

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

ELIEZER WILLIAMS, et al.,            )  
  )  
                          Plaintiffs,    )  
  )  
                  vs.                    )                    No. 312 236  
  )  
STATE OF CALIFORNIA, DELAINE        )  
EASTIN, State Superintendent        )  
of Public Instruction, STATE        )  
DEPARTMENT OF EDUCATION,         )  
STATE BOARD OF EDUCATION,         )  
  )  
                          Defendants.    )  
-----) )  
AND RELATED CROSS-ACTION.        )  
-----) )

DEPOSITION OF CAROL SHELLENBERGER  
Sacramento, California  
Tuesday, January 15, 2002

Reported by:  
TRACY LEE MOORELAND  
CSR No. 10397  
JOB No. 30593

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10     Tuesday, January 15, 2002

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1     BE IT REMEMBERED, that on Tuesday, January 15,  
2 2002, commencing at the hour of 10:02 a.m., thereof, at  
3 the offices of Morrison & Forester, 400 Capitol Mall,  
4 26th Floor, Sacramento, California, before me,  
5 TRACY LEE MOORELAND, a Certified Shorthand Reporter in  
6 the State of California, there personally appeared  
7     CAROL SHELLENBERGER,  
8 called as a witness herein, who, having been duly sworn  
9 to tell the truth, the whole truth, and nothing but the  
10 truth, was thereupon examined and interrogated as  
11 hereinafter set forth.

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EXAMINATION BY MR. ELIASBERG

14 Q. Good morning.  
15 A. Good morning.  
16 Q. I'm Peter Eliasberg, attorney from the ACLU,  
17 Southern California.  
18 If you would, spell your first and last name  
19 for the court reporter.  
20 A. Carol, C-a-r-o-l, Shellenberger,  
21 S-h-e-l-l-e-n-b-e-r-g-e-r.  
22 Q. Okay. Let me quickly go through the ground  
23 rules of the deposition process. But let me ask you  
24 first, have you been deposed before?  
25 A. Yes.

1 Q. Approximately how many times?  
 2 A. Once.  
 3 Q. When was that?  
 4 A. As I recall, about four years ago.  
 5 Q. And generally what was the subject matter of  
 6 the case?  
 7 A. It was a human resources case, a lawsuit.  
 8 Q. And by human resources, you mean a  
 9 discrimination case?  
 10 A. Basically an ADA case.  
 11 Q. And by "ADA," you mean Americans with  
 12 Disabilities Act?  
 13 A. Yes.  
 14 MR. SEFERIAN: Wait until he finishes his  
 15 question.  
 16 THE WITNESS: Okay. Thank you.  
 17 Q. BY MR. ELIASBERG: Were you a party in this  
 18 case or a witness?  
 19 A. A witness.  
 20 Q. Four years ago seems like a long time. Let me  
 21 go through the basic ground rules of the deposition, and  
 22 go out of order because I think the first one is  
 23 important. Because there is a reporter taking down the  
 24 information, it's very difficult for her if two people  
 25 are trying to talk at the same time. I know in ordinary

1 conversation we sort of finish each other's thoughts and  
 2 come on the end of a question someone might be asking us  
 3 because we know what the question is, but it doesn't  
 4 work here.  
 5 I'll do my best to make sure that I don't start  
 6 asking a question until you're finished with your  
 7 answer, and if you could try to make sure that I'm  
 8 finished with mine before you start answering, that  
 9 would really help the court reporter and everyone  
 10 involved.  
 11 The court reporter is taking down everything  
 12 that is said here today by any of the counsel, by you,  
 13 and unless we state clearly that we're off the record,  
 14 the court reporter is going to take down everything in  
 15 the transcript.  
 16 Do you understand that?  
 17 A. Yes.  
 18 Q. And you will have an opportunity at the end of  
 19 this deposition, or not right at the end, but subsequent  
 20 to this deposition, you will be provided with a copy of  
 21 the transcript that the court reporter has created, and  
 22 you'll have a chance to look that over.  
 23 Now, you will have the opportunity to correct  
 24 if you see spelling mistakes or small minor mistakes if  
 25 you want. You also would have the opportunity to make

1 substantive changes to the transcript, but I need to let  
 2 you know that if you were to make a substantive change,  
 3 change a "yes" answer to a "no" answer or substantially  
 4 change the meaning of one of your answers, that I or  
 5 some other counsel would have the opportunity if, for  
 6 example, we were in court, to comment on the fact that  
 7 you did change your answer.  
 8 Do you understand that?  
 9 A. Yes.  
 10 Q. I'm telling you that because what we're trying  
 11 to do here is get your best answers and your best  
 12 recollections at this point rather than you saying I'm  
 13 not going to worry about it, I'll just do the  
 14 corrections down the line.  
 15 Do you understand that?  
 16 A. Yes.  
 17 Q. You do also understand that the court reporter  
 18 has sworn you in and that you're under oath, and even  
 19 though we're not in a formal setting in the sense of  
 20 being in a courtroom, the same laws and penalties of  
 21 perjury apply here as would apply in a court of law.  
 22 Do you understand that?  
 23 A. Yes.  
 24 Q. As far as the questions that I ask you, I may  
 25 ask you confusing questions, but I'm not trying to trick

1 you or confuse you. I'm saying that because if you  
 2 don't understand a question that I ask, you should let  
 3 me know. And the reason you should do that is because  
 4 if you do answer the question, then people will assume  
 5 because it's in the transcript, you answered the  
 6 question, that you understood the question. So if  
 7 you're confused, please feel free to tell me. I will  
 8 make every effort to rephrase the question and make it  
 9 understandable for you.  
 10 Do you understand that?  
 11 A. Yes.  
 12 Q. Okay. I'm entitled here when I ask you a  
 13 question to your best recollection and your best, I  
 14 would say, estimate of an answer, as long as that is  
 15 based on something. We don't want you to guess. I  
 16 don't want you to just wildly speculate as to what the  
 17 answer to a question might be. If you don't have a  
 18 basis to answer that question, you shouldn't answer it  
 19 and you should let me know that. If you don't know the  
 20 answer, don't have a basis to answer it, there's nothing  
 21 wrong with saying you don't know the answer. Okay?  
 22 A. Yes.  
 23 Q. But if you do have a basis to answer, for  
 24 example, if I were to ask you a date and you don't  
 25 remember if it was April 14th or April 15th, you should

1 give me -- if you have a solid recollection, you should  
 2 give me your best estimate of what the correct answer  
 3 is. Okay?  
 4 A. Okay.  
 5 Q. Let's see. I can't predict right now exactly  
 6 how long this deposition will go, but our goal here is  
 7 not to test your endurance. And if you need to take a  
 8 break at any time, you should say so, let your counsel  
 9 know or just say it directly, and if it's a logical  
 10 breaking point I may say, well, let me ask one more  
 11 question because we're at a particular place to break.  
 12 But I will do everything I can to attempt to accommodate  
 13 you.

14 It's my general practice to go an hour and then  
 15 take a break, give or take a few minutes. But you're  
 16 not governed by my schedule. If you need to take a  
 17 break for some reason over a shorter period than that,  
 18 you're welcome to do that.

19 Is there any reason why we can't go forward  
 20 with this deposition right now?

21 A. I'm not aware of any.

22 Q. Are you taking any medication that would affect  
 23 your memory or your ability to answer questions here?

24 A. I don't believe so.

25 Q. Ms. Shellenberger, what is your current job

1 titles and hierarchies and so on. What was your working  
 2 class?

3 A. Human resources supervisor.

4 Q. Okay. And I believe you said that there was --  
 5 that was your job class and --

6 A. That's my working title.

7 Q. Okay. And what was your job class?

8 A. Staff Services Manager I.

9 Q. Did you have that position as human resources  
 10 supervisor in the Office of Public School Construction?

11 A. Yes.

12 Q. And how long did you hold that position?

13 A. About five years.

14 Q. Let me focus you on your current job position.

15 What are your duties and responsibilities as the special  
 16 assistant to Louisa Park?

17 MR. SEFERIAN: Objection. Calls for a  
 18 narrative.

19 THE WITNESS: Basically I assist on a variety  
 20 of projects as she requests from me.

21 Q. BY MR. ELIASBERG: And let's say in the last  
 22 year, what are the projects that you've assisted her on?

23 A. What types? I'm not quite sure what --  
 24 specifically which projects. There's a variety of  
 25 projects I've worked on.

1 title?

2 A. Special assistant.

3 Q. And are you a special assistant to a particular  
 4 person?

5 A. Yes, Louisa Park.

6 Q. Okay. And what is Louisa Park's title?

7 A. Executive officer.

8 Q. And what is the organization for which Ms. Park  
 9 is executive officer?

10 A. The State Allocation Board and the Office of  
 11 Public School Construction.

12 Q. Are you employed by the Office of Public School  
 13 Construction or the State Allocation Board, or both?

14 A. Just the Office of Public School Construction.

15 Q. And how long have you held the title of special  
 16 assistant to Ms. Park?

17 A. About two years.

18 Q. And prior to that, were you special assistant  
 19 to someone else, or did you have another job title?

20 A. Had another job title.

21 Q. And what was that?

22 A. Do you want my working class or my official  
 23 state classification?

24 Q. Let me get both, because I'm not nearly as  
 25 familiar as I'm sure you are with the various state job

1 Q. I'm asking you to tell me the variety of  
 2 projects that you have worked on in the past year.

3 A. Well, I can't recall all of them. I can give  
 4 you a general. Basically preparing and assisting in  
 5 drafting regulations, responding to correspondence,  
 6 preparing Board items, updating handbooks, researching  
 7 and writing various manuals, and working on some various  
 8 committees to implement various policies.

9 MR. ELIASBERG: Okay. Tracy, could you read  
 10 back just the first one that she listed in her last  
 11 answer.

12 (Record read.)

13 Q. BY MR. ELIASBERG: What regulations have you  
 14 assisted in drafting?

15 A. Federal renovation program, and I have worked  
 16 on some of the school facility program regulations.

17 Q. Are there specific school facility program  
 18 regulations that you recall working on?

19 A. I can't recall which parts I've actually worked  
 20 on.

21 Q. Those school facilities program regulations  
 22 that you've worked on, are they contained in any  
 23 particular section of the California code?

24 MR. SALVATY: Objection. The regulations --  
 25 objection. Vague.

1 MR. SEFERIAN: Objection. Calls for a legal  
2 conclusion.  
3 THE WITNESS: I don't know how to answer that  
4 question.  
5 Q. BY MR. ELIASBERG: Do you happen to know the  
6 section number of any of the regulations you've worked  
7 on?  
8 A. I can't recall.  
9 MR. SEFERIAN: Please wait until he finishes  
10 his question before you start answering.  
11 Q. BY MR. ELIASBERG: Have you assisted in  
12 drafting any regulations that have to do with  
13 eligibility for school construction funds?  
14 A. I can't recall.  
15 Q. Have you assisted in drafting any regulations  
16 that have to do with the eligibility for modernization,  
17 school modernization funds?  
18 A. I don't believe so.  
19 Q. Have you assisted in drafting any regulations  
20 that have to do with hardship criteria for new school  
21 construction?  
22 A. No.  
23 Q. Have you assisted in the drafting of any  
24 regulations that have to do the hardship criteria for  
25 obtaining modernization funds?

1 A. No.  
2 Q. Can you tell me briefly what the federal  
3 renovation program is?  
4 MR. SEFERIAN: Objection. Calls for a  
5 narrative. Overly broad.  
6 THE WITNESS: I'm not quite sure -- can you  
7 rephrase that question?  
8 Q. BY MR. ELIASBERG: I believe you said that you  
9 prepared or assisted in the drafting of regulations  
10 having to do with the federal renovation program?  
11 A. Yes.  
12 Q. Can you describe for me what the federal  
13 renovation program is?  
14 MR. SEFERIAN: Objection. Calls for a  
15 narrative.  
16 THE WITNESS: It's such a -- it's hard to  
17 really clarify that entire program.  
18 Q. BY MR. ELIASBERG: Can you tell me anything  
19 about the program?  
20 A. We're receiving federal money to do specific  
21 projects outlined in federal law, and it's a one-time  
22 appropriation from the federal government.  
23 Q. And what are the types of projects for which  
24 you're receiving appropriation?  
25 A. Rehabilitation projects, Americans with

1 Disabilities Act, ADA compliance projects, and projects  
2 that have asbestos abatement removal. And there's some  
3 others I don't recall.  
4 Q. Are there any projects that have to do with  
5 removing lead-based paint from schools?  
6 A. No.  
7 MR. SALVATY: Objection. Vague and ambiguous.  
8 THE WITNESS: I don't believe so.  
9 Q. BY MR. ELIASBERG: What do you mean by  
10 rehabilitation projects as you set forth in your  
11 previous answer?  
12 A. It's projects that meet the Rehabilitation Act  
13 of 1973, I believe.  
14 Q. Is that the federal --  
15 A. It's federal.  
16 Q. -- statute?  
17 A. Statute.  
18 MR. SALVATY: Can I state on the record what  
19 we've said in the past depositions, that the objections  
20 from one attorney will apply to everyone so that we  
21 don't have to keep saying join?  
22 MR. ELIASBERG: Agreed.  
23 MR. SALVATY: Great. Thanks.  
24 Q. BY MR. ELIASBERG: I believe you also said that  
25 one of the duties -- one of your duties is preparing

1 Board items; is that correct?  
2 A. Yes.  
3 Q. What is a Board item?  
4 A. It could be a variety of things. Can you be  
5 more specific?  
6 Q. Can you give me an example of a Board item?  
7 A. It's an item that might describe a regulation.  
8 Q. And what is the "Board" that's referred to in  
9 Board items?  
10 A. Say that again. I didn't hear you.  
11 Q. When you refer to a Board item, what is the  
12 "Board" that's referred to?  
13 A. State Allocation Board.  
14 Q. You also talked about updating handbooks. Can  
15 you give me an example of a handbook you've updated?  
16 A. School facility program.  
17 Q. Any others?  
18 A. I can't recall at this time.  
19 Q. Can you describe how you updated the schools  
20 facility program handbook?  
21 MR. SEFERIAN: Objection. Overly broad. Calls  
22 for a narrative.  
23 THE WITNESS: Can you rephrase that question?  
24 Q. BY MR. ELIASBERG: Sure. Can you describe some  
25 of the work that you did on the school facilities

1 program handbook?  
 2 A. It was quite some time ago. I can't really  
 3 recall exactly what I did.  
 4 Q. You also talked about working on -- I believe  
 5 you used the phrase various manuals. What are the  
 6 manuals that you -- that you're referring to?  
 7 A. I do recall -- the only one I can think of is  
 8 the -- creating actually more of an informational  
 9 document for energy compliance for school districts.  
 10 Q. Do you remember -- let's say in the last year  
 11 have you worked on any other manuals other than that  
 12 manual?  
 13 A. I can't remember if I have or have not.  
 14 Q. I believe you also said you assist with various  
 15 committees; is that correct?  
 16 A. Yes.  
 17 Q. What committees do you assist with?  
 18 A. I'm working on a community day, continuation  
 19 high committee.  
 20 Q. Any other committees?  
 21 MR. SEFERIAN: You mean right now?  
 22 Q. BY MR. ELIASBERG: Let's focus on right now.  
 23 Are there any other committees that you're working with  
 24 right now?  
 25 A. I'm working on a committee that involves CDE

1 and DSA. It's a business improvement team or committee.  
 2 Q. Let's say over the last four years, other than  
 3 the ones you've listed, are there other committees that  
 4 you've worked with?  
 5 A. I can't think of any in the last four years.  
 6 Q. Okay. What is the -- what is your  
 7 understanding of the purpose of the community day and  
 8 continuation high school committee?  
 9 A. What do you mean by "purpose"?  
 10 Q. Do you have any idea why the committee was set  
 11 up?  
 12 A. To review an education code.  
 13 Q. Is there a particular education code that the  
 14 committee's reviewing?  
 15 A. Yes. I can't recall the number.  
 16 Q. Do you know what the subject matter of that  
 17 code is?  
 18 A. To do a study on the loading standards.  
 19 Q. And what do you mean by "loading standards"?  
 20 A. I believe -- well, we haven't done the study,  
 21 so I'm not quite sure what they mean. They just said to  
 22 review the loading standards and come up with your  
 23 findings.  
 24 Q. Has this committee begun its study?  
 25 A. No, we're gathering documentation.

1 Q. Do you know how the study is going to be done?  
 2 MR. SALVATY: Objection. Vague.  
 3 THE WITNESS: I'm not sure until all the  
 4 information is gathered.  
 5 Q. BY MR. ELIASBERG: I believe you also talked  
 6 about working on a committee that was the CDE and DSA  
 7 business improvement committee; is that correct?  
 8 A. Yes.  
 9 Q. What is the purpose of that committee?  
 10 MR. SEFERIAN: Objection. Calls for  
 11 speculation. Lacks foundation.  
 12 Q. BY MR. ELIASBERG: Let me rephrase the  
 13 question. Do you have an understanding what the purpose  
 14 of the committee is?  
 15 A. A general. We just began. We've had one  
 16 meeting. My general understanding is to work on  
 17 processes and approving process amongst -- between the  
 18 offices.  
 19 Q. Do you have any idea of what processes people  
 20 are looking into trying to improve?  
 21 MR. SEFERIAN: Objection. Lacks foundation.  
 22 Calls for speculation.  
 23 THE WITNESS: I don't know specifically.  
 24 Again, we just began.  
 25 Q. BY MR. ELIASBERG: How long have you been

1 working with the community day and continuation high  
 2 school committee?  
 3 A. Approximately a year.  
 4 Q. What tasks have you -- when you say you've been  
 5 working with that committee, what tasks have you taken  
 6 on during that year?  
 7 A. Rephrase that question. I'm not quite sure.  
 8 Q. In the work that you've done with that  
 9 committee, what has that work been? I'm focusing on you  
 10 particularly, not the committee, but the specific tasks  
 11 that you've done.  
 12 A. Set up meetings, distributed the information on  
 13 the ed code we're looking at, running the meeting, and  
 14 just generally getting started with the discussion of  
 15 where we're going with this.  
 16 Q. Who is on the committee?  
 17 A. It's a variety of school districts, county  
 18 superintendent of schools, CDE individuals, some other  
 19 members in my office, and I believe some State  
 20 Department of Education staff.  
 21 Q. Do you know who the members from the CDE are?  
 22 A. Yes, Michelle Collins, Jim Bush.  
 23 Q. Do you know Ms. Collins' title?  
 24 A. No, I do not.  
 25 Q. Do you know Mr. Bush's title?

1 A. I don't know.  
 2 Q. Had you met Mr. Bush before this committee  
 3 began?  
 4 A. Yes.  
 5 Q. How long have you known Mr. Bush?  
 6 A. I'm not quite sure. Maybe a year.  
 7 Q. What other members of OP -- strike that  
 8 question.  
 9 Are Ms. Collins and Mr. Bush the only CDE  
 10 members on the committee?  
 11 A. Yes.  
 12 Q. How about other members of the OPSC? Who else  
 13 is on the committee?  
 14 A. Phil Shearer and Audrey Edwards and Rich  
 15 Sheffield.  
 16 Q. Let me ask you to do this. It's Phil Shearer,  
 17 Audrey Edwards, and, I'm sorry, what was the last name?  
 18 A. Rich Sheffield.  
 19 Q. Could you spell Shearer?  
 20 A. S-h-e-a-r-e-r.  
 21 Q. Okay. And, I guess, can you spell Ms. Edwards'  
 22 first name?  
 23 A. Audrey, A-u-d-r-e-y.  
 24 Q. And Mr. Sheffield's last name?  
 25 A. S-h-e-f-f-i-e-l-d.

1 Q. What's Mr. Shearer's title?  
 2 A. Currently he's a retired annuitant.  
 3 Q. Do you know what his title was before he  
 4 retired?  
 5 A. Chief of operations.  
 6 Q. Ms. Edward's title?  
 7 A. Manager of program services.  
 8 Q. And Mr. Sheffield, his title?  
 9 A. He's a supervisor in program area.  
 10 Q. Do you have an understanding of what program  
 11 services is? And I'm using the phrase the way you used  
 12 it when you described Ms. Edward's title.  
 13 MR. SEFERIAN: Objection. Overly broad.  
 14 THE WITNESS: What do you mean?  
 15 Q. BY MR. ELIASBERG: What does manager of program  
 16 services do?  
 17 MR. SALVATY: Objection. Lacks foundation.  
 18 THE WITNESS: I really can't answer that.  
 19 That's not my area of expertise.  
 20 Q. BY MR. ELIASBERG: And I believe you said that  
 21 Mr. Sheffield was the superintendent -- supervisor of  
 22 the program area. Is the program area different from  
 23 program services?  
 24 A. It's an area within the whole program services.  
 25 Q. Do you have an understanding of what

1 Mr. Sheffield's duties and responsibilities are?  
 2 A. No.  
 3 Q. I'm going to take you back to your previous  
 4 position. I believe you said you were the human  
 5 resources supervisor; is that correct?  
 6 A. Yes.  
 7 Q. And you held that position for approximately  
 8 five years; is that right?  
 9 A. Yes.  
 10 Q. What were your responsibilities as the human  
 11 resources supervisor?  
 12 A. Can you be more specific?  
 13 Q. I'm trying to understand what you did on a  
 14 day-to-day basis.  
 15 A. On a day-to-day basis or last year, five years?  
 16 Q. Just to narrow it and make it easier, let's  
 17 take the last year, approximately, give or take 365  
 18 days. In your job, what were your day to day functions?  
 19 A. Kind of difficult to remember everything I did.  
 20 Generally speaking, working with supervisors and  
 21 management to ensure that the laws, rules and  
 22 regulations of personnel were followed.  
 23 Q. How did you go about ensuring that laws, rules  
 24 and regulations were followed?  
 25 MR. SEFERIAN: Objection. Calls for a

1 narrative. Overly broad.  
 2 THE WITNESS: I really -- it's difficult to  
 3 specifically say everything I did to do that.  
 4 Q. BY MR. ELIASBERG: Let me see if I can make it  
 5 easier. Can you give me a specific example of something  
 6 that you did to make sure that the laws and regulations  
 7 were followed?  
 8 A. Held meetings with supervisors to discuss maybe  
 9 possibly new regulations that may involve the position.  
 10 Q. And the possible regulations you were  
 11 discussing, those were regulations that had to do with  
 12 employment policies; is that correct?  
 13 A. Correct.  
 14 Q. Let me understand how you went from that  
 15 position, human resources supervisor to your current  
 16 position. How did it come about that you left your job  
 17 as human resources supervisor and became a special  
 18 assistant?  
 19 A. There was a job opening and an interview  
 20 process.  
 21 Q. And why did you -- did you apply for the job?  
 22 A. Yes.  
 23 Q. And why did you apply?  
 24 A. I can't think of specifically why, but there  
 25 was an opportunity for a different position in the

1 office, and I decided to apply.  
 2 Q. Prior to being the human resources supervisor,  
 3 did you work at the OPSC?  
 4 A. Yes.  
 5 Q. And what was your position at that time?  
 6 A. Prior to that what was I? I was in the  
 7 multimedia communications unit.  
 8 Q. The word multimedia always makes me nervous.  
 9 In that context, not generally, but in the context of  
 10 your job at the OPSC, what was the multimedia  
 11 communications unit?  
 12 A. In broad terms basically working with a variety  
 13 of multimedia mediums, like computers, photography,  
 14 layout and design.  
 15 Q. And why were you working with these multimedia  
 16 mediums?  
 17 A. I can't recall why I was in that position or --  
 18 I'm not quite sure what you're --  
 19 Q. What I'm trying to understand is why was there  
 20 a unit that dealt with photography within the OPSC?  
 21 MR. SEFERIAN: Objection. Lacks foundation.  
 22 THE WITNESS: I don't know why.  
 23 Q. BY MR. ELIASBERG: Did the multimedia  
 24 communications unit produce pamphlets or booklets for  
 25 OPSC?

1 A. Yes.  
 2 Q. What kind of pamphlets or booklets did they  
 3 produce?  
 4 A. It can be a variety of information from  
 5 different programs.  
 6 Q. And the computer work that was done within the  
 7 multimedia communications unit, what was the purpose of  
 8 that?  
 9 A. What do you mean the "purpose of that"?  
 10 Q. I'm trying to understand what was being  
 11 produced or how these computers were being used?  
 12 A. Well, we were producing pamphlets and booklets.  
 13 Q. Were there -- was that the primary  
 14 responsibility for the multimedia communications unit,  
 15 to produce booklets and pamphlets?  
 16 A. That wasn't the only primary. I'm sure there  
 17 were other duties. I can't recall everything that we  
 18 were required to do.  
 19 Q. Other duties that you can recall, can you  
 20 describe those to me?  
 21 A. Create forms for various programs. I really  
 22 can't recall.  
 23 Q. Can you think of any examples of forms that you  
 24 created, that you worked on creating?  
 25 MR. SALVATY: Objection. Vague as to "you."

1 THE WITNESS: I can't recall.  
 2 Q. BY MR. ELIASBERG: How long did you work at the  
 3 multimedia communications unit?  
 4 A. Several years.  
 5 Q. And then prior to working there, did you also  
 6 work at OPSC?  
 7 A. Yes.  
 8 Q. And what was your position prior to being in  
 9 the multimedia communications unit?  
 10 A. I was in a unit called the agenda control unit.  
 11 Q. And what was your title?  
 12 A. I had a variety of titles.  
 13 Q. What was the last title you had?  
 14 A. Staff services analyst.  
 15 Q. What were your duties and responsibilities as a  
 16 staff services analyst?  
 17 MR. SEFERIAN: Objection. Calls for a legal  
 18 conclusion.  
 19 THE WITNESS: I can't remember. That's too  
 20 many years back.  
 21 Q. BY MR. ELIASBERG: Can you remember any of your  
 22 duties?  
 23 A. We reviewed agenda items to ensure that they  
 24 were accurate before presenting to the State Allocation  
 25 Board.

1 Q. How did you go about ensuring that those agenda  
 2 items were accurate or reviewing to ensure that they  
 3 were accurate?  
 4 MR. SEFERIAN: Objection. Assumes facts not in  
 5 evidence.  
 6 THE WITNESS: I can't recall all the steps and  
 7 what we were required to do.  
 8 Q. BY MR. ELIASBERG: Can you think of an example  
 9 of an agenda item that you might have reviewed?  
 10 A. I can't recall.  
 11 Q. Can you think of the subject matter of any of  
 12 the agenda items you might have reviewed?  
 13 A. Lease purchase program.  
 14 Q. What is a lease -- what's an example of a lease  
 15 purchase program agenda item?  
 16 MR. SALVATY: Objection. Vague.  
 17 THE WITNESS: There's all types of agenda  
 18 items. I can't really tell you what they are because  
 19 there were so many, and I don't really recall exactly  
 20 what they entail.  
 21 Q. BY MR. ELIASBERG: Can you give me an example  
 22 of any of them?  
 23 A. I can't recall.  
 24 Q. Okay. Do you remember other titles that you  
 25 had within the -- when you were working at the agenda



1 control unit?  
 2 A. Yes, I believe my -- I was also an office  
 3 assistant and a management service technician.  
 4 Q. Did you -- prior to working in the agenda  
 5 control unit, did you also work at OPSC?  
 6 A. No.  
 7 Q. What was the last job you held before coming to  
 8 OPSC?  
 9 A. I was in retail.  
 10 Q. And where was that?  
 11 A. Handyman Hardware store.  
 12 Q. How did you come to leave Handyman Hardware and  
 13 go to work for the OPSC?  
 14 MR. SEFERIAN: Objection. Vague.  
 15 THE WITNESS: I can't recall. That was many,  
 16 many years ago.  
 17 Q. BY MR. ELIASBERG: Okay. Let me just ask you  
 18 briefly about your educational background. Did you  
 19 graduate from college?  
 20 A. No. I have a two-year degree.  
 21 Q. Okay. And where is that degree from?  
 22 A. American River College.  
 23 Q. And is there a particular -- that degree, does  
 24 it have a particular name, like a bachelor of something?  
 25 A. It's an associate degree.

1 Q. And did you have a major?  
 2 A. Several.  
 3 Q. What were they?  
 4 A. Liberal studies is the primary.  
 5 Q. Did you take -- while you were at American --  
 6 is it American River College?  
 7 A. It's a junior college.  
 8 Q. While you were at American River Junior  
 9 College, did you take any education courses?  
 10 A. What do you mean by "education courses"?  
 11 Q. Courses, for example, that had "education" in  
 12 the title?  
 13 A. I don't know what you mean by educational  
 14 titles.  
 15 Q. No, I meant the course would have the word  
 16 "education" in the name of the course.  
 17 A. I don't remember if I did or did not.  
 18 Q. Did you take any classes that had to do with  
 19 school construction?  
 20 MR. SEFERIAN: Objection. Vague and ambiguous.  
 21 THE WITNESS: I don't believe so.  
 22 Q. BY MR. ELIASBERG: Did you take any engineering  
 23 classes?  
 24 A. I don't believe so, no.  
 25 Q. And other than your degree from American River,

1 did -- when did you obtain your degree from American  
 2 River?  
 3 A. In the '80s. I don't recall the exact date.  
 4 Q. Since obtaining your degree at American River,  
 5 have you obtained degrees from any other educational  
 6 institution?  
 7 A. No.  
 8 Q. Have you taken any classes at any educational  
 9 institution since graduating from American River?  
 10 A. I'm not -- what do you mean by "classes"?  
 11 Q. Did you take a course in any subject at an  
 12 educational institution since graduating from American  
 13 River?  
 14 MR. SEFERIAN: Objection. Vague and ambiguous.  
 15 THE WITNESS: In what type of area?  
 16 MR. ELIASBERG: Courses in any subject.  
 17 THE WITNESS: I'm sure I might have taken some  
 18 classes after that.  
 19 Q. BY MR. ELIASBERG: Do you remember what any of  
 20 those were?  
 21 A. I can't recall.  
 22 Q. Do you have an understanding of what the  
 23 primary functions of the Office of Public School  
 24 Construction are?  
 25 MR. SEFERIAN: Objection. Overly broad. Vague

1 and ambiguous as to "functions." Assumes facts not in  
 2 evidence. Calls for a legal opinion.  
 3 THE WITNESS: I really am not sure. There's a  
 4 lot of functions. Can you rephrase that question?  
 5 Q. BY MR. ELIASBERG: I'm trying to understand all  
 6 the functions that you know that OPSC takes on.  
 7 MR. SALVATY: Objection. Vague and ambiguous.  
 8 Overbroad.  
 9 THE WITNESS: Yeah, there's a lot of functions  
 10 and it's very -- I'm not quite sure what you're  
 11 specifically looking for.  
 12 Q. BY MR. ELIASBERG: Can you tell me one of the  
 13 functions that OPSC does?  
 14 MR. SALVATY: Same objections. It's vague and  
 15 ambiguous. Overbroad.  
 16 THE WITNESS: Basically I know we are the staff  
 17 to the State Allocation Board.  
 18 Q. BY MR. ELIASBERG: And what is your  
 19 understanding of -- what do you mean "staff to the State  
 20 Allocation Board"?  
 21 A. We assist in preparing board items to present  
 22 to the State Allocation Board, and other functions as  
 23 needed or required by the State Allocation Board.  
 24 Q. Can you give me an example of some other  
 25 functions that have been needed by the State Allocation

1 Board?

2 MR. SALVATY: Objection. Vague and ambiguous.

3 THE WITNESS: Meaning me? I'm not quite sure

4 what you mean by what are the functions?

5 MR. ELIASBERG: Can you read back her -- not

6 the answer just right now, but the previous answer.

7 (Record read.)

8 Q. BY MR. ELIASBERG: I'm just asking for an

9 example of another function as needed.

10 A. I can't answer that. It could be a variety of

11 functions. There's audit functions, there's accounting

12 functions, there's program functions.

13 Q. What do you mean by "audit functions"?

14 A. They are functions described in the school

15 facility program law.

16 Q. Where are those functions described?

17 A. In law.

18 Q. What do you mean by "accounting functions"?

19 A. I'm not an expert in that area. And there may

20 be requirements that they're required to do, and I can't

21 specifically tell you what those are.

22 Q. And what do you mean by "program functions"?

23 A. Well, the program services area.

24 Q. And what is the "program services area"?

25 A. It's the area that maintains the school

1 facility program and other programs.

2 Q. And do you have an understanding of how that

3 area maintains the school facilities program?

4 MR. SEFERIAN: Objection. Overly broad. Vague

5 and ambiguous as to "maintains."

6 THE WITNESS: Again, that's not my area of

7 expertise.

8 MR. ELIASBERG: I'm going to hand to the court

9 reporter a document which is -- the cover page is on

10 pleading paper and at the bottom in bold it states,

11 declaration of Carol Shellenberger in support of

12 Defendant State of California's opposition to

13 Plaintiffs' motion for class certification. It's a

14 six-page document, but it's numbered 1 through 5 with no

15 number on the cover sheet.

16 (Exhibit SAD-227 was marked.)

17 MR. ELIASBERG: I'll give a copy to all

18 opposing counsel and to the witness.

19 Q. Ms. Shellenberger, if you would review this

20 document, and when you've had a chance to review it --

21 take as much time as you'd like. Just for your

22 information, I probably will ask you questions about

23 specific portions of it, and when I do, I'll direct you

24 to those portions. But nevertheless, please feel free to

25 take as much time as you want to familiarizing yourself

1 with the document. Okay?

2 You've had a chance to review this document?

3 A. Yes.

4 Q. Could you turn to the last page of the document

5 marked page 5 at the bottom. Is that your signature?

6 A. Yes.

7 Q. Have you seen this document before?

8 A. Yes.

9 Q. Okay. When did you see it prior to today?

10 MR. SEFERIAN: Objection. Vague and ambiguous.

11 THE WITNESS: I don't recall specifically the

12 last time I saw it.

13 Q. BY MR. ELIASBERG: Do you remember the first

14 time you saw it?

15 A. No.

16 Q. Any approximate idea of the first time you saw

17 it?

18 A. I don't recall when I first saw this.

19 Q. Did you write this document?

20 MR. SEFERIAN: Objection.

21 MR. SALVATY: Objection. Vague and ambiguous.

22 THE WITNESS: What do you mean by "write"?

23 Q. BY MR. ELIASBERG: The words that are here, are

24 those your words?

25 MR. SEFERIAN: I'll object. I think it's

1 argumentative. There's a declaration that she signed.

2 I think if you're going into the drafting process of a

3 document, you're getting into attorney/client and work

4 product questions and areas.

5 MR. ELIASBERG: You can answer the question.

6 THE WITNESS: I assisted in preparing this

7 document.

8 Q. BY MR. ELIASBERG: How did you assist in

9 preparing it?

10 A. I gathered documents and numbers -- or actually

11 numbers and supplied them to my attorney.

12 Q. What numbers did you gather?

13 A. Basically the information contained in several

14 of the paragraphs.

15 Q. Which paragraphs are those?

16 A. I'm not sure if that's all of the paragraphs.

17 It looks like 8, 9 and 10.

18 Q. Other than gathering the documents and the

19 figures and providing them to your attorney, did you

20 assist in the preparation of this declaration in any

21 other way?

22 A. I can't recall.

23 MR. SEFERIAN: Objection. Vague and ambiguous

24 as to "assist."

25 THE WITNESS: I can't recall.

1 Q. BY MR. ELIASBERG: Okay. Refer you to  
2 paragraph 6, which is on page -- it's marked as page 3  
3 of SAD-227. Do you see that paragraph marked No. 6?

4 A. Yes.

5 Q. And the paragraph starts, the SFP was  
6 implemented in 1998 and changed the way schools were  
7 built and modernized in California. Do you see that  
8 sentence?

9 A. Yes.

10 Q. How did the SFP change the ways schools were  
11 built and modernized in California?

12 MR. SEFERIAN: Objection. Overly broad. Calls  
13 for an inadmissible legal opinion. Vague and ambiguous.  
14 Lacks foundation.

15 THE WITNESS: My understanding is -- basically  
16 this actually came out of a narrative that I did not  
17 write, so I'm actually paraphrasing another document  
18 written in our office.

19 Q. BY MR. ELIASBERG: What was that document?

20 A. There is a school facility -- there's actually  
21 several places. There was a brochure on the school  
22 facility program, and it's on our website as well.

23 Q. And sitting here today, do you have an  
24 understanding of how the SFP changed the ways schools  
25 were built in California?

1 Q. Let me refer you to paragraph 7, the paragraph  
2 that begins, I am familiar were the Williams versus  
3 State of California case and I have read the plaintiffs'  
4 proposed class definition.

5 Do you see that sentence?

6 A. Yes.

7 Q. How are you familiar with the Williams versus  
8 State case?

9 MR. SALVATY: Objection to the extent it calls  
10 for attorney/client communications.

11 Ms. Shellenberger, he's not looking for any  
12 confidential communications between us, so go ahead and  
13 answer the question to the extent you can without  
14 disclosing any of those communications.

15 THE WITNESS: I have a basic understanding from  
16 what I've read of the Williams case. There are several  
17 school districts that have filed a complaint against the  
18 State of California and the governor on a variety of  
19 issues.

20 Q. BY MR. ELIASBERG: What are some of those  
21 issues?

22 A. They're outlined in the original, I believe.

23 I'm not sure what your legal term is, but your document  
24 that you filed in the court.

25 Q. Sitting here today, do you know what some of

1 MR. SEFERIAN: Objection. Overly broad. Calls  
2 for inadmissible legal opinion. Vague and ambiguous as  
3 to "changed." Calls for a narrative. Lacks foundation.

4 THE WITNESS: I'm not an expert in the school  
5 facility program.

6 Q. BY MR. ELIASBERG: Did you write this  
7 paragraph?

8 MR. SALVATY: Objection. Vague and ambiguous.  
9 Asked and answered.

10 THE WITNESS: What do you mean by "write"?

11 Q. BY MR. ELIASBERG: Do you have an understanding  
12 of what the word "write" means?

13 MR. SEFERIAN: Objection. Vague and ambiguous.

14 MR. SALVATY: It's unclear because she's also,  
15 Counsel, already talked about how it's a paraphrase from  
16 a brochure, so it's unclear what you mean by "write."

17 Q. BY MR. ELIASBERG: Were these words -- for  
18 example, the SFP was implemented in 1998 and changed the  
19 ways schools were built and modernized in California,  
20 did you -- using either a computer or pen or some other  
21 writing instrument did you put those words down on  
22 paper?

23 A. No.

24 Q. Who did?

25 A. My attorney.

1 those issues are?

2 A. The only one I can recall is textbooks, lack of  
3 textbooks, and I believe there's some issues on  
4 facilities.

5 MR. ELIASBERG: Tracy, could you read not the  
6 last answer that Ms. Shellenberger just gave, but the  
7 previous answer.

8 (Record read.)

9 Q. BY MR. ELIASBERG: I believe you previously  
10 stated that some or several school districts had sued  
11 the State of California; is that correct?

12 A. Yes.

13 Q. Do you know what the names of any of those  
14 school districts are?

15 A. The original, I believe there was 18 school  
16 districts that were plaintiffs in the lawsuit.

17 Q. Do you know the names of any of those  
18 districts?

19 A. I can't recall all of them. I believe there's  
20 San Francisco Unified, LA Unified, Los Angeles Unified  
21 School District, and I can't recall the others.

22 Q. The second part of that sentence that I  
23 previously referred to reads, I have read the  
24 plaintiffs' proposed class definition. When did you  
25 read the proposed class definition?

1 A. I can't recall a specific date.  
 2 Q. What is your understanding of what a class  
 3 definition is?  
 4 MR. SALVATY: Objection. Calls for a legal  
 5 conclusion.  
 6 MR. SEFERIAN: No foundation.  
 7 THE WITNESS: I really -- I'm not an expert in  
 8 this area. I can't really answer that question.  
 9 Q. BY MR. ELIASBERG: Do you have a lay  
 10 understanding, a layperson understanding of what a class  
 11 definition is?  
 12 MR. SALVATY: Same objection. And vague and  
 13 ambiguous.  
 14 THE WITNESS: I didn't prepare that  
 15 terminology. I'm not familiar with them.  
 16 Q. BY MR. ELIASBERG: Who prepared those?  
 17 A. I'm not sure who wrote that terminology. I'm  
 18 assuming it's the plaintiffs' terminology.  
 19 Q. Let me refer you to the next sentence there in  
 20 this paragraph, and this reads, I understand that the  
 21 proposed class includes, among others, all students that  
 22 attend overcrowded schools, overcrowded is in quotation  
 23 marks, and that the plaintiffs assert that a school is  
 24 overcrowded, again, in quotation marks, if it does not  
 25 comply with the various building requirements,

1 Q. BY MR. ELIASBERG: In that sentence there do  
 2 you see the portion of that sentence that's in  
 3 parentheses, e.g., classroom size requirements? Do you  
 4 see that?  
 5 A. Yes.  
 6 Q. What is your understanding of -- what are you  
 7 referring to there, classroom size requirements?  
 8 MR. SALVATY: Objection to the extent it calls  
 9 for attorney/client communications.  
 10 To the extent you can answer the question  
 11 without disclosing those, Ms. Shellenberger, feel free  
 12 to go ahead.  
 13 THE WITNESS: Again, I can't get into details  
 14 about that. I'm not sure I can answer that question.  
 15 Q. BY MR. ELIASBERG: Sitting here today, do you  
 16 know if there are any requirements that govern the size  
 17 of -- the minimum size of classrooms in new schools in  
 18 the state of California?  
 19 MR. SEFERIAN: Objection. Calls for an  
 20 inadmissible legal opinion. Vague and ambiguous as to  
 21 "classrooms," "size," "requirements." Lacks foundation.  
 22 Calls for speculation.  
 23 THE WITNESS: I believe there are some  
 24 standards somewhere, but I'm not sure if they are  
 25 required or not. That's out of my area of expertise.

1 parentheses, e.g., classroom size requirements, that did  
 2 not go into effect until approximately 1994.  
 3 Did you write that sentence?  
 4 MR. SALVATY: Objection. Vague and ambiguous.  
 5 MR. SEFERIAN: Objection. Vague and ambiguous  
 6 as to "write." It's also calling for -- lacks  
 7 foundation. Calls for speculation. It also calls for  
 8 attorney/client privileged information and attorney work  
 9 product information.  
 10 THE WITNESS: Again, I don't know what you mean  
 11 by "write."  
 12 Q. BY MR. ELIASBERG: The words there, did you put  
 13 those on paper for the first time with pen or a  
 14 computer?  
 15 A. I assisted my attorneys in preparing this  
 16 document.  
 17 Q. And how did you assist them in preparing it?  
 18 MR. SALVATY: Objection. Asked and answered.  
 19 THE WITNESS: I believe I assisted them and  
 20 worked with them to prepare this document.  
 21 Q. BY MR. ELIASBERG: And how did you do that?  
 22 How did you assist them?  
 23 MR. SALVATY: Objection. Asked and answered.  
 24 THE WITNESS: I think I'm clear. I think I've  
 25 worked with them to prepare this document.

1 Q. BY MR. ELIASBERG: Do you have any idea what  
 2 those standards are?  
 3 MR. SEFERIAN: Same objections.  
 4 THE WITNESS: Again, it's not my area of  
 5 expertise. I don't know specifics.  
 6 Q. BY MR. ELIASBERG: Looking at the sentence that  
 7 I just read and then the next sentence, thus it would  
 8 appear that all students that attend classes in  
 9 classrooms built before 1994 would fall within the  
 10 plaintiffs' proposed class. Do you see that?  
 11 A. Where is that again? I'm lost.  
 12 Q. We just did a sentence on the page that's  
 13 marked 3 at the bottom and we reviewed that sentence  
 14 that began, I understand that the proposed class.  
 15 I'm now looking at the next immediately  
 16 following sentence that goes from page 3 on to page 4.  
 17 Do you see that sentence? It starts, thus it would  
 18 appear.  
 19 A. Yes, I see that sentence.  
 20 Q. What was the basis for your conclusion that it  
 21 would appear that all students that attend classes in  
 22 classrooms built before 1994 would fall within the  
 23 plaintiffs' proposed class?  
 24 MR. SALVATY: Objection. The document speaks  
 25 for itself on this issue.

1 MR. SEFERIAN: Object to the extent it calls  
2 for attorney/client information, confidential  
3 communications. Assumes facts not in evidence. Vague  
4 and ambiguous as to "conclusion."

5 THE WITNESS: Yeah, I believe I can't answer  
6 this. Attorney/client privilege.

7 Q. BY MR. ELIASBERG: Sitting here today, do you  
8 know if -- how many schools in the state of  
9 California -- let me strike that.

10 Do you have any idea of the size of classrooms  
11 in any school in the state of California that's built  
12 before 1994?

13 MR. SALVATY: Objection. Vague and ambiguous.  
14 It's unclear what's being asked.

15 MR. SEFERIAN: Overly broad. Lacks foundation.  
16 Calls for speculation.

17 THE WITNESS: Can you be more specific in your  
18 question?

19 Q. BY MR. ELIASBERG: I'm taking the whole  
20 universe of classrooms in the state of California in  
21 schools that were built before 1994.

22 Do you know the size of any one of these  
23 classrooms?

24 MR. SALVATY: Objection. Vague and ambiguous.  
25 Lacks foundation. Calls for speculation.

1 Q. And sitting here today, can you tell me what  
2 the basis is for the statement that it would appear that  
3 all students that attend classes built before 1994 would  
4 fall within the plaintiffs' proposed class?

5 MR. SALVATY: Objection. Document speaks for  
6 itself. Asked and answered.

7 MR. SEFERIAN: Objection to the extent calls  
8 for privileged attorney/client communications. Lacks  
9 foundation. Calls for an inadmissible opinion.

10 THE WITNESS: Again, I believe this is an  
11 attorney/client privileged area.

12 MR. ELIASBERG: We've been going almost an  
13 hour. Let's take a break.

14 (Recess taken.)

15 Q. BY MR. ELIASBERG: Ms. Shellenberger, in  
16 preparing this declaration, did you speak to anybody at  
17 OPSC about whether there were class size requirements  
18 for public schools in the state of California?

19 A. I don't recall that I spoke with anybody at  
20 OPSC, no.

21 Q. Did you speak to anybody at CDE about whether  
22 there were class size requirements for public schools in  
23 the state of California?

24 A. I don't believe so, no.

25 Q. Did you visit any classrooms in an attempt to

1 THE WITNESS: Again, I'm not an expert in  
2 classroom size requirements, and I can't answer that  
3 question.

4 Q. BY MR. ELIASBERG: I appreciate that you're not  
5 an expert, but I'm just asking you whether you know or  
6 not, whether you know the size of any classroom built in  
7 the state of California prior to 1994?

8 MR. SALVATY: Same objections.

9 THE WITNESS: Again, I'm not aware of those  
10 numbers, and it's not my specific job requirement to  
11 know that or to have expertise in that area.

12 Q. BY MR. ELIASBERG: When you signed this  
13 declaration, were you aware that you were signing it  
14 under penalty of perjury?

15 A. Yes.

16 Q. And when you signed it, had you read paragraph  
17 7?

18 MR. SALVATY: Objection. Asked and answered.

19 THE WITNESS: I believe I discussed it, so,  
20 yes.

21 Q. BY MR. ELIASBERG: I meant when you signed it,  
22 not today, had you read it?

23 A. I would assume so.

24 Q. What's the basis of that assumption?

25 A. That I wouldn't sign something I didn't read.

1 figure out the size of those classrooms?

2 A. No.

3 Q. Did you look at any plans for schools built  
4 prior 1994 to attempt to determine what the size of  
5 those classes were?

6 MR. SEFERIAN: In preparing this declaration?

7 MR. ELIASBERG: Yes.

8 THE WITNESS: No.

9 Q. BY MR. ELIASBERG: Let me turn your attention  
10 to paragraph 9. It's on the page that is numbered page  
11 4 at the bottom. Once again, I'm referring to Exhibit  
12 No. 227.

13 Do you see that paragraph there?

14 A. Yes.

15 Q. The paragraph begins, in addition, OPSC data  
16 further reflects that approximately 15,239 classrooms  
17 have been built to house these 411,433 students.

18 Do you see that?

19 A. Yes.

20 Q. When you said the OPSC data, what data is that?

21 A. It's data contained in our database.

22 Q. And did you go into the database to obtain this  
23 data?

24 A. Actually, I had our information systems unit  
25 run a report that I've used in the past.

1 Q. When you say "run a report," what does that  
2 mean?  
3 A. Basically extract the data into an Excel  
4 spreadsheet.  
5 Q. And the next sentence says, according to  
6 information published by the California Department of  
7 Education, currently there are 270,000 California public  
8 school classrooms. Do you see that?  
9 A. Yes.  
10 Q. Where is that information published?  
11 A. It's out on the CDE's website.  
12 Q. Do you know where on the website it is? Is  
13 there a particular link that one would follow to get  
14 that information?  
15 A. I believe I got it from the fingertip facts  
16 section.  
17 Q. Ms. Shellenberger, are you familiar if there's  
18 an average size or a standard size for portable  
19 classrooms?  
20 MR. SEFERIAN: Objection. Lacks foundation.  
21 Calls for speculation. Vague and ambiguous as to  
22 "portable." Vague as to time.  
23 THE WITNESS: I am not an expert in the  
24 portable classroom area. That's not my expertise.  
25 Q. BY MR. ELIASBERG: What is your area of

1 A. Yes.  
2 Q. What is your understanding of that term?  
3 MR. SEFERIAN: Objection. Vague and ambiguous.  
4 THE WITNESS: Deferred maintenance can mean a  
5 lot of different things. It's a general term that  
6 different people have different -- different meanings  
7 for. I'm not quite sure if you're talking about our  
8 program or -- I'm not quite sure how to answer that  
9 question.  
10 Q. BY MR. ELIASBERG: What's your understanding of  
11 the term with respect to, as you said, "our program"?  
12 A. Deferred maintenance is a program that we  
13 administer at OPSC, and deferred maintenance is  
14 basically a requirement to create a five-year plan and  
15 to talk about their maintenance needs for their schools.  
16 Q. And when you refer to "their maintenance  
17 needs," who are you referring to?  
18 A. The school districts.  
19 Q. Do you have an understanding as to whether OPSC  
20 has any role or function with respect to the deferred  
21 maintenance program?  
22 MR. SALVATY: Objection. Vague and ambiguous.  
23 Lacks foundation. Calls for speculation.  
24 MR. SEFERIAN: Vague and ambiguous as to "role  
25 or function."

1 expertise in relation to school facilities?  
2 A. Basically my role is to assist Louisa Park in a  
3 variety of assignments, and those can be -- as I've  
4 stated before, it can be really anything. Very general  
5 types of assignments.  
6 Q. Are there any particular areas having to do  
7 with school construction or modernization in which you  
8 are an expert or you consider yourself an expert?  
9 MR. SALVATY: Objection. Vague and ambiguous.  
10 MR. SEFERIAN: Objection. Lacks foundation.  
11 Calls for inadmissible legal opinion. Vague and  
12 ambiguous as to "expert." Calls for speculation.  
13 THE WITNESS: "Expert," what do mean by that?  
14 MR. SALVATY: Also calls for a legal  
15 conclusion.  
16 Q. BY MR. ELIASBERG: By expert, do you have  
17 specialized knowledge?  
18 MR. SEFERIAN: Objection. Vague and ambiguous  
19 as to "specialized knowledge." Calls for an  
20 inadmissible opinion.  
21 THE WITNESS: Again, I have a very general  
22 role, and I don't consider myself an expert in the  
23 school facility arena.  
24 Q. BY MR. ELIASBERG: Are you familiar with the  
25 term deferred maintenance?

1 THE WITNESS: I'm not quite sure what you mean  
2 by "role" and "function."  
3 Q. BY MR. ELIASBERG: Does OPSC -- do any  
4 members -- let me ask you this, do you ever speak with  
5 school districts or school district officials about  
6 deferred maintenance?  
7 MR. SALVATY: Objection. Vague and ambiguous.  
8 About the deferred maintenance program?  
9 MR. ELIASBERG: Uh-huh.  
10 THE WITNESS: I am not assigned to the deferred  
11 maintenance program, and I do not speak to school  
12 districts and other entities about deferred maintenance.  
13 Q. BY MR. ELIASBERG: Do you have any  
14 responsibilities in your current job with respect to  
15 deferred maintenance and the deferred maintenance  
16 program?  
17 MR. SALVATY: Objection. Vague and ambiguous.  
18 THE WITNESS: I am not sure what you mean by  
19 "responsibilities"  
20 Q. BY MR. ELIASBERG: Does your job cause you to  
21 have to do anything with respect to the deferred  
22 maintenance program?  
23 A. If it did, I would then work with deferred  
24 maintenance. Until I get an assignment, I'm not  
25 specifically assigned to the deferred maintenance

1 program.

2 Q. In your time at OPSC, have you had an  
3 assignment that has required you to be assigned to the  
4 deferred maintenance program?

5 MR. SALVATY: Objection. Vague and ambiguous.

6 THE WITNESS: Assigned to the specific  
7 day-to-day program aspects?

8 Q. BY MR. ELIASBERG: In your years at OPSC, have  
9 you taken -- have you had any jobs which have required  
10 you to do work on the deferred maintenance program?

11 A. And what do you mean by "work"?

12 Q. Do you have an understanding of the term  
13 "work"?

14 A. It can mean a variety of different things.

15 Q. How would you use it?

16 A. It could mean do I work on a project, do I work  
17 on application, do I create a list, do I write a  
18 handbook.

19 Q. Taking all of those definitions, have you --  
20 using any of those definitions, have you ever worked in  
21 the deferred maintenance program at your time at OPSC?

22 A. Many years ago I assisted a deferred  
23 maintenance program analyst and prepared a manual for  
24 the deferred maintenance program.

25 Q. And how did you assist?

1 Q. Have you heard the term modernization in the  
2 context of the school facilities program?

3 A. Yes.

4 Q. What's your understanding of the meaning of  
5 that term?

6 A. Basically modernization is a term we use. It's  
7 a subset of the school facility program, modernization  
8 program, that we fund. Schools that are 25 years or  
9 older are eligible to apply for modernization funds.

10 Q. Do you consider yourself to have any expertise  
11 in the modernization program?

12 MR. SEFERIAN: Objection. Lacks foundation.  
13 Calls for an inadmissible legal opinion. Vague and  
14 ambiguous as to "expertise." Calls for speculation.

15 THE WITNESS: Basically what I know about the  
16 modernization program is just my -- some of the  
17 assignments I've worked on. I understand that  
18 modernization -- that to apply, your facility has to be  
19 25 years or older to be eligible to participate in  
20 modernization.

21 Q. BY MR. ELIASBERG: In sum or substance is that  
22 the extent of your knowledge about the modernization  
23 program?

24 MR. SEFERIAN: Objection. Vague and ambiguous.

25 MR. SALVATY: Also overbroad.

1 A. Sat down with the person and basically helped  
2 the person write the process for applying for deferred  
3 maintenance funds.

4 Q. Do you know how long ago that was?

5 A. I'm going to have to say mid '80s.

6 Q. Do you know what the process is for applying  
7 for deferred maintenance funds?

8 MR. SEFERIAN: Objection. Overly broad. Vague  
9 and ambiguous. Lacks foundation.

10 MR. SALVATY: Vague as to time.

11 MR. SEFERIAN: Calls for an inadmissible legal  
12 opinion.

13 THE WITNESS: The process is very broad, and  
14 I'm, again, not an expert in the deferred maintenance  
15 arena.

16 Q. BY MR. ELIASBERG: And when you say you're not  
17 an expert, what do you mean by "expert"?

18 A. I think we've talked about this. An expert  
19 meaning I'm not assigned to that, I don't work on that  
20 on a daily basis, and I can't tell you specifically the  
21 program components.

22 Q. Okay. Are you familiar with the term  
23 modernization?

24 A. I'm not quite sure. What do you mean by  
25 "modernization"?

1 THE WITNESS: There may be more specifics, but,  
2 again, the modernization program is a large program that  
3 has a lot of components.

4 Q. BY MR. ELIASBERG: Do you feel that you have  
5 particular or special knowledge about any of the  
6 components of the modernization program?

7 MR. SALVATY: Objection. Vague and ambiguous.

8 THE WITNESS: I just don't know which part of  
9 modernization. It could mean -- the whole program  
10 itself is rather large, and I'm not sure specifically  
11 what you're looking for.

12 Q. BY MR. ELIASBERG: I just want to know if you  
13 have particular knowledge about any of the components of  
14 the modernization program?

15 MR. SALVATY: Objection. Vague and ambiguous.  
16 Overbroad.

17 THE WITNESS: I have, again, some general  
18 knowledge that it's a program within the school facility  
19 program. We fund programs on an 80/20 ratio. I may  
20 have worked on assignments that required me to talk  
21 about modernization, but I don't have a lot of specific  
22 knowledge on how the whole program works.

23 Q. BY MR. ELIASBERG: Have you heard the phrase  
24 new school construction in the context of the school  
25 facilities program?

1 A. Yes.  
 2 Q. What's your understanding of what that term  
 3 means?  
 4 MR. SALVATY: Objection. Vague and ambiguous  
 5 and overbroad.  
 6 THE WITNESS: New construction, I'm not quite  
 7 sure if you want -- you know, it's a large program  
 8 again, and specifically -- I mean, it's really a large  
 9 program. I'm not quite sure specifically what you're  
 10 asking.  
 11 Q. BY MR. ELIASBERG: I'm just trying to  
 12 understand what level of knowledge you have about that  
 13 program or components of the program.  
 14 MR. SALVATY: Objection. Vague and ambiguous  
 15 and overbroad.  
 16 THE WITNESS: I have a general knowledge of new  
 17 construction.  
 18 Q. BY MR. ELIASBERG: Do you consider yourself to  
 19 have specialized knowledge about any -- about the  
 20 program as a whole or any components of the program?  
 21 MR. SALVATY: Objection. Vague and ambiguous.  
 22 MR. SEFERIAN: Vague and ambiguous as to  
 23 "specialized knowledge."  
 24 MR. SALVATY: Calls for a legal conclusion.  
 25 THE WITNESS: Again, specialized, I don't

1 believe I'm a specialist in that area. I, again, have a  
 2 general understanding of new construction.  
 3 Q. BY MR. ELIASBERG: And what's your general  
 4 understanding of new construction?  
 5 A. New construction in the school facility  
 6 program, we provide funding to allow school districts to  
 7 build new schools, we fund them at 50/50. That's  
 8 about -- I mean, that's a general description of the new  
 9 construction program.  
 10 Q. Ms. Shellenberger, in the last, let's say, four  
 11 years, have you visited any K through 12 public schools  
 12 in the state of California?  
 13 A. No.  
 14 Q. And to make sure that -- jog your memory a  
 15 little bit or prompt you. Since you first heard about  
 16 the Williams case, have you visited any public schools  
 17 in the state of California?  
 18 A. No.  
 19 Q. Okay. Do you have any basis -- or did you have  
 20 any opinion as to whether any of the allegations in the  
 21 complaint in the Williams case are true?  
 22 MR. SALVATY: Objection. Lacks foundation.  
 23 Calls for an improper opinion. Vague and ambiguous.  
 24 Calls for speculation.  
 25 MR. SEFERIAN: Lacks foundation. Calls for an

1 inadmissible opinion.  
 2 THE WITNESS: Again, as I've stated before, I'm  
 3 not an expert in the school facility arena. I don't  
 4 really have an opinion.  
 5 Q. BY MR. ELIASBERG: Okay. Let me just refer you  
 6 quickly back to the document that we've marked as  
 7 Exhibit 227. Can you look at the second page, and I'm  
 8 not referring to the numbers at the bottom, I'm actually  
 9 referring to the page right after the cover page, and  
 10 specifically let me refer you to paragraph 2.  
 11 Do you see that?  
 12 A. Number 2 paragraph?  
 13 Q. Yeah.  
 14 A. Yes.  
 15 Q. Could you review that paragraph. Let me focus  
 16 you on a particular portion of it. Sort of about  
 17 halfway through the paragraph there's a sentence that  
 18 begins, the OPSC's mission is to facilitate the  
 19 processing of school applications for facility-related  
 20 funding and to make funding for construction available  
 21 to qualifying school districts.  
 22 Do you see that?  
 23 A. Yes.  
 24 Q. Where did you gain your understanding of what  
 25 the OPSC's mission was?

1 A. It's part of our mission statement, part of  
 2 this is from that, and also I got some of this  
 3 information from our school facility program handbook.  
 4 Q. Did you write this paragraph?  
 5 MR. SALVATY: Objection. Vague and ambiguous.  
 6 MR. SEFERIAN: Vague and ambiguous as to  
 7 "write."  
 8 THE WITNESS: As I've stated before, I've  
 9 worked with my attorneys in preparing these documents.  
 10 Q. BY MR. ELIASBERG: The words that appear in  
 11 this paragraph here, did you create those words by  
 12 putting pen to paper or using a computer or pencil or  
 13 anything like that?  
 14 MR. SALVATY: Objection. Vague and ambiguous.  
 15 MR. SEFERIAN: Are you asking her who typed  
 16 this declaration?  
 17 MR. ELIASBERG: The question is clear. I've  
 18 asked her a question. She can answer.  
 19 MR. SEFERIAN: Objection. Vague and ambiguous  
 20 as to "write."  
 21 THE WITNESS: Again, I assisted my attorney in  
 22 preparing this document. It was typed by the attorney  
 23 law firm.  
 24 Q. BY MR. ELIASBERG: The material from which the  
 25 typing was done, was that material that you wrote?



1 MR. SALVATY: Objection. Asked and answered.  
 2 Vague and ambiguous. She's already explained this.  
 3 Go ahead.  
 4 MR. SEFERIAN: Are you asking her if she wrote  
 5 the OPSC mission station?  
 6 MR. ELIASBERG: No.  
 7 MR. SEFERIAN: Because she testified that that  
 8 information was taken partially from the OPSC mission  
 9 statement, are you asking her if she wrote that?  
 10 MR. ELIASBERG: I'm asking her who wrote the  
 11 words in this paragraph.  
 12 MR. SALVATY: Objection. Asked and answered.  
 13 Vague and ambiguous.  
 14 THE WITNESS: As I've stated before, this  
 15 document was a collaborative effort with myself and my  
 16 attorney. I gave information, we worked on it, we went  
 17 back and forth, made edits. I've read this document,  
 18 and I assisted in preparing it.  
 19 Q. BY MR. ELIASBERG: Referring you to the  
 20 sentence, these actions enable school districts to build  
 21 safe and adequate facilities for their children in an  
 22 expeditious and cost-effective manner. Do you see that  
 23 sentence?  
 24 A. Yes.  
 25 Q. What do you mean by adequate school facilities?

1 A. Basically that is our mission statement, and it  
 2 was taken off our website so it's not my wording.  
 3 MR. ELIASBERG: Take a short break. I'm going  
 4 to review my notes.  
 5 (Recess taken.)  
 6 Q. BY MR. ELIASBERG: Ms. Shellenberger, what  
 7 attorneys did you work with in preparing this  
 8 deposition?  
 9 A. Sebrina Strong and Paul Salvaty.  
 10 Q. Anyone else?  
 11 A. That's all I can recall.  
 12 MR. ELIASBERG: I have no further questions.  
 13 EXAMINATION BY MR. REED  
 14 Q. I got a couple of questions. I'm Kevin Reed.  
 15 I represent LA Unified, an intervener this matter.  
 16 I wanted to refer you to your declaration again  
 17 at paragraph 8. In particular I want you to look at the  
 18 second sentence of that paragraph.  
 19 Would you take a moment to review that.  
 20 A. Okay.  
 21 Q. In that sentence you say, this figure  
 22 represents the total number of new construction pupils  
 23 housed under the SFP, parentheses, 165,629, end  
 24 parentheses. The sentence goes on from there.  
 25 But I wanted to ask you about that 165,629

1 number. Where did that number come from?  
 2 A. It came from our database.  
 3 Q. And which database?  
 4 A. The OPSC database.  
 5 Q. Does that database have a particular name?  
 6 A. No, I don't believe so.  
 7 Q. Okay. Who did you ask at OPSC to give you that  
 8 number?  
 9 MR. SEFERIAN: Objection. Assumes facts not in  
 10 evidence.  
 11 THE WITNESS: Basically our information  
 12 services tech -- excuse me, information services  
 13 technology unit to run a report, and it's one I've used  
 14 before, and it contains various information such as this  
 15 data.  
 16 Q. BY MR. REED: Is there a particular name of the  
 17 report that you asked for?  
 18 A. I don't recall they named it. It's an Excel  
 19 spreadsheet report, and I don't recall the specific name  
 20 of it.  
 21 Q. Do you know what the fields are in that report,  
 22 can you name any of them sitting here today?  
 23 MR. SALVATY: Objection. Assumes facts not in  
 24 evidence. Vague and ambiguous.  
 25 THE WITNESS: I know there's various dollar

1 figures, pupil numbers, and I can't recall all the  
 2 specific fields.  
 3 Q. BY MR. REED: This total number of 165,629, was  
 4 that a number that actually appeared in this report, or  
 5 did you derive that number from numbers in the report?  
 6 MR. SALVATY: Objection. Vague and ambiguous.  
 7 THE WITNESS: I don't recall how these  
 8 numbers -- again, I derived them from a report, but I  
 9 don't remember specifically how I laid them out in this  
 10 document, so I'm not quite sure how to answer that.  
 11 Q. BY MR. REED: Okay. Do you know within the  
 12 report that you reviewed from which this number came,  
 13 what field or column that this number came from?  
 14 A. If I understand -- if I recall, the report does  
 15 have several fields, and I believe this might have been  
 16 one number in one of the columns, but I can't remember  
 17 if I got it from a specific column or did I derive it by  
 18 adding or subtracting numbers.  
 19 Q. Is it your understanding that the 165,629  
 20 number here in paragraph 8 of your declaration is the  
 21 number of per pupil grants that districts were  
 22 apportioned since 1998?  
 23 MR. SALVATY: Objection. Vague and ambiguous.  
 24 MR. SEFERIAN: Lacks foundation. Vague and  
 25 ambiguous as to "per pupil grants." Calls for

1 speculation. Vague and ambiguous as to "apportioned."  
 2 THE WITNESS: I can't answer the question. Can  
 3 you rephrase it?  
 4 Q. BY MR. REED: What's confusing about the  
 5 question?  
 6 A. I'm not sure how -- what do you mean by base  
 7 grant?  
 8 Q. I didn't actually say base grant, I said per  
 9 pupil grant. Is base grant a word that you're more  
 10 comfortable with?  
 11 A. No.  
 12 Q. Do you know what I mean when I say per pupil  
 13 grant?  
 14 MR. SEFERIAN: Objection. Calls for  
 15 speculation.  
 16 THE WITNESS: That has nothing to do with this  
 17 paragraph.  
 18 MR. REED: That's what I'm trying to figure  
 19 out.  
 20 THE WITNESS: So I'm very confused.  
 21 Q. BY MR. REED: Under the school facilities  
 22 program, a school district establishes its eligibility,  
 23 correct?  
 24 MR. SALVATY: Objection. Lacks foundation.  
 25 Incomplete hypothetical.

1 THE WITNESS: I understand that they have to  
 2 establish eligibility.  
 3 Q. BY MR. REED: And their eligibility is a  
 4 function of the number of pupils that are estimated to  
 5 be unhoused on a five-year projection; is that your  
 6 understanding?  
 7 MR. SALVATY: Objection. Vague and ambiguous.  
 8 Lacks foundation. Calls for speculation. Incomplete  
 9 hypothetical. Overbroad.  
 10 Q. BY MR. REED: Would you like to review  
 11 paragraph 4 of the declaration that you signed in order  
 12 to refresh your recollection?  
 13 A. Okay.  
 14 Q. Referring specifically to the last sentence  
 15 there, the number of unhoused pupils represents the  
 16 district's eligibility for new construction grant  
 17 entitlement, are you familiar with that sentence?  
 18 A. Yes.  
 19 Q. Do you understand that sentence?  
 20 A. In context of this paragraph, yes.  
 21 Q. So is it, in fact, the case that within the  
 22 school facilities program districts who have eligibility  
 23 have eligibility expressed in the number of unhoused  
 24 pupils?  
 25 MR. SALVATY: Objection. Vague and ambiguous.

1 Lacks foundation.  
 2 MR. SEFERIAN: Incomplete and improper  
 3 hypothetical question. Lacks foundation.  
 4 THE WITNESS: I am not an expert in how the  
 5 eligibility is established. I know it's a series of  
 6 calculations and various information, so I'm not sure  
 7 how to answer your question.  
 8 Q. BY MR. REED: I'm not asking how the number is  
 9 derived, I'm asking if a district in asking what its  
 10 eligibility is in the program as described in the  
 11 process that you laid out in paragraph 4, is that number  
 12 ultimately a number of unhoused pupils?  
 13 MR. SALVATY: Objection. Vague and ambiguous.  
 14 Incomplete hypothetical. Lacks foundation.  
 15 THE WITNESS: My understanding is that the  
 16 unhoused pupils does represent the baseline for that  
 17 school district of eligibility.  
 18 Q. BY MR. REED: Okay. And when a district then  
 19 submits an application for an apportionment at the  
 20 school facilities program for new construction, the per  
 21 pupil grant -- I'm sorry, let me rephrase this.  
 22 When a district submits an application for an  
 23 apportionment for new construction on the school  
 24 facilities program, they submit an application that  
 25 seeks funding at a level of a number of grants drawing

1 against their eligibility; isn't that correct?  
 2 MR. SALVATY: Objection. Vague and ambiguous.  
 3 Lacks foundation. Incomplete hypothetical.  
 4 THE WITNESS: Again, I don't handle the funding  
 5 applications. I don't know how the project manager  
 6 arrives at the per pupil grants. I don't know how that  
 7 mechanism works and how they come up with that.  
 8 Q. BY MR. REED: I'm not asking how it's derived,  
 9 I'm asking when a district submits an application for  
 10 funding to build a new school, to your knowledge, do  
 11 they certify the number of per pupil grants they are  
 12 seeking funding for?  
 13 MR. SALVATY: Objection. Vague and ambiguous.  
 14 Lacks foundation. Calls for speculation. Incomplete  
 15 hypothetical.  
 16 THE WITNESS: I understand on the form that  
 17 they ask -- they put a number of grants that they're  
 18 asking on the ap.  
 19 MR. REED: Okay.  
 20 THE WITNESS: The school district.  
 21 Q. BY MR. REED: Okay. Based on that  
 22 understanding, do you know whether -- the number  
 23 referenced in paragraph 8 of your declaration of  
 24 165,629, is that number the number of per pupil grants  
 25 that districts were awarded under the school facilities

1 program since 1998?  
 2 MR. SALVATY: Objection. Vague and ambiguous.  
 3 Lacks foundation. Calls for speculation.  
 4 MR. SEFERIAN: Document speaks for itself.  
 5 MR. REED: Would that it be.  
 6 THE WITNESS: I think my sentence says it's the  
 7 new construction pupils housed under the SFP.  
 8 MR. REED: That is what the sentence says. I'm  
 9 trying to discover where the number came from.  
 10 THE WITNESS: The number came from a report  
 11 that was generated that I used to put in here.  
 12 Basically it's derived from our database.  
 13 Q. BY MR. REED: I understand. But is the number  
 14 derived from a portion of that database that reports the  
 15 number of per pupil grants funded since 1998?  
 16 A. No.  
 17 MR. SALVATY: Same objections.  
 18 Q. BY MR. REED: How do you know that is the  
 19 number of students housed under the SFP since 1998?  
 20 MR. SEFERIAN: Objection. Lacks foundation.  
 21 Misstates the witness' testimony. Calls for  
 22 speculation.  
 23 MR. SALVATY: Assumes facts not in evidence.  
 24 MR. REED: I'll stipulate to that.  
 25 THE WITNESS: It's a document that I don't have

1 Q. "Unhoused" and "housed"?  
 2 A. I believe both.  
 3 Q. Do you have any information sitting here today  
 4 that leads you to believe that the number reported here,  
 5 165,629, was derived from data that established a number  
 6 of classrooms actually constructed using money  
 7 apportioned under the school facilities program?  
 8 MR. SALVATY: Objection. Vague and ambiguous.  
 9 MR. SEFERIAN: Lacks foundation. Calls for  
 10 speculation.  
 11 THE WITNESS: I can't answer that question. I  
 12 don't know the entire universe of the database and how  
 13 this information was derived.  
 14 Q. BY MR. REED: On what basis, then, did you  
 15 testify in this declaration at paragraph 8 that this  
 16 figure 165,629, quote, represents the total number of  
 17 new construction pupils housed under the SFP?  
 18 MR. SALVATY: Objection. Misstates the  
 19 declaration and is argumentative.  
 20 MR. SEFERIAN: Document speaks for itself.  
 21 THE WITNESS: Again, as I've said before, the  
 22 document that was used was derived from our database and  
 23 it was pulled from that report and I used it, and it  
 24 does come from the database that contains a variety of  
 25 information.

1 with me to -- I used a standard document that we use for  
 2 other such of reports. It has various columns and  
 3 various information. And I'm not sure how -- my  
 4 methodology here, if I subtracted or added to arrive at  
 5 that figure, or it came off a column of that report.  
 6 Q. BY MR. REED: If I wanted to see a copy of this  
 7 report, what's the name of the individual that I would  
 8 ask at OPSC?  
 9 A. I would contact Rashid Mir, the supervisor.  
 10 Q. Could you spell that?  
 11 A. R-a-s-h-i-d, and his last name is M-i-r.  
 12 Q. As best as you can recall sitting here today,  
 13 did the report that you referred to from which this  
 14 165,629 per pupil number came from include in that  
 15 column or field from where that number came the word  
 16 "housed"?  
 17 MR. SALVATY: Wait. I'm sorry, could I hear  
 18 that question again.  
 19 (Record read.)  
 20 Q. BY MR. REED: Do you recall if the word  
 21 "housed" appeared anywhere in the report from which this  
 22 number came?  
 23 A. If I recall, I believe the words "unhoused" and  
 24 "housed" are on this report somewhere on the  
 25 spreadsheet.

1 Q. BY MR. REED: Do you know whether the report  
 2 that you're referring to contains information with  
 3 respect to reports by districts of actual construction  
 4 activities?  
 5 MR. SALVATY: Objection. Vague and ambiguous.  
 6 Lacks foundation. Calls for speculation.  
 7 THE WITNESS: As I recall, it just has a few  
 8 fields that talk about money, new construction,  
 9 modernization dollars, some pupil data, but I don't  
 10 believe it has any other data on this particular report.  
 11 Q. BY MR. REED: The report from which you got  
 12 this data, you say it's a typical report for OPSC, one  
 13 that you've referred to for projects other than this  
 14 declaration?  
 15 A. What I meant by typical is I've used this  
 16 document to do Louisa Park's speeches. She uses these  
 17 numbers to inform our stakeholders on what the school  
 18 facility program has accomplished.  
 19 Q. And if you wanted to get a copy of the report  
 20 showing data effective as of the most recent data  
 21 available, what report would you ask Mr. Mir for?  
 22 MR. SALVATY: Objection. Vague and ambiguous  
 23 as to what data we're talking about.  
 24 MR. SEFERIAN: Incomplete and improper  
 25 hypothetical question. Calls for speculation.

1 THE WITNESS: Can you rephrase that question?  
 2 I don't understand it.  
 3 Q. BY MR. REED: You just described a typical  
 4 report that you rely upon for Ms. Park's speeches and  
 5 that you relied upon for this declaration.  
 6 A. Uh-huh.  
 7 Q. If you wanted to see a copy of that report  
 8 today, what would you ask for?  
 9 A. What do you mean, who would I ask?  
 10 Q. What would you ask Mr. Mir for?  
 11 A. Yes.  
 12 Q. What would you ask for?  
 13 A. I would show him the last one he ran and say, I  
 14 want this updated.  
 15 Q. Is there no name for this report?  
 16 A. There is a name, as I said, on the bottom that  
 17 he names you all of his Excel reports, and it's for him.  
 18 I don't know what the official name of it is.  
 19 Q. Do you still have a copy of the report that you  
 20 used to prepare the number that appear in this  
 21 declaration?  
 22 A. Yes.  
 23 Q. Where do you have that?  
 24 A. In a file cabinet.  
 25 Q. Is it in a particular file or a file that has a

1 DEPONENT'S CHANGES OR CORRECTIONS  
 2 Note: If you are adding to your testimony, print the  
 3 exact words you want to add. If you are deleting from  
 4 your testimony, print the exact words you want to  
 5 delete. Specify with "Add" or "Delete" and sign this  
 6 form.  
 7 DEPOSITION OF: CAROL SHELLENBERGER  
 8 CASE: WILLIAMS VS STATE  
 9 DATE OF DEPOSITION: TUESDAY, JANUARY 15, 2002  
 10 I, \_\_\_\_\_, have the following  
 11 corrections to make to my deposition:  
 12  
 13  
 14  
 15  
 16  
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 25 \_\_\_\_\_  
 CAROL SHELLENBERGER DATE

1 particular name?  
 2 A. I don't recall if I've actually named it.  
 3 MR. REED: I don't have anything further.  
 4 (The deposition concluded at 11:54 a.m.)  
 5 ---oOo---  
 6 Please be advised that I have read the foregoing  
 7 deposition. I hereby state there are:  
 8  
 9 (check one) \_\_\_\_\_ NO CORRECTIONS  
 10 \_\_\_\_\_ CORRECTIONS ATTACHED  
 11  
 12 \_\_\_\_\_  
 13 Date Signed  
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 15 \_\_\_\_\_  
 CAROL SHELLENBERGER  
 16 Case Title: Williams vs State  
 17 Date of Deposition: Tuesday, January 15, 2002  
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1 REPORTER'S CERTIFICATE  
 2  
 3 I certify that the witness in the foregoing  
 4 deposition,  
 5 CAROL SHELLENBERGER,  
 6 was by me duly sworn to testify the truth, the whole  
 7 truth, in the within-entitled cause; that said  
 8 deposition was taken at the time and place therein  
 9 named; that the testimony of said witness was reported  
 10 by me, a duly certified shorthand reporter and a  
 11 disinterested person, and was thereafter transcribed  
 12 into typewriting.  
 13 I further certify that I am not of counsel or  
 14 attorney for either or any of the parties to said cause,  
 15 nor in any way interested in the outcome of the cause  
 16 named in said deposition.  
 17 IN WITNESS WHEREOF, I have hereunto set my hand  
 18 this 22nd day of January, 2002.  
 19  
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 23 \_\_\_\_\_  
 TRACY LEE MOORELAND, CSR 10397  
 24 State of California  
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