

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

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1	ELIEZER WILLIAMS, et al.,)	
2)	
3	Plaintiffs,)	
4	vs.)	No. 312 236
5)	
6	STATE OF CALIFORNIA, DELAINE)	
7	EASTIN, State Superintendent)	
8	Of Public Instruction, STATE)	
9	DEPARTMENT OF EDUCATION,)	
10	STATE BOARD OF EDUCATION,)	
11)	
12	Defendants.)	
13)	
14)	
15	AND RELATED CROSS-ACTION.)	
16)	

DEPOSITION OF

OLIVIA SAUNDERS

VOLUME II (Pages 151 - 289)

December 2, 2001

REPORTED BY: SANDRA MacNEIL, CSR 9013 JOB# 05-113925

I N D E X

INDEX OF EXAMINATIONS

EXAMINATION BY MR. SIMMONS 155

EXAMINATION BY MS. LHAMON 283

EXHIBITS MARKED FOR IDENTIFICATION

Exhibit No.	Description	Page
3	Handwritten notes; 1 page, no Bates ...	194

APPEARANCES OF COUNSEL

ACLU FOUNDATION OF SOUTHERN CALIFORNIA, 1616 Beverly Boulevard, Los Angeles, California, 90026-5752, represented by CATHERINE E. LHAMON, Attorney at Law, appeared as counsel on behalf of the Plaintiffs.

O'MELVENY & MYERS, 400 South Hope Street, Los Angeles, California, 90071-2899, represented by SHAUN M. SIMMONS, Attorney at Law, appeared as counsel on behalf of Defendant State of California.

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BE IT REMEMBERED that, pursuant to Notice, and on Sunday, December 2, 2001, commencing at 10:00 a.m. thereof, at 275 Battery Street, 26th Floor, San Francisco, California, before me, SANDRA M. MacNEIL, a Certified Shorthand Reporter, personally appeared OLIVIA SAUNDERS

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

--oOo--

EXAMINATION BY MR. SIMMONS

MR. SIMMONS: Q Good morning, Ms. Saunders. Do you remember the ground rules of the deposition from our last time?

A Some of them.

Q Would you like me to go over them again?

A Yes.

Q Okay. First of all, this is just your deposition today, and I'll be asking you questions about the facts underlying this lawsuit that you know about. It's important that you respond to the questions as fully and fairly as possibly as you can.

Do you understand that?

A Yes.

Q And it's important to give verbal answers to the questions. "Yes" and "no" is preferred to shakes of the head.

Do you understand that?

A Yes.

Q Also, it will help us if one of us speaks at a time. So if you'll let me finish the question that I ask before responding, I'll let you finish your answers before I ask another question.

Does that make sense to you?

A Yes.

1 Q And it's important that you listen to the
2 question carefully. If you don't understand the
3 question, just let me know, and I'll do my best to
4 rephrase it, just because it's -- if you don't say that
5 you don't understand the question and you go ahead and
6 answer it, then we'll presume that you understood what
7 you were being asked.

8 Does that make sense?

9 A Okay. I mean yeah.

10 MS. LHAMON: "Okay" works, too.

11 MR. SIMMONS: Q Also, generally we don't want
12 you to guess. We just want you to answer questions to
13 the best of your ability. So if you can give an
14 estimate, that's great, but if you feel like you'd just
15 be guessing with respect to a particular answer, just
16 let me know, and that's fine.

17 Do you understand the difference between a
18 guess and an estimate?

19 A Yes.

20 Q And you understand that you're giving your
21 testimony here under oath, so that it's the same -- your
22 testimony here basically has the same force and effect
23 if you were testifying in a court of law?

24 A Yes.

25 Q And therefore, you're subject to all of the

1 classroom -- where you had that math class?

2 A Mr. Covington?

3 Q Or I'm sorry. The second math class.

4 A No.

5 Q Do you recall whether your teacher for the
6 second math class was a man or a woman?

7 A No. Wait. Yes.

8 Q And was it a man or a woman?

9 A It was a man.

10 Q Any shot that you can recall this person's name
11 now?

12 A No.

13 Q Did you have an opinion as to the quality of
14 teacher this person was who taught your math two class?

15 A No.

16 Q Sitting here today, would you characterize that
17 teacher as a good teacher? If you can remember.

18 A All right teacher.

19 Q Could you compare the teacher for your math two
20 class that we're discussing right now with
21 Mr. Covington?

22 A Yes.

23 Q How would you compare the two?

24 A Better. My math two class, I mean, the teacher
25 was better than [REDACTED]

1 penalties of perjury for false testimony.

2 Do you understand that?

3 A Yes.

4 Q And let me ask, is there any reason why you may
5 be unable to give your best testimony here today?

6 A No.

7 Q Have you taken any medication or any other
8 substance that might affect your ability to testify
9 today?

10 A No.

11 Q Okay. Last time we were going through your
12 classes, and I was asking you some questions about the
13 various classes that you had at Luther Burbank, and I
14 believe the next class we were going to get to was what
15 we referred to as your math two class.

16 Do you remember testifying that you had two
17 math classes your seventh grade year?

18 A Yes.

19 Q And one of your math classes was taught by
20 Mr. Covington; is that correct?

21 A Yes.

22 Q And then you had a second math class. Do you
23 know who the teacher for that class was?

24 A No.

25 Q Do you remember the room number where that

1 [REDACTED]

2 Q Did you have a textbook to use in the math two
3 class?

4 A I don't remember.

5 Q Do you recall receiving homework assignments in
6 your math two class?

7 A I don't remember.

8 Q Do you recall ever seeing a mouse in your math
9 two class during the seventh grade?

10 A In the math -- in math two class?

11 Q Yes.

12 A Yes.

13 Q Are you recalling a specific instance right now
14 that forms the basis of your answer?

15 A I don't understand.

16 Q Is there -- when you say yes, that you can
17 recall having seen a mouse in your seventh grade math
18 two class, are you thinking of a particular instance
19 where that occurred?

20 MS. LHAMON: Is there a particular time that
21 you're thinking of?

22 THE WITNESS: It was just one regular day.

23 MR. SIMMONS: Q So did you just see one mouse
24 in your math two class? Is that correct?

25 A That day, yes.

1 Q Did you see more than one mouse in your --
 2 A Yes.
 3 Q -- math two class?
 4 A Yes.
 5 Q Do you recall about how many mice that you saw
 6 in your math two class?
 7 A No.
 8 MS. LHAMON: Just objection. Are you asking
 9 how many times she saw mice, or how many mice she saw on
 10 a particular time?
 11 MR. SIMMONS: Yeah, I guess I'm just trying to
 12 get the times, probably. Thank you.
 13 THE WITNESS: Because it's -- in every class I
 14 ever had in Burbank, there been a few mice or rats, or
 15 whatever.
 16 MR. SIMMONS: Q And so can you -- I guess can
 17 you recall here today that there were a few -- that you
 18 saw mice in your math two class on a few occasions?
 19 A Yes.
 20 Q And when you say a few occasions, what do you
 21 mean by that in terms of a number?
 22 A Say about three or four.
 23 Q And can you recall any of those three or four
 24 occasions with any particularity?
 25 A Like on days we had parties and stuff, where --

1 basically where we have food out.
 2 Q Can you recall one instance and tell me what
 3 happened?
 4 A When there was someone's birthday, they mom had
 5 brought in a cake or whatever, and it's like we have it in
 6 the back of the room, and everybody came to the back and
 7 got a slice and stuff, and then she brought us some more
 8 stuff, like food and chips and sodas and stuff. We had
 9 a lot, and we didn't help clean it up, and the rats came
 10 in. So we had to call the janitor to tell the janitor
 11 to tell -- you know, tell him to get them out, but they
 12 just ran away.
 13 Q Okay. I think you said that that was a -- that
 14 it was a rat that came out that time?
 15 A Yes.
 16 MS. LHAMON: Shaun, just for the purpose of a
 17 clear record, I think that she testified the first day
 18 she had some confusion about what is a rat and what is a
 19 mouse.
 20 MR. SIMMONS: Okay.
 21 MS. LHAMON: So it may be that Olivia's --
 22 THE WITNESS: Ain't a rat bigger, right, than a
 23 mouse?
 24 MR. SIMMONS: Q Let's go -- well, let's try
 25 it this way. Just can we group mice and rats together

1 as one pest? Can we do that? Can you --
 2 MS. LHAMON: And I think Shaun's asking, do you
 3 think -- if you say a mouse, might it be a rat? If you
 4 say a rat, might it be a mouse? Should we just use the
 5 terms to mean the same thing, mice and rat?
 6 THE WITNESS: No, because they aren't.
 7 MR. SIMMONS: Okay.
 8 THE WITNESS: Mice is little, and rats is big.
 9 MR. SIMMONS: Q Okay. So you can recall this
 10 one instance that you're recalling now is during
 11 someone's birthday party?
 12 A Yes.
 13 Q You saw a rat in the classroom?
 14 A We all did.
 15 Q And you say that you called -- that someone
 16 called the janitor; is that correct?
 17 A Teacher.
 18 Q And what happened after the teacher called the
 19 janitor?
 20 A The bell rung. We went to our next class.
 21 Q So did you see the rat at the end of the class
 22 period?
 23 A No.
 24 Q Did the janitor ever come to the class?
 25 A Yes.

1 Q What happened? What happened then?
 2 A He ran.
 3 Q When you say "he," who are you referring to?
 4 A The mice, rat, whatever.
 5 Q And about how long after your teacher called
 6 the janitor did the janitor come to your classroom?
 7 A About 15, 20 minutes.
 8 Q Can you recall any other specific instances
 9 where you saw a rat or a mice in your math two
 10 classroom?
 11 A Specific? No.
 12 Q Did you ever see a cockroach in your math two
 13 class during your seventh grade year?
 14 A Yes.
 15 Q And do you recall on how many occasions you saw
 16 a cockroach in your math two class?
 17 A Every day.
 18 Q Were there any aspects of the physical
 19 condition of your math two classroom that you were
 20 unsatisfied with?
 21 A Always cold in there.
 22 MS. LHAMON: Do you want to go off the record
 23 and get a tissue?
 24 THE WITNESS: I'm all right.
 25 MS. LHAMON: Okay.

1 MR. SIMMONS: Q Any other conditions that you
2 can recall?
3 A Windows was broke, had boards up.
4 Q Any other conditions?
5 A The door would close, but it's -- it was like,
6 not broken, but it's like you can't close it. You
7 really got to slam it real hard.
8 Q Any other conditions that you can recall?
9 A Nope.
10 Q And I think you testified earlier that the
11 classroom -- your math two classroom was always cold.
12 A Yes. The heater was broke.
13 Q Can you tell me how you knew that the heater
14 was broke?
15 A The heater was broke in every seventh grade
16 classroom.
17 Q Can you tell me how you knew that the heater in
18 every seventh grade classroom was broke?
19 A Because I had friends that was in other
20 classrooms, and I had seventh. So it's like every one I
21 went to, all the heaters was broken.
22 Q Did you ever ask a teacher or the principal if
23 the heater in the seventh grade classrooms -- the
24 heaters in the seventh grade classrooms were broken?
25 A No. The teacher told us.

1 Q Which teacher told you?
2 A All of -- any one we asked.
3 Q Can you recall asking any teacher specifically?
4 A Yes. My English teacher.
5 Q Did you ever ask your math two teacher?
6 A No.
7 Q Did you ever ask your math two teacher to turn
8 the heater on in your classroom?
9 A I don't remember.
10 Q Were there particular times of the year where
11 the classroom would be cold, in your opinion?
12 A Especially in the wintertime.
13 Q And when you say the wintertime, are you
14 referring to the particular months of the year?
15 A Would say like November, December.
16 Q Was your math two classroom ever uncomfortably
17 cold in January or February?
18 A Not really.
19 Q And do you recall for the months of November
20 how often your classroom would be uncomfortably cold?
21 A Every day.
22 Q And how about with respect to December?
23 A I'd say like before Christmas, before Christmas
24 break.
25 Q Before Christmas -- okay. Is it your testimony

1 that before Christmas break your math two classroom was
2 uncomfortably cold --
3 A Yes.
4 Q -- every day?
5 A Yes.
6 Q You mentioned that there were some problems
7 with the windows in your math two class. Can you
8 explain that for me?
9 A Like basically half of the room was -- the
10 windows was all right, and the other half of the room
11 where it was boards or they were shattered or you
12 couldn't open them.
13 Q So some of the windows were replaced with
14 boards?
15 A Yes.
16 Q Do you recall about how many windows were
17 replaced --
18 A Say about --
19 Q -- with boards?
20 A -- six.
21 MS. LHAMON: Did you say, "Say about six," or
22 are you sure it's six?
23 THE WITNESS: About six.
24 MR. SIMMONS: Q And you also mentioned that
25 some windows in the classroom were shattered?

1 A Yes.
2 Q Can you tell -- well, can you recall how many
3 windows were shattered?
4 A I don't remember.
5 Q And you also mentioned that some of the windows
6 wouldn't open. Do you recall how many windows in that
7 classroom wouldn't open?
8 A Like the whole bottom row.
9 Q How many windows -- if you can recall, how many
10 windows were in the seventh grade math two classroom?
11 A I don't remember.
12 Q Were there windows on all sides of the
13 classroom?
14 A No. Just on one side.
15 Q And when you said earlier that the windows on
16 the whole bottom row wouldn't open, you were referring
17 to the windows on the bottom row of that side?
18 A Yes.
19 Q Do you recall whether your math two classroom
20 in the seventh grade was maintained in a cleanly manner?
21 A Clean? No.
22 Q Is that no, you don't recall, or no, you don't
23 think it was maintained --
24 A It wasn't maintained.
25 Q So did you feel that that classroom was

1 unreasonably dirty?
 2 A Yes.
 3 Q And can you explain for me the aspects of the
 4 classroom that lead --
 5 A Well --
 6 Q -- you to characterize it as unreasonably
 7 dirty?
 8 A The floor's always dirty. Looked like it was
 9 never swept. The tables always had gum or some kind of
 10 candy on them, and -- let's see. None of the desks --
 11 the desks was like always dusty and dirty, and if you
 12 sit -- if you sit -- if you sit in your desk, then you
 13 probably get gum on your knees.
 14 Q Do you know whether the classroom was ever
 15 cleaned by janitors?
 16 A It didn't seem like it.
 17 Q Did you ever ask anyone if someone cleaned the
 18 math two classroom?
 19 A No.
 20 Q Did you ever complain to a teacher or principal
 21 about the condition of the math two classroom?
 22 A Teacher.
 23 Q And do you recall what you said to the teacher?
 24 A If you sit your backpack on the, like, floor,
 25 then you get heck-a-dirty on the backpack. So I ask my

1 Q Can you tell me what you mean by after the
 2 first two semesters?
 3 A After the first two semesters passed by, he
 4 asked -- we got a book.
 5 Q What time period does a semester make up for
 6 you?
 7 A Semester is six weeks.
 8 Q Now, if I'm wrong, correct me, but would the
 9 six-week period, would that be a quarter instead of a
 10 semester?
 11 A It's like the same thing, but it's just quarter
 12 grades. It's not a semester grade. It was quarter
 13 grade.
 14 Q Okay. So there were two six-week periods that
 15 passed by during your seventh grade year before you had
 16 a textbook to use --
 17 A Yes.
 18 Q -- in your seventh grade social studies class?
 19 A Yes.
 20 MS. LHAMON: I think you mischaracterized the
 21 testimony. I think she said it was after like the two
 22 first semesters. So there may have been a smaller
 23 number weeks or greater number of weeks.
 24 MR. SIMMONS: Q Okay. Would it be about 12
 25 weeks, give or take some time, before you received a

1 teacher why -- why is the floor so dirty to where if you
 2 set your backpack down, you get dust on your backpack?
 3 He didn't have nothing to say.
 4 Q Your seventh grade social studies teacher was
 5 Mr. Nawa; is that correct?
 6 A Yes.
 7 Q And do you think Mr. Nawa was a good teacher?
 8 A Yes.
 9 Q What things about Mr. Nawa make you believe
 10 he's a good teacher?
 11 A Because he always -- like he always bent over
 12 backwards for us. If we needed some extra help, he'd
 13 stay after school. If we need like -- if we need help
 14 doing anything in the classroom, if we -- if we didn't
 15 have a book or we didn't -- or we didn't like -- if we
 16 had to share a book, then he would pair us up, and it's
 17 like basically he made us all like work together and get
 18 to know each other better.
 19 Q Did you have -- strike that.
 20 Do you recall what room number your social
 21 studies class was in during the seventh grade year?
 22 A No.
 23 Q Did you have a textbook to use in your social
 24 studies class during the seventh grade year?
 25 A After like -- after the first two semesters.

1 textbook to use in that class?
 2 A Yes.
 3 Q Do you remember the name of the textbook that
 4 you ultimately received in the social studies class?
 5 A All I remember seeing is social studies.
 6 Q And once the books were provided to your class,
 7 did you have your own copy of the textbook to use in
 8 class?
 9 A Sometimes.
 10 Q Were there occasions where you didn't have your
 11 own copy of the text to use?
 12 A Yes.
 13 Q Can you estimate the number of occasions where
 14 you didn't have your own copy of the social studies
 15 textbook to use?
 16 A It depends on like -- because one class has 25
 17 students, and the next class has 30 students, and it's
 18 like, in your period, if, like, people didn't come, if
 19 people was absent, then we have our own books, but
 20 other than that, we had to share like two or three to a
 21 group.
 22 Q Can you recall how often or the number of
 23 occasions that you had to share textbooks?
 24 A Say about three times a week.
 25 Q Did you ever take the textbook in your social

1 studies class home?
 2 A No.
 3 Q Did you ever request to take the textbook home?
 4 A We couldn't.
 5 Q Did you ever request to take the textbook home?
 6 A No.
 7 Q Now, prior to receiving the textbooks during
 8 the first 12 weeks or so, what kind of things did you do
 9 in class without a textbook?
 10 A Like we -- we was doing projects on the Mayans
 11 and Aztecs. So it's like when we didn't have our books,
 12 then we will watch a movie, or he will print us some
 13 worksheets to read off of, and we would do a crossword
 14 puzzle instead.
 15 Q Can you recall any other types of assignments
 16 you would do prior to having the textbooks?
 17 A Study different countries.
 18 Q How would you go about studying different
 19 countries?
 20 A Like seeing who has -- who -- what's the
 21 biggest country, what's the smallest continent, and we
 22 would learn about different cultures.
 23 Q Can you describe the physical condition of the
 24 social studies textbooks that you used during your
 25 seventh grade social studies course?

1 A The whole -- the whole back, or whatever, the
 2 whole -- you know, the front part, the hard part --
 3 Q The cover?
 4 A Yes. It was like folded, and the little lace
 5 white part, it was just by itself. So when you picked
 6 up the book, the -- the back fell, I mean like came
 7 together like that.
 8 MS. LHAMON: You want to show us? Is that what
 9 you're doing?
 10 THE WITNESS: Yeah. I need a book.
 11 MS. LHAMON: I have my calendar.
 12 THE WITNESS: It was like this. Like this
 13 (indicating).
 14 MS. LHAMON: So the back pages and the cover
 15 would touch each other from the outside?
 16 THE WITNESS: Yes. And the white lace part
 17 that -- that get -- was stitched together would hold it
 18 like that.
 19 MS. LHAMON: The binding of the book?
 20 THE WITNESS: Yes. At least --
 21 MS. LHAMON: Thank you.
 22 MR. SIMMONS: Q So is it fair to characterize
 23 those as problems with the cover or the binding of the
 24 book?
 25 A Yes.

1 Q And do you know about how many textbooks had
 2 that problem?
 3 A About 15. And if they didn't have that
 4 problem, there was pages ripped out. And if wasn't
 5 pages ripped out, the whole little back that go around
 6 the binder all the way was gone.
 7 Q So other textbooks would have pages ripped out,
 8 and still others would be missing a cover altogether?
 9 Is --
 10 A Yes.
 11 Q And I think earlier you mentioned that you
 12 thought that about 15 of the textbooks had problems with
 13 their covers or the binding.
 14 A Yes.
 15 Q And is that an estimate, or do you recall that
 16 specifically?
 17 A I recall that specifically.
 18 Q Do you recall about how many books had pages
 19 ripped out?
 20 A Basically the -- half of the other set, like
 21 the other 15.
 22 Q Do you think that there were 30 textbooks
 23 total, or is that -- strike that.
 24 A Total.
 25 Q Do you recall specifically how many textbooks

1 there were?
 2 A About from 25 to 30.
 3 MS. LHAMON: Olivia, just so you understand,
 4 when Shaun asks you if you recall specifically how many
 5 there are, I think he's asking --
 6 Correct me if I'm wrong.
 7 I think he's asking if you're sure of the exact
 8 number, not if you have a specific memory of seeing some
 9 books. But if you said, for example, that you thought
 10 there were 15, he's asking are you sure there are 15, or
 11 might there have been 14 or might there have been 16 or
 12 something like that?
 13 THE WITNESS: Well estimate, whatever.
 14 MR. SIMMONS: Q So you recall that there were
 15 about 25 to 30 textbooks in your social studies class;
 16 is that correct?
 17 A Yes.
 18 Q And you recall that about 15 of them had
 19 problems with the cover?
 20 A Yes.
 21 Q And then you think that the remaining books had
 22 problems with pages being ripped out?
 23 A Yes.
 24 Q Other than textbooks, did Mr. Nawa use any
 25 other types of materials to teach your class?

1 A Worksheets.
 2 Q Can you recall anything else?
 3 A Movies.
 4 Q Did you ever do art projects in his class?
 5 A Yes.
 6 Q Can you tell me the kind of art projects that
 7 you did?
 8 A We had to design different Aztecs and Mayans.
 9 Like we had to draw them and -- and tell who it was and
 10 what they did, and we had to color them in.
 11 Q Were you assigned homework in your social
 12 studies class during the seventh grade?
 13 A Sometimes.
 14 Q Do you recall about how often you were assigned
 15 homework in that class?
 16 A No.
 17 Q Do you recall the types of assignments that you
 18 were given in that class?
 19 A Study for tests.
 20 Q Any other types of assignments that you can
 21 recall?
 22 MS. LHAMON: Shaun, I'm assuming you're
 23 limiting it to separate from what she's already
 24 testified to, the Aztecs and the Mayans?
 25 MR. SIMMONS: Yeah.

1 Q Can you recall any other occasions where you
 2 saw a mouse in your seventh grade social studies class?
 3 A They was just there.
 4 Q Can you recall any other specific occasions
 5 where you saw a mouse in your social studies class?
 6 A No.
 7 Q Do you recall ever seeing a rat in your social
 8 studies class during the seventh grade year?
 9 A No.
 10 Q Do you recall seeing a cockroach in your
 11 seventh grade social studies class?
 12 A Yes.
 13 Q Can you recall on how many occasions that you
 14 saw a cockroach in this classroom?
 15 A Not that much.
 16 Q Are you able to put that in terms of a number
 17 of occasions that you would feel comfortable with? Can
 18 you estimate?
 19 A No.
 20 Q Did your seventh grade social studies classroom
 21 ever become uncomfortably cold?
 22 A Yes.
 23 Q And again, were there particular times of the
 24 year when the social studies classroom would be
 25 uncomfortably cold?

1 THE WITNESS: Hmm?
 2 MS. LHAMON: I was asking if the question was
 3 limited to separate from what you already told us about,
 4 about the Aztecs and Mayans. So if you can remember any
 5 other kinds of assignments that you had.
 6 THE WITNESS: No.
 7 MR. SIMMONS: Q Did you ever see a mouse in
 8 your seventh grade social studies class?
 9 A Yes.
 10 Q And did you see a mouse on more than one
 11 occasion in your social studies class?
 12 A Yes.
 13 Q Do you recall about on how many occasions?
 14 A Say one time a week.
 15 Q Do you recall any occasions where you saw a
 16 mouse specifically?
 17 A Yes.
 18 Q Can you tell me one of those?
 19 A When we was -- when we was presenting our
 20 project, and first my teacher was like introducing
 21 people, and in the middle of his -- in the middle of his
 22 little paragraph or whatever, a mouse ran across the
 23 chalkboard. Because it's holes like down -- there's big
 24 old holes, then there's holes on the end of each side of
 25 the chalkboard.

1 A Around the same area, November, December.
 2 Q And how about with respect to January and
 3 February? Do you recall it being uncomfortably cold
 4 during those times of the year?
 5 A It was in between.
 6 Q When you say in between, could you tell me what
 7 you mean by that?
 8 A Hmm?
 9 Q When you say -- you said -- I asked you about
 10 January and February, and you said it was in between.
 11 A (Witness nods head.)
 12 Q Can you tell me what you meant by that?
 13 A It was like, it's not a "yes" or "no." So it's
 14 like in the middle.
 15 MS. LHAMON: Like some days would be cold and
 16 some days wouldn't be? Is that what --
 17 THE WITNESS: Yes. Thanks.
 18 MR. SIMMONS: Q Could you estimate the number
 19 of days in January that Mr. Nawa's classroom would
 20 become uncomfortably cold?
 21 A No.
 22 Q Would that be the same with respect to
 23 February?
 24 A Yes.
 25 Q Was there a heater in that classroom?

- 1 A Yes.
- 2 Q And do you know whether the heater worked or
3 not?
- 4 A It didn't.
- 5 Q Can you tell me how you know that it didn't
6 work?
- 7 A He told us.
- 8 Q Mr. Nawa told you that the heater didn't work?
- 9 A Yes.
- 10 Q Do you recall a specific occasion where he said
11 that to you?
- 12 A No. It's like in beginning of the year he was
13 breaking down the rules, and like he said basically some
14 of the windows not opening, so we might have some
15 difficult days, and he said the heater doesn't work. He
16 said, "I already, you know, tried to talk to the
17 principal and see what's going on, but it just didn't
18 work." And people used to sit on the heaters and stuff,
19 and it was like it really wouldn't matter if it worked
20 or not.
- 21 Q And did the social studies classroom during
22 your seventh grade year ever become uncomfortably cold?
23 Or excuse me. Uncomfortably warm?
- 24 A Yes.
- 25 Q Can you tell me, well, were there particular

- 1 times of the year when the social studies classroom
2 would become uncomfortably warm?
- 3 A Between like springtime.
- 4 Q And when you say springtime, can you tell me
5 what months you're referring to?
- 6 A April or May.
- 7 Q Were there any other times of the year where
8 your seventh grade social studies classroom would become
9 uncomfortably warm?
- 10 A No.
- 11 Q Do you recall, can you estimate the number of
12 occasions in April that the social studies classroom
13 would become uncomfortably warm?
- 14 A Every day.
- 15 Q And how about with respect to May? Can you
16 estimate the number of days that the seventh grade
17 social studies classroom would be uncomfortably warm?
- 18 A Every day.
- 19 Q Were there any other aspects of your seventh
20 grade social studies classroom that you thought were
21 unsatisfactory?
- 22 A Yes.
- 23 Q Can you tell me what those are.
- 24 A When -- one day was trying to open the window,
25 and this boy had like pushed it so far, he fell out the

- 1 window.
- 2 Q Any other conditions in that classroom that you
3 felt were unsatisfactory?
- 4 A No.
- 5 Q Now, you said that a student tried to open the
6 window and that he fell out of the window.
- 7 A Yes. Because he pushed it too far.
- 8 Q Do you recall what floor your classroom was on?
- 9 A He didn't get hurt. It was on the second
10 floor.
- 11 Q Did he fall outside of the classroom down to
12 the ground?
- 13 A Yes.
- 14 Q Do you recall -- can you estimate how far it
15 was down to the ground from that window?
- 16 A Like -- like that (indicating). So I'd say --
17 I don't know.
- 18 MS. LHAMON: When you indicated "like that,"
19 that's about --
- 20 THE WITNESS: It was like this (indicating).
- 21 MS. LHAMON: So about half a foot from the
22 window to the ground?
- 23 THE WITNESS: Yeah. He didn't fall -- it
24 wasn't -- it wasn't a big old great whoop-de-do fall.
25 It was like he didn't get hurt or nothing. It was like

- 1 grass right there, so it didn't matter.
- 2 MR. SIMMONS: Q So -- okay. But this
3 classroom -- I'm just trying to figure out, because this
4 classroom was on the second floor.
- 5 A Second floor isn't high.
- 6 Q Okay.
- 7 MS. LHAMON: Is the first floor below ground
8 level at Burbank, or is Burbank on a slope so some parts
9 of the first floor would be below ground level?
- 10 THE WITNESS: It's kind of -- it's like, it's
11 real flat, so like as soon as you walk out, the grass is
12 all right there. So it's like -- it's like not sinking
13 into the -- to like the ground, whatever, but it's like
14 kind of real flat. It's like you right there. So the
15 second floor isn't that high.
- 16 MR. SIMMONS: Q So the second floor, the
17 window that he pushed open and fell out of was -- it was
18 only about six inches to the ground?
- 19 A Right.
- 20 Q Did he get hurt at all?
- 21 A No.
- 22 Q Do you recall the student's name?
- 23 A [REDACTED]
- 24 Q Anyway chance you could spell that for the
25 record?

1 A No. I know it was [REDACTED] -- I don't know. I
 2 forget the rest.
 3 Q And was that window -- did that window
 4 actually -- strike that.
 5 You say he pushed the window out --
 6 A Open.
 7 Q -- open, and he fell.
 8 Did the window -- I mean, was there a problem
 9 with the window, or did he just open it too far and
 10 fall?
 11 A The window hadn't been opened in a long time,
 12 so it's like he had to really force it and really get it
 13 out.
 14 Q Okay. So he had to push hard on this
 15 particular window to get it to open?
 16 A Yes.
 17 Q And then when the window finally broke loose,
 18 it pushed out quickly and he fell? Is that a fair
 19 characterization?
 20 A Yes.
 21 Q Do you recall who your English teacher was
 22 during the seventh grade?
 23 A Didn't we already do English?
 24 MS. LHAMON: I think we did.
 25 THE WITNESS: Yeah, we did, because that's

1 [REDACTED]
 2 MS. LHAMON: Yeah.
 3 MR. SIMMONS: Q [REDACTED] And that's
 4 for seventh grade?
 5 A Yes.
 6 MS. LHAMON: Are you sure that's seventh grade,
 7 Olivia?
 8 THE WITNESS: Mm-hmm.
 9 MR. SIMMONS: Yeah, I think I recall
 10 [REDACTED] but I'm not sure whether she did that
 11 for sixth grade instead.
 12 MS. LHAMON: When we talked about
 13 [REDACTED] we were talking about the sixth grade on
 14 the first day.
 15 THE WITNESS: I'm sorry. So that's sixth
 16 grade. I don't know who my English teacher was in
 17 seventh grade.
 18 MR. SIMMONS: Q Do you recall whether your
 19 English teacher was a man or a woman?
 20 A Nope.
 21 Q So I would take it that you cannot recall
 22 whether this teacher was a good or a bad teacher?
 23 A Nope.
 24 Q Do you recall whether you had a textbook in
 25 your seventh grade English class?

1 A Nope.
 2 Q And when you say no, that means you don't
 3 recall?
 4 A Nope.
 5 Q Do you recall any of the types of assignments
 6 that you would do in your seventh grade English class?
 7 A No.
 8 MS. LHAMON: I think we should probably take a
 9 break.
 10 MR. SIMMONS: Okay. That's fine.
 11 (Recess taken.)
 12 MR. SIMMONS: Q If we could just go back over
 13 the classes that you had during the seventh grade and
 14 figure out the teachers for those. Correct me if I'm
 15 wrong on this one.
 16 Was your science teacher during the seventh
 17 grade Mr. Fagan?
 18 A No.
 19 Q Who was your science teacher during the seventh
 20 grade?
 21 A See, Miss Fagan was my science teacher, but
 22 then -- yeah, Miss Fagan.
 23 Q Ms. Fagan?
 24 A (Witness nods head.)
 25 Q And with respect to math, you had two math

1 classes during your seventh grade year; is that correct?
 2 A Yes.
 3 Q And from one of those classes you recall
 4 Mr. Covington being your teacher; is that right?
 5 A Yes. And other one was Mr. Isendorf.
 6 Q Your social studies teacher for the seventh
 7 grade was Mr. Nawa; is that correct?
 8 A Yes.
 9 Q And who was your English teacher?
 10 A Miss Foster.
 11 Q And did you take any other classes than
 12 science, math, social studies, English, and gym during
 13 your seventh grade year?
 14 A My gym was Mr. Gabutero.
 15 Q Could you spell that?
 16 A No.
 17 MS. LHAMON: It's G-a-b-u-e -- I'm sorry.
 18 G-a-b-u-t-e-r-o.
 19 THE WITNESS: I also had music, but then I
 20 transferred to [REDACTED] class.
 21 MR. SIMMONS: Q And who was the music
 22 teacher?
 23 A [REDACTED]
 24 Q Do you recall what number or what room number
 25 you had your music class in?

- 1 A 117.
 2 Q And how long did you remain in that music
 3 class?
 4 A Like a month.
 5 Q Do you recall why you transferred from the
 6 music class to [REDACTED] math class?
 7 A Because I didn't want to play trombone.
 8 Q Were there any unsatisfactory conditions that
 9 you can recall in your music class in room 117 other
 10 than having to play trombone?
 11 A If we didn't -- like if we talk in class while
 12 he talking, or if we like really didn't try hard enough
 13 to play the instrument, he'd make us do push-ups.
 14 Q Any other unsatisfactory conditions that you
 15 can recall?
 16 A He clown you. He'd talk about you.
 17 Q When you say he'd talk about you, could you
 18 explain that a little further?
 19 A He'd call you bonehead. He'd just be playing
 20 around, but some people take it serious.
 21 Q Okay. Any other unsatisfactory aspects of the
 22 music class?
 23 A No.
 24 Q Now, your seventh grade English teacher,
 25 Ms. Foster, was she a good teacher?

- 1 A Yes.
 2 Q About when was that?
 3 A About like May, June. One of them.
 4 Q When you say May, June, do you mean of 2000?
 5 A 1999, I believe.
 6 Wasn't seventh grade 1999?
 7 MS. LHAMON: Yes.
 8 THE WITNESS: 1999.
 9 MS. LHAMON: Oh, you know what?
 10 THE WITNESS: No. Seventh. 1997, right?
 11 MS. LHAMON: It's 2000. Shaun was right in the
 12 first place, because you're in ninth grade in the
 13 2001/2002 school year. So eighth grade would have been
 14 2000/2001, and seventh grade would be '99 to 2000.
 15 THE WITNESS: How, if I graduate 2001?
 16 MS. LHAMON: And you graduated when you were in
 17 eighth grade, so your seventh grade spring would have
 18 been 2000.
 19 THE WITNESS: That's what I said the first
 20 time.
 21 MS. LHAMON: All right.
 22 MR. SIMMONS: Q All right. So can we
 23 place -- now can we place Mr. Nawa leaving as your
 24 teacher of social studies in the seventh grade sometime
 25 during May or June of 2000?

- 1 A Yes.
 2 Q What about Ms. Foster makes you think she was a
 3 good teacher?
 4 A She just took -- took time to sit down and read
 5 with each -- each one of us, everybody in the class, to
 6 make sure that we all can read and make sure like we was
 7 understanding what we was reading. And how she did that
 8 was, she -- like it was a little book log, or whatever,
 9 and we had to pick a book, and we had to write about it
 10 every night.
 11 Q Was Miss Foster your English teacher for the
 12 entire seventh grade year?
 13 A Yes.
 14 Q And just real quickly back to your seventh
 15 grade social studies class. Was Mr. Nawa your teacher
 16 for the entire year --
 17 A No.
 18 Q -- in that class?
 19 A No.
 20 Q Did you have other teachers than Mr. Nawa?
 21 A Yes.
 22 Q Can you tell me who those teachers were?
 23 A We had a substitute every day.
 24 Q Do you recall when Mr. Nawa was no longer the
 25 teacher of your seventh grade social studies class?

- 1 A Yes.
 2 Q Okay. Did you have a textbook to use in your
 3 seventh grade English class, if you can recall?
 4 A I don't remember.
 5 Q Do you recall whether you ever received
 6 homework in your English class?
 7 A Yes.
 8 Q Do you know about how often you would receive
 9 homework in that class?
 10 A Every day.
 11 Q Can you tell me some of the types of homework
 12 assignments you would get from Ms. Foster?
 13 A Reading logs, and we had to -- like we all read
 14 the same book in our class, and we all had to do
 15 different -- different stuff. Like if we want to do a
 16 wanted poster or like write a police report or do a --
 17 say like an ad in a newspaper or something, but we had to
 18 like tell about the character and what they did, and we
 19 had to draw a picture of them and stuff.
 20 Q So one of the things you're recalling is kind
 21 of a creative book report that you would do for one of
 22 the books you were reading in class?
 23 A Yes.
 24 Q Is that right?
 25 A Yes.

1 Q Do you recall what book that was, the title of
 2 the book?
 3 A No.
 4 Q Other than the -- with the book you were just
 5 referring to, was this a textbook, or was it a novel?
 6 A Novel.
 7 Q Other than the novel that you've identified,
 8 can you recall any other types of instructional
 9 materials that Ms. Foster used in your seventh grade
 10 English class?
 11 A Books. Like she had like her own little
 12 library or whatever. So it's like when we didn't have
 13 nothing to do in class, she tell everybody to go and get
 14 a book and go read for the rest of the period.
 15 Q And were those also -- those books you're
 16 referring to, were those novels, too?
 17 A Yes.
 18 Q All right. Can you recall any other types of
 19 instructional materials?
 20 Bless you.
 21 A Thank you.
 22 What's that?
 23 Q Can you recall any other types of instructional
 24 materials being used in your seventh grade English
 25 class?

1 MS. LHAMON: Right, but for -- how about just
 2 the [REDACTED] part? Do you know how to spell that?
 3 THE WITNESS: [REDACTED] And Perez, P-e-r-e-z.
 4 MS. LHAMON: Thank you.
 5 MR. SIMMONS: Can we go off the record?
 6 (Off-record discussion.)
 7 (Whereupon, Deposition Exhibit 3 was
 8 marked for identification.)
 9 MR. SIMMONS: We just put -- marked a document
 10 as Exhibit No. 3, which is a list of the classes and
 11 teachers that Olivia had during the seventh and eighth
 12 grade year. It just helps her to remember these
 13 teachers with a little more clarity, and so we've just
 14 put that in the record as Exhibit 3.
 15 Does that sound correct to you two?
 16 MS. LHAMON: It does to me.
 17 THE WITNESS: Yes.
 18 MR. SIMMONS: Q Was Mr. Geller a good
 19 teacher?
 20 A Yes.
 21 Q What about him made you think he was a good
 22 teacher?
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 A No.
 2 Q Did you ever see a mouse in your seventh grade
 3 English class?
 4 A No.
 5 Q Did you ever see a rat in that class?
 6 A No.
 7 Q How about a cockroach? Did you ever see a
 8 cockroach in that class?
 9 A Yes.
 10 Q Do you recall on how -- well, do you recall on
 11 how many occasions you saw a cockroach in Miss Foster's
 12 class?
 13 A Not very much. She kept her classroom clean.
 14 Q Were there any other unsatisfactory conditions
 15 in your seventh grade English classroom?
 16 A No.
 17 Q Can you tell me what classes you took during
 18 the eighth grade at Luther Burbank?
 19 A I took -- I had Mr. Geller for social studies.
 20 I had Mr. Coleman for gym. Mr. Concidine was math.
 21 [REDACTED] slash Perez was my other math class. I had
 22 Mr. Brookins for English and Mr. Candia for science.
 23 MS. LHAMON: Olivia, do you know how to spell
 24 [REDACTED] Perez?
 25 THE WITNESS: No. It's -- it's not one name.

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 THE WITNESS: Oh, no. It's like he used to
 7 make social studies fun. Like one -- like we was
 8 talking about wars and the presidents and stuff. So
 9 like one class, one side of the class was like -- who
 10 was in World War I? The -- I don't know. We was -- one
 11 side was America, the other side was the Spaniards, or
 12 something like that?
 13 MS. LHAMON: This is your history lesson, not
 14 mine.
 15 MR. SIMMONS: Yeah, exactly. We're not going
 16 to go on record and demonstrate how little we know of
 17 U.S. history.
 18 THE WITNESS: And so then it's like one side
 19 had to present on the Americans, the other side had to
 20 present on whoever else it was, and it's like, it was
 21 fun. And we used to like -- he used to teach us about
 22 like -- he used to teach us about George Washington and
 23 Abraham Lincoln and how the presidents made a
 24 difference, and we used to talk about Bill Clinton and
 25 everything else, but it's like he -- the way he made it

1 fun was he -- he put some fun in social studies. Like
 2 we wasn't just sitting down reading a book, whatever.
 3 He like made us partner up and like find -- find a
 4 president or find a event that happened, and he made us
 5 like write about it and understand it and like
 6 experience it to -- experience it and like make us like
 7 put ourselves in their shoes. And it's like we -- we
 8 also had to present to the whole class, and it's like he
 9 said that he was teaching us speech, like how to get up
 10 there and not be afraid and to just like speak out in
 11 front of the class, and he taught us how like speak and
 12 don't be -- don't be using slur and stuff. And he was
 13 just like -- I don't know. That's it.

14 MR. SIMMONS: Q Do you recall whether you had
 15 a textbook to use in your eighth grade social studies
 16 class?

17 A Yes.

18 Q Do you remember the name of the textbook?

19 A Social studies.

20 Q Did you have your own copy of that textbook to
 21 use in class?

22 A Yes.

23 Q Did you ever have to share that textbook?

24 A Yes.

25 Q Do you know about on how many occasions you had

1 was doing a project, I did -- like me and this girl, we
 2 live by each other, and say we was doing it together, so
 3 we ask him could we take it home, he say yeah, but we
 4 was the only ones in the whole class that took it home.

5 Q And you just recall that happening on one
 6 occasion, or did it happen on other times?

7 A One occasion.

8 Q Can you describe the physical condition of the
 9 textbooks that you used in your eighth grade social
 10 studies class?

11 A Terrible.

12 Q What about the textbooks, what aspects of the
 13 textbooks leads you to describe them as being in
 14 terrible condition?

15 A Like one of them had a hard -- had the little
 16 hard cover and everything, but it had no pages. It had
 17 nothing in it.

18 Q All of the pages were ripped out of one book?

19 A Yes. It only had the hard cover and the little
 20 stitching part. It didn't have the pages.

21 Q Any other aspects of the physical condition of
 22 the books that lead you to characterize them as in
 23 terrible condition?

24 A Ripped and like torn and pages half -- half
 25 of -- half of the page was there, and some pages wasn't

1 to share the textbook?

2 A Every other day.

3 Q Is that an estimate when you say every other
 4 day, or do you recall that specifically?

5 A I recall that specifically.

6 MS. LHAMON: I just want to say to you again,
 7 when Shaun asks you if you recall something specific,
 8 he's not asking you do you remember that it happened.
 9 He's asking do you remember specifically the number that
 10 you're talking about.

11 THE WITNESS: Mm-hmm.

12 MR. SIMMONS: Q Okay. Did you ever take that
 13 textbook home to do homework?

14 A We couldn't.

15 Q When you say "we couldn't," can you tell me why
 16 that was that you couldn't take the textbook home?

17 A It wasn't enough books.

18 Q Do you know how many copies of the social
 19 studies textbooks there were?

20 A No.

21 Q Did you ever ask if you could take the textbook
 22 home?

23 A It depended -- it really depended on like what
 24 we was doing. Like if we -- if we was just -- if we was
 25 just doing classwork, then I wouldn't, but if -- if I

1 there. And it's like, if -- them textbooks, those
 2 textbooks were from 1989.

3 Q Just to check up, are you sure about that, the
 4 date on --

5 A Yes.

6 Q -- when your textbooks were -- what year your
 7 textbooks were --

8 A Published?

9 Q Published, yeah.

10 A Yes.

11 Q Okay.

12 MS. LHAMON: Olivia, you can refer to
 13 Exhibit 1, which is your declaration, and just see. We
 14 may need to make a correction, then, in your
 15 declaration. On Exhibit 1 on paragraph 4, you said that
 16 the books are from 1991.

17 THE WITNESS: Oh, that was different.

18 MS. LHAMON: That was your seventh grade year,
 19 and I just want to check with you and see if --

20 THE WITNESS: That's eighth grade, 1989.

21 MR. SIMMONS: Q Okay. Do you recall now how
 22 you know that the textbooks were published in 1999?

23 A '89.

24 Q Oh, '89. I'm sorry. I thought -- did I hear
 25 1999 at one time or --

1 MS. LHAMON: She said '89.

2 MR. SIMMONS: Okay. Sorry. That's why I
3 asked.

4 Q So let's see. Did we get an answer to the
5 question, which was, do you recall how you know that the
6 textbooks for your social studies class in the eighth
7 grade were from 1989?

8 A Because when we first got them, you have to
9 open them and write your name.

10 Q And did you see a copyright date in there that
11 made you think that or --

12 A What's -- what's copyright?

13 Q Okay. Was there some -- when you opened the
14 book, what did you see that led you to believe that the
15 textbook was from 1989?

16 A It says date, 1989. It says published in 1989.
17 Then we had to write our name under and our homeroom
18 number.

19 Q Did your eighth grade social studies teacher
20 use instructional materials other than textbooks to
21 teach your class?

22 A Yes.

23 Q Bless you.

24 A Thank you.

25 Q Can you tell me what other types of

1 Q Did you think it was strange that he wasn't
2 assigning homework to your class?

3 A I didn't care.

4 Q And so I take it that you never asked for
5 homework out of that class?

6 A Not if he didn't give it to us.

7 Q Okay. Did you ever see a math in your eighth
8 grade social --

9 A Who?

10 Q Strike that. Did you ever see a mouse in your
11 eighth grade social studies classroom?

12 A No.

13 Q How about a rat in that classroom?

14 A No.

15 Q And how about a cockroach in that classroom?

16 A Yes.

17 Q Do you recall on how many occasions you saw a
18 cockroach in your eighth grade social studies classroom?

19 A Every day.

20 Q Are there any other unsatisfactory conditions
21 in your eighth grade social studies classroom that you
22 can recall?

23 A Tables was always sticky. Because we didn't
24 have desks. We had big, long tables.

25 Q Anything else?

1 instructional materials your teacher used?

2 A Like crayons and paper and like just -- just
3 supplies like staple -- I mean, staplers and rulers and
4 stuff. And sometimes if we didn't have nothing to do,
5 he'll -- we'll watch like -- you know, like the verb
6 movies or whatever, Conjunction Junction and all that.
7 We know all the songs.

8 Q Did you ever make use of worksheets in that
9 class?

10 A Yes.

11 Q Can you describe the types of worksheets that
12 you would have used in that class?

13 A Yes. It's like, you know how like the
14 crossword puzzles is? Like what president did this,
15 what president did that, when was the war, and stuff
16 like that.

17 Q Were you assigned homework in your social
18 studies class during the eighth grade?

19 A No.

20 Q So you don't recall ever receiving any homework
21 assignments in your eighth grade social studies class?

22 A No.

23 Q Did you ever ask to be assigned homework in
24 that class?

25 A He never assigned it, period.

1 A His heater was broken. And he'd keep the
2 windows open all the time, so it was like if -- it's
3 like people that cut classes, that they just come in our
4 classroom through the windows. It's like, if you look
5 out the window, the floor's right there. You can just
6 jump out the window and go up the stairs and just leave
7 school.

8 Q So is it your testimony that your eighth grade
9 social studies teacher would leave the windows of the
10 classroom --

11 A Open.

12 Q -- open and that students would leave the
13 classroom through those windows?

14 A If he wasn't looking.

15 Q Do you recall any specific instances when that
16 occurred?

17 A Yes.

18 Q Can you tell me about one of them?

19 A If like -- if students was running from
20 security guards or something like that, then they come
21 in our classroom, hurry up so that the teacher wouldn't
22 see them, and they'd hop out of the window.

23 Q I guess I'm just trying to figure out if you
24 recall like a specific time where it happened and if you
25 can tell me about that specific time.

1 A No.
 2 Q And you also mentioned the heater in that
 3 classroom was broken?
 4 A Yes.
 5 Q Did that classroom ever become uncomfortably
 6 cold?
 7 A Yes.
 8 Q Were there specific times of a year where it
 9 would become uncomfortably cold?
 10 A It was cold every day.
 11 Q Every day of the school year?
 12 A Yes.
 13 Q So I take it that that -- did that classroom
 14 ever become uncomfortably warm?
 15 A No.
 16 Q And Mr. Coleman was your gym teacher; is that
 17 correct?
 18 A Yes.
 19 Q Do you recall whether Mr. Coleman was a good
 20 teacher?
 21 A Yes.
 22 Q What things about Mr. Coleman leads you to
 23 characterize him as a good teacher?
 24 A No matter what, you had to do what he said.
 25 And it's like, sometimes if you wasn't feeling good or

1 whatever, he give you a break, but he wanted everybody
 2 to exercise and like keep up their hygiene and stuff.
 3 Q Did you have a textbook or a workbook of any
 4 kind that you used in your gym class in the eighth
 5 grade?
 6 A No.
 7 Q Did you ever get homework in that class?
 8 A Yes.
 9 Q What kind of homework would you get?
 10 A We had to do projects on running, and like next
 11 month we would do jogging, next month we'll do push-ups.
 12 But before we did all the projects and stuff, he'll make
 13 us do it. He like make us experience it first. Like
 14 he -- like if one month we doing jumping jacks, he will
 15 make us do a test on jumping jacks, or he give us a lot
 16 of information on jumping jacks, and then he tell us
 17 like go home and like -- or go to the library or
 18 something, or computer or -- and look it up and see what
 19 you can find on there. But he said just don't copy it
 20 out the book; like read it, think about it, and put it
 21 into your own words.
 22 Q So some of your homework assignments at least
 23 would consist of --
 24 A Exercise.
 25 Q -- investigating an exercise and writing about

1 it or actually doing the exercise?
 2 A Both.
 3 Q Both. What part of the school were the actual
 4 gym activities held during your eighth grade school
 5 year?
 6 A Outside in the gym.
 7 Q So was there a playground area outside where
 8 you would hold gym activities on certain days?
 9 A Playground?
 10 Q I guess that's bad. Was there a -- how to say
 11 this. There was a specific area outside where you would
 12 have your gym class conducted; is that correct?
 13 A Not really.
 14 Q Did you ever do any activities for your gym
 15 class outside?
 16 A Yes.
 17 Q What kind of activities did you do outside?
 18 A Baseball, football, flag football, kickball,
 19 softball, basketball. But it's two levels. It's one
 20 level that's right by the gym, and there's one level
 21 where you go downstairs, and that's like the other
 22 floor, but the one -- the level downstairs has
 23 basketball and has kickball area, but the one at the
 24 upper level has baseball and volleyball and stuff.
 25 Q Were there a baseball field in this area?

1 A Uh-uh. No.
 2 Q Were there basketball courts in the area?
 3 A Yes.
 4 Q Were there any aspects of the area where you
 5 played baseball, football, and the other games, were
 6 there any aspects of that area that you found
 7 unsatisfactory?
 8 A They just didn't sweep it.
 9 Q Anything else?
 10 A The nets was -- well, some of the basketball
 11 courts, there was no nets, and other ones was cut up.
 12 Q And you also held gym activity -- or you did
 13 P.E. activities in the gym; is that correct?
 14 A Yes.
 15 Q Was the condition of the gym the same during
 16 your eighth grade year as it was during your sixth and
 17 seventh grade years?
 18 A Yes.
 19 Q And could you describe the condition of the gym
 20 for me.
 21 A Once --
 22 MS. LHAMON: Asked and answered from the first
 23 day.
 24 THE WITNESS: Huh?
 25 MS. LHAMON: I was making an objection. You

1 could still answer it.
 2 THE WITNESS: What's that mean? I don't have
 3 to answer?
 4 MS. LHAMON: That means you do have to answer.
 5 THE WITNESS: Oh.
 6 MS. LHAMON: Just making my objection for the
 7 record.
 8 THE WITNESS: Specifically what do you mean,
 9 like?
 10 MR. SIMMONS: Q Well, were there any parts of
 11 the gym that you felt were unsatisfactory?
 12 MS. LHAMON: Asked and answered on the first
 13 day.
 14 THE WITNESS: Yes.
 15 MR. SIMMONS: Q Can you tell me what those
 16 were?
 17 A One side the gym, the doors didn't open, so you
 18 had to go to the other side of the gym. And when you
 19 got in there, it's like sometimes the teachers that want
 20 you to sit to the floor, because we had shorts on, and
 21 it was all kinds of stuff on the floor. And we couldn't
 22 play kickball, volleyball, baseball or basketball in the
 23 gym, or we couldn't climb on the ropes.
 24 Q Why couldn't you do those activities that you
 25 identified in the gym?

1 A Because the tiles was falling.
 2 Q Were the ceiling tiles in the gym ever removed?
 3 MS. LHAMON: Asked and answered on the first
 4 day.
 5 You still have to answer.
 6 THE WITNESS: Were they removed? No.
 7 MS. LHAMON: Shaun, can we take a break for a
 8 second?
 9 MR. SIMMONS: Sure.
 10 (Off-record discussion.)
 11 MR. SIMMONS: Q There was a locker room where
 12 you changed for P.E. during the eighth grade; is that
 13 correct?
 14 A Yes.
 15 Q Did you ever see a mouse in the locker room
 16 during your eighth grade school year?
 17 A Every day.
 18 Q Did you ever see a rat in the locker room
 19 during the eighth grade school year?
 20 A What's the difference?
 21 Q Well, we could go back to -- I know -- I
 22 thought earlier you said that one was bigger than the
 23 other. I thought that was the way that you
 24 distinguished between them.
 25 Would it be more fair to say that at least

1 every day you saw either a mouse or a rat? Is that what
 2 you're trying to say?
 3 A Yes.
 4 Q Did you ever see any cockroaches in the locker
 5 room during the eighth grade?
 6 A Yes.
 7 Q On how many occasions?
 8 A Every day.
 9 Q And did you ever see any mice in the gym during
 10 the eighth grade year?
 11 A Yes.
 12 Q On how many occasions?
 13 A Not that often.
 14 Q Are you able to estimate that in terms of a
 15 number?
 16 A Say about six times a month.
 17 Q So you think that you saw a mouse or a rat in
 18 the gym six times a month?
 19 A Yes.
 20 Q And that was during your eighth grade school
 21 year?
 22 A Yes.
 23 Q And how about a cockroach? Did you ever see a
 24 cockroach in the gym during your eighth grade school
 25 year?

1 A Yes.
 2 Q On how many occasions?
 3 A The one -- because it was one dead rat, and the
 4 cockroach was all around it.
 5 Q Was there a dead rat in the gym?
 6 A Yes.
 7 Q Do you recall when you first saw that rat?
 8 A First it was stinking. Something was stinking,
 9 and everybody was trying to find it, and we all found
 10 it. It was in the corner, in the hole.
 11 Q Was it underneath anything?
 12 A No.
 13 Q There was nothing covering the hole?
 14 A No.
 15 Q And do you recall when you first -- well, did
 16 you personally see the rat in the corner of the gym?
 17 A Yes.
 18 Q Do you recall when that first was?
 19 MS. LHAMON: Do you not understand Shaun's
 20 question?
 21 THE WITNESS: Nope.
 22 MR. SIMMONS: Q Was there -- can you recall
 23 perhaps a month of the school year when you first saw
 24 the rat?
 25 A No.

1 Q Was this during your eighth grade school year?
 2 A Yes.
 3 Q Can you recall which semester of your eighth
 4 grade school year?
 5 A Nope.
 6 Q Do you know how long the rat remained in the
 7 corner of the gym?
 8 A They evacuated everybody out, and they called
 9 the janitor.
 10 Q So from the time that you first saw the rat,
 11 was there a number of days that it stayed there before
 12 the janitor came?
 13 A No.
 14 Q Did you report that the rat was in the corner
 15 to anyone?
 16 A The teacher.
 17 Q And so did your teacher then call the janitor
 18 immediately thereafter?
 19 A Yes.
 20 Q And was the rat removed by the janitor on that
 21 same day?
 22 A I don't know.
 23 Q But I think you did testify that the rat was
 24 removed.
 25 A Yeah, but I don't know if they removed it that


1 day.
 2 Q Do you know whether -- do you know how long the
 3 rat stayed in the gym after you reported it to your
 4 teacher?
 5 A They didn't let us come back in.
 6 Q Did you look to see if the rat was in the same
 7 place the next day?
 8 A Uh-uh.
 9 Q So you don't know whether they picked the rat
 10 up after you reported it and they called the janitor?
 11 A They covered the hole up.
 12 Q So they covered the hole up, and you couldn't
 13 see the place where the rat was previously?
 14 A No.
 15 Q But you don't know whether they removed the rat
 16 or not before they covered the hole?
 17 A I didn't check.
 18 Q Your math teacher during the eighth grade, or
 19 one of your math teachers during the eighth grade was
 20 Mr. Conidine; is that correct?
 21 A Yes.
 22 Q And was he -- we'll refer to this as your math
 23 one class. Is that fair?
 24 A Yes.
 25 Q Was he your teacher for your math one class

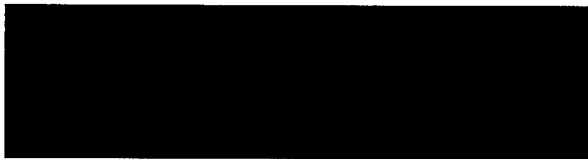
1 during the entire eighth grade year?
 2 A Yes.
 3 Q Was he a good teacher?
 4 A Yes. Sometimes.
 5 Q What leads you to characterize him as a good
 6 teacher?
 7 A Because it was like, if you needed one-on-one
 8 help, then he'd help you, but it's like first he made
 9 you start from -- he made you start from, you know,
 10 times tables to division, then up and up and up and up
 11 and up until you got to where -- till you got to where
 12 everybody else was. But it's like he put people in
 13 different groups for a reason, because everybody wasn't
 14 on the same level. So he put people in the groups with
 15 people that were on the same level.
 16 Q Did you have a math textbook in your eighth
 17 grade class, your eighth grade math one class?
 18 A I don't remember.
 19 Q Do you recall whether you received homework in
 20 that class?
 21 A Yes.
 22 Q Did you receive homework?
 23 A Yes.
 24 Q How often?
 25 A Every day.

1 Q Can you describe for me the types of
 2 assignments that you received for homework in that math
 3 class?
 4 A Basically, we had to -- he would make us --
 5 like five minutes or ten minutes before class, he have
 6 like five people from -- from a table come up and write
 7 a problem on the board, and that will be everybody's
 8 homework. And he did that every day. Or if he didn't,
 9 and everybody wasn't cooperating with him, he'd give us
 10 like 25 problems, or whatever. And basically we study
 11 integers for a long time, so it's like he got -- he made
 12 everybody get it before we moved on to the next level.
 13 Q Did you receive worksheets for your homework
 14 assignments?
 15 A Not really.
 16 Q Do you recall whether there was a book that you
 17 used for your homework assignments?
 18 A I don't remember.
 19 Q Did you ever see a mouse in your math one class
 20 during your eighth grade school year?
 21 A No.
 22 Q How about a rat?
 23 A Nope.
 24 Q And did you ever see a cockroach in that
 25 classroom?

1 A Yes.
 2 Q On how many occasions?
 3 A Every other day.
 4 Q Just ask you again. Is that an estimate, or is
 5 that something that you recall specifically?
 6 A Something I recall specifically.
 7 Q Were there any other unsatisfactory conditions
 8 that you can recall in your math one class during the
 9 eighth grade?
 10 A There was -- he -- because like he has a room,
 11 and then like it's a room between the other math class.
 12 So it's like it's a door, and he -- it's a skeleton in
 13 there named George, and it's like -- it was -- it was a
 14 old janitor, and he got killed in there, and that's why
 15 nobody never went by his desk.
 16 MR. SIMMONS: Could you read that answer back
 17 for me.
 18 (Record read.)
 19 THE WITNESS: Exactly.
 20 MR. SIMMONS: Q The -- okay. So do you
 21 recall a janitor being killed in this particular area of
 22 the school?
 23 A Yes.
 24 Q Do you know when that occurred?
 25 A Wait, wait. Say it again.

1 MS. LHAMON: He asked if you recall a janitor
 2 being killed in that area of the school.
 3 THE WITNESS: We heard the story. He told us
 4 the story.
 5 MR. SIMMONS: Q So was this -- when you say
 6 "he," who are you referring to?
 7 A Mr. Concidine told us the story.
 8 Q Oh. And did he say that the skeleton in the
 9 closet was the janitor? Is that --
 10 A The janitor has a jumper and everything with
 11 the name. He took us all back there, and we seen it.
 12 It's in a locker.
 13 MS. LHAMON: Olivia, the skeleton was dressed
 14 up in the janitor's uniform? Is that what happened?
 15 THE WITNESS: Mm-hmm.
 16 MS. LHAMON: And the teacher told you that?
 17 THE WITNESS: Oh, no. He was a janitor, and he
 18 had a janitor uniform. He probably -- I don't know. He
 19 probably just did it on purpose, but -- and then the
 20 part about it was, he said the janitor got his teeth
 21 knocked out, and this whole row is gone.
 22 MS. LHAMON: Oh, on the skeleton?
 23 THE WITNESS: (Witness nods head.)
 24 MR. SIMMONS: Q Did you take this as your
 25 teacher being serious about this, or do you --

1 A I don't know.
 2 Q -- think he was playing a game?
 3 A I don't know.
 4 Q Okay. Other than this one, which I think I'm
 5 just going to leave aside --
 6 MS. LHAMON: I just want to note for the record
 7 that you're laughing. Olivia --
 8 THE WITNESS: But for real. Seriously. I take
 9 you there. I -- everybody -- and nobody crossed that
 10 line again.
 11 MR. SIMMONS: All right. I still think I'm
 12 going to leave that one.
 13 Q Were there any other unsatisfactory conditions
 14 that you recall in your eighth grade math one class?
 15 A It's -- it's -- the faucet didn't occasionally
 16 work. So like when he made us pick like -- if you was
 17 talking in class while you wasn't supposed to be, he
 18 make you pick the gum from under the table, and like we
 19 had to wash our hands, but the faucet didn't work that
 20 much.
 21 Q Do you recall how many occasions you tried to
 22 use the faucet and it didn't work?
 23 A About every day.
 24 
 25

1 
 2
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 5
 6 Q So you would be using the faucet for other
 7 reasons than you had identified with respect to picking
 8 the gum off of the --
 9 A Under the desks.
 10 Q Okay.
 11 MS. LHAMON: I think now would be the time for
 12 a break.
 13 MR. SIMMONS: You guys want a break? Okay.
 14 MS. LHAMON: Lunch.
 15 MR. SIMMONS: Can we go -- I have like two more
 16 questions to finish off this class. Is that okay?
 17 MS. LHAMON: What did you say?
 18 THE WITNESS: Nothing. Nothing.
 19 MS. LHAMON: You want to let him finish his two
 20 questions?
 21 THE WITNESS: Yeah.
 22 MS. LHAMON: Or are you too hungry?
 23 THE WITNESS: I will let him finish his two
 24 questions.
 25 MS. LHAMON: Thank you.

1 MR. SIMMONS: Q Thank you. I just want --
2 were there any other unsatisfactory conditions in that
3 class that you can recall? I think so far you
4 identified the faucet not working and the skeleton of
5 the janitor. Any other unsatisfactory conditions that
6 you can recall?

7 A No.

8 MR. SIMMONS: Okay.

9 (Whereupon, a lunch recess was taken
10 at 11:46 p.m.)

11
12
13 SAN FRANCISCO, CALIFORNIA; SUNDAY, DECEMBER 2, 2001

14 12:55 P.M.

15 --oOo--

16 EXAMINATION BY MR. SIMMONS

17 MR. SIMMONS: Q Welcome back, Olivia. Just
18 need to ask you, or quickly to remind you that you're
19 still under oath now, and also just to make sure that
20 you didn't take any medication or any substance that
21 would affect your ability to testify.

22 THE WITNESS: What am I supposed to say?

23 MS. LHAMON: You're supposed to answer if you
24 did.

25 THE WITNESS: Oh.

1 nobody did his work or nobody like tried to do the work
2 because they didn't understand what he was saying,
3 because he was like a Arab man, and he has like a real
4 deep accent, so it's like they couldn't understand what
5 he was saying. But at the same time, he tried to teach
6 it to us, but it's like, he -- he explains it different.
7 So it's like, from what we know and what he knows, it --
8 we really didn't understand it. So what we did was,
9 when we have homework and classwork, we went to our
10 other math teacher and asked him could he explain it to
11 us.

12 Q And that other math teacher was Mr. Concidine,
13 was it?

14 A Yes.

15 Q How about Mr. Perez? Was he a good or a bad
16 teacher?

17 A He was a good teacher.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 MS. LHAMON: Did you take any substance?

2 THE WITNESS: No.

3 MR. SIMMONS: Q All right. Now, you also had
4 a second math class, that I think you said a [REDACTED]
5 and also a Mr. Perez were the teachers for that class.

6 A What happened was, Mr. Habo was my teacher, and
7 then he had got fired, and then Mr. Perez came in the
8 picture.

9 Q And could you spell [REDACTED] name for us?

10 A [REDACTED]

11 Q And do you know about when Mr. Perez, during
12 your eighth grade year, became your math teacher?

13 A No.

14 Q Could you place it within a semester of the
15 school year?

16 A No.

17 Q Do you know about how long [REDACTED] was your
18 math teacher?

19 A Two months.

20 Q Do you know why [REDACTED] was fired?

21 A No.

22 Q Did you think that [REDACTED] was a good or a bad
23 teacher?

24 A He was -- he was -- he was like a regular
25 teacher, but it's like he -- like -- like -- he just --

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 Q What things about Mr. Perez led you to
7 characterize him as a good teacher?

8 A Because even though -- even though he used to
9 like just really be to his self, he used to -- if you
10 needed help, he would come and help you, but he would
11 explain the work to his ability, and he would really try
12 to break it down so you can understand it. But
13 sometimes it's like you couldn't really understand what
14 he was saying, so he would just put it on paper.

15 Q And did you have a textbook to use in this math
16 class?

17 A No.

18 Q What instructional materials, if any, were used
19 in -- strike that.

20 Did either [REDACTED] or Mr. Perez make use of
21 any instructional materials to teach the class?

22 A Mr. Perez used to give us worksheets and
23 home -- worksheets on homework. He used to write -- he
24 used to copy down different problems from this book that
25 he had, and he used to copy it down and give it to us

- 1 for homework. But other than that, he'd just use the
2 board and a marker.
- 3 Q Now, you had two math classes. Was one of
4 these classes considered a -- I don't know, I guess a
5 principle math class, and the other one to supplement
6 that class, or were --
- 7 A I don't know.
- 8 Q How would you -- what were the differences
9 between your math class with Mr. Concidine and your math
10 class with [REDACTED] or Mr. Perez?
- 11 A Mr. Concidine's class was more organized, and
12 he -- it's like his class was more harder, and
13 Mr. Perez's class was out of control, and his class more
14 easier. It's like people just used to copy down and
15 hand it to him, and he would just take it.
- 16 Q Did you do the same type -- did you learn about
17 the same types of math problems in both classes?
- 18 A No.
- 19 Q What kind of math problems did you learn about
20 in Mr. Concidine's class?
- 21 A Integers.
- 22 Q And how about with respect to the class taught
23 by [REDACTED] and Mr. Perez?
- 24 A Algebra.
- 25 Q Did you receive homework in the math class that

- 1 Q Anything else?
- 2 A No.
- 3 Q You said there were --
- 4 MS. LHAMON: Bless you.
- 5 THE WITNESS: Thank you.
- 6 MR. SIMMONS: Bless you.
- 7 Q You said there were insufficient numbers of
8 desks or tables in the classroom?
- 9 A Yes.
- 10 Q And just to clarify, did you make use of desks,
11 or were there tables that were used to seat students in
12 that class?
- 13 A Tables.
- 14 Q And why do you say that there was an
15 insufficient number of tables in that class?
- 16 A Because it was like eight tables altogether,
17 and it's like every week we had another student come in
18 from another school, and it's like after a while people
19 would just start sitting on the -- what is that called?
20 The little -- I mean, not -- it's not a -- it's not a
21 table. It's like -- it's like, if it wasn't a table, it
22 was real flat, and it was going around --
- 23 MS. LHAMON: A ledge around the room?
- 24 THE WITNESS: Yeah, a ledge.
- 25 MR. SIMMONS: Q Counter?

- 1 was taught by [REDACTED] and Mr. Perez?
- 2 A Yes.
- 3 Q Do you know about how often?
- 4 A Every day.
- 5 Q And can you describe for me the types of
6 homework assignments you would receive?
- 7 A Math problems.
- 8 Q Did they come to you on worksheets?
- 9 A Yes.
- 10 Q Did you ever see a mouse in the math class that
11 was taught by [REDACTED] or Mr. Perez?
- 12 A No.
- 13 Q Did you ever see a rat in that class?
- 14 A No.
- 15 Q Did you ever see a cockroach in that class?
- 16 A Yes.
- 17 Q Can you tell me on how many occasions?
- 18 A Not that often.
- 19 Q And when you say not that often, can you put
20 that in terms of a number?
- 21 A Probably once a week.
- 22 Q Were there any other unsatisfactory conditions
23 in the math class that was taught by [REDACTED] and
24 Mr. Perez?
- 25 A They didn't have enough desks. Well, tables.

- 1 A Yeah, counter.
- 2 Q When you started the eighth grade year in this
3 math class that was taught by [REDACTED] and Mr. Perez,
4 was there a seat for every student in the class?
- 5 A Was there a chair?
- 6 Q We'll start with, yeah, was there a chair?
- 7 A Yes.
- 8 Q And did they have a place at a table to sit?
- 9 A No.
- 10 Q How many students didn't have a place to sit at
11 the table?
- 12 A At least three.
- 13 Q And was anything done to remedy that situation,
14 if you know?
- 15 A Yes.
- 16 Q Can you tell me what?
- 17 A The janitor had brought some more table -- some
18 more chairs out.
- 19 Q Brought more chairs or more --
- 20 A Chairs.
- 21 Q Okay. Did they have a place, a surface area to
22 use to hold a book or a paper to write notes on?
- 23 A People would scoot in. Everybody scooted in on
24 the table, so it was like four or five people to a
25 table.

1 Q All right. Now, I just want to -- I don't know
 2 whether I misheard. Did you -- I think initially you
 3 testified that there was a chair for everyone at the
 4 beginning of the school year in this math class.
 5 A Yes.
 6 Q But that there weren't enough places at the
 7 eight different tables for students to sit.
 8 A Yes.
 9 Q And then when I asked you if there was
 10 something done to remedy the situation, you said that
 11 there were more chairs brought in. So I guess I'm just
 12 trying to figure out if it was more chairs that were
 13 brought in, or was there more table space -- more table
 14 space brought in for the students so that they could sit
 15 at a table or --
 16 A No. They just had -- I was saying it was more
 17 students coming every week. So then after the janitor
 18 brought up the chairs, then everybody had to scoot in
 19 for everybody to have a little space to do whatever.
 20 Q Okay. So at the beginning of the school year,
 21 there weren't enough chairs for everybody in the class?
 22 A There was --
 23 MS. LHAMON: She --
 24 MR. SIMMONS: Can we go off record?
 25 (Off-record discussion.)

1 MR. SIMMONS: Q So we'll just start again,
 2 that at the beginning of your eighth grade year, there
 3 were enough chairs for everyone?
 4 A Yes.
 5 Q And is it correct to say that -- but that at
 6 the beginning of the year, all of the students weren't
 7 able to sit at a table?
 8 A No, because there wasn't enough space.
 9 Q But then they were able to move in to those
 10 areas?
 11 A Everybody scooted in.
 12 Q Do you know about what size -- were the tables
 13 in the classroom of a uniform size?
 14 A It was from her little computer thing -- that's
 15 how big the size was -- to like right there. It was
 16 like that.
 17 Q When you say "right there," you're --
 18 A No, no, no.
 19 Q -- pointing to that line --
 20 A From here to here to there, that line.
 21 Q To that line in the middle of the table?
 22 A Right.
 23 Q This line here is the one?
 24 A (Witness nods head.)
 25 Q That looks like 12 feet to me, but --

1 A It was a lot of students.
 2 Q Yeah. I'm just -- does that seem like -- is 12
 3 feet a reasonable estimate of the length of the table?
 4 A No, I can't do it, because it's like this table
 5 is so wide, but the other table is like cut in half,
 6 like that.
 7 Q Okay. But the length -- would the length of
 8 the table be about 12 feet?
 9 A Yeah.
 10 Q And then the width, do you know about how many
 11 feet wide the table would be?
 12 A No.
 13 MS. LHAMON: Well, if it's half the width of
 14 the table that we're sitting at now, Olivia, would that
 15 make it three feet wide, do you think? Is that --
 16 MR. SIMMONS: Yeah, that's about half, I would
 17 say.
 18 THE WITNESS: Say about there.
 19 MR. SIMMONS: Q At the beginning of the year,
 20 how many students were sitting -- prior to students
 21 squeezing into place, how many students were seated at
 22 each table?
 23 A About ten.
 24 Q And there were three students who didn't have
 25 seats at a table at the beginning of the year; is that

1 correct?
 2 A Right.
 3 Q And there were eight tables total in that
 4 classroom?
 5 A Yes.
 6 Q So then each of those students, did they join
 7 an individual table somewhere in the room?
 8 A They was on the counters, sitting on the
 9 counters.
 10 MS. LHAMON: Could I interrupt just for a
 11 second? How many students were in that class? Do you
 12 remember?
 13 THE WITNESS: After all of them came?
 14 MS. LHAMON: Well, how about let's start at the
 15 beginning of the year. How many students,
 16 approximately, were in that class?
 17 THE WITNESS: Oh. 30.
 18 MS. LHAMON: Because what you've just told us
 19 is that there were eight tables --
 20 THE WITNESS: Right.
 21 MS. LHAMON: -- with ten students in them.
 22 That would make about 80 students in that
 23 class, which sounds like a really big class to me.
 24 THE WITNESS: Oh, no.
 25 MR. SIMMONS: Yeah.

1 MS. LHAMON: So that's why Shaun and I are
2 confused.
3 THE WITNESS: Oh, okay.
4 MS. LHAMON: And math wasn't my best subject,
5 either. I'm not getting into that.
6 MR. SIMMONS: Mine, either.
7 THE WITNESS: It was like, then after more
8 students came, some got expelled, so then students from
9 other classes came. So it was really like in and out,
10 in and out, in and out. So then when [REDACTED] had left,
11 then when we came back, the tables got smaller, and then
12 on one side it was tables, and on the other side it was
13 desks and then the counters.
14 MR. SIMMONS: Q Okay. Do you know about --
15 at the beginning of the year, do you know about how many
16 tables there were in the classroom?
17 A Eight.
18 Q Eight tables. And at the beginning of the
19 year, there were about 30 students?
20 A Yes.
21 Q And you say that during the course of the year,
22 some students would come in, some students would be
23 expelled.
24 A Yes.
25 Q Did the number of students generally range

1 Q Can you give me an example of how he was mean?
2 A If -- say if you were called down -- no. Say
3 you had a pass to go to the office, right? The --
4 whoever wanted you had to call up to the classroom to
5 make sure that you're not lying.
6 Q Any other examples that you can think of?
7 A If you had a permit to go home after lunch,
8 then somebody still had to call up there to tell him
9 that the permit is real. Because it's like people used
10 to steal permits and stuff from the counselor's office
11 and would sign they self. That's why he did that.
12 Q Did you have a textbook to use in your English
13 class?
14 A Yes.
15 Q Do you recall the name of the textbook?
16 A I think English 1.
17 Q And did you have your own copy of that textbook
18 to use in class?
19 A I don't remember.
20 Q Do you recall whether you could take that
21 textbook home?
22 A No.
23 Q Is that no, you couldn't take the textbook
24 home, or --
25 A No, I couldn't.

1 around 30?
2 A Yes.
3 Q And then you indicated that after [REDACTED]
4 left, the classroom was converted so that it was half
5 tables and half desks?
6 A Yes.
7 Q Do you know about how many desks were put into
8 the room? And if you don't know, it's fine to say that
9 you can't recall.
10 A Can't recall.
11 Q Do you recall the number of tables that
12 remained in the room?
13 A I can't recall.
14 Q Mr. Brookins was your English teacher; is that
15 correct?
16 A Yes.
17 Q Do you recall whether Mr. Brookins was a good
18 teacher?
19 A I didn't like him.
20 Q What didn't you like about Mr. Brookins?
21 A Everytime you say something, he would try to
22 correct your part of speech.
23 MS. LHAMON: Sounds like my mom.
24 MR. SIMMONS: Q Anything else?
25 A He was mean.

1 Q -- no, that you don't recall?
2 A I couldn't take the textbook home.
3 Q And did you ever ask to take the textbook home?
4 A Yes, to finish my vocabulary homework, but he
5 said he had to use that set for his other four classes.
6 Q Did you use any other books or instructional
7 materials in your eighth grade English class?
8 A No. We just had a -- we had a chart. It's
9 like one square had a noun. It said noun, and then it
10 said the definition. Basically he'd make us go over
11 what a noun is, what a verb is, what a pronoun is, and
12 he just made us like write some words or ask him -- tell
13 him some words that we didn't understand, and he would
14 like try to like break it down to us. But then
15 basically he just try to fix our part of speech. He
16 just tell us that we need to stop using slur words and
17 use words. That's why -- he used to give us
18 dictionaries and stuff so we can look up what we saying.
19 Q Did you ever get homework in that class?
20 A I don't remember.
21 Q Did you ever use worksheets in that class?
22 A Yes.
23 Q Can you tell me what types of worksheets you
24 would use?
25 A Like worksheets about -- say like all about

- 1 nouns. There would be different sentences; you have to
2 circle the nouns.
- 3 Q Did you ever see a mouse in your eighth grade
4 English class?
- 5 A No.
- 6 Q How about a rat in that class?
- 7 A No.
- 8 Q Did you ever see a cockroach in that class?
- 9 A No.
- 10 Q Were there any other aspects of the physical
11 condition of your classroom that you felt were
12 unsatisfactory?
- 13 A It was like three windows broken. One window
14 was shattered, the other window had a board on it, and
15 the other window was shattered with paint on it.
- 16 Q Do you recall how many windows total were in
17 that classroom?
- 18 A No.
- 19 Q Any other conditions that existed in that
20 classroom that you felt were unsatisfactory?
- 21 A No.
- 22 Q Your science teacher during the eighth grade
23 was Mr. Candia; is that correct?
- 24 A Yes.
- 25 Q Did you think Mr. Candia was a good teacher?

- 1 A Yes.
- 2 Q What makes you think he was a good teacher?
- 3 A Because it's like, the things that we do, he
4 would never get mad, and it's like he always give us a
5 second chance. And if something happened like a dispute
6 between like two students, he would hear both sides out,
7 and then he would make us decide what he should do, like
8 should we apologize or should we like really take it
9 serious, for real. But it's like, when he -- what made
10 him a good teacher was he -- like say we would study
11 about a baby shark, and after we study about it, the
12 next day he brung it in. He brung -- everybody went
13 like four people to a table, and he will let us dissect
14 it. It was fun. Was nasty.
- 15 Q Did you have a textbook to use in your eighth
16 grade science class?
- 17 A Yes.
- 18 Q Did you have your own copy to use in class?
- 19 A Yes.
- 20 Q Did you ever have to share a copy of the
21 textbook?
- 22 A Yes.
- 23 Q On how many occasions did you have to share a
24 textbook in your eighth grade science class?
- 25 A Like two times a week.

- 1 Q Could you take your textbook in science class
2 home to do homework?
- 3 A No.
- 4 Q Did you ever ask to take a textbook home from
5 your science class during the eighth grade?
- 6 A No. He told us the farthest we could take it
7 was to our locker and back.
- 8 Q Were you assigned your own particular copy of
9 the science textbook?
- 10 A Yes.
- 11 Q When you had to share textbooks in that class,
12 was it because someone forgot to bring theirs to class
13 on a particular day?
- 14 A Sometimes. But then it was like, in his class,
15 too, we had more students, and it's like he would tell
16 us to pair up to share.
- 17 Q So sometimes it was because a student forgot
18 their textbook, and other times it was because a new
19 student would come into the classroom?
- 20 A Yes.
- 21 Q And would that new student eventually receive
22 their own copy of the science textbook?
- 23 A After about a week.
- 24 Q Did you receive any homework assignments in
25 your science class during the eighth grade?

- 1 A No.
- 2 Q Did your teacher make use of any instructional
3 materials other than textbooks?
- 4 A Knives, dead animals. He had a -- what's that
5 called? Bow cutter. He had the little thing that
6 you -- that you could pull out a tooth or something,
7 like the -- what's that called? The little -- the thing
8 that the doctor use.
- 9 MS. LHAMON: I have no idea.
- 10 MR. SIMMONS: Yeah.
- 11 Q Could we generally call these materials that
12 you're referring to right now materials for lab
13 purposes?
- 14 A Yes.
- 15 Q Okay.
- 16 MS. LHAMON: You're making Shaun and me reveal
17 our lack of history knowledge and now our lack of
18 science knowledge.
- 19 MR. SIMMONS: Yes.
- 20 Q Did you guys use worksheets in that class at
21 all?
- 22 A Sometimes.
- 23 Q Can you describe any of the worksheets that you
24 used?
- 25 A Like say it would be like -- say -- like we

1 dissected a squid one time. Before he gave them to us,
 2 there was a big squid on the paper, and it had the lines
 3 going like that, and we had to tell what part this is,
 4 what part that is, and why is that part important.
 5 Q Did you ever see a mouse in your eighth grade
 6 science class?
 7 A Nope.
 8 Q Did you ever see a rat in that class?
 9 A No.
 10 Q How about a cockroach?
 11 A A lot.
 12 Q And when you say a lot, could you put that in
 13 terms of a number of occasions that you saw a cockroach?
 14 A Every day. Like a -- 50. Under his -- because
 15 he has -- he has a piano, and they all stay there warm.
 16 That's why he was telling us like cockroaches stay in
 17 warm places, and he was saying -- because everybody
 18 would play his piano every day. So on one day he --
 19 someone wanted to play, and somebody saw a cockroach
 20 come from under it, and he pulled it up, and there was a
 21 heck of them. And he had some in his office, too.
 22 Q Were there any other aspects of your eighth
 23 grade science classroom that you felt were
 24 unsatisfactory?
 25 A His windows was also broken, too.

1 Q Anything else?
 2 A No.
 3 Q When you say the windows were broken, do you
 4 know about how many windows were broken?
 5 A No.
 6 MS. LHAMON: Can we take a minute?
 7 (Off-record discussion.)
 8 MR. SIMMONS: Q Do you know how many
 9 bathrooms there were at Luther Burbank during your sixth
 10 grade school year?
 11 A Boys and girls or just --
 12 Q Just girls would be fine.
 13 A Three.
 14 Q And Burbank has three floors; is that correct?
 15 A Yes.
 16 Q So was there a girls' restroom on each floor?
 17 A Yes.
 18 Q And did the number of bath -- did the number of
 19 girls' restrooms at Burbank change at all during your
 20 seventh or eighth grade years?
 21 MS. LHAMON: Do you understand the question?
 22 THE WITNESS: (Witness shakes head.)
 23 MS. LHAMON: Got to say something for the court
 24 reporter.
 25 MR. SIMMONS: Q Would you like me to re-ask

1 that question?
 2 A Yes.
 3 Q There were three girls' restrooms at Burbank
 4 during your sixth grade year; is that correct?
 5 A Yes.
 6 Q Was that the same for your seventh and eighth
 7 grade years?
 8 A Yes.
 9 Q Do you know how many stalls were in the first
 10 floor girls' restroom at Burbank?
 11 A Three, but one stall didn't have a door.
 12 Q And did the one stall that you've identified
 13 lack a door during the entire time that you were at
 14 Burbank?
 15 A Yes.
 16 Q Do you recall how many sinks were in the first
 17 floor girls' restroom?
 18 A Two.
 19 Q To your knowledge, during the -- strike that.
 20 To your knowledge, during sixth grade was the
 21 girls' restroom on the first floor at Burbank ever
 22 locked during school hours?
 23 A Yes.
 24 Q Can you tell me the number of times you tried
 25 to use the bathroom on the first floor, the girls'

1 restroom on the first floor, and found it locked?
 2 A Every day.
 3 Q So every day during the sixth grade, you would
 4 try and use the first floor girls' restroom, but it
 5 would be locked?
 6 A Yes.
 7 Q Did you ever try and use the first floor girls'
 8 restroom during your sixth grade year and find that it
 9 wasn't -- that it wasn't locked?
 10 A No.
 11 Q Do you know why the bathroom was locked on
 12 those occasions?
 13 A No.
 14 Q Did you ever ask anyone why the bathroom was
 15 locked?
 16 A Yes. I asked my counselor.
 17 Q What's your counselor's name?
 18 A Which -- sixth grade?
 19 Q Yes.
 20 A Forgot.
 21 Q Did your counselor say anything to you when you
 22 asked why the bathroom was locked?
 23 A I don't know.
 24 Q How about during the seventh grade? Did you
 25 ever try and use the first floor girls' restroom and

1 find that it was locked?
 2 A Yes.
 3 Q Do you know the number of times you tried to
 4 use the first floor girls' restroom but found that it
 5 was locked?
 6 A I didn't use it that much. I went to the
 7 second floor restroom.
 8 Q And how about during the eighth grade? Did you
 9 ever try and use the first floor girls' restroom and
 10 find that it was locked?
 11 A Yes.
 12 Q Do you know about how many times?
 13 A Every day.
 14 Q Was there ever a time where you tried to use
 15 the first floor girls' restroom during the eighth grade
 16 and found it unlocked?
 17 A No.
 18 Q Do you recall complaining to anyone about the
 19 bathroom on the first floor being locked?
 20 A Yes.
 21 Q Who do you recall complaining to?
 22 A The principal.
 23 Q Anyone else?
 24 A Counselor.
 25 Q Anyone else?

1 A Teacher.
 2 Q What principal? What was the principal's name
 3 that you complained to?
 4 A Eighth grade? Mr. Michaelson.
 5 Q And what did you say to Mr. Michaelson?
 6 A Said, "Mr. Michaelson, why is the bathroom
 7 locked all the time?"
 8 Q And what was his response, if any?
 9 A He said because some girls had got through
 10 doing graffiti all over the walls, on the floor and
 11 everything, and that's -- that's where mostly the fights
 12 is.
 13 Q Did you ever complain about the bathrooms being
 14 locked to Mr. Michaelson on any other occasions?
 15 A Every time -- every time -- every time I went
 16 to the office, I couldn't find him.
 17 Q Did you ever -- sorry. I'll ask that again.
 18 Were there other occasions where you complained to
 19 Mr. Michaelson about the first floor girls' restroom
 20 being locked?
 21 A He was never around.
 22 Q Could you leave a note for him?
 23 A I didn't.
 24 Q You said that you had complained to your sixth
 25 grade counselor. Was that the only counselor that you

1 complained to about the first floor girls' restroom
 2 being locked?
 3 A Eighth grade.
 4 Q Do you recall your eighth grade counselor's
 5 name?
 6 A Yes.
 7 Q What was that?
 8 A Izfructoso.
 9 Q Would you spell that for the record?
 10 A I-z-f-r-u-c-t-o-s-o, I believe. It's kind of
 11 hard spelling her name.
 12 Q Okay. And how many occasions do you recall
 13 complaining to your eighth grade counselor?
 14 A Whenever she was around.
 15 Q Can you put that in terms of a number?
 16 A Two days out of a week.
 17 Q And you mention that you complained to a
 18 teacher. Did you complain to more than one teacher
 19 about the first floor girls' restroom being locked?
 20 A No.
 21 Q What teacher did you complain to?
 22 A Mr. Candia.
 23 Q Do you recall on how many occasions -- did you
 24 complain to Mr. Candia about the first floor girls'
 25 restroom being locked on more than one occasion?

1 A It depends on what period it was.
 2 Q So did you complain to Mr. Candia about the
 3 first floor girls' restroom being locked on more than
 4 one occasion?
 5 A Depends on what period it was, because
 6 different -- okay. Say like Mr. Candia don't have no
 7 class sixth period or he don't have a class third
 8 period. So it's like every other teacher have a class
 9 third period, and he don't have one. So I'll go to his
 10 class and ask if he could open it for me, and he usually
 11 does.
 12 Q So I guess I'm -- I'm assuming that you
 13 complained to Mr. Candia about the first floor girls'
 14 restroom being locked on one occasion.
 15 A Yes.
 16 Q And do you know about how many times you
 17 complained to Mr. Candia?
 18 A Every day.
 19 Q Every day?
 20 A Yes.
 21 Q And you say that when -- would he generally
 22 open the restroom for you?
 23 A Yes.
 24 Q To your knowledge, was the first floor girls'
 25 bathroom ever dirty during the sixth grade?

1 A Yes.
 2 Q How often would you use the first floor girls'
 3 restroom during the sixth grade?
 4 A Every day.
 5 Q How would you gain access to the first floor
 6 girls' restroom?
 7 A I don't understand.
 8 Q I think you testified earlier that every time
 9 you tried to use the restroom, it was locked.
 10 A Right.
 11 Q But then you just testified that you used the
 12 restroom every day.
 13 A Right.
 14 Q So how would you get into the restroom if it
 15 was locked when you tried to use it?
 16 A Because different periods didn't -- okay. At
 17 the beginning of every period, they open the bathroom
 18 door. Then when the bell rings, then they lock it. But
 19 it's another -- where the bathroom is is another little
 20 bathroom on -- right next to it, and that one's always
 21 open.
 22 Q So there's a bathroom right next to the first
 23 floor girls' restroom that --
 24 A Teachers' bathroom.
 25 Q And you say every day at the beginning of a

1 THE WITNESS: Right.
 2 MS. LHAMON: So the school would open the first
 3 floor bathroom at the beginning of a pass period and
 4 close it at the end of a pass period; is that right?
 5 THE WITNESS: No.
 6 MS. LHAMON: Okay. Here's the confusion, I
 7 think. When I've used period, I'm referring to a class
 8 period.
 9 THE WITNESS: Yeah.
 10 MS. LHAMON: So first period. The school
 11 would -- at the beginning of first period, somebody
 12 would come along and lock that first floor bathroom?
 13 THE WITNESS: Right.
 14 MS. LHAMON: After the first period bell rang?
 15 THE WITNESS: Right.
 16 MS. LHAMON: And then when the end of first
 17 period bell rang, someone would come along and unlock
 18 that bathroom so it would be unlocked during passing
 19 periods?
 20 THE WITNESS: Right.
 21 MR. SIMMONS: Q So can you tell me on how
 22 many occasions you used the girls' restroom on the first
 23 floor during the sixth grade and found that it was
 24 dirty?
 25 A Every day.

1 period they lock it?
 2 A They open it.
 3 Q Oh, they open it. And then they lock it once
 4 the period is over?
 5 A Yes.
 6 Q Do they do that for every period of the day?
 7 A Yes.
 8 Q Or did they do that for every period of the day
 9 for the sixth grade?
 10 A All three grades.
 11 Q So the restrooms were open while students were
 12 in class, but they weren't open while students were on
 13 break?
 14 A Right. And they opened them back like before
 15 lunch, like when bell rung for lunch, and then when
 16 everybody cleared out the hallway, they lock it back up.
 17 MS. LHAMON: Olivia, let me make sure I
 18 understand. The bathrooms -- you're not testifying the
 19 bathrooms were open during your passing periods, you're
 20 testifying the bathrooms were open only during class
 21 period?
 22 THE WITNESS: No.
 23 MS. LHAMON: It's open during passing periods?
 24 THE WITNESS: Right.
 25 MS. LHAMON: And closed during class periods?

1 Q And can you identify any specific occasion
 2 where you used the first floor girls' restroom during
 3 the sixth grade and thought that it was dirty?
 4 A There were sanitary pads and blood on the
 5 toilets. There were tampons inside the toilet. There
 6 was feces on the toilet, the circle thing, and there was
 7 pee left in the toilet.
 8 Q And did all of these -- I guess what my
 9 question was, can you recall any specific instance where
 10 you went to use the bathroom --
 11 A Yes.
 12 Q -- during the sixth grade and found it was
 13 dirty?
 14 A Yes.
 15 Q And those things that you just told me was that
 16 one specific instance that you were referring to?
 17 A No.
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 Q And I guess just trying to find -- do you
 3 recall any specific instance, or do you just recall
 4 generally the types of conditions that you found in the
 5 bathroom?
 6 MS. LHAMON: I think the question's vague as a
 7 specific instance. If you don't mind, I'd like to try
 8 to help.
 9 MR. SIMMONS: Okay.
 10 MS. LHAMON: When Shaun is asking about a
 11 specific instance, he's asking if, for example, you can
 12 remember on February 13, 1999, you walked into a
 13 bathroom and you saw something, or you can remember that
 14 the day that you presented on the Aztecs in your science
 15 class or your social studies class, you walked into a
 16 bathroom and saw a particular thing. So he's not asking
 17 if you can just say, "Well, this is generally what
 18 happened if I walked into a bathroom." He's asking if
 19 you can say, "I remember this one day" --
 20 THE WITNESS: Yeah.
 21 MS. LHAMON: -- "and this is what I saw."
 22 THE WITNESS: Yeah.
 23 MS. LHAMON: Okay.
 24 [REDACTED]
 25 [REDACTED]

1 A Every day. There was no soap.
 2 Q It's your testimony that you never used -- that
 3 there was never soap in the first floor girls' bathroom
 4 when you tried to use it?
 5 A Yes.
 6 Q Did you ever use the first floor girls'
 7 restroom at Burbank and find that it lacked toilet
 8 paper?
 9 A Yeah.
 10 Q On how many occasions?
 11 A About every other day.
 12 Q Did you complain to anyone on any of those
 13 occasions?
 14 A Yes, because I -- I needed to use the bathroom
 15 real bad.
 16 Q Who would you complain to?
 17 A The -- a counselor.
 18 Q And what would the counselor do, if you know?
 19 A She gave me some napkins.
 20 Q Did you ever use the first floor girls'
 21 restroom and find that it lacked paper towels?
 22 A I don't remember.
 23 Q And you identified one occasion where you found
 24 a sanitary napkin in the first floor girls' restroom.
 25 A Yes.

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 MS. LHAMON: Thank you.
 17 MR. SIMMONS: Q Were there any instances
 18 where you went to use the first floor girls' restroom
 19 and found that it was clean?
 20 A No.
 21 Q Did you ever use the first floor girls'
 22 restroom during either the sixth, seventh, or eighth
 23 grade and found that it lacked soap?
 24 A Yes.
 25 Q On how many occasions?


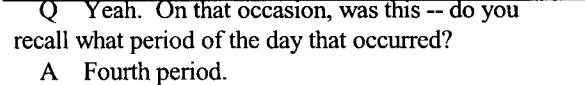
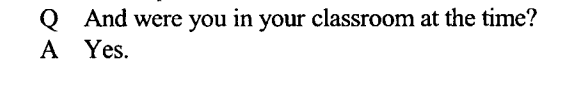
1 Q Did that occur on other occasions?
 2 A Yes.
 3 Q Do you know about how often?
 4 A About twice a week.
 5 Q And on one occasion you identified that there
 6 would be -- that you observed feces on the toilet; is
 7 that correct?
 8 A Yes.
 9 Q And did that occur on -- did you find that
 10 condition on other occasions?
 11 A Yes.
 12 Q About how often?
 13 A Every day.
 14 Q Have you ever had to wait in line to use -- or
 15 did you have to wait in line to use the restroom at
 16 Luther Burbank?
 17 A Yes.
 18 Q Can you recall any specific instance where you
 19 had to wait in line to use the restroom at Luther
 20 Burbank?
 21 A Depends on what time.
 22 Q I'm just curious if you can identify any
 23 specific occasion where this happened.
 24 A Yes. When the bell rung for lunch, I had to
 25 use the bathroom, and there was a line, and everybody

1 had to wait in line at least line 10, 15 minutes to use
2 the bathroom.
3 Q And what grade did this occur?
4 A Sixth.
5 Q Do you recall whether it occurred in the fall
6 or the spring semester of that year?
7 A No.
8 Q Can you recall any other specific instances
9 where you had to wait in line to use a restroom at
10 Luther Burbank?
11 A No.
12 Q The bathroom that's on the second floor, the
13 girls' restroom on the second floor, how many stalls are
14 in that restroom?
15 A Two.
16 Q And how many sinks were in that restroom?
17 A Two.
18 Q To your knowledge, was that bathroom ever
19 locked during school hours?
20 A No. No. Yeah, yeah, yeah. But it originally
21 was a teachers' bathroom.
22 Q And do you know how often the bathroom on the
23 second floor, the girls' bathroom on the second floor
24 would be locked?
25 A Don't remember.

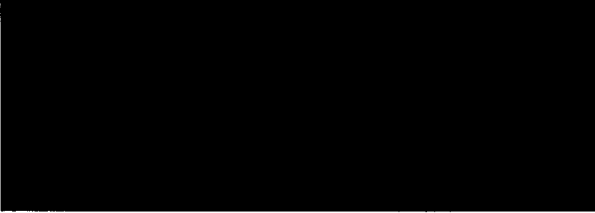
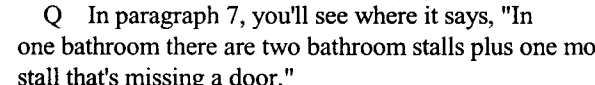
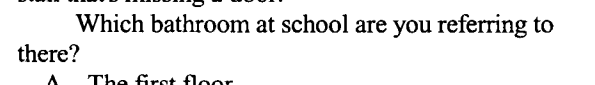
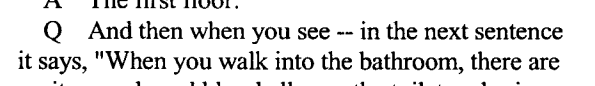
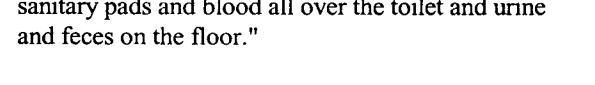


1 Q How about with respect to the bathroom on the
2 third floor, the girls' restroom on the third floor?
3 Was that bathroom ever locked during school hours?
4 A Yes.
5 Q Do you know how often that bathroom was locked?
6 A At least three periods.
7 Q And are you referring to specific periods?
8 Like was it always third, fourth, and fifth period that
9 the bathroom was locked?
10 A No. I don't remember.
11 Q Did you ever use the second floor girls'
12 restroom and find that it was dirty?
13 A No.
14 Q How about the third floor girls' restroom? Did
15 you ever use that restroom and find that it was dirty?
16 A Yes.
17 Q On how many occasions did you go to use that
18 bathroom and found that it was not acceptably clean?
19 A I really didn't go to that bathroom, but when I
20 went, it was dirty.
21 Q Did you ever use that restroom and find it in a
22 clean state?
23 A Yes. No. In a dirty state, right?
24 Q Well, I'll rephrase. I don't think we've
25 connected on that one. I just wanted to know if you

1 ever went to use the bathroom on the third floor and it
2 was clean.
3 A Oh, no.
4 MS. LHAMON: I think maybe we should take a
5 break. Is that okay?
6 MR. SIMMONS: Okay.
7 (Recess taken.)
8 MR. SIMMONS: Q Olivia, would you take a look
9 at Exhibit 1 that's before you, which says Declaration
10 of Olivia Saunders at the top of it. We'll just go
11 through some of the paragraphs.
12 Do you see in paragraph 4 where the declaration
13 says, "At our school we only have books in the
14 classroom. We can't take books home for homework in any
15 of our classes"?
16 Were you referring to all of your classes
17 during the seventh grade there?
18 A Yes.
19 Q Were you referring to any other classes in that
20 statement in your declaration?
21 A I don't know.
22 MS. LHAMON: You have to say that for the
23 record. Did you say it was a long time ago?
24 THE WITNESS: It was a long time ago. I don't
25 know.

1 MR. SIMMONS: Q In the next sentence where it
2 says, "The books are old, from 1991, and they're all
3 torn up," were you referring to specific classes, books
4 in specific classes in that sentence, or were you
5 referring to all books at Burbank?
6 A I believe all books.
7 MS. LHAMON: Olivia, do you mean all books at
8 Burbank, or do you mean all the books in the seventh
9 grade year when you signed this?
10 THE WITNESS: All books in my seventh grade
11 year.
12 MR. SIMMONS: Q If you'll go down to
13 paragraph 6, and you'll see where it says, "They locked
14 all the bathrooms during fourth and fifth period, so you
15 can't go to the bathroom at all during those times."
16 Can you explain to me -- a little bit more to
17 me what you're saying there?
18 A What I mean is like, beginning -- okay. When
19 fourth period start, you can't -- you can't -- you got
20 to stay in your classrooms. You can't go nowhere. You
21 got to do your work and stuff. Then when fifth period
22 comes, you got to do the same.
23 Q So would your teachers not allow you to use the
24 restroom during the fourth period?
25 A Yes. I mean they don't, no.

- 1 Q And that was true for fifth period?
 2 A Yes.
 3 Q And when you wrote that, were you referring to
 4 the status of using bathrooms during the seventh grade,
 5 or was that the same in the sixth and the eighth grades,
 6 too?
 7 MS. LHAMON: Well, the question's compound, and
 8 also, the declaration was written before the eighth
 9 grade had started, so --
 10 MR. SIMMONS: All right. Thanks.
 11 Q Were you also prevented from using the bathroom
 12 during the fourth and fifth periods in the sixth grade?
 13 A I don't -- I don't remember.
 14 Q Do you know why the fourth and -- why it was
 15 the fourth and fifth periods where you couldn't use the
 16 bathroom?
 17 A I don't -- I don't know. I didn't -- I didn't
 18 ask. 
 19 
 20 
 21 Q Yeah. On that occasion, was this -- do you
 22 recall what period of the day that occurred?
 23 A Fourth period.
 24 Q And were you in your classroom at the time?
 25 A Yes.

- 1 A Yeah. Yes.
 2 Q Is that a specific instance that you were
 3 referring to there?
 4 A Yes.
 5 Q Is that the one that you testified about
 6 earlier today --
 7 A No.
 8 Q -- or a different one?
 9 A Different one.
 10 Q Can you tell me a little bit more about this
 11 instance that you're referring to here in the
 12 declaration?
 13 A When I had went to the bathroom, after I seen
 14 the sanitary pad and the blood, then I went to the next
 15 one. And I guess both of the bathrooms -- both the
 16 toilets had overflowed to where the pee in the -- and
 17 the feces was at the top, like where the -- where the
 18 white circle is, and it had water under it, and it had
 19 the -- the stuff right there.
 20 Q And did this occur during your seventh grade
 21 year?
 22 A Yes.
 23 Q Do you recall which semester, by any chance?
 24 A No.
 25 Q When you initially went to use the bathroom,

- 1 Q What classroom were you in?
 2 A Mr. Nawa.
 3 Q Did you ask Mr. Nawa if you could use the
 4 restroom on that occasion?
 5 A Yes.
 6 Q What did he say?
 7 A He said the principal said nobody can go
 8 nowhere during fourth, fifth period.
 9 
 10 
 11 
 12 
 13 
 14 
 15 
 16 Q In paragraph 7, you'll see where it says, "In
 17 one bathroom there are two bathroom stalls plus one more
 18 stall that's missing a door."
 19 Which bathroom at school are you referring to
 20 there?
 21 A The first floor.
 22 Q And then when you see -- in the next sentence
 23 it says, "When you walk into the bathroom, there are
 24 sanitary pads and blood all over the toilet and urine
 25 and feces on the floor."

- 1 was it locked?
 2 A No.
 3 Q Which specific bathroom at Burbank did this
 4 instance occur in?
 5 A On the first floor.
 6 Q Do you know why the first floor bathroom wasn't
 7 locked on that occasion?
 8 A It was sixth period.
 9 Q So is it fair to say that the first floor
 10 bathroom wasn't locked during sixth period?
 11 A Yes.
 12 Q And was that the case during your sixth,
 13 seventh, and eighth grade years?
 14 A I don't remember.
 15 Q So the first floor girls' restroom, was that
 16 one of the bathrooms that was locked during the fourth
 17 and fifth periods?
 18 A Yes.
 19 Q And was it locked during any other times of the
 20 day?
 21 A It depend.
 22 Q Can you tell me what you mean when you say --
 23 by that when you say it depends?
 24 A It depends on like -- because sometimes this --
 25 one certain teacher lock the bathroom. So it was like

1 she -- she could lock the bathroom anytime she wanted,
 2 but then it's like, I don't know who else lock the
 3 bathroom, but they just started locking it after a
 4 while.
 5 Q When you refer to this certain teacher, can
 6 you -- do you know the teacher's name?
 7 A Yes.
 8 Q What's that?
 9 A Miss Pantages.
 10 Q Did you ever see her locking the restroom?
 11 A Yes.
 12 Q On how many occasions, do you think?
 13 A She locked it every day.
 14 Q Did you see her locking it every day?
 15 A No. I saw -- I see it locked.
 16 Q I guess I'm just trying to figure out how many
 17 times you saw her lock it.
 18 A Once or twice.
 19 Q Do you know who was responsible for locking the
 20 bathrooms during the fourth and fifth periods?
 21 A No. I didn't ask.
 22 Q But outside of the bathrooms always being
 23 locked during those periods, it's your testimony that
 24 Miss Pantages would also lock the first floor restroom
 25 at various times during the day?

1 A Yes.
 2 Q Would she ever unlock it?
 3 A I don't know.
 4 Q In paragraph 7, on the sentence that carries
 5 over from the first to the second page of your
 6 declaration, you'll see that it says, "I don't think the
 7 janitor cleans the bathroom."
 8 Did you ever ask anyone if the janitor cleaned
 9 the restroom?
 10 A No, but I see -- I used to see him in there.
 11 Q You saw the janitors in the restrooms?
 12 A Yes.
 13 Q Were they cleaning the restrooms at the time?
 14 A Yes.
 15 Q In paragraph 8 it says, "Last month I saw a
 16 mouse run across a chalkboard during my sixth period
 17 class."
 18 A Mm-hmm.
 19 Q Do you recall what class that is you're
 20 referring to there?
 21 A No. That's sci -- no, no, no.
 22 Q Will looking at Exhibit 3 help you remember?
 23 A I don't remember the period.
 24 Q Okay. As you sit here today, can you recall
 25 the instance that you're referring to in paragraph 8?

1 A Yes.
 2 Q And do you recall what subject your sixth
 3 period class was?
 4 A No.
 5 Q Do you recall who the teacher was in that
 6 class?
 7 A No.
 8 Q The next sentence of paragraph 8 you say, "And
 9 another time my science teacher found a dead mouse in
 10 his teacher's cabinet."
 11 What teacher are you referring to, or what's
 12 the name of the science teacher you're referring to?
 13 A Miss Fagan.
 14 MS. LHAMON: Is that Miss Fagan?
 15 THE WITNESS: (Witness nods head.)
 16 MS. LHAMON: Are you sure that was your
 17 science teacher in seventh grade, then, because
 18 you're --
 19 THE WITNESS: Mm-hmm.
 20 MS. LHAMON: The sentence says in "his"
 21 teacher's cabinet.
 22 THE WITNESS: It had to be Miss Fagan or Mr. --
 23 it got to be Miss Fagan.
 24 MR. SIMMONS: Q In paragraph 9 you'll see
 25 that it says, "Two years ago my friend stepped on glass

1 and started bleeding in the hallway."
 2 A Yes.
 3 Q Two years ago -- did this instance occur before
 4 you attended Luther Burbank?
 5 A No.
 6 Q Can you tell me when the instance that you're
 7 referring to in paragraph 9 did occur?
 8 A During passing period. They was -- somebody
 9 had broke a glass bottle, and janitor was on their way,
 10 but my friend didn't pay attention. She stepped on it.
 11 Then she had to go to the nurse office and get the glass
 12 out of her foot.
 13 Q Did this instance occur during your seventh
 14 grade year?
 15 A No. Sixth grade.
 16 Q And did you say the janitor was on his way?
 17 A Uh-huh.
 18 Q How did you know that?
 19 A Because we was -- when we was in the hallway,
 20 my counselor was saying -- I was -- I was like who --
 21 "Who put the glass on the floor? Because
 22 what's-her-name just stepped in it." And she was like,
 23 "Oh, janitor should be on their way." I was like, "All
 24 right."
 25 Q What was your friend's name?

- 1 A [REDACTED]
 2 Q Can you spell the first name for us?
 3 A [REDACTED]
 4 Q And was she wearing shoes at the time?
 5 A Yes.
 6 Q Did the glass cut her on the bottom of her foot
 7 or —
 8 A Yes.
 9 Q So the glass went through her shoe?
 10 A Yes.
 11 Q Do you recall what kind of shoes she was
 12 wearing?
 13 A No.
 14 Q Were they tennis shoes?
 15 A Yes.
 16 Q Did your friend have to get stitches?
 17 A I didn't ask.
 18 Q In paragraph 10 you refer to your third period
 19 class.
 20 A Mm-hmm.
 21 Q Is that your third period class during your
 22 seventh grade school year?
 23 A Yes.
 24 Q And can you tell me what subject that was?
 25 A I don't remember.

- 1 A Huh?
 2 Q You think that you saw the teacher in this
 3 class try and use the phone every day, but it wouldn't
 4 work?
 5 A Yes.
 6 Q Did you ever personally try and use the phone?
 7 A For what? To call who?
 8 MS. LHAMON: So that's a "no"?
 9 THE WITNESS: "No."
 10 MR. SIMMONS: Just looking for a "yes" or "no."
 11 Q Did the teacher ever announce to the class when
 12 you were present that the phone wasn't working?
 13 A I don't know.
 14 Q How did you -- well, I guess I'm just trying to
 15 figure out how you knew that the teacher used the phone
 16 but it didn't work if the teacher didn't say it didn't
 17 work.
 18 A Because when -- when she picked it up, like she
 19 kept clicking the little thing. It didn't like -- on
 20 the side you could see the wires was all popped out,
 21 like the phone was not in the wall. It was like halfway
 22 in the wall.
 23 Q And you refer to a fight that occurred about
 24 three weeks prior to the time you signed your
 25 declaration. Can you tell me about that instance? This

- 1 Q Do you recall whether the phone in that
 2 classroom didn't work?
 3 A I remember it didn't work.
 4 Q And how did you know that the phone in your
 5 third period class during the seventh grade didn't work?
 6 A Because every time the teacher tried to call
 7 security on somebody, she try to -- you know how you
 8 hang it up and just the little thing where you hear the
 9 beep or you hear the tone? It didn't work.
 10 Q And you just referred to your teacher as a she,
 11 every time she tried to use the phone. Do you remember
 12 this teacher's name?
 13 A Has to be between Foster and Fagan, but I don't
 14 remember.
 15 Q And do you recall on more than one occasion
 16 where you saw the teacher try and use the phone but it
 17 didn't work?
 18 A Every day.
 19 MS. LHAMON: Olivia, I just want to ask you if
 20 you're sure that the teacher's a woman, because in the
 21 declaration it says the teacher tried to call the office
 22 but "he" couldn't do it because the phone was broken.
 23 THE WITNESS: It was a she, I remember.
 24 MR. SIMMONS: Q And you think that you saw
 25 the teach --

- 1 is in paragraph 10. I'm sorry.
 2 A Yeah.
 3 Q What do you recall about that instance?
 4 A I just remember two boys fighting, and one boy
 5 busted the other boy's nose, and teacher was called --
 6 trying to call the -- trying to call security or
 7 whatever.
 8 Q Do you know who the two boys who were fighting
 9 were? Do you know their names?
 10 A [REDACTED]
 11 Q And when you say -- well, who busted whose
 12 nose?
 13 A Should I say? [REDACTED] busted [REDACTED] nose.
 14 Q And when you say "bust," could you tell me what
 15 you mean by that?
 16 A Made his nose bleed.
 17 Q And then you say your teacher tried to call the
 18 office but couldn't do it?
 19 A Yes.
 20 Q And did the teacher, after the fight was
 21 settled down, say to the class, "I tried to call, but
 22 the phone was broken"?
 23 A No.
 24 Q How did you know that the phone was broken?
 25 A The phone didn't work, because she couldn't get

1 a dial tone. And I told -- the phone -- the phone
2 wasn't in the wall.

3 Q Did she try and use the phone on this occasion?

4 A Yes, but she just escorted them down herself.

5 MS. LHAMON: Just to answer Shaun's question
6 about how did you know the phone was broken, did you
7 see the teacher try to use the phone? Is that how you
8 knew?

9 THE WITNESS: Yes, because everybody -- it was
10 like everybody was outside watching it, but then I was
11 like -- I was like, I'm cool. I was like behind the
12 door watching through the window, through the window,
13 and I seen her come in, and she --

14 MR. SIMMONS: Can we go off the record.
15 (Telephone interruption.)
16 (Record read, lines 9 - 13.)

17 MS. LHAMON: Do you want to finish that, or are
18 you done?

19 THE WITNESS: She tried to use the phone, but
20 she couldn't.

21 MR. SIMMONS: Q If you'll go to paragraph 11,
22 you'll see that it says, "Sometimes the classrooms are
23 too cold."

24 When you signed your declaration, were you
25 thinking of specific classrooms at Burbank?

1 MS. LHAMON: Because this says "a week or two
2 straight last month," which would be seventh grade.

3 THE WITNESS: Man, I'm tired. Miss Fagan's
4 class. I am so tired.

5 MR. SIMMONS: Q So where we have previously
6 put [REDACTED] in your answers with respect to this
7 paragraph, should we insert Miss Fagan?

8 A Yes.

9 MS. LHAMON: Thank you.

10 MR. SIMMONS: Q And if you'll look to
11 paragraph 12 where it says, "Somebody was hit in the
12 head with a ceiling tile a couple weeks ago."

13 A Mm-hmm.

14 Q Do you recall who you were referring to in that
15 sentence?

16 A No.

17 Q Do you recall the instance that you're
18 referring to?

19 A Yes.

20 Q Can you tell me about it?

21 A We was playing volleyball in the gym, and
22 somebody had threw it up real high and hit the ceiling
23 tile, and the ball came down, and the tile came down on
24 somebody's head.

25 Q The person who threw the volleyball, I mean,

1 A Yes.

2 Q Can you tell me what those classrooms were?

3 A Mr. Nawa's class and [REDACTED] class.

4 And what was the -- and -- that's it.

5 Q And the next sentence says that everybody puts
6 on sweaters and coats. Does that refer to students in
7 other -- in either Mr. Nawa's or [REDACTED] class?

8 A Students that's in my class? Yeah.

9 Q Students that are in those two classes?

10 A Yes.

11 Q And it says, "For a while about a month ago,
12 everyone was wearing big old coats in class."

13 Were you referring to specific students in
14 that?

15 A No.

16 Q And it says, "I wore three shirts, two
17 sweaters, and two big jackets for a week or two straight
18 last month."

19 Was this in a particular class that you did
20 that?

21 A In [REDACTED] -- I mean [REDACTED]
22 Mr. Nawa's class.

23 MS. LHAMON: Olivia, did you have [REDACTED]
24 [REDACTED] in seventh grade?

25 THE WITNESS: No.

1 were they intentionally trying to knock down a ceiling
2 tile or --

3 A I don't think so.

4 Q The person who was hit, was that a boy or a
5 girl?

6 A I don't remember.

7 Q Did you actually see the ceiling tile hit the
8 person on the head, or did you hear about it?

9 A I was there.

10 Q So did you see the ceiling tile hit the person
11 on the head?

12 A Yes.

13 Q And can you -- but you can't recall whether
14 that was -- it was a boy or a girl?

15 A No.

16 Q And then it also says, "When we have a school
17 dance, the tiles come down because the music is too
18 loud."

19 Were you referring to a specific occasion there
20 or a number of occasions?

21 A A number of occasions.

22 Q How many occasions?

23 A Every school dance.

24 Q So is it your testimony that during every
25 school dance during your seventh grade year, ceiling

- 1 tiles came down because the music was too loud?
 2 A Yes.
 3 Q And do you recall any of those instances
 4 specifically?
 5 A No.
 6 Q Were there any problems with the hallways at
 7 Luther Burbank when you attended the school?
 8 A Yes.
 9 Q Can you tell me what those were?
 10 A Dirty and nasty and filthy.
 11 Q Can we group those, dirty and nasty and --
 12 A Yes.
 13 Q -- filthy, into dirty?
 14 A Yes.
 15 Q Any other problems?
 16 A They had Fruitopia bottles in the hallway.
 17 Trash, candy, gum, paper. That's it.
 18 Q So based on the things that you've identified,
 19 I take it that you felt that the hallways at school were
 20 basically dirty, and they had things like Fruitopia
 21 bottles and candy or gum in them?
 22 A Yes.
 23 Q Did you ever see anyone cleaning the hallways?
 24 A No.
 25 Q When you would arrive at school in the

- 1 mornings, would the hallways be free of trash?
 2 A No.
 3 Q Would the hallways have the same trash that was
 4 in them when you arrived in the morning that was there
 5 the day before you when left?
 6 A Yes.
 7 Q Did you ever complain about the trash in the
 8 hallways?
 9 A No.
 10 Q Were any of the hallways -- I assume that there
 11 were three floors.
 12 A Yes.
 13 Q Was there a hallway on each floor?
 14 A Yes.
 15 Q Were any of the hallways on the floors dirtier
 16 than others?
 17 A No.
 18 Q They were all about the same?
 19 A Yes.
 20 Q Was there any graffiti in the hallways?
 21 A No.
 22 Q Can you think of any good qualities that Luther
 23 Burbank has?
 24 A Some good teachers. We had a nice graduation.
 25 That's it.

- 1 Q When you say some good teachers, who are you
 2 referring to?
 3 A Some are good teachers. Well, some -- like
 4 some teachers don't care, but the other teachers, they
 5 care more than they should.
 6 Q What teachers don't you think didn't care at
 7 the school?
 8 MS. LHAMON: The question's vague. Are you
 9 asking which teachers she believes didn't care, or
 10 are --
 11 MR. SIMMONS: Yeah.
 12 MS. LHAMON: -- you asking which teachers did?
 13 MR. SIMMONS: Yeah, which teachers she believed
 14 didn't care.
 15 THE WITNESS: [REDACTED]
 16 [REDACTED] That's it.
 17 MR. SIMMONS: Q And what teachers do you
 18 believe did care?
 19 A The rest of them.
 20 Q The rest of them, do you mean the rest of your
 21 particular teachers or the rest of the teachers at the
 22 school?
 23 A The rest of my particular teachers.
 24 Q Why do you say you had a nice graduation?
 25 A Because we had the Mexican mariachi.

- 1 Q Today you've testified about a number of
 2 conditions at your school that you think were
 3 unsatisfactory. Are there particular conditions that
 4 you feel had the most adverse effect on your educational
 5 experience?
 6 MS. LHAMON: Do you understand that question?
 7 THE WITNESS: No.
 8 MR. SIMMONS: Q Okay. I'm just trying to
 9 find out -- I know that we've talked -- I've asked you
 10 about what unsatisfactory conditions existed at your
 11 school, and you've identified conditions with respect to
 12 your textbooks or the bathrooms, and I just wanted to
 13 find out if you feel that some of those conditions were
 14 more problematic for your education than others.
 15 A Not really.
 16 Q Did any of them bother you more than others?
 17 A Yes.
 18 Q Which ones bothered you the most?
 19 A Pests.
 20 MS. LHAMON: Bless you.
 21 THE WITNESS: Thank you.
 22 MR. SIMMONS: Q And by pests, you mean the
 23 mice and rats and cockroaches?
 24 A Yes.
 25 Q Any other kind of pests?

1 A No.
 2 MR. SIMMONS: Can we take a quick break?
 3 MS. LHAMON: Sure.
 4 MR. SIMMONS: Thanks.
 5 (Recess taken.)
 6 MR. SIMMONS: Q Again, we talked about a
 7 number of conditions today that you felt were
 8 unsatisfactory at the school, and some of those related
 9 to textbooks, some of those related to the temperature
 10 of your classroom. What I'd like to do now is just find
 11 out if there are other problems at your school that we
 12 haven't identified yet or conditions that you were
 13 dissatisfied with at the school.
 14 MS. LHAMON: And by the school, you're
 15 referring to Luther Burbank?
 16 MR. SIMMONS: Luther Burbank, yeah.
 17 THE WITNESS: No.
 18 MR. SIMMONS: I think I'm finished.
 19 MS. LHAMON: I've actually got just a few
 20 questions, but --
 21 MR. SIMMONS: Can we go off just real quick,
 22 too?
 23 MS. LHAMON: Sure.
 24 (Off-record discussion.)
 25 MS. LHAMON: We just had an off-the-record

1 MR. SIMMONS: Okay. Could you do that for us?
 2 MS. LHAMON: Shaun, you know, we've done what
 3 is responsive. We've done what we're going to do for
 4 that.
 5 THE WITNESS: I'll see --
 6 MS. LHAMON: I'm instructing her not to answer
 7 that.
 8 MR. SIMMONS: That's fine. I will -- then I'm
 9 done with my questions for now, but if we get documents
 10 later, then I'm just reserving the right to reopen this
 11 if, you know, the documents require that. So I know
 12 that your position is that you've produced everything
 13 that's responsive, and I'm sure if we're going to
 14 disagree with that, we'll take that up somewhere else,
 15 but in any event, I won't necessarily close the
 16 deposition today, because if we do get responsive
 17 documents, then we may want to reopen it.
 18 MS. LHAMON: Okay. I disagree with that,
 19 but --
 20 MR. SIMMONS: Right.
 21 MS. LHAMON: -- we don't need to fight about
 22 it.
 23 MR. SIMMONS: We're not going to settle it
 24 today.
 25 THE WITNESS: Done?

1 discussion, and Shaun has asked me to clarify that we
 2 have produced to the State everything that Olivia and
 3 her family have at home that is responsive to the
 4 subpoena.
 5 MR. SIMMONS: Right. And the only question
 6 that I was going to ask of Olivia is just to see if you
 7 had asked the -- if you had tried to obtain records,
 8 asked anyone at the school for like your report cards or
 9 something like that.
 10 MS. LHAMON: And when you mean at the school,
 11 you mean Luther Burbank?
 12 MR. SIMMONS: Yeah.
 13 THE WITNESS: Hmm?
 14 MS. LHAMON: Did you hear the question?
 15 THE WITNESS: (Witness nods head.)
 16 MS. LHAMON: Do you have an answer?
 17 THE WITNESS: (Witness shakes head.)
 18 MS. LHAMON: You don't have an answer?
 19 THE WITNESS: (Witness shakes head.)
 20 MS. LHAMON: Did you ask anybody at Luther
 21 Burbank for your records?
 22 THE WITNESS: (Witness shakes head.)
 23 MS. LHAMON: Remember, you have to say
 24 something audible for the court reporter.
 25 THE WITNESS: No.

1 MS. LHAMON: No. I got a few questions for
 2 you.
 3
 4 EXAMINATION BY MS. LHAMON
 5 MS. LHAMON: Q Olivia, was the second floor
 6 girls' restroom locked during your sixth grade year at
 7 Luther Burbank?
 8 A No. It wasn't -- it was never open. They
 9 never opened it until seventh grade.
 10 Q Okay. So during your sixth grade year at
 11 Luther Burbank, the girls' restroom on the second floor
 12 was never opened; is that correct?
 13 A Yes.
 14 Q And that restroom was opened sometime during
 15 your seventh grade year, or was it opened during your
 16 eighth grade year?
 17 A Beginning of seventh grade.
 18 Q Okay. And then, Olivia, on your first day of
 19 testimony, you testified that in your sixth grade
 20 science classroom there were 20 windows; is that right?
 21 Do you remember that?
 22 A Estimated -- how you say? Estimate?
 23 Q Okay. So it's your estimate that there were 20
 24 windows in your sixth grade science class?
 25 A Yes.

1 Q Okay. And you also testified on your first day
2 that you were cold some days in your sixth grade English
3 class. Do you remember if you were cold every day
4 throughout the whole year in your sixth grade English
5 class or if there were particular months or days or
6 weeks when you were cold?

7 A During the wintertime.

8 Q And when you say during the winter, what months
9 are winter for you? Is that December and January and
10 February? Is it November and December?

11 A November, December.

12 Q Okay. Thank you. Have you been to visit any
13 other public schools --

14 A Yes.

15 Q -- in California?

16 A Yes.

17 Q You have? How do those schools compare to
18 Burbank?

19 A It's like, it's -- it looks way better than
20 Burbank, but it seems to me like the only reason why
21 Burbank look like that is because it's by a project, but
22 I think that -- like since -- we went up to AP to go
23 play a basketball game, and it's like when we went to
24 three bathrooms, they didn't have no problem. They had
25 soap, paper towel, toilet paper, marble stalls, marble

1 enough books --

2 A Yes.

3 Q -- in the classes?

4 A Yes.

5 Q How did you feel about not having enough books
6 in classes at Burbank?

7 A It's like it wasn't fair to me and everybody
8 else, because it's like everybody want to learn and
9 everybody want to like grow older and get big jobs and
10 stuff, but it's like it has to start in school, and it
11 has to start with the books and the -- and the rest of
12 the stuff and the rest of the supplies, but it's like if
13 we -- if we don't have the supplies or the mentality --
14 or if they don't have the mentality to get the supplies,
15 how can we learn?

16 Q When you say they don't have the mentality to
17 get the supplies, who are you referring to?

18 A The teachers. If they really -- if they really
19 want us to learn it, then they should really try harder
20 for us to get the books.

21 Q And finally, how did it make you feel to see
22 the broken windows at school?

23 A I mean, it's just -- it's just like -- it's
24 just like -- I don't -- I don't really know, but it's
25 like, why -- I mean, if they -- if they really want us

1 floors, all that. But it's like -- it's like, what
2 happened to Burbank? Burbank, I mean, it's just like a
3 tore down school. But I think it's -- if we getting the
4 same education that they getting, that we should get the
5 same stuff they getting.

6 Q And you say that that was at AP school? What's
7 AP school?

8 A AP Giannini.

9 Q P-i-a-n-n-i-n-i?

10 A G.

11 Q So it's G-i-a-n-n-i-n-i?

12 A Yes.

13 Q Is that school in San Francisco?

14 A Middle school. Yes.

15 Q And just the last few questions. Can you tell
16 me how it makes you feel to see what you call the pests
17 at school, the mice or rats and the cockroaches?

18 A It kind of make me feel not important, and
19 it's -- it make me feel like, why am I there? Why am I
20 there if all that's happening? I mean, don't nobody
21 deserve -- don't nobody deserve that. So I think they
22 should have got exterminator or something if they want
23 everyone to get their education and pay attention and
24 listen in class.

25 Q Did you feel any differently about not having

1 to be comfortable in class and they really want us to
2 participate and do what we supposed to do, then at least
3 they should fix the windows so we can be comfortable, so
4 we could be at room temperature and not higher than room
5 temperature or lower than room temperature.

6 MS. LHAMON: Okay. Thank you. That's all I
7 have.

8 MR. SIMMONS: Give a stipulation?

9 MS. LHAMON: Sure.

10 MR. SIMMONS: May we stipulate that copies of
11 documents attached to the deposition may be used as
12 originals?

13 MS. LHAMON: Yes.

14 MR. SIMMONS: May we stipulate that the
15 original of this deposition be signed under penalty of
16 perjury; that the original be delivered to the offices
17 of Catherine Lhamon; that the reporter is relieved of
18 liability for the original of the deposition; that the
19 witness will have 30 days from the date of the court
20 reporter's transmittal letter to Ms. Lhamon to sign and
21 correct the deposition, and that Miss Lhamon shall
22 notify all parties in writing about any changes in the
23 deposition, and that if there are no such changes
24 communicated or signature within that time, that any
25 unsigned and uncorrected copy may be used for all

1 purpose as if signed and corrected?
 2 MS. LHAMON: So stipulated.
 3 MR. SIMMONS: Thanks.
 4 MS. LHAMON: Thank you.
 5
 6 (Whereby, proceedings adjourned at 2:40 p.m.)
 7
 8 --oOo--
 9
 10 I declare under penalty of perjury the
 11 foregoing is true and correct. Subscribed at
 12 _____, California, this _____ day of
 13 _____, 20____.
 14
 15
 16
 17 _____
 18 OLIVIA SAUNDERS
 19
 20
 21
 22
 23
 24
 25

1 CERTIFICATE OF REPORTER
 2
 3 I, SANDRA M. MACNEIL, a Certified Shorthand
 4 Reporter, hereby certify that the witness in the
 5 foregoing deposition was by me duly sworn to tell the
 6 truth, the whole truth and nothing but the truth in the
 7 within-entitled cause;
 8 That said deposition was taken down in
 9 shorthand by me, a disinterested person, at the time and
 10 place therein stated, and that the testimony of the said
 11 witness was thereafter reduced to typewriting, by
 12 computer, under my direction and supervision;
 13 I further certify that I am not of counsel or
 14 attorney for either or any of the parties to the said
 15 deposition, nor in any way interested in the event of
 16 this cause, and that I am not related to any of the
 17 parties thereto.
 18
 19
 20 DATED: _____, 2001.
 21
 22
 23 _____
 24 SANDRA M. MACNEIL, CSR 9013
 25