It wasn't broken or cut in half in the
 19 beginning of the year; is that true?
 20 A Yes.
 21 Q Do you remember it being broken or cut in half
 22 at Christmas time?
 23 A I don't remember.
 24 Q Do you remember ever hearing any of the
 25 students talk about it being broken or cut in half?

1 A Yes.
 2 Q When was the first time you noticed this big
 3 hole?
 4 A When I first -- like at the beginning of the
 5 year, this year, it had like plywood covering it with
 6 dirt on top of it, but then it was like too old, and it
 7 broke and --
 8 Q When did it break?
 9 A Like it was in the beginning of the year.
 10 Q Do you know how it broke?
 11 A No. I think someone was jumping on it or
 12 something.
 13 Q Before it broke when there was plywood over it
 14 and dirt, did students play around that area?
 15 A Yes.
 16 Q Did students play on top of the plywood?
 17 A No.
 18 Q Before it broke, did any teacher say anything
 19 about whether you were allowed to play in that area?
 20 A They always let us play in that area.
 21 Q Did they say anything about playing on that
 22 plywood?
 23 A No.
 24 Q When do you think that you saw it -- I'm sorry,
 25 When did you notice that it was broken, the

1 A No.
 2 Q Do you remember hearing any teachers talk about
 3 the fact that it was broken in half, the plywood?
 4 A No.
 5 Q Is the plywood still there?
 6 A No.
 7 Q What happened?
 8 A They threw it away.
 9 Q Who's "they"?
 10 A The janitor.
 11 Q Did you see him throw it away?
 12 A No.
 13 Q How do you know he threw it away?
 14 A Because no student would have picked that
 15 plywood up.
 16 Q So you're assuming that he threw it away?
 17 A Yes.
 18 Q When did you notice that the plywood was no
 19 longer there?
 20 A A few days after it broke.
 21 Q Do you remember whether that was before spring
 22 break?
 23 A Before spring break.
 24 Q Do you remember if it was after Christmas
 25 vacation?

1 A Before that, I think.
 2 Q You said that you fell into it. When was that?
 3 A It was like in the middle of year.
 4 Q Was it before Christmas break?
 5 A After Christmas break.
 6 Q What happened after you fell in it?
 7 MS. WELCH: Objection, vague.
 8 THE WITNESS: Nothing. I just went to the office,
 9 and I asked for an ice pack.
 10 BY MS. KOURY:
 11 Q Did you tell them where you fell?
 12 A They asked me where I fell, and I told him.
 13 Q Who's "they"?
 14 A The secretary.
 15 Q Do you know her name or his name?
 16 A It's Mr. Sivoa, S-i-v-o-a.
 17 Q Was anyone else there when you told him where
 18 you fell?
 19 A No.
 20 Q What did he say when you told him where you
 21 fell?
 22 A Nothing. He just went to get me -- he just
 23 went to get me an ice pack.
 24 Q When you went home that night, did you tell
 25 your parents where you fell?

1 A No.
 2 Q Why not?
 3 A I don't know.
 4 Q Did your parents notice that you had bruises?
 5 A Yeah.
 6 Q Did they ask how you got those bruises?
 7 A Yeah.
 8 Q What did you say?
 9 A Falls from playing.
 10 Q Did they ask how you fell?
 11 A No.
 12 Q Do you think that this hole is unsafe?
 13 A Yes.
 14 Q Do you think that this hole should be covered
 15 up?
 16 A Yes.
 17 Q Is it covered up now?
 18 A No.
 19 Q Is it still there?
 20 A Yes.
 21 MS. WELCH: Objection, asked and answered.
 22 BY MS. KOURY:
 23 Q Why didn't you tell your parents that the hole
 24 was there if you think it's unsafe?
 25 A I told my dad the hole was there.

1 Q When did you tell your dad?
 2 A He had seen it before one time that he went
 3 with me to the back of the school.
 4 Q Was that after you fell?
 5 A Before I fell. And he put a carton, or it was
 6 plywood or stone or something in there. He put it like
 7 to just cover it up, but then they took that and threw
 8 it away.
 9 Q Do you know if your dad told anyone at the
 10 school that he thought this hole was unsafe?
 11 MS. WELCH: Objection, calls for speculation.
 12 THE WITNESS: I don't know.
 13 BY MS. KOURY:
 14 Q Did you ever ask your dad whether he told
 15 anyone at the school?
 16 A No.
 17 Q When's the last time you saw this hole?
 18 A Friday.
 19 Q Were there kids playing near it?
 20 A Yes.
 21 Q Have you ever heard or seen -- I'm sorry.
 22 Have you ever seen any other kids fall in this
 23 hole?
 24 A No.
 25 Q Have you ever heard that any other students

1 have fallen in this hole?
 2 A Yes.
 3 Q What did you hear?
 4 A That they were playing wrestling, and then two
 5 kids fell in there.
 6 Q Do you know if they got hurt?
 7 A No.
 8 Q Other than these two kids wrestling and falling
 9 in the hole, have you heard of any other students
 10 falling in this hole?
 11 A No.
 12 Q Looking at what's been marked as Exhibit 1,
 13 your declaration, Paragraph 6 where it states that "we
 14 don't have enough supplies," you just testified that
 15 some of the supplies you don't have are water, oil, food
 16 colorings, other liquid. Do you think you need oil in
 17 your science class this year?
 18 A Yes.
 19 MS. WELCH: Objection, calls for speculation.
 20 BY MS. KOURY:
 21 Q Why?
 22 A Because one time when we were about to make a
 23 project about which liquids are heavier than others, we
 24 couldn't do that because we didn't have the supplies
 25 needed.

1 Q How do you know you don't have the supplies
2 needed?
3 MS. WELCH: Objection, asked and answered.
4 THE WITNESS: Because Mr. Powers was talking to us
5 about it.
6 BY MS. KOURY:
7 Q What did he say?
8 A He said that we could have made that project if
9 we would have supplies, but unfortunately we didn't have
10 'em.
11 Q Did he say specifically which supplies?
12 A No. It was the supplies that we needed.
13 Q Was that just oil?
14 A No.
15 Q What else was it besides oil?
16 A Oil, water, I can't remember the other ones.
17 Q How do you know it was oil and water? Was it
18 written down somewhere that those were needed?
19 A Yes.
20 Q Was it in your book?
21 A Yes.
22 Q How about food colorings, has there been a time
23 in your science class this year where you thought you
24 needed food colorings for an experiment?
25 A Yes, for the water so we could see where it

1 stopped.
2 Q Is it the same project that you were discussing
3 with the oil?
4 A Yes.
5 Q How do you know that you needed food coloring?
6 A It was right there on the list of ingredients.
7 Q Did Mr. Powers say anything? Did he say that
8 you needed food coloring for this experiment?
9 A Yes.
10 Q Did other students hear him say that, too?
11 A Yes.
12 Q How about other liquids, what do you mean by
13 other liquids?
14 A Liquids that we needed.
15 Q What kind of liquids?
16 A I don't remember them right now.
17 Q Why do you think that you needed other liquids?
18 A It was in the list of what the ingredients were
19 for the project that we had to do.
20 Q Was that the same project that you were talking
21 about with the oil and the water?
22 A Yeah.
23 Q So when you say you need supplies, are you
24 referring to the supplies that you needed for this one
25 project in Mr. Powers' class?

1 A Yes.
2 MS. WELCH: Objection, characterizes his testimony.
3 BY MS. KOURY:
4 Q Is that yes?
5 A Yes.
6 Q Are there any other supplies for any other
7 experiments other than this one experiment that you
8 needed for science class?
9 A Yeah. That time we were going to use for
10 coloring water, like, and then we were going to use
11 plants, flowers like to see if they changed color with
12 the food coloring.
13 Q That was another experiment?
14 A Yeah, that we couldn't do.
15 Q Why couldn't you do it?
16 A Because he didn't have the supplies.
17 Q. What supplies did you need other than the food
18 coloring?
19 A Cans.
20 Q How did you know that you weren't doing this
21 experiment because you needed the supplies?
22 MS. WELCH: Objection, vague.
23 THE WITNESS: Because Mr. Powers told us.
24 BY MS. KOURY:
25 Q What did he say?

1 A That we could have done that project if we had
2 supplies.
3 Q So Mr. Powers said that you could have done the
4 project with the oil and the water if you had had the
5 supplies. And on the second occasion he also said you
6 could have done this experiment with food coloring and
7 plants and flowers if you had had the supplies?
8 A Yeah.
9 Q So you've heard him say that twice?
10 A Yes.
11 Q Are there any other experiments?
12 A No.
13 Q These are the only two experiments that you
14 didn't have supplies for in your science class?
15 MS. WELCH: Asked and answered.
16 THE WITNESS: Yes.
17 BY MS. KOURY:
18 Q You said if you didn't -- that you translate in
19 class for a student to help them in class.
20 A Yeah.
21 Q Has the teacher -- is this in more than one
22 class, or is this in one specific class?
23 A More than one class.
24 Q Is it more than one student that you're
25 translating for or is one specific student that you

1 translate for?
 2 A More than one student.
 3 Q How many classes do you translate for your
 4 friends or students?
 5 A For drama, language arts and history.
 6 Q Any other classes that you translate for
 7 students?
 8 A No.
 9 Q Have you ever heard your drama teacher say that
 10 you shouldn't translate for other students unless you
 11 ask her permission first?
 12 A No, she's okay with that. She told me that if
 13 I ever needed -- if someone ever needed help, to help
 14 them.
 15 Q Does it bother you to help other students in
 16 your drama class to translate for them?
 17 A No.
 18 MS. WELCH: Objection, vague.
 19 BY MS. KOURY:
 20 Q Do you think that it affects your ability to
 21 learn in your drama class?
 22 MS. WELCH: Vague, calls for speculation.
 23 THE WITNESS: No.
 24 BY MS. KOURY:
 25 Q How about in your language arts class, is that

1 clear record.
 2 MS. WELCH: But I have.
 3 MS. KOURY: You actually didn't ask that particular
 4 question.
 5 Q Go ahead.
 6 A One time that I asked Ms. Crement if I can
 7 translate for the girl that was sitting in front. She
 8 said no.
 9 Q And what happened?
 10 A And she was busy with the whole class, so the
 11 girl just sat there looking around. She doesn't do
 12 anything.
 13 Q Do you think it's your responsibility to
 14 translate for other students?
 15 MS. WELCH: Objection, vague.
 16 THE WITNESS: Am I responsible?
 17 BY MS. KOURY:
 18 Q Yes.
 19 A No.
 20 Q Do you think that it would be better for this
 21 student to ask for help from the teacher?
 22 MS. WELCH: Vague, calls for speculation.
 23 THE WITNESS: Yes.
 24 BY MS. KOURY:
 25 Q Do you think maybe if you didn't help her, she

1 this school year you were talking about translating for
 2 students in your language arts class?
 3 A Yes.
 4 Q Has your language arts teacher ever told you
 5 that you're not allowed to translate for other students
 6 unless you ask for permission first?
 7 A Yes.
 8 Q Have you ever gotten in trouble in that class
 9 for translating for other students because you didn't
 10 ask for permission first?
 11 A Yes.
 12 Q What would happen if you didn't translate for
 13 other students in your language arts class?
 14 MS. WELCH: Asked and answered.
 15 THE WITNESS: They wouldn't do anything.
 16 BY MS. KOURY:
 17 Q How do you know that?
 18 MS. WELCH: Asked and answered.
 19 THE WITNESS: That has happened already.
 20 BY MS. KOURY:
 21 Q What has happened?
 22 A That --
 23 MS. KOURY: For the record, I have not asked these
 24 questions before. I have no intention of asking a
 25 question more than once, but I simply want to get a

1 would be forced to ask for help from the teacher?
 2 MS. WELCH: Vague, calls for speculation.
 3 THE WITNESS: Maybe.
 4 BY MS. KOURY:
 5 Q Why?
 6 A Because the teacher doesn't know much Spanish,
 7 and she wouldn't be able to help her much.
 8 Q Do you think maybe if you don't help her so
 9 much, she would ask the teacher for help and perhaps the
 10 teacher would get her a Spanish tutor?
 11 MS. WELCH: Vague, calls for speculation.
 12 THE WITNESS: Yeah.
 13 BY MS. KOURY:
 14 Q Why do you think so?
 15 A Yeah, because sometimes she has trouble
 16 translating from English into Spanish to the students.
 17 Q Do you know if there are Spanish tutors that
 18 can help at your school?
 19 MS. WELCH: Vague, calls for speculation.
 20 THE WITNESS: Yes.
 21 BY MS. KOURY:
 22 Q How do you know that?
 23 A Because I see in Room 8B, there's one lady that
 24 helps the kids that don't know English.
 25 Q Do you think that it affects your ability to

1 learn in these classes when you're translating for your
 2 friends?
 3 MS. WELCH: Vague, calls for speculation.
 4 THE WITNESS: Not much, but I think, yeah.
 5 BY MS. KOURY:
 6 Q How do you think it affects your ability to
 7 learn?
 8 A Because in that -- when I'm translating, I'm
 9 losing time like to learn.
 10 Q Do you think it distracts you when you're
 11 translating for other students?
 12 A Yes.
 13 Q Do you think that that's maybe why the teachers
 14 tell you not to translate for the other students?
 15 A No.
 16 MS. WELCH: Objection, calls for speculation.
 17 BY MS. KOURY:
 18 Q Why do you think that they tell you not to
 19 translate for the other students?
 20 MS. WELCH: Same objection.
 21 THE WITNESS: Maybe so I won't be talking.
 22 BY MS. KOURY:
 23 Q Why do you think that they don't want you to
 24 talk?
 25 MS. WELCH: Same objection.

1 that Carlos Santos, through his attorney, shall notify
 2 all parties in writing of any changes in the deposition,
 3 and that if there are no such changes communicated or
 4 signature within that time, that any unsigned or
 5 uncorrected copy may be used for all purposes as if
 6 signed?
 7 MS. WELCH: Can we go off the record for one
 8 second?
 9 MS. KOURY: Sure.
 10 (Discussion held off the record.)
 11 MS. WELCH: We were just talking off the record
 12 about the portion of the transcript that is confidential
 13 pursuant to the parties' protective order, and as I
 14 stated earlier, the portion that I would like to be
 15 marked confidential is the portion that discusses
 16 Carlos' grades and his report card. So the point in the
 17 questioning where the grades are no longer discussed,
 18 the portion thereafter would not need to be marked
 19 confidential.
 20 (Whereupon, the deposition concluded at 4:56 p.m.)
 21 //
 22 //
 23
 24
 25

1 THE WITNESS: I don't know.
 2 BY MS. KOURY:
 3 Q Has your history teacher ever told you -- is it
 4 your history teacher this year that you translate for
 5 kids in the class?
 6 A Yes.
 7 Q Has your history teacher ever told you not to
 8 translate for other kids in your class unless you ask
 9 permission first?
 10 A Yes.
 11 MS. KOURY: I have no others questions. Do you
 12 have more questions?
 13 MS. WELCH: No.
 14 MS. KOURY: Can we stipulate that the copies of
 15 documents attached to the deposition may be used as
 16 originals?
 17 MS. WELCH: Yeah.
 18 MS. KOURY: May we stipulate that the original of
 19 this deposition may be signed under penalty of perjury;
 20 that the original be delivered to the offices of
 21 Morrison & Foerster; that the reporter is relieved of
 22 liability for the original of the deposition; that the
 23 witness will have 15 days from the date of the court
 24 reporter's transmittal letter to Leecia Welch at
 25 Morrison & Foerster to sign and correct the deposition;

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 10 I, CARLOS SANTOS, do hereby declare under
 11 penalty of perjury that I have read the foregoing
 12 transcript of my deposition; that I have made such
 13 corrections as noted herein, in ink, initialed by me, or
 14 attached hereto; that my testimony as contained herein,
 15 as corrected, is true and correct.
 16 EXECUTED this ___ day of _____,
 17 2001, at _____,
 (City) (State)
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 21 _____
 CARLOS SANTOS
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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

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

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

Dated: _____

THERESA A. DARNELL
CSR No. 9966