

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

ELIEZER WILLIAMS, et al., ) Case No. 312 236  
Plaintiffs,) Pages 1 - 295  
VS. ) VOL. I

STATE OF CALIFORNIA, )  
DELAINE EASTIN, State )  
Superintendent Of Public )  
Instruction, STATE )  
DEPARTMENT OF EDUCATION, )  
STATE BOARD OF EDUCATION, )  
Defendants.)

\_\_\_\_\_)  
AND RELATED CROSS-ACTION. )  
\_\_\_\_\_)

DEPOSITION OF ROSA TELLECHEA  
TAKEN ON  
SUNDAY, MAY 20, 2001

REPORTED BY: ASHALA TYLOR, CRR, RPR, CSR No. 2436  
CERTIFIED REALTIME REPORTER

1 Deposition of ROSA TELLECHEA, taken on behalf  
2 of the Defendants at 400 South Hope Street,  
3 Los Angeles, California, on SUNDAY, MAY 20, 2001,  
4 at 10:00 A.M., before ASHALA TYLOR, CSR No. 2436,  
5 RPR, pursuant to Notice.

6  
7 APPEARANCES:

8  
9 FOR MALDEF:

10 MEXICAN AMERICAN LEGAL DEFENSE AND  
11 EDUCATIONAL FUND:  
12 BY: HECTOR OSCAR VILLAGRA, ESQ.  
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17  
18 FOR STATE OF CALIFORNIA:

19 O'MELVENY & MYERS, LLP  
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24  
25

1 A P P E A R A N C E S (continued)  
2  
3 FOR LOS ANGELES UNIFIED SCHOOL DISTRICT:  
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1 I N D E X

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1 LOS ANGELES, CALIFORNIA  
2 SUNDAY, MAY 20, 2001; 10:00 A.M.  
3

4 ROSA TELLECHEA,  
5 having been first duly  
6 sworn, was examined and testified  
7 as follows:  
8

9 EXAMINATION

10  
11 BY MS. STRONG:  
12 Q. Good morning -- is it Tellechea?  
13 A. Tellechea.  
14 Q. Tellechea?  
15 I'm Sabrina Strong, and I represent the  
16 State of California in this action.  
17 Will you please state and spell your full  
18 name for the record, please.  
19 A. Rosa Tellechea. It's R-o-s-a. Last name  
20 is T, like Tom, e-l-l-e-c-h-e-a.  
21 Q. Have you ever had your deposition taken  
22 before?  
23 A. No.  
24 Q. Okay. What I want to do then, first, is  
25 just explain to you what's going to happen today.

1 I'm going to ask you a series of questions, and we  
2 have a court reporter here who is going to take  
3 down everything that's said, my questions and your  
4 answers.

5 And the point of the questions that I'm  
6 asking you today is to try and learn a little bit  
7 more about what you know about the facts of the  
8 case. Okay?

9 Once the deposition is over, the court  
10 reporter will transcribe all of what we've talked  
11 about into a little booklet. This booklet will be  
12 sent to you or to your attorney.

13 You'll have an opportunity to review it  
14 and make any changes. If you do make any changes,  
15 the attorneys in this case will be able to comment  
16 upon those changes that you make. So it's  
17 important that you testify fully, completely, and  
18 accurately here today.

19 Do you understand what I've told you so  
20 far?

21 A. Yes.

22 Q. We need to verbalize everything that we  
23 say. You need to verbalize your answers. For  
24 example, yes and no. You can't nod your head or  
25 shake your head because, of course, that won't be

1 recorded on the transcript. Okay? We have to be  
2 very careful of that.

3 In addition, it's important to have a  
4 clean record, so we need to not speak over one  
5 another. I will try and let you finish your  
6 answers before I continue with the next question,  
7 and if you could please wait until I finish my  
8 question before beginning with your answer.

9 Do you understand that?

10 A. Yes, I do.

11 Q. If you at any time do not understand a  
12 question, please let me know that you do not  
13 understand the question. If you don't let me know  
14 that, I'm going to go ahead and assume that you do  
15 understand the question. Okay? And we will accept  
16 your answers as if you did understand the question.  
17 So it's important if you don't understand it, just  
18 me know and I'll try and rephrase it, if  
19 appropriate. Okay?

20 A. Okay.

21 Q. You're required to answer the questions to  
22 the best of your ability. Nobody here wants you to  
23 guess. Your attorney doesn't want you to guess.  
24 We don't want you to guess. But you can give your  
25 best estimate as to the correct answer or what you

1 believe the answer is. Okay?

2 Because your testimony here is given under  
3 oath and we're in a relatively casual setting here,  
4 but it's important that you understand that you're  
5 testifying under oath and, therefore, you are  
6 subject to the penalties of perjury for your  
7 testimony here today.

8 Do you understand that?

9 A. Yes, I do.

10 Q. Okay. If you need a break for any reason  
11 today, please let me know. This is not an  
12 endurance test. If you want us to stop and take a  
13 break or if you need to discuss something with your  
14 attorney, whatever the case may be, just let me  
15 know, and I'll instruct the court reporter that  
16 we're going off the record and we can take a break.  
17 Okay?

18 A. (Unreportable response.)

19 Q. If at any point today during the  
20 deposition you remember something, you know, some  
21 question or some dialogue reminds you of some other  
22 information in response to a prior question, you  
23 think of something else that you wanted to tell me  
24 or you should have told me, let me know that and we  
25 can go back and address those issues. So if at any

1 time something triggers thoughts about what you've  
2 already testified to here today, let me know, and  
3 we'll go back and go over that. Okay?

4 A. (Unreportable response.)

5 Q. If you don't do that, we're going to go  
6 ahead and assume that your answers are full and  
7 complete answers.

8 A. (Unreportable response.)

9 Q. Do you understand what I've said to you so  
10 far?

11 A. Yes.

12 Q. And do you have any questions?

13 A. No.

14 Q. Is there any reason why you believe you  
15 will be unable to give complete and accurate  
16 testimony here today?

17 A. No.

18 Q. Okay. Have you recently consumed any  
19 medication or any alcohol or any substance that may  
20 cloud your mind or affect your ability to give  
21 testimony today?

22 A. I drank thyroid hormone because I don't  
23 have my thyroid, so I drank that.

24 Q. What is thyroid hormone?

25 A. It's called Synthroid.

1 Q. Can you spell that?  
 2 A. S-y-n-t-h-r-o-i-d.  
 3 Q. And when did you last take Synthroid?  
 4 A. This morning.  
 5 Q. How often do you take it?  
 6 A. It's one every day.  
 7 Q. Once every day?  
 8 A. Uh-huh.  
 9 Q. And what are the effects of this  
 10 medication?  
 11 A. Well, it doesn't really have any -- any  
 12 effects. It's just like -- it just replaces the  
 13 hormones that my thyroid doesn't produce, because I  
 14 no longer have it.  
 15 Q. Okay. So it doesn't affect your ability  
 16 to understand or to focus or to hear my questions  
 17 and answer completely today?  
 18 A. I don't think so.  
 19 Q. Okay. You don't think so or -- you take  
 20 this every day, correct?  
 21 A. Yeah, I take this every day.  
 22 Q. And it doesn't affect your ability to  
 23 give --  
 24 A. No.  
 25 Q. -- complete and accurate testimony here

1 today?  
 2 A. No.  
 3 Q. No, it does not?  
 4 A. No, it does not.  
 5 Q. Thank you.  
 6 Do you suffer from any disability of any  
 7 kind that would affect your ability to testify here  
 8 today?  
 9 A. No.  
 10 Q. Okay. Did you do anything to prepare for  
 11 this deposition?  
 12 A. I spoke with my lawyer yesterday.  
 13 Q. Okay. Was anyone else present during that  
 14 conversation?  
 15 A. No.  
 16 Q. Was that the only conversation you had in  
 17 preparation for this deposition?  
 18 A. No.  
 19 Q. Okay. What other conversations did you  
 20 have to prepare for this deposition?  
 21 A. Thursday I spoke with him over the phone.  
 22 Q. Okay.  
 23 A. Three times on Thursday.  
 24 Q. Was anyone else on the phone conversation?  
 25 A. No.

1 Q. And when you say you spoke with your  
 2 lawyer, can you tell me who that was?  
 3 A. Hector Villagra.  
 4 Q. Each of the conversations that you've  
 5 identified, the phone conversations and -- did you  
 6 say you met in person, too?  
 7 A. Yes.  
 8 Q. For each of those conversations, you were  
 9 meeting with Hector?  
 10 A. Yes.  
 11 Q. And nobody else was present for any of  
 12 those?  
 13 A. No.  
 14 Q. Other than what you've told me, have you  
 15 had any other conversations in preparation for this  
 16 deposition?  
 17 A. Prior to those, he called me about a week  
 18 prior to that --  
 19 Q. Okay.  
 20 A. -- to let me know that there was going to  
 21 be a deposition.  
 22 Q. And this is Hector again?  
 23 A. This was Dalia.  
 24 Q. Dalia?  
 25 A. Yes.

1 Q. Is Dalia an attorney?  
 2 A. I'm not sure.  
 3 Q. Do you know where Dalia works?  
 4 A. MALDEF.  
 5 MR. VILLAGRA: Mexican Legal Defense  
 6 Educational Fund.  
 7 I should point out for the record, Dalia  
 8 works at the ACLU.  
 9 MS. STRONG: And do you happen to know if  
 10 Dalia was an attorney?  
 11 MR. VILLAGRA: No. But she was acting at  
 12 the instructions of an attorney.  
 13 BY MS. STRONG:  
 14 Q. So you had one conversation with Dalia?  
 15 A. I believe two.  
 16 Q. Two conversations with Dalia?  
 17 A. Yes.  
 18 Q. And those were both in preparation for  
 19 this deposition?  
 20 A. Yes.  
 21 Q. Did you believe that Dalia was your  
 22 attorney at that time when you were speaking to  
 23 her?  
 24 A. No.  
 25 Q. What did Dalia tell you?

1 A. She was telling me -- giving me dates of  
 2 when I was available for the deposition.  
 3 Q. Okay. And what dates did you give her?  
 4 A. I gave her the 19th and the 20th.  
 5 Q. Okay. Did you have any other  
 6 conversations with anyone in preparation for this  
 7 deposition?  
 8 A. Mr. Villagra.  
 9 Q. What other conversation did you have with  
 10 him?  
 11 A. That was a couple of months ago. I can't  
 12 remember exactly the date.  
 13 Q. Okay.  
 14 A. Yeah, it was regarding the case.  
 15 Q. And where did that meeting take place?  
 16 A. That was over the phone.  
 17 Q. Was anyone else on that phone conversation  
 18 with you?  
 19 A. No.  
 20 Q. At the time did you believe that Hector  
 21 was your attorney?  
 22 A. Yes.  
 23 Q. Okay. Did you have any other  
 24 conversations in preparation for this deposition?  
 25 A. No.

1 Q. Did you talk with anyone else about the  
 2 deposition? For example, did you speak with your  
 3 husband about the deposition?  
 4 A. Yes.  
 5 Q. Okay. When did you speak with your  
 6 husband about the deposition?  
 7 A. Last night.  
 8 Q. Okay. Did you have any other  
 9 conversations, other than last night, with your  
 10 husband regarding the deposition?  
 11 A. This morning he just dropped me off.  
 12 Q. Okay. And any others that you can think  
 13 of?  
 14 A. I can't remember.  
 15 Q. Okay. When you first got the  
 16 deposition -- when you first heard about the  
 17 deposition, was that a couple weeks ago? Is that  
 18 correct?  
 19 A. Yes.  
 20 Q. Did you talk with your husband then --  
 21 A. Yes.  
 22 Q. -- about the deposition?  
 23 A. Uh-huh.  
 24 Q. Okay. So that was a third conversation,  
 25 correct?

1 A. Yes.  
 2 Q. Why don't we talk about this morning.  
 3 What did your husband say to you this  
 4 morning or what did you say to him regarding the  
 5 deposition?  
 6 A. I just said that, hopefully, it would be  
 7 done by today because I wanted it, you know, to be  
 8 done by today. I don't want to come back again,  
 9 because of the weekend, you know.  
 10 Q. Okay. And what did he say to you?  
 11 A. He said, "Well, you know, on your break  
 12 you can call me and, you know, when you know that  
 13 it's almost going to be over with so I can, you  
 14 know, go pick you up."  
 15 Q. Did you talk with him at all -- during any  
 16 of these conversations that you ever had, did you  
 17 talk to him about what you were going to be  
 18 testifying about, the substance of the testimony?  
 19 A. Pretty much, yes.  
 20 Q. What did you talk to him about?  
 21 A. Oh, well, basically concerns us as  
 22 parents, regarding the busing and Concept 6.  
 23 Q. And specifically what did you say to him?  
 24 Do you remember?  
 25 A. I can't recall right now.

1 Q. What did he say to you in response to your  
 2 concerns?  
 3 A. Just basically those things, you know, the  
 4 busing, which is, you know, what we're concerned  
 5 about. And the Concept 6.  
 6 Q. Okay. So you discussed busing issues with  
 7 him?  
 8 A. Yes.  
 9 Q. And Concept 6, you mean you discussed the  
 10 year-round calendar?  
 11 A. Yes.  
 12 Q. And this is relating to --  
 13 A. Our sons.  
 14 Q. Both of your children?  
 15 A. Yes.  
 16 Q. Did you talk about this with respect to  
 17 any particular school?  
 18 A. Well, it's Rosewood and Cahuenga.  
 19 Q. Other than the busing and the year-round  
 20 calendar, which we're going into and will discuss  
 21 much more, in greater detail, later on today, did  
 22 you discuss any other conditions at the schools,  
 23 either Rosewood or Cahuenga, with your husband?  
 24 A. No.  
 25 Q. And did your husband ask you any other

1 questions other than those that relate to busing  
2 and year-round schools?  
3 A. No.  
4 Q. Did you talk with anyone else about your  
5 deposition here today?  
6 A. No.  
7 Q. Did you have any conversation with your  
8 children about the deposition?  
9 A. No.  
10 Q. Did you review any documents in  
11 preparation for this deposition?  
12 A. No.  
13 Q. Did you review the first amended  
14 complaint, by any chance?  
15 A. I have no idea about that.  
16 Q. Okay. What about your declaration, did  
17 you sign a declaration in this case?  
18 A. Yes.  
19 Q. You did?  
20 A. (Unreportable response.)  
21 Q. When did you do that?  
22 A. I can't remember the date, but I did -- I  
23 do remember signing it.  
24 Q. How did that come about? How did you sign  
25 the declaration, or why did you sign the

1 A. Yes.  
2 Q. Okay. When was the last time you reviewed  
3 your declaration?  
4 A. It was this week.  
5 Q. Okay. So was that in preparation for this  
6 deposition?  
7 A. Yes.  
8 Q. So you did review your declaration in  
9 preparation for the deposition?  
10 A. Yes.  
11 Q. Did you review anything else in  
12 preparation? Any other document, such as your  
13 declaration, anything else like that, that you  
14 reviewed?  
15 A. No, no.  
16 Q. Do you know if there are any other  
17 declarations similar to yours that relate to the  
18 allegations, that relate to -- I'm sorry --  
19 regarding Cahuenga Elementary? Do you know if  
20 there are any other declarations of that nature?  
21 A. No.  
22 Q. You don't. Okay.  
23 So you didn't -- whatever the case may be,  
24 you didn't review any declarations from anybody  
25 else --

1 declaration in this case?  
2 A. It was a declaration taken by Mr. Villagra  
3 regarding the problem about the busing and the  
4 Concept 6.  
5 Q. And when did you sign it?  
6 A. I signed it at my house.  
7 Q. Okay. Was he with you?  
8 A. Yes.  
9 Q. Was Hector with you?  
10 A. Yes.  
11 Q. And since that date -- you don't remember  
12 the date of when you signed it?  
13 A. No.  
14 MR. VILLAGRA: Asked and answered.  
15 BY MS. STRONG:  
16 Q. Go ahead, you can answer.  
17 A. Yes, I can't remember the date.  
18 Q. Okay.  
19 A. It was months. Not a year, not like a  
20 year, but it was --  
21 Q. Several months ago?  
22 A. Yes, but I can't remember the date.  
23 Q. Okay. But since the date that you signed  
24 the declaration, have you had an opportunity to  
25 review it again?

1 A. No.  
2 Q. -- relating to Cahuenga?  
3 A. No.  
4 Q. Did you review any notices that you  
5 received from Cahuenga or Rosewood in relation to  
6 your deposition?  
7 A. No.  
8 Q. Did you review any documents that your  
9 children may have, or that were brought home by  
10 your children, in preparation for this deposition?  
11 A. No.  
12 Q. Did you have an opportunity to look at any  
13 news articles regarding the schools, in preparation  
14 for this deposition?  
15 A. No. I mean, I had them mailed to me, but  
16 that was like at the beginning, back in May. I  
17 mean, there were articles, but I haven't really,  
18 you know, looked at all of them. But I know that  
19 there are some.  
20 Q. Okay. What articles -- what news articles  
21 did you have mailed to you?  
22 A. I can't remember the names of the  
23 articles. I mean, the newspaper articles.  
24 Q. They were newspaper articles?  
25 A. Yes.

1 Q. Do you know what newspaper they were from?  
 2 A. I believe L.A. Times.  
 3 Q. Okay.  
 4 A. But I'm not completely sure.  
 5 Q. Okay. Why did you ask to have the  
 6 articles mailed to you?  
 7 MR. VILLAGRA: Objection. That misstates  
 8 the witness's testimony.  
 9 BY MS. STRONG:  
 10 Q. I'm sorry. Did you ask to have the  
 11 articles mailed to you?  
 12 A. No.  
 13 Q. Okay. How did you know that any articles  
 14 were going to be mailed to you?  
 15 A. They were just mailed to me.  
 16 Q. Do you know why they came to you? How did  
 17 someone know to send any articles to you?  
 18 MR. VILLAGRA: Calls for speculation.  
 19 BY MS. STRONG:  
 20 Q. Do you know why? You can answer.  
 21 A. No.  
 22 Q. So how did you know that you were  
 23 expected -- were you expecting any articles?  
 24 A. No.  
 25 Q. Just one day articles arrived at your

1 doorstep?  
 2 A. Yeah, in the mail.  
 3 Q. In the mail?  
 4 A. Uh-huh.  
 5 Q. Who were the articles sent from?  
 6 A. They were from MALDEF.  
 7 Q. Had you already spoken with someone from  
 8 MALDEF at that time, when the articles came to your  
 9 house?  
 10 A. I can't remember.  
 11 Q. When was the first time that you heard  
 12 about this case?  
 13 A. This was back in May of last year. A  
 14 neighbor was in a meeting in Cahuenga Elementary,  
 15 and she told me about the --  
 16 Q. Okay. So I want to address this in  
 17 further detail. But I want to know -- the  
 18 articles, did they come to your house before that  
 19 May meeting --  
 20 A. No.  
 21 Q. -- or after that May meeting?  
 22 A. That was after.  
 23 Q. The articles came to your house after the  
 24 May meeting?  
 25 A. Yes.

1 Q. Now, did you attend the May meeting?  
 2 A. I wasn't able -- I didn't know about the  
 3 meeting. But my neighbor, you know, informed me  
 4 about it.  
 5 Q. Who told you about it?  
 6 Do you have any idea how someone got your  
 7 address to send you the articles?  
 8 A. This was after I sign the lawsuit, the  
 9 articles that were sent to me.  
 10 Q. What do you mean by after you signed the  
 11 lawsuit?  
 12 A. After I signed the lawsuit with MALDEF,  
 13 they were sent to me.  
 14 Q. I don't understand what it means when you  
 15 say, "I signed the lawsuit." So what are you  
 16 referring to?  
 17 A. That I represented by -- I sign, you know,  
 18 the representation papers from MALDEF, to be  
 19 represented.  
 20 Q. And do you remember when that was?  
 21 A. That was in May.  
 22 Q. Okay. The meeting that you just described  
 23 was also in May, correct?  
 24 A. It wasn't in May. Let me think. It was a  
 25 couple of weeks prior to May.

1 Q. The meeting?  
 2 A. Yes. I can't remember exactly the date.  
 3 Q. The meeting you are referring to happened  
 4 in April, as you recall?  
 5 A. Yes.  
 6 Q. And then what happened from the time of  
 7 the meeting until the date that you -- strike that.  
 8 When did you sign the papers, as you're  
 9 referring to them? I'm using this language. I  
 10 have to understand what this means a little bit  
 11 more.  
 12 Just for now, when did you, quote, sign  
 13 the papers with MALDEF?  
 14 A. In May.  
 15 Q. How do you remember it was in May?  
 16 A. How do I remember? I just remember it was  
 17 in May. It was at the beginning of May.  
 18 Q. Okay. Where were you when you signed  
 19 papers?  
 20 A. At my house.  
 21 Q. Did someone come to your house and bring  
 22 papers with them?  
 23 A. Yes. After that meeting that my neighbor  
 24 attended, she told me about Mr. Villagra that  
 25 wanted to speak to, you know, people regarding the

1 busing problem. And that's how she gave me his  
 2 card. And I called him, and then he came to my  
 3 home.  
 4 Q. Okay. So your neighbor gave you a card of  
 5 --  
 6 A. Yes.  
 7 Q. -- of Hector's?  
 8 And he came to your home in response to  
 9 that?  
 10 A. Yes.  
 11 Q. Do you know how much time passed between  
 12 the time the neighbor gave you his card and when he  
 13 came to your home?  
 14 A. It was a couple of days.  
 15 Q. Okay. So was it that day, the first day  
 16 that you met with him at your home, that you signed  
 17 some papers that you are referring to?  
 18 A. Yes.  
 19 Q. And do you remember exactly what those  
 20 papers were?  
 21 A. They were papers to be, you know, signing  
 22 the -- to be represented in the lawsuit.  
 23 Q. Okay. Do you know if a lawsuit had been  
 24 filed at that time?  
 25 A. Yes.

1 Q. You believe --  
 2 A. Because my neighbor had told me about  
 3 that.  
 4 Q. Okay. So as far as you're aware, the  
 5 lawsuit had already been filed?  
 6 A. Yes.  
 7 Q. Okay. And so what were you doing? By  
 8 signing, what did that mean to you?  
 9 A. I was -- I was -- I was signing the  
 10 lawsuit so I could be a witness regarding the  
 11 problem that I'm going through with my sons, the  
 12 busing.  
 13 Q. Okay.  
 14 A. And that I would be a witness.  
 15 Q. Okay. So when you signed those papers,  
 16 you thought that you were joining the lawsuit?  
 17 A. Yes.  
 18 Q. Okay. In what capacity were you going to  
 19 be joining the lawsuit? Do you know?  
 20 MR. VILLAGRA: Objection. Vague.  
 21 THE WITNESS: I don't understand the  
 22 question.  
 23 BY MS. STRONG:  
 24 Q. Okay. Do you know if at that time you  
 25 were what is called a plaintiff in the lawsuit?

1 A. Yes.  
 2 Q. You believe that you became a plaintiff  
 3 that day?  
 4 A. Yes.  
 5 Q. And you were joining -- again, you were  
 6 joining a lawsuit that had already been filed?  
 7 A. Yes.  
 8 Q. Did you know how many other plaintiffs  
 9 there were in the lawsuit?  
 10 A. No.  
 11 Q. Did you know if there was anybody else in  
 12 the lawsuit?  
 13 A. Yes. My neighbor had told me that there  
 14 were, but exactly the number and the names, no.  
 15 Q. Okay. And then from that day on, who did  
 16 you consider to be your attorney?  
 17 A. Mr. Villagra.  
 18 Q. So back to the news articles.  
 19 Did Mr. Villagra tell you that he was  
 20 going to be sending news articles?  
 21 A. Yes.  
 22 Q. And when did the news articles arrive at  
 23 your house?  
 24 A. I don't recall the date, but I do -- you  
 25 know -- I did receive them.

1 Q. Do you have those news articles at home?  
 2 A. I believe I do.  
 3 Q. And you believe that you've read some of  
 4 them but not all of them?  
 5 MR. VILLAGRA: Objection. That misstates  
 6 the testimony.  
 7 BY MS. STRONG:  
 8 Q. I'm sorry. Have you read any of the  
 9 articles?  
 10 A. No. I mean --  
 11 Q. No?  
 12 A. -- I just glance but not really read them.  
 13 Q. Okay. Do you know what the articles are  
 14 about?  
 15 A. Yes. It's about the busing and the low  
 16 scores and the Concept 6.  
 17 MS. STRONG: All right. I'd like to mark  
 18 as Exhibit 1, Defendants' Notice of Deposition of  
 19 Plaintiff Rosa Tellechea, guardian ad litem for  
 20 Jonathan Tellechea, and Request for Production of  
 21 Documents.  
 22 If you can take a look at that.  
 23 (Deposition Exhibit 1 was marked by the  
 24 reporter for identification and is attached  
 25 hereto.)



1 BY MS. STRONG:  
 2 Q. Have you ever seen this document before,  
 3 Mrs. Tellechea?  
 4 A. I don't recall.  
 5 Q. Well, in the past two weeks, have you seen  
 6 this document?  
 7 A. No.  
 8 Q. Have you seen it in the past month?  
 9 A. No.  
 10 Q. Okay. Will you look at page 7 of the  
 11 document, please, Exhibit 1. I'd like you to  
 12 review that portion of the document. Take your  
 13 time and let me know when you are finished, okay.  
 14 (Pause while witness peruses document.)  
 15 Q. Have you had an opportunity to read it?  
 16 A. (Unreportable response.)  
 17 Q. Do you have any documents at home that fit  
 18 the description of what you just read?  
 19 A. Yes, report card.  
 20 Q. Anything else?  
 21 A. That's it, report card.  
 22 Q. And did you bring -- those report cards,  
 23 did you bring them here today?  
 24 A. Just for Samuel. I couldn't find for  
 25 Jonathan.

1 Q. Why don't we go ahead and -- the one  
 2 you're looking at is for Jonathan, okay.  
 3 But you believe that you do have  
 4 Jonathan's at home?  
 5 A. Yes. I just have them stored away, and I  
 6 have to look for them. I didn't have time to look  
 7 for them.  
 8 Q. Okay. Well, I'd like to ask you some more  
 9 specifics about types of documents that you might  
 10 have at home that you may not have thought of when  
 11 reading this portion of the document.  
 12 For example, did you have any documents at  
 13 home that relate to the conditions at either  
 14 Cahuenga or at Rosewood Elementary Schools?  
 15 A. No.  
 16 Q. Do you have any other documents at home  
 17 that relate to the issues raised in the lawsuit?  
 18 A. No.  
 19 Q. But you do have the news articles,  
 20 correct?  
 21 A. Yes.  
 22 Q. Do you have any notes regarding  
 23 discussions with any teachers, counselors,  
 24 administrators, or other parents or other students,  
 25 or anyone else you can think of that nature,

1 regarding the conditions at Cahuenga or Rosewood  
 2 Elementary?  
 3 A. Of conditions from the school?  
 4 Q. Relating to the school. Any notes  
 5 regarding any conversations with anyone about the  
 6 conditions of the school.  
 7 A. How about like, say, a note from the  
 8 teacher saying that, you know, Jonathan made four  
 9 book reports. Is that something?  
 10 Q. Yes, that's something.  
 11 A. I have that from the teacher.  
 12 Q. The note that you are referring to is,  
 13 what? What is it?  
 14 A. He completed four book reports, and then  
 15 she signed.  
 16 Q. And who is he that we're referring to?  
 17 A. Jonathan Tellechea.  
 18 Q. Do you know where that is?  
 19 A. I have it at home.  
 20 Q. Okay. So now, anything else that you can  
 21 think of like that, that you have at home?  
 22 A. Just the, you know, the report cards.  
 23 Q. Okay. Do you have, for example, any  
 24 letters, any correspondence between yourself and  
 25 anyone at the schools, or administrators or other

1 parents, regarding conditions or education at  
 2 school?  
 3 A. Letters? No.  
 4 Q. Do you have notices that were sent home  
 5 with your children regarding anything, you know,  
 6 what's happening at school?  
 7 A. I have a note like a flyer that they gave  
 8 my son when he got off the bus, I think it was last  
 9 week, regarding the building of new schools around  
 10 the area. I have that.  
 11 Q. Do you know where that is?  
 12 A. Yes.  
 13 MS. STRONG: I'd like to ask that she  
 14 produce the documents that she's identified.  
 15 MR. VILLAGRA: Okay.  
 16 MS. STRONG: I'd also like to ask --  
 17 Q. Well, one other question for you, first.  
 18 Did anyone ask you to look for these types  
 19 of documents that are listed in this --  
 20 MR. VILLAGRA: I'm going to --  
 21 BY MS. STRONG:  
 22 Q. -- page 7?  
 23 MR. VILLAGRA: I'm going to instruct the  
 24 witness not to answer because the question is  
 25 asking for her to reveal conversations that we have

1 had.  
 2 BY MS. STRONG:  
 3 Q. I just want to know if anyone has asked  
 4 you to look for these documents. Have you been  
 5 told by anyone to look for these documents?  
 6 A. I don't recall.  
 7 Q. So in the past month, as far as you  
 8 remember, you don't remember anyone asking you to  
 9 produce documents relating to what you've read on  
 10 page 7 of Exhibit 1?  
 11 A. I don't remember.  
 12 Q. Okay. Would you remember that if it  
 13 happened in the last month or so?  
 14 A. I'm not sure.  
 15 Q. Okay. But regardless, you haven't done a  
 16 search for documents like this at home?  
 17 A. No.  
 18 MS. STRONG: So I'm asking the witness to  
 19 do a diligent search for documents at home.  
 20 I'd like you to look for all documents  
 21 that are responsive to this at your house and they  
 22 be produced in this litigation. Okay.  
 23 MR. VILLAGRA: I'd like to state for the  
 24 record that before we went on the record, report  
 25 cards for Samuel were produced. So obviously some

1 Q. We have just had an opportunity to talk  
 2 off the record to try and shorten the questions  
 3 that I was going to ask right now.  
 4 And we have agreed that you will go ahead  
 5 and look at home for any documents that may be  
 6 responsive to Exhibit 2 relating to Samuel  
 7 Tellechea as well as Jonathan Tellechea.  
 8 A. Yes.  
 9 Q. And you will produce any documents that  
 10 you find that are responsive to this as well.  
 11 A. Yes.  
 12 Q. And also we agreed that the questions that  
 13 were just asked with respect to Jonathan Tellechea  
 14 and regarding whether there were documents at home,  
 15 you were also considering Samuel Tellechea when you  
 16 were responding to those questions, correct?  
 17 A. Correct.  
 18 Q. Okay. Have you ever used a name other  
 19 than Rosa Tellechea?  
 20 A. Rosa Olympia Valencia, which is my maiden  
 21 name.  
 22 Q. Can you spell that?  
 23 A. Valencia, V like Victor, a-l-e-n-c-i-a.  
 24 Q. What's the full name again?  
 25 A. Rosa Olympia Valencia.

1 search was done. And we will produce these  
 2 additional documents that she's identified today.  
 3 MS. STRONG: Great. Thank you.  
 4 To be complete, I'd like to mark as  
 5 Exhibit 2, Defendants' Notice of Deposition of  
 6 Plaintiff Rosa Tellechea, guardian ad litem for  
 7 Samuel Tellechea, and a Request for Production of  
 8 Documents.  
 9 (Deposition Exhibit 2 was marked by the  
 10 reporter for identification and is attached  
 11 hereto.)  
 12 BY MS. STRONG:  
 13 Q. Mrs. Tellechea, have you seen Exhibit 2  
 14 before?  
 15 A. No.  
 16 Q. Okay. I know it looks somewhat similar to  
 17 the document you were just looking at, but I'd like  
 18 to ask you a few questions about it as well. Okay?  
 19 If you could, please, turn to page 7. I'd  
 20 like you to review this, and let me know when you  
 21 have had an opportunity to review it.  
 22 (Pause while witness peruses document.)  
 23 MS. STRONG: Can we go off the record.  
 24 (Discussion off the record.)  
 25 MS. STRONG: Back on.

1 Q. And Olympia, can you spell that, please.  
 2 A. It's O-l-y-m-p-i-a.  
 3 Q. Okay. Are there --  
 4 A. No.  
 5 Q. -- any other names that you used other  
 6 than those two?  
 7 A. No.  
 8 Q. Were you born and raised in this country?  
 9 A. Yes.  
 10 Q. And that's the United States?  
 11 A. Yes.  
 12 Q. Did you attend schools in the United  
 13 States?  
 14 A. Yes.  
 15 Q. Where do you live currently?  
 16 A. [REDACTED]  
 17 [REDACTED]  
 18 Q. And that's in Los Angeles?  
 19 A. Yes.  
 20 Q. California?  
 21 A. Yes.  
 22 Q. What's the ZIP Code?  
 23 A. [REDACTED]  
 24 Q. How long have you lived at that address?  
 25 A. Approximately since May 27 of '94.

1 Q. Where did you live before that?  
 2 A. [REDACTED]  
 3 Q. How long were you at that address for?  
 4 A. Let me think back.  
 5 Q. Okay.  
 6 A. At the end of August '90 to prior to  
 7 moving there, 540. So from '90 to May 27 of '94.  
 8 Q. And before that, where did you live?  
 9 A. I lived at [REDACTED]  
 10 [REDACTED]  
 11 Q. Okay.  
 12 A. I only lived there for two months because  
 13 I just got married. So it's about two months. And  
 14 that was in -- let's see. The end of June through  
 15 that time that I moved to [REDACTED]  
 16 Q. Okay. And you said you're married. So  
 17 you are married?  
 18 A. Yes.  
 19 Q. What's your husband's name?  
 20 A. He is Oswaldo.  
 21 Q. Spell that, please.  
 22 A. It's O-s-w-a-l-d-o.  
 23 Q. And his last name?  
 24 A. Martinez Tellechea.  
 25 Q. Martinez? Can you spell that, please.

1 A. (Unreportable response.)  
 2 Q. What days during the week does he work?  
 3 A. Monday through Friday.  
 4 Q. How does he get to work?  
 5 A. He drives.  
 6 Q. He drives? So he has his own car that he  
 7 drives to work?  
 8 A. Yes.  
 9 Q. Do you know how far it is from your home  
 10 to his work, approximately how far it is?  
 11 A. The thing is that sometimes they send him  
 12 to other buildings, so he's not always at that  
 13 building.  
 14 Q. Okay.  
 15 A. That's where he reports, but he -- he  
 16 travels to different other buildings.  
 17 Q. Okay. So let's start with that building.  
 18 How far is that building from your home,  
 19 approximately?  
 20 A. I'd say about five to eight minutes.  
 21 Q. Five to eight minutes driving?  
 22 A. Yes.  
 23 Q. So do you have any idea how many miles?  
 24 Is that one mile, or do you know how far it is in  
 25 distance?

1 A. M, like Mary, a-r-t-i-n-e-z.  
 2 Q. How long have you been married to him?  
 3 A. We're going on eleven years.  
 4 Q. Okay. So that was 1990 --  
 5 A. Yes.  
 6 Q. -- you got married?  
 7 And what does he do?  
 8 A. He's maintenance supervisor.  
 9 Q. Where at?  
 10 A. [REDACTED]  
 11 Q. Can you spell that?  
 12 A. [REDACTED]  
 13 Q. Where is that located?  
 14 A. In Los Angeles.  
 15 Q. Do you know where in Los Angeles?  
 16 A. It's at the corner of [REDACTED]  
 17 [REDACTED]  
 18 Q. [REDACTED] I'm not familiar with that  
 19 street. Is that a street? Avenue?  
 20 A. Street. [REDACTED]  
 21 Q. You said he was a maintenance supervisor?  
 22 A. Yes.  
 23 Q. What are his hours?  
 24 A. 8:00 to 4:00.  
 25 Q. 8:00 A.M. to 4 P.M.?

1 A. About one mile, I think.  
 2 Q. And then the buildings that he's sent to,  
 3 do you know how far he has to go to travel to other  
 4 buildings?  
 5 A. Some are in Beverly Hills. Some are in  
 6 Hollywood. He travels different --  
 7 Q. Okay.  
 8 A. He's not always at one spot, you know. He  
 9 goes to different other places.  
 10 Q. And so what's the farthest, do you think,  
 11 he has to drive to go to work, if he's got to  
 12 report to a building other than the [REDACTED]  
 13 [REDACTED]  
 14 MR. VILLAGRA: If you know.  
 15 THE WITNESS: I don't know. I'm really  
 16 not familiar with that.  
 17 BY MS. STRONG:  
 18 Q. Okay.  
 19 A. I couldn't.  
 20 Q. Okay. And do you know if he has to go  
 21 outside of Los Angeles, for example?  
 22 A. I don't think so.  
 23 Q. Do you have the ability to get in touch  
 24 with him while he's at work?  
 25 A. Yes.

1 Q. How do you get in touch with him while  
2 he's at work?  
3 A. His pager or his cell phone.  
4 Q. How long has he had a pager for, do you  
5 know?  
6 A. I don't understand your question.  
7 Q. I'm sorry. How long has he had a pager  
8 for?  
9 A. Oh, for many years.  
10 Q. So the past five years, for example?  
11 A. Probably more than that.  
12 Q. Okay. And his cell phone, how long has he  
13 had his cell phone for?  
14 A. Since August of last year.  
15 Q. So August of 2000?  
16 A. Yes.  
17 Q. Okay.  
18 A. I don't understand -- what do these  
19 questions have to do with the case?  
20 Q. Well, you know, I'm asking lots of  
21 questions for a lot of different reasons.  
22 A. Okay.  
23 Q. You may not always understand the  
24 relevance of the questions. But we'll try and get  
25 through them, and if you can just do your best job

1 Q. What grades did you attend?  
2 A. First grade.  
3 Q. Did you attend any other grades at that  
4 school?  
5 A. No.  
6 Q. What was your next school?  
7 A. Normandy Avenue Elementary School.  
8 Q. I'm sorry, where is St. Cecilia?  
9 A. Oh, boy. Don't have exact address.  
10 Corner of 42nd Street and Normandy Avenue.  
11 Q. Okay. Did you go to a school prior to  
12 St. Cecilia?  
13 A. No.  
14 Q. At Normandy Avenue, how long were you  
15 there for?  
16 A. From 2nd through 6th grade.  
17 Q. Where did you go to junior high school?  
18 A. Foshay. It's called Foshay Junior  
19 High School.  
20 Q. How do you spell that?  
21 A. It's F-o-s-h-a-y.  
22 Q. And how long were you at Foshay for?  
23 A. I was there from 7th grade through 9th  
24 grade.  
25 Q. Did you continue on with school after

1 to answer them the best you can.  
2 A. Okay.  
3 Q. Let's see. So now you've got -- how many  
4 children do you have?  
5 A. Two.  
6 Q. And this is both Samuel and --  
7 A. Yes.  
8 Q. -- and Jonathan we have discussed?  
9 A. Yes.  
10 Q. And do your children live with you?  
11 A. Yes.  
12 Q. Do they -- are they ever living with  
13 anybody else?  
14 A. No.  
15 Q. Who else lives with you, anybody?  
16 A. No.  
17 Q. Okay. So --  
18 A. Just us four.  
19 Q. Okay. You said that you did attend  
20 schools in the United States?  
21 A. Yes.  
22 Q. What schools did you attend?  
23 A. First one was St. Cecilia Catholic School.  
24 Q. Is that a private school?  
25 A. Yes.

1 that?  
2 A. Yes.  
3 Q. Where did you go?  
4 A. Manual Arts High School.  
5 Q. And how long were you at Manual Arts for?  
6 A. From 10th grade through high -- I mean  
7 through 12th grade. Graduated from there.  
8 Q. What year did you graduate from Manual  
9 Arts?  
10 A. '88.  
11 MR. VILLAGRA: Long run at LAUSD.  
12 MS. STRONG: Me, too.  
13 Q. Are these -- from Normandy through Manual  
14 Arts, were each of those schools public schools?  
15 A. Yes.  
16 Q. And they were all in LAUSD?  
17 A. Yes.  
18 Q. Did you attend school after you graduated  
19 from 12th grade?  
20 A. I went to L.A. Trade Tech college.  
21 Q. Okay. When were you at L.A. Trade Tech?  
22 A. September of '88. I was there for about  
23 one year.  
24 Q. Okay.  
25 A. And then I started working, and I didn't

1 go back to school.  
 2 Q. Okay. What were you studying at  
 3 L.A. Trade Tech?  
 4 A. I was taking required courses, because I  
 5 was planning to study for trade tech -- I mean for  
 6 X-ray technician.  
 7 Q. Okay.  
 8 A. But I was just taking basic courses.  
 9 Q. So you had a year there?  
 10 A. Uh-huh.  
 11 Q. While you were in the public schools that  
 12 you mentioned, Normandy, Foshay, and Manual Arts,  
 13 did you have any problems at any of those schools?  
 14 MR. VILLAGRA: Objection. Vague.  
 15 BY MS. STRONG:  
 16 Q. Do you understand the question?  
 17 A. Yes.  
 18 Q. Okay. You can answer.  
 19 A. I don't think so.  
 20 Q. So did you notice any problems with the  
 21 bathrooms, for example, or with the textbooks at  
 22 the school, anything of that nature?  
 23 A. Yes.  
 24 Q. You did?  
 25 What did you notice?

1 A. It's kind of embarrassing, but the, you  
 2 know, the doors for the toilets were missing.  
 3 There was no paper.  
 4 Q. What school is this at?  
 5 A. Normandy.  
 6 There wasn't soap.  
 7 Q. Anything else that you noticed?  
 8 A. They were constantly flooded.  
 9 Q. And is this just at Normandy, or was this  
 10 at all of your schools?  
 11 A. At Normandy and also Manual Arts.  
 12 Q. When you say there were no doors on  
 13 toilets, not a single stall you went to had a door  
 14 on it?  
 15 A. Every time we had to use, you know, the  
 16 bathroom, we had to take a friend to cover it for  
 17 us because there wasn't any doors.  
 18 Q. Did you ever say anything to anybody about  
 19 this?  
 20 A. I would mention it to my friends, but --  
 21 Q. Did you ever say anything to any principal  
 22 or any custodian at your school?  
 23 A. I don't remember because I was so young.  
 24 Q. Not having soap in the bathrooms, did you  
 25 ever mention that to anybody at your school?

1 A. I probably did, but I don't remember.  
 2 Q. You don't remember if you mentioned it to  
 3 a custodian or anything like that?  
 4 A. I don't remember.  
 5 Q. And are you telling me that there was  
 6 never soap in there, not one day that you went into  
 7 the bathroom?  
 8 A. (Unreportable response.)  
 9 Q. You remember that, there's not one day?  
 10 A. Yeah.  
 11 Q. And when you say it was constantly  
 12 flooded, what do you mean by that?  
 13 A. There was a lot of paper in the toilets,  
 14 and the water was all on the floor. You would  
 15 flush it and everything would just flood all over  
 16 the floor.  
 17 Q. Do you think that affected your education  
 18 at Normandy?  
 19 A. Somewhat, yes.  
 20 Q. It did? How did it affect your education?  
 21 A. Well, sometimes I would just wait until I  
 22 got home to use the bathroom because it was, you  
 23 know, very disgusting to go in there.  
 24 Q. And so how did that affect your education?  
 25 MR. VILLAGRA: Are you asking her for how

1 she felt it affected her education?  
 2 MS. STRONG: Yeah.  
 3 Q. You seem to be struggling with an answer.  
 4 Is there -- I mean, can you think of anything of  
 5 how it had a negative impact on your education, or  
 6 did it not?  
 7 Do you just remember it as a part of your  
 8 educational experience, but it didn't detract you  
 9 from learning at school or anything like that?  
 10 A. Exactly.  
 11 MR. VILLAGRA: The witness already  
 12 stated --  
 13 BY MS. STRONG:  
 14 Q. Your answer was "exactly," correct?  
 15 A. Yes.  
 16 MR. VILLAGRA: I'll object that the  
 17 question is misleading. The way it affected her  
 18 education is because she had to wait until she got  
 19 home to go to the bathroom, all day.  
 20 MS. STRONG: You don't need to testify.  
 21 MR. VILLAGRA: I'm assuming the question  
 22 was anything beyond that.  
 23 MS. STRONG: And she can't think of even  
 24 having to wait and how she goes home as having any  
 25 effect on her education, so we can let the record

1 stand as it is.  
 2 Q. Have you ever been employed?  
 3 A. Yes.  
 4 Q. Are you employed currently?  
 5 A. Yes.  
 6 Q. Where are you employed at?  
 7 A. Work for [REDACTED]  
 8 Q. What do you do there?  
 9 A. I'm a resident manager.  
 10 Q. With respect to what?  
 11 A. I manage the building.  
 12 Q. You manage [REDACTED]  
 13 A. Yes. I mean, [REDACTED] where I  
 14 live at.  
 15 Q. So your responsibilities are to take care  
 16 of the apartment where you live; is that correct?  
 17 A. The building.  
 18 Q. The building? Okay.  
 19 Are you responsible for any other  
 20 buildings?  
 21 A. No.  
 22 Q. So do you have hours in this job, specific  
 23 hours, where you are expected to be working?  
 24 A. It's about 36 hours a week.  
 25 Q. Okay. What are those hours?

1 A. They are from 8:00 to -- 8:00 to 10:00.  
 2 No, I'm sorry, not 36 hours a week. It's -- make  
 3 the correction.  
 4 I work like two and a half hours a day.  
 5 That's my -- what I have to be at the building, you  
 6 know, for emergencies.  
 7 Q. Okay.  
 8 A. So it's like two hours and a half, from  
 9 8:00 to 10:30.  
 10 Q. And what do you do from 8:00 to 10:30?  
 11 A. Clean the building and do paperwork, bank  
 12 deposits.  
 13 Q. Okay. Are you required to do these things  
 14 between 8:00 and 10:30, or can you do them later in  
 15 the day if you'd like?  
 16 A. I can arrange them, you know, as long as I  
 17 complete those two hours and a half. But I usually  
 18 report as from 8:00 to 10:30.  
 19 Q. But you can do it at any time during the  
 20 day?  
 21 A. Yes.  
 22 Q. And is that -- what days a week do you  
 23 have to do this?  
 24 A. Monday through Saturday.  
 25 Q. Okay. Do you drive?

1 A. Yes.  
 2 Q. Do you have a car?  
 3 A. Yes.  
 4 Q. Do you share a car with your husband, or  
 5 do you have your own car?  
 6 A. I have my own car.  
 7 Q. You have two, three cars in the family?  
 8 A. Three.  
 9 Q. Three cars in the family? Is the third  
 10 car shared between you and your husband, or who  
 11 does that belong to?  
 12 A. More him.  
 13 Q. So your husband has two cars, and you have  
 14 one car?  
 15 A. Yes.  
 16 Q. Why do you have three cars?  
 17 A. Well, the third one is -- he's saving it  
 18 for Jonathan when he gets older. It's like -- it's  
 19 a very old car. It's a Beetle. So it's like a  
 20 classic, and he just wants to keep it there for  
 21 Jonathan whenever he gets older.  
 22 Q. So you have two primary cars that you  
 23 drive. And there's a third car, the Beetle?  
 24 A. Yes.  
 25 Q. Does anyone else ever drive your cars?

1 A. No.  
 2 Q. How long have you been at the [REDACTED]  
 3 [REDACTED] working as a resident manager?  
 4 A. Since '94.  
 5 Q. What did you do before that?  
 6 A. I was just a housewife.  
 7 Q. So when you left L.A. Tech in '89, I  
 8 believe -- or '90?  
 9 A. Yeah, '89.  
 10 Q. Did you leave to work, or did you become a  
 11 housewife at that point?  
 12 A. No, work.  
 13 Q. Okay. Where did you work then?  
 14 A. Worked for the law offices of [REDACTED]  
 15 [REDACTED]  
 16 Q. Can you spell that?  
 17 A. [REDACTED]  
 18 Q. And the first word was [REDACTED], you  
 19 said?  
 20 A. [REDACTED]  
 21 Q. Let's state the full name of the law  
 22 offices.  
 23 A. Law offices of [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

1 Q. And how long were you at that office for?  
 2 A. I started working there when I was in --  
 3 when I was in my second year of -- I mean  
 4 high school, 11th grade.  
 5 Q. Okay.  
 6 A. And I worked there until '92.  
 7 Q. What did you do at the law offices?  
 8 A. I would answer phones and do clerical work  
 9 there.  
 10 Q. Do you know what kind of law was practiced  
 11 at that?  
 12 A. Personal injury and medical malpractice.  
 13 Q. Okay. How many attorneys were at the  
 14 firm?  
 15 A. Three.  
 16 Q. Did you know each of them well?  
 17 A. Yes.  
 18 Q. What are the names of the attorneys at  
 19 that firm?  
 20 A. It was [REDACTED]  
 21 [REDACTED]  
 22 Q. Did you ever talk with them about their  
 23 cases?  
 24 A. Yes.  
 25 Q. And have you had an opportunity to talk

1 Q. After you had Jonathan, you decided to  
 2 stop working at the law firm?  
 3 A. Yes.  
 4 Q. When was the next time you had a job?  
 5 A. That's [REDACTED]  
 6 MS. STRONG: We can go off the record.  
 7 (Recess.)  
 8 BY MS. STRONG:  
 9 Q. Have you ever filed a lawsuit before?  
 10 A. Yes.  
 11 Q. Okay. When was this?  
 12 A. Let me see. It was -- I can't remember  
 13 exactly the date, but it was before -- before I got  
 14 married. '80 something.  
 15 Q. Okay. What was it regarding?  
 16 A. I was riding in the car with my mom and my  
 17 dad and my sister, and we got hit by an uninsured  
 18 motorist.  
 19 Q. Okay.  
 20 A. And then my dad decided to get a lawyer to  
 21 represent us.  
 22 Q. You sued somebody?  
 23 A. It was the insurance, the --  
 24 Q. You sued an insurance company?  
 25 A. Yes.

1 with them since you left their firm in '92?  
 2 A. No, because they relocated very far away  
 3 and I lost contact with them.  
 4 Q. All three attorneys?  
 5 A. Yes.  
 6 Q. Do you know where they relocated to?  
 7 A. I think they are in [REDACTED]  
 8 somewhere out there, in San Bernardino. [REDACTED] is in  
 9 Glendora.  
 10 Q. You think [REDACTED] are in  
 11 Big Bear and [REDACTED] is in Glendora?  
 12 A. Yes.  
 13 Q. Do you know when they moved?  
 14 A. Not exactly, because --  
 15 Q. Approximately.  
 16 A. Approximately, maybe in '93, '94,  
 17 somewhere around there.  
 18 Q. Several years ago?  
 19 A. Yes.  
 20 Q. So where did you work after that job at  
 21 the law office?  
 22 A. I stayed home to take care of my kid,  
 23 Jonathan.  
 24 Q. When was Jonathan born?  
 25 A. He was born in '91.

1 Q. And were you in high school at the time?  
 2 A. I don't remember if I was already out of  
 3 school or -- but I think it was towards the end  
 4 of --  
 5 Q. You graduated --  
 6 A. '88.  
 7 Q. You graduated in '88, right?  
 8 A. It was probably somewhere around there, or  
 9 probably -- I think I was out of high school  
 10 already.  
 11 Q. But before you got married?  
 12 A. It was before I got married.  
 13 Q. So between '88 and '90?  
 14 A. Yes.  
 15 Q. But you didn't have your deposition in  
 16 that case taken?  
 17 A. No.  
 18 Q. Do you know what happened in the case?  
 19 A. We filed the police report. And the  
 20 insurance company just paid for -- for -- for our  
 21 injuries. Gave us the -- my dad's insurance  
 22 company.  
 23 Q. Was that the insurance company that you  
 24 sued?  
 25 A. The uninsured motorist. It was an

1 uninsured motorist claim that we did.  
 2 Q. You filed an uninsured motorist claim?  
 3 A. Yes.  
 4 Q. But did you sue anybody?  
 5 A. No.  
 6 Q. Okay. So there was no trial or anything  
 7 like that?  
 8 A. No.  
 9 Q. Do you think it was a settlement?  
 10 A. Yes.  
 11 Q. Other than that incident that you are  
 12 discussing, have you ever filed any other lawsuits?  
 13 A. Yes.  
 14 Q. Okay. What was that?  
 15 A. At work I filed a lawsuit against the  
 16 building because a light fixture fell on my arm.  
 17 Q. Which work are you talking about?  
 18 A. The offices of [REDACTED]  
 19 Q. When was this?  
 20 A. '9 -- around close to '92.  
 21 Q. Obviously while you were still working  
 22 there?  
 23 A. Yes.  
 24 Q. Or you filed it after you left working  
 25 there?

1 A. No, while I was working still for them.  
 2 Q. How much longer did you work at that place  
 3 after you filed the lawsuit?  
 4 A. Might have been months. I left -- I  
 5 stopped working there in -- it was the end of  
 6 February of '92.  
 7 Q. Okay.  
 8 A. So it was somewhere before that.  
 9 Q. And you filed the lawsuit in '92. So it  
 10 was in January or February of '92 that you filed  
 11 the lawsuit?  
 12 A. I can't remember exactly the date.  
 13 Q. You think it was in '92 when you filed the  
 14 lawsuit?  
 15 A. I think so.  
 16 Q. And who did you sue?  
 17 A. It was the building, the building --  
 18 Q. Do you remember what the building was?  
 19 A. No.  
 20 Q. Did you sue any of the attorneys that you  
 21 worked for?  
 22 A. No. They represented me.  
 23 Q. Okay. They represented you in your suit  
 24 against the building?  
 25 A. Yes.

1 Q. Did all three represent you or just one  
 2 person represent you?  
 3 A. Just one.  
 4 Q. Who was that?  
 5 A. I can't remember.  
 6 Q. You don't know which one?  
 7 A. But it was probably [REDACTED]  
 8 Q. And what were you suing for?  
 9 A. For my injury that I had on my arm.  
 10 Q. What did you ask to receive from the  
 11 building, do you remember?  
 12 A. To have my -- to get my settlement for my  
 13 injury and get my bills paid, doctor bills.  
 14 Q. You wanting to get your doctor bills paid  
 15 and money for your injury?  
 16 A. Yes.  
 17 Q. What happened in that suit, do you  
 18 remember?  
 19 A. It settled.  
 20 Q. Do you remember how much it settled for?  
 21 A. I can't remember. I was -- I can't  
 22 remember the exact amount.  
 23 Q. But generally, more or less?  
 24 A. The dollar amount I can't remember.  
 25 Q. You don't know. Was it more than a

1 thousand dollars? Was it less than a thousand  
 2 dollars?  
 3 A. Probably more than a thousand.  
 4 Q. Was it more than \$10,000?  
 5 A. No.  
 6 Q. Do you know if it was more than \$5,000?  
 7 A. I don't think it was more than five.  
 8 Q. Okay. And did the money that you received  
 9 cover your medical bills?  
 10 A. Yes.  
 11 Q. Was there any money left over for you?  
 12 A. Yes.  
 13 Q. Do you know how much your medical bills  
 14 were?  
 15 A. No.  
 16 Q. About?  
 17 A. I don't know.  
 18 Q. Were they more than a thousand?  
 19 A. Possibly.  
 20 Q. What happened to you?  
 21 A. I got bruised and I had a lot of pain in  
 22 my arm. I had a big bruise on my arm.  
 23 Q. Did you break anything?  
 24 A. No.  
 25 Q. And how long did it take you for your arm



1 to heal?

2 A. Quite some time, because when I bruise,  
3 you know, I bruise real easily. And since that  
4 light fixture fell right on my arm, it bruised me  
5 for a couple of months.

6 Q. A couple of months?

7 A. Yes.

8 Q. Okay. Do you have any condition that  
9 makes it so that you bruise easily?

10 A. I don't know what it is, but I bruise real  
11 easy.

12 Q. Okay. Now, other than those two incidents  
13 that you've described -- I'm sorry. Do you know  
14 when it settled? Do you remember the time period  
15 when it settled?

16 A. No, I don't remember. But it was -- I  
17 don't think it was more than -- more than a year.

18 Q. Okay. Had the attorneys already relocated  
19 by the time you settled your lawsuit?

20 A. No.

21 Q. They were still at that location?

22 A. Yes, yes.

23 Q. What was the name of that location? The  
24 Talmadge Building, or what did you call it?

25 A. That's where my husband works.

1 yeah, he's five and a half.

2 Q. He's five and a half?

3 A. Yes.

4 Q. When was he born?

5 A. October 21st, 1995.

6 Q. What grade is Samuel in?

7 A. He's going to be in first grade in July.

8 Q. Okay. Samuel has always lived at the  
9 current address where you are at now?

10 A. Yes.

11 Q. He was born there?

12 A. Yes.

13 Q. And he's a student at Cahuenga, correct?

14 A. Yes.

15 Q. He attended Cahuenga for how many years  
16 now?

17 A. He just finished kindergarten.

18 Q. So that was his first year at the school?

19 A. Yes.

20 Q. Did he attend any schools prior to that?

21 A. He went to Fountain Preschool.

22 Q. Where is Fountain Preschool?

23 A. It's located -- it's close to Western and  
24 Fountain.

25 Q. How long was he at Fountain?

1 Q. I'm sorry. What's the name of the  
2 building where the attorneys were?

3 A. The address?

4 Q. Yes.

5 A. [REDACTED]  
6 Q. You don't remember the name of the company  
7 that owned the building?

8 A. No.

9 Q. So other than those two incidents that  
10 you've described, have you ever filed any other  
11 lawsuits?

12 A. No.

13 Q. Have you ever filed any other types of  
14 claims that you can think of, maybe not  
15 specifically a lawsuit?

16 A. Claims, no.

17 Q. We established you have two sons, Samuel  
18 and Jonathan. Can you spell Samuel's name, please.

19 A. S-a-m-u-e-l. That's --

20 Q. Is that his full name?

21 A. Yes.

22 Q. And it's Samuel Tellechea?

23 A. Tellechea.

24 Q. And how old is he?

25 A. He's five and four months. October --

1 A. For one year.

2 Q. And how far is Fountain from where you  
3 live?

4 A. It's about 15 minutes.

5 Q. Do you know how far in distance it is?

6 A. No.

7 Q. Approximately?

8 A. About one -- one and a half miles,  
9 probably.

10 Q. So it's a 15-minute drive?

11 A. Yes.

12 Q. So a lot of traffic?

13 A. Yes.

14 Q. Has he attended any -- did he go to  
15 daycare before that?

16 A. No. I just kept him home.

17 Q. So how would he get to Fountain? You  
18 would drive him there, correct?

19 A. Yes.

20 Q. And to Cahuenga, how does he get to school  
21 at Cahuenga?

22 A. I walk with him. I walk him to school.

23 Q. Okay. How long does it take you to walk  
24 to school?

25 A. Walking, about maybe 10, 15 minutes.

- 1 Q. So how far is it, do you know?  
 2 A. I'd say about maybe four and a half  
 3 blocks.  
 4 Q. Okay. Do you walk with him every day?  
 5 A. Depends. When I'm doing errands for the  
 6 building and I have to drive and, you know, I --  
 7 because he was going from 11:30 to 3:00. So, you  
 8 know, if I'm doing something, errands, I would  
 9 drive him. But if I could, then I would just walk  
 10 him. Most of the time I would walk with him to  
 11 school.  
 12 Q. And you take him every day, as opposed to  
 13 your husband or anybody else?  
 14 A. Yes.  
 15 Q. Does Samuel participate in any activities  
 16 at all?  
 17 A. Well, in kindergarten, basically, you  
 18 know, since he started, there hasn't really been  
 19 that many activities for him because he's so small  
 20 right now. Maybe, I don't know, when he goes to  
 21 first grade, if there might be activities for him.  
 22 Because he's so young right now.  
 23 Q. Okay. But anything outside of school, are  
 24 there any kind of leagues that are for very young  
 25 children?

- 1 A. He's on the soccer team.  
 2 Q. Soccer team?  
 3 A. As well as Jonathan.  
 4 MR. VILLAGRA: I'm sorry, are you asking  
 5 for activities sponsored by the school?  
 6 MS. STRONG: No. Just activities, any  
 7 activities, school or non-school-sponsored  
 8 activities.  
 9 Q. Can you think of anything else other than  
 10 soccer that he participates in?  
 11 A. No.  
 12 Q. When does he play soccer?  
 13 A. He plays on Saturdays, sometimes Sundays.  
 14 Q. He has a game on Saturday or Sunday?  
 15 A. Yes.  
 16 Q. Is this AYSO?  
 17 A. Yes.  
 18 Q. Does he have a practice during the week?  
 19 A. Because he's so young, they don't  
 20 practice.  
 21 Q. They just show up for the games?  
 22 A. Yes.  
 23 Q. How much time is it on the Saturday or  
 24 Sunday when he plays the game?  
 25 A. It depends. Sometimes they tell me to be

- 1 there at a certain time, and then they play like  
 2 maybe two or three hours later. So I end up  
 3 staying there, you know, for Jonathan, because  
 4 sometimes they play at the same park. So sometimes  
 5 I'm there all day.  
 6 Q. Okay. So it varies?  
 7 A. Yeah, it varies.  
 8 Q. What's the soccer season, do you know?  
 9 A. For Sammy, it ended already two Saturdays  
 10 ago.  
 11 And Jonathan is going to be in another.  
 12 His ended already, but he's going to be enrolled in  
 13 another league.  
 14 Q. How many months is the season?  
 15 A. Okay. It started, I believe, September,  
 16 October, November -- yeah, it's about nine months.  
 17 Q. It started in September and went to  
 18 approximately May?  
 19 A. Yes, end of May.  
 20 Q. Okay. With respect to Jonathan Tellechea,  
 21 your older son, can you spell his name for the  
 22 record, please.  
 23 A. J-o-n-a-t-h-a-n. Middle name is Oswaldo,  
 24 O-s-w-a-l-d-o, Tellechea.  
 25 Q. How old is Jonathan?

- 1 A. He's ten.  
 2 Q. What's his birthday?  
 3 A. 3-24-91.  
 4 Q. And what grade is he in?  
 5 A. He's in fourth grade.  
 6 Q. He's --  
 7 A. He's ending fourth grade.  
 8 Q. Ending fourth grade this year, 2001, June?  
 9 A. Yes.  
 10 Q. Has Jonathan always lived at the current  
 11 address where you are living now?  
 12 A. Yes.  
 13 Q. And Jonathan is a student at Rosewood  
 14 Avenue Elementary; is that correct?  
 15 A. Yes.  
 16 Q. Okay. Where is Rosewood Avenue Elementary  
 17 located?  
 18 A. It's on Croft. I don't know exactly the  
 19 number, address. But it's -- it's close to Croft  
 20 and Melrose.  
 21 Q. How long has he been a student at Rosewood  
 22 Avenue?  
 23 A. Since third grade.  
 24 Q. How far is Rosewood Avenue from your  
 25 house?

1 MR. VILLAGRA: I caution the witness not  
2 to guess.

3 THE WITNESS: Okay.  
4 Driving, it's about 30 to 40 minutes long.  
5 With traffic, it's even worse.

6 BY MS. STRONG:

7 Q. Do you know how many miles it is,  
8 approximately?

9 A. I can't exactly give you a number, but it  
10 is quite some miles.

11 Q. Has he attended any other schools other  
12 than Rosewood?

13 A. Bellevue Primary Center.

14 Q. How long was he at Bellevue Primary Center  
15 for?

16 A. He went there from kindergarten through  
17 second grade.

18 Q. Where is Bellevue located?

19 A. The street is Micheltorena.

20 Q. Can you spell that?

21 A. M-i-c-h-e-l-t-o-r-e-n-a.

22 Q. And Bellevue, can you spell that also for  
23 the record.

24 A. Bellevue, B-e-l-l-e-v-u-e, Primary Center.

25 Q. So how far is Bellevue from your home?

1 A. At that time we only had that car.

2 Q. Okay. When did you get a second car,  
3 then?

4 A. That was when Sammy was about three.

5 Q. When Sam was three?

6 A. Yeah.

7 Q. So how old was Jonathan at that time?

8 A. They are like four and a half years apart.

9 Q. So seven and a half, approximately?

10 A. Uh-huh.

11 It would be hard because, you know,  
12 sometimes I would need the car, you know, to do the  
13 errands for, you know, for the building.

14 And sometimes I would either -- you know,  
15 I couldn't share my husband's, you know, truck. So  
16 that's why he would just drop me off there. And I  
17 would just walk back.

18 Q. Okay.

19 A. Because if he -- you know, he would take  
20 me all the way there, then, you know, it would be  
21 hard not to --

22 Q. What about the Beetle, did you have the  
23 Beetle also then?

24 A. No. We just got that like about two years  
25 ago.

1 A. It's about two miles, two and a half.

2 Q. How would you get Jonathan to school at  
3 Bellevue?

4 A. He would take the bus.

5 Q. Where would you catch the bus?

6 A. At Cahuenga.

7 Q. How long does it take to drive to Bellevue  
8 from your home?

9 A. About 15, 20 minutes.

10 Q. Could you have driven him to school?

11 A. Yes.

12 Q. Why did you choose to have him take the  
13 bus then, instead of driving him?

14 A. Because of the other things I've -- the  
15 other responsibilities that I have to do after, and  
16 that's why he take the bus.

17 Q. How would you get to the bus stop in the  
18 morning?

19 A. I would take him to the bus stop.

20 Q. Would you walk or would you drive?

21 A. Sometimes walk, and sometimes I would get  
22 a ride from my husband. He would drop me off  
23 there, and then he would go to work.

24 Q. Okay. And sometimes, would you ever drive  
25 your own car to take him?

1 Q. Okay. And so you got your car when he was  
2 seven and a half. How many years ago was that?  
3 Three years?

4 A. He just got me the van in '99.

5 Q. Okay. What time would Jonathan have to be  
6 at school at Bellevue?

7 A. At Bellevue he had to be there at 8:00.

8 Q. At 8:00?

9 A. Uh-huh.

10 Q. So when he would go to the bus in the  
11 morning, what time would he have to go to catch the  
12 bus?

13 A. 15 minutes to 7:00. So he would --

14 Q. 6:45?

15 A. Yes. That's the time we would be there  
16 waiting for the bus. Sometimes the bus wouldn't  
17 leave exactly at 7:00. It would leave 7:10, 7:15,  
18 because it would wait for the kids that would  
19 arrive late. But that's the time. They had to  
20 form a line to get on the bus.

21 Q. Okay. How does he get to Rosewood?

22 A. He takes the bus.

23 Q. Okay. What time does he have to be at  
24 school at Rosewood Elementary?

25 A. He gets there late, like around 8:00,

1 8:15.

2 Q. He gets to school at 8:15, you said?

3 A. Depends on the buses. Sometimes they are  
4 not there. The kids are there and the buses come  
5 after.

6 Q. What time does he have to be there at  
7 Rosewood Elementary?

8 A. 8:00.

9 Q. What time does he need to go to catch his  
10 bus to get to Rosewood?

11 A. We have to be there -- we leave the house  
12 at like 7:15 so he can get in line.

13 Q. What time is the bus scheduled to leave to  
14 go to the Rosewood Avenue Elementary?

15 A. 7:30.

16 Q. 7:30? And school starts at 8:00?

17 A. Yes.

18 Q. So it takes less than 30 minutes to get to  
19 the Rosewood Avenue by the bus?

20 A. Sometimes, you know, like the bus, you  
21 know, they are scheduled to leave at 7:30. But  
22 sometimes they leave like 15 minutes to 8:00, and  
23 they get there late. Sometimes the bell rings  
24 already, and they are late to class.

25 Q. Okay. But my question is: It takes less

1 Q. Okay. I think we need to break this down.

2 How many buses go to Rosewood Avenue  
3 Elementary that you are aware of?

4 A. About three.

5 Q. And where do they leave from?

6 A. From Cahuenga.

7 Q. Okay. Can he catch a bus to Rosewood

8 Elementary from some location other than Cahuenga?

9 A. Not that I know of.

10 Q. So you only know of one stop for him to go  
11 to Rosewood Avenue Elementary School?

12 A. Yes, yes.

13 Q. Do you know of any other stops that any  
14 other students can take to go to Rosewood Avenue  
15 Elementary School?

16 A. No.

17 Q. As far as you're aware, you only know of  
18 one stop that takes students -- where students can  
19 go to catch a bus to go from anywhere in the  
20 Cahuenga neighborhood to Rosewood Avenue Elementary  
21 School?

22 A. Yes.

23 MR. VILLAGRA: Asked and answered.

24 BY MS. STRONG:

25 Q. Okay. So the buses at Cahuenga, there are

1 than 30 minutes to drive from the bus stop to  
2 Rosewood Avenue Elementary?

3 A. It takes about 30 -- without traffic, I'd  
4 say about 30 minute. But with traffic, maybe 40.

5 Q. And how do you know that?

6 A. Because sometimes when he misses the bus,  
7 I have to take him. And it is, you know, a lot of  
8 traffic, especially down Melrose.

9 Q. So how many times have you had to take him  
10 to school?

11 A. About maybe six or seven times.

12 Q. When was the last time you had to take him  
13 to school?

14 A. That was about a month ago.

15 Q. And do you know what time it was that you  
16 were taking him to school?

17 A. It was 7:00, 7:40.

18 Q. Okay. And why were you driving him to  
19 school that day?

20 A. Because there's -- there's two -- I  
21 believe two or three buses that go to Rosewood.  
22 Sometimes he's able to get on the last bus, but  
23 that bus had already left.

24 Q. Do you always try and get on the last bus?

25 A. No. On his assigned bus.

1 three of them that you know of?

2 A. Yes.

3 Q. What are their schedules? I mean, what  
4 time do the three buses leave?

5 A. The one -- you know, the one that he  
6 takes, it leaves at 7:30. They don't have an exact  
7 time because sometimes, like I said, they --  
8 sometimes they leave at 7:30. Sometimes they leave  
9 at 7:45.

10 Q. I want to know what their schedules are.  
11 Do you know the schedules of the three buses?

12 A. I have that -- you know, they card -- mail  
13 the card and says the route number and schedule.  
14 It's on there. I believe it is 7:30.

15 Q. Also that document, do you know where that  
16 is at home?

17 A. Yes.

18 Q. I ask that you also produce that.

19 MR. VILLAGRA: If it's subject to the  
20 request, certainly.

21 MS. STRONG: I'm sure it is.

22 Q. So there are three different times for the  
23 three buses to leave; is that correct?

24 A. I believe so.

25 Q. Okay. And you are assigned -- or Jonathan

1 is assigned to one of those three buses?  
 2 A. Yes.  
 3 Q. But you don't know exactly what time his  
 4 bus is scheduled to leave?  
 5 MR. VILLAGRA: Objection. I think that  
 6 misstates the testimony.  
 7 BY MS. STRONG:  
 8 Q. Or do you? Do you know what time his bus  
 9 is scheduled to leave?  
 10 A. I would have to look at the card. I  
 11 mean --  
 12 Q. As I'm asking you here today --  
 13 A. No, I don't.  
 14 Q. Let me finish.  
 15 As we're sitting here today, you don't  
 16 know what time your son's bus is scheduled to leave  
 17 the school, correct?  
 18 A. No.  
 19 Q. What time do you get there? Ordinarily  
 20 what time -- if you were to take him to school --  
 21 for example, tomorrow, you're going to walk him to  
 22 the bus stop tomorrow?  
 23 A. Yes.  
 24 Q. What time will you try and get him to  
 25 school?

1 A. I would leave my house at 7:15.  
 2 Q. With the intent of getting to school by  
 3 what time?  
 4 A. By 7 -- 7:30 or 7:25.  
 5 Q. I want to make sure we are clear on this.  
 6 Other than the three buses you identified,  
 7 you don't know of any other buses that go to  
 8 Rosewood?  
 9 MR. VILLAGRA: Asked and answered.  
 10 THE WITNESS: No.  
 11 BY MS. STRONG:  
 12 Q. Okay, that's fine.  
 13 Do you know of other buses that take  
 14 children to other schools?  
 15 A. Yes.  
 16 Q. Where do those leave from?  
 17 A. From Cahuenga as well.  
 18 Q. Do you know of any other place where a  
 19 child can take a bus from the Cahuenga neighborhood  
 20 to another school, other than Cahuenga itself?  
 21 A. No.  
 22 Q. So all of the bus stops, you know, where a  
 23 child is going to catch a bus to go to some other  
 24 school outside of Cahuenga, there's only one place  
 25 for it, and that's at Cahuenga?

1 A. Yes.  
 2 Q. In coming home, how does he come home?  
 3 Takes the bus from Rosewood?  
 4 A. Yes.  
 5 Q. How does he drop off?  
 6 A. Same place, Cahuenga, where he gets picked  
 7 up.  
 8 Q. Do you meet him there?  
 9 A. Yes.  
 10 Q. And do you walk him home?  
 11 A. Yes.  
 12 Q. What time does he get back to --  
 13 A. 3:00.  
 14 Q. He gets back to Cahuenga at 3:00?  
 15 A. (Unreportable response.)  
 16 Q. What time does school end at Rosewood  
 17 Avenue?  
 18 A. 2:30.  
 19 Q. So he gets out from school at 2:30 and  
 20 gets on the bus to go home, and is at his home by  
 21 3:00?  
 22 A. Yes.  
 23 Q. Does Jonathan participate in any  
 24 activities, either in-school or out-of-school  
 25 activities?

1 A. He's not able to. Because if he would, he  
 2 wouldn't get a ride back home. He wouldn't be  
 3 able -- there wouldn't be a bus that would bring  
 4 them back. So he misses that, activities after  
 5 school, you know, sports or reading classes or, you  
 6 know, any other events that they have at school.  
 7 Q. What events do you know of at school that  
 8 he's missing?  
 9 A. They have a program that's called Star.  
 10 And they have activities for the kids after school,  
 11 karate, reading, drama, arts and other things. But  
 12 he's unable to participate.  
 13 Q. What does Star stand for?  
 14 A. I have no idea.  
 15 Q. How do you know about it?  
 16 A. Because I've gotten flyers from school.  
 17 Q. Do you have any of those flyers at home?  
 18 A. I believe I -- I threw them away. I don't  
 19 think I have them.  
 20 Q. You threw them away?  
 21 A. Yeah, I think so.  
 22 Q. When did you receive a Star flyer?  
 23 A. I started getting them when he first  
 24 started going there in third grade. They have it  
 25 every year, the activity.

- 1 Q. How often have you gotten Star flyers?  
 2 A. I think one or two each year.  
 3 Q. Since he's been at the school?  
 4 A. Yes.  
 5 Q. Do you remember at what time you got a  
 6 Star flyer, what time of year the Star flyer came?  
 7 A. Probably like at the beginning.  
 8 Q. What's the school year at Rosewood?  
 9 A. From September through June.  
 10 Q. So sometime in September you get a flyer,  
 11 a Star flyer?  
 12 A. Yes.  
 13 Q. And what does the Star flyer offer? Do  
 14 you remember what it said?  
 15 A. It has classes, you know, for karate, for  
 16 dance, drama, reading, reading enrichment, math and  
 17 other activities. But I can't remember them right  
 18 now -- right, you know, right now.  
 19 Q. So let's talk about dance. What did it  
 20 offer with respect to dance?  
 21 A. They had -- I can't remember. It was  
 22 dance. I can't remember. But it just said dance.  
 23 Q. Okay. Do you know when dance was going to  
 24 take place?  
 25 A. No.

- 1 Q. Do you know --  
 2 A. But it was after school, you know. It's  
 3 after school, probably, you know, right after the  
 4 bell rings.  
 5 Q. From what time to what time?  
 6 A. 2:30. Because the yard is open until  
 7 6:30. So I'm assuming that it's, you know, right  
 8 after the bell rings.  
 9 Q. But you don't know one way or the other?  
 10 A. No. But I do know it's an after-school  
 11 activity.  
 12 Q. And does Jonathan want to participate in  
 13 dance?  
 14 A. No, not in dance.  
 15 Q. With respect to drama. What do you  
 16 remember with respect to drama?  
 17 A. I can't remember right now.  
 18 Q. Do you know what they were going to teach  
 19 in drama?  
 20 A. No.  
 21 Q. Do you know who was going to teach drama?  
 22 A. The people from the Star program. They  
 23 are not teachers from the school. It's a program  
 24 that, you know, itself. It's called Star.  
 25 Q. And do you know when drama was going to be

- 1 held?  
 2 A. No.  
 3 Q. Do you know how many days a week it was  
 4 going to be held?  
 5 A. No.  
 6 Q. Did Jonathan want to participate in drama?  
 7 A. No.  
 8 Q. Okay. The reading program that you talked  
 9 about, what was that about?  
 10 A. It's improving their reading, their  
 11 reading skills.  
 12 Q. And who can participate in that?  
 13 A. Jonathan.  
 14 Q. Anybody can participate?  
 15 A. Yeah, anybody.  
 16 Q. And what do you know about that program?  
 17 A. I can't really -- I don't really know a  
 18 lot about it because, you know, I just saw the  
 19 flyer itself. And I just -- I just say, well, why  
 20 even bother to look at it if my son is not going to  
 21 be able to participate. I didn't really put that  
 22 much interest in it, so I can't really answer that.  
 23 Q. Has Jonathan ever said he wanted to  
 24 participate in that reading program?  
 25 A. Yes.

- 1 Q. He's told you that?  
 2 A. Yes.  
 3 Q. How does Jonathan know about the reading  
 4 program?  
 5 A. From the other classmates.  
 6 Q. He has friends in that reading program?  
 7 A. Yes.  
 8 Q. So when does it meet?  
 9 A. I don't know.  
 10 MR. VILLAGRA: Objection. Asked and  
 11 answered.  
 12 BY MS. STRONG:  
 13 Q. So you don't know if it's once a day or  
 14 every day during the week?  
 15 A. No.  
 16 Q. Do you know if any of these things happen  
 17 on the weekends?  
 18 A. No, I don't know.  
 19 Q. When did Jonathan tell you he wanted to  
 20 participate in the reading program?  
 21 A. When he was in third grade.  
 22 Q. Do you remember specifically when he told  
 23 you?  
 24 A. No. It must have been, you know, when he  
 25 brought home that flyer.

1 Q. So how many conversations did you have  
2 about Jonathan participating in the reading  
3 program?

4 A. Maybe just once.

5 Q. Do you remember exactly what he said to  
6 you?

7 A. He just said, you know, that he wanted to  
8 participate.

9 Q. He had just gotten the flyer and read it,  
10 and he came home and took it home to you and said,  
11 "I want to participate in the program"?

12 MR. VILLAGRA: Objection. That's  
13 misstating testimony.

14 MS. STRONG: I'm asking the question.

15 THE WITNESS: It must have been a couple  
16 days after that. I can't remember exactly but, you  
17 know, he did mention it to me.

18 BY MS. STRONG:

19 Q. So what else did he say to you about it?

20 MR. VILLAGRA: Asked and answered.

21 THE WITNESS: Just that, you know, that he  
22 wanted to participate.

23 BY MS. STRONG:

24 Q. Did he tell you that he talked to any of  
25 his friends about it?

1 Q. Sure, sure. I mean, if you don't  
2 understand the question --

3 A. Yes, I don't.

4 Q. -- that's one thing. We can work through  
5 them.

6 Do you know if any of his friends are  
7 participating in the reading program?

8 A. No.

9 Q. Did Jonathan ever tell you any of his  
10 friends are participating in the reading program?

11 A. No.

12 Q. Okay.

13 A. Not in the reading program. But in the  
14 Girl Scout bus, they have also Girl Scouts. I knew  
15 of one.

16 Q. So I want to make sure it's entirely  
17 clear.

18 With respect to the reading program, you  
19 don't know whether Jonathan had any friends that  
20 participated in it, or you don't know about any  
21 students who do participate in that reading  
22 program?

23 MR. VILLAGRA: Objection. Asked and  
24 answered.

25 BY MS. STRONG:

1 MR. VILLAGRA: Objection. Asked and  
2 answered.

3 THE WITNESS: I can't remember.

4 BY MS. STRONG:

5 Q. So how do you know any of his friends  
6 participated in the reading program?

7 A. I don't know what friends.

8 Q. Well --

9 A. Because, you know --

10 Q. Do you know if any of his friends  
11 participate in the reading program?

12 A. No.

13 Q. You don't know?

14 A. No. Because he has friends that are not  
15 bussed, that live around Rosewood. And he has  
16 friends that ride the bus with him, so I really  
17 don't know. I'm not sure.

18 Q. So you don't know if some of his friends  
19 told him that they were participating in the  
20 reading program or not?

21 MR. VILLAGRA: Objection. That misstates  
22 the testimony.

23 BY MS. STRONG:

24 Q. I'm asking the question. You can answer.

25 A. Can you re --

1 Q. Is that a correct statement?

2 MR. VILLAGRA: Objection. Asked and  
3 answered, compound.

4 BY MS. STRONG:

5 Q. You can answer.

6 A. No.

7 Q. It's not a correct statement?

8 A. No. I mean I don't know of any of his  
9 friends.

10 Q. So what I said was a correct statement?

11 A. Can you repeat it again so --

12 MS. STRONG: We can have the  
13 court reporter read it back.

14 (The following question was read by the  
15 reporter):

16 "Q. So I want to make sure it's entirely  
17 clear.

18 "With respect to the reading program, you  
19 don't know whether Jonathan had any  
20 friends that participated in it, or you  
21 don't know about any students who do  
22 participate in the that reading program?"

23 THE WITNESS: Correct.

24 BY MS. STRONG:

25 Q. With respect to math, what do you know

1 about the math program?  
 2 A. I don't.  
 3 Q. Do you even know if there's a math program  
 4 on the Star flyer?  
 5 A. No.  
 6 Q. Are there any other programs mentioned on  
 7 the Star flyer, other than the ones that you have  
 8 already mentioned to me?  
 9 A. Like I said before, I believe there's a  
 10 Girl Scout.  
 11 Q. Okay. Any others?  
 12 A. Not that I can remember.  
 13 Q. So what do you know about the Girl Scout  
 14 program?  
 15 A. My friend had her daughter in the Girl  
 16 Scout program.  
 17 Q. This is at Rosewood Elementary?  
 18 A. Yes.  
 19 Q. Who is your friend?  
 20 A. April Glenn.  
 21 Q. What's her daughter's name?  
 22 A. Shaniqua Glenn.  
 23 Q. Where does April live?  
 24 A. She no longer lives there. She moved out  
 25 to Sacramento, so her daughter isn't at Rosewood no

1 Q. And that was a part of the Star program?  
 2 A. Yes.  
 3 Q. And so, do you know when they had  
 4 meetings? Was it on the weekends? When did they  
 5 have meetings?  
 6 A. I know it was during the week, but I don't  
 7 know how many times.  
 8 Q. Okay. Do you know when during the week  
 9 the meetings were held?  
 10 A. No, I can't remember.  
 11 Q. Do you think they were after school?  
 12 A. I believe so.  
 13 Q. Do you know where they would hold the  
 14 meetings?  
 15 A. I think they were at school.  
 16 Q. At school, at Rosewood?  
 17 A. Yes.  
 18 Q. Did Jonathan have any interest in  
 19 participating in the Girl Scout program?  
 20 A. I don't think so.  
 21 Q. Do you know how Shaniqua would get home  
 22 from the Girl Scout program?  
 23 A. My friend had to pick her up.  
 24 Q. She would drive and pick her up?  
 25 A. Because there wasn't a bus to bring her

1 longer.  
 2 Q. When she was attending Rosewood, where did  
 3 April and her daughter live?  
 4 A. They lived -- I don't know the exact  
 5 address, but it's on [REDACTED]  
 6 Q. How far is that from where you live?  
 7 A. It's about like a block, block and a half.  
 8 Q. Okay. And so Shaniqua would travel to  
 9 Rosewood as well, along with Jonathan?  
 10 A. Yes.  
 11 Q. Is that how you met one another?  
 12 A. Yes, since Bellevue, because they went to  
 13 the same -- they have been friends since Bellevue.  
 14 Q. So they became friends and you met --  
 15 A. Her --  
 16 Q. -- her mom, the daughter's mother?  
 17 A. Yes.  
 18 Q. So Shaniqua would take the bus with  
 19 Jonathan to Rosewood --  
 20 A. Yes, sir.  
 21 Q. -- I mean, to Bellevue and to Rosewood?  
 22 A. Yes.  
 23 Q. And when was the Girl Scout program?  
 24 A. I don't know the dates. But all I know is  
 25 that she was in the Girl Scouts.

1 back.  
 2 Q. How do you know that?  
 3 A. The mom mentioned it to me.  
 4 Q. You don't know one way or the other, but  
 5 the mother said there was no bus to bring her back?  
 6 A. Yes.  
 7 Q. Can you think of any Star program that  
 8 exists that you would like your son Jonathan to  
 9 participate in but he can't participate in it?  
 10 A. Probably the karate.  
 11 Q. I want to make sure we have all the Star  
 12 programs together. I have got dance, drama,  
 13 reading, math -- which you don't know one way the  
 14 other whether it exists or not?  
 15 A. Yes.  
 16 Q. Girl Scouts.  
 17 Are there others? There's karate?  
 18 A. Karate, and I think there's yoga.  
 19 Q. I want to make sure we have a complete  
 20 list and your answers are full.  
 21 A. That I can remember.  
 22 Q. Can you think of anything else other than  
 23 karate and yoga?  
 24 A. No.  
 25 Q. Let's talk about the karate program.



1 What do you know about the karate program?  
 2 A. Not much. Just like I said, on the flyer  
 3 they have it listed there.  
 4 Q. Do you know what grade levels can  
 5 participate in the karate program?  
 6 A. I don't remember.  
 7 Q. So it could be limited to sixth graders?  
 8 A. I don't know.  
 9 Q. You don't know one way or the other?  
 10 A. No, I don't.  
 11 Q. Do you know how many days a week the  
 12 karate program is?  
 13 A. No.  
 14 Q. Do you know if the karate program might be  
 15 held on Saturdays or Sundays?  
 16 A. No.  
 17 Q. You don't know one way or the other?  
 18 A. No.  
 19 Q. Do you know if Jonathan wants to  
 20 participate in the karate program?  
 21 A. Before he attended Rosewood, he had  
 22 mentioned, you know, that he wanted me to put him  
 23 in some kind of karate. You know, he was  
 24 interested in karate.  
 25 Q. How did he become interested in karate?

1 karate to you, before he went to Rosewood  
 2 Elementary School?  
 3 A. Yes.  
 4 Q. You looked for places, but you thought you  
 5 couldn't afford to put him in these classes?  
 6 A. Yes.  
 7 Q. Did he ever mention karate to you again?  
 8 A. I can't remember right now.  
 9 Q. Okay. Not that you can remember -- I  
 10 mean, since he attended Rosewood, can you think of  
 11 a time when he mentioned karate to you?  
 12 A. Exact date, no.  
 13 Q. No, but do you remember a conversation?  
 14 A. Oh, when we -- once we passed by the  
 15 karate school that's near my house, he asked me.  
 16 Q. And this is after he was already in  
 17 attendance at Rosewood?  
 18 A. Yes.  
 19 Q. Do you remember what grade he was in at  
 20 the time?  
 21 A. He must have been like -- like towards the  
 22 end of third grade.  
 23 Q. Okay. And what did he say about the  
 24 karate place?  
 25 A. He said that, you know, if we could enroll

1 A. Because I have a cousin that's in karate,  
 2 and he's seen her, you know, practice. And he  
 3 liked it.  
 4 Q. How do you know he liked it?  
 5 A. He told me. He had told my husband that  
 6 he was interested in it.  
 7 Q. When was this again? I'm sorry?  
 8 A. This was when he saw my cousin  
 9 participate, you know, that she was practicing  
 10 karate.  
 11 Q. What grade was he in at that time?  
 12 A. That was before he went into Rosewood.  
 13 Q. Okay. Did you look into any karate  
 14 classes, or wherever your cousin was taking karate?  
 15 A. There was some around the house, you know,  
 16 around my area. But the reason we didn't put him  
 17 in because there were -- they were too expensive.  
 18 Q. Where does your cousin learn karate from?  
 19 A. She -- it's nearby where she lives. She  
 20 lives out in Bell.  
 21 Q. Is it at some studio or something?  
 22 A. Yeah, something, you know, that my uncle,  
 23 you know, pays for. It's not in school. It's  
 24 something --  
 25 Q. At that time he mentioned something about

1 him in the karate, that he wanted to do karate.  
 2 Q. And what did you say to him?  
 3 A. I said that maybe later on when we could  
 4 afford it, not right now.  
 5 Q. So you got this flyer and you think it has  
 6 karate on it.  
 7 What did you do with the flyer? Did you  
 8 just read it and throw it out?  
 9 MR. VILLAGRA: Objection. Asked and  
 10 answered.  
 11 BY MS. STRONG:  
 12 Q. Go ahead, answer.  
 13 A. Yes.  
 14 Q. Did you make any phone calls or any  
 15 inquiries as to anything on the flyer?  
 16 A. Well, no, because of the reason that it's  
 17 an after-school thing, you know. That's why I  
 18 just -- I just put it aside.  
 19 Q. But you don't remember if it could have  
 20 been on the weekends or after school, one way or  
 21 the other?  
 22 A. No.  
 23 MR. VILLAGRA: Asked and answered.  
 24 BY MS. STRONG:  
 25 Q. Okay. I just want to make sure we have it

- 1 clear, you know, in case you're -- with respect to  
 2 yoga, what do you know about the yoga program?  
 3 A. Not much either.  
 4 Q. Okay. Do you have an interest in having  
 5 Jonathan participate in yoga?  
 6 A. Yes, I would.  
 7 Q. Does Jonathan have an interest in  
 8 participating in yoga?  
 9 A. Well, he practiced it. He did some yoga  
 10 classes in third grade with his teacher. Sometimes  
 11 they would go in the auditorium. He said he liked  
 12 it, you know, he liked doing yoga.  
 13 Q. Okay. So with respect to the Star  
 14 program, has he told you he wanted to participate  
 15 in that yoga program?  
 16 A. No.  
 17 Q. Okay. And I believe you already said you  
 18 don't know anything about the particular yoga  
 19 program?  
 20 A. No.  
 21 Q. Whether it's offered after school or on  
 22 weekends, or whether it's a lunch program, for that  
 23 matter, you don't know one way or the other?  
 24 A. I know it's not during school, you know.  
 25 Q. But it could be on the weekends, or it

- 1 could be after school, you don't know?  
 2 A. Yes, I don't know.  
 3 Q. Okay. Do you know if any of these  
 4 programs we've discussed are before school, by any  
 5 chance?  
 6 A. I don't think so.  
 7 Q. But do you know which, one way or the  
 8 other?  
 9 A. No.  
 10 Q. Has anyone ever told you that there would  
 11 be no bus to take your child home if these programs  
 12 were after school, for example?  
 13 A. No.  
 14 Q. No one's ever told you that?  
 15 A. No.  
 16 Q. Okay.  
 17 A. Maybe it said on the flyer. But, like I  
 18 said, I just ignored it because, you know, it said  
 19 after school on it, so --  
 20 Q. You didn't investigate as to whether or  
 21 not there are any -- that any special accommodation  
 22 could be made to bring children home on a bus after  
 23 these activities if, in fact, they were even held  
 24 after school; is that correct?  
 25 A. Yes.

- 1 Q. Do you know if these programs cost any  
 2 money?  
 3 A. Yes, they do.  
 4 Q. Do you know how much they cost?  
 5 A. No.  
 6 Q. Did that have any impact as to whether or  
 7 not you'd want to participate in the programs?  
 8 A. I don't think so. I mean, if I -- if  
 9 there was available -- you know, if he could go  
 10 participate in them and there was a bus to bring  
 11 him back, you know, I would probably, you know, pay  
 12 for the classes.  
 13 Q. But you don't have any idea how much they  
 14 cost?  
 15 A. No.  
 16 Q. But you didn't enroll him in other classes  
 17 close to home because you couldn't afford it,  
 18 correct?  
 19 A. Yes.  
 20 Q. Do you know how much those other classes  
 21 cost?  
 22 A. I think they were like 400 something,  
 23 something like that.  
 24 Q. For how long?  
 25 A. For I believe it's like six or nine

- 1 months.  
 2 Q. And how many classes?  
 3 A. It's like twice a week.  
 4 Q. But how do you know this?  
 5 A. Well, my husband went to, you know, to  
 6 ask. And he asked a couple of them. And that's  
 7 why.  
 8 Q. So this is something that someone at the  
 9 studio told your husband, and your husband told  
 10 you?  
 11 A. Yes.  
 12 Q. So you don't know personally --  
 13 A. No.  
 14 Q. -- how much the classes cost?  
 15 A. No.  
 16 Q. Wait until I finish my question.  
 17 A. Sorry.  
 18 Q. Does Jonathan participate in any other  
 19 activities outside of school or in school, that you  
 20 can identify?  
 21 A. No.  
 22 Q. I mean other than soccer. The only  
 23 activity we identified so far is soccer for  
 24 Jonathan, correct?  
 25 A. Soccer, yes.

1 Q. Is there anything else?  
 2 A. I enrolled him in -- there's a church that  
 3 has like an after-school thing, that's across the  
 4 street from where my husband works. But because he  
 5 has soccer practice, I'm not able to take him to  
 6 that, to that after-school thing, that church,  
 7 because he has soccer practice and because of his  
 8 homework.  
 9 But I was, at the beginning -- he was  
 10 going maybe once or twice a week when he didn't  
 11 have soccer practice.  
 12 Q. Okay. When is his soccer practice? I  
 13 realize it's different than Sammy.  
 14 A. Tuesdays and Thursdays.  
 15 Q. What time?  
 16 A. From 4:00 to 6:00.  
 17 Q. Where is it located?  
 18 A. It's located at [REDACTED]  
 19 Q. Where is [REDACTED] located?  
 20 A. It's on [REDACTED]  
 21 [REDACTED] I don't  
 22 know the exact address.  
 23 Q. How far from your home?  
 24 A. I think it's about -- maybe close to two  
 25 miles.

1 Q. Okay. So do you walk there or do you  
 2 drive?  
 3 A. When my husband can, he takes him. If  
 4 not, I take him.  
 5 Q. But you go by car?  
 6 A. Yes.  
 7 Q. Your husband comes home and picks him up  
 8 and takes him?  
 9 A. Sometimes he leaves his job and he -- he  
 10 comes from work and, you know, I have him ready so  
 11 he can take him to the soccer practice.  
 12 Q. What time does your husband usually get  
 13 home from work?  
 14 A. Depends. Sometimes he's home 4:30,  
 15 sometimes later than that. When he gets home  
 16 later, then I have to take him.  
 17 Q. I think I forgot to ask you. What time  
 18 does he actually leave for work in the morning?  
 19 A. From the house?  
 20 Q. Yes.  
 21 A. He leaves about ten minutes to 8:00.  
 22 Q. He leaves at ten minutes to 8:00 to go to  
 23 work?  
 24 A. Yes.  
 25 Q. Every day?

1 A. Yes.  
 2 Q. Does he ever leave earlier than that?  
 3 A. Yes. Depending if he has a lot of work,  
 4 he's at work at 7:00.  
 5 Q. How often is he at work at 7:00?  
 6 A. Maybe once or twice a week.  
 7 Q. A week?  
 8 A. Yes.  
 9 Q. But other than the one or two times a week  
 10 where he's got to leave the house by 7:00 --  
 11 A. He leaves ten to 8:00.  
 12 Q. He'll leave at ten to 8:00?  
 13 A. Yes.  
 14 MR. VILLAGRA: I'm sorry, does he leave by  
 15 7:00, or does he have to be there by 7:00?  
 16 THE WITNESS: He has to be there by 7:00.  
 17 BY MS. STRONG:  
 18 Q. What time does he have to leave the house  
 19 by to get to work by 7:00?  
 20 A. About ten minutes to 7:00, about 6:50.  
 21 Q. Okay. So he's got soccer practice on  
 22 Tuesday and Thursday -- this is Jonathan we're  
 23 referring to.  
 24 A. Yes.  
 25 Q. Between 4:00 and 6:00. And then he's got

1 a game on the weekends. One game or two?  
 2 A. Sometimes two, Saturdays and Sundays.  
 3 Q. And the time varies?  
 4 A. They vary.  
 5 Q. As you said before, sometimes it could  
 6 take all day?  
 7 A. Yes.  
 8 Q. On either Saturday and Sunday, it depends?  
 9 A. Yes.  
 10 Q. Other than this soccer schedule, are there  
 11 any other activities that he has, for example, on  
 12 Monday, Wednesday or Friday?  
 13 A. No.  
 14 Q. Okay. And so -- okay. So the church  
 15 activities that you wanted to enroll him in,  
 16 what -- can you tell me a little bit about them?  
 17 A. They have after-school activities,  
 18 basketball, soccer, computer.  
 19 Q. Do you have to pay for those activities?  
 20 A. There's an enrollment of \$10 a year.  
 21 Q. What days are those activities held on?  
 22 A. They are held on Monday through Friday.  
 23 Q. Is that at your husband's work, you said,  
 24 or across the street from his work?  
 25 A. Across the street.

1 Q. What time do the activities start?  
 2 A. After school, I think they start around  
 3 3:00 until, I believe -- I'm not completely sure,  
 4 but I think until 7:00.  
 5 Q. Okay. And so when did you enroll him in  
 6 these activities?  
 7 A. It's been, I think, about -- it was two  
 8 months prior to Halloween last year.  
 9 Q. So like in September of 2000?  
 10 A. Yes.  
 11 Q. And I want to make sure I understand. You  
 12 said you enrolled him, but you never took him to  
 13 any of the activities?  
 14 A. No, I did. At the beginning I was taking  
 15 him. But then, you know, because of the soccer  
 16 practice and his homework, you know, there wasn't  
 17 enough time for him to go and participate.  
 18 Q. So he would focus -- on Monday,  
 19 Wednesdays, and Fridays, he had enough to do  
 20 focusing on homework?  
 21 A. I mean Monday through Friday, you know.  
 22 But when he had soccer practice, I wasn't able to  
 23 take him to the church.  
 24 Q. So on Tuesdays and Thursdays, you couldn't  
 25 take him to the church because of soccer practice?

1 A. No. Basketball and computers.  
 2 Q. As far as you are aware, he didn't  
 3 participate in art or drawing?  
 4 A. No.  
 5 Q. Was he not interested in those two?  
 6 A. He was, but it was full.  
 7 Q. So you would take him on Mondays,  
 8 Wednesdays, and Fridays, for computer and  
 9 basketball basically?  
 10 A. Yes.  
 11 Q. And what time would you take him to be  
 12 there?  
 13 A. I would let him finish his homework at  
 14 home, and I would take him for an hour or 30  
 15 minutes, say 6:00 to 6:30.  
 16 Q. You would take him 6:00 to 6:30 about?  
 17 A. Yes.  
 18 Q. This was Monday, Wednesday, Friday?  
 19 A. Yes.  
 20 Q. Was he doing homework -- he gets home  
 21 around 3:15 or so?  
 22 A. 3:30.  
 23 Q. So about 3:30 to 5:30 or 6:00, he's doing  
 24 homework?  
 25 A. Yes.

1 A. Yes.  
 2 Q. What about Mondays, Wednesdays and  
 3 Fridays?  
 4 A. He would go.  
 5 Q. You would take him to the church  
 6 activities?  
 7 A. Yes.  
 8 Q. What did he do at the church activities?  
 9 A. They have -- sometimes they would do art,  
 10 drawing, computer. They have, you know, they have  
 11 computer games and other things there, and  
 12 basketball.  
 13 Q. Did you have to enroll him in a particular  
 14 class?  
 15 A. No. Once he gets in there, he just -- he  
 16 has to sign up for whatever they want to do. Like  
 17 if there's -- because they have like -- they have  
 18 times for them to enroll at certain things for  
 19 basketball, computers or art. Depending if the  
 20 class is too full, then he would go into computers.  
 21 He would wait his turn. If there wasn't enough  
 22 space for him.  
 23 Q. But you know that he participated in art  
 24 and drawing and computer and basketball, all of  
 25 those things?

1 Q. That's Monday, Wednesday, Friday?  
 2 A. Monday through Friday.  
 3 (Discussion off the record.)  
 4 MS. STRONG: Can you read where we left  
 5 off.  
 6 (The following text was read by the  
 7 reporter):  
 8 "Q. So about 3:30 to 5:30 or 6:00, he's  
 9 doing homework?  
 10 "A. Yes.  
 11 "Q. That's Monday, Wednesday, Friday?  
 12 "A. Monday through Friday."  
 13 BY MS. STRONG:  
 14 Q. What time did he do his homework on  
 15 Tuesdays and Thursdays?  
 16 A. He'll do a little bit, you know, if he  
 17 can, before I leave to -- you know, before I took  
 18 him to the soccer practice. And then he'll finish  
 19 the rest when he comes back from soccer practice.  
 20 Q. He'll spend two, two and a half hours on  
 21 Tuesday through Thursday, after soccer practice,  
 22 doing homework?  
 23 A. Yes.  
 24 Q. Is that the normal time he spends on  
 25 homework, two, two and a half hours or so?

1 A. Yes.  
 2 Q. Okay. So it sounded like he stopped going  
 3 to these church activities; is that correct?  
 4 A. Yes, he did.  
 5 Q. When did he stop going to the church  
 6 activities?  
 7 A. It was like after Halloween time, around  
 8 there.  
 9 Q. Okay. So --  
 10 A. I mean, like I said, I didn't take him,  
 11 you know, a lot, because of his homework.  
 12 Q. Homework?  
 13 A. Yeah. Because I wanted him to do, you  
 14 know -- I said you have to finish your homework if  
 15 you want to go and participate. Sometimes he gets  
 16 a lot of homework, more than usual. So I just  
 17 say -- I'll just keep him home and let him do  
 18 something else, play ball or something.  
 19 Q. Okay. And so that's, you know, about two  
 20 months after starting these church activities, at  
 21 the most two months, you stopped taking him to the  
 22 activities?  
 23 A. Yes.  
 24 Q. And there were no other fees associated --  
 25 A. No.

1 Q. You've got to wait until I finish my  
 2 question.  
 3 A. Sorry.  
 4 Q. And there were no other fees associated  
 5 with the church activities, other than the  
 6 ten-dollar fee that you mentioned earlier?  
 7 A. Correct.  
 8 MS. STRONG: Would you like to take a  
 9 break?  
 10 MR. VILLAGRA: Yes.  
 11 (Recess.)  
 12 BY MS. STRONG:  
 13 Q. Has Jonathan ever been involved in any  
 14 lawsuits?  
 15 A. No.  
 16 Q. Has Samuel ever been involved in any  
 17 lawsuits?  
 18 A. No.  
 19 Q. Do you know if there are any after-school  
 20 programs at Cahuenga?  
 21 A. Yes. They have -- well, they have the --  
 22 they keep the yard open until 6:30. And I see kids  
 23 playing, you know, basketball, soccer.  
 24 Q. Do you know who is allowed to participate  
 25 in those after-school programs?

1 A. I think the -- you know, all the kids that  
 2 are in Cahuenga, all the students that go there.  
 3 Q. Do you know if your child Jonathan can  
 4 participate in those programs after school?  
 5 A. No.  
 6 Q. Have you asked one way or the other?  
 7 A. No.  
 8 Q. Why haven't you asked whether Jonathan can  
 9 participate in those programs?  
 10 A. Well, since he's on the soccer team, you  
 11 know, I thought that in the meantime that's enough  
 12 for him, you know, because of his homework.  
 13 Q. So soccer and his homework are enough  
 14 activities. So you weren't interested in asking  
 15 about the Cahuenga activities?  
 16 A. Yes.  
 17 Q. I think we touched upon this a little bit  
 18 briefly, and I want to go into further detail about  
 19 how you first learned about this case.  
 20 You stated earlier in your testimony that  
 21 your neighbor has talked to you about the case. Is  
 22 that the first time you had ever heard about it?  
 23 A. Yes.  
 24 Q. Okay. And what exactly did the neighbor  
 25 say to you?

1 A. She told me about the meeting that was  
 2 at -- that they had at Cahuenga.  
 3 Q. Let's talk about that meeting.  
 4 When was the meeting?  
 5 A. I don't know exactly the date.  
 6 Q. Okay. But you had this conversation with  
 7 your neighbor in May of 2000; is that what we  
 8 stated earlier? Correct me if I am wrong.  
 9 A. No. It was April, the middle of April.  
 10 Q. So based on that conversation with your  
 11 neighbor, did you have any idea as to when the  
 12 meeting took place?  
 13 A. It must have been, you know, like a couple  
 14 of days, you know, before -- after -- I mean  
 15 actually after she had talked to me. Maybe it was  
 16 like two days.  
 17 Q. Before, you mean?  
 18 A. I mean before, yeah.  
 19 Q. Did she tell you, was it a couple of days  
 20 before?  
 21 A. The meeting had already taken place.  
 22 Q. When you had this conversation, did she  
 23 tell you she was at a meeting that happened a  
 24 couple of days ago?  
 25 A. Yes.

1 Q. And who was at the meeting?  
 2 A. Mr. Villagra.  
 3 Q. Mr. Villagra?  
 4 A. Mr. Via -- it's hard to pronounce your  
 5 last name.  
 6 MR. VILLAGRA: Villagra.  
 7 She's identifying me.  
 8 (Discussion off the record.)  
 9 BY MS. STRONG:  
 10 Q. How do you know that Mr. Villagra was at  
 11 the meeting?  
 12 A. She told me. She gave me his card.  
 13 Q. Do you know who else was at the meeting?  
 14 A. No.  
 15 Q. Do you know if the principal was at the  
 16 meeting?  
 17 A. Yes. It was held by the principal at  
 18 Cahuenga.  
 19 Q. What was the meeting about?  
 20 A. It was about the busing and the Concept 6.  
 21 Q. And it was being put on by the principal  
 22 at Cahuenga?  
 23 A. I believe so.  
 24 Q. I'm sorry. How do you know what the  
 25 meeting was about?

1 Q. Do you have an idea?  
 2 A. I'm assuming maybe flyers from the school,  
 3 that they were going to meet. Usually when there's  
 4 meetings, you know, Cahuenga always gives flyers to  
 5 the students so they can bring home, to attend the  
 6 meetings.  
 7 Q. Those weren't given to the busing  
 8 students?  
 9 A. I don't remember.  
 10 Q. They could have been given to the busing  
 11 students, too?  
 12 A. Probably so. But I don't know.  
 13 Q. You don't remember receiving one?  
 14 A. No.  
 15 Q. Have you heard of a group called the  
 16 Kingsley Group?  
 17 A. No.  
 18 Q. Do you know of any groups in your area or  
 19 anywhere in the city that address issues relating  
 20 to busing and Concept 6, year-round schools?  
 21 A. No.  
 22 Q. So have you heard of a group called  
 23 Coalition for Economic Survival?  
 24 A. No.  
 25 Q. Have you heard of a group called New

1 A. Because my neighbor told me about it.  
 2 Q. You don't know one way or the other, but  
 3 your neighbor told you it was about busing and  
 4 about the Concept 6, year-round calendar?  
 5 A. Yes.  
 6 Q. Did your neighbor tell you that, that the  
 7 principal was at the meeting?  
 8 A. Yes.  
 9 Q. But you don't know one way or the other?  
 10 It's only through your neighbor, correct?  
 11 A. Yes.  
 12 Q. So everything you know about this meeting  
 13 is from your neighbor, correct?  
 14 A. Yes.  
 15 Q. Correct?  
 16 A. Correct.  
 17 Q. Do you know if -- well, had you -- how did  
 18 your neighbor learn about the meeting, do you know?  
 19 A. She was at the meeting.  
 20 Q. No, no. I'm sorry. How did she first  
 21 hear about it? How did she know to go to the  
 22 meeting?  
 23 A. She didn't tell me that, but -- she  
 24 didn't -- she didn't tell me how she knew about the  
 25 meeting, but --

1 Schools, Better Neighborhoods?  
 2 A. No.  
 3 Q. What else did your neighbor tell you about  
 4 this meeting?  
 5 A. She just told me that Mr. Villagra wanted  
 6 to speak to parents whose kids were bussed from  
 7 Cahuenga to other schools. And he wanted to talk  
 8 to us parents, you know, see what information, you  
 9 know, they had.  
 10 Q. Okay.  
 11 A. And that's all. She gave me the card, and  
 12 that's how I decided to call Mr. Villagra.  
 13 Q. Did she tell you if Mr. Villagra addressed  
 14 the group as a whole, or did Mr. Villagra just talk  
 15 to her individually?  
 16 A. I don't remember that.  
 17 Q. Did she tell you if anyone else spoke at  
 18 the meeting, other than Mr. Villagra?  
 19 A. No.  
 20 MR. VILLAGRA: No, she didn't tell you  
 21 or --  
 22 THE WITNESS: No, I don't remember her  
 23 telling me that.  
 24 BY MS. STRONG:  
 25 Q. Did she tell you if they discussed

1 building new schools in the area at that meeting?  
 2 A. No, not that I remember.  
 3 Q. Prior to this conversation with your  
 4 neighbor, did you ever have any conversation --  
 5 prior to this one where you discussed the meeting,  
 6 did you ever have any conversations with her where  
 7 you discussed busing and year-round schools? Do  
 8 you remember any conversations with her regarding  
 9 those issues?  
 10 A. No.  
 11 Q. Did you have any conversations regarding  
 12 those issues with any other parents prior to that  
 13 day?  
 14 A. No.  
 15 Q. Did you have any conversations regarding  
 16 those issues with anyone at either Cahuenga or at  
 17 Rosewood Avenue Elementary prior to that day?  
 18 A. No.  
 19 Q. So never before had you really even talked  
 20 with anyone about busing or year-round schools?  
 21 A. No.  
 22 Q. Had you talked with your husband prior to  
 23 that day about those issues?  
 24 A. That day?  
 25 Q. Prior to that day.

1 A. Oh, prior. No. Well, when Jonathan  
 2 started kindergarten, we would discuss that a lot,  
 3 about him being bussed out to Bellevue, because he  
 4 was so little and so, you know, so young.  
 5 Q. What would you say about it?  
 6 A. I mean, I was -- that I was very concerned  
 7 about him, because he was so little, riding the bus  
 8 to Bellevue. I was really concerned that something  
 9 might happen to him on the way there, on the way  
 10 back. Because I thought, you know, because he was  
 11 so little.  
 12 Q. Okay. So -- and when did you first think  
 13 about suing about these issues?  
 14 A. Since, you know, he started going to  
 15 Bellevue.  
 16 Q. You thought about suing way back then?  
 17 A. I mean, I was concerned.  
 18 Q. I understand that. There's two different  
 19 questions.  
 20 MR. VILLAGRA: Give her some time, because  
 21 the court reporter cannot take down two people at  
 22 the same time.  
 23 THE WITNESS: All right.  
 24 BY MS. STRONG:  
 25 Q. I want to make sure we have this clear.

1 Before, I asked you about when you thought  
 2 about the issues and if you talked with anybody  
 3 about the issues, and that's one question.  
 4 Another question is when did you actually  
 5 think about you wanted to file a lawsuit. I mean,  
 6 when did you first think you wanted to file a  
 7 lawsuit about these issues?  
 8 A. When I talked to my neighbor.  
 9 Q. Okay. Did you talk to anyone else before  
 10 you -- excuse me. I want to change this.  
 11 Your neighbor gave you Mr. Villagra's  
 12 card, and you proceeded to call him, correct?  
 13 A. Correct.  
 14 Q. When did you call him?  
 15 A. It was like a day or two after I got the  
 16 card.  
 17 Q. Okay. And did you speak with Mr. Villagra  
 18 on the phone?  
 19 A. Yes.  
 20 Q. At that time when you spoke with  
 21 Mr. Villagra, did you ask him to represent you?  
 22 MR. VILLAGRA: I'm going to instruct you  
 23 not to answer because you're revealing  
 24 conversations between an attorney and a client.  
 25 And including conversation in the hopes of

1 retaining an attorney are covered by the --  
 2 MS. STRONG: We think we need to  
 3 establish -- I don't think that's been established.  
 4 Yes.  
 5 MR. VILLAGRA: What?  
 6 MS. STRONG: Whether or not that was the  
 7 purpose of the call.  
 8 Q. That's what I'm asking is, when you called  
 9 Mr. Villagra, did you ask him to be your attorney?  
 10 A. I was calling to ask questions. No.  
 11 Q. You were not interested in him becoming  
 12 your attorney that day on the phone?  
 13 A. No.  
 14 Q. What kind of questions did you ask  
 15 Mr. Villagra that day on the phone?  
 16 A. I don't recall.  
 17 Q. You don't remember anything that was said?  
 18 A. It was so long, you know. It's been a  
 19 year. I can't remember.  
 20 Q. Okay.  
 21 MR. VILLAGRA: I'm going to step out of  
 22 the room a second, because I'm afraid that there is  
 23 a privilege issue here, and I'd like to consult  
 24 with my client.  
 25 MS. STRONG: Okay. I just want to make

1 sure, to the extent we are allowed, to establish  
2 whether or not there is an attorney-client  
3 relationship first, before we discuss a privilege  
4 issue.

5 MR. VILLAGRA: All right.  
6 (Witness and her counsel leave the room  
7 and return.)

8 BY MS. STRONG:

9 Q. Okay. Are you ready to proceed?

10 A. (Unreportable response.)

11 Q. So you don't remember any of the questions  
12 that you asked your attorney that day in that  
13 telephone conversation?

14 A. I was just calling to see. I was thinking  
15 of hiring him as an attorney.

16 Q. Okay. When was the next time you spoke  
17 with him or anyone else about the lawsuit?

18 A. It was -- it was a day or two after that,  
19 that I spoke with him. And then I met him in  
20 person.

21 Q. He came to your house?

22 A. Yes.

23 Q. Is that the day that we were discussing  
24 earlier when you said you signed some papers?

25 A. Yes.

1 A. Correct.

2 Q. Did your children ever have -- well,  
3 strike that.

4 Have you had any other contact with any  
5 other groups involved in this lawsuit?

6 A. No.

7 Q. And I'm going to name a few, just in case  
8 this will ring a bell for you.

9 For example, have you spoken with anyone  
10 at ACLU?

11 A. No. ACLU?

12 Q. American Civil Liberties Union.

13 A. Is that where --

14 Q. Let me help you. I think you --

15 A. Dalia, yes.

16 Q. I think he mentioned Dalia worked at the  
17 ACLU, and you had a conversation with her that we  
18 discussed earlier, correct?

19 A. Yes.

20 Q. Other than Dalia, is there anyone else  
21 that you can think of that you spoke with at the  
22 ACLU?

23 A. No.

24 Q. The Public Advocates?

25 A. No.

1 Q. And at that time you believe that he  
2 represented you?

3 A. Yes.

4 Q. Did you discuss with your husband whether  
5 or not you should hire an attorney or retain  
6 counsel regarding these issues?

7 A. Yes.

8 Q. And what did your husband say?

9 A. He said to go ahead and do it.

10 Q. And what did you say to him as to why you  
11 wanted to?

12 A. Well, I just -- you know, it was about the  
13 same thing that we had discussed, which was the  
14 problem about the busing.

15 Q. So the only reason why you wanted to  
16 retain counsel --

17 A. And overcrowding of the school.

18 Q. Okay. And so the only reason why you  
19 wanted to retain an attorney for this was to  
20 discuss -- was to pursue issues regarding  
21 overcrowding and busing; is that correct?

22 A. Yes.

23 Q. And for no other reason?

24 A. No.

25 Q. Correct?

1 Q. The Center for Law and Public Interest?

2 A. No.

3 Q. The Lawyers Committee for Civil Rights?

4 A. No.

5 Q. The Asian Pacific American Legal Center?

6 A. No.

7 Q. Loyola Law School?

8 A. No.

9 Q. Anybody at Georgetown University Law  
10 Center?

11 A. No.

12 Q. Did you ever speak with anyone from UCLA  
13 regarding these issues?

14 A. No.

15 Q. And have your children had any contacts  
16 with any of the groups that we discussed?

17 A. No.

18 Q. Did your children have any conversations  
19 with Mr. Villagra?

20 A. Yes.

21 Q. They did?

22 A. Yes.

23 Q. When did your children speak with  
24 Mr. Villagra?

25 A. The day he came -- the first time he came



1 to my house.  
 2 Q. Which child did he speak with? Both  
 3 Jonathan and Samuel?  
 4 A. Jonathan.  
 5 Q. Just Jonathan?  
 6 A. Yes.  
 7 Q. Samuel has never had any conversations  
 8 with Mr. Villagra?  
 9 A. Yes. That was yesterday.  
 10 Q. Was that on the phone?  
 11 A. No. At the house.  
 12 Q. We'll get back to that. We'll come back  
 13 to that.  
 14 Do you know whether this is intended to be  
 15 a class-action lawsuit?  
 16 A. Yes.  
 17 Q. What does that mean? Do you know what  
 18 that means?  
 19 A. Yes.  
 20 Q. Okay. What does that mean?  
 21 A. It means busing, overcrowded schools,  
 22 Concept 6. There's many more, but I can't recall.  
 23 Q. That's what it means to be a class-action  
 24 lawsuit?  
 25 A. Yes.

1 LOS ANGELES, CALIFORNIA; SUNDAY, MAY 20, 2001  
 2 2:02 P.M.  
 3  
 4 EXAMINATION (resumed)  
 5  
 6 BY MS. STRONG:  
 7 Q. Are you ready to proceed?  
 8 A. (Unreportable response.)  
 9 MR. VILLAGRA: You have to speak up.  
 10 BY MS. STRONG:  
 11 Q. I'd like to remind you that you are still  
 12 under oath.  
 13 Did you have any alcohol or medication or  
 14 anything during the lunch break that would affect  
 15 your ability to testify here today --  
 16 A. No.  
 17 Q. Let me finish my question.  
 18 A. Okay.  
 19 MR. VILLAGRA: It doesn't make it go any  
 20 faster.  
 21 BY MS. STRONG:  
 22 Q. All right. I believe before we took our  
 23 lunch break, we were discussing whether you knew  
 24 that this last lawsuit was intended to be a  
 25 class-action lawsuit. And I asked you what class

1 MS. STRONG: Do you want to break?  
 2 (At the hour of 1:52 P.M., a luncheon  
 3 recess was taken. The deposition resumed  
 4 at 2:02 P.M., the same persons being  
 5 present.)  
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1 action meant. And you said that you did understand  
 2 the question. Let's continue on with that now.  
 3 What does a class-action lawsuit mean?  
 4 A. It means a representative representing a  
 5 big group of claimants.  
 6 Q. Okay. Do you know what the class is in  
 7 this particular lawsuit?  
 8 A. Can you --  
 9 Q. Do you understand what I'm asking?  
 10 A. Can you repeat it again?  
 11 Q. Okay. My question is: Do you know what  
 12 the class is in this lawsuit?  
 13 A. (No response from the witness.)  
 14 Q. If you don't know, tell me you don't know.  
 15 A. I don't.  
 16 Q. You don't know. Okay, that's fine.  
 17 MR. VILLAGRA: I'd like to object to the  
 18 question as being vague. What about the class, how  
 19 it's been described, how it's been defined?  
 20 MS. STRONG: I asked her a question and  
 21 she didn't know the answer to that question.  
 22 That's fine. I don't think the question was vague.  
 23 Q. Do you know what the class definitions are  
 24 in this lawsuit?  
 25 A. Yes. It's the busing, the overcrowding,

1 Concept 6. There's several others, but I can't  
2 remember.  
3 Q. So can you give me the class definition  
4 with respect to busing?  
5 A. What I just -- what I just answered to you  
6 right now.  
7 Q. What does that mean? I mean, you said  
8 it's about the busing. But what about the busing  
9 is it? What is the class definition? Do you know?  
10 A. Just that what I told you.  
11 Q. So the class definition is that it's  
12 busing and overcrowding?  
13 A. That's some of it.  
14 Q. Okay. Do you know anything about busing  
15 and overcrowding? Do you know anything more  
16 specific about what the class definition is?  
17 A. Just that. I can't remember.  
18 Q. Do you know anything about a subclass in  
19 this lawsuit?  
20 A. Can't remember.  
21 Q. Do you know what a subclass is, in terms  
22 of class-action lawsuits?  
23 A. I can't remember.  
24 Q. As you sit here today, you don't know what  
25 a subclass is?

1 A. I mean, I can't remember it right now  
2 offhand.  
3 Q. I know. What I'm saying is today you are  
4 unable to give me a definition --  
5 A. Yes.  
6 Q. -- or an understanding of what a subclass  
7 is?  
8 A. Yes.  
9 Q. Now, are you a class representative in  
10 this lawsuit?  
11 A. Yes.  
12 Q. Okay. And how do you know that you're a  
13 class representative?  
14 A. Because I'm -- because of the busing  
15 problem and the Concept 6.  
16 Q. Okay. But how did you become a class  
17 representative in this lawsuit? Do you know?  
18 A. I can't remember.  
19 Q. So you don't know one way or the other  
20 sitting here today how you became a class  
21 representative?  
22 A. I do, but I can't remember right now.  
23 Q. Okay. If you can't remember right now,  
24 it's okay. I just want -- if you don't remember or  
25 if you don't know, it's okay to say you don't know.

1 As you sit here today, do you know whether -- I'm  
2 sorry. Do you know how you became a class  
3 representative?  
4 MR. VILLAGRA: Objection. Asked and  
5 answered --  
6 MS. STRONG: I just want to get --  
7 MR. VILLAGRA: -- vague.  
8 Are you asking for the mechanism by which  
9 she became, like the legal proceeding?  
10 MS. STRONG: I'd like to know why she  
11 believes she's been a class representative. You  
12 made several objections. Until I have a clear  
13 record, I'm going to proceed with questions. To  
14 the extent she's indicating she might be changing  
15 her answers, I will proceed with those questions as  
16 well to make sure we have a clear record. I don't  
17 believe any of these questions have been asked and  
18 answered previously.  
19 MR. VILLAGRA: I'll keep making the  
20 objections as long as I think the question has been  
21 asked and answered.  
22 MS. STRONG: As long as we have a clear  
23 record with respect to the answers, I won't repeat  
24 any questions. I have no intention of doing that  
25 whatsoever.

1 Q. I think this question calls for a  
2 yes-or-no answer. Do you know how you became a  
3 class representative in this lawsuit?  
4 A. No.  
5 Q. Okay. When do you think you first became  
6 aware that you are a class representative?  
7 A. I don't know.  
8 Q. Okay. Is today the first day that you've  
9 known that you are a class representative?  
10 A. No.  
11 Q. You've known prior to today?  
12 A. Yes.  
13 Q. Okay. Did you know last week that you  
14 were a class representative?  
15 A. Yes.  
16 Q. Okay. I'm trying to get a sense of when  
17 you first knew when you were a class  
18 representative. So can you help me and go back  
19 even further? Does this refresh your recollection?  
20 I mean, did you know a month ago, for example?  
21 A. No.  
22 Q. You didn't know a month ago?  
23 A. No.  
24 Q. So did you know two weeks ago?  
25 A. No.

1 Q. So within the past week you learned that  
2 you were a class representative; is that correct?  
3 A. Yes.  
4 Q. Can you pinpoint the day that you learned  
5 that you were a class representative?  
6 A. No.  
7 Q. Was there a particular conversation with  
8 somebody that let you -- led you to believe that  
9 you were a class representative?  
10 A. No.  
11 Q. So what was it that made you first believe  
12 that you were a class representative?  
13 A. I can't answer that.  
14 Q. Do you think you're a class representative  
15 as you sit here today?  
16 MR. VILLAGRA: Asked and answered.  
17 THE WITNESS: Yes.  
18 BY MS. STRONG:  
19 Q. Yet you have no idea when you first became  
20 aware or what made you aware that you were a class  
21 representative; is that correct?  
22 MR. VILLAGRA: Compound question.  
23 BY MS. STRONG:  
24 Q. I'll rephrase that.  
25 You have no idea when you first became a

1 Q. He is? How do you know that?  
2 MR. VILLAGRA: I object to the extent the  
3 question calls for communications between attorney  
4 and client.  
5 You can answer as long as you don't reveal  
6 anything that we talked about.  
7 THE WITNESS: Because of the documents  
8 that I have seen, the declaration where I signed,  
9 and their names are in there. So that's how I  
10 believe that he's a plaintiff.  
11 BY MS. STRONG:  
12 Q. Okay. Based on -- is there anything else  
13 that you are relying upon with respect to your  
14 belief that Jonathan Tellechea is a plaintiff?  
15 A. No.  
16 Q. Solely your declaration?  
17 A. Yes.  
18 Q. Do you know if Samuel Tellechea is a class  
19 representative?  
20 A. No.  
21 Q. You don't know one way or the other?  
22 A. No.  
23 Q. Okay. Correct?  
24 A. Correct.  
25 Q. Do you know if Samuel Tellechea is a

1 class representative, correct?  
2 A. Correct.  
3 Q. And you do not know as you sit here today  
4 what made you or led you to believe that you were a  
5 class representative, correct?  
6 A. Correct.  
7 MS. GODFREY: Can we go off the record?  
8 MS. STRONG: Yes.  
9 (Discussion off the record.)  
10 MS. STRONG: We can go back on.  
11 Q. We just had a brief discussion off the  
12 record. I want to make sure it's clear that there  
13 has been no class certified yet in this case.  
14 However, the questions that I ask you, it was with  
15 the understanding that you have been identified or  
16 you believe that you have been identified as a  
17 class representative for this case; is that  
18 correct?  
19 A. Correct.  
20 Q. Okay. Is your son Jonathan Tellechea a  
21 class representative?  
22 A. I don't know.  
23 Q. Is Jonathan Tellechea a plaintiff in this  
24 case?  
25 A. Yes.

1 plaintiff in this action?  
2 A. Yes.  
3 Q. And how do you know that he's a plaintiff  
4 in this action?  
5 A. It would be the same response as for  
6 Jonathan Tellechea.  
7 Q. So solely based on your declaration  
8 because you wrote their name down in your  
9 declaration --  
10 A. Yes.  
11 Q. -- and that's the only reason why?  
12 A. Yes.  
13 Q. Does anything in your declaration state  
14 that they are plaintiffs in this cause of action --  
15 or in this case?  
16 A. I believe so.  
17 Q. You think so?  
18 A. I can't recall right now.  
19 Q. Okay. Do you believe that you have any  
20 special duties as a class representative to the  
21 extent you believe that you are designated as a  
22 class representative and will act as such if this  
23 is designated -- if this suit is certified as a  
24 class action?  
25 A. Well, just to look and see that the case

1 completes, I mean, gets, closes, or, you know, see  
2 the case completely worked through and see that the  
3 rights that they have to have -- to be able to go  
4 to a traditional school where they will have the  
5 same rights as others, as well as the other --  
6 other students, not only my sons.

7 Q. What do you mean when you say "to see that  
8 the case is worked through"?

9 A. To see how it works through, see how it --  
10 how it's working through.

11 Q. Can you be any more specific than that?

12 A. I can't at this moment.

13 Q. Okay. Well, what types of things are you  
14 going to do to make sure that you see that it's  
15 worked through?

16 A. Following up on the letters I get from  
17 MALDEF, the letters that they send me, to see  
18 that -- they let me know how the case is, how it's  
19 working through.

20 Q. So you're just going to pay attention to  
21 the letters that you receive?

22 A. Yes.

23 Q. What else do you mean by follow up?

24 A. Calls that I get.

25 Q. I'm sorry. Does that -- calls that you

1 with respect to these issues?

2 MR. VILLAGRA: I'm sorry, were you done  
3 with your answer?

4 THE WITNESS: Yes.

5 BY MS. STRONG:

6 Q. What is it that you want to see get done  
7 with these issues, to make sure I have this clear?

8 A. I want to see that their rights are -- I  
9 mean that they -- that they get what the rest of  
10 the people -- the other students have, which is  
11 fair.

12 Q. Okay. What other students are you  
13 referring to?

14 A. Other students in other schools that go to  
15 a school nearby their neighborhood at a walking  
16 distance that don't have to go to an overcrowded  
17 school, don't have to be bussed out, and are on a  
18 traditional schedule and don't have this type of  
19 problem that my -- that my kids are going through.

20 Q. Okay. So you're not going to represent  
21 anybody who is at a traditional school, for  
22 example, traditional calendar school?

23 A. Well, the traditional calendar -- I mean  
24 Jonathan is going to a traditional school. But the  
25 problem is that he is bussed out so far away when

1 receive or you're going to make calls?

2 A. No, calls that I receive, you know, from  
3 them, letting me know how everything is going.

4 Q. What are you going to do about those  
5 calls? That's your follow up.

6 A. Yes.

7 Q. You'll answer the question?

8 A. Calls.

9 Q. Other than seeing that the case is worked  
10 through, I think you said that you wanted to make  
11 sure -- and I'm going to read here from the  
12 transcript as I understand it -- "that the rights  
13 that they have to have to be able to go to a  
14 traditional school, that they will be the same  
15 rights as others," something to that effect from  
16 what I can understand.

17 What do you mean by that?

18 A. By others that go to traditional schools  
19 that don't have to go through what my sons are  
20 going through and other students that are in the  
21 same problem like my kids -- especially Jonathan --  
22 that goes on the bus to a school so far.

23 Q. And so what is it --

24 A. And overcrowding.

25 Q. What is it that you want to see gets done

1 he could be going to a school that's a walking  
2 distance as Samuel is, but can be in a school that  
3 has a traditional schedule.

4 Q. Okay.

5 A. And that are not that long -- that don't  
6 have that long vacation when they get -- Sammy is  
7 going to school less than the traditional students  
8 are. And their scores are low. And they are, you  
9 know, getting behind. And the teachers have to  
10 review everything for them. And it's -- and that's  
11 why they are -- that's what I, you know, exactly  
12 want.

13 Q. I want to make sure it's clear. I don't  
14 believe you answered my question.

15 You will not be representing students at a  
16 traditional calendar school who are from that local  
17 area?

18 Do you understand my question?

19 MR. VILLAGRA: Objection. Vague. What do  
20 you mean by representing?

21 MS. STRONG: I accept that.

22 Q. In your understanding as a class  
23 representative, if in fact you become a class  
24 representative in this case, will you be  
25 representing students who attend traditional

1 calendar schools yet do not have to be bussed to  
2 those schools?

3 A. Okay. Can I explain myself?

4 You're trying to say it, like, Jonathan  
5 goes to Rosewood, the kids that are in that school  
6 that live in that area?

7 Q. Uh-huh.

8 A. No, I don't have a problem with that.

9 Q. Okay.

10 A. My problem is -- the problem is he's being  
11 bussed there.

12 Q. I understand. But you won't be  
13 representing those other students, correct?

14 A. No. Correct. Correct.

15 Q. I want to make sure that's clear.

16 Do you know that you owe certain duties to  
17 other members of a class if in fact you become a  
18 class representative?

19 A. No.

20 Q. And do you know that you may have an  
21 obligation to review any settlement that may take  
22 place in this action if you become a class  
23 representative?

24 A. No.

25 Q. And do you know that may have been

1 able to.

2 Q. Do you think you're able to pay any  
3 attorneys' fees right now?

4 A. I don't --

5 MR. VILLAGRA: Objection. Vague. Any  
6 attorneys' fees, she could pay any amount?

7 BY MS. STRONG:

8 Q. Do you understand the question?

9 A. I don't think so.

10 Q. Okay. Do you think you're able to pay  
11 anything with respect to attorneys' fees at this  
12 point in your life? Do you have extra money that  
13 you can set aside to pay for attorneys' fees at  
14 this point?

15 A. At this point, no.

16 Q. Do you anticipate having any extra money  
17 in the near future so that you can pay any  
18 attorneys' fees? Do you anticipate that at this  
19 point?

20 A. At this point I'm not sure.

21 Q. Do you have any reason to believe that  
22 you'll be getting more money into your household in  
23 the next year or so that may change your financial  
24 circumstances?

25 A. I don't think so.

1 obligation to be involved with strategic decisions  
2 in the case if you become a class representative?

3 A. No.

4 Q. Are you entitled to any extra benefits for  
5 serving as a named plaintiff in this action?

6 A. No.

7 Q. Are you entitled to any extra benefits for  
8 serving as a class representative if in fact you  
9 are designated as such?

10 A. No.

11 Q. And how do you know that?

12 A. I mean I don't know. I don't know.

13 Q. So has anyone promised you any benefits?

14 A. No.

15 Q. Will you be paid for your services as a  
16 class representative if in fact you are designated  
17 as such?

18 A. No.

19 Q. Do you know how your counsel is being  
20 paid?

21 A. No.

22 Q. Do you have any agreement to pay any fees  
23 with respect to this case?

24 A. No, not that I know of. But if I was  
25 asked to, I would try, if I could, to pay if I'm

1 Q. Okay. Do you have any understanding as to  
2 who was responsible for the costs and the fees at  
3 issue in this suit?

4 A. MALDEF.

5 Q. Do you believe that anybody else is  
6 responsible for either costs or fees in this  
7 lawsuit?

8 A. I don't know.

9 Q. You have no understanding?

10 A. No.

11 Q. Okay. So with -- other than what you've  
12 already told me, you explained to me that you are  
13 trying to see that students can attend school at a  
14 neighborhood school and attend schools that are not  
15 overcrowded, correct?

16 A. Correct.

17 Q. And what is it that you're seeking in this  
18 lawsuit then? Is it just as I stated or is there  
19 something else? What do you think will happen with  
20 this lawsuit?

21 A. That I don't know. But what I'm thinking  
22 is, like what you said, is that the kids can go to  
23 a neighborhood school and be on the traditional  
24 schedule.

25 Q. What is it that you are asking for in this

1 lawsuit?  
 2 A. Exactly that.  
 3 Q. Okay.  
 4 A. Because I think, you know, they have a  
 5 right, you know, to be entitled to that.  
 6 Q. And who do you think is responsible for  
 7 that?  
 8 A. The state and their officials.  
 9 Q. Who is it that you are suing in this  
 10 lawsuit?  
 11 A. The state.  
 12 Q. Are you suing anyone else other than the  
 13 state?  
 14 A. And their officials.  
 15 Q. Do you know what officials are being sued?  
 16 A. No.  
 17 Q. Do you know if anybody else is being sued  
 18 other than the state and some officials that you  
 19 don't know?  
 20 A. No, I don't know.  
 21 Q. Okay. Do you have any idea how the state  
 22 is supposed to do this and the officials and  
 23 whoever else is being sued in this lawsuit?  
 24 A. No.  
 25 Q. No, you have no idea how they are supposed

1 A. I believe so.  
 2 Q. You think you have? When do you believe  
 3 you saw this document?  
 4 A. A couple of months ago.  
 5 Q. Okay. Where were you when you saw this  
 6 document?  
 7 A. At my house.  
 8 Q. Okay. How did you receive this document?  
 9 A. I think I recall receiving it by mail.  
 10 Q. Did you ever ask to see this document?  
 11 A. No.  
 12 Q. It just came to you and you didn't ask for  
 13 it?  
 14 A. No.  
 15 Q. Unsolicited? Did it come from your  
 16 attorneys?  
 17 A. Yes.  
 18 Q. Did you read it when you received it?  
 19 A. I didn't have a chance to.  
 20 Q. Are you sure that it was this document or  
 21 could it have been some other type of pleading?  
 22 A. They all look the same.  
 23 Q. They all look familiar?  
 24 A. They look familiar.  
 25 Q. Have you seen more than one thing like

1 to do it?  
 2 A. No.  
 3 Q. Have you seen any complaints filed in this  
 4 action? Have you seen an actual complaint?  
 5 A. No.  
 6 MS. STRONG: I'd like to mark as Exhibit 3  
 7 the First Amended Complaint. I'd like to have it  
 8 marked but not attached to the transcript if you'll  
 9 stipulate to that.  
 10 MR. VILLAGRA: Absolutely.  
 11 (Deposition Exhibit 3 was marked by the  
 12 reporter for identification and is not attached  
 13 hereto.)  
 14 BY MS. STRONG:  
 15 Q. You have Exhibit 3 before you, which is  
 16 the First Amended Complaint for Injunctive and  
 17 Declaratory Relief for the Williams versus State of  
 18 California action.  
 19 Have you ever seen this before?  
 20 MR. VILLAGRA: Take your time to go  
 21 through it.  
 22 BY MS. STRONG:  
 23 Q. My question is easy. From looking at the  
 24 front of this document, do you believe you've seen  
 25 this document before?

1 this or just one thing?  
 2 A. I think just one.  
 3 Q. You received something on pleading paper,  
 4 but you don't know exactly what it was?  
 5 A. Yes.  
 6 Q. Is that correct?  
 7 A. Correct.  
 8 Q. Okay. And whatever it was, you didn't  
 9 have a chance to read it?  
 10 A. Exactly.  
 11 Q. Do you know where this lawsuit is taking  
 12 place?  
 13 A. No.  
 14 Q. Okay. I think we already established this  
 15 but I want to be clear.  
 16 Have you seen any other pleadings in this  
 17 case, any of defendants pleadings, any other  
 18 pleading type papers in this case?  
 19 A. Just my declaration.  
 20 Q. Okay. So other than the one thing you  
 21 received in the mail a couple of months ago from  
 22 your attorneys, but you're not sure what it was,  
 23 and your declaration, you cannot think of any other  
 24 documents or pleadings that you have seen relating  
 25 to this case?

1 MR. VILLAGRA: Objection. That misstates  
2 the testimony. You asked about pleadings.  
3 BY MS. STRONG:  
4 Q. I'm sorry. I'll remove "documents" from  
5 that question.  
6 Other than the one document that you  
7 received in the mail from your attorneys that was  
8 on pleading paper and your declaration, can you  
9 remember receiving or reviewing any other pleadings  
10 in this case?  
11 A. No.  
12 Q. Do you know if any motions have been filed  
13 in this lawsuit?  
14 A. No.  
15 Q. Do you believe that Jonathan knows that  
16 he's a plaintiff? If in fact he is a plaintiff, do  
17 you believe that he knows he's a plaintiff in this  
18 lawsuit?  
19 A. I don't think so.  
20 Q. And does he know anything about this  
21 lawsuit, Jonathan?  
22 A. I don't think so. I don't think he  
23 understands. He's too young.  
24 Q. So he certainly doesn't know -- if he were  
25 a class representative, which we're not sure, you

1 conversation with any attorneys in this case?  
2 A. Yes.  
3 Q. At that point did you believe that Hector  
4 was your attorney?  
5 A. Yes.  
6 Q. Do you know if Hector was representing  
7 Jonathan at that time?  
8 A. Yes.  
9 Q. And that answer is yes, he was?  
10 A. Yes.  
11 Q. Was anyone else present in the  
12 conversation that you had Jonathan, you and Hector,  
13 was there anyone else present during that  
14 conversation?  
15 A. My husband was in the house. He was in  
16 the bedroom.  
17 Q. Was he involved in the conversation?  
18 A. I don't think so. He was watching TV.  
19 Q. How long was that conversation for?  
20 A. About maybe five minutes.  
21 Q. Okay. So the opportunity that Jonathan  
22 had to talk with Hector was approximately  
23 five minutes; is that correct?  
24 A. Correct.  
25 Q. And with respect to the Samuel, I believe

1 don't know one way or the other if he is, but if he  
2 were a class representative he wouldn't know that?  
3 A. I don't think so, no.  
4 Q. And the same questions for Samuel. Is it  
5 fair to say that Samuel being the younger brother  
6 doesn't know either?  
7 A. Correct.  
8 Q. Have you had an opportunity to talk to  
9 Jonathan about this lawsuit?  
10 A. Yes. But since he's young he doesn't  
11 really understand about it.  
12 Q. All right. I want to go back to something  
13 that we touched upon earlier, which was  
14 conversations that either Jonathan and/or Samuel  
15 had with any attorneys in this case.  
16 Has Jonathan spoken with an attorney in  
17 this case? I believe you said yes.  
18 A. Yes.  
19 Q. And you mentioned one time a few months  
20 ago; is that correct?  
21 A. Yes.  
22 Q. I'm sorry, one time the first time that  
23 Hector came to your house; is that correct?  
24 A. Correct.  
25 Q. And that's the only time Jonathan had a

1 you said that Samuel had one conversation with the  
2 attorneys involved in this suit as well, and that  
3 was yesterday; is that correct?  
4 A. Correct.  
5 Q. Do you know if Samuel believed that he was  
6 represented by counsel when he had this  
7 conversation yesterday with Hector?  
8 A. I don't think so.  
9 MR. VILLAGRA: Objection. Calls for a  
10 legal conclusion and the fact that he is five years  
11 old.  
12 MS. STRONG: I just wanted to know if in  
13 fact she thinks that Samuel knows whether or not he  
14 was represented by counsel during the conversation.  
15 Q. You can give your answer to that.  
16 A. I don't think so. I don't --  
17 MR. VILLAGRA: Just as a point of  
18 clarification. We are representing Miss Tellechea  
19 in her own capacity and also guardian ad litem for  
20 her kids. So if that clarifies anything for you.  
21 BY MS. STRONG:  
22 Q. How long was the conversation that  
23 involved Samuel Tellechea and the attorneys? I  
24 guess with Mr. Villagra?  
25 A. A couple of minutes.

1 Q. A couple of minutes, okay.  
 2 Turning to Rosewood Avenue Elementary  
 3 school. Have you been to the school?  
 4 A. Yes.  
 5 Q. Okay. When did you go to the school?  
 6 A. The very first time?  
 7 Q. Well, how many times have you been there?  
 8 A. I'd say about maybe three or four times  
 9 since he's been there.  
 10 Q. So in the past two years, you have been to  
 11 Rosewood Avenue Elementary for approximately three  
 12 or four times?  
 13 A. Yes.  
 14 Q. The first time you went to the school,  
 15 when was that?  
 16 A. That's the first day of school for him.  
 17 Q. Okay. Did you drive him to school?  
 18 A. Yes.  
 19 Q. And what happened when you got to school?  
 20 MR. VILLAGRA: Objection. Vague.  
 21 BY MS. STRONG:  
 22 Q. Do you understand the question? What did  
 23 you do when you got to school?  
 24 A. I went to see who his teacher was, his new  
 25 teacher.

1 Q. Did you meet his teacher?  
 2 A. Yes.  
 3 Q. What was the teacher's name?  
 4 A. [REDACTED]  
 5 Q. This is third grade?  
 6 A. I'm sorry, Miss Eisfelder. [REDACTED] is  
 7 the 4th grade.  
 8 Q. Miss Eisfelder?  
 9 A. Eisfelder.  
 10 Q. Can you spell that, please?  
 11 A. It's E-i-s-f-e-l-d-e-r.  
 12 Q. Is this before class or after class, after  
 13 class had already started, that you met  
 14 Miss Eisfelder?  
 15 A. This was in the morning before class.  
 16 Q. Before class?  
 17 A. Yeah.  
 18 Q. What did you say to Mrs. Eisfelder?  
 19 A. I introduced myself and I told her that I  
 20 was Jonathan's mom.  
 21 Q. What did she say to you?  
 22 A. She introduced herself to me.  
 23 Q. At that point what did you do?  
 24 A. I left the class. I wanted to make sure  
 25 he went to his correct classroom and wanted to see,

1 you know, how the school was. I just returned  
 2 home.  
 3 Q. Did you have an opportunity to see how the  
 4 school was?  
 5 A. Yes.  
 6 Q. What did you notice about the school that  
 7 day?  
 8 A. Well, there was a lot of students there,  
 9 you know.  
 10 MR. VILLAGRA: We are not asking you to  
 11 think what you might have been thinking. If you  
 12 can recall what you might have been thinking that  
 13 day when you were there.  
 14 THE WITNESS: Well, I can't really, you  
 15 know, remember. There was a lot of people there.  
 16 And I just, you know, took him in the classroom. I  
 17 introduced myself to the teacher and I just, you  
 18 know, came back home. I didn't really do that  
 19 much.  
 20 BY MS. STRONG:  
 21 Q. Okay. The second time you were there, do  
 22 you remember that?  
 23 A. When I went to conference.  
 24 Q. Okay. And is it a teacher/parent  
 25 conference?

1 A. Yes.  
 2 Q. When was that?  
 3 A. I think it was a couple of months after he  
 4 started school. I think there are usually like  
 5 three conferences in the school year, three or  
 6 four, and it was the first one.  
 7 Q. Okay.  
 8 A. The date I can't --  
 9 Q. But within the first few months of school  
 10 starting?  
 11 A. Yes.  
 12 Q. So before December of 1999; is that right?  
 13 A. Third grade.  
 14 Q. Right now we are finishing the 2000/2001.  
 15 Last year would have been the 1999/2000 school  
 16 year?  
 17 A. Correct.  
 18 Q. So it would have been before December of  
 19 1999?  
 20 A. Correct.  
 21 Q. Okay. So you had the parent/teacher  
 22 conference there. Did you have an option to look  
 23 at the school at that time?  
 24 A. Yes.  
 25 Q. Do you remember noticing anything in



1 particular at the school at that time?  
 2 A. No.  
 3 Q. How long were you on the campus for the  
 4 parent/teacher conference?  
 5 A. Oh, maybe 15 minutes.  
 6 Q. And what time of day was the  
 7 parent/teacher conference?  
 8 A. It was in the morning. Morning.  
 9 Q. What time, do you know, approximately?  
 10 Before lunch?  
 11 A. Yes.  
 12 Q. Were the students off that day or where  
 13 were the students?  
 14 A. I believe they were -- they were in the  
 15 yard.  
 16 Q. Okay. The third time you went to the  
 17 school?  
 18 A. For another conference.  
 19 Q. Okay. That same year?  
 20 A. Uh-huh.  
 21 Q. Was it the next conference?  
 22 A. Uh-huh.  
 23 Q. And what's the fourth time you went to the  
 24 school, if there was a fourth time?  
 25 A. Yeah, for another conference.

1 Q. Okay. Was that last year or this year?  
 2 A. That was last year.  
 3 Q. Okay. Was there any other time that you  
 4 went to school last year?  
 5 A. Last year? It might have been, you know,  
 6 when he misses the bus and I take him to school.  
 7 There might have been some other times but I can't  
 8 remember.  
 9 Q. Okay. You would drop him off at that  
 10 point, but you wouldn't go on to the campus?  
 11 A. No.  
 12 Q. Is that correct?  
 13 A. Yes.  
 14 Q. That we know of and that you can recall,  
 15 there are four times when you are on campus where  
 16 you walked on to the Rosewood Avenue Elementary  
 17 campus?  
 18 A. Yes.  
 19 Q. Which is the 1999/2000 school year?  
 20 A. Yes.  
 21 Q. For the 2000/2001 school year have you had  
 22 an opportunity to go to the Rosewood Elementary  
 23 School --  
 24 A. Yes.  
 25 Q. -- and go on campus?

1 A. Yes.  
 2 Q. How many times have you gone during the  
 3 2000/2001 school year?  
 4 A. Gone maybe -- maybe four or five times.  
 5 Q. Okay. And are several of those  
 6 parent/teacher conferences?  
 7 A. Yes.  
 8 Q. How many parent/teacher conferences did  
 9 you attend this year?  
 10 A. This year? One.  
 11 Q. Do you remember when that was?  
 12 A. That was -- it was last week.  
 13 MR. VILLAGRA: Just to clarify, I think  
 14 when she's asking you about year, I think she means  
 15 school year. Were you understanding calendar year?  
 16 THE WITNESS: Yes.  
 17 BY MS. STRONG:  
 18 Q. So let's --  
 19 Thank you for the clarification.  
 20 During the 2000/2001 school year, how many  
 21 times did you go for parent/teacher conferences?  
 22 A. For parent/teacher conferences?  
 23 Q. Yes.  
 24 A. I think about three.  
 25 Q. Three times? When was the first time?

1 A. As soon as he started 4th grade. A couple  
 2 of months after 4th grade started.  
 3 Q. And the second one?  
 4 A. Like three months after that.  
 5 Q. So in December or January?  
 6 A. Yes.  
 7 Q. And that would have been of 2001, correct,  
 8 if it was January?  
 9 A. Yes.  
 10 Q. And then the third parent/teacher  
 11 conference during the 2000/2001 school year was  
 12 last week?  
 13 A. Yes.  
 14 Q. Other than those three opportunities to go  
 15 on to the Rosewood Avenue Elementary School campus  
 16 for parent/teacher conferences did you go on to the  
 17 campus during the 2000/2001 school year at any  
 18 other time?  
 19 A. Just to drop him off when he misses the  
 20 bus, I do remember, but not being inside the  
 21 campus.  
 22 Q. No other times of actually going on the  
 23 campus, correct?  
 24 A. Right, not that I can remember right now.  
 25 Q. All right. For each of these times that

1 you've talked to me about going on to the Rosewood  
2 Avenue campus, have you ever noticed any problems  
3 with that school from your perspective?

4 A. No.

5 MR. VILLAGRA: Just to clarify. That was  
6 for this last school year?

7 MS. STRONG: No.

8 MR. VILLAGRA: For any --

9 BY MS. STRONG:

10 Q. Those are all the visits, for the past  
11 years, 1999/2000 school year and the 2000/2001  
12 school year; is that correct?

13 A. Correct.

14 Q. Do you know if the Rosewood Avenue  
15 Elementary has a PTA?

16 A. I'm not sure.

17 Q. Do you know if Rosewood Avenue Elementary  
18 ever has fundraisers?

19 A. Yes.

20 Q. How do you know that?

21 A. I get flyers from the school.

22 Q. How many fundraisers have there been?  
23 More than one or one?

24 A. I'd say about more than one.

25 Q. Do you remember when they were?

1 Q. Okay. You would work for the management  
2 company in the morning?

3 A. Yes.

4 Q. Why did you -- what were you doing for  
5 [REDACTED]?

6 A. Customer service.

7 Q. What does that mean with respect to [REDACTED]

8 [REDACTED]  
9 A. The bank card services, Pasadena, the  
10 credit cards.

11 Q. And why did you stop that job?

12 A. Because I got a shift that was very hard  
13 to keep because of my kids.

14 Q. The 1:30 to 10 P.M. shift?

15 A. No. They were going to change it to  
16 graveyard and it was going to be very hard for me,  
17 you know.

18 Q. If they let you stay from the 1:30 to  
19 10 P.M. shift, you would have stayed with the job?

20 A. Yes.

21 Q. Who watched your children when you were  
22 working the 1:30 to 10 P.M. shift after school?

23 A. Well, my mom was watching Sammy and  
24 Jonathan was in school.

25 Q. I understand Samuel wasn't in school at

1 A. No. I can't remember the dates.

2 Q. Did you ever attend one?

3 A. No.

4 MR. VILLAGRA: We need a break.

5 MS. STRONG: Sure.

6 (Recess.)

7 BY MS. STRONG:

8 Q. I understand that during the break you and  
9 your counsel had an opportunity to talk, and there  
10 is something that you would like to tell me on the  
11 record to clarify a prior answer you've given me.

12 A. Yes. I had another job while working for  
13 the management company. I worked for the bank for  
14 four months, for [REDACTED]

15 Q. When was this?

16 A. This was March of '99. I worked there  
17 from March through June.

18 Q. Through June '99?

19 A. Yes.

20 Q. What were your hours when you were working  
21 for [REDACTED]

22 A. I would go from 11 -- no, 1:30 to 10:00 at  
23 night.

24 Q. How many days a week was that?

25 A. Monday through Friday.

1 that time. So your mother would watch him?

2 A. Yes.

3 Q. But she would also watch Jonathan after  
4 Jonathan came home from school?

5 A. No. My husband would. My husband as soon  
6 as he got home from work he would pick them up  
7 and -- Jonathan was being picked up by my  
8 brother-in-law. And then once my husband would  
9 come home, he would pick up Jonathan and go and  
10 pick up Sam and then stay with them.

11 Q. So your brother-in-law is available to  
12 pick up Jonathan from school, if necessary?

13 A. At that time he was. No longer because he  
14 moved.

15 Q. Okay. And your mother, you said, was  
16 helping watch the children; is that correct?

17 A. Sammy.

18 Q. Does your mother drive?

19 A. No.

20 Q. I think before we took our break we were  
21 talking about what meetings or events took place at  
22 Rosewood Avenue Elementary School and what, if  
23 anything, that you may have attended.

24 I'm wondering, do you know if there were  
25 any advisory meetings at Rosewood Avenue

- 1 Elementary?  
 2 A. Yes.  
 3 Q. How do you know?  
 4 A. The flyers.  
 5 Q. How would you get these flyers?  
 6 A. They would give them to Jonathan and  
 7 Jonathan would bring them home.  
 8 Q. Do you have any of these flyers at home?  
 9 A. I don't think so.  
 10 Q. Have you looked for them?  
 11 A. No.  
 12 Q. I'd like you to look for those flyers as  
 13 well in addition to the things we talked about  
 14 earlier. Okay? If in fact you find them that they  
 15 be produced. Okay?  
 16 A. (Unreportable response.)  
 17 Q. Do you know the principal at Rosewood  
 18 Avenue Elementary?  
 19 A. Yes.  
 20 Q. What's his or her name?  
 21 A. Her name is -- what's her name? I can't  
 22 remember offhand. Boy, I can't remember right now.  
 23 Q. Is it the same principal that is there  
 24 today?  
 25 A. Yes.

- 1 Q. In the past two years it's been the same  
 2 principal?  
 3 A. Yes.  
 4 Q. How did you meet the principal -- or did  
 5 you meet the principal?  
 6 A. Where?  
 7 Q. I'm sorry. Did you ever meet the  
 8 principal?  
 9 A. Yes.  
 10 Q. Okay. How did you meet the principal?  
 11 A. There was a meeting and I went the school  
 12 and I met the principal.  
 13 Q. Was that the first day of school that you  
 14 were talking about, the first day of school meeting  
 15 or not?  
 16 A. No.  
 17 Q. Okay. What meeting is this?  
 18 A. This was a meeting regarding my son  
 19 getting extra help in school.  
 20 Q. Okay. When did this take place?  
 21 A. This was September of last year.  
 22 Q. So September of 2000?  
 23 A. Yes.  
 24 Q. Is that the same meeting where you had a  
 25 parent/teacher conference in September of 2000?

- 1 A. Yeah, the teacher was there at that time.  
 2 Q. So this is not an additional meeting to  
 3 the ones you've already mentioned? It was one of  
 4 those meetings you've already mentioned?  
 5 A. Yes.  
 6 Q. And was that the first time you met the  
 7 principal?  
 8 A. Yes.  
 9 Q. Have you had an opportunity to meet with  
 10 the principal thereafter?  
 11 A. No.  
 12 Q. And you said that the meeting was about  
 13 getting extra help for Jonathan?  
 14 A. Yes.  
 15 Q. What do you mean by that?  
 16 A. Because he's not reading at grade level  
 17 and they want -- they wanted us to sign some papers  
 18 for him to get pulled out of the class for one hour  
 19 to get like -- not one on one but like smaller  
 20 group so he can, you know, go up to grade level.  
 21 Q. Okay. Do you know if this is an English  
 22 language learner program?  
 23 A. Yes.  
 24 Q. So ELL program?  
 25 A. Yes.

- 1 Q. Did you agree to that?  
 2 A. I'm sorry. I don't know if it's exactly  
 3 ELL or ELD. I'm not sure.  
 4 Q. Okay. Okay. But it's an English language  
 5 learner program?  
 6 A. Yes.  
 7 Q. Okay. Did you agree to that program?  
 8 A. Yes.  
 9 Q. And so as of September 2000, Jonathan  
 10 began to get pulled out of class for an hour a day?  
 11 A. Yes.  
 12 Q. To work on reading skills?  
 13 A. Yes.  
 14 Q. Have you seen any improvement in his  
 15 reading skills?  
 16 A. Somewhat.  
 17 Q. Are you pleased with the improvement?  
 18 A. No.  
 19 Q. You're not pleased with the improvement?  
 20 A. No.  
 21 Q. Why are you not pleased with the  
 22 improvement?  
 23 A. Because one teacher says one thing and the  
 24 other teacher says, you know, something different,  
 25 the teacher that he's being pulled out of the

1 class.

2 Q. Okay. You need to explain this. I'm  
3 sorry. Were you not finished? I don't mean to  
4 interrupt you.

5 A. He brings home -- you know, sometimes he  
6 brings home papers and he gets good grades on the  
7 test. Other times he brings papers that says "poor  
8 habits." You know, just bad. Other times, you  
9 know, he doesn't.

10 When I go talk to his teacher that pulls  
11 him out of the class for one hour, I asked her -- I  
12 asked her, you know, what grade level he's in. She  
13 never gives me an answer. And she says that he  
14 does good on the spelling tests. And then I get  
15 these bad papers from his other class where he's  
16 there, you know, the rest of the seven hours. And  
17 that's why I think, you know, something's not  
18 working out well.

19 Q. So there a conflict between the two  
20 teachers? Does one say he's doing well and the  
21 other says he's not doing well? Or no, that's not  
22 an issue?

23 A. Well, the thing is he's very intimidated  
24 by the teacher he has.

25 Q. Mrs. --

1 A. I'm not sure.

2 Q. Okay. When you say that you're  
3 disappointed with his progress, I'd like to know  
4 why it is that you are disappointed with his  
5 progress. Because [REDACTED] says he's not  
6 progressing quickly enough, is that what it is?

7 A. Somewhat, yes.

8 Q. Okay. What does she say to you?

9 A. She says that sometimes he does good on  
10 the spelling tests and sometimes he doesn't.

11 Q. Okay. Does she --

12 A. And when I have a question of what level  
13 he's in, I never get an answer. I mean they can't  
14 explain to me what grade level. They just say he's  
15 not at the forth grade level.

16 Q. Let's break this down. How many times  
17 have you talked to [REDACTED]. Take with the  
18 principal, [REDACTED] and [REDACTED]. That was  
19 in September 2000?

20 A. Yeah.

21 Q. At that point Jonathan was just being  
22 identified for this pull out program, correct?

23 A. Correct.

24 Q. He had not yet met with [REDACTED] at  
25 that time?

1 A. [REDACTED]

2 Q. [REDACTED]  
3 This is his fourth grade teacher?

4 A. Yes.

5 Q. Okay.

6 A. And the other teacher where he gets pulled  
7 out, her name is [REDACTED].

8 MS. GODFREY: Can you spell that?

9 THE WITNESS: [REDACTED]

10 MS. GODFREY: Thank you.

11 THE WITNESS: She advised this week --  
12 last week that we went, if next year he gets  
13 another teacher where he feels very intimidated, to  
14 request to the principal to have him changed.

15 Because that's part of the problem, you know, that  
16 maybe he's so afraid, you know, of the teacher. I  
17 don't know if that makes him nervous or what.

18 BY MS. STRONG:

19 Q. I want to try and get some clear answers  
20 to my questions, because I don't know if you are  
21 not understanding the questions, but let me know if  
22 you are not understanding.

23 I want to know if there's a conflict  
24 between the two teachers, [REDACTED] and  
25 [REDACTED], between the progress of Jonathan?

1 A. No. That day we were signing the papers  
2 to get him ready to be on a waiting list because he  
3 had to be on a waiting list to be in that program.

4 Q. Have you had an opportunity to talk with  
5 [REDACTED] since then?

6 A. Yes. I did last week.

7 Q. Was that the only other time you talked to  
8 [REDACTED]?

9 A. Let's see. I can't remember right now.  
10 It might have been some other times but I can't get  
11 the exact dates.

12 Q. I'm not asking for exact dates. I want to  
13 know if you have had other conversations with  
14 [REDACTED].

15 A. I believe so, yes.

16 Q. When -- what was the context of the  
17 conversation?

18 A. Regarding his improving his --

19 Q. Why were you meeting with her? Was it a  
20 part of the other parent/teacher conferences that  
21 we've already discussed?

22 A. No.

23 Q. There are some other times when you had  
24 conversations with [REDACTED] outside of the  
25 parent/teacher conferences that you've already told

1 me about?  
 2 A. Yes.  
 3 Q. Were these at school?  
 4 A. One, yes.  
 5 Q. There was one conversation that you can  
 6 recall, and it was at school?  
 7 A. Yeah.  
 8 Q. So we have the first meeting in September  
 9 2000 when your child was identified, when Jonathan  
 10 was identified for the pull out program,  
 11 [REDACTED] was in attendance?  
 12 A. Uh-huh.  
 13 Q. There was a second conversation with  
 14 [REDACTED]. Do you know who else was at that  
 15 conversation, involved with the conversation?  
 16 A. No.  
 17 Q. Was it just the two of you?  
 18 A. The TA.  
 19 Q. And a TA?  
 20 A. Uh-huh.  
 21 Q. Who is this TA?  
 22 A. I believe her name was Maria.  
 23 Q. Do you know Maria's last name?  
 24 A. No.  
 25 Q. And who was Maria, the TA, talking to?

1 what you identified right now?  
 2 A. I can't remember right now.  
 3 Q. All right. So do you remember if this was  
 4 in December -- was it after Christmas break, that  
 5 second conversation with [REDACTED]?  
 6 A. I can't remember.  
 7 Q. Okay. Well, had you already had another  
 8 parent/teacher conference?  
 9 A. With her?  
 10 Q. With [REDACTED] by the time you had your  
 11 second conversation with [REDACTED]?  
 12 A. I believe so.  
 13 Q. So it would have been after the December  
 14 or January parent/teacher conference that you  
 15 referenced earlier? It would have been sometime in  
 16 January or February of 2 --  
 17 A. Possibly.  
 18 Q. 2001?  
 19 MR. VILLAGRA: Give her a second to  
 20 finish.  
 21 BY MS. STRONG:  
 22 Q. And your answer?  
 23 A. Possibly, yes.  
 24 Q. Was it before spring break?  
 25 A. I'm not sure about that.

1 A. [REDACTED].  
 2 Q. At the second conversation present was  
 3 Maria, [REDACTED] you?  
 4 A. Uh-huh.  
 5 Q. Was Jonathan present?  
 6 A. No.  
 7 Q. Just the three of you?  
 8 A. Yes.  
 9 Q. It was on campus at the Rosewood  
 10 Elementary School?  
 11 A. In the classroom.  
 12 Q. Was it in a pull out classroom?  
 13 A. Yes.  
 14 Q. Which is not where Jonathan is ordinarily  
 15 in the classroom with [REDACTED], correct?  
 16 A. Correct.  
 17 Q. And so this -- so to clarify one of your  
 18 prior answers, you said -- you identified all of  
 19 the times that you had ever been on the Rosewood  
 20 Avenue Elementary campus. Now we have an  
 21 additional time you were on the Rosewood Avenue  
 22 Elementary campus, correct?  
 23 A. Correct.  
 24 Q. Can you think of any other times when on  
 25 the Rosewood Avenue Elementary campus other than

1 Q. When is spring break?  
 2 A. It's in -- if February. In March? Like  
 3 end of February, close to March.  
 4 Q. Okay. You don't know where it falls with  
 5 respect to spring break?  
 6 A. No.  
 7 Q. So at this conversation -- during this  
 8 conversation, what was said about Jonathan's  
 9 progress or lack of progress?  
 10 A. That she said that he -- sometimes he  
 11 would do -- he does good in the spelling tests and  
 12 sometimes he doesn't. She figures that he doesn't  
 13 study his spelling words and that he's a very --  
 14 she just mentioned that he's a very quiet boy.  
 15 Q. Okay. Do you know --  
 16 A. And that he was going to be assessed  
 17 again, you know, to see how well he has -- he had  
 18 been improving.  
 19 Q. So she wasn't sure about his progress?  
 20 She needed to do another assessment?  
 21 A. Yes.  
 22 Q. But it didn't appear to her that he was  
 23 studying his spelling words?  
 24 A. Sometimes, yes. Because sometimes he  
 25 would do, you know, good. And then other times --

1 to me I thought he was doing well because he would  
2 bring home certificate awards saying outstanding  
3 work. So that's why I thought he was improving.  
4 But then I just decided to go in the school and  
5 talk to her.

6 Q. And these certificates were with respect  
7 to what classes?

8 A. [REDACTED].

9 Q. [REDACTED] was giving him certificates  
10 saying he was doing well?

11 A. Yes.

12 Q. Did she ask you to come into class to talk  
13 to her?

14 A. No.

15 Q. Why did you go in?

16 A. I just went myself. I just thought of  
17 going to check and see how he was doing.

18 Q. Did you have to call to make an  
19 appointment?

20 A. I believe I did.

21 Q. And you went in to find out to confirm  
22 that he was doing well with all of these  
23 certificates; is that right?

24 A. Not with the certificates. I just wanted  
25 to hear it from her to see how well he was doing.

1 the tests already or not. I don't know.

2 Q. Did you ask him, ask Jonathan, if he's had  
3 a test?

4 A. No, I haven't asked him.

5 Q. Have you asked [REDACTED] if he's had  
6 the test?

7 A. No, because this was just last week.

8 Q. I thought this was the second conversation  
9 you had with her back in sometime before or after  
10 spring break, you can't remember.

11 A. Oh, that one? No, I didn't ask about  
12 that.

13 Q. Okay. We have to get this clear.

14 Our conversation that we just had about  
15 the spelling, sometimes getting spelling tests  
16 right, sometimes getting it wrong, but asking what  
17 grade level Jonathan was in.

18 A. Yes.

19 Q. When did this happen? When this did  
20 conversation take place? Last week?

21 A. Last week, yes, after I saw [REDACTED]

22 Q. Okay. My questions were about that second  
23 conversation you had with [REDACTED]

24 A. Yes.

25 Q. And the TA, Maria, and yourself.

1 Q. Okay. And she told you that sometimes he  
2 does well in his spelling tests and sometimes he  
3 doesn't do well?

4 A. Correct.

5 Q. What else did she say to you?

6 A. And about him being quiet in class.

7 Q. Anything else that you can remember?

8 A. I can't remember.

9 Q. I believe you said something about levels  
10 or something. Didn't know whether he progressed to  
11 the next level. Did you discuss levels earlier?

12 A. I asked what grade level he was in, if he  
13 had improved his grade level, was he close to 4th  
14 grade. Specifically what grade level was he.

15 Q. At that meeting is when you asked this?

16 A. Yes.

17 Q. What was the response?

18 A. She had to do an assessment test on him to  
19 see, to figure it out.

20 Q. Okay. Was she willing to do that test?

21 A. She said she was in the process of doing  
22 it but didn't give me a date.

23 Q. Okay. Have you received the results of  
24 that test?

25 A. I don't know if the test has -- if he had

1 A. Correct.

2 Q. Do you remember we identified that  
3 conversation?

4 A. Yes.

5 Q. You can wait until I finish my questions.

6 So do you remember when I identified that  
7 conversation?

8 A. Yes.

9 Q. I would like to know what was said at that  
10 conversation.

11 MR. VILLAGRA: If you can recall.

12 THE WITNESS: I can't recall.

13 BY MS. STRONG:

14 Q. Did you ask about his spelling tests that  
15 you remember, one way or the other?

16 A. I remember her mentioning the spelling  
17 tests.

18 Q. But do you remember anything else about it  
19 other than she mentioned spelling tests?

20 A. No.

21 Q. Okay. Do you remember anything about  
22 whether he was progressing or not progressing in  
23 his reading abilities?

24 A. No.

25 Q. So you don't really remember anything

1 specific from that meeting with [REDACTED] as to  
 2 the progress of Jonathan in his reading ability?  
 3 A. Correct.  
 4 Q. So there was a third conversation with  
 5 [REDACTED], correct?  
 6 A. Correct.  
 7 Q. And the third is the last conversation,  
 8 correct?  
 9 A. Correct.  
 10 Q. And who was in attendance at that  
 11 conversation?  
 12 A. My husband, Jonathan, myself and she had  
 13 classmates in there.  
 14 Q. I want to clarify something else. When  
 15 you said you just showed up at school, why did you  
 16 go to that second meeting with Maria, [REDACTED]  
 17 and yourself? Did you show up for that one?  
 18 A. Yes.  
 19 Q. Or did you call and make an arrangement,  
 20 or did you schedule, or what happened?  
 21 A. I don't remember.  
 22 Q. You don't know how that got scheduled?  
 23 A. Yes.  
 24 Q. Were you referring to the third  
 25 conversation then? Is that when you called and

1 said you wanted to meet with [REDACTED] or how  
 2 did the third conversation get scheduled?  
 3 A. No, the third conversation -- this is the  
 4 one we're talking about last week?  
 5 Q. Correct.  
 6 A. I had a conference meeting with  
 7 [REDACTED]. As soon as we finished that  
 8 conference [REDACTED] said that if we wanted to go  
 9 and step into [REDACTED]'s room and, you know,  
 10 ask to see how Jonathan was doing. That's when we  
 11 just went into the classroom.  
 12 Q. Okay. All right. Present at the -- the  
 13 parent/teacher conferences, they are just scheduled  
 14 for every parent with a student in that school; is  
 15 that correct?  
 16 A. Yes.  
 17 Q. So the school sets up a schedule and then  
 18 you appear; is that correct?  
 19 A. The teacher.  
 20 Q. The teacher does?  
 21 A. Yes.  
 22 Q. You don't have to initiate the  
 23 parent/teacher conferences?  
 24 A. No.  
 25 Q. The third one, you have your husband, the

1 teacher, [REDACTED] and all present --  
 2 A. Yes.  
 3 Q. And this is the conversation where  
 4 [REDACTED] says he sometimes doesn't do well in  
 5 his spelling tests, correct?  
 6 A. Yes.  
 7 Q. And this is the conversation where you  
 8 asked what grade level Jonathan was reading at and  
 9 she said she was in the process of assessing that,  
 10 doing an assessment as to his grade level, correct?  
 11 A. Yes.  
 12 Q. A week has passed since that conversation,  
 13 correct?  
 14 A. Well, a week would be as of Thursday.  
 15 Q. So a little more than a week has passed,  
 16 today being Sunday?  
 17 A. Yes.  
 18 Q. Did you ask [REDACTED] when that  
 19 assessment would be completed?  
 20 A. No. I want to clarify. It wasn't last  
 21 week. It was this week. It was this Thursday.  
 22 I'm sorry. So it's not a week.  
 23 Q. So three days have gone by or something  
 24 like that?  
 25 A. Yes. Yes.

1 Q. Thank you.  
 2 I believe you said you didn't ask her when  
 3 that assessment would be completed.  
 4 A. No.  
 5 Q. But you have no reason to believe that  
 6 it's not going to be completed sometime soon  
 7 considering that she said she's in the process of  
 8 doing the assessment?  
 9 A. Yes.  
 10 Q. And do you know how you'll be notified of  
 11 the results of that test?  
 12 A. No, I don't have any idea. Probably I'm  
 13 figuring maybe by mail.  
 14 Q. Have you been notified by mail of other  
 15 results?  
 16 A. Just the Stanford 9.  
 17 Q. So I'm trying to gather from everything  
 18 that we just talked about, I think my original  
 19 question was why were you not pleased with his  
 20 progress. And based on what you just testified to,  
 21 is it that he doesn't do well on his spelling tests  
 22 at times?  
 23 A. Yes.  
 24 Q. Is there any reason why you are not  
 25 pleased with his progress?

1 A. When he brings, you know, test papers from  
2 his class, and he sometimes doesn't get good scores  
3 on the tests, he doesn't for [REDACTED]

4 Q. What classes -- I'm sorry. What tests  
5 does he not receive good scores on in [REDACTED]  
6 class?

7 A. Usually grammar and social studies, things  
8 that have to do with writing and reading  
9 comprehension, or math.

10 Q. How do you know he's not receiving good  
11 scores on these tests?

12 A. Well, just by looking at the paper. I  
13 mean they put like, you know, say certain amount of  
14 questions. And then on the top they put how many  
15 he missed out of, say, 20. And then, you know, the  
16 grade that he gets on the paper. And then I look  
17 at, you know, everything, red marking, and  
18 everything is wrong, wrong, wrong. And I go  
19 through it over and I look at it, you know.

20 Q. What is considered a good score? When you  
21 say a good score, what does that mean?

22 A. That means an A or B at the most.

23 Q. Unless he's getting an A or a B, it's not  
24 a good score?

25 A. To me as parent, I don't think so.

1 possession.

2 BY MS. STRONG:

3 Q. So you see every paper that's graded by  
4 [REDACTED]

5 A. Yes. When there are tests I have to sign  
6 them and look at them, and he -- then he has to  
7 take them back to the teacher.

8 Q. Okay. How many do you see of these? How  
9 many per week, for example?

10 A. Per week, about maybe one.

11 Q. One a week?

12 A. One a week.

13 Q. Okay. And how many have been C or below?

14 MR. VILLAGRA: This past school year?

15 MS. STRONG: Sure, for this past school  
16 year. Thank you.

17 THE WITNESS: I'd say about maybe one or  
18 two.

19 BY MS. STRONG:

20 Q. One or two in the whole school year have  
21 been a C or Bs?

22 A. Yes.

23 Q. And the rest have been As and --

24 A. He has brought Bs --

25 Q. Given there was one or two, you said there

1 Q. So Jonathan is receiving less than As and  
2 Bs?

3 A. Yes.

4 Q. In other words he's receiving Cs and  
5 below?

6 A. Yes.

7 MR. VILLAGRA: On these tests that we're  
8 talking about?

9 THE WITNESS: Yes.

10 BY MS. STRONG:

11 Q. Can you remember the last test where he  
12 received a C or below?

13 A. He brought one home -- I'm not sure if it  
14 was this week, at the beginning of this week or  
15 last week. He had a C.

16 Q. What kind of test was that?

17 A. I don't remember if it was social studies  
18 or it was reading comprehension questions.

19 Q. Do you have that test?

20 A. No. Once he brings them, I have to sign  
21 them and he takes them back to the teacher.

22 Q. Can you get copies of those tests?

23 A. I don't know if I can.

24 MS. STRONG: I think those are --

25 MR. VILLAGRA: They are not in her

1 was one last that was either social studies or math  
2 did you say?

3 A. Or reading, reading comprehension, I don't  
4 remember.

5 Q. And that was a C?

6 A. It was a C.

7 Q. Can you remember any other one other than  
8 that one last week that was a C?

9 A. He had a D. I don't remember what it was,  
10 what subject it was.

11 Q. Do you remember how long ago it was?

12 A. Probably two weeks ago.

13 Q. Other than those two, you can't remember  
14 any others?

15 A. There are others but I can't remember  
16 right now.

17 Q. Well, how many others do you think there  
18 are in the past school year?

19 A. Oh, it's hard to count.

20 Q. Approximately. I mean less than five?

21 A. You mean Cs --

22 Q. Where he's received C or below on tests  
23 he's brought home for you to see.

24 A. Oh, more than five.

25 Q. I thought you said there was one or two.



- 1 A. You mean below C?  
 2 Q. Uh-huh.  
 3 A. No. He's brought Ds and Fs. He has  
 4 brought a lot of them.  
 5 Q. Okay. He's brought home a lot of scores  
 6 either C or below, C, D or Fs?  
 7 A. Yes.  
 8 Q. When you were referring to one or two,  
 9 what were you referring to? As and Bs?  
 10 A. B and C.  
 11 Q. Okay. So he's received one or two Bs and  
 12 Cs is what you are saying?  
 13 A. Yes.  
 14 Q. And the rest have been Ds and Fs?  
 15 A. Yes.  
 16 Q. Has he ever received an A?  
 17 A. I might have seen one A.  
 18 Q. Okay. So it's based on these scores and  
 19 the spelling tests that you say that you are not  
 20 happy with his progress?  
 21 A. Yes.  
 22 Q. Is there anything else that you base your  
 23 assessment that you are not happy with his progress  
 24 in school?  
 25 A. Well, the thing is I'm not happy is

- 1 because they -- we were being pressured into having  
 2 him pulled out for an hour because they said that  
 3 there will be a big improvement on his. And he's  
 4 been in there since January, and I haven't seen the  
 5 improvement that he should have by now.  
 6 Q. So he was identified in September 2000 for  
 7 the program and placed in ELL, pulled out of class  
 8 starting in January 2001, is that correct?  
 9 A. January of 2001, yes.  
 10 Q. And since January 2001 he's been pulled  
 11 out --  
 12 A. Yes.  
 13 Q. -- an hour a day every day from school?  
 14 A. Yes.  
 15 Q. And you've not seen any improvement since  
 16 then?  
 17 A. Correct.  
 18 MR. VILLAGRA: Make sure to let her  
 19 finish.  
 20 (Discussion off the record.)  
 21 BY MS. STRONG:  
 22 Q. You said that Jonathan does do his  
 23 homework about two to two and a half hours a night,  
 24 correct?  
 25 A. Correct.

- 1 Q. And is there something else specifically  
 2 that you'd like someone to do to try and improve  
 3 his scores? What is it that you'd like to see  
 4 happen?  
 5 A. That he get -- that he brings himself up  
 6 to -- that he can, you know, bring up to grade  
 7 level. He's going into 5th grade.  
 8 Q. And how do you expect that to happen?  
 9 A. By getting more help.  
 10 Q. From who?  
 11 A. From the teacher that he gets pulled out.  
 12 Q. Okay. So you want [REDACTED] to --  
 13 something that [REDACTED] is going to do is going  
 14 to affect this somehow?  
 15 A. Possibly, yes.  
 16 Q. Okay. Do you help your son, Jonathan,  
 17 with his homework?  
 18 A. Yes, I do.  
 19 Q. How often?  
 20 A. I sit down with him every night until he  
 21 finishes his homework.  
 22 Q. And does he do his homework well?  
 23 A. Yes.  
 24 Q. So do you understand why he's getting the  
 25 Cs, Ds or Fs on the scores? When you look at the

- 1 exams can you tell why he's getting Cs, Ds and Fs?  
 2 MR. VILLAGRA: Objection. That's vague.  
 3 Apart from the fact he's getting things wrong? Are  
 4 you asking about the educational theory.  
 5 MS. STRONG: Why does she believe he's  
 6 getting Cs, Ds and Fs on the exams since she sits  
 7 down and helps with the homework. When she sits  
 8 down if she understand why he's getting Cs, Ds and  
 9 Fs, however she understands that question to mean.  
 10 THE WITNESS: Because he's below grade  
 11 level.  
 12 BY MS. STRONG:  
 13 Q. Are you able to identify what it is that  
 14 your son is doing incorrectly on the tests?  
 15 A. No.  
 16 Q. You are not?  
 17 A. No.  
 18 Q. Have you gone to ask what your son is  
 19 doing incorrectly on the tests?  
 20 A. No.  
 21 Q. You've never asked that question of his  
 22 teachers?  
 23 A. No.  
 24 Q. Do you know if [REDACTED] is a bilingual  
 25 teacher?

1 A. No, she's not.  
 2 Q. Obviously [REDACTED] speaks Spanish?  
 3 A. No.  
 4 Q. No?  
 5 A. No.  
 6 Q. What is it [REDACTED] does with Jonathan  
 7 then?  
 8 A. She gives them spelling tests and they  
 9 have SFA that are called. I don't know if you  
 10 know. They are called SFA. They are little  
 11 booklets.  
 12 Q. I do. I read from them.  
 13 A. That's what they do.  
 14 Q. But [REDACTED] is certified in teaching  
 15 English language learners, is that correct?  
 16 A. I have no idea.  
 17 Q. Do you know the subjects that Jonathan  
 18 takes in school?  
 19 A. It's English, math, social studies,  
 20 reading comprehension and they get art. I think  
 21 that's about it.  
 22 Q. Okay. You can't think of any other  
 23 classes?  
 24 A. I mean the subjects are all -- they all do  
 25 them in class.

1 Q. And with respect to English, social  
 2 studies or reading comprehension, are you  
 3 displeased with his performance in those subjects  
 4 or not?  
 5 A. Yes.  
 6 Q. You are displeased with his performance?  
 7 And is it for the reasons we discussed earlier?  
 8 A. Yes.  
 9 Q. Is there anything else you'd like to add  
 10 as to why you are displeased with his performance  
 11 in either English, social studies or reading  
 12 comprehension?  
 13 A. No.  
 14 MR. VILLAGRA: When you ask for his  
 15 performance, are you asking what he's doing or  
 16 achieving levels?  
 17 MS. STRONG: Educational performance. Is  
 18 she pleased with his educational performance in  
 19 those classes, what she perceives to be his  
 20 educational performance in those subjects?  
 21 Q. Do you understand that?  
 22 A. Yes.  
 23 Q. And that's how you understood the  
 24 questions when I asked it -- or asked them?  
 25 A. Yes.

1 Q. I'm sorry. I meant you can't think of any  
 2 other subjects. Thank you for that correction.  
 3 A. Not -- not right now.  
 4 Q. Okay. Are you pleased with his  
 5 performance in art?  
 6 A. Yes.  
 7 Q. Are you pleased with his performance in  
 8 reading comprehension?  
 9 A. Not really.  
 10 Q. Which of these subjects are you pleased  
 11 with his performance in?  
 12 A. He does well in art.  
 13 Q. How about math?  
 14 A. In math he doesn't have a problem. The  
 15 only problem is that when it comes to word problems  
 16 it's hard for him to read them and comprehend, you  
 17 know, to do the problems if they are adding or  
 18 subtracting, multiplying. That's his problem in  
 19 math, too. He can do divisions and  
 20 multiplications, too. But when it comes to word  
 21 problems, he struggles.  
 22 Q. So you're pleased with his performance in  
 23 art? You're pleased with his performance somewhat  
 24 in math?  
 25 A. Yes.

1 Q. Thank you.  
 2 Does he know how to work a computer?  
 3 A. Yes.  
 4 Q. Is he good with computers?  
 5 A. Very much.  
 6 Q. Do you have a computer at home?  
 7 A. Yes.  
 8 Q. You do?  
 9 A. Yes.  
 10 Q. Does he practice with the computer at  
 11 home?  
 12 A. Yes.  
 13 Q. Where did he first learn about computers?  
 14 A. When he was at Bellevue.  
 15 Q. They had computers there?  
 16 A. Yes, in the classroom.  
 17 Q. Do they have computers at Rosewood Avenue?  
 18 A. Yes.  
 19 Q. Does he have an opportunity to learn about  
 20 computers there?  
 21 A. They -- I think they go once a week. I  
 22 don't know if every week they do. But he sometimes  
 23 goes. The class goes for -- I don't know how long,  
 24 but they have gone to the computer lab.  
 25 Q. Okay. So why is it -- why do you think

- 1 that Jonathan is so good with computers?  
 2 A. I don't know. He just -- he's just good.  
 3 I don't know. I can't explain it, but he is very  
 4 good on computers. I can't explain why.  
 5 Q. Do you think it's because of the teaching  
 6 that he's gotten at Bellevue and at Rosewood or do  
 7 you think it is because he studies so hard on his  
 8 own at home?  
 9 A. I think because he studies hard on his  
 10 own.  
 11 Q. Do you speak Spanish at home with him?  
 12 A. Yes.  
 13 Q. Is that the primary language in the  
 14 household or is it English?  
 15 A. English.  
 16 Q. English is the primary language?  
 17 A. Yes.  
 18 Q. When do you speak Spanish with him?  
 19 A. When he was smaller I used to speak  
 20 Spanish to him. But now as, you know, Samuel was  
 21 born we just speak English in the house.  
 22 Q. So prior to Samuel being born did you  
 23 speak both English and Spanish or just Spanish with  
 24 Jonathan?  
 25 A. Both.

- 1 Q. Both?  
 2 A. Yes.  
 3 Q. So you have been speaking English with him  
 4 since he was born?  
 5 A. Yes.  
 6 Q. Okay. What about your husband, does he  
 7 speak English or Spanish with him?  
 8 A. More Spanish.  
 9 Q. More Spanish? Okay.  
 10 Is Jonathan ever tested in Spanish?  
 11 A. No.  
 12 Q. Has he ever had any education in Spanish?  
 13 A. No.  
 14 Q. So do you believe -- does he know how to  
 15 read in Spanish?  
 16 A. No.  
 17 Q. Other than the English language learner  
 18 program where he's pulled out for an hour a day,  
 19 does he receive any other special attention or  
 20 tutoring with respect to school work?  
 21 A. No.  
 22 Q. Has any been offered to Jonathan?  
 23 A. From school?  
 24 Q. From school or otherwise.  
 25 A. Prior to that I had a tutor that was

- 1 giving him help when he started Rosewood in third  
 2 grade.  
 3 Q. And how did you have this tutor?  
 4 A. We would meet in the library.  
 5 Q. At school?  
 6 A. No, the public library by my house.  
 7 Q. And was this something that you initiated  
 8 on your own?  
 9 A. Yes.  
 10 Q. Okay. Who was this tutor?  
 11 A. Her name is Miss McDonald.  
 12 Q. How did you find Miss McDonald?  
 13 A. One day when I was picking up Jonathan she  
 14 was handing out flyers and she gave me her flyer.  
 15 And I called her.  
 16 Q. She was in front of Cahuenga handing out  
 17 flyers?  
 18 A. Not on Cahuenga but across the street.  
 19 Q. And so Jonathan worked with Mrs. McDonald  
 20 for how long?  
 21 A. Two or three times a week.  
 22 Q. Two or three times a week, how long of the  
 23 period.  
 24 A. One hour.  
 25 Q. And when did you begin this tutoring

- 1 process? You said when he first started third  
 2 grade -- does that mean September of --  
 3 A. Yes.  
 4 Q. -- of 1999?  
 5 A. Yes.  
 6 Q. How long was she a teacher of Jonathan  
 7 for?  
 8 A. I think up until the Stanford 9 test.  
 9 Q. When was that?  
 10 A. I think that's around May. May of '99.  
 11 Q. So September through May of 1999, Jonathan  
 12 was tutored two to three times a week by  
 13 Mrs. McDonald for approximately one hour a time?  
 14 A. Yes.  
 15 Q. Why did you -- did you then stop the  
 16 tutoring?  
 17 A. She couldn't continue it because she had  
 18 to work and she wasn't able to -- to keep tutoring  
 19 him.  
 20 Q. Okay.  
 21 A. So I -- I --  
 22 Q. Had to discontinue it?  
 23 A. Yes.  
 24 Q. Did you ever look for another tutor?  
 25 A. He was getting -- he was getting tutoring

1 from school, from Rosewood. They would give him --  
 2 at that time when he was being tutored by  
 3 Miss McDonald, he would stay for an hour after  
 4 school at Rosewood --  
 5 Q. Okay.  
 6 A. -- twice a week.  
 7 Q. Twice a week for an hour after school.  
 8 What days a week would he stay?  
 9 A. I believe it was Monday and Thursday.  
 10 Q. This is again from September to May, 1999?  
 11 A. I don't remember how long it was, and I  
 12 don't remember when he started, but it was when he  
 13 was in third grade. The date --  
 14 Q. Did you start before Christmas or after  
 15 Christmas?  
 16 A. It was after.  
 17 Q. After Christmas?  
 18 A. Wait, let me see. It was like --  
 19 Q. Before Halloween or after Halloween? You  
 20 referred to Halloween before.  
 21 A. No, it was around -- it was around the  
 22 time he was tutoring with Miss McDonald.  
 23 Q. He started his tutoring with Miss McDonald  
 24 in September of 1999, you testified.  
 25 A. Yeah, it was around that time.

1 Q. So around September of 1999, he began  
 2 tutoring also with a school tutor, correct?  
 3 A. Yes.  
 4 Q. And that continued through May of 2000?  
 5 A. I don't remember how long it continued.  
 6 Q. I thought you said it continued up to the  
 7 test.  
 8 A. Miss McDonald, yes. But after school I  
 9 don't remember. They didn't offer it that long.  
 10 It was a short period they were giving the tutoring  
 11 after school.  
 12 Q. Sometime in September of 1999, this  
 13 tutoring after school started, it was Monday and  
 14 Thursday approximately for how long?  
 15 A. One hour.  
 16 Q. One hour. And did that continue into the  
 17 next -- did it continue past Christmas, for  
 18 example? I know you don't remember exactly. I'm  
 19 trying to work with you as to a general idea. I  
 20 want an approximation as to when this was.  
 21 A. I can't remember.  
 22 Q. Okay. And did you have to pay for that  
 23 tutoring?  
 24 A. No.  
 25 Q. And what subject was he being tutored in?

1 A. Reading.  
 2 Q. How did he find out about the tutoring?  
 3 Was he selected or did he used --  
 4 A. The teacher selected him, recommended him.  
 5 Q. How did he get home from the tutoring?  
 6 A. There was a late bus that would bring the  
 7 kids to Cahuenga.  
 8 Q. And you don't -- you think he stopped  
 9 tutoring or the program was stopped?  
 10 A. The program with Rosewood the program --  
 11 it was a short time. It wasn't a long time that  
 12 they were going.  
 13 Q. How do you think the program ended?  
 14 A. There was a paper that was sent that said  
 15 that.  
 16 Q. What did the paper say?  
 17 A. Said when was the last time they were  
 18 going to be staying after school for an hour.  
 19 Q. Did you look into seeing if there was  
 20 another tutoring program starting?  
 21 A. They weren't going to have any more.  
 22 Q. How do you know?  
 23 A. Because they -- the teacher had said.  
 24 Q. When did the teacher say that?  
 25 A. When she had recommended him for that

1 extra hour, you know, the extra hour.  
 2 Q. Did she say this to you?  
 3 A. I don't remember if she said it to me or  
 4 Jonathan. I can't remember right now.  
 5 Q. When would she have said it to you? Which  
 6 teacher? This is Mrs. Eisfelder?  
 7 A. Yes.  
 8 Q. You met with her at parent/teacher  
 9 conferences. Was it during one of these  
 10 parent/teacher conferences or did it happen some  
 11 other time?  
 12 A. It happened some other time.  
 13 Q. When have you had an opportunity to talk  
 14 to her that you haven't already told me about?  
 15 A. I didn't -- I didn't meet with her  
 16 personally. I think there was a phone call where  
 17 she had told me about it.  
 18 Q. She called you directly?  
 19 A. Yes.  
 20 Q. And she said, "We're no longer going to  
 21 offer this class"?  
 22 A. She gave me the date that it was going to  
 23 end.  
 24 Q. She called every parent that had a student  
 25 involved with this and told them the date it was

1 going to end?  
 2 A. No, the date --  
 3 MR. VILLAGRA: What foundation is there?  
 4 What idea she had about what she did with respect  
 5 to anybody else? She only knows about herself.  
 6 BY MS. STRONG:  
 7 Q. Do you believe the teacher called all the  
 8 parents or is this something that was said to the  
 9 parents and brought home to you and repeated to you  
 10 from the student?  
 11 A. Probably, yeah.  
 12 Q. Probably what?  
 13 A. Yes.  
 14 Q. Probably yes what?  
 15 A. Yes, that's what she said.  
 16 Q. She probably told it to your son Jonathan  
 17 and he came home and told you?  
 18 A. Yes.  
 19 Q. You didn't get a call directly from the  
 20 teacher?  
 21 A. No.  
 22 Q. No, you did not?  
 23 A. No.  
 24 (Recess.)  
 25 BY MS. STRONG:

1 were volunteering approximately three to four times  
 2 a week. And so what would you do when you  
 3 volunteered?  
 4 A. Line up the kids. And they would get  
 5 their lunch cards, and walk them through the line  
 6 with their lunch, and help open milk cartons and  
 7 open -- little packages with the straw and the  
 8 napkin, assist them, maybe cutting fruit for them,  
 9 help the other ladies that were there.  
 10 Q. So you were volunteering during the lunch  
 11 period?  
 12 A. Yes.  
 13 Q. Were you doing anything else other than  
 14 volunteering during the lunch period?  
 15 A. No.  
 16 Q. And you proceeded to volunteer again after  
 17 October when he went back on track. When did he go  
 18 back on track after the October break?  
 19 A. In November, December he was off. In  
 20 January.  
 21 Q. And so January 2001 through --  
 22 A. It wasn't -- I would volunteer maybe once  
 23 a week.  
 24 Q. Up until what date?  
 25 A. I don't remember.

1 Q. We'll come back to Rosewood later.  
 2 Have you had an occasion to go to Cahuenga  
 3 Elementary?  
 4 A. Yes.  
 5 Q. How often have you had the opportunity to  
 6 go to Cahuenga?  
 7 A. Once my son started in kindergarten, which  
 8 was July of last year, volunteering as a parent in  
 9 the lunch area almost like three or four times a  
 10 day.  
 11 Q. Three or four times a day?  
 12 A. I'm sorry, a week.  
 13 Q. Since July 2000 --  
 14 A. Uh-huh.  
 15 Q. -- until what time?  
 16 A. Until about September, October.  
 17 Q. 2000?  
 18 A. Yes.  
 19 Q. Did you stop volunteering in October 2000?  
 20 A. Yes, because he went off track.  
 21 Q. Okay. And did you start volunteering  
 22 again at some point?  
 23 A. Yes, but not -- not as much as I used to  
 24 at the beginning.  
 25 Q. So from July 2000 to October 2000, you

1 Q. Are you still volunteering today?  
 2 A. No.  
 3 Q. Okay. Did you volunteer through April?  
 4 A. Through April? No. I didn't volunteer  
 5 once I went back in January, I didn't volunteer as  
 6 much as I did when he started.  
 7 Q. I understand that. I'm trying to figure  
 8 out how much you actually did volunteer.  
 9 A. Not a lot. Maybe like, I'd say maybe a  
 10 month, month and a half.  
 11 Q. So about a month and a half did you go  
 12 every week during that month or month and a half  
 13 after January?  
 14 A. Once a week or maybe twice a week.  
 15 Q. And you went every week at least once a  
 16 week?  
 17 A. Yes.  
 18 Q. So from January -- you said a couple of  
 19 months?  
 20 A. Yes.  
 21 Q. Until March, approximately?  
 22 A. Yes.  
 23 Q. And again at that point you were  
 24 volunteering during the lunch period only?  
 25 A. Correct.

1 Q. Why did you stop volunteering in March?  
 2 A. Because I would -- the reason I had  
 3 started was because I wanted him to get, you know,  
 4 to being responsible. And then at the end in  
 5 January through March when I saw that he was able  
 6 to do things on his own, open the milk carton, I  
 7 just stopped so I could let him mature and, you  
 8 know, let him -- let him do things on his own.  
 9 Q. You didn't want to be around to volunteer  
 10 anymore because you didn't want it to interfere  
 11 with your own son's progress?  
 12 A. Yes.  
 13 Q. When else have you had an opportunity to  
 14 go on the Cahuenga Elementary campus?  
 15 A. Parent conferences.  
 16 Q. How many parent conferences have you had?  
 17 A. Three.  
 18 Q. Okay. And do you remember the months of  
 19 these parent conferences?  
 20 A. No.  
 21 Q. Well, you had the July 2000 through  
 22 October 2000 period of school. How many parent  
 23 conferences did you have during that period?  
 24 A. One.  
 25 Q. Okay. And then during the January 2000

1 through -- how far did that proceed? All the way  
 2 through to now, to May?  
 3 A. From January -- January, February, March,  
 4 April. It goes from January through April.  
 5 Q. Okay. How many did you have during the  
 6 January through April period?  
 7 A. I believe I had two.  
 8 Q. Okay. Other than those parent conferences  
 9 and your volunteer times, have you had any other  
 10 opportunities to go on the Cahuenga Elementary  
 11 campus?  
 12 A. Yes. There was a graduation meeting with  
 13 the teacher.  
 14 Q. Graduation meeting?  
 15 A. Yes.  
 16 Q. What does that mean?  
 17 A. It was a meeting with the teacher  
 18 regarding the -- the cap expense and the potluck  
 19 and the ceremony and the awards and the time and  
 20 date that graduation was going to be held.  
 21 MR. VILLAGRA: Everybody graduates these  
 22 days.  
 23 BY MS. STRONG:  
 24 Q. Is that what it is? Graduating from  
 25 kindergarten?

1 MR. VILLAGRA: They get little caps and  
 2 everything.  
 3 BY MS. STRONG:  
 4 Q. So I take it Samuel has graduated from  
 5 kindergarten?  
 6 A. Yes.  
 7 Q. When did he graduate?  
 8 A. He graduated April the 30th.  
 9 Q. So when was this graduation meeting held?  
 10 A. It was being held -- oh, actually one week  
 11 before the graduation.  
 12 Q. So in April?  
 13 A. Uh-huh. Yes.  
 14 Q. Other than the volunteer times, the times  
 15 of the parent/teacher conference -- conferences,  
 16 and the graduation meeting, can you think of any  
 17 other times when you were on the Cahuenga  
 18 Elementary campus?  
 19 A. When there's school meetings in the  
 20 auditorium.  
 21 Q. What school meetings have you attended?  
 22 A. One was regarding the preparing the  
 23 students for the Stanford 9 testing that was at  
 24 the -- at the auditorium with the principal.  
 25 Q. Do you know name of the principal?

1 A. Mr. Howard Houske, H-o-w-s-k-e.  
 2 MS. STRONG: H-o-u-s-k-e.  
 3 Q. Do you remember when that preparation for  
 4 the Stanford 9 test meeting was?  
 5 A. That was at the beginning of the school  
 6 year.  
 7 Q. What month is that?  
 8 A. That was around July.  
 9 Q. July 2000?  
 10 A. Yes.  
 11 Q. Any other meetings you attended in the  
 12 auditorium on campus?  
 13 A. There was another meeting regarding  
 14 building more schools around the area.  
 15 Q. Back to the Stanford 9 meeting. Do you  
 16 know what day that was held on?  
 17 A. No.  
 18 Q. Was it health on a school day or weekend?  
 19 A. No, school day.  
 20 Q. School day?  
 21 A. Yes.  
 22 Q. After school or before school?  
 23 A. It was in the morning.  
 24 Q. It was in the morning on a school day? It  
 25 wasn't on a Saturday?

- 1 A. No.  
 2 Q. But you don't remember what day during the  
 3 week?  
 4 A. No.  
 5 Q. Okay. There was another meeting at the  
 6 school regarding building more schools you said?  
 7 A. Yes.  
 8 Q. And when was that?  
 9 A. I don't remember the date.  
 10 Q. I mean do you have any idea? Was it  
 11 during the July 2000 to October 2000 period?  
 12 A. Yes.  
 13 Q. Okay. Do you know who put on that  
 14 meeting?  
 15 A. It was -- I don't remember. It was the  
 16 L.A. Unified School District.  
 17 Q. Was the principal in attendance at that  
 18 meeting?  
 19 A. Yes.  
 20 Q. Can you remember any other meetings that  
 21 you attended at the school in the auditorium?  
 22 A. In the auditorium?  
 23 Q. Or any place on the campus.  
 24 A. They had a medical fair in the campus.  
 25 First, it was in the auditorium and then on campus

- 1 Regarding getting medical care for the family and  
 2 students.  
 3 Q. Who put that on?  
 4 A. Principal.  
 5 Q. Was he in attendance, Mr. Houske?  
 6 A. Yes.  
 7 Q. And you attended that meeting?  
 8 A. Yes.  
 9 Q. It was a fair as opposed to a meeting? It  
 10 was like --  
 11 A. No. It was like a medical fair regarding  
 12 the mobile clinics that were going to be in the --  
 13 in the campus.  
 14 Q. Did the principal get up and speak to  
 15 everybody that was there?  
 16 A. Yes, yes.  
 17 Q. Do you remember when that was held, by any  
 18 chance?  
 19 A. Not the date. But it was on a weekend.  
 20 It was a Saturday.  
 21 Q. Do you remember the month it was in?  
 22 A. No.  
 23 Q. Was it in the first section of school,  
 24 July 2000 October, or second, January 2001 through  
 25 April?

- 1 A. I don't remember.  
 2 Q. Can you think of any other meetings that  
 3 were held during the 2000/2001 school year that you  
 4 went to at Cahuenga?  
 5 MR. VILLAGRA: Anywhere in the school?  
 6 MS. STRONG: Yeah, anywhere on the school.  
 7 A. The first day of Samuel's class in July of  
 8 2000, there was a meeting in the class with the  
 9 teacher and the principals.  
 10 Q. In Samuel's specific class --  
 11 A. No.  
 12 Q. -- or the whole school?  
 13 A. No, Samuel's class.  
 14 Q. And the principal was there?  
 15 A. Yes.  
 16 Q. And can you think of any other meetings  
 17 that you attended on campus? How long was that  
 18 meeting for by the way?  
 19 A. How long?  
 20 Q. That first day.  
 21 A. It was about two hours.  
 22 Q. Was everyone invited to that meeting, all  
 23 the parents of the students in Samuel's class?  
 24 A. Yes.  
 25 Q. Any other meetings that you can think of?

- 1 A. Not right now, no.  
 2 Q. Any other times that you can think of  
 3 while you were on the campus other than what you've  
 4 already told me?  
 5 A. Every day I was on campus dropping off  
 6 Samuel.  
 7 Q. Did you actually walk on to campus when  
 8 you dropped him off at school?  
 9 A. Yes.  
 10 Q. Where do you go on campus?  
 11 A. Sometimes I would get there a little late  
 12 and I would walk him in the campus and take him to  
 13 the lunch area. When I wouldn't volunteer, I  
 14 would -- some parent would let them walk in the  
 15 campus, but I would walk in all the way into the  
 16 cafeteria so he could go and get his lunch. So I  
 17 was in --  
 18 Q. The first thing Samuel does when he gets  
 19 to school is he has lunch?  
 20 A. Yes.  
 21 Q. And he gets there at 11:30 you said?  
 22 A. Yes. 11:00.  
 23 Q. 11:00?  
 24 A. Lunch is from 11:00 to 11:30.  
 25 Q. Class time is from when to when?

1 A. 11:30 to 3:15.  
 2 Q. So you walk him into the cafeteria to see  
 3 that he gets his lunch?  
 4 A. Yes.  
 5 Q. And then you leave him?  
 6 A. Yes.  
 7 Q. And you do that regularly or you did that?  
 8 A. I did the --  
 9 Q. When you were volunteering?  
 10 A. Yes.  
 11 Q. And when you stopped volunteering you  
 12 would just drop him off at the front of the school  
 13 and let him go in by himself?  
 14 A. Yes.  
 15 MR. VILLAGRA: I believe she testified if  
 16 she was running late she would take him to the  
 17 cafeteria.  
 18 BY MS. STRONG:  
 19 Q. Is there a PTA at Cahuenga?  
 20 A. Yes.  
 21 Q. How do you know?  
 22 A. Memos, flyers.  
 23 Q. Are you involved with the PTA?  
 24 A. No.  
 25 Q. You've never been to a PTA meeting, for

1 example?  
 2 A. No.  
 3 Q. Are there fund raisers at Cahuenga?  
 4 A. I'm not sure.  
 5 Q. Do you know if there are advisory  
 6 committee meetings at Cahuenga?  
 7 A. If there are?  
 8 Q. Uh-huh.  
 9 A. I'm not sure.  
 10 Q. Do you know the vice principal at  
 11 Cahuenga?  
 12 A. Yes.  
 13 Q. What's his or her name?  
 14 A. Shodi -- I don't know her last name.  
 15 S-h-o-d-i. Last name is s-h-o-i.  
 16 Q. Is that the only vice principal or campus  
 17 or is there another one?  
 18 A. There's another, but I can't remember her  
 19 name right now.  
 20 Q. How do you know the first one, Miss Shoi?  
 21 A. Because I spoke with her regarding the  
 22 filling out the parent volunteer form. She gave me  
 23 all the paperwork for that. And that's how I got  
 24 to meet her.  
 25 Q. So that was in September of 2000?

1 A. July.  
 2 Q. I'm sorry, July of 2000?  
 3 A. Yes.  
 4 Q. So you met her in the office?  
 5 A. Yes.  
 6 Q. Have you had an opportunity to talk with  
 7 Miss Shoi since that time when you filled out the  
 8 paperwork for volunteering?  
 9 A. Yes.  
 10 Q. When was that?  
 11 A. I had an interview with her and Mr. Houske  
 12 because I wanted to apply for a job there. And I  
 13 met with both of them after that, months after  
 14 that.  
 15 Q. When was that interview?  
 16 A. It was last year, but I can't remember the  
 17 date.  
 18 Q. Was it after you were done volunteering or  
 19 were you still volunteering?  
 20 A. I was still volunteering. It was like a  
 21 little after that, the medical fair they had at  
 22 school.  
 23 Q. But you couldn't remember when the medical  
 24 fair was?  
 25 A. No.

1 Q. So let's try and figure out when you would  
 2 have met with them to try and work there.  
 3 A. Yes.  
 4 Q. I mean, do you have --  
 5 A. I don't remember.  
 6 Q. I mean it could have been in September and  
 7 it could have been in March as far as you know?  
 8 You just don't have a specific recollection of the  
 9 dates?  
 10 A. Yes.  
 11 Q. Was it in April, for example?  
 12 A. I'm not sure.  
 13 Q. You don't remember if it was last month?  
 14 A. No, it wasn't last month.  
 15 Q. It wasn't this year, you said?  
 16 A. It wasn't.  
 17 Q. It wasn't even in 2001. That's helpful.  
 18 I would appreciate that. We have to work together  
 19 on this. It was prior to January 2001?  
 20 A. Yes.  
 21 Q. So it was sometime between July 2000 and  
 22 December 2000?  
 23 A. Yes.  
 24 Q. And your son stopped going to school in  
 25 October 2000 because he had a break?



1 A. Yes.  
 2 Q. Do you remember if it was during his break  
 3 that you went and had this interview or was it  
 4 before he went on break?  
 5 A. It could have been when he was on break.  
 6 Q. But you don't remember?  
 7 A. But I don't. I'm not sure.  
 8 Q. When you went and had the interview, was  
 9 your son in school that day?  
 10 MR. VILLAGRA: Objection. I think she  
 11 testified to a meeting. I don't know that we  
 12 established an interview.  
 13 MS. STRONG: She said -- I'm sorry.  
 14 Q. When you met with Mr. Houske and Miss Shoi  
 15 was your son in school that day?  
 16 A. No.  
 17 Q. He was not in school that day?  
 18 A. No.  
 19 Q. Do you know why he wasn't in school that  
 20 day?  
 21 A. Because he was off track.  
 22 Q. Which now leads me to believe it was  
 23 sometime between July 2000 and October 2000, is  
 24 that fair to say?  
 25 A. Yes.

1 Q. So I'd like to get into some details about  
 2 the meeting you had with Miss Shoi and Mr. Houske.  
 3 Before that, was there any other times  
 4 that you had an opportunity to meet with Miss Shoi,  
 5 other than the first day or the first day you met  
 6 her when you were giving out volunteer papers, and  
 7 the second meeting with Mr. Houske? Were there any  
 8 other times when you met with Miss Shoi?  
 9 A. When I returned the papers to her, the  
 10 papers.  
 11 Q. The volunteer papers?  
 12 A. Yes, and the TB testing card they gave me.  
 13 Q. And did you have a conversation with her  
 14 at that time?  
 15 A. Yes.  
 16 Q. What did you discuss in that conversation?  
 17 A. She told me when I wanted to start  
 18 volunteering and she introduced me to the ladies in  
 19 the lunch area. Because the following day I was  
 20 going to start volunteering so they could know who  
 21 I was.  
 22 Q. Did you have a conversation -- did your  
 23 conversation include any other subjects other than  
 24 what you've just told me?  
 25 A. No.

1 Q. So nothing related to this lawsuit?  
 2 A. No.  
 3 Q. Other than those three conversations that  
 4 you identified, is there anything else with  
 5 Mrs. Shoi?  
 6 A. No.  
 7 Q. The meeting with Mrs. Shoi and Mr. Houske,  
 8 how did that meeting come about?  
 9 A. I found out from another parent that they  
 10 had -- they had openings in the cafeteria. And  
 11 also a lady in the cafeteria told me they had  
 12 openings, and that's why I went in.  
 13 Q. What were you going to do in the  
 14 cafeteria?  
 15 A. I was going to be clerk.  
 16 Q. What does that mean?  
 17 A. They are the ones that process  
 18 applications and the lunch cards.  
 19 Q. Okay. Did you have to submit an  
 20 application for this position?  
 21 A. Yes.  
 22 Q. Okay. So you -- how did you get the  
 23 application?  
 24 A. They gave it to me there.  
 25 Q. At the meeting?

1 A. Yes.  
 2 Q. How did you set up the meeting, though,  
 3 first?  
 4 A. I had -- I had asked her -- no. I had  
 5 called and asked her if -- that they had told me  
 6 that they had openings for cafeteria clerk. From  
 7 there, she mentioned they also had in the office,  
 8 they had office assistant.  
 9 Q. Mrs. Shoi?  
 10 A. Yes. And then when I went in the meeting  
 11 they gave me an application for the -- then I  
 12 decided that instead of applying for the clerk,  
 13 cafeteria clerk, I was going to apply for the  
 14 office assistant.  
 15 Q. I think I can shortcut things here. At  
 16 any time during that meeting did you discuss any  
 17 issues other than your working for the school?  
 18 A. No.  
 19 Q. Okay. So nothing related to the lawsuit?  
 20 A. No.  
 21 Q. Okay. Have you had any conversations with  
 22 Mr. Houske regarding any of the conditions related  
 23 to what is addressed in the lawsuit?  
 24 A. No.  
 25 Q. Yet you have been present with Mr. Houske

1 at several meetings, for example, and had  
 2 opportunities to speak with him?  
 3 A. Just that meeting.  
 4 Q. Just that meeting?  
 5 A. That interview. The other meetings he  
 6 was, you know, in the -- in the cafeteria -- I mean  
 7 in the auditorium giving the meeting, but I didn't  
 8 talk to him.  
 9 Q. Did you try to talk to him during those  
 10 meetings?  
 11 A. No.  
 12 Q. Do you know if other parents tried to talk  
 13 to him during that meeting?  
 14 A. I don't have any idea.  
 15 Q. Okay. Did you ever try and go to the  
 16 office to talk to Mr. Houske?  
 17 A. No.  
 18 Q. Okay.  
 19 A. I just recalled the principal at Rosewood.  
 20 Her name was Janet Chapman.  
 21 Q. Have you ever read any news articles about  
 22 the school? I know you mentioned the packet that  
 23 was sent to you earlier from your attorneys and you  
 24 said you didn't really have a chance to read those  
 25 articles. But have you read any other articles

1 MS. STRONG: I'm curious, from her  
 2 perception, what she considers to be a school  
 3 that's good or not as good.  
 4 Q. How do you view Cahuenga? Do you think  
 5 it's better than most elementary schools or not?  
 6 Do you have an ability to give an impression as to  
 7 that?  
 8 MR. VILLAGRA: Object again as vague.  
 9 Good as an institution or --  
 10 MS. STRONG: However she interprets good  
 11 to mean.  
 12 Q. So if you can answer that question.  
 13 A. As far as the teacher Samuel had in  
 14 kindergarten, he is a very good teacher. I think,  
 15 you know, the school -- in order to get -- I mean,  
 16 to be able to enroll in that school you have to  
 17 camp out there to make sure you're -- you're --  
 18 your son can go there.  
 19 Q. Because most people like that school?  
 20 A. Yes.  
 21 Q. And it's considered a pretty good school?  
 22 A. Yes.  
 23 Q. And do you know about the school rankings  
 24 and how it ranks as compared to other schools? Do  
 25 you know anything about that?

1 regarding the school, Cahuenga Elementary?  
 2 A. No.  
 3 Q. Have you seen any stories about Cahuenga  
 4 Elementary on TV?  
 5 A. I just remember seeing on TV a report  
 6 regarding the busing on channel -- I actually saw  
 7 them on the -- you know, by the bus. They were --  
 8 they were doing a report on the busing. I didn't  
 9 actually see it on TV. I just saw it at Cahuenga.  
 10 They were reporting.  
 11 Q. You saw them filming?  
 12 A. Filming.  
 13 Q. But you didn't see the report on TV?  
 14 A. No.  
 15 Q. Did you hear what they were saying when  
 16 they were filming?  
 17 A. No, because I was taking my son to get the  
 18 bus. It was a big crowd.  
 19 Q. Just in general -- do you know how  
 20 Cahuenga compares to other elementary schools?  
 21 Would you say it's better than most elementary  
 22 schools or it's worse? Do you have a sense of  
 23 that?  
 24 MR. VILLAGRA: Objection. Vague. On what  
 25 basis?

1 A. They had them -- they had some paperwork  
 2 but I can't remember right now. But they are  
 3 pretty much high.  
 4 Q. But you think it's got good rankings?  
 5 A. Yes.  
 6 Q. Do you know Samuel's teachers? You  
 7 mentioned the first teacher. What's his name?  
 8 A. Mr. Pan, P-a-n.  
 9 Q. You've had opportunities to meet with  
 10 Mr. Pan at the parent/teacher conferences and the  
 11 first day of class?  
 12 A. Yes.  
 13 Q. Have you had opportunities to speak with  
 14 Mr. Pan ever again?  
 15 A. After the graduation?  
 16 Q. No, other than those three, the three  
 17 parent/teacher conferences and the first initial  
 18 meeting, have you had an opportunity to speak with  
 19 Mr. Pan?  
 20 A. Yes, at the last meeting.  
 21 Q. When is the last meeting?  
 22 A. That was on -- that was in April, like the  
 23 second week of --  
 24 Q. What was that meeting for?  
 25 A. That was regarding the graduation.

- 1 Q. When you were doing the ceremony details,  
2 for example?  
3 A. Yes.  
4 Q. I think we might be able to shortcut this.  
5 Have you discussed with Mr. Pan any of the  
6 issues that relate to the lawsuit?  
7 A. No.  
8 Q. Have you discussed the facilities at  
9 Cahuenga in any way with Mr. Pan?  
10 A. No.  
11 Q. Nor have you discussed the busing issues  
12 with Mr. Pan?  
13 A. No.  
14 Q. Do you know who Samuel is going to have  
15 for his first grade teacher?  
16 A. Unassigned yet.  
17 Q. Is Samuel considered an English language  
18 learner?  
19 A. No.  
20 Q. Do you anticipate that he will be tested  
21 for that?  
22 A. I don't think so.  
23 Q. Why is that?  
24 A. Based on his report card and the comments  
25 from the teacher, I don't think so. He's doing

- 1 very well in school.  
2 Q. Do you know if Mr. Pan is bilingual?  
3 A. Yes.  
4 Q. What languages does Mr. Pan speak?  
5 A. English, Spanish, Filipino and -- I think  
6 that's about it.  
7 Q. Okay. And does he speak English, Spanish  
8 and Filipino in class?  
9 A. Yes. Because there are different  
10 students -- there's Filipinos. There's Hindus.  
11 There's Hispanics. Vietnamese. Oh, also, I think,  
12 a little Vietnamese he speaks.  
13 Q. So he uses all of those languages in  
14 class, as far as you are aware?  
15 A. As far as -- as far as some students might  
16 need it, you know, he'll give instructions in their  
17 language if they don't understand it in English.  
18 Q. How do you know this?  
19 A. Because he said so in the meeting, in the  
20 first meeting.  
21 Q. Have you sat in on class ever?  
22 A. Yes, I -- no, not sat.  
23 Q. You haven't sat in on class?  
24 A. No.  
25 Q. You walked in to drop him off, is that

- 1 what you are trying to say?  
2 A. Yes.  
3 Q. Samuel?  
4 A. Yes.  
5 Q. So basically you like Mr. Pan? You think  
6 he's a good teacher?  
7 A. Yes.  
8 Q. Was Samuel assigned homework this last  
9 year?  
10 A. Yes.  
11 Q. How often does he get homework  
12 assignments?  
13 A. Monday through Friday.  
14 Q. How often did Samuel do homework?  
15 A. Monday through Friday.  
16 Q. How long would he work on his homework  
17 each day?  
18 A. He had approximately a little packet about  
19 maybe 5 to 7 pages of homework and then plus his  
20 reading book.  
21 Q. Every day?  
22 A. Every day.  
23 Q. And where does he do his homework, Samuel?  
24 A. At home?  
25 Q. Does he have a specific place in the home

- 1 where he does his homework?  
2 A. Kitchen. Kitchen table.  
3 Q. Where does Jonathan do his homework?  
4 A. Also there.  
5 Q. And are you in the kitchen with them while  
6 they are doing their homework or not all the time?  
7 A. Yes, I am.  
8 Q. I'm sorry. You said he's got five to  
9 seven pages of homework, plus his reading book?  
10 A. Yes.  
11 Q. Do you know how long he actually spends  
12 doing his homework each day?  
13 A. I'd say about maybe about 45 minutes to an  
14 hour.  
15 Q. And are you pleased with the homework that  
16 he's been given?  
17 A. Yes.  
18 Q. So you have no objection to any of it?  
19 A. No.  
20 Q. Do you think it helps Samuel learn then?  
21 A. Yes.  
22 Q. And it's successful as to each subject  
23 matter that he's studying?  
24 A. Yes.  
25 Q. Do you know what subject matters he

1 studies in kindergarten?  
 2 A. He was doing reading, writing, adding,  
 3 subtracting, measuring, telling time and shapes.  
 4 Q. Does Samuel use the computer?  
 5 A. Yes.  
 6 Q. Does he use the computer at home?  
 7 A. Yes.  
 8 Q. And does he use the computer in school?  
 9 A. I'm not sure if he used it. I mean, they  
 10 would take them to the computer lab maybe once a  
 11 week. And in class I did notice that they have one  
 12 but I'm not sure.  
 13 Q. You don't know if they use it or not?  
 14 A. The one in class, I don't know.  
 15 Q. He does get taught how to use the computer  
 16 at school?  
 17 A. Yes.  
 18 Q. Does Samuel receive any special attention  
 19 with respect to tutoring or any --  
 20 A. No.  
 21 Q. No? Nothing of that nature, okay.  
 22 Do you know if those opportunities exist  
 23 at that school? Do you know if the teachers give  
 24 any tutoring? Do you know --  
 25 A. In his class, yes. About four months

1 before they graduated, half the class had to stay  
 2 an hour for help in his classroom.  
 3 Q. Okay. But he was not identified as --  
 4 A. No.  
 5 Q. -- needing help?  
 6 A. No.  
 7 Q. Do you know if Samuel has been disciplined  
 8 at all in school for any reason?  
 9 A. Never.  
 10 Q. Okay. And do you know if he's received  
 11 any honors? I don't know if in kindergarten you  
 12 can receive any honors, but do you know if he has?  
 13 A. Yes. He got third place honor roll and he  
 14 got another award for good citizen.  
 15 Q. What does it mean to be a good citizen in  
 16 kindergarten?  
 17 A. Well, I don't know if I -- you know, the  
 18 teacher didn't explain to me. I think he behaves  
 19 in class, he respects others, and he doesn't cause  
 20 any problems.  
 21 Q. Okay. And so how did you learn about the  
 22 award?  
 23 A. Because in the graduation ceremony he  
 24 was -- his name was called out. And also the  
 25 teacher in the meeting had told us who were going

1 to be awarded in the --  
 2 Q. In the graduation meeting?  
 3 A. In the graduation meeting.  
 4 Q. And third place honor roll, what does that  
 5 mean? Do you know?  
 6 A. Not really.  
 7 Q. How do you know that he received that?  
 8 A. Because when they called his name I had to  
 9 go up and pin it on him. I have the ribbon at  
 10 home -- both of the ribbons.  
 11 Q. Since Samuel has been at Cahuenga  
 12 Elementary, has there ever been a period of time  
 13 when he couldn't attend school for any reason?  
 14 A. Yes. He had an asthma attack and I had to  
 15 keep him home.  
 16 Q. For how long?  
 17 A. He had to stay home for about more than a  
 18 week.  
 19 Q. Do you remember when this was,  
 20 approximately?  
 21 A. It was --  
 22 Q. Approximately?  
 23 A. It was approximately -- it was like the  
 24 last -- the last month of school. I think it was  
 25 in April.

1 Q. Okay.  
 2 A. Beginning of April.  
 3 Q. Okay. Other than that one time where he  
 4 was out for a week, can you think of any other  
 5 period of time where he was out for an extended  
 6 period of time?  
 7 A. He was out again in -- for the same  
 8 reason, for asthma. But I don't remember exactly.  
 9 But it wasn't that long. I think it was for about  
 10 maybe three days.  
 11 Q. Okay. Other than that, can you think of  
 12 any other time --  
 13 A. No.  
 14 Q. -- when he was -- can you think of any  
 15 other time that --  
 16 A. No.  
 17 Q. -- that you -- can you think of any other  
 18 time that he was out of school for an extended  
 19 period of time?  
 20 A. No, I can't.  
 21 Q. All right. Do you know any of the other  
 22 plaintiffs who are alleged to have attended or  
 23 attend Cahuenga Elementary School that are  
 24 identified in the complaint in this case?  
 25 A. I don't have any idea.

- 1 Q. Do you know who Oscar Ruiz is?  
 2 A. No.  
 3 Q. Do you know who Joseu Herrera?  
 4 A. No.  
 5 Q. And that's J-o-s-u-e.  
 6 MR. VILLAGRA: Jose.  
 7 Q. Jose, is that who it is?  
 8 A. No.  
 9 Q. Do you know who Abraham Perez is?  
 10 A. No.  
 11 Q. Do you know who Carlos Perez is?  
 12 A. No.  
 13 Q. Do you know who Juan Salguero is?  
 14 A. No.  
 15 Q. Do you know who Graciela Solano is?  
 16 A. No.  
 17 Q. How about Rafael Solano?  
 18 A. No.  
 19 Q. I'd like to ask you if you know a few  
 20 other individuals who are -- I believe that they  
 21 are parents of some of the students who attend  
 22 Cahuenga, and see if you know any of them.  
 23 Herendida Bautista?  
 24 A. No.  
 25 Q. And Eulalia Nava?

- 1 A. No.  
 2 Q. Clementina Rios?  
 3 A. No.  
 4 Q. Yanira Salguero?  
 5 A. No.  
 6 Q. Elena Solano?  
 7 A. No.  
 8 Q. That makes it easy.  
 9 Do you know what books Samuel uses in  
 10 school?  
 11 A. The first book he got was "Hello." Then  
 12 he got "Surprise." After that he got "Share."  
 13 That's it. He was about to get the fourth one  
 14 which is "Discover," but he didn't get to it.  
 15 Q. Do you know if he has his own book? When  
 16 he has "Hello," "Surprise," "Share," did he get his  
 17 own copy of it?  
 18 A. They would get the books, like, you know,  
 19 the first book, "Hello," they would get it for a  
 20 certain amount of time. Then the teacher would,  
 21 you know, pull them aside and see how well they  
 22 would read and then they would graduate to the next  
 23 book and so on, so on.  
 24 Q. Did he get to take those books home?  
 25 A. Yes.

- 1 Q. And he was also able to read from them in  
 2 class?  
 3 A. Yes.  
 4 Q. Do you believe that he -- there was ever a  
 5 time when he did not have access to adequate  
 6 textbooks at his school?  
 7 A. Not that I know of.  
 8 Q. Do you believe that there was ever a time  
 9 that he did not have access to adequate textbooks  
 10 to bring home?  
 11 A. I don't think so.  
 12 Q. Okay. So as far as you are concerned,  
 13 Samuel has had textbooks or any type of books that  
 14 he has needed to learn at Cahuenga Elementary,  
 15 correct?  
 16 A. Correct. Can I add there also he would  
 17 get library books weekly? They would go to the  
 18 library and check out a book to read aside from  
 19 that book, the other book.  
 20 Q. He would do that with his class?  
 21 A. Yes.  
 22 Q. And the whole class would go to the  
 23 library and everybody would check out one book?  
 24 A. Yes.  
 25 Q. They were expected to take that book home?

- 1 A. Yes. Fridays they couldn't because they  
 2 might lose it or something.  
 3 Q. Everybody in his kindergarten class was  
 4 expected to go to the library once a week and check  
 5 out a book and take it home during the week to read  
 6 it at home --  
 7 A. Aside from the book they had.  
 8 Q. In addition to the books that they'd have  
 9 in class to read?  
 10 A. Yes.  
 11 Q. And those books that they had in class  
 12 they could also take those home?  
 13 A. Yes.  
 14 Q. Okay. Do you know if all the kindergarten  
 15 classes had this policy of going home with their  
 16 books and also going to the library to check the  
 17 books out?  
 18 A. No, I don't know that.  
 19 Q. You know that's true for Samuel's?  
 20 A. Yes.  
 21 Q. Do you have any reason to believe that  
 22 it's different for any other class?  
 23 A. No, I don't have any idea.  
 24 Q. Okay. Have you heard anybody make any  
 25 complaints about not having enough books at

1 Cahuenga Avenue Elementary? Do you know what type  
 2 of -- do you believe that Samuel's class has  
 3 adequate supplies for him to use in school?  
 4 A. Yes.  
 5 Q. Okay. So do you think there are enough  
 6 text -- I want to make sure we are clear on what  
 7 supplies means here. Do you think there are enough  
 8 crayons, glue, scissors and pencils in his class?  
 9 A. Yes.  
 10 Q. Do you believe -- why do you believe that?  
 11 A. Because when I walked in to drop him off,  
 12 I would have to go in there to pull him out earlier  
 13 because he had a dentis appointment or something I  
 14 notice they have enough supplies.  
 15 Q. You've looked -- when you've gone into the  
 16 classroom you noticed there are supplies such as  
 17 the things that I described?  
 18 A. Yes.  
 19 Q. Also I wanted to step back and ask about  
 20 the checking out the book from the library. How do  
 21 you know that his class checks out a book every  
 22 week from the library?  
 23 A. Because Samuel tells me. I mean he brings  
 24 it home and I open it and I see. Or when I would  
 25 volunteer I would see them walk out of the class

1 and they were going straight to the library.  
 2 Q. You'd see his class go to the library,  
 3 Samuel told you that that was what his teacher was  
 4 having them do and then you would also see the book  
 5 when he would bring it home?  
 6 A. Yes.  
 7 Q. Correct?  
 8 A. Correct.  
 9 Q. So have you heard any complaints or do you  
 10 have any reason to believe that Cahuenga Elementary  
 11 lacks supplies in any other classes?  
 12 A. Not that I know of.  
 13 Q. Have you had an opportunity to go into any  
 14 of the other classes on campus?  
 15 A. No.  
 16 Q. Have you ever heard of parents being  
 17 required to buy supplies for the school?  
 18 A. No.  
 19 Q. So as far as you're aware, that doesn't  
 20 happen?  
 21 A. I'm not aware of that.  
 22 Q. And Mr. Pan never asked you to buy  
 23 supplies for Samuel's class?  
 24 A. No.  
 25 Q. Do you know if teachers buy supplies for

1 their classrooms?  
 2 A. No, I don't know.  
 3 Q. Okay. Are you familiar with any teachers  
 4 at Cahuenga beyond Mr. Pan?  
 5 A. There's the teacher Jonathan had, the  
 6 tutor, Miss McDonald. She works at Cahuenga.  
 7 Q. She's at Cahuenga now?  
 8 A. I don't know if it's now. She's in the  
 9 same one Samuel is, track C, but I don't know if  
 10 she's still there. She might be working someplace  
 11 else during the time they are off.  
 12 Q. While she was tutoring Samuel, which was  
 13 during the 1999/2000 school year, was she teaching  
 14 at Cahuenga Elementary then?  
 15 A. She wasn't tutoring Samuel. She was  
 16 tutoring Jonathan.  
 17 Q. While she was tutoring Jonathan during the  
 18 1999/2000 school year, was she also teaching at  
 19 Cahuenga Elementary?  
 20 A. No.  
 21 Q. No?  
 22 A. No.  
 23 Q. When did she start at Cahuenga?  
 24 A. I believe she started sometime when Samuel  
 25 started.

1 Q. Around July of 2000?  
 2 A. Yes.  
 3 Q. And what grade does Mrs. McDonald teach?  
 4 A. I believe it's first grade.  
 5 Q. Had Miss -- do you know what  
 6 qualifications Mrs. McDonald has to be a teacher?  
 7 A. I'm not sure if she's a teacher or a  
 8 teacher assistant. I'm not clear about that. But  
 9 she's in the -- the room she's in is for special  
 10 education students.  
 11 Q. But you thought Mrs. McDonald was a good  
 12 teacher with respect to how she worked with  
 13 Jonathan?  
 14 A. Yes.  
 15 Q. Other than Mrs. McDonald and Mr. Pan do  
 16 you know any other teachers at Cahuenga Elementary?  
 17 A. No.  
 18 Q. I think this is clear, but with respect to  
 19 both Mr. Pan and Mrs. McDonald, do you think they  
 20 are both very good teachers?  
 21 A. Yes.  
 22 Q. You believe they have the skills adequate  
 23 or necessary to teach the students at Cahuenga  
 24 Avenue Elementary?  
 25 A. Yes.

1 Q. Do you know if Mr. Pan has -- do you know  
2 what kind of training Mr. Pan has as a teacher?  
3 A. No, I'm not sure.  
4 Q. Do you know if he's credentialed?  
5 A. I believe he is.  
6 Q. Do you know if he's got a full credential?  
7 A. No. I'm not sure.  
8 Q. Do you know if he's got a multiple subject  
9 credential?  
10 A. No, I don't.  
11 Q. Do you know if he's got a district  
12 internship credential?  
13 A. I don't know.  
14 Q. Okay. All right. I mean there are some  
15 others but we can go through, but I assume you  
16 don't know those either. Okay.  
17 And with respect to Mrs. McDonald, I  
18 assume you don't know if she's credentialed or not  
19 or what type of credentials she may have?  
20 A. Correct.  
21 Q. Do you know anything about the type of  
22 training that the teachers receive on-site, if any?  
23 A. I don't know.  
24 Q. Do you know whether other people at, you  
25 know, parents or students, or anybody else that you

1 Q. Why do you think that they do have that?  
2 A. Because in that meeting with Mr. Pan --  
3 Q. Which meeting?  
4 A. At the beginning of the school year.  
5 There was some paperwork where they said to check  
6 what we wanted for our son -- for our -- for our  
7 kids. And I do recall seeing those letters and  
8 then full English or half and half. So then  
9 whatever the parents picked, that's what the  
10 instruction that he would give the students.  
11 Q. Okay. So the parents could choose -- I  
12 want to make sure I understand this. The parent  
13 could choose if they wanted their students taught  
14 all in English?  
15 A. Correct.  
16 Q. Or they could choose if they want their  
17 children taught in English or Spanish?  
18 A. Correct.  
19 Q. What's the third option?  
20 A. Full English, just English.  
21 Q. English with English language learner  
22 assistance or something like that or just pure  
23 English?  
24 A. English and somewhat if they didn't  
25 understand the teacher, the TA would explain it in

1 may speak to, believes that teachers are not  
2 adequately trained to teach at Cahuenga?  
3 A. No, I don't know.  
4 Q. You've never heard that?  
5 A. No, I've never heard that.  
6 Q. As far as you are aware, you think that  
7 everyone seems to believe that Cahuenga teachers  
8 are adequately prepared to teach their students,  
9 correct?  
10 A. Correct.  
11 Q. Does Cahuenga Elementary have an English  
12 language learner program?  
13 A. Is that similar to the ELD?  
14 Q. Yes.  
15 A. Is that like a bilingual class?  
16 Q. The program, for example, Jonathan  
17 participates in at Woodrose Elementary, do they  
18 have something similar to that at Cahuenga Avenue  
19 Elementary?  
20 A. I believe they do.  
21 Q. It's a special program for English  
22 language learners?  
23 A. Yes.  
24 Q. But you're not familiar with it?  
25 A. No.

1 Spanish to them. Or he would explain it in  
2 Filipino to the Filipino students.  
3 Q. Okay.  
4 A. And if they -- if they wanted bilingual  
5 they would take them out of the class and put them  
6 in a bilingual class.  
7 Q. So this is all at the option of the  
8 parents?  
9 A. Yes.  
10 Q. Do you like that idea?  
11 A. Yes.  
12 Q. That the parents have a choice?  
13 A. Yes.  
14 Q. Do you believe that other parents were  
15 happy with that to have the choice as to how their  
16 students were taught?  
17 A. Yes.  
18 Q. Why do you think that? Did you talk to  
19 anybody about it?  
20 A. I heard parents mention to other parents.  
21 Q. What did you hear them say?  
22 A. That it was good that they could choose  
23 the instruction to be half and half or just full  
24 English.  
25 Q. Have you ever heard that -- that teachers

1 at Cahuenga don't give enough homework to the  
2 students?  
3 A. No.  
4 Q. Have you ever heard that teachers at  
5 Cahuenga don't give appropriate homework to the  
6 students?  
7 A. No.  
8 Q. Okay. Did Samuel take a Stanford 9 test?  
9 A. No, because he's too small. Well, they  
10 had a new test that he took, but I don't know if  
11 it's the Stanford. But this is the first year that  
12 they are having this testing for kindergarteners.  
13 But I'm not sure of the name of the test.  
14 Q. When was that about?  
15 A. It's close to the end of graduation, like  
16 around --  
17 Q. April?  
18 A. April.  
19 Q. Did you get the results from that test?  
20 A. They haven't given them yet.  
21 Q. Do you expect to receive them by mail or  
22 something?  
23 A. Probably they will be given to his first  
24 grade teacher because they were -- because the  
25 teacher explained that that test was used to

1 compare them with the other kindergarteners, see  
2 how well they are -- what level they are at.  
3 Q. Do you think that's a test from just  
4 within the school?  
5 A. I don't know if it's between the school or  
6 statewide. I'm not sure.  
7 Q. Or district?  
8 A. Or district, no.  
9 Q. Okay. But do you think you are going to  
10 have access to see what the scores are?  
11 A. Probably.  
12 Q. You're familiar with the bathrooms at  
13 Cahuenga Avenue Elementary School? Yes or no?  
14 A. Just the ones on campus?  
15 Q. Yes.  
16 A. Yes.  
17 Q. And the ones that are accessible to the  
18 students?  
19 A. No, I've never had a chance to go in. The  
20 ones for the kindergarteners in the classroom but  
21 I've never had a chance to go in.  
22 Q. Have you seen any of the other ones on the  
23 campus --  
24 A. Yes.  
25 Q. -- that are accessible to students?

1 A. Yes.  
2 Q. Can you tell me how many there are?  
3 A. I'm only aware of the ones right on  
4 campus. And my son Jonathan says there's --  
5 there's some other bathrooms in the building that's  
6 like right in the corner of Hobart and 2nd. But he  
7 says they are locked.  
8 Q. Jonathan says this?  
9 A. Yes.  
10 Q. Why does Jonathan know about the  
11 bathrooms?  
12 A. Because when I run a little late to pick  
13 him up, he gets off from the bus and he walks on  
14 the campus and he has to use the bathroom and  
15 sometimes he goes through -- he goes in that  
16 building. And once he was going to go in and it  
17 was locked. And, you know, he knew -- he learned  
18 that there was a bathroom in there.  
19 Q. This was after school when he went in?  
20 A. Yes.  
21 Q. It was locked after school?  
22 A. Yes.  
23 Q. Has Jonathan tried to go in during school  
24 hours to use the bathroom?  
25 A. No, because he would be at Rosewood.

1 No.  
2 Q. Of what you know, how many bathrooms are  
3 there on campus?  
4 A. Four.  
5 Q. And can you describe to me where these  
6 bathrooms are that you've identified? The first  
7 one is where?  
8 A. One is the room 1. One is --  
9 Q. Hold on. Is that the one in the  
10 kindergarten class?  
11 A. Yes.  
12 Q. And that's a boys and a girls bathroom?  
13 A. Yes.  
14 Q. Do you happen to know how many stalls are  
15 in each?  
16 A. No.  
17 Q. None of the details? You know there's a  
18 boys and a girls room there?  
19 A. Yes.  
20 Q. Where is the second bathroom on campus?  
21 A. Room 2.  
22 Q. Is that also a kindergarten class?  
23 A. Yes.  
24 Q. And it's inside the classroom?  
25 A. Yes.



- 1 Q. Is there a boys and girls room there?  
 2 A. See what the teacher does when they go --  
 3 it's like a unisex bathroom. When they go in, they  
 4 have to flip like a little cardboard thing so they  
 5 know the bathroom is busy. When they get out, they  
 6 flip it so it's available so the kids know it's  
 7 available.  
 8 Q. Is that the same for room 1?  
 9 A. Yes.  
 10 Q. There's one bathroom in room 1 and 2.  
 11 A. Yes.  
 12 Q. And it's a unisex bathroom, and they'll  
 13 put the card up?  
 14 A. Yes.  
 15 Q. Where is the third one?  
 16 A. In the campus.  
 17 Q. By the cafeteria?  
 18 A. No, right in the yard before the  
 19 cafeteria, you know, the playground.  
 20 Q. The third one, I'm going to say, is by the  
 21 playground?  
 22 A. Yes.  
 23 Q. Is that a boys and girls bathroom?  
 24 A. Yes.  
 25 Q. Have you been in that bathroom?

- 1 A. Yes.  
 2 Q. Is it big? Do you know how many stalls  
 3 are in there?  
 4 A. About two or three.  
 5 Q. And you've been into the girls bathroom,  
 6 correct?  
 7 A. Yes.  
 8 Q. Not the boys bathroom?  
 9 A. No.  
 10 Q. Where is the fourth one?  
 11 A. The one Jonathan told me about, but I  
 12 haven't been in there.  
 13 Q. You know what, it would be helpful if you  
 14 could you draw an outline of the campus and where  
 15 these bathrooms are?  
 16 A. Sure.  
 17 Q. That would be great.  
 18 (The witness complies.)  
 19 A. Do you want me to put the cafeteria, too?  
 20 Q. Sure, yeah. So we can have context, that  
 21 would be great.  
 22 (The witness complies.)  
 23 A. Okay. Here I'm not sure where exactly the  
 24 bathrooms are. But this is the building that's in  
 25

- 1 the corner of Hobart and 2nd.  
 2 Do you want me to write that for you?  
 3 Q. Sure.  
 4 A. Hobart and 2nd. And this is the main  
 5 entrance. Here is the school office. You walk in  
 6 here. And then here is the -- I mean the girl and  
 7 the boy. This is the bathrooms. And here is the  
 8 playground. And the cafeteria is over here.  
 9 MS. STRONG: I'd like to have this marked  
 10 as Exhibit 4.  
 11 (Deposition Exhibit 4 was marked by the  
 12 reporter for identification and is attached  
 13 hereto.)  
 14 BY MS. STRONG:  
 15 Q. I'm now looking at Exhibit 4. You've  
 16 described four different bathrooms to me. If you  
 17 could mark them by number on this exhibit.  
 18 Bathroom number 1, which is in room 1, can you show  
 19 me where that is?  
 20 A. I'm sorry, I didn't do room 1.  
 21 Q. That's okay. If you could put the  
 22 location where that would be.  
 23 A. Okay. It would be -- okay. Room 1 would  
 24 be about right here (indicating).  
 25 Q. That's going to be bathroom number 1. If

- 1 you can put a number 1 --  
 2 A. Okay.  
 3 Q. -- for a bathroom like number 1.  
 4 A. Okay.  
 5 (The witness complies.)  
 6 Q. And then we've got the third bathroom,  
 7 which is by the playground over there?  
 8 A. Uh-huh.  
 9 Q. So you can put number 3 for the bathrooms.  
 10 A. Right here (indicating)?  
 11 Q. Uh-huh.  
 12 (The witness complies.)  
 13 Q. Put a number symbol so we know what we are  
 14 talking about.  
 15 A. Okay.  
 16 (The witness complies.)  
 17 A. And this is 1 and this is 2.  
 18 Q. And then the fourth set of bathrooms.  
 19 A. Okay.  
 20 Q. So is this fourth set of bathroom in a  
 21 building? It's inside the building, correct?  
 22 A. Yes.  
 23 Q. Is this a new building on campus?  
 24 A. No. It's the old -- it's the old  
 25 building. The new one is right by here by the

1 cafeteria. They made a new building for the  
2 school.  
3 Q. And the cafeteria is in the new building,  
4 correct?  
5 A. Well, it's like right next to it by the  
6 auditorium. The auditorium is right here and then  
7 the new building is right here.  
8 Q. Okay. So other than those four bathrooms  
9 you've identified, do you know of any other  
10 bathrooms on campus?  
11 A. No.  
12 Q. Do you know if there are any in the new  
13 building, for example?  
14 A. I have no idea.  
15 Q. You've never been in the new building?  
16 A. No.  
17 Q. Okay. And of the bathrooms that you've  
18 written down, you've only been in bathroom  
19 number 3?  
20 A. Yes.  
21 Q. As identified on Exhibit 4. Okay. How  
22 many times have you been in bathroom number 3?  
23 A. Maybe twice.  
24 Q. And while you were in bathroom number 3,  
25 did you notice anything -- can you please describe

1 Q. Was there other trash other than paper  
2 towels on the floor?  
3 A. Small pieces of paper.  
4 Q. Like what kind of paper?  
5 A. Candy wrappers.  
6 Q. So paper towels and candy wrappers were on  
7 the floor?  
8 A. Yes.  
9 Q. Can you remember anything else on the  
10 floor?  
11 A. No.  
12 Q. Were these things by a trash can or  
13 everywhere?  
14 A. They were --  
15 Q. Close to a trash can or not?  
16 A. The trash can was already -- it was like  
17 already piled up with trash. It was like  
18 completely --  
19 Q. So it was --  
20 A. -- full.  
21 Q. The trash can was overflowing a little  
22 bit?  
23 A. Yes.  
24 Q. And that's where the trash, the paper  
25 towels and candy wrappers were by that trash can?

1 what it looked like when you went in there?  
2 A. The first time there was a lot of paper on  
3 the floor, a lot of trash. The second time it was  
4 clean.  
5 Q. The first time do you remember when that  
6 was?  
7 A. No.  
8 Q. No? Do you know what it was like when you  
9 first started volunteering there or kind of later?  
10 A. No, I don't remember.  
11 Q. Do you remember what time of day it was?  
12 A. It was -- it was when I was picking them  
13 up from school, like around 3:00.  
14 Q. At the end of the school day?  
15 A. Yeah.  
16 Q. At the end of the school day?  
17 A. Yes.  
18 Q. And I want to be very specific about what  
19 it was that you saw. You said you saw paper and  
20 trash on the floor?  
21 A. Yes.  
22 Q. Was this paper towels?  
23 A. The ones that were on the floor?  
24 Q. Yes.  
25 A. Yes.

1 A. They were by as you walk by the entrance  
2 of the door. Not right by the trash can.  
3 Q. How many pieces of paper do you think were  
4 on the floor if you have to give your best  
5 estimate?  
6 A. About maybe six, seven.  
7 Q. About six or seven pieces of paper on the  
8 floor?  
9 A. Yes.  
10 Q. Does that include the paper towels?  
11 A. Yes.  
12 Q. Did you notice anything else about the  
13 bathroom when you were in it --  
14 A. No.  
15 Q. -- that one time?  
16 Did you happen to see if there was soap in  
17 the bathroom?  
18 A. I don't remember.  
19 Q. Okay. Did you happen to notice if there  
20 was toilet paper in the restroom?  
21 A. I don't remember.  
22 Q. Did you use the restroom that time?  
23 A. Yes.  
24 Q. So you don't remember there not being  
25 toilet paper?

- 1 A. I don't remember.  
 2 Q. So you think there probably was?  
 3 A. Yes.  
 4 Q. There's no other problems you noticed with  
 5 the bathroom?  
 6 A. No.  
 7 Q. Did you notice the floor? Was the floor  
 8 dry or was it wet?  
 9 A. I don't remember.  
 10 Q. The second time you went in the bathroom  
 11 you said it was clean, correct?  
 12 A. No.  
 13 Q. No paper on the floor?  
 14 A. No.  
 15 Q. So there was no paper on the floor?  
 16 A. No.  
 17 Q. And did you notice if there was soap in  
 18 the bathroom?  
 19 A. No.  
 20 Q. Did you use the restroom that time?  
 21 A. I just went in to wash my hands.  
 22 Q. Did you know if there were paper towels  
 23 that were available for you to dry your hands?  
 24 A. I don't think so.  
 25 Q. How did you dry your hands?

- 1 A. I just, you know -- I just rub my hand  
 2 (indicating).  
 3 Q. Did you look to see if there were paper  
 4 towels to dry your hands?  
 5 A. I don't remember. Probably. Probably not  
 6 if, you know, I went -- I just tried to dry my  
 7 hands, you know.  
 8 Q. Did you look one way or the other?  
 9 A. No.  
 10 Q. Do you know if there's electric dryers in  
 11 there?  
 12 A. No, there isn't.  
 13 Q. There aren't?  
 14 A. No.  
 15 Q. You didn't look one way or the other with  
 16 respect to paper towels?  
 17 A. No.  
 18 Q. Do you have any reason to believe -- have  
 19 you heard from anyone else that they have noticed  
 20 any problems with the bathrooms at Cahuenga Avenue  
 21 Elementary?  
 22 A. No.  
 23 Q. Has Samuel ever said anything to you about  
 24 the bathrooms at Cahuenga?  
 25 A. No.

- 1 Q. So you never heard any complaints about  
 2 them being dirty or not functioning or anything of  
 3 that nature?  
 4 A. No.  
 5 Q. Wait until I'm done.  
 6 No, you have not?  
 7 A. No, I have not.  
 8 Q. Do you know how the bathrooms are cleaned?  
 9 A. No.  
 10 Q. You don't know who cleans them?  
 11 A. I've seen a couple of janitors, but I'm  
 12 not sure who exactly cleans them.  
 13 Q. You've seen some janitors on campus. Have  
 14 you ever seen them cleaning the bathrooms?  
 15 A. I've seen them taking out trash, but not  
 16 actually cleaning them.  
 17 Q. Okay. And what time of day did you see  
 18 them taking out trash?  
 19 A. It was like around lunchtime.  
 20 Q. Okay. When did you see this?  
 21 A. I don't remember.  
 22 Q. When you were volunteering, though?  
 23 A. It could have been when I was  
 24 volunteering.  
 25 Q. Do you know how many times you saw

- 1 people -- janitors taking trash out of the  
 2 bathroom?  
 3 A. Maybe once.  
 4 Q. Okay. Have you ever complaint about the  
 5 bathrooms at Cahuenga Avenue being locked at all?  
 6 A. No.  
 7 Q. You mentioned -- I don't want to -- I  
 8 don't want you to believe I've forgotten what you  
 9 said. I know you mentioned Jonathan said bathroom  
 10 number 4 on Exhibit 4 was locked, but that was when  
 11 he tried to enter the school after school hours,  
 12 correct?  
 13 A. Correct.  
 14 Q. And other than that, there is no other  
 15 time that you ever have heard any complaints from  
 16 anyone with respect to the bathrooms being locked  
 17 at Cahuenga Avenue Elementary?  
 18 A. Correct.  
 19 Q. Can you see the restrooms when you are  
 20 volunteering from the cafeteria? Can you see like  
 21 restroom number 3 or restroom number 4, for  
 22 example?  
 23 A. Well, you can see like, you know, they  
 24 always have the door open. You can see like -- you  
 25 can see the sinks. You can't see the toilet -- the

1 toilets, but you can see the sink.  
 2 Q. Of bathroom number 3?  
 3 A. Yes.  
 4 Q. On Exhibit 4?  
 5 A. Yes.  
 6 Q. Okay. Did you ever happen to notice  
 7 whether there was a line at bathroom number 3?  
 8 A. No.  
 9 Q. A line of students waiting to use the  
 10 restroom?  
 11 A. No.  
 12 Q. You never saw that?  
 13 A. No.  
 14 Q. "No, I did not"?  
 15 A. No, I did not.  
 16 Q. Thanks.  
 17 Just to make sure it's clear. Have you  
 18 ever heard of students complaining about lines in  
 19 the bathrooms?  
 20 A. No.  
 21 Q. And has Samuel ever said that there's been  
 22 a line in the bathroom at school?  
 23 A. No.  
 24 Q. Based on your experience of volunteering,  
 25 you are familiar with the cafeteria on campus,

1 correct?  
 2 A. Correct.  
 3 Q. Can you describe the cafeteria to me? You  
 4 said it's next to the new building, is that what  
 5 you said?  
 6 A. It's -- yes. It's right next to the new  
 7 building. Like the auditorium is right here and  
 8 the cafeteria is right here and the building is  
 9 like right -- it's like right in the center of it.  
 10 Q. Do you know when this cafeteria was built?  
 11 A. No, I don't.  
 12 Q. Does it look kind of new?  
 13 A. Yes.  
 14 Q. Does it have indoor and outdoor seating  
 15 for the students?  
 16 A. I've just seen outdoor.  
 17 Q. You've just seen the outdoor?  
 18 A. Yes.  
 19 Q. Do you know one way or the other if  
 20 there's indoor seating?  
 21 A. I don't have any --  
 22 Q. Okay. Do you know if it's got tile floor?  
 23 A. I think it does.  
 24 Q. Have a tile floor?  
 25 A. Yes.

1 Q. Okay. Do you think that there's anything  
 2 wrong with the cafeteria at the school?  
 3 A. Inside the cafeteria you mean or just --  
 4 Q. Where the students eat.  
 5 MR. VILLAGRA: Objection. Vague. They  
 6 eat inside and outside, apparently.  
 7 MS. STRONG: She didn't know about any  
 8 indoor seating.  
 9 THE WITNESS: They have two places where  
 10 they eat right by the classroom, by classroom 1 and  
 11 2. That's where the kindergarteners eat. Over  
 12 here (indicating) is where the 1st through 5th  
 13 graders eat.  
 14 BY MS. STRONG:  
 15 Q. I'm sorry. Okay.  
 16 So where would you volunteer?  
 17 A. Here (indicating).  
 18 Q. Where the kindergarteners would eat?  
 19 A. Yes.  
 20 Q. Which is by room 1 and 2 on Exhibit 4?  
 21 A. Correct.  
 22 Q. Are you familiar with the cafeteria where  
 23 the 1st through the 5th graders eat?  
 24 A. Yes.  
 25 Q. How do you know that cafeteria?

1 A. Okay. The reason because when the kid  
 2 line up here by the entrance -- where is the  
 3 entrance? Okay. They line up here by the  
 4 entrance. They go in here, line them up.  
 5 Q. They go in by the school office? We have  
 6 to make sure the record is clear. When they go in  
 7 by the school office on Exhibit 4, yes?  
 8 A. Yes. They line up here, and then they  
 9 make them walk around here all across the yard.  
 10 And then they line up and wait to get their cards.  
 11 And then they get their lunch. Then they make them  
 12 walk back all the way back here, rainy days,  
 13 however the weather is.  
 14 Q. Let me see if I can explain this so it's  
 15 clear.  
 16 The students in the kindergarten classes  
 17 line up by their kindergarten classes, and then  
 18 walk across campus to the cafeteria, and then  
 19 return from the cafeteria back to their  
 20 kindergarten classes to eat their lunch; is that  
 21 correct?  
 22 A. Correct.  
 23 MR. VILLAGRA: I'll clarify she seemed to  
 24 describe something of a zig zag on the way over  
 25 there.

1 BY MS. STRONG:

2 Q. Okay. Is there any reason why they zig  
3 zag on the way over there, to the extent that  
4 that's what happens?

5 A. I don't know. I really don't know why  
6 they make them travel so much.

7 Q. You think there's a more direct room to  
8 the kids cafeteria?

9 A. I think it would be easier if they go  
10 through here instead of making them go around all  
11 this (indicating).

12 Q. You don't know one way or the other why  
13 the students are taken to the cafeteria in the way  
14 they are taken to the cafeteria, correct?

15 A. No.

16 Q. All right. So when I asked -- this  
17 question began because I was asking if you were  
18 familiar with the cafeteria --

19 A. Yes.

20 Q. -- where the 1st through 5th graders eat.  
21 Are you trying to explain to me that when the  
22 students from the kindergarten class walk to the  
23 cafeteria to get their food and walk back to the  
24 class to eat, you walk with them, correct?

25 A. Correct.

1 A. Correct.

2 Q. And can you describe that eating area to  
3 me, please?

4 A. Okay. There are tables here like one,  
5 two, three -- I think there's about five tables.  
6 And the tables, they painted them the same color of  
7 the -- I don't know. Little like storage rooms  
8 they have around there. So they matched the --  
9 they painted them the same color.

10 The paint is all chipped off and the  
11 tables are very dirty. And I've seen the janitors  
12 that they just -- they just, you know, water hose  
13 down the tables. They don't actually scrub, clean,  
14 sanitize the tables. So then the tables are all  
15 wet, you know. They are not -- they are not  
16 disinfected or anything. They are very dirty.

17 Q. Okay. When you -- is there anything else  
18 that you think is a problem with the eating area by  
19 the kindergarten class?

20 A. By the eating area, no. But my concern is  
21 that, you know, the way they make them travel all  
22 the way over here and, you know, like when it's  
23 raining they have to travel all the way over here,  
24 you know. Instead of maybe letting them eat in  
25 this area when it rains, they have to walk all the

1 Q. You are with the students when they are  
2 getting their food from the cafeteria, that's when  
3 you have been able to observe the cafeteria?

4 A. Yes.

5 Q. Okay. So -- and you would do that when  
6 you were volunteering, correct?

7 A. Correct.

8 Q. Okay. So with respect to this cafeteria  
9 that you've come to observe when you were assisting  
10 with the kindergarteners, did you observe any  
11 problems with respect to this cafeteria?

12 A. To -- no.

13 Q. No? You -- okay. Have you heard that  
14 there are any problems with this cafeteria, the  
15 main cafeteria on campus since you have been at the  
16 school?

17 A. No.

18 Q. Have you heard of any problems, period,  
19 about -- I'm sorry. Have you heard about any  
20 problems ever with respect to them -- to the  
21 cafeteria for grades 1 through 5 on the Cahuenga  
22 Elementary School campus?

23 A. No.

24 Q. With respect to I guess there's an eating  
25 area by the kindergarten class; is that correct?

1 back here with their food, and it gets all wet, you  
2 know.

3 MS. STRONG: I have to clarify for the  
4 record what I believe the deponent is saying is  
5 that when -- she would prefer it if the  
6 kindergarten students could walk to the cafeteria,  
7 which is usually designated for the 1st to 5th  
8 graders, and eat their lunch in that cafeteria as  
9 opposed to walking back to the kindergarten area to  
10 eat their lunch.

11 THE WITNESS: Correct.

12 MR. VILLAGRA: I think she preferred a  
13 more direct route.

14 MS. STRONG: And she would prefer they  
15 walked in a more direct route.

16 MR. VILLAGRA: I want to point out it's  
17 about ten of 5:00.

18 MS. GODFREY: Can I ask one question about  
19 that?

20 MS. STRONG: Sure.

21 MS. GODFREY: Is that okay?

22 MS. STRONG: Yes.

23 ///

24 ///

25 ///

## EXAMINATION

1  
2  
3 BY MS. GODFREY:  
4 Q. Mrs. Tellechea, is there any way to walk  
5 from the eating area where the kindergarten kids  
6 eat to the big kids cafeteria that's under an  
7 overhang?  
8 A. Well, I think this would be the shortest  
9 way through the entrance. Here is the office.  
10 They just walk straight here (indicating). It's  
11 more direct than going around.  
12 Q. But you said they had to walk in the rain.  
13 I was just wondering if there was a way to get from  
14 one place to the other where they wouldn't have to  
15 go and be outside in the rain?  
16 A. The only like route they have is like once  
17 they pass the entrance to the office, and from  
18 there on is just, you know.  
19 Q. So the answer to my question would be no?  
20 A. No.  
21 MS. GODFREY: Thank you.  
22 ///  
23 ///  
24 ///  
25 ///

1 hang around there to wait for their kids, you know,  
2 from these rooms, you can't even sit town to wait  
3 for them. You have to stand up or bring your own  
4 little napkin or something and wipe off so you can  
5 sit down.  
6 Q. What point -- this is when the students  
7 are waiting to be picked up, you said, or when you  
8 waiting for the students to get out of class? What  
9 waiting time are you referring to?  
10 A. Yeah, the waiting time when you're on --  
11 when we're waiting for our child's, you know, to  
12 get out of the classroom.  
13 Q. So what time of day is that?  
14 A. This is 2 -- when I usually -- when I  
15 would go there, it would be about maybe 2:00, 2:45.  
16 Q. So the tables are wet at 2:45?  
17 A. Yes.  
18 Q. Okay. Do you know what time they are  
19 hosed down at?  
20 A. Approximately, no. Sometimes I have drove  
21 by there and I've seen them water hosing, but I'm  
22 not sure if it's between 1:00 or 2:00. I don't  
23 have an exact time.  
24 Q. Do you know if whoever cleans the  
25 tables -- do you know who cleans the tables?

## EXAMINATION (resumed)

1  
2  
3 BY MS. STRONG:  
4 Q. I want to make sure that I have it clear.  
5 The paint chipped on the tables. You  
6 think that the tables where the students eat in the  
7 kindergarten area are dirty. And then also you  
8 believe that the tables are watered down with a  
9 hose. And you believe that the students should not  
10 have to walk to the cafeteria and back in touch --  
11 in a nondirect route. And you believe that the  
12 students should not have to walk to the cafeteria  
13 and back when it is raining outside.  
14 Are those your complaints with respect to  
15 the eating -- where the kindergarteners have to eat  
16 in the Cahuenga Avenue Elementary School?  
17 A. Correct.  
18 Q. Is there anything else that disturbs you  
19 with respect to the eating area for kindergarteners  
20 at the Cahuenga Avenue Elementary School?  
21 A. And if they could sanitize those tables,  
22 they are very dirty. And kids -- I've seen kids  
23 jump on the tables, you know, because they are wet.  
24 I mean they are completely, you know, wet.  
25 And then when parents, you know, sit --

1 A. No. I've seen the man but I don't know  
2 exactly his name.  
3 Q. He's one of the custodians on campus?  
4 A. Yes.  
5 Q. When the custodian is cleaning the table,  
6 do you know if the custodian uses soap and water to  
7 clean the tables?  
8 A. I don't think so.  
9 Q. Why don't you think so?  
10 A. Because I just see him with a water hose.  
11 Q. Okay. Do you watch him clean the tables  
12 every day?  
13 A. No.  
14 Q. Okay. And when you've seen him clean with  
15 the water hose, that's when you are driving by the  
16 school?  
17 A. Once or twice when I have driven by I've  
18 seen him with the water hose.  
19 Q. You've seen him about two times at the  
20 most with a water hose?  
21 A. Yes.  
22 Q. Other than that, you haven't seen who  
23 cleans the tables or how they are cleaned?  
24 A. No.  
25 Q. This is only what you've seen when you are

1 driving in your car passing by the school, correct?  
 2 A. Yes. Those two times that I've seen only.  
 3 Q. Okay. So he could have used soap and  
 4 water but you wouldn't know one way or the other  
 5 because from what you saw, all you saw was the  
 6 hose, correct?  
 7 A. Yes.  
 8 Q. So when your children are eating lunch  
 9 between 11:30 and 12:00, are the tables wet then?  
 10 A. No.  
 11 Q. And at that point the tables are clean,  
 12 correct?  
 13 A. The tables don't seem to be clean. It's  
 14 like when you wet something and it's muddy and it  
 15 dries up. That's how they look. Like when people  
 16 jump, you can see the steps from the shoes, the  
 17 footsteps from the shoes. I mean but it's dried up  
 18 but -- I mean, it doesn't look completely  
 19 sanitized.  
 20 Q. Do the children have trays that they bring  
 21 their food on?  
 22 A. Yes.  
 23 Q. And do they keep their trays on the table  
 24 when they are eating?  
 25 A. Yes.

1 Q. Do you believe that the trays are clean?  
 2 A. Yes.  
 3 Q. So a child -- one of the kindergartener  
 4 students at Cahuenga Elementary has to eat his  
 5 lunch on a tray without having to touch the table,  
 6 correct?  
 7 A. Correct. Can I add something?  
 8 Q. Sure.  
 9 A. Sometimes, you know, some kids, you know,  
 10 they are eating and maybe their pizza or something  
 11 falls on the table. And I've seen them eat it, you  
 12 know, from the table.  
 13 Q. Okay. Sometimes food drops on the floor,  
 14 too, right?  
 15 A. Yeah, on the floor.  
 16 Q. And sometimes they eat it off the floor,  
 17 don't they?  
 18 A. Yeah.  
 19 Q. And it's not much you can do about that  
 20 because children are children, correct?  
 21 A. Correct.  
 22 Q. Beyond what you described as just it dried  
 23 and it looks like a little bit of dirt on the table  
 24 is dried in, is there anything else that makes you  
 25 think that the tables are dirty?

1 A. Just the paint chipping off the tables  
 2 and, you know, how the -- how the aspect -- just by  
 3 looking at them, you know, they don't look nice at  
 4 all.  
 5 Q. Okay. And how many tables are there?  
 6 A. There are about five. I'm not completely  
 7 sure, but about five tables.  
 8 Q. And they have the benches attached to them  
 9 or something?  
 10 A. Yes.  
 11 Q. So I'm trying to get a sense of -- is the  
 12 paint peeling off every day?  
 13 A. Well, they -- they were painted like --  
 14 it's like a teal color. You can see they used to  
 15 be painted red. You can see the old paint.  
 16 Q. You can see the red paint through the teal  
 17 paint?  
 18 A. Yes.  
 19 Q. But have you actually seen the teal paint  
 20 peel off?  
 21 A. I can't remember.  
 22 Q. You can't remember any time when you've  
 23 seen the teal paint pulling off of the table?  
 24 A. No, but you can see they are chipped off.  
 25 Q. You can see it has been chipped, correct?

1 A. Yes.  
 2 Q. But you've never seen a child chip the  
 3 paint off or you've never seen the paint pulling  
 4 off yourself?  
 5 A. No.  
 6 Q. Do you think that it's -- that it -- that  
 7 this problem has gotten worse during the year when  
 8 Samuel was there or has it stayed about the same,  
 9 it's been chipped all year long?  
 10 A. Well, they were painted before. I don't  
 11 remember exactly when. But this has -- I don't  
 12 know if it's because of the water hosing that they  
 13 are chipping off more. But they were painted when  
 14 he -- like, I don't know, a couple of months after  
 15 he started school.  
 16 Q. So they are painted probably like in  
 17 November of 19 -- I'm sorry, November of 2000; is  
 18 that correct?  
 19 A. It could be possible. I don't know  
 20 exactly the time.  
 21 Q. Approximately?  
 22 A. Yes.  
 23 Q. Okay.  
 24 A. But they were painted.  
 25 Q. Okay. And that's when they were painted

1 teal?  
 2 A. Yes.  
 3 Q. Okay. And so slowly they've started to  
 4 chip between that time in November and now, or  
 5 in -- in I guess April of 2001, correct?  
 6 A. Correct.  
 7 Q. And do you know when they are scheduled to  
 8 be painted again?  
 9 A. I have no idea.  
 10 Q. Have you asked anybody about the tables  
 11 being painted again?  
 12 A. No.  
 13 Q. Have you ever complained about the tables  
 14 chipping?  
 15 A. No.  
 16 Q. Have you ever complained to anyone about  
 17 the tables being what you believed to be dirty?  
 18 A. No.  
 19 Q. Is there a reason why you didn't  
 20 complained about it?  
 21 A. No.  
 22 Q. I mean it's not that big -- it doesn't  
 23 really interfere too much with Samuel's day at  
 24 school, does it?  
 25 A. I don't think so. I mean I just -- I just

1 Q. Kind of after school hours?  
 2 A. Yes.  
 3 Q. That's where they wait for their parents  
 4 to pick them up, is that correct?  
 5 A. It could be that or they are waiting for  
 6 their siblings.  
 7 Q. Okay. To come out of the kindergarten  
 8 class?  
 9 A. Yes.  
 10 Q. Have you ever complained about the route  
 11 that the children take to the cafeteria?  
 12 A. I just asked the ladies that worked there,  
 13 you know, why they -- they make them travel so  
 14 much. And she said that when they were building  
 15 that new building they had -- they had -- they had  
 16 that in the plan.  
 17 Q. Do you want to mark the new building on  
 18 here on the exhibit for me, please, so we know  
 19 where that is. You can write "new building."  
 20 (The witness complies.)  
 21 A. This is the auditorium. The new building  
 22 is right here.  
 23 Q. Great.  
 24 A. It's like in -- you know, it's all in  
 25 here, the new building.

1 warn him: If food falls on the table, don't eat  
 2 it." I've always warned him since he was little,  
 3 "Don't eat it if it falls on the table."  
 4 Q. He's able to eat and be careful --  
 5 A. Yes.  
 6 Q. -- using his tray so he doesn't have to  
 7 have his food on the dirty table?  
 8 A. Yes.  
 9 Q. Did you think the tables were dirty in  
 10 what you described with the dried dirt on it every  
 11 day that you volunteered or was it some of the  
 12 days?  
 13 A. Well, I can't really tell, you know,  
 14 when -- when they are water hosed and air dried  
 15 they probably look like the normal color, the  
 16 paint. But the problem is when the kids jump on  
 17 there then they get them all dirty with the dirt.  
 18 Q. So is it always like that?  
 19 A. Pretty much.  
 20 Q. When do the children jump on the tables?  
 21 A. They jump right after -- like close to --  
 22 because the older kids they get out of school  
 23 around 2:50. So they are in hanging around that  
 24 area, jumping on the table and playing around  
 25 there.

1 MS. STRONG: So Mrs. Tellechea has marked  
 2 both an auditorium and new building on Exhibit 4  
 3 for us.  
 4 Q. So -- I'm sorry. When they were building  
 5 the new building --  
 6 A. Oh, yes. She had that in the plans they  
 7 had to make something like a -- like a roof, you  
 8 know, like a walkway where, you know. They would  
 9 be covered, you know, when, you know, when like in  
 10 rain and the bad conditions of weather. But I  
 11 don't know why it wasn't -- she didn't know why  
 12 they didn't do it.  
 13 Q. Complete it?  
 14 A. Yeah.  
 15 Q. Who was it that you were talking to?  
 16 A. She's the lady that works there in the  
 17 lunch.  
 18 Q. In the lunch area?  
 19 A. Yeah.  
 20 Q. Does she work in the cafeteria?  
 21 A. She is like -- she works there in the  
 22 cafeteria with -- she works with the  
 23 kindergarteners. When they finish eating she goes  
 24 with the 1st and the 5th graders.  
 25 Q. The 1st and the 5th graders?



- 1 A. Yes.  
 2 Q. She just works in the cafeteria? She's  
 3 not a teacher or administrator?  
 4 A. No.  
 5 Q. You had this conversation with her once  
 6 about how the children walked to the cafeteria,  
 7 correct?  
 8 A. Yes.  
 9 Q. Did you speak to anyone else about how the  
 10 children walked to the cafeteria?  
 11 A. No.  
 12 Q. You never commented? You never complained  
 13 to the principal about that or Mr. Pan, the  
 14 teacher?  
 15 A. No.  
 16 Q. Is there a reason why you didn't ask the  
 17 teacher or the principal about this issue?  
 18 A. No. Because what I would do is when the  
 19 weather was -- when the weather was bad, I would  
 20 just keep my son at home and give him, you know,  
 21 lunch and just take him in at 11:30. I just left  
 22 it like that.  
 23 Q. Is lunch optional at the school?  
 24 A. Yes.  
 25 Q. For the kindergarteners?

- 1 A. I guess it is, yeah.  
 2 Q. You can come -- you don't have to go to  
 3 school at 11:00? You can just go to class if you  
 4 like and eat at home?  
 5 A. Yes.  
 6 Q. It's like an extra thing that the school  
 7 offers to those that are in kindergarten if they  
 8 want it, right?  
 9 A. Right.  
 10 Q. Do you ever take your son to the park?  
 11 A. Yes.  
 12 Q. Do you ever have a picnic at the park?  
 13 A. We used to have them often when my  
 14 mother-in-law was here. But now hasn't been -- we  
 15 are not so like so many family members together so  
 16 not as much.  
 17 Q. When you went to the park for picnics, did  
 18 you ever eat on tables at the park or would you eat  
 19 on the ground?  
 20 A. Tables.  
 21 Q. And did you consider those tables to be  
 22 clean?  
 23 A. No.  
 24 Q. But you would eat with your family at  
 25 those tables, though, for the picnic?

- 1 A. Yeah, take tablecloth.  
 2 Q. I guess is there any reason why -- I don't  
 3 believe I asked you this. Is there any reason why  
 4 you didn't ask the principal or the teacher about  
 5 the route the children take to the cafeteria?  
 6 A. No. I just -- I just left it like that.  
 7 I didn't want to make any comment.  
 8 Q. It didn't bother you that much? It didn't  
 9 bother you enough to make a complaint about it?  
 10 A. It was funny to me have them walk all the  
 11 way around when they could just go straight through  
 12 but -- can I just -- I forgot to add something.  
 13 Q. Okay. Go ahead.  
 14 A. When it rains they do take the shortcut.  
 15 Only When it rains they make them go through here  
 16 (indicating).  
 17 Q. They go the shorter direction when it  
 18 rains?  
 19 A. Yes. Sorry.  
 20 Q. I want to confirm then. The way the  
 21 children walked to the cafeteria didn't bother you  
 22 enough to make a complaint about it, correct?  
 23 A. Correct.  
 24 MS. STRONG: I mean there's obviously more  
 25 to do, but I think we are at a good stopping point.

- 1 So should we stop for the day?  
 2 MR. VILLAGRA: Yes.  
 3 MS. STRONG: One more question.  
 4 Q. Have you heard anybody else make any  
 5 complaints about the conditions at the cafeteria  
 6 where the kindergarteners eat?  
 7 A. Where the kindergarteners -- yes, but I  
 8 don't know their names.  
 9 Q. Okay.  
 10 A. I mean, you know, when the parents are  
 11 here, you know (indicating), outside on the gate,  
 12 they are looking at their kids, you know, until  
 13 they finish eating, and then they walk to their --  
 14 they line up to go in their classrooms, and I've  
 15 heard them commenting but I don't know the ladies.  
 16 Q. Were they speaking to you, these parents?  
 17 A. No, they were speaking about the little  
 18 girl but I don't know them.  
 19 Q. Do you know exactly what they said?  
 20 A. I just heard them say that why make  
 21 them -- they just started making the walk, you  
 22 know, take the shortcut in the rain like they  
 23 started doing that. But before they would make  
 24 them, even though on rainy days they would make  
 25 them walk around. And they would comment why make

1 them take such a long way.

2 Q. Did you hear any other complaints about  
3 the eating area where the kindergarteners eat at  
4 the school?

5 A. I heard them commenting about the tables,  
6 too.

7 Q. And what about the tables?

8 A. That they were dirty and the paint was  
9 peeling, chipping.

10 Q. The same comments that you made?

11 A. Yes.

12 Q. Did you hear anything more about any other  
13 complaints about the cafeteria or eating area of  
14 the school?

15 A. No.

16 Q. And I believe -- I just want to confirm.  
17 You've never heard anyone complain about the  
18 cafeteria for grades 1 through 5, correct?

19 A. No.

20 Q. Correct?

21 A. Correct.

22 MS. STRONG: Now we are at a good stopping  
23 point. Should we go off the record for a second?

24 (Discussion off the record.)

25 MS. STRONG: I'm not through with my

1 THE WITNESS: Yes.

2 MS. STRONG: I currently have plans for  
3 the weekend of the 2nd and 3rd, so I'm not sure I'm  
4 available. However, we have agreed to hold that  
5 weekend open for this deposition unless we can come  
6 to an agreement among the attorneys at least -- and  
7 then with you, Mrs. Tellechea -- during the week to  
8 hold it at some other time other than June 2nd  
9 and 3rd. Correct?

10 THE WITNESS: Correct.

11 MS. STRONG: So for the closing  
12 stipulation, may we stipulate that copies of  
13 documents attached to the deposition may be used as  
14 originals?

15 MR. VILLAGRA: Yes.

16 MS. STRONG: And may we stipulate that the  
17 original of this deposition be signed under penalty  
18 of perjury; that the original be delivered to the  
19 office of Hector Villagra at MALDEF; the court  
20 reporter is relieved of liability for the original  
21 of the deposition; that the witness will have 15  
22 days from the date of the court reporter's  
23 transmittal letter to MALDEF -- to Mr. Villagra --  
24 for the witness to sign and correct the deposition;  
25 that Mr. Villagra will notify all parties in

1 questions yet for you, Mrs. Tellechea, but I  
2 understand that you would like to end the  
3 deposition at this point for the day. Is that  
4 correct?

5 THE WITNESS: Correct.

6 MS. STRONG: Okay. We have discussed off  
7 the record dates to continue this deposition. And  
8 you and your counsel have explained to me that you  
9 are only available on weekend dates; is that  
10 correct?

11 THE WITNESS: Correct.

12 MS. STRONG: You have indicated that you  
13 are available next weekend, which is the 26th and  
14 27th of May; is that correct?

15 THE WITNESS: Correct.

16 MS. STRONG: It is my understanding that  
17 Denise --

18 MS. GODFREY: Godfrey.

19 MS. STRONG: -- of Lozano Smith is not  
20 available that weekend. And you have indicated  
21 that you are available the following weekend, which  
22 is the 2nd and 3rd of June, correct?

23 THE WITNESS: Yes.

24 MS. STRONG: And you are also available on  
25 weekends thereafter?

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

6 MR. VILLAGRA: So stipulated.

7 MS. GODFREY: So stipulated.

8 THE REPORTER: Do you need a copy?

9 MS. GODFREY: Yes.

10 THE REPORTER: Do you take ASCII and  
11 Min-U-Script?

12 MS. GODFREY: Yes, I think so. I'm going  
13 to have to call you to be sure.

14 THE REPORTER: ASCII and Min-U-Script?

15 MR. VILLAGRA: Yes.

16 MS. GODFREY: Yes, we need those, too.

17 THE REPORTER: ASCII and Min-U-Script?

18 MS. GODFREY: Yes.

19 (The deposition was recessed at 5:17 P.M.)

DECLARATION

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

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

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.  
\_\_\_\_\_, California.

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WITNESS

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I, ASHALA TYLOR, a Certified Shorthand Reporter for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition, was by me duly sworn to testify as to the truth, the whole truth, and nothing but the truth pursuant to Section No. 2093 of the Code of Civil Procedure;

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

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

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31st day of May, 2001.

\_\_\_\_\_  
ASHALA TYLOR  
RPR, CRR, CSR No. 2436